

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA-2023/166

**Development:** Concept approval for demolition of existing buildings and construction of a 26-storey building with four basement levels; Stage 1 operational consent for the construction and use of 89 residential units comprising a mix of 16 x 1-bed, 26 x 2-bed, 45 x 3-bed, 2 x 4-bed and associated parking, through-site links for public use, drainage works and landscaping; and construction only of remainder of areas marked “communal” in the basement, ground floor, Levels 1 and 2 and strata subdivision.

**Site:** 691 – 699 Pacific Highway, Chatswood NSW 2069 (Lot 1 DP 187216, Lots 1 and 2 in DP 952311)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 19 February 2025

**Date from which consent takes effect:** Date of determination.

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 691 – 699 Pacific Highway, Chatswood NSW 2069 (Lot 1 DP 187216, Lots 1 and 2 in DP 952311).

The conditions of consent are as follows:

## REASONS FOR THE GRANT OF CONSENT

Council has considered the contentions raised in the Statement of Facts and Contentions filed on 7 August 2024 in Land and Environment Court proceedings No. 2024/46467 and considers that, for the following reasons, a grant of consent is now appropriate:

- amendments to the design to address issues relating to site isolation and connectivity with a future proposal at the adjoining site 689 Pacific Highway, urban design, waste collection, stormwater and landscaping.
- acceptance by the applicant that a planning agreement registered on title is a satisfactory mechanism to ensure Council receives a monetary contribution towards affordable housing using a mapped percentage of 10%, in accordance with clause 6.8(5) and (7) of the Willoughby Local Environmental Plan 2012.
- acceptance by the applicant that a separate Stage 2 development application will be required for the fit out and use of the areas marked “communal” in the basement, Ground level, and Levels 1 and 2.

## SCHEDULE 1

### CONDITIONS OF CONSENT

#### 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
Cover page	CDA-000	G	18.11.2024	Squillace
List of Amendments	CDA-001			
List of Amendments Sheet 2	CDA-001a			
Façade Concept Materials and Finishes	CDA-002			
Demolition Plan	CDA-010			
Site Plan	CDA-011			
Ground Floor Plan	CDA-100			
Level 1 Floor Plan	CDA-101			
Level 2 Floor Plan	CDA-102			
Level 3-7 Floor Plan	CDA-103			
Level 8-18 Floor Plan	CDA-108			
Level 19-24 Floor Plan	CDA-119			
Level 25 Floor Plan	CDA-125			
Roof Plan	CDA-126			
Lift Roof Plan	CDA-127			
Basement 1 Floor Plan	CDA-130			
Basement 2 Floor Plan	CDA-131			
Basement 3 Floor Plan	CDA-132			
Basement 4 Floor Plan	CDA-133			
Adaptable Layouts – Typical Unit Plans	CDA-150			
Adaptable Layouts – Typical Unit Plans	CDA-151			
Adaptable Layouts – Typical Unit Plans	CDA-152	G	18.11.2024	Squillace

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Section	CDA-200			
Section through vehicle entrance	CDA-210			
West Elevation	CDA-300			
North Elevation	CDA-301			
East Elevation	CDA-302			
South Elevation	CDA-303			
Deep soil calculations	CDA-399			
Landscape area calculations	CDA-400			
Floor space area calculation – Sheet 1 of 2	CDA-401			
Floor space area calculation – Sheet 2 of 2	CDA-402			
Storage calculations	CDA-600			
Proposed Future Access Easement	CDA-800			
Stormwater Drainage Coversheet	SW100	C	-	SGC
Notes & Legend	SW101		13/9/2024	
Erosion & Sediment Control Plan & Details	SW201		13/9/2024	
Stormwater Drainage Design Basement 04 Plan	SW301			
Stormwater Drainage Design Ground Floor Plan	SW302			
Stormwater Drainage Design Level 01 Plan	SW303			
Stormwater Drainage Design Roof Plan	SW304			
Stormwater Drainage Design Details Sheet 01 of 02	SW401			
Stormwater Drainage Design Details Sheet 02 of 02	SW402			
Stormwater Drainage Site Catchment Plan & Details	SW501			
Stormwater Drainage Music Catchment Plan	SW502			
Stormwater Drainage Flood Mitigation Measures	SW601			
Landscape Coversheet	L01	G	13/9/2024	Habit8
Design Philosophy _ Precedent imagery	L02	G	13/9/2024	Habit8

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Landscape Masterplan – Ground floor	L03			
Soil Depth – Ground floor	L04			
Landscape Masterplan – Level 01	L05			
Soil Depth – Level 01	L06			
Landscape Masterplan – Level 02	L07			
Soil Depth – Level 02	L08			
Landscape Masterplan – Level 03-07	L09			
Soil Depth – Level 03-07	L010			
Landscape Sections 01	L11			

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. Approved use

This consent does not grant consent to any use of the ground floor or first floor areas. The use of the ground floor and first floor areas will be the subject of a detailed proposal in a subsequent development application which will seek consent for either:

- (a) Communal areas which are ancillary to the approved residential flat building use; or
- (b) Centre-based child care facilities, community facilities, respite day care centres or any other use that is permissible.

## 3. 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.

GT011500001	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.
GT011600001	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
GT011600001	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	<p>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:</p> <p>(a) record water taken for which the exemption is claimed, and</p> <p>(b) record the take of water not later than 24 hours after water is taken, and</p> <p>(c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and</p> <p>(d) keep the record for a period of 5 years, and</p> <p>(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</p> <p>(i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or</p> <p>(ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.</p>
GT0119-00001	<p>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.</p>
GT0120-00001	<p>The design and construction of the building must prevent:</p> <p>(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</p>
GT0120-00001	<p>unforeseen high water table elevations to prevent potential future inundation;</p> <p>(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</p> <p>(c) any elevated water table from rising to within 1.0 m below the natural ground surface.</p>
GT0121-00001	<p>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.</p>

GT0122-00001	<p>Construction Phase Monitoring programme and content: a) A 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.</p> <p>(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):</p> <ul style="list-style-type: none"> <li>1) All results from the Approved Monitoring Programme; and</li> <li>2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.</li> </ul> <p>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/waterlicensing/dewatering">www.waternsw.com.au/customer-service/waterlicensing/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. 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: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (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</p>
GT0151-00001	<p>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.</p>
GT0152-00001	<p>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.</p>
GT0155-00001	<p>The following construction phase monitoring requirements apply (Works Approval):</p> <ol style="list-style-type: none"> <li>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.</li> <li>The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).</li> <li>The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report</li> </ol>

#### 4. Transport for NSW (Sydney Trains)

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

A.	<ul style="list-style-type: none"> <li>▪ Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.</li> </ul>
B.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
C.	<ul style="list-style-type: none"> <li>▪ The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.</li> </ul>
D.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
E.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
F.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>

G.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
H.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
I.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
J.	<ul style="list-style-type: none"> <li>▪ The Applicant/Developer shall not at any stage block the corridor access gate and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.</li> </ul>
K.	<ul style="list-style-type: none"> <li>▪ Sydney Trains advises they have a High Voltage Aerial Transmission Line immediately adjacent to the development site. The proposed development should note the requirements of the below electrical standards/guidelines: <ul style="list-style-type: none"> <li>- ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.</li> <li>- The Safe Approach Distances (SADs) in the Sydney Trains Document titled "SMS06-GD-0268 – Working Around Electrical Equipment".</li> <li>- "WorkCover Code of Practice – Work near Overhead Power Lines (The Code)"</li> </ul> </li> </ul> <p>In addition, all Landscaping should be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan.</p>
K.	<ul style="list-style-type: none"> <li>▪ 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:</li> <li>▪ Machinery to be used during excavation/construction.</li> <li>▪ Demolition, excavation, and construction methodology and staging.</li> </ul> <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>

M.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
N.	<ul style="list-style-type: none"> <li>▪ The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:</li> <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 notified to the Applicant.</li> </ul>
O.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
P.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
Q.	<ul style="list-style-type: none"> <li>▪ 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.</li> </ul>

#### 4. NSW Police

The following conditions from the NSW Police must be complied with:

A.	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.
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B.	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".
C.	Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
D.	Any bicycle parking should be in a secure area and covered with CCTV cameras.
E.	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.
F.	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.
G.	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.
H.	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.  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.
I.	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

	<p>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.</p> <p>An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.</p> <p>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.</p> <p>“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.</p> <p>Wheelchair access should at no time be blocked nor impede access to anyone with a disability.</p> <p>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.</p> <p>The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.</p>
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(Reason: Ensure compliance)

## 5. Transport for NSW (TfNSW)

The following conditions from the TfNSW must be complied with:

A	All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary.
B	<p>The design and construction of the kerb and gutter works on the Pacific Highway shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to <a href="mailto:developerworks.sydney@transport.nsw.gov.au">developerworks.sydney@transport.nsw.gov.au</a>.</p> <p>Detailed design plans of the proposed gutter crossing and kerb and guttering are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.</p>

C	<p>Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon the Pacific Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>.</p> <p>A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.</p>
D	<p>The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.</p> <p>The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a></p> <p>If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.</p>
E	<p>A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the Pacific Highway during construction activities. A ROL can be obtained through <a href="https://myrta.com/oplinc2/pages/security/oplincLogin.jsf">https://myrta.com/oplinc2/pages/security/oplincLogin.jsf</a>.</p>

## 6. 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 to Application for Approval of a Crane Operation which is a Controlled Activity as issued by Sydney Airport must be read and accepted.

- h) The Proponent must provide a copy of the application referred to above at (b) to Council.

**FOLLOWING DEMOLITION BUT PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

**7. Affordable Housing**

- (a) Prior to the issue of a Construction Certificate and within 21 days of receiving development consent for DA 2023/166, a planning agreement in the terms annexed hereto and marked 'B' is to be executed by the Applicant in accordance with section 7.4 of the *Environmental Planning and Assessment Act 1979*, and delivered to the Council in registrable form pertaining to Lots Lot 1 DP 187216, Lot 1 DP 952311, and Lot 2 DP 952311.
- (b) The Council must, in response to a reasonable request of the applicant, and at the cost of the applicant take such action that is reasonably necessary to facilitate efforts by the applicant to fulfill the applicant's obligations under these conditions of consent (including promptly signing any necessary documents).
- (c) Following the execution of the annexed VPA marked 'B' by Council and its return/notification to the applicant (or any future owner) they shall at its cost take all necessary steps to register the VPA on the title of the subject site for the purposes of s7.6(1) of the Act, including:
- do such other things as are reasonably necessary to enable registration of this Deed to occur;
  - obtain the written consent of each person referred to in s7.6(1) of the Act to effect that registration; and
  - provide the Council with evidence of registration within 5 days of being notified by the NSW Land Registry Services of such registration.

**8. Preparation of a Remedial Action Plan**

Preparation of a suitable Remedial Action Plan (RAP) shall be carried out by a suitably qualified and certified contaminated land consultant to demonstrate that remediation can be carried out in an environmentally sustainable and practical way to render the site suitable for the proposed mixed use. The RAP shall be submitted with the Construction Development Application.

(a)

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)

## 9. Submit the Following Information to Willoughby City Council

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

- (a) Revised Flood Impact Assessment, based on the “For Construction Drawings”, that is to confirm that afflux outside the boundaries of the site is less than 10mm for the 1%AEP event. The report is to include the following”
  - Proposed and existing flood levels for the 1%AEP event.
  - Afflux diagram for the 1%AEP event. The diagram is to clearly show the site boundaries and is to clearly demonstrate that any increase in flood levels external to the site does not exceed 10mm
  - Detailed plans of the mitigation works required, including the channel along the southern boundary and the landscaped area to be lowered.
  - Details of the blockage factor applied to the flow path / channel along the southern boundary.
- (b) Though consent is granted to strata subdivision the draft strata plan (Ref: 230770, dated 31/1/24 by Barker Ryan Stewart) is not approved and does not form part of this development consent. An updated strata plan is required to be submitted that accurately reflects the approved architectural plans, including:
  - common property free from obstruction associated with “potential future connection to 689 Pacific Highway”,
  - nomination of storage spaces consistent with the approved architectural plans
  - nomination of landscaped areas located throughout the residential tower as common property
  - waste management areas accurately nominated to align with the approved architectural plans.

(Reason: Ensure compliance)

## PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

**10. Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$183,000** (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, following issue of the Final / Whole Occupation Certificate, subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$260** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$183,000 + \$260 = \$183,260**

(Reason: Protection of public asset)

**11. 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. Permits will not be issued for ground anchors beneath a State Road. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

**12. Stormwater Conveyed to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with TfNSW and Council's specifications. A grated drainage pit of minimum 600mm x 600mm provided within the property and adjacent to the boundary prior to discharging to the street drainage system. All drainage works shall comply with the requirements described in Part I of Council's DCP, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans. Approval is to be obtained from TfNSW for the connection to the street drainage pit.

(Reason: Stormwater control)

**13. 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 Certifier for approval prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

**14. 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 be in accordance with SGC Engineers drawings SW100/C, SW101/C, SW301/C, SW302/C, SW303/C, SW304/C, SW404/C, SW402/C, SW501/C, SW502/C and SW601/C. Access from the loading dock area to the area above the OSD tank shall be via an access stair as shown on Architectural Plan CD-100/G and not a ladder as detailed on the stormwater plans. 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)

**15. 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)

**16. Overland Flow/Flood Level**

A suitably qualified and experienced civil engineer must certify that:

- (a) The finished floor levels of the proposed building have a minimum freeboard of 500mm above the 1% AEP flood event, which is conveyed through the site.
- (b) All access points to the basement have a minimum level of 500mm above the 1% AEP flood event or the PMF level, whichever is higher.

- (c) In the 1%AEP flood event, any increase in flood levels external to the site are less than 10mm.
- (d) The existing boundary fences within the extent of the overland flow path will be replaced with open type fencing to allow unimpeded passage of overland flow
- (e) No structures, walls, fill or other items will be constructed to impede the 1% AEP overland flow path within the identified flood zone, other than works detailed in the approved flood report.
- (f) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

#### **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 2.0 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Pacific Highway in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Pacific Highway in accordance with TfNSW requirements.
- (c) Construction of a new vehicular crossing in accordance with TfNSW and Council's requirements. The crossing is to have a separate entry and exit and be angled to provide left in and left out. The width is to be minimised, while providing access for the design vehicle to the site (minimum Council's 10.5m waste vehicle)
- (d) Connection of the site drainage system to the stormwater drainage pit in Pacific Highway.
- (e) Any other works in the road reserve required for the development or as required to satisfy the conditions of consent.

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.

Prior to final approval from Council for the plans, concurrence is to be obtained from TfNSW for the public domain works.

(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 12m within the site, including provision of TfNSW standard layback.
- (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. All driveway grades and transitions shall comply with AS/NZS 2890.1, AS 2890.2, and TfNSW and Council's specifications.

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 – 170mm above and parallel to the gutter invert.

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. Flood Risk Management Plan**

A Flood Risk Management Report prepared by a qualified civil engineer experienced in flood analysis and management and complying with the requirements in Part I of the Willoughby DCP and Technical Standard No. 2, "Floodplain Management" and the NSW Government's Flood Risk Management Manual, shall be submitted with the application for Construction Certificate. All measures contained in the report shall form part of any Construction Certificate issued.

(Reason: Managing Flood Risk)

## **21. 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)

## **22. 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 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.  
(c) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.

- (d) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (e) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m) has been provided for the loading area and the path to and from the loading area.
- (f) That accessible parking spaces, including those for adaptable units, are provided with shared zones and bollards as per the requirements of AS 2890.6.
- (g) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (h) Simultaneous manoeuvrability of the largest vehicle using the site (minimum Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the site entry and the loading dock.
- (i) That sight triangles in accordance with Figure 3.3 of AS/NZS 2890.1 will be provided at the vehicle exit from the site and that landscaping within the sight triangles will not impact sight lines.

(Reason: Ensure compliance)

### **23. 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)

### **24. Grease Arrestor for Potential Food Businesses**

Provision shall be made in the design of the development in the Construction Development Application for a grease arrestor room of adequate dimensions to house the necessary tanks and plant equipment to pre-treat oil, grease and fats prior to discharge to Sydney Water's sewer in accordance with that authority's requirements. The grease arrestor room shall be located somewhere in the development that facilitates easy access by waste contractor vehicles.

(Reason: Environmental protection/public health and safety)

### **25. Exhaust Ventilation for Potential Food Businesses**

Provision shall be made in the design of the development in the Construction Development Application to convey kitchen exhaust from potential food businesses through the buildings to discharge in a vertical direction above the roof level in such a way as to prevent a nuisance to the public and occupiers of the development.

26. Tree Protection Plan

- (a) Submit to the registered certifier a Tree Protection Plan for approval prior to issue of a construction certificate.
- (b) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.
- (c) Tree Protection Plan shall address tree protection and management of all trees (including those on adjoining properties) in accordance with AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.

(Reason: Tree protection)

27. S7.11 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of *Environmental Planning and Assessment Act, 1979* in the amount of \$1,245,705.67 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$53,126.32
Open space and recreation facilities	\$976,405.95
Plan administration	\$18,409.49
Recoupment - community facilities	\$187,780.21
Recoupment - open space and recreation	\$9,983.70
<b>Total</b>	<b>\$1,245,705.67</b>

Indexation

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

$$\frac{\$C_o \times CPI_p}{CPI_c}$$

Where:

\$C<sub>o</sub> = the contribution amount shown in this Development Consent expressed in dollars

CPI<sub>p</sub> = the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics (ABS) at the quarter immediately prior to the date of payment

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

Deferred payments of contributions will not be accepted.

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

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)

(Reason: Statutory requirement)

**28. External Finishes – Solar Absorptance**

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

**29. Certification of Gross Floor Area**

Prior to the issue of a Construction Certificate, a Registered Surveyor shall submit to the Certifier for approval, a floor space ratio (FSR) calculation plan demonstrating that the proposed gross floor area of all buildings on the site is in accordance with the approved plans listed in Condition 1 of this Consent. The calculation must be undertaken in accordance with the definition for gross floor area under Willoughby Local Environmental Plan.  
(Reason: Bulk and scale control/compliance)

**30. BASIX**

Under Section 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all the commitments listed in the BASIX Certificate for the development are fulfilled.

**31. 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)

**32. Adaptable Units**

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (total 45 units). Each adaptable unit is to be nominated on the Construction Certificate drawings and adaptable units are to be provided with an accessible car space that accords with AS 2890.6 at a rate of 1 accessible space per 4 adaptable residential unit (therefore minimum 12 accessible spaces required).  
(Reason: Compliance, universal design)

**33. Accessible car parking for visitors**

Minimum 1 accessible space shall be provided for visitors in accordance with Willoughby Development Control Plan 2023 Part F Table 5. Details demonstrating compliance must be submitted with the Construction Certificate  
(Reason: Compliance)

**34. Motorcycle spaces**

One of the motorcycle spaces is to be identified for visitor use, in accordance with Willoughby Development Control Plan 2023 Part F Table 2. Details demonstrating compliance must be submitted with the Construction Certificate  
(Reason: Compliance)

### **35. Shared Path and Right-of-Way**

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

### **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. Residential waste storage areas**

The developer must provide following residential waste storage areas:

- Basement bin storage area for residents of at least 68m<sup>2</sup>
- HRV accessible bin collection holding area of at least 65m<sup>2</sup>,
- Bulky waste storage area for residents of at least 22 m<sup>2</sup>
- HRV accessible collection holding area of at least 20 m<sup>2</sup>.
- Residential on-floor chute room incorporating a recycling bin or with a recycling bin in an adjacent room to the chute room on every residential level.

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

### **38. 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 complements the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened)

**39. 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)

**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. Internal Noise Levels Residential**

To minimise the noise intrusion from any external noise source, all new building work shall be designed and constructed to comply with recommendation of section 5 of Noise Impact Assessment (PWNA, Report No. 220120-42 Archer St, Chatswood-Noise Impact Assessment-R1, 17 June 2022) and any addendum reports and the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria $L_{Aeq}$ (period)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note:

- The above criteria do not apply to kitchens, bathrooms, laundries, foyers, hallways, balconies or outdoor areas.
- The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

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

(Reason: Amenity, environmental compliance and health)

#### **42. 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)

#### **43. Noise Mechanical Services**

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to comply with the noise emission criteria contained in the EPA's Noise Policy for Industry 2017. Details of the proposed equipment, siting, appropriate noise criteria and any attenuation required shall be prepared by an appropriately qualified acoustic consultant and accompany the application for a Construction Certificate.

(Reason: Amenity, environmental compliance and health)

#### **44. Not Used**

#### **45. Not Used**

#### **46. 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)

#### **47. 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)

### **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.**

#### **48. 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 asset:

##### **a) Ausgrid Underground Cables are in the vicinity of the development**

Special care should be taken to ensure that driveways and any other 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).

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.

The following points should also be taken into consideration:

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

**b) 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-connecte>  
(Reason: Ensure compliance)

**49. 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)

**50. Site Management**

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

- (a) Details and contact telephone numbers of the owner, builder and developer;

- (b) Location and construction details of protective fencing to the perimeter of the site;
- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;
- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;
- (i) Protective measures for tree preservation;
- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;
- (l) Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- (m) Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifier/Council officers upon request.  
(Reason: Environment protection, public health and safety)

#### **51. 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)

#### **52. 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)

#### **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 Croquet greens are to be included in this report.

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 each of the adjoining properties (including each strata lot): 689 Pacific Highway legally known as 2/DP187216, 701-705 Pacific Highway legally known as SP39536, 655A Pacific Highway legally known as SP57067 and Chatswood Bowling Club greens legally known as 2/DP861346 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 at Pacific Highway as necessary for the proposed 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. 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)

**60. Project Arborist**

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan, AS4970-2009 *Protection of trees on development sites* and relevant conditions of consent;
- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.

(Reason: Safety, environmental protection, landscape amenity)

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

(Reason: Public amenity)

**62. Hazardous Building Material Assessment**

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

(Reason: Environmental protection/public health and safety)

**DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

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

**63. 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)

**64. Building Site Fencing**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

**65. 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)

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

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

(Reason: Safety)

**67. 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)

**68. 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)

**69. Tree Removal**

Approval is given for the removal of trees as identified on Landscape Masterplan – Ground Floor Rev G Dwg. No. L03 dated 13.09.2024 prepared by Habit8 Landscape Architecture.

(Reason: Site development)

**70. Tree Trunk, Branch and Root Protection**

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not approved for removal.
- (b) The above protected trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with the approved Tree Protection Plan and AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with (c) above are to be certified by the Project Arborist prior to commencement of works.
- (e) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (f) All structures are to bridge over or tunnel bore under roots unless directed by The Project Arborist on site.

(Reason: Tree management)

**71. No Access through Public Open Space**

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

(Reason: Safety, landscape amenity, tree protection)

**72. 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, unless written consent of Council is obtained.

(Reason: Safety, environmental protection)

**73. 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)

**74. 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)

**75. 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)

**76. 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)

**77. Hazardous Materials – Clearance Certificate**

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

(Reason: Health and safety)

**78. 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)

**79. 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)

**80. Noise Monitoring Plan**

Construction noise shall be controlled to comply with the requirements as set out in the EPA Draft Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during

construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.  
(Reason: Amenity)

## 81. Construction Noise & Vibration

Construction noise and vibration shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG) and the criteria stated below. Noise levels shall not exceed the following noise criteria during the standard construction hours:

- (a) Affected residential properties (during ICNG recommended standard hours)  
– Noise affected level of RBL + 10dB and Highly noise affected level (i.e. noise level above which there may be strong community reaction)  $\leq 75\text{dB(A)}_{\text{Leq}(15\text{mins})}$ .
- (b) Affected commercial premises (i.e. office, retail outlets etc.) –  $70\text{dB(A)}_{\text{Leq}(15\text{mins})}$ .

The vibration limit of adjacent structures must not exceed 8.0mm/s (VSPPV) as described in the Douglas Partners Report on Geotechnical Investigation Proposed Residential Development 42 Archer Street, Chatswood prepared for Willow Capital Pty Ltd dated 18 January 2024 filed 12 February 2024 in Land and Environment Court Proceedings 2022/343917 during standard construction hours and must not exceed 2.0mm/s at 38B Albert Avenue, Chatswood (being the building presently occupied by Presmed Australia Pty Ltd).

A noise and vibration monitoring plan shall be implemented and testing carried out by a suitably qualified acoustic engineer during construction. Where noise or vibration levels exceed criteria, appropriate measures to control excessive noise shall be implemented immediately. Copies of the plan and any testing shall be submitted to Council on the request of an Authorised Officer under the *Protection of the Environment Operations Act 1997*.  
(Reason: Amenity)

## PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

### 82. Public Art

#### a) Detailed Public Art Plan

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

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

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

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

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

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

The Final Public Art Report should provide information about the artworks and artist, the fabrication and installation of the work, the documentation and engineers' drawings, the maintenance requirements, any additional relevant information regarding ownership, and copyright of the work.  
(Reason: Ensure compliance with Council's Public Art Policy)

**83. 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)

**84. 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)

**85. Public Tree Maintenance**

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

- (a) All trees required to be retained on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- (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)

**86. Planting as per Landscape Plans**

Prior to the issue of a Whole Occupation Certificate, trees (including street trees), shrubs and ground-covers are to be planted in accordance with Landscape Plans Rev G Dwg. Nos. L01 through to L14 dated 13.09.2024 prepared by Habit8 Landscape Architecture. Trees are to be of pot size as nominated on the Landscape Plans.

(Reason: Landscape amenity)

**87. Project Arborist Certification**

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

(Reason: Protection of trees required to be retained)

**88. 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)

**89. 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)

**90. 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)

**91. 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 *Environmental Planning and Assessment (Development Certification and Fire Safety)*

*Regulation 2021* in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.  
(Reason: Safety)

**92. 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)

**93. 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)

**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 street drainage system via an approved OSD system with a minimum volume of 83m<sup>3</sup>, which restricts peak flow from the site in the 1%AEP event to 33L/s and a water quality improvement system. The system shall be in accordance with AS/NZS3500.3, Part I of Council's DCP and Technical Standards 1 and 2. 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. Creation of a Floodway Restriction**

Prior to the issue of any Occupation Certificate, create a Restriction on the Use of the Land on the title of the subject property under Section 88E(3) of the *Conveyancing Act 1919* by using Form 13RPA obtainable from the NSW Department of Lands. The restriction is to be placed over the 1%AEP flood path identified in the flood report by SGC Engineers. The extent of the identified overland floodpath within the subject site, shall be shown on a scale sketch, attached as an annexure to the request forms.

The wording for the restriction shall state "*No placement of any structures, walls, fences, fill or other items which may impede the 1% Annual Exceedance Probability flood path within the identified flood zone shall be permitted*".

Willoughby City Council shall be the authority empowered to release, carry or modify the restriction. Documentary evidence of registration of the instrument with the NSW Land Registry Services shall be submitted to Council and the Certifier. Council's costs, including legal fees associated with reviewing, approving and executing the 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.

(Reason: Ensure unimpeded floodwater conveyance)

**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 Pacific Highway with associated pavement restoration as required by TfNSW.

(Reason: Public amenity)

**104. Concrete Footpath**

Prior to the issue of any Occupation Certificate, construct a 2.0m wide concrete footpath for the full frontage of the development site in Pacific Highway

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

(Reason: Public amenity)

**105. Street Lighting and Furniture**

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

Reason: Public amenity)

**106. 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 TfNSW requirements, Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing is to be as per the approved public domain drawings and is to be constructed 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 – 170 mm above and parallel to the gutter invert.

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)

#### **107. 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 and TfNSW requirements.

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. 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. Concurrence from TfNSW will be required prior to issue of the Completion Certificate.  
(Reason: Ensure compliance)

#### **109. Performance Bond**

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of **\$80,000** 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)

**110. Turfing of Nature Strip**

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

(Reason: Public amenity)

**111. 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)

**112. 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) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (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 headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (f) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site ((minimum 4.5m) has been provided for the loading area and the path to and from the loading area.
- (h) That accessible parking spaces, including those for adaptable units, are provided with shared zones and bollards as per the requirements of AS 2890.6.
- (i) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (j) Access and manoeuvrability of the largest vehicle accessing the site and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved.

- (k) That sight triangles in accordance with Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit from the site and that landscaping within the sight triangles will not impact sight lines.

(Reason: Ensure compliance)

**113. 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)

**114. 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)

**115. Overland Flow Path – Engineers Certification**

Prior to the issue of any Occupation Certificate, submit to Council written certification, prepared by a suitably qualified and experienced civil engineer (generally CP Eng), that:

- (a) The finished floor levels of the building have a minimum freeboard of 500mm above the 1% AEP flood event, which is conveyed through the site.
- (b) All access points to the basement have a minimum level of 500mm above the 1% AEP flood event or the PMF level, whichever is higher.
- (c) The existing boundary fences within the extent of the overland flow path have been replaced with open type fencing to allow unimpeded passage of overland flow
- (d) No structures, walls, fill or other items have been constructed to impede the 1% AEP overland flow path within the identified flood zone, other than works detailed in the flood report by SGC Engineers approved under this consent.
- (e) All mitigation works detailed in the approved Flood Impact Report have been constructed / implemented.
- (f) The as-constructed works comply with the requirements of Technical Standard 2.

(Reason: Ensure compliance)

**116. Overland Flow Path – Work As Executed Plans**

Upon completion of the development, work-as-executed (WAE) plans, based on the approved plans, shall be prepared by a registered surveyor and submitted to Council. The plans shall show the extent of works and finished ground levels within the overland flow path. Any minor changes or variations to the approved plans shall be highlighted in red.

(Reason: Record of works)

**117. Flood Evacuation Plan**

Prior to the issue of any Occupation Certificate, submit a Flood Evacuation Plan to the Certifying Authority for approval. The plan shall be prepared by a qualified civil engineering (typically CPEng) experienced in flood management. It shall include

- (a) The areas of the site affected by flooding.
  - (b) Details of measures to be undertaken at the site to protect inhabitants and visitors from flooding, including any measures provided to prevent / limit access to H4-H6 areas.
  - (c) The evacuation route from the site.
  - (d) When evacuation is to occur.
  - (e) Emergency contact numbers, such as Police and SES.
- (Reason: Protection from floodwaters)

**118. Overland Flow Path – Boundary Fencing**

Open type fencing shall be provided within the extent of the 1%AEP flood zone to allow for passage of floodwaters. The open style fencing shall extend from ground level to a minimum of the 1%AEP flood level, and shall consist of fencing such as palisade or mesh.

(Reason: Passage of overland flow)

**119. 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 development complies with the acoustic report prepared Resonate N (Ref: S220617RP1 Rev A, dated 28 April 2023)) and any addendum reports. This shall include all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria.

(Reason: Amenity, environmental compliance and health)

**120. Certification – Ventilation**

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.

(Reason: Amenity, environmental compliance and health)

**121. 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)

### **123. Development Application for Communal Use**

A Development Applications is required for the separate fitout use of the areas notated as "communal" at basement level, ground level and Levels 1 and 2.

### **124. Through-site link to be registered as Right of Way**

Prior to the issue of any Occupation Certificate, a right-of-way must be registered for the purposes of a publicly accessible through-site link, with Land Registry Services over:

- 1 metre from the front boundary and parallel with the front boundary, from the northern boundary to the southern end of the substation
- All that part of the site located between the northern boundary and the north-facing glassline of the building at ground floor level, though such right of way shall contain terms of the easement which allow for tables and chairs for outdoor dining and the proposed landscaping along the northern boundary (the wording is attached and marked annexure 'A' to these conditions)
- for all that part of the site located between the eastern boundary for a distance of 3m into the site parallel to this boundary.
- The right-of-way is to allow public pedestrian and cycle use of these portions of the land.

(Reason: Compliance, urban design)

## **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.

### **125. General Easement/ROW Provision and Certification**

The creation of drainage easements, service easements and/or rights-of carriageway shall be carried out as required (including rights-of-way that benefit 689 Pacific Highway, Chatswood for access and waste management purposes). 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)

### **125A. Strata Plan**

The draft strata plan (Ref: 230770, dated 31/1/24 by Barker Ryan Stewart) is not approved and does not form part of this development consent. An updated strata plan is required to be submitted that accurately reflects the approved architectural plans, including:

- common property free from obstruction associated with “potential future connection to 689 Pacific Highway”,
- nomination of storage spaces consistent with the approved architectural plans
- nomination of landscaped areas located throughout the residential tower as common property
- waste management areas accurately nominated to align with the approved architectural plans.

The strata plan is to accurately reflect the approved architectural plans prior to its registration with Land Registry Services.  
(Reason: Ensure compliance)

#### **126. 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)

#### **127. 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.**

#### **128. Remedial Action Plan**

For the purposes of public health, any Remedial Action Plan (if applicable), where on going requirements or maintenance or up keep is required, is to be undertaken for the life of the development.

(Reason: Public Health)

**129. 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)

**130. Vehicle Access**

All vehicles shall enter and exit the site in a forward direction. No vehicle shall reverse over the boundary.  
All vehicles access to the site shall be left turn in and left turn out onto Pacific Highway.  
(Reason: Public protection)

**131. Trees on Adjoining Properties**

No approval is given for the removal or pruning of trees on adjoining reserves or neighbouring private land.  
(Reason: Environmental protection)

**132. Landscaping to be maintained by Owners Corporation**

Landscaping is to be maintained by the Owners Corporation, including landscaping located within private strata lots .

**133. 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)

**134. Ongoing Compliance with the Waste Management Plan**

The Applicant is required to maintain compliance with the submitted Waste Management Plan (EC Sustainable Waste Plan Demolition, Construction and Operational Phases, Revision B v251024b, 25 October 2024) unless otherwise conditioned.  
(Reason: environmental protection/waste reduction/public health and safety)

**135. 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)

**136. 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)

**137 Noise Levels from Common Open Spaces**

To minimise the noise intrusion from Common Open Spaces on the amenity of the residential occupants, a Common Open Spaces Management Plan is to be drawn up, establishing controls. These include: Limiting times of use to 7am to 10pm; No high noise generating activities large gatherings, playing of loud music, parties; No amplified music or use of electrically amplified electronic sound equipment allowed; prominent notices on display to remind residents of these requirements and minimise noise.

(Reason: Amenity, environmental compliance and health)

**138. Waste Management Collection Policy**

The development must operate in full compliance with Council’s Waste Management collection requirements for Council’s onsite residential waste service. This includes collection by Council HRV rear-loader, currently on the following bins and frequencies:

- Garbage:
  - 3 x 1,100L bins compacted and collected twice per week; or
  - 6 x 1,100L bins uncompacted and collected twice per week.
- Recycling: 10 x 1,100L bins collected once per week, and
- Garden organics: 45 x 240L bins collected once per week, which also provides contingency space for other bins.
- Bulky waste: booked or scheduled service

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

**PRESCRIBED CONDITIONS**

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

**139. Compliance with National Construction Code**

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

**140. Support for Neighbouring Buildings**

- (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.**

### 141. 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)

### 142. 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)

### 143. 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)

**144. 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)

### **Annexure A to Conditions of Consent**

For the purpose of providing pedestrian access from west to east along the northern boundary pursuant to Section 88A of the Conveyancing Act 1919, the landowner grant to Council and every person authorised by it (including the public) the right to go, pass and repass on foot over the proposed easement site at all times and for all purposes without animals (except dogs on leashes) or vehicles (including bicycles of every description) provided that at all times, the landowner and every person authorised by it may leave planter boxes, outdoor tables and chairs and billboards within the easement site.