

<b>Panel Reference</b>	<b>PPSSNH-398</b>
<b>DA Number</b>	DA-2023/150
<b>LGA</b>	<b>Willoughby</b>
<b>Proposed Development</b>	Nominated Integrated Development (Water NSW s90 Water Management Act 2000) - SNPP – Demolition of existing structures, construction of 15 storey shoptop housing development, comprising commercial/retail, 13 residential units, 3 levels of basement carparking, landscaping.
<b>Street Address</b>	<b>58 Anderson Street, Chatswood</b>
<b>Applicant/Owner</b>	Matt Hurst
<b>Date of DA lodgement</b>	20/06/2023
<b>Number of Submissions</b>	7 submitters
<b>Recommendation</b>	<b>Approval with conditions</b>
<b>Regional Development Criteria - Schedule 6 of the SEPP (Planning Systems) 2021</b>	Development that has a capital investment value of more than \$30 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• SEPP (Housing) 2021 - Design of Residential Apartment Development and NSW Apartment Design Guide (ADG)</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• Willoughby Local Environmental Plan 2012</li> <li>• Willoughby Development Control Plan</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Assessment Report</li> <li>• Schedule of Conditions</li> <li>• Site Description and Aerial Photo</li> <li>• Notification, Controls, Developer Contributions and Referrals</li> <li>• Submissions Table</li> <li>• Section 4.15 (79c) Assessment</li> <li>• Notification Map</li> </ul>
<b>Report prepared by</b>	<b>Peter Wells – Consultant Planner</b>
<b>Report date</b>	<b>26 February 2025</b>

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes****Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

- e.g. *Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, Clause 4.6(4) WLEP*

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not Applicable**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**SNPP NO:** PPSSNH-398

**COUNCIL:** WILLOUGHBY CITY COUNCIL

**ADDRESS:** 58 ANDERSON STREET, CHATSWOOD NSW 2067

**DA NO:** DA-2023/150

**PROPOSAL:** DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF 15 STOREY SHOPTOP HOUSING DEVELOPMENT, COMPRISING COMMERCIAL/RETAIL, 13 RESIDENTIAL UNITS, 3 LEVELS OF BASEMENT INCLUDING CARPARKING FOR 8 CARS, LANDSCAPING.

**RECOMMENDATION:** APPROVAL SUBJECT TO CONDITIONS

**ATTACHMENTS:**

1. SITE DESCRIPTION AND AERIAL PHOTO
2. NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS
3. ASSESSMENT OF SEPP (HOUSING) 2021 CHAPTER 4 DESIGN OF RESIDENTIAL APARTMENT DEVELOPMENT
4. ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP
5. SUBMISSIONS TABLE
6. SECTION 4.15 (79C) ASSESSMENT
7. SCHEDULE OF CONDITIONS
8. NOTIFICATION MAP
9. ARCHITECTURAL, LANDSCAPE AND ENGINEERING PLANS
10. DESIGN COMPETITION REPORT AND THE JURY'S RESPONSE

**RESPONSIBLE OFFICER:** AKSHAY BISHNOI - ACTING TEAM LEADER

**AUTHOR:** PETER WELLS - CONSULTANT PLANNER

**DATE:** 26-FEB-2025

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## **1. PURPOSE OF REPORT**

The proposal is regionally significant development as identified in Schedule 6 of the SEPP (Planning Systems) 2021. It has a capital investment value (CIV) of over \$30 million and therefore Sydney North Planning Panel is the determination authority.

## 2. OFFICER'S RECOMMENDATION

### 2.1 THAT the Sydney North Planning Panel (SNPP) issue consent to the development subject to the attached conditions for the application DA-2023/150 for:

Nominated Integrated Development Water Management Act 2000 s90 (WaterNSW);

- a) Demolition of existing structures
- b) Construction of 15 storey shop top housing development comprising commercial/retail, 13 residential units, 3 levels of basement including an 8.45m (floor to floor) basement level 3 which comprises a mechanical car stacker for 8 cars. A turntable and loading area is incorporated at ground level, and a vehicular 'transfer cabin' is proposed at ground floor level to deposit cars to the basement mechanical car stacker at Basement 3,
- c) Landscaping and associated works.

### at 58 Anderson Street, CHATSWOOD NSW 2067, for the following reasons:

- a) Subject to compliance with the conditions of consent the development satisfies all relevant SEPP, LEP and DCP objectives and contain sufficient elements to achieve design excellence.
- b) The impacts to surrounding residences, open space and the surrounding locality emanate primarily from compliance with the Chatswood CBD Planning and Urban Design Strategy 2036, WLEP and DCP;
- c) The proposal satisfies the Chatswood CBD Planning and Urban Design Strategy 2036.

## 3.0 DESCRIPTION OF PROPOSAL

### 3.1 Proposed Development

The development application proposes the following (a detailed breakdown of the proposal is at Section 3.2 of this report):

- a) Nominated Integrated Development (Water NSW s90 Water Management Act 2000)
- b) Demolition of all existing buildings and structures
- c) Construction of 15-storey shop top housing development comprising commercial/retail, 13 residential apartments, adopting the following mix:
  - i. 1 bedroom – 3 units (23%)
  - ii. 2 bedroom – 4 units (31%)
  - iii. 3 bedroom – 6 units (46%)
- d) 3 levels of basement carparking comprising 8 spaces.
  - e) Proposed right-of-way to allow publicly accessible through-site links

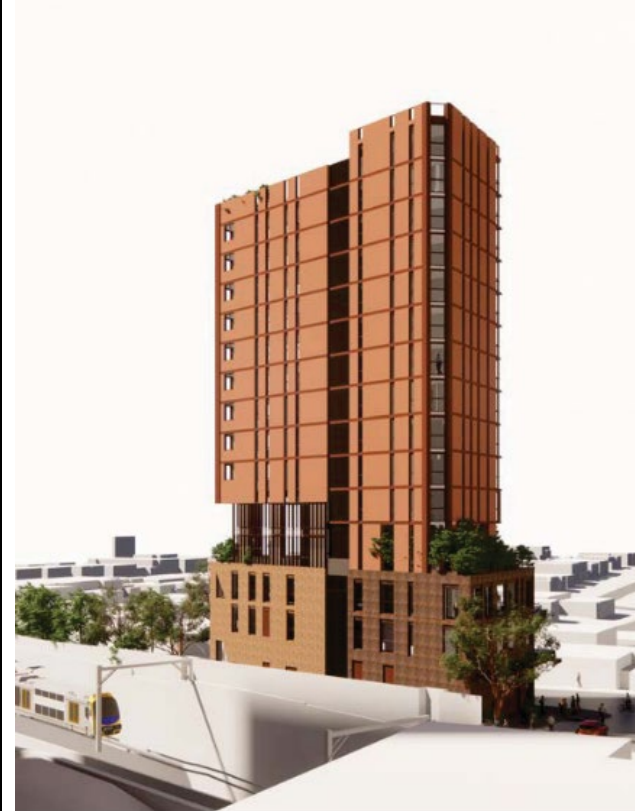
- f) Ancillary works, including vehicle and pedestrian access, site services, and stormwater infrastructure.
- g) Public art.
- h) Landscaping and footpath works.



**Image 1:** A photomontage of the north-eastern perspective of the subject proposal (source: Drawing A001 Rev 05, dated 24/1/2025 prepared by Drew Dickson Architects).



**Image 2:** A photomontage of the south-eastern perspective of the subject proposal (source: Drawing titled 'Perspective Views' prepared by Drew Dickson Architects).



**Image 3:** A photomontage of the south-western perspective of the subject proposal (source: Drawing titled 'Perspective Views' prepared by Drew Dickson Architects).



**Image 4:** A photomontage of the north-western perspective of the subject proposal (source: Drawing titled 'Perspective Views' prepared by Drew Dickson Architects).





**Image 5:** A photomontage of the south-eastern perspective of the proposed podium (source: Drawing titled ‘Street Activation’ prepared by Drew Dickson Architects).



**Image 6:** A photomontage of the eastern perspective of the proposed podium (source: Drawing titled ‘Street Activation/Public Domain’ prepared by Drew Dickson Architects).

### 3.2 Detailed breakdown of proposed Development

The below table provides summary of the proposed development:

Building	Details
Basement 3 Floor Plan (FFL RL 88.65) Drawing A100 Rev 04	<ul style="list-style-type: none"> <li>• 2-storey automated car stacker comprising 8 car spaces car parking spaces</li> <li>• Car lift shaft</li> <li>• Access to lifts and stairs</li> <li>• Plant</li> </ul>
Basement 2 Floor Plan (FFL RL 98.0) Drawing A101 Rev 03	<ul style="list-style-type: none"> <li>• Private residential storage space (9 cages)</li> <li>• Car lift shaft</li> <li>• End-of-trip facilities</li> <li>• Accessible toilet</li> <li>• 6 x bicycle lockers</li> <li>• Access to lifts and stairs</li> <li>• Plant including combined sprinkler and hydrant tank compartments, and fire pump room</li> </ul>
Basement 1 Floor Plan (FFL RL 101.0) Drawing A102 Rev 04	<ul style="list-style-type: none"> <li>• Waste storage (separated residential, bulky waste and retail/commercial)</li> <li>• Recycling storage room</li> <li>• Access to lifts and stairs</li> <li>• Plant including combined sprinkler and hydrant tank compartments, portable water pump room, comms room, plant room</li> </ul>
Ground Floor Level (FFL RL 105.13 and RL 103.89) Drawing A103 Rev 05	<ul style="list-style-type: none"> <li>• 2 x retail tenancies</li> <li>• Turntable and transfer cabin to take vehicles from ground level to the Basement Level 3 mechanical car stacker</li> <li>• Residential lobby including access from Anderson Street and transfer cabin</li> <li>• Waste holding area</li> <li>• Access to lifts and stairs</li> <li>• Awning over Council's nature strip</li> <li>• Landscaping and footpath works.</li> </ul>
Level 1 Floor Plan (FFL RL 111.03) Drawing A104 Rev 04	<ul style="list-style-type: none"> <li>• Commercial tenancy including northern balcony</li> <li>• Access to lifts and fire stairs</li> </ul>
Level 2 Floor Plan (FFL RL 114.43) Drawing A105 Rev 04	<ul style="list-style-type: none"> <li>• Commercial tenancy including northern balcony</li> <li>• Access to lifts and fire stairs</li> </ul>
Level 3 Floor Plan (FFL RL 117.93) Drawing A106 Rev 05	<ul style="list-style-type: none"> <li>• Communal open space</li> <li>• Residential bicycle parks</li> <li>• WC</li> <li>• Unisex change</li> <li>• Residential outdoor communal open space including landscaping</li> <li>• Spa pool</li> <li>• Access to lifts and stairs</li> </ul>
Level 4 Floor Plan (FFL RL 122.58) Drawing A107 Rev 05	<ul style="list-style-type: none"> <li>• 1 x residential units (1 x 2-bed) including balcony</li> <li>• Access to lifts and stairs</li> </ul>
Levels 5-7 Floor Plan (FFL RL 125.68, 128.78, 131.88) Drawing A108 Rev 05	<ul style="list-style-type: none"> <li>• 2 x residential units (1 x 1-bed, 1 x 2-bed)</li> <li>• Access to lifts and stairs</li> </ul>
Levels 8-12 Floor Plan (FFL RL 134.98, 138.08, 141.18, 144.28, 147.38) Drawing A109 Rev 05	<ul style="list-style-type: none"> <li>• 1 x residential units (1 x 3-bed)</li> <li>• Access to lifts and stairs</li> </ul>

Building	Details
Levels 13 Floor Plan (FFL RL 150.48 ) Drawing A110 Rev 05	<ul style="list-style-type: none"> <li>• 1 x residential units (1 x 3-bed)</li> <li>• Access to lifts and stairs</li> </ul>
Levels 14 Penthouse (FFL RL 153.58) Drawing A111 Rev 03	<ul style="list-style-type: none"> <li>• Upstairs of unit 1301 including spa pool</li> <li>• Access to lifts and stairs</li> </ul>
Roof RL 156.98 Drawing A112 Rev 03	<ul style="list-style-type: none"> <li>• Solar panels, plant</li> </ul>

### 3.3 Demolition

All existing buildings and outbuildings are to be demolished. Conditions of consent are recommended to minimise impacts associated with these demolition works.

### 3.4 Excavation

The proposed basement carparking requires excavation to a depth of around 15m. Sydney Trains and Sydney Metro deal with excavation via conditions in its concurrence. WaterNSW has issued General Terms of Approval pursuant to the Water Management Act 2000 (Integrated Development).

## 4.0 BACKGROUND

The subject Development Application DA-2023/150 was lodged with Council on 20 June 2023. On 4 March 2022 the finalisation of Planning Proposal (PP-2021-2419) informed Willoughby LEP Amendment No 18.

The site has frontages to Anderson Street, Wilson Street and the North Shore Railway Line in Chatswood. A description of the site and surrounding area, including an aerial photograph is contained in Attachment 1.

A kick off briefing was conducted on 25 October 2023 where the following key issues were discussed:

- Ground water WaterNSW
- Sydney Trains issues
- Waste management
- Affordable housing
- Undergrounding of services

On 21 February 2024 Council issued an RFI, raising issues including:

- Affordable Housing
- Urban Design
- Waste management



- Vehicle Access and Parking
- Stormwater
- Environmental health

A number of submissions and iterations from the applicant have been made to navigate the complexities of this site. The site size and shape have presented challenges with waste collection and parking. The final version of the scheme achieves a satisfactory outcome as discussed throughout the report.

Sydney Metro finalised its conditions on 12 February 2025, Sydney Trains on 19 December 2024. On 7 December 2023 WaterNSW General Terms of Approval (GTAs) were issued, relating to a tanked basement system. The GTAs and concurrence conditions are included in the draft conditions in **Attachment 7**, should the Panel be of a mind to approve the application.

## 5.0 DISCUSSION

The proposal satisfies the requirements of the LEP (as amended) and generally satisfies the requirements of the site specific DCP.

The proposal is considered satisfactory subject to conditions.

The site description and aerial photo are in **Attachment 1**.

The assessment of controls, developer contribution and referrals are in **Attachment 2**.

The assessment of the proposal under SEPP (Housing) 2021 Chapter 4 (ADG) is in **Attachment 3**.

The assessment of the proposal under other SEPPs, WLEP, is in **Attachment 4**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 5**.

The assessment of the proposal under Section 4.15 EPAA is in **Attachment 6**.

The Schedule of draft conditions is in **Attachment 7**.

A Notification Map is contained in **Attachment 8**.

The architectural, landscape and engineering plans are in a separate **Attachment 9** in the portal.

The Design Excellence Competition Report and the Jury's response are in a separate **Attachment 10** in the portal.

## 6.0 CONCLUSION

The Development Application DA-2023/150 has been assessed in accordance with Section 4.15 (79C) of the Environmental Planning and Assessment Act 1979, WLEP 2012, WDCP, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 7**.

## ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

### Description of the Subject Site

The site comprises 58 Anderson Street, Chatswood, identified as follows:

- Lot 20, DP 1107551, 58 Anderson Street, Chatswood

The site area is 565m<sup>2</sup>. It is triangular in shape with frontages as follows:

- 53.70 to Anderson Street
- 21.875m to Wilson Street
- 37.295m interface with railway.

The site is relatively level, with a slight fall (1.23m) to the south-east corner. The proposed vehicular access to the site is from Wilson Street.



**Image 7:** The subject site at 58 Anderson Street, Chatswood outlined in yellow (source: Sixmaps)

### Locality

- **North:** 58 Anderson Street is the northernmost site on the western side of Anderson Street, as land is 'pinched' between Anderson Street and railway land.

- **South:** The southern side of Wilson Street is 54-56 Anderson Street, where Development Application DA-2023/152 (PPSSNH-396) was approved on 20 December 2024 for a 26-storey shop top housing development comprising commercial/retail, 84 residential apartments.
- **East:** North Chatswood Conservation Area lies to the east of the site. It is characterised by single storey detached dwellings. Heritage Item 20 Tulip Street (I129), is located approximately 70m from the subject site.
- **West:** The railway line is located to the west of the proposal. On the western side of the railway line is 871-877 Pacific Highway, where Development Application DA-2022/161 (**PPSSNH-307**) was approved on 2 March 2023 for a 27-storey mixed-use development comprising commercial/retail and 70 residential apartments.

ATTACHMENT 2: NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS

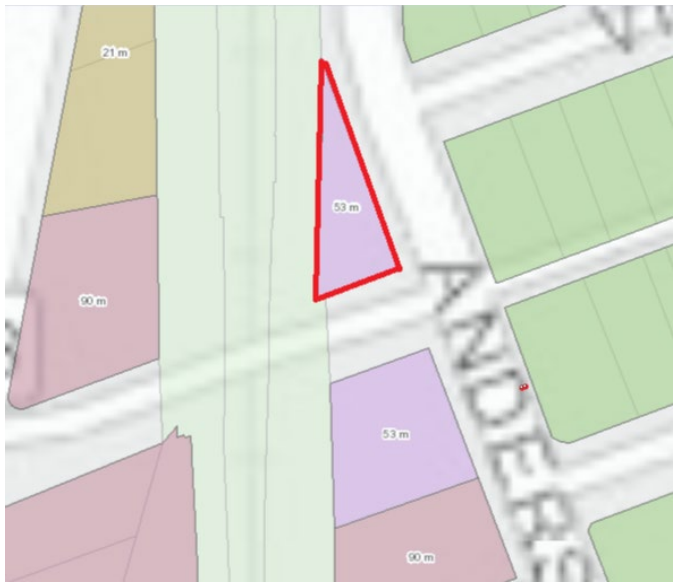
Neighbour Notification

The development application was notified in accordance with the Willoughby Community Participation Plan for a period of twenty-eight (28) days from 14 July to 11 August 2023.

Submissions were received from 9 submitters in total.

The issues detailed within the submissions are addressed in **Attachment 5** of this report.

**Controls and Classification summary**  
**Note: A full WLEP assessment is provided under Attachment 4**

WLEP 2012 Zoning (Amendment 18):	MU1 Mixed use
FSR	<div>4:1</div> 
Building height	<div>53m</div> 

Acid sulfate soils (cl 6.1)	Class 5 - satisfactory
Earthworks (cl 6.2)	Geotechnical report provided - satisfactory
Urban heat (cl 6.3)	Discussion in report
Airspace operations (cl 6.6)	Concurrence from Sydney Airport received
Active Street frontage (cl 6.7)	Yes, affects Anderson Street and Wilson Street - satisfactory
Affordable housing (cl 6.8)	4%
Design excellence (cl 6.23)	Yes
Shop top housing at certain sites at Chatswood (cl 6.25)	cl 6.25 minimum 17% of GFA to be used for non-residential purposes
Existing Use Rights	No
Heritage Conservation Area (HCA)	Not located within HCA, however Heritage Conservation Area C10 is opposite to the east
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	Item I129 which is located 70m to the south-east
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	No
Foreshore Building Line	No
Adjacent to classified road	No
Road/lane widening	No
BASIX SEPP	Yes
Infrastructure SEPP - Rail	Yes (Concurrence received from Metro and Sydney Trains)
Infrastructure SEPP - Road	N/A
Coastal Management SEPP	No
Development near Lane Cove Tunnel	No
Contaminated Land	Council's Environmental Health Officer has issued conditions – satisfactory
Adjacent / above Metro	Yes – assessment undertaken
Other relevant SEPPS	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Housing) 2021 Chapter 4 Design of residential apartment development</li> <li>Apartment Design Guide (ADG)</li> </ul>
Relevant DCPs policies and resolutions	WDCCP



## Assessment Comments from Referral Bodies

Internal Council Referrals	
Urban Design Specialist	<p>No Design Integrity Review necessary Overall design against the Jury's recommendation Generally, aligns, with the Juries final review, this outcome does not require any further Design Excellence Integrity Review. T The development has satisfied the initial phase of satisfying the WLEP Design Excellence Clause 6.23 through the selection of an Architect and building design. The DA, while subject to modifications, still meets with and satisfies the objective of the WLEP Design Excellence Clause 6.23. This development, as presented in the DA has addressed an awkwardly configured site located within the Northernmost extent of the Chatswood CBD. The proposed design outcome will adequately contribute to the Architectural design quality of the Chatswood CBD. This development, as presented in the DA will make a positive contribution to the design quality of its context within the Chatswood CBD.</p> <p><u>Design Excellence</u></p> <p>The Pre-DA scheme is generally in accordance with the final scheme reviewed and endorsed as the Competition winner with the following exception.</p> <p><u>Public Art</u></p> <p>Opportunities for the integration of public art have been considered and explored, in concert with strategies for Connecting with Country. The current Public Art Plan needs to be aligned with the WCC Public Art Policy and Guidelines/Procedures. UAP (the proponents Public Art consultant has been issued with a copy and a brief meeting held on 19 April 2023.</p>
	<p>We have reviewed the revised stormwater plans and information provided.</p> <p>The stormwater plans have generally addressed Council's concerns. There is a slight concern regarding the level of the OSD tank and whether it is above the downstream water level in the 1%AEP storm. Conditions have been imposed with a minimum level for the tank, which will ensure that the tank complies.</p> <p>The extent of mechanical parking systems for the site are a concern, as in the event of a break down the parking area cannot be accessed or service vehicles are not able to enter and exit the site in a forward direction. However, it has been demonstrated that due to site constraints no other method of providing vehicle access is possible.</p> <p>We have required that the applicant undertake public domain works. Our preference would be to delete the indented bay in Wilson Street. However, with no ability for Council's waste vehicle to enter the site, this bay is required for kerbside collection of waste, so that the waste vehicle does not block traffic in Wilson Street. While the</p>
Engineering	

	length of the bay is suitable for Council's Waste Vehicle, the vehicle will block access to the vehicle crossing, as there is not sufficient space either side of the crossing for the vehicle to stop.
<b>Traffic and Transport</b>	<p>I have reviewed the applicant's new car parking numbers and have no further comments. Please see below for the conditions.</p> <p>&lt; Recommended conditions added to the draft consent &gt;</p>
<b>Waste Management</b>	<p><b>Response to Item 1 – Residential Bin Configuration</b> Resolved with conditions – The kerbside presentation space now shows 18 bins (a minimum of 17 required); assuming they are 240L (this should be conditioned with appropriate bin spacing), then it appears to be resolved. Note: I have not received any updated plans for the internal bin rooms, so I assume that is unchanged.</p> <p><b>Response to Item 2 – Bulky Waste Storage and Charity Waste Storage</b> The method is acceptable in principle. However, the kerbside presentation "room" or area should be enclosed; it has an awning, but is should be visually screened for eyesight and secure to prevent dumping, vermin and unauthorised access <u>(but noting this is not actually their land, so it may need to be handled with management, signage and conditions).</u> Note: I have not received any updated plans for the internal bulky waste rooms, so I assume that is unchanged.</p> <p><b>Response to Item 3 – Waste Disposal System for Residents</b> Resolved – the garbage chute is shown as being accessed from the corridor.</p> <p><b>Response to Item 4 – Kerbside Presentation</b> Please refer to item 1 – considered resolved with conditions</p> <p><b>Response to Item 5 – Bin and Bulky Waste Carting</b> Resolved – This was considered resolved in the previous referral (v271124) that a bin tug should be conditioned. The Applicant has previously shown the route required for caretakers or building management to transport the bins and bulky waste to the kerbside for collection as well as lift to overcome any steps, but the route length requires a bin tug.</p> <p><b>Response to Item 6 – Construction Waste Management</b> Resolved – The Applicant has now provided a Demolition and Construction Waste Plan. The plan is satisfactory assuming conditions can be imposed for:</p> <ul style="list-style-type: none"> <li>• Weights of materials as well as volumes;</li> <li>• Location of onsite waste facilities during demolition and construction.</li> <li>• Evidence of lawful disposal and recovery facilities for the receipt of each material type; and</li> <li>• Hazardous materials survey.</li> </ul>

	<p><b>Response to Item 7 – Commercial Waste Collection</b></p> <p>Resolved – This was considered resolved in the previous referral (v271124) assuming ongoing compliance with the RFI response and architectural plans Revision 4.</p> <p>&lt; conditions issued &gt;</p>
<b>Building</b>	Satisfactory, conditions issued.
<b>Landscaping</b>	<p>Number of trees to be impacted: 8  Approximate area of canopy to be removed (square metres): 30  Number of replacement trees (if required): 40</p> <p>It is noted that the site requires an easement for access and maintenance to accommodate Sydney Trains requirements, limiting landscape planting along the rear boundary.</p> <p>An existing hedge of small trees/shrub is located along the boundary of the rail line, which is required to be removed. One street tree is also to be removed, with eight trees replanted to the Anderson Street frontage.</p> <p>Landscape Plans prepared by Land Form Studios are noted.</p> <p>The Landscape Plans indicate replanting of some 40 trees across the site and on raised planters to levels 3 and 14.</p> <p>Minor amendment to the plans is required, being the amending of proposed tree species for the street tree planting.</p> <p>Recommended conditions have been included and no further objections are raised regarding landscape issues.</p> <p>&lt; Recommended conditions added to the draft consent&gt;</p>
<b>Environmental Health</b>	Satisfactory, conditions issued.
<b>Heritage</b>	<p><b>Heritage Context</b></p> <p>The subject site is not located in a Heritage Conservation Area and it is not a Heritage Item, however, it is located within the vicinity of a Heritage Conservation Area, and a Heritage Item:</p> <ul style="list-style-type: none"> <li>• <b>North Chatswood Heritage Conservation Area</b></li> <li>• <b>20 Tulip Street (I129) House (including original interiors) – Wycliffe</b></li> </ul> <p>The subject sites are spread across three separate land parcels and currently contain a townhouse development and low-rise unit developments. The sites are zoned MU1 under Amendment 34 of Council's new LEP.</p>



**Figure 1 The existing building on the site.**

The Statement of Significance for North Chatswood Heritage Conservation Area is as follows:

*North Chatswood Heritage Conservation Area is a good example of early North Shore residential development. The housing stock describes the progressive overlays of development taking place over half a century. The essential scale, form and spacing of the original dwellings is predominant, even where original architectural detailing has been lost, though much of this is still intact in fine residential buildings and as a general townscape impression.*

The Statement of Significance for 20 Tulip Street (I129) is as follows:

*Built in 1904/5 for William Ford, who discovered the first gold in Coolgardie, WA, 'Wycliffe' is an impressive and finely detailed house of Edwardian/ Federation design, featuring fine joinery, decorative plasterwork and cast iron trim. Its octagonal turret is a prominent feature that together with its large sweeping roof have created a landmark prominence for the property. An exceptional item of aesthetic and historic importance to the City.*



**Figure 2 20 Tulip Street (I129) Wycliffe**

**Willoughby LEP****5.10 Heritage conservation****(4) Effect of proposed development on heritage**

**significance** *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

**Willoughby Development Control Plan****2.1.1 Setting****Objectives**

1. *provide an appropriate visual setting for heritage items and buildings in heritage conservation areas, including landscaping, fencing and carparking*
2. ***maintain and enhance the existing heritage significance of the streetscape and the vicinity***
3. *ensure new development respects the established patterns in the streetscape, including setbacks, siting, landscaped settings, carparking and fencing*

**Requirements**

- a) *The side and front setbacks are to be typical of the spacing of buildings both from each other and from the street in that locality so that the rhythm of buildings in the streetscape is retained.*
- b) *Except for car parking and fences, no new structures should be built forward of the established street building line.*
- c) *An adequate curtilage including landscaping, fencing and any significant trees, are to be retained.*
- d) *The established landscape character of the locality including height of canopy and density of boundary landscape plantings should be retained in any new development.*
- e) ***Development in the vicinity of a heritage item or a heritage conservation area should respect the visual curtilage of that item.***
- f) ***New developments must respect the existing significance of the streetscape and the vicinity.***
- g) *The amenity and privacy of back gardens should be retained.*
- h) ***Views are to be protected.***

**Proposal**

The proposed works are as follows:

- SNPP - Demolition of existing structures and construction of 15 storey shoptop housing (mixed use) development, site landscaping, public art, public domain works and associated works.



**Heritage Comments**

The following is noted about the proposed works:

1. The radical alteration to the established character of this side of Anderson has been accepted by Council and it is considered that the impact of the proposed works at 58 Anderson Street will
2. The subject site has no inherent heritage significance and therefore no significant heritage fabric will be materially impacted by the proposed works.
3. The measures proposed by Heritage 21 to mitigate the contrast between the neighbouring North Chatswood heritage Conservation Area and the proposed tower are supported. The measures are as follows:
  - *Curved corners as opposed to angular corners;*
  - *The use of a podium to break up the vertical bulk;*
  - *Deep soil landscaping;*
  - *Potentially materials that reflect those of the HCA such as face brick, timber detailing, terracotta tiling, sandstone, shingles etc.*
4. A podium form which positively relates in form, materiality, and planting, to the modest scale of the North Chatswood Heritage Conservation Area is encouraged. The presence of a podium will help to moderate the substantial height difference between the Heritage Assets on the east side of Anderson Street and the new development proposed for the west side.
5. It is encouraged that the form of the northern corner of the building, which is highly visible on approach from the north, is carefully considered. As the building is at the edge of the area which has been identified for the construction of tall buildings and the other side of the street is located within the North Chatswood Heritage Conservation Area, the northern corner of the building will form a highly prominent gateway, for which the setting will remain largely unchanged.
6. Appropriate landscaping at street level adjacent to the new development is strongly recommended, this is considered particularly necessary due to the generally modest tree canopy on the North Chatswood HCA side of Anderson Street. Substantial street trees which will soften the impact of the new development at street level by screening and ensuring a visual separation between the two sides of Anderson Street will be highly beneficial.
7. The cumulative impact of development adjacent to the North Chatswood Heritage Conservation Area and other nearby Heritage Items should be carefully considered and at a minimum, the mitigation measures recommended by Heritage 21 employed to avoid excessive harm to the setting of these Heritage Assets.

Based on the current controls adopted by council for the site which it is acknowledged will cause harm to the setting of Heritage Assets within the immediate vicinity this proposal is recommended for

approval, though it is acknowledged that further refinement to the podium and northern corner is likely to improve the relationship to the North Chatswood HCA and nearby Heritage Items.

#### Proposed Development involves:

1. - Demolition of 1 existing 5-bedroom dwelling and an attached secondary dwelling (based on realestate.com.au)
2. - construction of a **Mixed-Use** development comprising 13 residential units containing:
  - 3- storey non-residential podium levels
  - + 12-storey residential tower comprising:

# of bedroom units	Quantity	Notes
studio	0	
1-bedroom	3	1 unit dedicated for affordable housing
2-bedroom	4	(yet specified with nomination)
3-bedroom	6	
<b>Total</b>	<b>13</b>	

The proposed development contains commercial, retail and residential uses and is therefore considered a **mixed-use** development (i.e. a development comprising 2 or more different land uses).

In accordance with Cl 2.5 and Table 1 of the *Willoughby Local Infrastructure Contribution Plan 2019*:

*"where a single development application comprises a mix of type (a) Residential Accommodation that would result in a net increase in residents on the land and (b) other development that has a proposed cost of works more than \$100,000, either a s7.11 contribution or a s7.12 levy will be imposed. The contribution method which produces the greater amount will be the method used for that application."* The subject development falls under this scenario, as such will be subject to either s7.11 or s7.12, whichever yields the greater amount.

This calculation is demonstrated below:

S7.11 Calculation	Qty	Proposal -- Calculation
Dwellings / Residents Proposed		dwelling rate Contributions (\$)
Studio or 1-bedroom dwelling	3	x \$11,045.36 = \$33,136.08
2-bedroom dwelling	4	x \$15,544.10 = \$62,176.40
3-or-more-bedroom dwelling	6	x \$20,000 = \$120,000.00
<b>Subtotal</b>	<b>13</b>	<b>\$215,312.48</b>
AH dedication req'd under WLEP Cl 6.8 -- Area 1 (4%)		
Cl 2.6 of WLIC Plan states that development contribution does not apply to Affordable Housing (AH).		Exempt from contribution
Hence <b>exemption</b> has been taken into account for the nominated 7 AH dwellings vary in sizes.		
<b>Deduct 1 x 1-bedroom AH dwelling</b>	<b>1</b>	<b>x \$11,045.36 = \$11,045.36</b>

(i.e. \$215,312.48 minus \$11,045.36) **Subtotal** 12 = **\$204,267.12**

#### WILLOUGHBY CITY COUNCIL

In accordance with Cl 2.9.1 of WLIC Plan, the following credits are given for this development:

Credits for demolishing existing structures	Credits -- Calculation
	dwelling rate Contributions (\$)
Existing dwellings in 5-bedroom dwellings (at 3-bed rate)	1 x \$20,000.00 = \$20,000
(assumption: based on dwelling size obtained realestate.com.au)	<b>LESS</b> \$20,000
<b>s7.11 yield amount (with credits given):</b> (i.e. \$204,267.12 minus \$20,000)	<b>11 = \$184,267.12</b>

#### Compared with...

If s7.12 Contribution Calculation	
Construction Cost without accounting Professional fees and Affordable Housing related cost (incl GST):	Construction Cost (incl GST)
<b>Assumptions:</b>	
- - Construction costs (excl GST): \$30,347,775	
- - Construction costs without Prof cost, AH costs (excl GST): \$29,047,033.00	
Unless the Developer provides evidence on the costings related to the AH, this assumption has been made in the calculation. Deducted AH costs of ~\$98,000 (assumption based on \$1,900/m² for AH units total floor area: 52m² obtained from floor plan LEVEL 5 -- 7 TYPICAL FLOOR PLANS, Drawing #: A108, Rev 5, dated 2024/12/6)	<b>\$31,957,456.30</b>
<b>Location:</b> (note: site is located slightly outside the Contribution Plan's CBD boundary. Not relying on CBD Strategy's CBD boundary)	Non-CBD
Applicable %	1%
<b>S7.12 yielding amount based on costs of works (\$31,957,456.30 x 1%):</b>	<b>\$319,574.56</b>

As demonstrated above, **\$319,574.56** of s7.12 contribution applies to this development because it yields greater amount than s7.11 contribution. Therefore, condition **D03.003B** should be inserted as per below:

Contributions  
Officer

	<p><b>PRIOR-TO-ISSUE-OF-CONSTRUCTION-CERTIFICATE¶</b></p> <p><b>S7.12-Contribution¶</b></p> <p>Prior-to-the-issue-of-the-Construction-Certificate, a monetary-contribution-is-to-be-paid-in-accordance-with-section-7.12-of-<i>Environmental Planning and Assessment Act, 1979</i> in the amount of <b>\$319,574.56</b> for the purposes of the Local Infrastructure identified in the <i>Willoughby Local Infrastructure Contributions Plan</i>.¶</p> <p>This contribution is based on 3% of the estimated cost of development, being \$31,957,456.30 at 27/03/2023 and the adopted <i>Willoughby Local Infrastructure Contributions Plan</i>.¶</p> <p><u>Indexation¶</u></p> <p>To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index (All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.¶</p> <p>To calculate the indexed levy, the formula used to determine the monetary contribution is set out below:¶</p> $\frac{\$Co \times \text{Current-CPI}¶}{\text{Base-CPI}¶}$
	<p>Where:¶</p> <p style="padding-left: 40px;">the original development contribution determined by the Council based on a ¶</p> <p style="padding-left: 40px;">\$Co = percentage of the cost of development as set out in the Contributions Plan the Consumer Price Index (All Groups Index), Sydney, as published by the ¶</p> <p style="padding-left: 40px;">Current-CPI =¶</p> <p style="padding-left: 40px;">ABS at the quarter immediately prior to the date of payment the Consumer Price Index (All Groups Index), Sydney, as published by the ¶</p> <p style="padding-left: 40px;">Base-CPI =¶</p> <p style="padding-left: 40px;">ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution Deferred payments of contributions <u>will not be accepted</u>.¶</p> <p>Prior to payment, Council can provide the value of the indexed levy.¶</p> <p>Copies of the <i>Willoughby Local Infrastructure Contributions Plan</i> are available for inspection online at <a href="http://www.willoughby.nsw.gov.au">www.willoughby.nsw.gov.au</a> ¶</p> <p>(Reason: Statutory requirement)¶</p>
	<p><b>Planning Agreement</b></p> <p>In addition, there is an executed VPA, dated 28 Oct 2021, associated with the subject development which specifies developer's obligations to pay VPA contributions for the development. However, on the same day of VPA execution (ie. 28 October 2021), the full amount of contribution under this VPA had been paid.</p> <p>You may address all VPA matters have been satisfied as part of your assessment under s4.15 of the EP&amp;A Act as there is no outstanding monetary contribution or any other obligations related to the executed VPA owing to Council.</p>
<b>External Referrals</b>	
<b>WaterNSW</b>	<p>I refer to your recent request regarding an integrated Development Application (DA) proposed for the above location. This application proposed a drained basement design which was not supported by the Department of Planning and Environment (DPE) due to the minimum requirements for building site groundwater investigations and reporting not being met or exceeded in the supplied documentation. DPE provided the proponent the option of tanked basement General Terms of approval. The proponent accepted the option for tanked basement General Terms of approval on 30 November 2023. Please find attached the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the <i>Water Management</i></p>

Act 2000 (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, WaterNSW requests these GTA be included (in their entirety) in Council's development consent.

Please also note WaterNSW requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities that relate to any excavation which interferes with an aquifer. WaterNSW will ascertain from the notification if the amended plans require review of the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.
- if Council receives an application under s4.55 of the EP&A Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, WaterNSW recommends the following condition be included in the development consent:

**The attached GTA issued by WaterNSW do not constitute an approval under the Water**

**Management Act 2000.** The development consent holder must apply to WaterNSW for a Water Supply Work approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

Application forms are available from the WaterNSW website which can be found [here](#).

WaterNSW requests that Council provides a copy of this letter to the development consent holder.

WaterNSW also requests a copy of the determination for this development application be provided by Council as required under section 4.47 (6) of the EP&A Act.

**Information to the proponent:**

- An extraction limit will be determined by the Department of Planning and Environment (DPE) following a further hydrogeological assessment and included on the conditions applied to the approval authorisation for the dewatering activity.
- Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay. The Minimum requirements for building site groundwater

	<p>investigations and reporting (DPIE, 2021) identify what data needs to be collected and supplied.  <a href="https://water.dpie.nsw.gov.au/data/assets/pdf_file/0003/541605/minimum-requirements-forbuilding-site-groundwater-investigations-and-reporting.pdf">https://water.dpie.nsw.gov.au/data/assets/pdf_file/0003/541605/minimum-requirements-forbuilding-site-groundwater-investigations-and-reporting.pdf</a></p> <ul style="list-style-type: none"> <li>• The approval will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.</li> <li>• Once the proponent has made application to WaterNSW for the required approvals, the application must be referred to the Department of Planning and Environment for groundwater impact assessment. This also includes applications that are exempt under any of the existing regulated exemptions from requiring an access licence to take water for these types of developments.</li> </ul> <p>&lt;&lt; GTAs embodied in draft consent&gt;&gt;</p>
<p><b>Sydney Trains</b></p>	<p>I refer to Council's referral requesting concurrence for the above Development Application in accordance with Section 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (<b>Transport and Infrastructure SEPP</b>).</p> <p>Council is advised that TfNSW (Sydney Trains), via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor, including infrastructure, and to process the concurrence for this development application.</p> <p>As such, TfNSW (Sydney Trains) advises that the proposed development has been assessed in accordance with the requirements of Section 2.99(4) of the Transport and Infrastructure SEPP being:</p> <ul style="list-style-type: none"> <li>a) <i>the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:</i> <ul style="list-style-type: none"> <li>i) <i>the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and</i></li> <li>ii) <i>the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and</i></li> </ul> </li> <li>b) <i>what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.</i></li> </ul> <p>TfNSW (Sydney Trains) has taken the above requirements into consideration and has decided to grant its concurrence to the development proposed in development application DA 2023/152 subject to Council imposing the operational conditions as written in Attachment A that will need to be complied with.</p> <p>Should Council choose not to impose the operational conditions as written in Attachment A, then concurrence from TfNSW (Sydney Trains) has</p>



	<p>not been granted to the proposed development.</p> <p>In the event that this proposed development is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. TfNSW (Sydney Trains) therefore requests that Council comply with this requirement should such an event occur.</p>
<b>Sydney Metro</b>	<p>Sydney Metro refers to Development Application DA 2023/10 (DA) submitted by Reza Vakili (Applicant)) that has been referred to Sydney Metro via the NSW Planning Portal on 31 January 2024, with section 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&amp;ISEPP).</p> <p>Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Metro North West Line rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Metro North West Line rail corridor for the purpose of the T&amp;ISEPP.</p> <p>Assessment requirements under the T&amp;ISEPP</p> <p>Sydney Metro has reviewed the DA documents which was received by Sydney Metro 24 January 2025. Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.99(4) of the T&amp;ISEPP.</p> <p>Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.99(4) of the T&amp;ISEPP.</p> <p>In this regard, Sydney Metro has taken into account:</p> <ul style="list-style-type: none"> <li>(a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on: <ul style="list-style-type: none"> <li>(i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and</li> <li>(ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and</li> </ul> </li> <li>(b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.</li> </ul> <p>Concurrence granted subject to conditions</p> <p>Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at Attachment A.</p> <p>Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.</p> <p>The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any</p>

	<p>concurrence which may be issued by any other authority, without further agreement from Sydney Metro.</p> <p><b>Next steps</b> If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Metro North West Line rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.</p> <p>Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA are forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.</p> <p>In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority's attention is also drawn to section 8.12 of the Environmental Planning and Assessment Act 1979 which requires the consent authority to give notice of that appeal to a concurrence authority.</p> <p>Sydney Metro thanks Council for its assistance.</p> <p>[Conditions included in recommended conditions of consent]</p>
<b>Ausgrid</b>	<p><u>Part 1</u> This letter is Ausgrid's response under clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007.</p> <p><u>Ausgrid does not object to the proposed development.</u></p> <p>The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.</p> <p><b>Ausgrid Overhead Powerlines are in the vicinity of the development</b> The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.</p> <p>Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.</p> <p>The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at <a href="http://www.ausgrid.com.au">www.ausgrid.com.au</a>.</p> <p>It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this</p>

	<p>instance. Any Ausgrid asset relocation works will be at the developer's cost.</p> <p>Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:  <a href="http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries">www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries</a></p> <p>Part 2</p> <p>This letter is Ausgrid's response under clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007.</p> <p>Ausgrid does not object to the proposed development.</p> <p>The applicant/developer should note the following information regarding any development proposal near existing electrical network assets.</p> <p>Ausgrid Underground Cables are in the vicinity of the development. Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.</p> <p>It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).</p> <p>The following points should be taken into consideration.          Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.          Should ground anchors be required in the vicinity of Ausgrid 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> <p>In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:</p> <ul style="list-style-type: none"> <li>- SafeWork Australia – Excavation Code of Practice.</li> <li>- Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via <a href="http://www.ausgrid.com.au">www.ausgrid.com.au</a>.</li> <li>- The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website :  <a href="http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries">www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries</a></li> </ul>
<b>Sydney Airport</b>	<p>The application sought approval for the PROPERTY DEVELOPMENT to a height of 159 metres Australian Height Datum (AHD).          In my capacity as Manager, Airfield spatial &amp; Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I</p>

	<p>have no objection to the erection of this development to a maximum height of 159 metres AHD.</p> <p>The approved height is inclusive of all lift overruns, vents, chimneys, aerals, TV antennae, construction cranes etc. Should you wish to exceed this height a new application must be submitted.</p> <p><b>Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.</b></p> <p>Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.</p> <p>Information required by Sydney Airport prior to any approval is set out in Attachment A.</p> <p>"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).</p> <p><b>Planning for Aircraft Noise and Public Safety Zones:</b></p> <p>Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).</p> <p>Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.</p>
NSW Police	<p style="text-align: center;"><b><u>Development Application Review</u></b></p> <p><b>RMS Reference:</b> D/2023/733216  <b>DA Reference No:</b> DA-2023/150 Council: Willoughby City Council  <b>Developer/Applicant:</b> Reza Vakili  <b>Property address:</b> 58 Anderson St, Chatswood</p> <p><b><u>1. Introduction</u></b></p> <p>In line with section 4.15 of the New South Wales Planning &amp; Assessment Act 1979 and the New South Wales Planning Guidelines, the below report has been conducted on Willoughby City Council Development Application DA-2023/150.</p> <p><b><u>2.1 Current environment</u></b></p> <p><b>THE SUBJECT SITE CURRENTLY CONSISTS ENTIRELY OF SINGLE OR DOUBLE STORY FREE</b></p>

**STANDING DWELLINGS. THE SURROUNDING AREA IS CURRENTLY UNDERGOING CONSIDERABLE REDEVELOPMENT WITH A NUMBER OF MULTI-STORY RESIDENTIAL BUILDINGS PLANNED.**

## **2.2 Proposed development**

The proposal involves the demolition of existing site structures and the construction of a multi-level high density residential tower.

## **3. Crime risks and identified issues**

**3.1. Current/trending crimes that impact the local area that should be considered within the design and building process.** Break Enter and Steal, Steal Motor Vehicle, Steal From Motor Vehicle.

**3.2. Crimes that the current proposed development application will introduce or facilitate within this space.** The site will be a potential target for mail/parcel theft, steal from motor vehicle offences, break, enter and steal offences and bicycle theft.

**3.3. Developments can introduce or facilitate certain issues that are not necessarily a crime, but impact on the ability to police a space. This section allows you to detail what issues you have with the proposed development, for example homelessness, population density, other proposed developments in the surrounding space, traffic, traffic flow, parking, public transport, affordable housing, schools, religious building/groups, emergency management and anything else your command identifies.** Traffic congestion

## **4. Recommendations**

The following Crime Prevention Through Environmental Design (CPTED) treatment options need to be considered for the proposed development in order to reduce opportunities of crime:

1. The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises.
2. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance".
3. Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
4. Any bicycle parking should be in a secure area and covered



	<p>with CCTV cameras.</p> <ol style="list-style-type: none"> <li>5. Mail boxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.</li> <li>6. If the site has storage cages they should be made of solid materials that can't be cut open and should be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.</li> <li>7. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.</li> <li>8. Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.</li> <li>9. Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.</li> <li>10. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.</li> <li>11. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.</li> <li>12. All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.</li> <li>13. "Park Smarter" signage should be displayed in the car</li> </ol>
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park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.

14. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
15. The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
16. The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

#### **Disclaimer**

The New South Wales Police Force has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this assessment, any person who does so acknowledges that:

- It is not possible to make all areas evaluated by the NSWPF entirely safe for members of the community or the security of their property.
- It is based upon the information provided to the NSWPF at the time the assessment was made.
- This assessment is a confidential document and is for use of the consent authority unless otherwise agreed.
- The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the consent authority, unless otherwise agreed.

The NSW Police Force hopes that by using the recommendations contained in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property will increase. However, it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its recommendations are followed.

Should you have any questions in relation to the evaluation contact Senior Constable Michael Alexander, Crime Prevention Officer, North Shore PAC, 9414 8518.

p.p.

Yours sincerely, Paul Devaney  
Superintendent  
Commander

### ATTACHMENT 3: ASSESSMENT UNDER SEPP HOUSING 2021 CHAPTER 4 & APARTMENT DESIGN GUIDE

SEPP (Housing) 2021 as Chapter 4 'Design of residential apartment development' of the Housing SEPP applies to all **pending** development applications, even those lodged before 14 December 2023, pursuant to section 8(2A) of Schedule 7A of the Housing SEPP.

Housing SEPP s149 'Apartment Design Guide prevails over development control plans' takes the place of the previous section 6A.

Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9
- (b) the Apartment Design Guide
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

The following table outlines how the proposal satisfies the design quality principles of SEPP 65 and objectives of Parts 3 and 4 of the Apartment Design Guide (ADG). Overall, the proposal satisfies the provisions of the ADG.

ADG Objective	Proposal	Satisfied
<b>Objective 3D-1</b>  An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	The proposal provides communal open space on Levels 03, as follows:  Level 03: 154m <sup>2</sup> (27.26% of site area)	Yes
<b>Design criteria</b>  1. Communal open space has a minimum area equal to 25% of the site.  2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).		
<b>Objective 3E-1</b>  Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	46m <sup>2</sup> (8%)	Yes

ADG Objective	Proposal	Satisfied
<b>Design criteria</b> <i>Minimum 6m wide</i>  <i>Deep soil zones minimum 7% or 10% if possible.</i>  <i>7% x 565m2 = 39.55m2</i>		
<b>Objective 3F-1</b>  <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i>  <b>Objective 3F-2</b>  <i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i>	Privacy to surrounding properties is assisted by the site's isolation from sites. The Part 3F ADG objectives are achieved.	Yes
<b>Objective 3J-1</b>  <i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i>	<u>Residential</u> 13 units x 0.5 spaces = 6.5 spaces rounded down to 6 spaces Visitor 13/7= 1.86 spaces rounded down to 1 space  <u>Non-residential</u> Retail 35m2 / 70m2 = 0.5 space Commercial 530m2 / 700m2 = 0.8 space Rounded to 1 space  Total required = 8 spaces  Total proposed = 8 spaces	Yes
<b>Objective 4A-1 Solar Access</b>  <i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i>	100% receive minimum 2 hours	Yes
<b>Objective 4B-3 Natural Cross Ventilation</b>  <i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</i>	100% of apartments naturally cross-ventilated.	Yes
<b>Objective 4C-1 Floor to Ceiling Heights</b>  <i>Ceiling height achieves sufficient natural ventilation and daylight access.</i>  <b>Design criteria</b> <i>The minimum ceiling heights proposed are:</i>  <i>2.7 m for habitable rooms; and</i> <i>2.4 m for non-habitable rooms.</i>	3.1m floor to floor height proposed for residential floors.	Yes
<b>Objective 4D-1 Minimum Apartment Sizes</b>  <i>The layout of rooms within an apartment is functional, well organised and</i>	The proposal is consistent with ADG requirements for the minimum size of rooms.	Yes

ADG Objective	Proposal	Satisfied
<i>provides a high standard of amenity.</i>		
<b>4E Private open space and balconies</b>  Minimum area Minimum depth 1 bedroom apartments 8m <sup>2</sup> (2m depth) 2 bedroom apartments 10m <sup>2</sup> (2m depth) 3+ bedroom apartments 12m <sup>2</sup> (2.4m depth)	The proposal is consistent with ADG requirements for the size and depth of balconies.	Yes
<b>4F Common circulation and spaces</b>  1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Satisfied, maximum 2 units off circulation core. ,	Yes
<b>Objective 4G-1</b>  1 bedroom apartments 6m <sup>3</sup> 2 1 bedroom apartments 8m <sup>3</sup> 3+ 2 3 bedroom apartments 10m <sup>3</sup>	Satisfied (see Drawing A308 Rev 02)	Yes
<b>4H Acoustic privacy</b>  Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout  Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Satisfied	Yes
<b>4J Noise and Pollution</b>  Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings  Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Satisfied	Yes
<b>4K Apartment mix</b>  Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future  Objective 4K-2 The apartment mix is distributed to suitable locations within the building	Satisfied	Yes
<b>4M Facades</b>  Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area  Objective 4M-2 Building functions are expressed by the facade	Satisfied	Yes
<b>4N Roof Design</b>  Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street  Objective 4N-2 Opportunities to use roof space for	Satisfied	Yes

ADG Objective	Proposal	Satisfied
<i>residential accommodation and open space are maximised</i>  <b>Objective 4N-3</b> <i>Roof design incorporates sustainability features</i>		
<b>4O Landscape Design</b>  <b>Objective 4O-1</b> <i>Landscape design is viable and sustainable</i>  <b>Objective 4O-2</b> <i>Landscape design contributes to the streetscape and amenity</i>	Satisfied	Yes
<b>4P Planting on Structures</b>  <b>Objective 4P-1</b> <i>Appropriate soil profiles are provided</i>  <b>Objective 4P-2</b> <i>Plant growth is optimised with appropriate selection and maintenance</i>  <b>Objective 4P-3</b> <i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i>	Satisfied	Yes
<b>4Q Universal design</b>  <b>Objective 4Q-1</b> <i>Universal design features are included in apartment design to promote flexible housing for all community members</i>  <b>Objective 4Q-2</b> <i>A variety of apartments with adaptable designs are provided</i>	<p>A condition of consent ensures that the developments achieves a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features. It is noted that seven (7) units are proposed as adaptable housing.</p>	Yes



ATTACHMENT 4: ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

A Remedial Action Plan accompanies the application (Ref: E2952-2, dated 16 August 2024) by Foundation Earth Sciences. It concludes that the site can be made suitable for the proposed high development subject to the recommendations it outlines.

Council’s Environment Team is satisfied and has provided conditions of consent.

4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 aims to facilitate effective delivery of infrastructure by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure and prescribing consultation requirements for certain development.

The following assessment is undertaken under the relevant provisions of the SEPP:

Provision	Assessment
Development adjacent to rail corridors (cl 2.98)	<p>The development site is adjacent to a railway line known as the ‘North Shore Train Line’ running along the eastern side of the site.</p> <p>Sydney Metro and Sydney Trains have undertaken referrals and extensive assessment.</p>
Excavation in, above, below or adjacent to rail corridors (cl 2.99)	<p>The proposal involves penetration within 25m (measured horizontally) of a rail corridor. Sydney Metro and Sydney Trains have undertaken referrals and extensive assessment.</p>
Impact of rail noise or vibration on non-rail development (cl 2.100, cl 2.120)	<p>The site is located adjacent to a railway line and will be affected by rail noise. Clause 2.100 is applicable to the proposal and provides that the residential component must not exceed the following LAeq levels:</p> <ul style="list-style-type: none"><li>▪ in any bedroom in the residential accommodation – 35 dB(A) at any time between 10.00 pm and 7.00 am;</li><li>▪ anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at any time.</li></ul> <p>The ‘Environmental Noise Impact Assessment’ prepared by ADP (Ref: SYD2261, dated 2/3/2023) confirms that noise emission from traffic on public roads and noise and vibration from train movements found to be compliant with relevant controls for human comfort.</p>
Development with frontage to classified road (cl 2.119)	<p>The site does not front a classified road.</p>

### 4.3 Assessment under Willoughby Local Environmental Plan 2012 (WLEP)

This table below address the relevant clauses of the WLEP applicable to the assessment of the proposed development.

	<b>Standard</b>	<b>Proposed</b>	<b>Complies</b>
Land Use Table – MU1 Mixed Use zone	Shop top housing permissible	The proposal is characterised as Shop top housing	Yes
cl 2.5	RFB permitted (Area 8) if ground floor used for non-residential and minimum 17% non-residential	RFB permissible via the vehicle of mixed-use (cl 2.5) and shop-top housing. See drawing A306 Rev 03 – the non-residential component equates to 25% of the total GFA.	Yes
cl 4.3 Building Height	58 Anderson Street: 53m	53m	Yes
cl 4.4 FSR	4:1	4:1	Yes
cl 6.1 Acid Sulfate Soils	Class 5	Acceptable	Yes
cl 6.2 Earthworks	Geotechnical and contamination reports received	Geotechnical and contamination reports considered acceptable	Yes
cl 6.3 Urban heat	Consent authority to consider, inter alia, whether the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and the building is designed to achieve high passive thermal performance	Satisfactory	Yes
cl 6.6 Airspace operations	Concurrence required by Sydney Airport	Concurrence received	Yes
cl 6.7 Active Street Frontage		All ground floor premises facing the street are used for non-residential purposes.  The exception is the extended residential lobby substation facing Anderson Street, which is an area highly constrained	Yes on merit

		by the functionality of the transfer cabin.	
cl 6.8 Affordable Housing	4% of residential GFA (Area 1) to be dedicated as affordable housing.  Res GFA = 1,696m2  $4\% \times 1,696\text{m}^2 = 67.8\text{m}^2$	Monetary contribution proposed, however option is given in condition of consent for monetary contribution and/or stock dedication to accord with cl 6.8 WLEP	Yes – by condition
cl 6.16 Minimum lot sizes	The site is excluded from cl 6.16 by subclause 6.16 (4)	-	N/A
cl 6.23 Design excellence	Architectural design competition has been undertaken in accordance with cl 6.23 (6) (b).	Amended proposal assessed and found satisfactory by Council's Urban Design Specialist.	Yes
cl 6.25 Shop top housing at certain sites at Chatswood	As above, Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the building's gross floor area will be used for non-residential purposes.	Satisfied.	Yes

### **Affordable Housing**

The applicant elected to provide a monetary contribution pursuant to cl 6.8 WLEP.

The draft conditions of consent provides the option or the applicant to provide a monetary contribution or dedication of units (where 502, 602 or 702 are each 52m2 in size and satisfy the minimum 50m2 requirement, with a monetary contribution for the balance of 15.8m2).

### **Cl 6.23 - Design excellence at certain sites at Willoughby**

The objective of the clause is to deliver the highest standard of architectural, urban and landscape design. Cl 6.23 (4) WLEP says:

“(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing

appropriate to the building type and location will be achieved.

- (b) Whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,
- (c) Whether the development detrimentally impacts on view corridors.

Subclause (5) also requires the consent authority to have regard to how the development addresses:

(5) The consent authority must also have regard to how the development addresses the following matters—

- (a) the suitability of the land for development,
- (b) existing and proposed uses and use mix,
- (c) heritage and streetscape constraints,
- (d) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (e) bulk, massing and modulation of buildings,
- (f) street frontage heights,
- (g) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- (h) achieving the principles of ecologically sustainable development,
- (i) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (j) the impact on, and proposed improvements to, the public domain,
- (k) the impact on special character areas,
- (l) achieving appropriate interfaces at ground level between the building and the public domain,
- (m) excellence and integration of landscape design.

The jury recommendations were as follows:

### **Jury Recommendations**

1. Investigate swapping the loading dock turntable and the car park turntable so that there is queuing space for two cars within the site. This option would require either a double width footpath crossing with a single access door, or two single width kerb crossings with the loading bay having its own access door in the Wilson St facade. The jury noted that the small number of dwellings (13) means that usage will be low, and driveways could be shared to minimise the space required for these functions.

This adjustment should not affect or compromise other parts of the ground floor layout.

2. Respond to the jury comments above regarding architectural aesthetics, and refine building design and details to be more calm, rational and restrained.
3. Provide effective integrated external solar control to exposed eastern façade areas of the tower, whilst preserving acceptable outlook and architectural quality.
4. Overlooking of private open space to the east across Anderson St to be considered and addressed appropriately.
5. Provide details of proposed window cleaning systems for all parts of the building.
6. Provide acceptable lift access to commercial floors (universal access, deliveries and furniture removals).
7. The jury supports the truncation of the sharp northern tip of the tower floorplate, however structural support of this element is not yet resolved, and a more considered/refined design approach to this highly visible element of the building is recommended.
8. The coloration portrayed in elevations and montages varies markedly, from a restrained biscuit colour to a flamboyant red. Clarify intent, a more restrained approach is recommended.
9. Investigate introduction of natural light into fire-stair shafts.
10. The use of a proprietary masonry cladding system for the solid facades of the tower is supported in principle, subject to provision of acceptable design and construction details with the application for consent.
11. The design and maintenance of the vertical green eastern walls adjacent to the service core is to be resolved to the satisfaction of consent authority.
12. Consider relocating pool area from L.4 to L.3 to create a more integrated and cohesive outdoor space. The L.4 slab in this area could then be deleted to create a more generous, lofty communal space. This would also require the pool to be raised above the slab to avoid spatial impacts on L.2 commercial below.
13. Recommend separate second living areas are considered for all large apartments with more than two bedrooms.
14. Demonstrate compliance with all relevant controls and codes, including SEPP65/ADG and Housing SEPP2021 affordability requirements.

The Design Competition Report and the Jury's response to the above items, is attached as **Attachment 10**.

The proposal is developed from the winner of an architectural design competition, and Council's Urban Design Specialist has assessed the proposal and finds it acceptable.

#### 4.4 Assessment under Willoughby Development Control Plan (WDCP)

The below table provides a list of the relevant controls within the WDCP applicable to the site and proposed development (Parts L, B, D, F and J – starting with Part L as this Part relates to the site-specific DCP). The table contains the requirements of each relevant control and Council's assessment of the development for each control.

##### Part 13.1.3 5 58 Anderson Street Chatswood

The aims and objectives of this Plan are to:

1. Provide guidelines for a mixed use development on the site.
2. Provide a development that ensures the viability of future development of surrounding properties.
3. Minimise traffic impacts on the surrounding road network.
4. Ensure development on the site minimises impacts to the amenity of neighbouring residential properties.
5. Provide landscaping in and surrounding the site that enhances the presentation of the site as well as the amenity of the development.
6. Achieves architectural and urban design excellence.
7. Maximises activation to Anderson and Wilson Streets.

<b>Part L</b>		
<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>Built Form</b>		
1. The tower floor plate above podium is to be consistent with Figure 21. 2. The width of each side of any tower, and design elements that contribute to building bulk, are to be minimised. 3. The site layout is to be in accordance with Figure 21.	The proposal satisfies the setback controls in Figure 21	Satisfactory



Figure 21: Site Layout

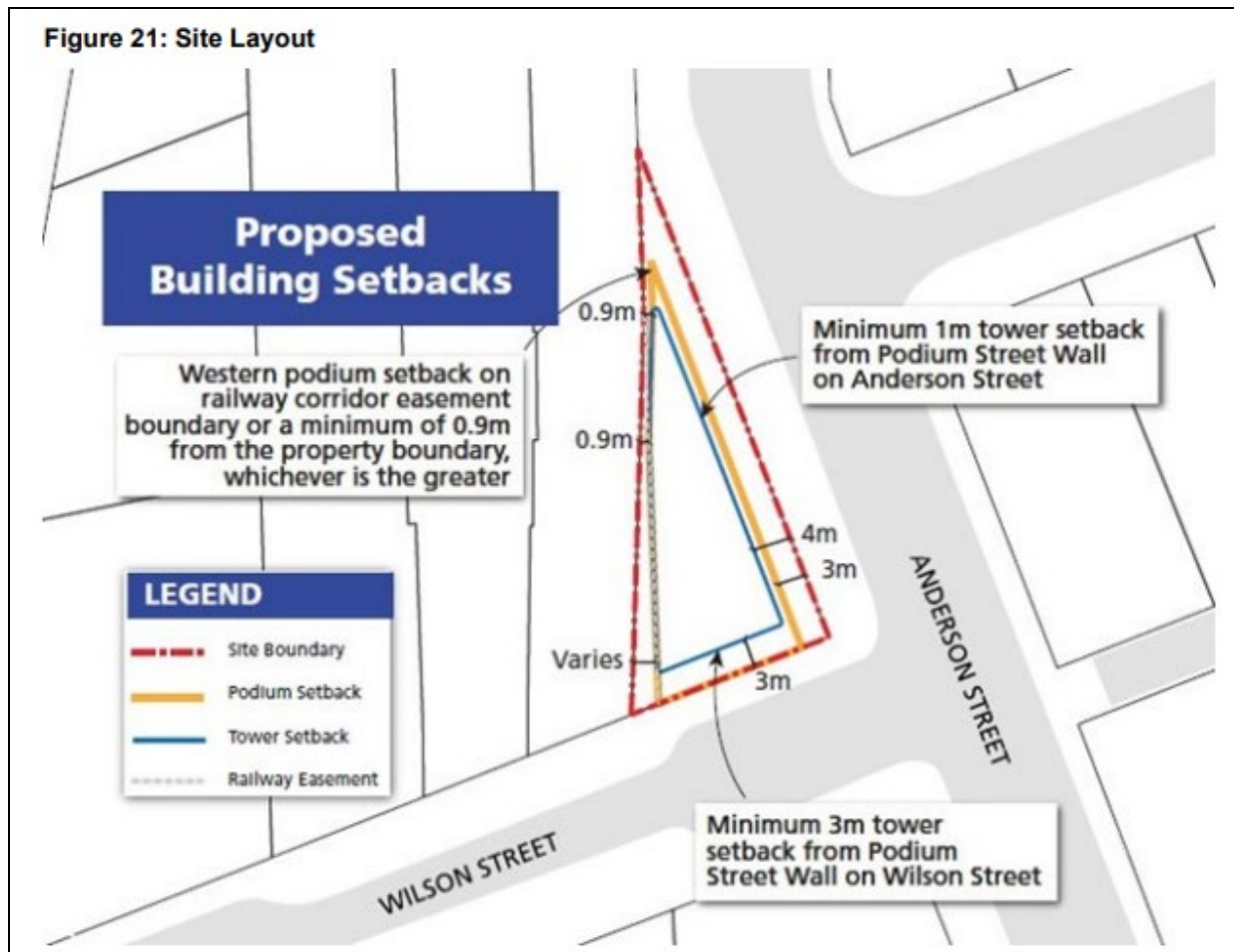


Image 12: The layout of the built form as it appears in WDCP Part L (page 56).

Controls	Proposed	Complies
<b>Height of Building</b>		
1. The maximum building height is to include all structures located at roof level, including lift over runs and any other architectural features. 2. All roof top lift over runs or exposed structures are to be integrated with the building. 3. Flat roof areas shall incorporate useable outdoor recreation space where suitable. 4. Setbacks and street frontage heights.	Complies	Satisfactory
<b>Street Wall Heights</b>		
The building setbacks are to be in accordance with Map 5 (Street frontage heights and building setbacks). The required setbacks are: a. Anderson Street frontage		

<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
i. Minimum 3 metre setback at ground level from boundary. ii. 6-14 metre street wall height. iii. Minimum 1 metre setback above street wall.	i. 3 metre setback at ground level from boundary. ii. top of street wall parapet RL 118.23, equates to 13.23m street wall height iii. 4m setback of tower provides a 1 metre setback above street wall along Anderson Street.	Satisfactory.
b. Wilson Street frontage i. 6-14m street wall height at boundary. ii. Minimum 3 metre setback above street wall.	i) 13.34m street wall height to Wilson Street ii) 3m setback above street wall	Satisfactory
<b>Building Exterior</b>		
1. Facades are to be articulated and should incorporate recesses and projecting elements. 2. Extensive blank walls shall be avoided at street level.	Solid to void ratio, materiality and modulation (both horizontally and vertically) serve to articulate the built form.	Satisfactory.
<b>Amenity</b>		
1. A Wind Assessment shall be submitted at Development Application Stage.	Wind Report (Ref: WE213-04F02 (Rev1) – WS Report, dated 14 December 2022 by Windtech, was submitted and has been considered.	Satisfactory.
2. A detailed Acoustic Assessment shall be submitted at Development Application Stage.	Assessment as satisfactory by Council's Environmental Health Officer.	Satisfactory (and conditions imposed).
3. The development shall be designed to maximise solar access, cross ventilation, visual and acoustic privacy.	Achieved. See ADG assessment.	Satisfactory

Controls	Proposed	Complies
<p>1. All roofs up to 30 metres from ground level are to be green roofs. These are to provide a balance of passive and active green spaces that maximise solar access.</p> <p>2. A minimum of 2 hours of direct solar access is to be provided to the public open space on the site.</p> <p>3. Publicly accessible open space and green landscaping such as street trees will be required by all developments.</p> <p>4. Communal open space for residents of the building is to be incorporated within/on the building, and include seating, recreational areas (e.g. barbeque area) and landscaping.</p> <p>5. Any communal open space, with particular regard to roof top level on towers, shall be designed to address issues of quality, safety, and usability.</p> <p>6. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on ground, podium and roof top levels or as green walls of buildings.</p> <p>7. Deep soil planting is to be provided within the setback to Anderson Street. Deep soil plantings include trees,</p>	<p>1. Top of podium landscaped</p> <p>2. Achieved</p> <p>3. Right of way required by condition</p> <p>4. Communal open space achieved</p> <p>5. Achieved</p> <p>6. Satisfactory landscaping provided</p> <p>7. Deep soil provided in triangular northern section, not along the Anderson Street frontage, which is satisfactory in the circumstances of the case and accepted by Council's landscape architect.</p> <p>8. Condition of consent</p>	<p>Satisfactory</p>

Controls	Proposed	Complies
8. shrubs, and grasses, and are to be unimpeded by buildings or structures below ground. All publicly accessible open space is to be the responsibility of the relevant ownership entity, with formal public access to be created over these areas.		
Links	ROWS required as conditions.	Satisfactory
Active Street frontages	Achieved	Satisfactory
Traffic and Transport	Parking complies	Satisfactory
Waste management and loading and services	Achieved to the satisfaction of Council's waste officer	Satisfactory, conditions imposed
Design excellence	Achieved to the satisfaction of Council's urban design specialist	Complies
Public art	Achieved to the satisfaction of Council's urban design specialist	Complies, conditions incorporated
Building sustainability	Conditions imposed	Complies, conditions incorporated

**Part B – Residential Development**

	Control	Comments
2. Performance criteria		
2.1.3 Setbacks	The objective is to ensure the siting of buildings provide adequate separation for the amenity of residents, provide adequate space for landscaping (including deep soil zones) and solar access, and minimise overshadowing	The site specific DCP provides setbacks that, with the building height, form a notional acceptable building envelope. The proposal satisfies this envelope.
2.1.4 Design	The objective is to encourage good environmental outcomes and a high standard of architectural design.	The proposal has been scrutinised by the Design Excellence process. Council's Urban Design Specialist has assessed the DA as satisfactory.
2.1.5 Landscaping	The objective is to achieve good environmental	Council's Landscape Architect has assessed the

	outcomes and enhance the visual quality of the locality.	DA as satisfactory.
2.1.6 Private open space	ADG prevails over DCP pursuant to s149 SEPP Housing	
2.1.7 Private recreation facilities	The objective is to integrate private recreational facilities with the natural environment, topography of the land, and limit the impact on adjoining properties	The podium recreational space includes spa pool and BBQ area.
2.1.8 Privacy	ADG prevails over DCP pursuant to s149 SEPP Housing	
2.1.9 Solar access	ADG prevails over DCP pursuant to s149 SEPP Housing	
2.1.10 Service facilities and structures	The objective is to protect the residential amenity and integrate the provision of services and facilities with the design of the development.	Waste has been assessed by Council's waste consultant.  Clothes drying on private balconies is considered an acceptable option for tenants on the basis that tinted glazed balustrades reduce any associated visual impact to a satisfactory level.
2.1.11 Urban heat	The objective is to reduce temperatures and create a resilient framework to mitigate the extreme impacts of urban heat by including appropriate measures to improve the health, comfort and wellbeing of residents.	The proposal satisfies the minimum 20% of the site as landscaped area (site specific DCP). A green all is proposed (eastern and western elevation) supported by tensioned steel – see Drawing LD-DA300 Rev 1.
2.1.12 View sharing	The objective is to limit the extent and impact on existing views.	The proposal satisfies the height and setback controls that apply to the site. It occupies an acceptable building envelope upon the site. Consideration has been given to the impact of the proposal on the current level of enjoyment regarding views to surrounding properties. This proposal forms the northernmost tall building along Anderson Street. Its height standard of 53m is consistent with 56 Anderson Street (54

		Anderson Street height standard increases to 90m - an approved development PPSSNH-396 was recently approved for 54-56 Anderson Street). The proposal is considered to satisfy view objectives.
<b>4.1 Strategies and plans</b>		
4.1.2 Chatswood CBD Planning and Urban Design Strategy to 2036	Part L of this plan includes performance criteria and controls that allow some additional residential growth as part of mixed use development in Chatswood CBD	Part L is dealt with in this report.
4.2.2 State Environmental Planning Policy (Housing) 2021	Chapter 4 SEPP Housing 2021 used for ADG assessment	
4.2.3 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	Chapter 4 SEPP Housing 20210 used for ADG assessment in this report	Satisfactory
4.2.4 Apartment Design Guide, NSW Department of Planning and Environment, July 2015	Assessment undertaken in this report	Satisfactory
<b>4.3 Specific controls for manor houses, attached dwellings, multi dwelling housing and residential flat buildings</b>		
4.3.3 Adaptable housing, access, and mobility	50% of dwellings to be adaptable = 7 adaptable dwellings	7 adaptable dwellings proposed units 401, 501, 601, 701, 801, 901, 1001, 1101, 1201 as confirmed by Access Report (Ref: 222216, dated 24.01.2025 Accessible Building Solutions, P11). Adaptable drawings A113, A114, A115.
4.3.4 Energy efficiency	All major developments are required to comply with the relevant provisions of Part J (Building Sustainability) of this plan.	Part J assessment done, conditions applied.
4.3.5 Bicycle and car parking	Refer to Part F assessment	Satisfactory
4.3.6 Water management and conservation	Council's Engineers have assessed the proposal	Satisfactory
4.3.7 Urban heat	Solar Reflectance Index (SRI) 3-year SRI minimum of 64 required	Condition of consent
4.3.8 Waste management	Detailed assessment by Council's waste consultant has been undertaken	Satisfactory



4.3.9 Safety by design	Referral to NSW Police. Also design considered with regards to CPTED.	Satisfactory
4.3.10 Utility structures	Substations removed from triangular northern yard.	Satisfactory
4.3.11 Undergrounding of services	All services, including overhead electricity wires, are to be located underground for major development. T	
4.4 Further controls for residential flat buildings, and the residential components of shop top housing and mixed use developments		
4.4.1 Site coverage	To ensure adequate open space and reasonable privacy levels, the site coverage for residential flat buildings should progressively decrease as the height of the building increases.	Sufficient open space is achieved, satisfying ADG communal open space at podium level.
4.4.2 Building height	53m standard satisfied cl 4.3 WLEP	Satisfactory
4.4.3 Floor space ratio	4:1 FSR standard satisfied cl 4.4 WLEP	Satisfactory
4.4.4 Setbacks	Site specific DCP setback requirements are satisfied	Satisfactory
4.4.5 Open space	ADG assessment shows communal open space, deep soil and landscaped design is satisfactory	Satisfactory
<b>Part D – Commercial Development</b>		
4.1 Building design	Design Excellence has scrutinised the design  The entire ground floor level of a shop top housing development is used for retail/commercial purposes; except for loading/unloading facilities	Satisfactory
4.2 Design in heritage conservation areas	The proposal is adjoining but not within an HCA. Notwithstanding, the proposal is considered to complement the HCA to an acceptable standard.	Satisfactory
4.3 Awnings	Conditions imposed for s138 approval. Considered satisfactory in design.	Satisfactory
4.4 Frontages	Objectives satisfied.	Satisfactory

4.5 Streetscape	Objectives satisfied.	Satisfactory
4.6 Car parking and vehicular access	Found satisfactory by Council's engineers	Satisfactory
4.7 Loading/unloading facilities	Found satisfactory by Council's engineers and waste consultant, conditions applied	Satisfactory
4.8 Waste and recycling	Found satisfactory by Council's waste consultant, conditions applied	Satisfactory
4.9 Pollution control	Found satisfactory by Council's environmental health officer, conditions applied	Satisfactory
4.10 Stormwater disposal and flooding	Found satisfactory by Council's engineers, conditions applied	Satisfactory
4.11 Sustainable development	NABERS not triggered. Green star conditions applied. BASIX Certificate received	Satisfactory
4.12 Signage	No signage proposed	N/A
4.13 Safety by design	NSW Police referral conditions included in the consent. CPTED design issues considered.	Satisfactory
4.14 Utility facilities	Substation removed from northern triangular open space. Condition imposed for booster enclosure.	Satisfactory
4.15 Undergrounding of services	Condition imposed for undergrounding	Satisfactory
4.16 Access and mobility	Access Report provided, conditions imposed	Satisfactory
<b>6 Shop top housing and mixed use developments</b>		
6.1 Setbacks	Site Specific DCP Part L takes precedent	Satisfactory
6.2 Landscaping	Minimum of 20% of any podium open space is satisfied. Otherwise all landscaping assessed as satisfactory.	Satisfactory
6.3 Car parking and access	Part F assessment undertaken, see below.	Satisfactory
6.4 Building mass and bulk	Defined podium level at Level 3 (1m east and 3m south)	Satisfactory
6.5 Signage	Not included in this proposal	N/A
7.2 Outdoor dining areas	Not included in this proposal	N/A
<b>Part F: Transport and Parking Management</b>		
4.4 Mechanical car parking systems and turntables	An applicant must show there is no other reasonable	Satisfactory. The applicant has adequately

	<p>car parking arrangement available. Mechanical systems and turntables must satisfy all of these requirements:</p> <ul style="list-style-type: none"> <li>a. the site is constrained by existing conditions</li> <li>b. they are only used to access spaces assigned to a particular dwelling/unit/tenant/business</li> <li>c. there is adequate standing space within the site for vehicles waiting to use the system</li> <li>d. turntables may be used to ease turn paths but must not be the sole means to allow vehicles to turn around within the site; vehicles must be able to turn around using multi-point turns without using the turntable</li> </ul>	demonstrated the functionality of the transfer cabin and the mechanical parking system. The access consultant confirms that the transfer cabin satisfies access requirements under the Premises Standard and DDA.
4.5 Electric vehicles	Conditions imposed for charging	Satisfactory
5 Major development		
5.1 Parking and traffic studies	Provided and assessed as satisfactory	Satisfactory
5.2 Off-street loading/unloading facilities	Assessed as satisfactory	Satisfactory
5.3 Visitor car parking	Assessed as satisfactory – see below Table 1	Satisfactory
5.4 Accessible car parking for people with disability	Assessed as satisfactory – see below	Satisfactory
5.6 Electric vehicle charging	Conditions imposed for charging	Satisfactory
Table 1	<p><u>Residential</u></p> <p>13 units x 0.5 spaces = 6.5 spaces rounded down to 6 spaces</p> <p>Visitor 13/7= 1.86 spaces rounded down to 1 space</p> <p><u>Non-residential</u></p> <p>Retail 35m<sup>2</sup> /70m<sup>2</sup> = 0.5 space</p> <p>Commercial 530m<sup>2</sup> / 700m<sup>2</sup> = 0.8 space</p> <p>Rounded to 1 space</p> <p>Total required = 8 spaces</p> <p>Total proposed = 8 spaces</p>	Satisfactory
Table 2 Motorcycle parking rates		
Residential zones and the residential components of shop top and mixed-use developments	1 space per 20 car parking spaces; 1 visitor space per 10 motorcycle spaces	Satisfactory 1 space considered acceptable (condition of consent)

Business zones	1 space per 20 car parking spaces; 1 visitor space per 10 motorcycle spaces	Satisfactory 1 space considered acceptable (condition of consent)
Table 3 Requirements for bicycle parking and end-of-trip facilities		
Residential and residential components of shop top and mixed use developments	<p>1 Class A or B parking spaces per 10 units 1 Class C (rails/racks) per 10 apartments for visitors</p> <p>Note:</p> <ul style="list-style-type: none"> <li>a. Class A: a space within an individual bicycle locker that provides a high security locking system</li> <li>b. Class B: a space within a secure room or structure that is accessed with devices such as keys, codes or swipe cards for communal areas (chain mesh fencing is not suitable for Class B facilities)</li> <li>c. Class C: a space that allows a bicycle frame and wheels to be locked to a 'bicycle parking device' using the cyclists own 'locking device'</li> </ul>	<p>Satisfactory</p> <p>Resident bike parks on podium level</p> <p>Visitor bike racks located at ground level</p> <p>The provision and system considered satisfactory.</p>
4 Car parking and driveway design		
4.1 – 4.3	Assessed as satisfactory by Council's engineers	Satisfactory
4.4 Mechanical car parking systems and turntables	Assessed as satisfactory by Council's engineers in the circumstances of the case	Satisfactory
4.5 Electric vehicles	Conditions imposed	Satisfactory
5.1 to 5.9 inclusive	Assessed as satisfactory	Satisfactory
Table 4: End-of-trip facilities for non-residential developments		
End-of-trip facilities provided	Considered satisfactory for the non-residential developments	Satisfactory
Table 5 Accessible car parking requirements	<p>1 space/4 accessible or adaptable units</p> <p>7 adaptable units</p> <p>i.e. <math>7/4 = 1.75</math> rounded up to 2 spaces</p>	Satisfactory

	Note: The applicant confirms that the transfer cabin satisfies minimum standards under the Premises Standard and DDA. A condition to this effect is imposed.	
<b>Part J: Building Sustainability</b>		
3.3 Sustainability performance statement 3.5 Green Star	<p>A sustainability performance statement must be prepared by a suitably qualified person and include details of the proposed method intended to be used to achieve an energy efficient and sustainable development. Instead of a sustainability performance statement, applicants may choose to provide a Green Star rating report or similar rating tool. Following condition imposed:</p> <p><b>34. Building Sustainability – Green star</b></p> <p>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)</p>	Satisfactory

## **ATTACHMENT 6: SUBMISSIONS TABLE**

The application was notified in accordance with the Willoughby Community Participation Plan for a period of twenty-one (28) days from 14 July to 11 August 2023.

Seven (7) submitters in total are recorded for this application.

<b>Address</b>	<b>Issue / Concern</b>	<b>Assessment planner comments</b>
1. No address given	Increasing congestion	The parking has been reduced to 8 car space in accordance with Council's WDCP 2023.
	Privacy / overlooking	The proposal accords with the setback and envelope requirements within Council's WDCP 2023. The east-facing balustrading and glazed panels is shown on Drawing A205 Rev 03 as notation 107 "Glazing Type 1 – Light Grey Tinted", which offers some privacy benefits. Otherwise, the separation of the development from these properties affords some means of privacy between the properties, to a satisfactory level.
2. 17 Violet Street, Chatswood	Relationship with adjoining heritage Conservation Area	The Willoughby comprehensive LEP Amendment 34 increased the height and densities around Chatswood CBD. This site was the subject of Amendment 18. The proposal satisfies this criteria. Council's Heritage planner has assessed the proposal as satisfactory subject to conditions of consent.
3. 1 Day Street, Chatswood	Views, overshadowing, traffic congestion	As described above, the proposal satisfies the controls developed as part of the Willoughby comprehensive LEP Amendment 34 and WDCP 2023, including its streetwall, envelope and setback controls. The proposal is considered reasonable development of the site, with acceptable impacts on surrounding properties.
4. 711/30 Anderson Street, Chatswood	Relationship with adjoining heritage Conservation Area, block views and reduce light and ventilation, noise from demolition, traffic congestion	As described above, the proposal is considered a reasonable development of the site, with acceptable impacts on surrounding properties.
5. No address given	Privacy, parking,	The above comments apply also to



<b>Address</b>	<b>Issue / Concern</b>	<b>Assessment planner comments</b>
	relationship with adjoining heritage Conservation Area	these concerns.
6. 19 Violet Street, Chatswood	Relationship with adjoining heritage Conservation Area, too high, “mixed-use element involving office space would bring unwanted and unnecessary commercialisation to the area”, traffic congestion, parking, pressure on parks.	The non-residential component aligns with Council’s vision for economic vitality in tandem with increased residential population. A developer contribution can assist with the provision of infrastructure (like parks) to cater for the increased population. Traffic congestion is considered to be eased with the reduction in parking within the development in accordance with WDDCP 2023.
7. No address given	Excessive height, safety of residents using Zinnia Lane, congestion	Council’s Traffic Engineer has assessed the proposal as satisfactory. The proposed height and parking satisfies the controls.

**ATTACHMENT 6: SECTION 4.15 ASSESSMENT****Matters for Consideration Under S.79C EP&A Act****Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant****N/A**

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>State Environmental Planning Policies (SEPP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Regional Environmental Plans (REP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Local Environmental Plans (LEP)</li> </ul>	✓
	Comment: The proposal is satisfactory having regard to the SEPPs and LEP.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>Draft State Environmental Planning Policies (SEPP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Local Environmental Plans (LEP)</li> </ul>	N/A
	Comment: There are no draft EPIs.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> <li>Development control plans (DCPs)</li> </ul>	✓
	Comment: The proposal is satisfactory having regard to the DCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> <li>Section 61 EP&amp;A Regulation-Demolition</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Section 62 EP&amp;A Regulation-Fire Safety Considerations</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Section 64 EP&amp;A Regulation-Fire Upgrade of Existing Buildings</li> </ul>	N/A
	Comment: The proposal is satisfactory having regard to the Regulations. Conditions of consent relating to fire equipment have been applied.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> <li>Context &amp; setting</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Access, transport &amp; traffic, parking</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Servicing, loading/unloading</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Public domain</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Utilities</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Heritage</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Views</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Solar Access</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Water and draining</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Soils</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Air &amp; microclimate</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Flora &amp; fauna</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Waste</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Energy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Noise &amp; vibration</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Natural hazards</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Safety, security crime prevention</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Social impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Economic impact in the locality</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Site design and internal design</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Construction</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Cumulative impacts</li> </ul>	✓

**Matters for Consideration Under S.79C EP&A Act**

**Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant**

**N/A**

	Comment: The proposal is satisfactory having regard to the likely impacts of the development.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> <li>Does the proposal fit in the locality?</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Are the site attributes conducive to this development?</li> </ul>	✓
	Comment: The proposal is satisfactory having regard to the suitability of the site for the development.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> <li>Public submissions</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Submissions from public authorities</li> </ul>	✓
	Comment: The proposal is satisfactory having regard to the submissions made.	
(e)	The public interest	
	<ul style="list-style-type: none"> <li>Federal, State and Local Government interests and Community interests</li> </ul>	✓
	Comment: The proposal is satisfactorily in the public interest, as it satisfies the objectives of the Chatswood CBD Strategy, SEPPs, WLEP and WDCP.	

## ATTACHMENT 7: SCHEDULE OF CONDITIONS

### PART A

**Conditions of Consent:** (Including reasons for such conditions)

#### CONSENT IDENTIFICATION

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

#### 1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Coversheet	A001	05	24.01.2025	Drew Dickson Architects
Site Plan	A011	04	14.10.2024	Drew Dickson Architects
Demolition Plan	A012	02	07.08.2024	Drew Dickson Architects
Basement 3 Floor Plan	A100	04	24.01.2025	Drew Dickson Architects
Basement 2 Floor Plan	A101	03	07.08.2024	Drew Dickson Architects
Basement 1 Floor Plan	A102	04	14.10.2024	Drew Dickson Architects
Ground Floor Plan	A103	05	06.12.2024	Drew Dickson Architects
Level 1 Floor Plan	A104	04	14.10.2024	Drew Dickson Architects
Level 2 Floor Plan	A105	04	14.10.2024	Drew Dickson Architects
Level 3 Floor Plan	A106	05	06.12.2024	Drew Dickson Architects
Level 4 Floor Plan	A107	05	06.12.2024	Drew Dickson Architects
Level 5-7 Typical Floor Plans	A108	05	06.12.2024	Drew Dickson Architects
Level 8-12 Typical Floor Plans	A109	05	06.12.2024	Drew Dickson Architects
Level 13 Penthouse	A110	05	06.12.2024	Drew Dickson Architects

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Level 14 Penthouse	A111	03	07.08.2024	Drew Dickson Architects
Roof Plan	A112	03	07.08.2024	Drew Dickson Architects
Adaptable Unit Plans – Sheet 1	A113	03	07.08.2024	Drew Dickson Architects
Adaptable Unit Plans – Sheet 2	A114	03	07.08.2024	Drew Dickson Architects
Adaptable Unit Plans – Sheet 3	A115	03	07.08.2024	Drew Dickson Architects
Anderson Street (East) Elevation	A201	03	07.08.2024	Drew Dickson Architects
Wilson Street (South) Elevation	A202	03	07.08.2024	Drew Dickson Architects
Railway (West) Elevation	A203	03	07.08.2024	Drew Dickson Architects
North Elevation	A204	03	07.08.2024	Drew Dickson Architects
Materials and Finishes	A205	03	07.08.2024	Drew Dickson Architects
Section 1	A211	04	24.01.2025	Drew Dickson Architects
Section 2	A212	04	24.01.2025	Drew Dickson Architects
Section 3	A213	04	24.01.2024	Drew Dickson Architects
Site Section (Section 2)	A214	04	24.01.2024	Drew Dickson Architects
Detail Section	A218	04	24.01.2024	Drew Dickson Architects
Detail Section 2	A219	01	07.08.2024	Drew Dickson Architects
Storage Diagrams	A308	02	07.08.2024	Drew Dickson Architects
Driveway Profile Detail plan	A404	03	14.10.2024	Drew Dickson Architects
Driveway Elevation and Cross Sections	A405	03	14.10.2024	Drew Dickson Architects
Cover Sheet & Design Statement	LD-DA000	1	16.02.2023	Land Form Studios
Plant List and Materials	LD-DA001	1	16.02.2023	Land Form Studios
Ground Floor & Public Domain Landscape Plan	LD-DA100	1	16.02.2023	Land Form Studios

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Level 3 Landscape Plan	LD-DA102	1	16.02.2023	Land Form Studios
Penthouse Landscape Plan	LD-DA103	1	16.02.2023	Land Form Studios
Landscape Character	LD-DA200	1	16.02.2023	Land Form Studios
Typical Sections	LD-DA300	1	16.02.2023	Land Form Studios
Stormwater Layout Plan Cover Sheet	SW001	H	29.10.2024	Capital Engineering Consultants
Stormwater Layout Plan Basement 3 Floor Plan, Notes & Details	SW010	H	29.10.2024	Capital Engineering Consultants
Stormwater Layout Plan Basement 2 Floor Plan, Notes & Details	SW011	H	29.10.2024	Capital Engineering Consultants
Stormwater Layout Plan Basement 1 Floor Plan, Notes & Details	SW012	H	29.10.2024	Capital Engineering Consultants
Stormwater Layout Plan Ground Floor plan, Floor Plan, Notes & Details	SW020	H	29.10.2024	Capital Engineering Consultants
Stormwater Layout Plan On-Site Detention, Section & Details	SW021	H	29.10.2024	Capital Engineering Consultants
Stormwater Layout Plan Stormfilter System, Section & Details	SW022	H	29.10.2024	Capital Engineering Consultants
Stormwater Layout Plan Level 3 Plan, Notes & Details	SW030	H	29.10.2024	Capital Engineering Consultants
Stormwater Layout Plan Erosion & Sediment Control Plan, Notes & Details	ER001	H	29.10.2024	Capital Engineering Consultants

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 (Sydney Trains)

The following conditions from Transport for NSW (Sydney Trains) must be complied with:

<b>1. STAGE 1 – DEMOLITION TO GROUND LEVEL</b>	
a	<p>Prior to the undertaking of demolition works or the issuing of a Construction Certificate that enables the undertaking of demolition works (whichever occurs first), the Applicant shall prepare and submit to Sydney Trains for review, comment, and written endorsement the following final version rail specific items:</p> <ol style="list-style-type: none"> <li>1. Machinery to be used during demolition.</li> <li>2. Demolition methodology and staging.</li> </ol>
b	<p>Prior to the undertaking of demolition works or the issuing of a Construction Certificate that enables the undertaking of demolition works (whichever occurs first), the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements.</p>
c	<p>If required by Sydney Trains, prior to the undertaking of demolition works or the issuing of a Construction Certificate that enables the undertaking of demolition works (whichever occurs first), a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works Stage 1 works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor.</p>
d	<p>Prior to the undertaking of demolition works or the issuing of a Construction Certificate that enables the undertaking of demolition works (whichever occurs first), Sydney Trains' External Interface Management team is to be contacted to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Certifier must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.</p>
e	<p>Prior to the undertaking of demolition works or the issuing of a Construction Certificate that enables the undertaking of demolition works (whichever occurs first), Sydney Trains' External Interface Management team is to be contacted to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Certifier must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee. The Bond/Bank</p>

	Guarantee must allow Sydney Trains to draw upon the Bond/Bank Guarantee to cover any amounts paid by Sydney Trains to address impacts of construction on the rail corridor and rail infrastructure.
f	No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
<b><u>2. STAGE 2 – EXCAVATION, CONSTRUCTION &amp; SWIMMING POOL REMOVAL</u></b>	
a	<p>Prior to the issuing of a Construction Certificate, the Applicant shall prepare and submit to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant AMB Standards (<a href="https://www.transport.nsw.gov.au/industry/asset-management-branch">https://www.transport.nsw.gov.au/industry/asset-management-branch</a>):</p> <ol style="list-style-type: none"> <li>1. Engineering Assessment Report <ul style="list-style-type: none"> <li><input type="checkbox"/> Any residual risks identified in the project hazard log are to be made so far as is reasonably practicable (SFAIRP)</li> </ul> </li> <li>2. Impact Assessment Report <ul style="list-style-type: none"> <li><input type="checkbox"/> The impact assessment must address strut capacity and loading</li> </ul> </li> <li>3. Geotechnical Report.</li> <li>4. Structural Report and Drawings.</li> <li>5. Constructability Assessment.</li> <li>6. Finite Element (FE) Analysis.</li> <li>7. Groundwater Assessment.</li> </ol> <p>The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.</p>
b	Prior to the issuing of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary, easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
c	Prior to the issuing of a Construction Certificate, the Applicant shall provide cross sectional drawings (both architectural and structural) to Sydney Trains showing ground surface, nearest rail tracks and infrastructure, property boundary and/or easement, sub soil profile, proposed development/basement excavation and/or structural design of sub ground support (i.e., footings/piles etc) adjacent to the rail corridor. The measured distances between the proposed development, property boundary and rail asset(s) at the closest point must be shown. All measurements are to be verified by a Registered Surveyor.
d	Prior to the issuing of a Construction Certificate, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review, comment and written endorsement. The Certifier is not to issue a Construction



	Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
e	Prior to the commencement of works, the applicant is to prepare and provide to Sydney Trains for review, comment and written endorsement a Hydrologic Assessment report demonstrating that the dewatering during construction will not have any adverse settlement impacts on the rail corridor. No works are to commence until this report has been endorsed by Sydney Trains.
f	<p>f. Prior to the issuing of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement:</p> <ol style="list-style-type: none"> <li>1. Machinery to be used during excavation and construction.</li> <li>2. Excavation and construction methodology and staging.</li> <li>3. Construction Vibration Management Plan.</li> </ol> <p>The Certifier is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.</p>
g	No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
h	Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
i	Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
j	Prior to the issuing of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing

	of the relevant Construction Certificate.
k	The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
l	Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
m	There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.
n	The development must be designed and constructed so that supporting elements comply with the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100. Prior to the issue of a Construction Certificate, the Applicant is to provide Sydney Trains with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of AS5100. The Certifier shall not issue the Construction Certificate until it has received written confirmation from Sydney Trains that it has received this report, and the Certifier has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.
o	Prior to the issue of a Construction Certificate, the Applicant shall include in their Construction Management Plan and Safe Working Method Statements (SWMS) adherence to the load restriction set in place for the Wilson Street Overbridge, or as per the structural requirements set out in the Interface Agreement between Sydney Trains and Council. The Certifier shall not issue a Construction Certificate until these requirements have been met.
p	Prior to the issue of a Construction Certificate, the Applicant shall provide a Traffic Management Plan (TMP) to Sydney Trains for review and endorsement addressing the use of Wilson Street Overbridge during construction. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

q	Prior to the commencement of any works, a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.
r	<p>Prior to the commencement of any works, appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rscfail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.</p> <p>a. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.</p>
s	If required by Sydney Trains, prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
t	If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
u	If not already required as part of Stage 1 Works, prior to the issuing of a Construction Certificate, Sydney Trains' External Interface Management team is to be contacted to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Certifier must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
v	If not already required as part of Stage 1 Works, prior to the

	issuing of a Construction Certificate, Sydney Trains' External Interface Management team is to be contacted to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Certifier must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee. The Bond/Bank Guarantee must allow Sydney Trains to draw upon the Bond/Bank Guarantee to cover any amounts paid by Sydney Trains to address impacts of construction on the rail corridor and rail infrastructure.
<b>3. PRIOR TO OCCUPATION CERTIFICATE</b>	
a	Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority and Council certifying that the completed development meets the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
b	Prior to the issuing of any Occupation Certificate, the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Certifier is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
c	Prior to the issuing of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
d	The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the

	satisfaction of Sydney Trains prior to the fencing work being undertaken.
e	If required by Sydney Trains, prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
<b>4. GENERAL</b>	
a	During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
b	Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
c	The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
d	No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
e	The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
f	The Applicant/Developer shall not at any stage block the rail corridor access gate off Wilson Street and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
g	Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is North Interface, and they can be contacted via email on <a href="mailto:North_Interface@transport.nsw.gov.au">North_Interface@transport.nsw.gov.au</a> .
h	<p>The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:</p> <ul style="list-style-type: none"> <li>• oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;</li> <li>• acts as the authorised representative of the Applicant; and</li> <li>• is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as</li> </ul>

	notified to the Applicant.
i	Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
j	Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
k	Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
l	Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Certifier is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

(Reason: Ensure compliance)

### 3. Sydney Metro

The following conditions from Sydney Metro must be complied with

<b><u>1. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE</u></b>	
<b>Engineering</b>	
1.1	<p>All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:</p> <ul style="list-style-type: none"> <li>(a) Architectural drawings, including but not limited to; <ul style="list-style-type: none"> <li>(i) Basement 3 Floor Plan, ref. T-100, revision 4, prepared by Drew Dickson Architects, dated 21 November 2024</li> <li>(ii) Basement 2 Floor Plan, ref. T-101, revision 5, prepared by Drew Dickson Architects, dated 21 November 2024</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>(iii) Basement 1 Floor Plan, ref. T-102, revision 4, prepared by Drew Dickson Architects, dated 21 November 2024</li> <li>(iv) Ground Floor Plan, ref. T-103, revision 5, prepared by Drew Dickson Architects, dated 21 November 2024</li> <li>(v) Section Plan, ref. T-211, revision 5, prepared by Drew Dickson Architects, dated 21 November 2024</li> <li>(vi) Section Plan, ref. T-212, revision 5, prepared by Drew Dickson Architects, dated 21 November 2024</li> <li>(vii) Detail Section, ref. T-213, revision 5, prepared by Drew Dickson Architects, dated 21 November 2024</li> </ul> <p>(b) Engineering Assessment Report for DA Submission, ref. 12642259, revision 3, prepared by GHD, dated 08 January 2025</p> <ul style="list-style-type: none"> <li>(i) Appendix A: Geotechnical Investigation Report, ref. G616-Rev 3/GHD-Review, revision 3, prepared by Foundation Earth Sciences, dated 06 March 2024</li> <li>(ii) Appendix B: Geotechnical Report, ref. P2687_01, prepared by Morrow Geotechnics, dated 18 October 2022</li> <li>(iii) Appendix C: Geotechnical Assessment</li> <li>(iv) Appendix D: Preliminary Project Hazard logs</li> <li>(v) Appendix E: Construction Vibration Management Plan, ref. 12617723, prepared by GHD, dated 31 October 2024</li> <li>(vi) Appendix F: Preliminary Track Monitoring Plan, ref. 305001380_PTMP_01, prepared by Stantec, dated 18 December 2023</li> <li>(vii) Appendix G: Preliminary Monitoring Survey Procedure, ref. 305001380_MSP_01, prepared by Stantec, dated 18 December 2023</li> </ul> <p>(c) Environmental Noise Impact Assessment, ref. SYD2261, revision 6, prepared by ADP Consulting, dated 17 January 2025</p> <p>subject to any amendments to those documents required by Sydney Metro in accordance with this consent.</p> <p>The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro confirming which documents (including the versions of those documents) apply to the development and the Certifier has confirmed that the construction drawings and specifications comply with those documents.</p> <p>Prior to the commencement of works the Certifier must provide written verification to Sydney Metro that this condition has been complied with.</p>
1.2	<p>The Certifier must not issue a Construction Certificate for the development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following items:</p> <ul style="list-style-type: none"> <li>(a) Final construction drawings for the Construction Certificate;</li> </ul>

	(b) Updated Construction Vibration Management Plan Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.
<b>Rail Corridor</b>	
1.3	All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro Northwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro Northwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.
1.4	Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.
<b>Noise and Vibration</b>	
1.5	The Applicant must incorporate as part of the development all the measures recommended in the acoustic assessment report Environmental Noise Impact Assessment, ref. SYD2261, revision 6, prepared by ADP Consulting, dated 17 January 2025. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.
<b>Electrolysis</b>	
1.6	The Applicant must incorporate in the development all the measures recommended to mitigate impacts from stray currents in Section 5 of the GHD Engineering Assessment report for DA Submission 58 Anderson St Chatswood dated 8 January 2025. A copy of this report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that these recommendations are incorporated in the construction drawings and documentation.
1.7	Given the possibility of objects falling, being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) of the development that are within 20 metres of and face the rail corridor, the development must have measures installed, to the satisfaction of Sydney Metro (e.g. awning windows, louvres, enclosed balconies, window restrictors, rainwater piped down the



	face of the building etc) which prevent objects falling into the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
<b>Construction</b>	
1.8	No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
1.9	No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
1.10	<p>Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:</p> <ul style="list-style-type: none"> <li>(a) machinery to be used during excavation/construction;</li> <li>(b) demolition, excavation and construction methodology and staging;</li> </ul> <p>The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.1.14</p>
1.11	If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
1.12	A track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
1.13	Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

1.14	If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
1.15	If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.
<b>Drainage</b>	
1.16	The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.
<b>Documentation</b>	
1.17	Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.
<b><u>2. Construction</u></b>	
<b>Supervision</b>	
2.1	Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.
<b>Consultation</b>	
2.2	<p>The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:</p> <p>(a) <i>oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;</i></p> <p>(b) <i>acts as the authorised representative of the Applicant; and</i></p> <p>(c) <i>is available (or has a delegate notified in writing to</i></p>

	<i>Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro, as notified to the Applicant.</i>
2.3	Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
2.4	Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the Sydney Metro Corridor Protection team.
<b>Drainage</b>	
2.5	The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor.
2.6	The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
2.7	The Applicant must ensure that during works no water collects on or near the Sydney Metro railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.
2.8	Rainwater from the roof of the development must not be projected and/or fall into the rail corridor and must be piped down the face of the building which faces the rail corridor.
<b>Inspections</b>	
2.9	<p>If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:</p> <ul style="list-style-type: none"> <li>(a) site investigations;</li> <li>(b) foundation, pile and anchor set out;</li> <li>(c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;</li> <li>(d) foundation, pile and anchor excavation;</li> <li>(e) other excavation;</li> <li>(f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;</li> <li>(g) other concreting; or</li> <li>(h) any other event that Sydney Metro has notified to the Applicant in writing</li> </ul> <p>so that Sydney Metro may inspect the carrying out or completion of those works on the development site.</p>

2.10	If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.
<b>3. Prior to the issue of an Occupation Certificate.</b>	
<b>Noise and Vibration</b>	
3.1	<p>Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:</p> <p>(a) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>;</p> <p>(b) <i>the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"</i>; and</p> <p>(c) <i>any other noise and vibration requirements imposed by this consent.</i></p>
3.2	The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent
<b>Documentation</b>	
3.3	Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
3.4	Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.
<b>Inspections</b>	
3.5	If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The

	dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
3.6	At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the development by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the development to be observed and rectified at the Applicant's cost.
<b>Maintenance</b>	
3.7	Prior to the issue of an Occupation Certificate, the Applicant must provide to Sydney Metro for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Certifier must not to issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
<b>4. General conditions</b>	
<b>Inspections</b>	
4.1	At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to: <ul style="list-style-type: none"> <li>(a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and</li> <li>(b) attend on-site meetings with the Applicant and its contractors,</li> </ul> to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.
<b>Environmental Protection and Contamination</b>	
4.2	During all stages of the development, including construction and operation of the development, no form of pollution or contamination should enter the railway corridor as a result of development's activities. Any form of pollution or contamination that occur in the rail corridor as a consequence of the development activities shall remain the full responsibility of the owner of the development.
4.3	Sydney Metro may direct the owner of the development to remove or remediate any physical pollution or contamination caused by the development's activities from the rail corridor at the owner's cost, and within any timeframe required by Sydney Metro, acting reasonably. The owner of the development must obtain written approval from Sydney

	Metro (which may be subject to conditions) before entering the rail corridor to remove or remediate any form of pollution or contamination.
<b>Other</b>	
4.4	Any conditions or other requirements imposed by Sydney Metro as part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
4.5	Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
4.6	All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.

#### 4. WaterNSW

**The following General Terms of Approval (GTAs) from WaterNSW must be complied with. The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

	<b>Dewatering</b>
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124(i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A

	<p>monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):</p> <ul style="list-style-type: none"> <li>i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.</li> <li>ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;</li> <li>iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;</li> <li>iv. QA: Include details of quality assurance and control</li> <li>v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.</li> </ul> <p>b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)</p>
GT0123-00001	<p>(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.waternsw.com.au/customer-service/water-licensing/dewatering">www.waternsw.com.au/customer-service/water-licensing/dewatering</a></p>
GT0150-00001	<p>The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition.</p> <p>Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following:</p> <ul style="list-style-type: none"> <li>- Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation</li> <li>- Survey plan showing ground surface elevation across the site</li> <li>- Architectural drawings showing basement dimensions</li> <li>- Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils)</li> </ul>



	(ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

## **5. Sydney Airport**

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

- a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The "Important Notes" must be read and accepted.
- h) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

## **6. Ausgrid**

The following conditions from Ausgrid must be complied with:

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website:  
[www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable.

Visit the Ausgrid website for further details:  
<https://www.ausgrid.com.au/Connections/Get-connected>

Ausgrid Underground Cables are in the vicinity of the development

Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

The following points should be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid 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.

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

- Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via [www.ausgrid.com.au](http://www.ausgrid.com.au).
- The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website : [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries) (Reason: Ensure compliance)

## **7. NSW Police**

The following Crime Prevention Through Environmental Design (CPTED) treatment options need to be considered for the proposed development in order to reduce opportunities of crime:

1.	The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises.
2.	Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance".
3.	Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
4.	Any bicycle parking should be in a secure area and covered with CCTV cameras.
5.	Mail boxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.
6.	If the site has storage cages they should be made of solid materials that can't be cut open and should be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
7.	Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
8.	Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
9.	Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
10.	An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
11.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.

12.	All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.
13.	“Park Smarter” signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
14.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
15.	The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
16.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Crime prevention)

## **PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with before any Construction Certificate Application is made to the Certifying Authority.**

### **8. Contamination – Investigation, Remediation and Validation**

After demolition of the structures on the site but prior to the lodgement of an application for a Construction Certificate:

- (a) A targeted program of supplementary investigations shall be carried out to address data gaps identified in the Remediation Action Plan (RAP) by Foundation Earth Sciences Pty Ltd, Ref. E2952-2 Rev1, dated August 2024. The results from the additional sampling and laboratory analysis shall be presented in a Targeted Site Investigation (TSI) report to Council for approval in writing. The TSI shall include, but not be limited to, the following:
  - Sampling, testing and validation of soil contaminants within the demolished building footprint areas.
- (a) If the TSI identifies the presence of soil contaminants that exceed the appropriate adopted criteria, the RAP shall be amended and submitted to Council for approval in writing.
- (b) Any variations to the RAP (if required) must be approved in writing by Council prior to the commencement of any further work.
- (c) The site must be remediated in accordance with the Council-approved RAP;

- (d) Prior notice of any remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 4.13 of State Environmental Planning Policy - (Resilience and Hazards) 2021;
- (e) A Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist must be submitted to Council for approval in writing (if remediation is necessary). The Validation Report must clearly state that the objectives stated in the approved RAP have been achieved and the land is suitable for the proposed use. In addition, notice of completion of remediation pursuant to Clauses 4.14 and 4.15 of State Environmental Planning Policy - (Resilience and Hazards) 2021 shall be provided.

The Validation Report and notice of completion of remediation must be submitted to Council prior to any excavation, demolition, or other building works, undertaken that are not associated with the remediation.

Notes: (i) Contaminated land reports submitted to Council must be prepared, or reviewed and approved by, a certified contaminated land consultant certified under the Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)) or the Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) schemes.

(ii) Contaminated land reports shall be prepared in accordance with:

- State Environmental Planning Policy - (Resilience and Hazards) 2021
- *Contaminated Land Planning Guidelines* (Department of Urban Affairs and Planning and EPA 1998) or updates
- *Consultants reporting on contaminated land – Contaminated Land Guidelines* (NSW EPA 2020)

(Reason: Protection of environment and public health)

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

### **9. S7.12 Contribution**

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$319,574.56** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 3% of the estimated cost of development, being \$31,957,456.30 at 27/03/2023 and the adopted *Willoughby Local Infrastructure Contributions Plan*.

#### Indexation

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

between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the monetary contribution is set out below:

$$\frac{\$C_o \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

$\$C_o$  = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan the Consumer Price Index (All Groups Index), Sydney, as published by the

Current CPI = ABS at the quarter immediately prior to the date of payment the Consumer Price Index (All Groups Index), Sydney, as published by the

Base CPI = 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](http://www.willoughby.nsw.gov.au)

(Reason: Statutory requirement)

#### **10. Affordable Housing Conditions pursuant to clause 6.8 of the Willoughby Local Environmental Plan**

In accordance with clause 6.8 of the Willoughby Local Environmental Plan (WLEP) 4% of the residential gross floor area in the development is to provide for affordable housing. Such provision of affordable housing in accordance with clause 6.8 of the WLEP is satisfied by either (or a combination) of the following:

##### Monetary Contribution

- (a) The applicant shall pay to Council a monetary contribution for the purpose of providing affordable housing that is calculated at 4% of the residential gross floor area of the development. The amount of the monetary contribution is determined by reference to the market value of dwellings of a similar size to the dwellings in the proposed development, and as set out below:
  - (i) The applicant is to submit to Council a valuation report (prepared by a registered valuer) identifying the market value of dwellings of a similar size to dwellings in the development by reference to the recent sales prices of such new dwellings of similar size and, in the absence of recent sales prices at the subject development, recent sales price of similar sized dwelling(s) in comparable development(s) within the Willoughby local government area.

- (ii) Council will consider the valuation report and, acting reasonably, determine the amount of the contribution to be paid.
- (iii) If it considers it desirable to do so, Council may appoint an independent registered valuer to undertake a separate valuation. The applicant / developer is to pay Council all reasonable costs associated with the service provided by Council's appointed valuer for this valuation.
- (iv) The applicant is to submit to Council's Director of Planning & Infrastructure the valuation report and documentation to demonstrate how the applicant has calculated the contribution, including identifying the residential gross floor areas used in the calculation. The evidence is to be provided prior to any application being made for an Occupation Certificate, and before any payment of contribution is made. If this valuation report option is taken, payment shall be **made within three (3) months of Council's written acceptance of the valuation report and prior to the issue of the Occupation Certificate.**
- (v) Alternatively to (i) to (iv) inclusive above, a figure (mean) for the market value of dwelling sales in Willoughby is obtained from the most recent (recent at the time of payment) Rent and Sales Report issued by the Department of Communities and Justice. In the event this option is chosen, a date stamped screenshot of the relevant figure within the Rent and Sales Report must be provided, and the payment made within three (3) months of the date displayed in the screenshot and prior to the issue of the Occupation Certificate. A unit size of 100m<sup>2</sup> may be assumed for the purpose of the calculation.

Evidence of payment of the monetary contribution (by electronic transfer pursuant to s210 Environmental Planning and Assessment Regulation 2021) is to accompany the application for any Occupation Certificate.

#### Dedication of Affordable Housing units to Council

- (b) The dedication of complete residential dwelling units within the development each having a gross floor area of at least 50m<sup>2</sup>, and equivalent to the mapped percentage of 4% of the residential component of the development related to this consent. Each affordable dwelling must have an appurtenant car space. The affordable housing unit(s) and appurtenant car spaces to be dedicated to Council must be clearly shown on the Construction Certificate plans. A **Housing Transfer Deed** that identifies all affordable housing units for dedication to Council **must be executed prior to issue of the first Occupation Certificate.**

The terms of this Housing Transfer Deed must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings and appurtenant car spaces to Council's ownership is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated, or within two months of the issue of an Occupation Certificate, whichever comes first. 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.

(Reason: Increase affordable housing supply, ensure compliance)

**11. Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$170,000** (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 release fee as per Council's current fees and charges is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$170,000 + Inspection Release Fee**

(Reason: Protection of public asset)

**12 Temporary Ground Anchors**

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of any proposed temporary ground anchors prior to issue of the Construction Certificate. Permits are to be obtained from Council for any temporary ground anchors to be installed within the road reserve. Copies of the permission shall be sent to Council. A Temporary Ground Anchor Permit is to be obtained from Council for any ground anchors proposed to be installed in Council's Road Reserve. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

**13. 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. A grated drainage pit of minimum 600mm x 600mm shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part I of Council's DCP, Technical Standards and AS 3500.3. Any pipe within the road reserve larger than 225mm diameter shall be a RCP or FRC pipe. 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)

**14. Analysis of Outlet Condition**

The capacity of the outlet pipe to the Council system shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that the outlet from the OSD system is above the downstream water level for the 1%AEP storm event. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)



**15. Detailed Stormwater Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and generally be in accordance with Capital Engineering Consultants drawings SW010/H, SW011/H, SW012/H, SW020/H, SW021/H, SW022/H, and SW030/H. The OSD tank is to have a minimum invert level of RL103.65m, to ensure that the outlet is above the downstream water level. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code. (Reason: Ensure compliance)

**16. Basement Pumpout 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 pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1% Annual Exceedance Probability storm event 5-minutes duration of the area draining into the system, whichever is greater.
- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity 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 I of Council's Development Control Plan, Technical Standard 1, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

**17. 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)

## **18. Design of Works in Public Road (Roads Act Approval)**

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

- (a) Construction of a full width footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Anderson Street in accordance with Council's specification and Standard Drawings SD105 and SD100. Cut outs for trees are to be provided. 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 a full width footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Wilson Street in accordance with Council's specification and Standard Drawings SD105 and SD100. Cut outs for trees are to be provided as required. 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 Wilson Street and Anderson Street in accordance with Council's specifications and Standard Drawing SD105. The reconstruction is to include new kerb ramps as required at cross streets in compliance with Council's requirements.
- (d) Reconstruction of the existing road pavement 4.0m wide for the full frontage of the development site in Anderson Street in accordance with Council's specifications.
- (e) Reconstruction of half width road pavement for the full frontage of the development site in Wilson Street in accordance with Council's specifications.
- (f) Construction of a 6.0 metres wide vehicular crossing in Wilson Street in accordance with Council's specification and Standard Drawings SD105.
- (g) Construction of any awnings located over the road reserve.
- (h) Any other works in the road reserve required for the development or as required to satisfy the conditions of consent, including any traffic related signage.

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)

#### **19. 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 Council 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 metres wide with no splays and be constructed at right angle to street kerb. The footpath/footpath zone 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 – As required to provide a fall of 1 – 2.5% away from the boundary towards the kerb.

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)

#### **20. OSD/Rainwater Tank Design**

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

(Reason: Safe access to tanks)

#### **21. 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 the sight triangles required by Figure 3.3 of AS/NZS 2890.1 are provided within the site.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That the headroom clearance of 4.5m required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (e) That a B99 vehicle will be able to pass a service vehicle and access the car lift when the service vehicle is parked in the designated parking space
- (f) Simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, will be provided between the frontage road and the car lift and the designated service vehicle parking space.

(Reason: Ensure compliance)

## **22. 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)

## **23. Amended Landscape Plans**

Prior to the issue of a Construction Certificate, Landscape Plans are to be amended to delete the 8 x *Lophostemon conferta* as the street tree species and replace with 8 x *Fraxinus oxycarpa* 'Raywoodii', minimum pot size 100 litre,

(Reason: Streetscape, Landscape amenity)

## **24. Amended Landscape Plans**

The landscape plans are to be amended to incorporate a Davit arm system for the purposes of maintenance of the stainless steel tensioned wires, as per letter from Land and Form dated 6 March 2024 . This detail is to be shown on Drawing LD-DA300 Typical Sections, prior to the issue of the Construction Certificate.

(Reason: Streetscape, Landscape amenity)

## **25. Operational Waste Management Plan**

Prior to issue of a construction certificate, an updated Operational Waste Management Plan (OWMP) should be provided that maintains on-going compliance

with the Willoughby DCP 2023, incorporates the RFI responses and demonstrates compliance with the Conditions.

## **26. Demolition and Construction Waste Management Plan**

Prior to issue of a construction certificate, an updated Demolition and Construction Waste Management Plan (DCWMP) should be submitted that includes all requirements of the Willoughby Development Control Plan 2023, including the following additional elements:

- (a) The percentage by weight of demolition and construction waste that will be reused or recycled with a target of a minimum 80% recovery from landfill;
- (b) A site plan showing sorting and storage areas for demolition and construction waste and vehicle access to those areas;
- (c) Evidence of proposed lawful disposal and recovery facilities for the receipt of each material type;
- (d) Hazardous materials survey, including expected asbestos disposal quantities, management and disposal details (or asbestos clearance certificate if not applicable).

The construction and demolition waste management plan should be complied with during all demolition and construction stages of the proposed development. Evidence, including delivery dockets, may be requested by Council to verify lawful disposal and recovery (reuse and recycling).

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

## **27. Public domain works**

The public domain works must be designed and constructed in accordance with the concept design provided by Council's appointed landscape architect. Specific attention must be given to:

- a) Integration with Council's footpath and cycle path works outside the property boundary, ensuring a seamless transition and consistent typology.
- b) The cross-sectional design of the public domain works, which shall strictly adhere to the dimensions and layout specified in Council's concept design. This includes, but is not limited to:
  - Property setback and boundary
  - Footpath dimensions
  - Cycleway dimensions and positioning
  - Kerb and gutter profiles
  - Road carriageway width
  - Bus stop position
  - Any designated planting or landscaping areas

The applicant must submit detailed plans and specifications to Council for approval prior to the commencement of any public domain works, demonstrating compliance

with the above requirements and the overall concept design provided by Council's appointed landscape architect.

## **28. Construction Traffic Management Plan**

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

- (a) Be prepared by a TfNSW accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the TfNSW's Traffic Control at work site manual.
- (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- (d) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- (e) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Guidance Scheme shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

## **29. Traffic Work**

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

(Reason: Public safety and amenity)

## **30. Heritage**

The measures proposed by Heritage 21 in its Statement of Heritage Impact Report (Ref: 9138, dated April 2021 - Section 6.2.2) to mitigate the contrast between the neighbouring North Chatswood Heritage Conservation Area and the proposed tower are required to be implemented. The measures are as follows:

- Curved corners as opposed to angular corners;
- The use of a podium to break up the vertical bulk;
- Deep soil landscaping;
- Potentially materials that reflect those of the HCA such as face brick, timber detailing, terracotta tiling, sandstone, shingles etc.

(Reason: Appropriate interface with adjoining Heritage Conservation Area)

Details are to be provided for approval to Council's Heritage Officer prior to the issue of the Construction Certificate.

**31. 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 (where applicable). 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)

**32. Public Art**

**A. PUBLIC ART STRATEGY**

Prior to the issue of the Construction Certificate, the applicant is required to seek and obtain endorsement for a Public Art Strategy in accordance with Willoughby City Council Public Art Policy clearly outlining the following:

- (a) Demonstration of Excellence
- (b) Composition of the Public Art Panel comprising:
  - Developer representative
  - Willoughby City Council representative
  - Independent Art Specialist
- (c) Project budget including breakdown:
  - Project (building ) CIV
  - Public Art budget
- (d) Public Art Ownership - dedication to the people of Willoughby via Willoughby City Council.

**B. 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 current Public Art Plan needs to be aligned with the Willoughby City Council Public Art Policy and Guidelines/Procedures.

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.

**NOTE:**

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.

**33. Electric Vehicle Charging Bays**

The basement carpark must be provided with electrical distribution boards dedicated to electric vehicle charging with the following minimum capacity:

- For the non-residential car parking component of the development, the minimum requirements under the National Construction Code.
- For residential car parking component of the development, 100% of the car parking must satisfy the requirements under the National Construction Code (Part J9D4)

(Reason: Compliance)

**34. 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)

**35. 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)

**36. Undergrounding**

All existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site.

(Reason: Compliance)

**37. Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above Ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened)

**38. 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)

### **39. Adaptable Units**

Adaptable residential units for disabled persons are to be provided at a rate of 50% of the units (Total 7 units to be adaptable) consistent with the plans approved under this consent.

(Reason: Compliance, universal design)

### **40. 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*).

### **41. Fire Safety Measures**

Attention is directed to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* regarding the submission of fire safety documents to accompany application for Construction Certificate in relation to each proposed fire safety measure to be provided in the development.

(Reason: Safety)

### **42. 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 <sub>Aeq</sub> (period)
Common areas (e.g. foyer, lift lobby)	55 dB(A) L <sub>Aeq</sub> 24 hour
Residential Living Areas	40 dB(A) L <sub>Aeq</sub> 24 hour

Residential Sleeping Areas (night time)	35 dB(A) L <sub>Aeq</sub> 9 hour
Retail/Commercial Areas	50 dB(A) L <sub>Aeq</sub> when in use

Note:

1. The above criteria does 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)

#### **43. 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)

#### **44. 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.

(Reason: Amenity/Ensure compliance)

#### **45. Noise from Transport Corridor**

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications in the acoustic report by ADP Consulting Pty Ltd, Ref. SYD2261 Rev.03, dated 2 March 2023.

Details of the proposed acoustic treatment, specification and plans shall be submitted to the Certifier prior to the issue of the Construction Certificate.  
(Reason: Amenity, environmental compliance and health)

**46. Acoustic Treatment for the Development**

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 5.2 of the acoustic report prepared by ADP Consulting Pty Ltd, Ref. SYD2261 Rev.03, dated 2 March 2023, 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). 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)

**47. Noise Mechanical Plant**

To minimise the impact of noise onto receivers on surrounding land, all mechanical services and other sources of noise shall be designed to comply with the noise emission criteria contained in the EPA's *Noise Policy for Industry* (2017) and the criteria contained in Section 4.5 of the acoustic report prepared by ADP Consulting Pty Ltd, Ref. SYD2261 Rev.03, dated 2 March 2023.

Once mechanical plant has been selected and the building design is finalised, a final noise assessment shall be carried out by an appropriately qualified acoustic consultant (who is a member of either the Australian Acoustical Society or the Association of Australia Acoustical Consultants) and detailed in a Mechanical Plant Noise Assessment Report. Details of the proposed equipment, siting, and any attenuation required shall be included in plans and specifications and provided to the Principal Certifying Authority, along with the Mechanical Plant Noise Assessment Report, prior to the issue of the relevant Construction Certificate.  
(Reason: Amenity, environmental compliance and health)

**48. Dewatering of Development Site**

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from dewatering or pumping activity 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 below.

Where a discrepancy exists between Council's criteria and that from the Australian and New Zealand Environment and Conservation Council: 2000: *Guidelines for*

*Fresh and Marine Water Quality, National Water Quality Management Strategy, the lower value shall prevail.*

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 (& other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

#### 49. Urban Heat

The Construction Certificate plans must demonstrate compliance with the requirement that the roof (except that part where photovoltaic panels are located) achieves a Solar Reflectance Index (SRI) value of:

- 3-year SRI minimum of 64

in accordance with Part B 4.3.7 Willoughby Development Control plan 2023.

(Reason: Compliance)

#### 50. Apartment Design Guide - Livable Housing

A minimum of three (3) apartments must achieve silver level universal design features pursuant to the Livable Housing Guidelines. The Construction Certificate plans must clearly demonstrate compliance with this requirement.

(Reason: Universal design, compliance)

#### 51. Motorcycle Parking

The Construction Certificate plans must show the provision of two (2) motorcycle spaces – one (1) space for residential and one (1) space for the non-residential component.

(Reason: Compliance, amenity)

**52. Adaptable Parking**

Prior to the issue of the Construction Certificate, a suitably qualified access consultant must verify that the transfer cabin fully satisfies the adaptable parking requirements, and access requirements generally (including circulation space around the parked vehicle and entry/exit from the cabin to the remainder of the building) pursuant to AS 4299, AS 2890.6, AS 1428, Premises Standard and Disability Discrimination Act.

(Reason: Compliance, equity)

**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.**

**53. 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)

**54. Dilapidation Report of Adjoining Properties**

Prior to commencement of work, submit a photographic survey and report of the adjoining properties captured by the Geotechnical Report (Ref: G616-1/Rev 2, dated February 2023) by Foundation Earth Sciences, 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)

## **55. 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. 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.
- (h) Permit to install ground anchors beneath the road reserve.

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)

## **56. 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)

## **57. 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 required to suit the new development. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

**58. 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)

**59. Spoil Route Plan**

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

(Reason: Public amenity)

**60. 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)

**61. 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)

## **62. Hazardous Building Material Assessment**

Prior to commencement of work, a hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

## **63. Construction Noise Management**

The Applicant must prepare a Construction Noise Management Plan (CNMP) which addresses all phases of the development including demolition and excavation. The Plan must:

- a) be prepared by a suitable qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- a) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
  - i) best management practice is being employed; and
  - ii) compliance with the relevant conditions of this consent;
- d) describe the proposed noise management measures in detail;
- e) identify the selection of alternative construction plant and machinery to avoid the generation of excessive noise levels;
- f) include strategies that have been developed to address impacts to noise sensitive receivers, where noise levels exceed the construction noise management level, for managing high noise generating works;
- g) implement intra-day respite periods for construction activities identified as annoying;
- h) implement noise reducing site/work practices and require regular noise checks of equipment;
- i) describe the consultation undertaken to develop the strategies in b) above;
- j) evaluate and report on the effectiveness of the noise management measures. Monitoring reports shall be submitted to Council on a monthly basis and demonstrate compliance with the criteria contained in the EPA Interim Construction Noise Guideline (ICNG);



- j) include a complaints management system that would be implemented for the duration of the project; and
- k) A copy of the CNMP is to be submitted to Council prior to the commencement of any work. The CNMP (as revised from time to time) must be implemented by the Applicant for the duration of the development works.

(Reason: Amenity and environmental compliance)

**64. 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)

**65. 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)

**DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

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

**66. 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)

**67. 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)

**68. 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)

**69. 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)

**70. Inspection of Drainage Connection to Council's Drainage Line**

The connection of the site stormwater drainage system to the existing Council pipeline shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements. The inspection must be booked via Council's website with Council's Engineer and a minimum of 2 working days' notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.  
(Reason: Ensure compliance)

**71. Tree Removal**

Approval is given for the removal of all trees as indicated on Demolition PlanDwg No. A012 Issue 01 dated 23/02/2023 prepared by Drew Dickson Architects  
  
(Reason: Site development)

**72. Tree Protection**

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not approved for removal.
- (b) Protected 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)

**73. Public Trees**

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

(Reason: Tree management)

**74. 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)

**75. 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)

**76. 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)

**77. Demolition Work AS 2601-2001**

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

**78 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)

**79. Swimming Pool Safety During Construction**

The swimming pool is to be made safe during the construction of the dwelling, by the erection of a temporary safety fence to the satisfaction of the registered certifier. The pool is not to be filled with water until the dwelling is completed and occupied and a child resistant barrier erected in accordance with the regulations prescribed in the *Swimming Pool Act 1992*.  
(Reason: Safety)

**80. Swimming Pool Notice**

During construction and in perpetuity following completion, a notice shall be displayed showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating
  - (i) "YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS SWIMMING POOL",
  - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
  - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES CLEAR OF THE POOL FENCE AT ALL TIMES"

NB: This notice shall be kept in a legible condition and at the pool side.  
(Reason: Safety)

**81. Erection Wholly within the Boundaries**

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

**82. 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)

**83. Waste Classification – Excavation Materials**

All materials excavated and removed from the site (fill or natural) shall be classified as complying with a Resource Recovery Order and associated exemptions made under the Protection of the Environment Waste Regulation 2014, or as waste classified in accordance with the Environment Protection Authority (EPA) Waste Classification Guidelines prior to being removed to a recipient site or to a suitable EPA approved waste disposal facility.

(Reason: Environment & Health Protection)

**84. 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)

**85. Unexpected Finds Protocol**

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

(Reason: Environment & Health Protection)

**86. Importation of Fill**

Any fill material to be imported onto the site for levelling, construction or engineering purposes must be certified by a suitably qualified consultant as virgin excavated natural material (VENM) or excavated natural material (ENM), or compliant with a Resource Recovery Order and associated exemptions made under the Protection of the Environment Waste Regulation 2014.

(Reason: Environment & Health Protection)

**87. Dust Control**

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

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- (c) All dusty surfaces 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)

**88. Construction Noise and Vibration**

Construction noise and vibration shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG), appropriate vibration criteria, the Construction Noise Management Plan (CNMP) and the Construction Vibration Management Plan (CVMP). Noise levels shall be managed so as to not exceed the following noise criteria wherever possible:

Time of day	Management Level $L_{Aeq(15min)}$ *	How to apply
Monday to Friday 7am to 6pm Saturday 8am to 1pm No work on Sundays or public holidays	Noise affected RBL + 10 dB	<p>The noise affected level represents the point above which there may be some community reaction to noise.</p> <ul style="list-style-type: none"> <li>Where the predicted or measured <math>L_{Aeq(15min)}</math> is greater than the noise affected level, the proponent should apply all feasible and reasonable work practices to meet the noise affected level.</li> <li>The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the</li> </ul>

		expected noise levels and duration, as well as contact details.
	Highly noise affected 75 dB(A)	<p>The highly noise affected level represents the point above which there may be strong community reaction to noise.</p> <ul style="list-style-type: none"> <li>Where noise is above this level, Council requires respite periods to be provided by restricting the hours that the very noisy activities can occur, taking into account: <ol style="list-style-type: none"> <li>times identified by the community when they are less sensitive to noise (mid-morning or mid-afternoon for works near residences);</li> <li>if the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.**</li> </ol> </li> </ul>

\* Noise levels apply at the property boundary that is most exposed to construction noise, and at a height of 1.5 m above ground level. If the property boundary is more than 30 m from the residence, the location for measuring or predicting noise levels is at the most noise-affected point within 30 m of the residence. Noise levels may be higher at upper floors of the noise affected residence.

\*\* For guidance on negotiating agreements with the community, see section 7.2.2 of the EPA's Interim Construction Guideline

- a) Construction noise shall be controlled to comply with the following management level at offices, retail outlets: external  $L_{Aeq} (15 \text{ min})$  70 dB(A).

Where noise or vibration criteria are exceeded, appropriate measures to control excessive noise and/or vibration shall be implemented immediately and the CNMP or CVMP (whichever is relevant) shall be reviewed. Any variations to these plans must be approved by Council.

A report of the findings and action taken to mitigate any exceedances shall be submitted to Council within seven (7) days of its completion.  
(Reason: Amenity)

## 89. Noise and Vibration Management

The Construction Noise Management Plan (CNMP) and Construction Vibration Management Plan (CVMP) shall be complied with for the duration of all development site works. Noise monitoring shall be carried out on a monthly basis and vibration monitoring in the case of a complaint being received by Council or the principal construction contractor. This monitoring shall be documented in reports and submitted to the Principal Certifying Authority and demonstrate compliance with the criteria contained in the EPA Interim Construction Noise Guideline (ICNG). Copies of these monitoring reports, CNMP and the CVMP (as revised) shall be kept at the development site and produced to Council authorised officers on request.  
(Reason: Amenity and environmental compliance)

**90. Testing to Verify Water Quality Prior to Dewatering Activity**

- (a) On the occasion that any rainfall or other event necessitates dewatering of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.
- (a) 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)

**PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

**The following conditions of consent must be complied with prior to the issue of an Occupation Certificate.**

**91. 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)

**92. 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)

**93. Inspection of Drainage Connection to Council's Drainage Line**

Prior to the issue of any Occupation Certificate, inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier. For the purpose of inspections



carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.  
(Reason: Ensure compliance)

**94. 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 Council pit in Anderson Street via an approved OSD system with a minimum volume of 20m<sup>3</sup> and a water quality improvement system. The OSD system is to limit the peak flow from the site (including the easement for access) to 9.6L/s in the 1%AEP storm event. The constructed stormwater system shall be in accordance with AS/NZS3500.3, Part I of Council's DCP and Technical Standard 1. 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).  
(Reason: Prevent nuisance flooding)

**95. 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)

**96. 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)

**97. 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 Appendix 2 of Council's Technical Standard No. 1.  
(Reason: Legal requirement)

**98. Certification of the Basement Pumpout 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 pumpout system complies with Part I of Council's DCP Technical Standard 1, 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)

#### **99. 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)

#### **100. 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)

**101. 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.

(Reason: Public record)

**102. Sight Triangles**

Prior to the issue of any Occupation Certificate, the sight triangles required by Figure 3.3 of AS/NZS 2890.1 are to be provided for vehicles exiting the site. A suitably qualified traffic engineer is to provide certification that the development complies and does not rely on mirrors to achieve compliance.

(Reason: Pedestrian safety)

**103. 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 Anderson Street and Wilson Street. Kerb ramps at cross streets are to be provided as required by Council.

(Reason: Public amenity)

**104. Reconstruct Pavement**

Prior to the issue of any Occupation Certificate, half the road pavement adjoining to the full frontage of the development site in Wilson Street and 4.0m width of road pavement adjoining to the site in Anderson Street shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 1 x 10<sup>6</sup> ESA. In lieu of full reconstruction, Council may permit a mill and resheet of the existing pavement with a minimum of 50mm of AC10 asphalt. The extent of reconstruction versus mill and resheet will be discussed at the preconstruction meeting and will be dependent on the condition of the existing basecourse to support the design traffic, damage during construction and geotechnical reports to confirm the condition of the pavement.

(Reason: Ensure compliance)

**105. Footpath**

Prior to the issue of any Occupation Certificate, construct a:

- (a) full width footpath for the full frontage of the development site in Anderson Street, with cut outs for street trees as required.
- (b) full width footpath for the full frontage of the development site in Wilson Street, with cut outs for street trees as required.

All works shall be carried out in accordance with Council's standard specifications and drawings. The pavement material shall be in accordance with Council's pavement materials requirements for the CBD. The maximum crossfall on the as constructed footpath shall be 2.5% towards the kerb.

(Reason: Public amenity)

**106. Street Lighting and Furniture**

Prior to the issue of any Occupation Certificate, provide approved street lighting required to suit the development in accordance with Australian Standard AS/NZ 1158.(2005).

Reason: Public amenity)

**107. 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 – As per the approved public domain drawings, with a fall of 1-2.5% away from the property boundary towards the kerb.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb.

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)

**108. 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)

**109. 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. The Work-as-Executed drawings shall be based on the Council approved drawings with all changes marked in red. 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.  
(Reason: Ensure compliance)

**110. Performance Bond**

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$85,000 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)

**111. Vehicular Access and Garaging**

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, prior to the issue of any Occupation Certificate, the proposed vehicle access, including any parking spaces, shall be designed and constructed to comply with the minimum requirements

of AS/NZS 2890.1 and Council's standard specification. Any columns, walls or fences shall be located in positions that comply with Figure 5.2 AS/NZS 2890.1.  
(Reason: Vehicular access)

#### **112. Public Infrastructure Restoration**

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

#### **113. 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 the sight triangles required by Figure 3.3 of AS/NZS 2890.1 are provided within the site.
- (d) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (e) That the headroom clearance of 4.5m required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (f) That a B99 vehicle is able to pass a service vehicle and access the car lift when the service vehicle is parked in the designated parking space
- (g) Simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the car lift and the designated service vehicle parking space.

(Reason: Ensure compliance)

#### **114. 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)

**115. 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)

**116. Mechanical Parking System**

Prior to the issue of any Occupation Certificate, a suitably qualified traffic engineer is to certify that the mechanical parking and access systems, including the turntable, car lift and mechanical vehicle stacker, are operational and have all required signage to enable use by all users of the system. A maintenance agreement for the system shall be entered into prior to issue of the Occupation Certificate.

(Reason: Vehicle management)

**117. Vehicle Management Plan**

Prior to the issue of any Occupation Certificate, a Vehicle Management Plan is to be submitted to the Certifying Authority. The plan is to include, but not be limited to:

- Access by passenger vehicles
- Method of operation of car lift and mechanical parking system
- Trouble shooting guide for car lift and mechanical parking system
- Contact details for the car lift and mechanical parking system maintenance company.
- Maintenance schedule for car lift and mechanical parking scheme
- Locations where instructions are provided on how to use the car lift and mechanical parking scheme and contact details in the event of break down.
- Access by service vehicles and details of any required booking system
- Method of operation of the turntable.
- Details of where a service vehicle is to park to allow access to the and from the car lift for passenger vehicles and how to ensure service vehicles know where to stop.
- Trouble shooting guide for the turntable.
- Maintenance schedule for the turntable.
- Locations where instructions are provided on how to use the turntable.
- Contact details for the turntable maintenance company.
- How access to the site will be managed in compliance with current road rules, to ensure that entering vehicles are not waiting in the road way or on the footpath and do not block pedestrians or traffic.

(Reason: Vehicle Management)

**118. Parking Signage in Wilson Street.**

Prior to the issue of any Occupation Certificate, signage to detail parking restrictions is to be installed on Wilson Street and Anderson Street fronting the site. Unless Council's Traffic Engineers approve alternate restrictions, the signage is to indicate the following restrictions:

- Wilson Street indented bay – No Parking Council Waste Vehicles excepted
- Anderson Street – As per current restrictions (No Stopping and Bus Zone)

(Reason: Vehicle management)

**119. Public Tree Maintenance**

Prior to the issue of any relevant Occupation Certificate, the applicant's arborist or landscape designer is to certify that:

- (a) All trees on public land not approved for removal have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- (b) 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 AS 2303:2018 Tree stock for landscape use.

(Reason: Tree management, public asset management)

**120. Tree Planting As Per Landscape Plan**

Prior to the issue of a Whole Occupation Certificate, trees are to be planted in accordance with the approved Landscape Plans prepared by Land Form Studios.

**121. Public Tree Planting**

Prior to the issue of a Whole Occupation Certificate, plant the following trees on Council land forward of the property:

8 x *Fraxinus oxycarpa* 'Raywoodii'

The trees shall:

- (a) Have a minimum container size of 100 litres and grown to AS 2303:2018 Tree stock for landscape use.
- (b) Be planted in accordance with WCC Vegetation Management Guidelines.
- (c) Be planted at least 2m from driveways, and generally in alignment with other street trees.

(Reason: Landscape amenity, tree canopy recruitment)

**122. Completion of Landscape Works**

Prior to the issue of a Whole Occupation Certificate, any approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards, and certified in writing by a qualified horticulturalist, landscape architect or landscape designer.

(Reason: Landscape amenity)

**123. Swimming Pool – Heating and Cover**

Prior to the issue of the Occupation Certificate and in perpetuity, the swimming pool is to be fitted with a cover to maintain temperatures and minimise evaporation of water. Any heating shall be of energy efficient means. (Reason: Ensure compliance/ sustainable development)



**124. Swimming Pool – Access**

Prior to the issue of the Occupation Certificate for the swimming pool, access to the swimming pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the *Swimming Pools Act 1992*.

- (a) The pool shall not be filled with water, or be allowed to collect stormwater, until the installation of the child resistant barrier is completed to the Certifier's satisfaction.
- (b) The barrier is to conform to the requirements of AS 1926 –

Part 1 – “Safety Barriers for Swimming Pools”

Part 2 – “Location of Safety Barriers for Swimming Pools”

(Reason: Safety)

**125. Emitted Noise – Swimming Pool/Spa**

Prior to the issue of the Occupation Certificate and in perpetuity, the noise emitted by the swimming pool/spa pump and filter equipment shall be not more than 5dBA above the background noise level measured at the boundaries in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Further, in accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2017*, the equipment is not to operate between 8pm to 7am weekdays and 8pm to 8am on weekends and public holidays if noise can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open. A time switch is to be installed on the power source for the above equipment to ensure that the non-permitted hours are observed.

(Reason: Amenity)

**126. Sustainable Development - Multi-unit Dwellings**

Prior to the issue of the Whole Occupation Certificate for the multi occupancy, a Sustainability manual is to be prepared which details all the environmental incentives outlined in the scorecard and ongoing provision and maintenance of these measures.

The manual shall be provided to each unit in the development.

(Reason: Environmental sustainability)

**127. 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)

**128. 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)

**129. Swimming Pool Registration**

The Swimming Pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) or in person at Willoughby City Council (Fee applies when registering at Council)  
(Reason: Statutory Compliance)

**130. Residential 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 Residential Waste Collection Service. The development is required to indemnify Council and its servant/contractors against claims for loss or damage or wear and tear of access roads, pathways and 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 for a kerbside residential waste service. The provision of Council's waste collection service will not commence until formalisation of the agreement.  
(Reason: legal requirement/compliance)

**131. Waste Transfer Pathways and Bin Tug**

Prior to the issue of any Occupation Certificate, any waste transfer pathways for bins and bulky waste must be a minimum of 2m wide, with a maximum gradient of 7% and free from steps and other obstructions other than a lift (elevator). A bin tug should be incorporated for a carting a distance of >5m for 240L bins from generation (i.e. chute discharge room) to any other storage and to kerbside presentation.  
(Reason: compliance/ Work Health & Safety)

**132. Waste Storage Area Amenities**

Prior to the issue of any Occupation Certificate, the residential bin and bulky waste storage rooms and the non-residential bin storage area must meet the following conditions:

- The latest Building Code of Australia (BCA) requirements;

- A minimum aisle space of 1.5m between rows of bins within the bin storage area;
- Doorways of at least 2.5m wide;
- Floors must be reinforced concrete, smooth, non-slip and at least 75mm thick; and
- Bin storage area(s) must be supplied with hot and cold water and must drain to a Sydney Water approved sewer system.

(Reason: compliance/public health and safety)

### **133. 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 any Construction Certificate application which confirms that the waste chute can be constructed to satisfy the Waste Management Guide and the latest Building Code of Australia (BCA) requirements and specifically at least the following criteria:

- (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) Manufacture's technical specifications and operational limitations.
- (e) Incorporates sufficient bin capacity at the point of termination for three (3) days generation. If one (1) bin is insufficient to meet this requirement, an automated system such as a track or a carousel can be utilised.

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

### **134. Non-residential Waste Collection Service**

Prior to the issue of any Occupation Certificate, the developer is required to enter into a formal agreement with a licenced private waste contractor to service the non-residential component of the development that demonstrates onsite collection. A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

(Reason: legal requirement/compliance)

### **135. Public Art**

**THE FINAL PUBLIC ART REPORT IS REQUIRED 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)

### **136. Final Public Agreement**

An agreement between the Body Corporate of 58 Anderson Street and Willoughby City Council must be finalised, clearly identifying the following:

- Dedication of the Public Art to the people of Willoughby
- Agreement between Developer/Body Corporate and Willoughby City Council regarding ownership
- Artist Rights
- Deaccession Plan/Agreement
- Maintenance regimen and responsibilities
- Expected annual maintenance budget
- Insurances

An agreement co-signed by the Body Corporate and Council's General Manager (or authorised Council officer) is required to accompany the Occupation Certificate.

### **137. 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](http://www.sydneywater.com.au/section73) or call 1300 082 746.

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

### **138. Affordable Housing – Fittings and Finishes**

Prior to the issue of any Occupation Certificate, the Certifier must be satisfied that the affordable housing dwellings (where applicable) 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)

**139 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)

**140. Non-residential 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 non-residential component of the development. A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

(Reason: legal requirement/compliance)

**141. Acoustic Treatment – Certification**

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the approved construction details and the relevant design noise criteria contained in Section 4.5 of the acoustic report prepared by ADP Consulting Pty Ltd, Ref. SYD2261 Rev.03, dated 2 March 2023.

(Reason: Amenity, environmental compliance and health)

**142. Noise Emission – Equipment**

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria contained in the Mechanical Plant Noise Assessment Report required elsewhere in this consent.

(Reason: Amenity, environmental compliance and health)

**143. 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 or concessions.

(Reason: Amenity, environmental compliance and health)

**144. 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 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

servant/contractors against claims for loss or damage or wear and tear of access roads or 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)

#### **145 Waste Agreement**

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 non-residential component of 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)

#### **146. 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 current Public Art Plan needs to be aligned with the Willoughby City Council Public Art Policy and Guidelines/Procedures.

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)

### **Final Public Agreement**

An agreement between the Body Corporate of 58 Anderson Street and Willoughby City Council must be finalised, clearly identifying the following:

- Dedication of the Public Art to the people of Willoughby
- Agreement between Developer/Body Corporate and Willoughby City Council regarding ownership
- Artist Rights
- Deaccession Plan/Agreement
- Maintenance regimen and responsibilities
- Expected annual maintenance budget
- Insurances

An agreement co-signed by the Body Corporate and Council's General Manager (or authorised Council officer) is required to accompany the Occupation Certificate.

## **147. 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)

## **148. 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 between the Anderson Street boundary and the east-facing glassline of the building at ground level and over the triangular open space located north of the ground floor retail component, and
- all that part of the land located between the Wilson Street boundary and the south-facing glassline of the building at ground level.

The right-of-way is to allow ongoing public use of this portion of the land.  
(Reason: Compliance, urban design)

**149. 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)

**150 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)

**PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION  
CERTIFICATE/STRATA APPROVAL**

**The following are to be complied with prior to the issue of the Subdivision Certificate / Strata Approval and the release of the Linen Plans for registration at the Land and Property Information Office.**

**151. 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)

**152. 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 access points to any underground tank, shall be located in common areas.  
(Reason: Ensure compliance)



**153. Section 88B Instrument**

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

**ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.**

**154. Analysis of Outlet Condition**

All storage outlet pipes from the OSD tank shall be above the 1% Annual Exceedance Probability (AEP) event water level.  
(Reason: Maintain designed discharge)

**155. 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)

**156. Vehicle Access**

All vehicles are to enter and exit the site in a forward direction. No vehicle shall reverse over the property boundary. Vehicles are not to block traffic lanes or the footpath when waiting to enter the site.  
(Reason: Pedestrian and vehicle safety)

**157. Maintenance of Structures on Public Land**

The owner of the premises is to maintain the awning approved by this consent and located over Council’s road reserve, directly adjacent to the property. This awning must be maintained at all times to a structurally sound condition in order to provide an acceptable level of public safety. Any approval granted for the awning under section 138 of the *Roads Act 1993* must include provision for an appropriate indemnity in favour of Council regarding the awning.  
(Reason: To ensure pedestrian and public safety and to ensure that structures located on public land for private benefit are maintained to an acceptable standard.)

**158. Maintenance of Mechanical Parking Systems**

The mechanical parking systems, including turntable, car lift and mechanical stacker, are to be maintained on a regular basis, in accordance with the manufacturer’s recommendations and requirements. Any breakdown is to be attended to as soon as

possible as a matter of urgency. A maintenance agreement for the system is to be in place at all times.

(Reason: Traffic management.)

**159. Trees on Adjoining Properties**

No approval is given for the removal or pruning of trees on neighbouring private land.

(Reason: Environmental protection)

**160. Annual Fire Safety Statement**

Attention is directed to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* 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)

**161. Use of swimming pool**

The swimming pool/spa shall not be used for hire or for the purpose of any trade, industry, business or commercial gain.

(Reason: Preserve amenity)

**162. Waste Management Collection Policy**

The development must operate in full compliance with Council's Waste Management collection requirements for Council's kerbside residential waste service. This currently includes collection by Council HRV side-loader (bins) and Council HRV rear-loader (bulky waste) currently on the following frequencies:

- Garbage 240L bins: once per week.
- Recycling 240L bins: once per week.
- Garden organics 240L bins: once per week.
- Bulky waste: booked or scheduled service.

(Reason: legal requirement/compliance)

**163. Kerbside Waste Presentation Area**

Adequate space must be provided on Wilson Street for presentation of bins and bulky waste:

- Bins: at least 17 x 240L bins presented single file spaced at least 30cm apart with a separation distance of 2m from barriers such as utility installations, street trees, bus stops and road infrastructure; and
- Bulky waste: at least 10m<sup>3</sup> for presentation by the building manager located under the awning with appropriate signage, security and surveillance to prevent dumping and misuse.

Waste must not be presented before the day prior to the scheduled or booked collection day and bins must be returned inside the property following collection on the day of collection.

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

**164. Remedial Action Plan**

For the purposes of public health, any Remedial Action Plan, where ongoing requirements or maintenance or up keep is required, is to be undertaken for the life of the development.

(Reason: Public Health)

**165 Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained in accordance with the Landscape Maintenance Strategy as approved by the Accredited Certifier.

**166. 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)

**167. 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)

**168. Collection/Delivery Services**

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10:00pm and 7:00am on any day.

(Reason: Amenity)

**169. 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)

**170. Stormwater Drainage Management**

Upon commencement of the use and in perpetuity, the site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the Protection of the Environment Operations Act 1997 and any current Environment Protection Authority (EPA) requirements or guidelines.

Ensure that stormwater drains in or near the property carry clean rainwater only. Any other liquids or solids are considered a pollutant. Do not allow any wash water, food stuffs, grease, litter or other pollutants from business operations to get into the stormwater drains. Drains must be free of litter, leaves or any other foreign matter at all times.

(Reason: Environmental protection)

**171. 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)

**172. 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)

**173. Allocation of Car Parking Spaces**

The car parking spaces are to be allocated as follows:

Residential

Residential car spaces – 6 car spaces

Visitor car spaces – 1 car space

Non-residential

Commercial space – 1 car space

(Reason: Compliance)

**174. Maintenance of the right-of-way**

Maintenance of the right-of-way, including all landscaping, shall be the responsibility of Owner's Corporation, or owner as applicable.

(Reason: Landscape amenity)

**PRESCRIBED CONDITIONS**

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

**175. 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)

**175. Support for Neighbouring Buildings**

(a) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:

- (i) protect and support the building, structure or work from possible damage from the excavation, and
- (ii) if necessary, underpin and support the building, structure or work to prevent any such damage, and
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

(c) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

## STATUTORY REQUIREMENTS

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

### 173. 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)

### 174. 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)

### 175. 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)

ATTACHMENT 8: NOTIFICATION MAP

