

GENERAL CONDITIONS

Conditions from 1 to 13

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
Site Plan	1001	D	24/05/2023	fjcstudio
Demolition Plan	1004	06	07/05/2024	
B04-Carpark	Add Info - 1096	09	23/09/2024	
B03-Carpark	Add Info - 1097	08		
B02-Carpark	Add Info - 1098	09		
B01-Carpark	Add Info - 1099			
Ground Floor	Add Info - 2000	11		
L01 - Commercial	Add Info - 2001	06	16/04/2024	
L02 - Communal	Add Info - 2002	05	24/11/2023	
L03 – Low Rise	Add Info - 2003			
L04 – Low Rise	Add Info - 2004			
L05 – Low Rise	Add Info - 2005			
L06 – Low Rise	Add Info - 2006			
L07 – High Rise Typical A	Add Info - 2007			
L08 – High Rise B	Add Info - 2008			
L21 – High Rise Setback	Add Info - 2021			
L22 – Sub Penthouse Typical	Add Info - 2022			
L24-Penthouse Lower	Add Info - 2024			
L25-Penthouse Upper	Add Info - 2025			
L26 – Roof Terrace	Add Info - 2026			
Roof	Add Info - 2027			
North elevation	Add Info - 3000			
East Elevation	Add Info - 3001			
South Elevation	Add Info - 3002			
West Elevation	Add Info – 3003			
Material Board	3004	D	24/05/2023	
Section AA & BB	Add Info - 4000	06	23/09/2024	
Section CC DD	Add Info - 4001	05		
Façade Types	6000	D	24/05/2023	
RFI – Additional Details	Add Info - 6001	07	23/09/2024	
Low Rise Adaptable Apartments	7001	D	24/05/2023	
Low Rise Adaptable Apartments	7002			

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Section J, List of inclusions	9000	D	24/05/2023	fjcstudio
Affordable Housing	9103	04	28/11/2023	
Planting Shcedule	DA-2301-01	B	01/10/2024	Prepared by Stuart Noble Associates
Ground Floor Landscape Plan	DA-2301-02	C		
Level 01 Landscpae Plan	DA-2301-03	A	15/05/2023	
Level 02 Landscpae Plan	DA-2301-04			
Level 03 Landscpae Plan	DA-2301-05			
Level 04 Landscpae Plan	DA-2301-06			
Level 05 Landscpae Plan	DA-2301-07			
Level 06 Landscpae Plan	DA-2301-08			
Level 07 Landscpae Plan	DA-2301-09			
Typical Landscape Plan 01	DA-2301-10			
Typical Landscape Plan 02	DA-2301-11			
Level 21 Landscpae Plan	DA-2301-12			
Level 22 Landscpae Plan	DA-2301-13			
Level 24 Landscpae Plan	DA-2301-14			
Level 25 Landscpae Plan	DA-2301-15			
Level 26 Landscpae Plan	DA-2301-16			

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. WaterNSW

The following conditions from WaterNSW must be complied with:

GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of

	doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a)any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b)obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c)any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The

	<p>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:</p> <p>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"> 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. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. <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"> 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. <p>c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website</p>

	www.waternsw.com.au/customer-service/water-licensing/dewatering
GT0150-00001	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
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

(Reason: Ensure compliance)

3. NSW POLICE

The following conditions from 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.
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.
I.	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.
J.	An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
K.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
L.	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.
M.	“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.
N.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
O.	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.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Ensure compliance)

4. Ausgrid

The following conditions Ausgrid must be complied with:

A.	The design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
B.	<p>The “as constructed ” minimum clearances to Ausgrid ’s infrastructure must not be encroached by the building development . It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p> <p>Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au</p> <p>Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/ Clearance-enquiries</p>

(Reason: Ensure compliance)

5. Sydney Airport

The following conditions from Sydney Airport must be complied with:

A.	<p>The application sought approval for the PROPERTY DEVELOPMENT to a height of 188.3 metres Australian Height Datum (AHD).</p> <p>In my capacity as Manager, Airfield Spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 188.3 metres AHD.</p> <p>The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.</p> <p>Should you wish to exceed this height a new application must be submitted.</p> <p>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.</p> <p>Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.</p> <p>Information required by Sydney Airport prior to any approval is set out in Attachment A.</p>
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	<p>"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).</p>
B.	<p>Planning for Aircraft Noise and Public Safety Zones:</p> <p>Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).</p> <p>Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.</p> <p>Note:</p> <ol style="list-style-type: none"> 1. a person who conducts a controlled activity otherwise than with an approval commits an offence against the Act. <ul style="list-style-type: none"> - s. 183 and s. 185 Airports Act 1996. - Penalty: 250 penalty units. 2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.
<p style="text-align: center;">Attachment A</p> <p style="text-align: center;"><u>Application for Approval of Crane Operation</u></p> <p style="text-align: center;"><u>[Sections s.182, 183, Airports Act 1996]</u></p> <p style="text-align: center;"><u>[Airports (Protection of Airspace) Regulations 1996 – Reg 7]</u></p> <p>TO: Sydney Airport Corporation Ltd</p> <p>c/- Airport Design Services Locked Bag 5000 Sydney International Airport NSW 2020 Email: airspaceprotection@syd.com.au</p> <p>Application pursuant to airport (protection of airspace) regulations reg 7:</p> <ol style="list-style-type: none"> a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule. b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation. 	

- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The "Important Notes" must be read and accepted.
- h) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

CERTIFICATE BY PROPONENT:

I certify that the Application for approval is complete to the best of my knowledge.

Dated:

Signature of Proponent:

Title of signatory:

(Reason: Ensure compliance)

6. Local Infrastructure Contributions

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

(Reason: Statutory requirement)

7. 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)

8. 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)

9. 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)

10. 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)

11. 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)

12. Use of Non-residential Floor Space

This approval only pertains to generic use of the ground floor and first floor non-residential floor spaces/ tenancies. Any specific use of these spaces will require further approval prior to their occupation.

(Reason: Ensure compliance)

13. Road Closure

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

(Reason: Compliance with the *NSW Roads Act 1993* and public safety)

BEFORE MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

Conditions from 14 to 15

14. 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 the Director of Planning & Infrastructure at Council for its review, comment and written

approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

- (a) Amended architectural plans that demonstrate that the loading bay is able to accommodate Council's 10.5m waste vehicle plus 2m loading area clear of the access driveway / circulation aisle. The minimum width of the access driveway / circulation aisle at the loading bay is to be 6.5m, with the northern edge in line with the northern kerb line for access driveway.
- (b) Public Domain Plan establishing a connection along the periphery of Hammond Lane and Gordon Avenue to provide seamless connectivity for a shared/ cycle path linking the existing shared path along Frank Channon Walk with the planned route along Pacific Highway.
- (c) Detailed architectural/ Landscape Plans to show treatments to Hammond lane, including but not limited to a trafficable and robust area, featuring deep soil and canopy trees.
- (d) The detailed public art plan must be developed 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.
(Reason: Ensure compliance)

- (e) An updated Operational Waste Management Plan that demonstrates:
 - there is sufficient consideration of how the recycling cupboard will be serviced on each residential floor, including details around who will be responsible for servicing and carting the bins and if additional equipment is required
 - the use of *WDCP 2006* waste generation benchmarks to estimate waste generation. The benchmarks are the following:
 - General waste: 100L/unit/week
 - Recycling: 60L/unit/week
 - Organics: 30L/unit/week
- (f) Revised architectural plans that clearly indicate there is sufficient waste storage space. A minimum area for each type of waste stream is required:
 - All residential bins: $\geq 19.6m^2$

- Residential bulky waste: $\geq 16\text{m}^2$
- Commercial waste space: $\geq 10.3\text{m}^2$

The waste storage areas should also indicate amenities (including drainage and taps) and door widths in compliance with *WDCP 2023* (NSROC 2018 Section 2.1 and 3.10.3).

- (h) Amended landscape plans that:
- Are consistent with the architectural plans with regard to deep soil and planted landscape areas;
 - Show trees T16, T17 and T18 on the adjoining site to be retained.

(Reason: Ensure compliance)

15. Contamination – Investigation, Remediation and Validation

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

- (a) A systematic and targeted program of supplementary investigations shall be carried out to address data gaps identified in the Detailed Site Investigation (DSI) by Douglas Partners Pty Ltd, Ref. 86178.02.R.001.Rev1, dated 5 May 2023. The results from the additional sampling and laboratory analysis shall be presented in a Targeted Site Investigation (TSI) report to Council for approval in writing. The TSI shall include, but not be limited to, the following:
- Sampling, testing and validation of soil contaminants within the demolished building footprint areas.
- (b) If the TSI identifies the presence of soil contaminants, a Remediation Action Plan (RAP) shall be prepared and submitted to Council for approval in writing.
- (c) Any variations to a required RAP (if one is required) must be approved in writing by Council prior to the commencement of any further work.
- (d) The site must be remediated in accordance with any Council-approved RAP;
- (e) Prior notice of any remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 16 of *State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)*;
- (f) A Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist must be submitted to Council for approval in writing (if remediation is necessary). The Validation Report must clearly state that the objectives stated in the approved RAP have been achieved and the land is suitable for the proposed use. In addition, notice of completion of remediation pursuant to clause 18 of *SEPP 55* shall be provided.

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 No 55 – Remediation of Land (SEPP 55)*
- *Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land* (Department of Urban Affairs and Planning and EPA 1998) (Planning Guidelines) (or updates)
- *Consultants reporting on contaminated land – Contaminated Land Guidelines* (NSW EPA 2020)

(Reason: Protection of environment and public health)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Conditions from 16 to 51

16. External Finishes – Solar Absorptance

The external 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)

17. 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 **\$844,352.72** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$36,009.56
Open space and recreation facilities	\$661,818.44
Plan administration	\$12,478.20
Recoupment - community facilities	\$127,279.44
Recoupment - open space and recreation	\$6,767.08
Total	\$844,352.72

Indexation

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

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

Where:

$\$C_0$ = the contribution amount shown in this Development Consent expressed in dollars

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

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

Please note that the dollar value stated applies to a payment made within the current calendar month. Any payment made in following months would have the relevant indexation (CPI Index) applied in the first instance to determine the actual amount due in the current month.

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

When you are ready to pay, please contact Council's Customer Service Centre on 9777 1000 to organise your payment.

(Reason: Statutory requirement)

18. Planning Agreement

Prior to the issue of first Construction Certificate, the obligations under the Planning Agreement executed on 17 February 2022 relating to this development, that is, the 2nd and 3rd instalments are to be satisfied at the timing and contribution amount required under Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

19. 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)

20. BASIX

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

(Reason: Environmental Sustainability)

21. Wind Treatment

In order to minimise the effects of wind on the proposed building, the development shall be designed and constructed to incorporate the recommended wind mitigation measures into the design from Section 3 of the Qualitative Wind Assessment prepared by CPP Wind Engineering Consultants, dated 19 May 2023, *CPP16736_5Gordon Avenue_REP_DS_PW_R01*, dated 15 November 2022 as a minimum.

(Reason: Amenity)

22. Public Right of Way

Prior to the issue of the Construction Certificate the Architectural and Landscape Plans shall notate that a 3m wide public right-of-way along the western boundary (fronting Hammond lane), for the entire length and a 3m wide public right-of-way along the front boundary (fronting Gordon Ave), for the entire frontage, are to be registered over the site, and that these right-of-way/s 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)

23. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (Total 32 units). Each adaptable unit is to be nominated on the Construction Certificate drawings. At least 8 disabled car spaces are to be provided for the adaptable units.

(Reason: Amenity)

24. Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with the Council providing for the transfer of title of the affordable housing dwellings identified as units 0303, 0402, 0403, 0503 and 0603 as shown on the Affordable Housing Plan prepared by fjstudio, sheet no. 9103, Revision 04, dated 28 November 2023, to the Council, free of charge. The Deed is to be drafted in accordance with the Housing Transfer Deed template available on Council's website and is to be submitted to the Council's Property Team and be executed prior to the issue of the Construction Certificate.

The terms of this agreement must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate. The applicant must agree to pay the Council's reasonable legal costs in satisfying itself that the agreement is appropriate, and a provision to this effect is to be included in the agreement.

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

(Reason: Ensure compliance)

25. Affordable Housing Fittings and Finishes

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

(Reason: Amenity)

26. Fibre-Ready Facilities and Telecoms Infrastructure

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

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

and

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

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

(Reason: Compliance)

27. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$220,500** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$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 = \$220,500 + \$260 = \$220,760

(Reason: Protection of public asset)

28. Temporary Ground Anchors

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

Reserve. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

29. CCTV Report of Existing Council Pipe System

A qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the Council drainage pipeline located in Hammond Lane adjacent to the site. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- (c) Distance from the manholes shall be accurately measured and displayed on the video.
- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) The inspection survey shall be conducted from manhole to manhole.
- (f) Recorded CCTV footage & reports are to use Council asset pit numbers to identify the start and finish location of the CCTV. A plan can be obtained from Council with these asset numbers at request.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Protection of public asset)

30. Stormwater Conveyed to Street Drainage

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

(Reason: Stormwater control)

31. 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 any Construction Certificate, other than for

excavation. The adopted downstream water level must be as per the level determined in the flood study prepared for the site.
(Reason: Prevent property damage)

32. Detailed Stormwater Management Plan

Prior to the issue of any Construction Certificate, other than for excavation, 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 shall include a water quality improvement system and an OSD system with a minimum volume of 55m³, which restricts the peak discharge from the site to 26L/s in the 1%AEP storm event. The drawings shall be in accordance with SGC drawings SW200/C, SW201/C, SW202/C, SW203/C, SW300/C, SW301/C, and SW500/C. 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)

33. Basement Pumpout Drainage System

Prior to the issue of any Construction Certificate, other than for excavation, 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)

34. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that:

- (a) The finished floor levels of the proposed building area have a minimum freeboard of 500mm above the 1% AEP flood event, which is conveyed through and past the site.
- (b) The basement entry ramp and any access points to the basement have a crest at a level of 500mm above the 1%AEP flood level or the PMF level, whichever is higher.
- (c) 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
- (d) 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.
- (e) Mitigation works detailed in the approved Flood Report are documented in Construction Certificate drawings.
- (f) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (g) That the proposed works result in changes of flood level on adjacent properties and the road reserve in the 1%AEP event of less than 10mm.

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 any Construction Certificate, other than for excavation.
(Reason: Prevent property damage)

35. 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)

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

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

- (a) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Gordon Avenue in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Gordon Avenue, including replace of redundant vehicle crossings, in accordance with Council's specifications and Standard Drawing SD105.
- (c) Construction of kerb and gutter for the full frontage of the development site in Hammond Lane in accordance with Council's specifications and Standard Drawing SD105.
- (d) Reconstruction of the existing road pavement 4.0m wide for the full frontage of the development site in Gordon Avenue in accordance with Council's specifications.
- (e) Reconstruction of the existing road pavement for the full width of the road and the full frontage of the development site in Hammond Lane in accordance with Council's specifications.
- (f) Construction of a 9.0 metres wide vehicular crossing in Hammond Lane in accordance with Council's specification and Standard Drawings SD105.
- (g) Construction of a new vehicle crossing in Gordon Avenue at the entrance to Hammond Lane in accordance with Council's specification and Standard Drawings SD105.
- (h) Any modification works required to the Council stormwater pit in Gordon Avenue at the intersection with Hammond Lane to suit the new works.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). The plans are to include sections at 5m intervals for path and pavement works and a longitudinal section for Hammond Lane, extending from the centreline of Gordon Avenue through the new layback to the northern boundary of the site. Sections are to include existing and proposed levels. A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

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

(Reason: Ensure compliance)

37. Driveway Longsection

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

- (a) Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing

SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.

- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

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

The new crossing is to be 9.0 metres wide with no splays and be constructed at right angle to street kerb. The footpath/footpath zone which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.

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)

38. 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 any Construction Certificate, other than for excavation, a suitably qualified person shall certify that the design meets these requirements.
(Reason: Safe access to tanks)

39. Vehicle Access and Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces, including that aisle widths are increased by 300mm in all locations where structures, including walls and columns are located opposite parking spaces.
- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking

spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.

- (f) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6. A bollard shall be located in the shared zone in accordance with Section 2.4 of AS 2890.6.
- (g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path from the frontage road to and from the loading area.
- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (i) Simultaneous manoeuvrability of the largest vehicle using the site (minimum MRV) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay.
- (j) That the loading bay dimensions allow Council's waste vehicle to be fully parked within the bay, with 2m area behind, and no part of the vehicle protrudes into the main access driveway / circulation roadway, which has a minimum width of 6.5m from the northern kerb.
- (k) That sufficient width is provided for Council's 10.5m waste vehicle, including clearance in accordance with AS 2890.2, to traverse from Gordon Avenue to the loading bay, with a single reverse movement into the loading bay
- (l) That traffic management measures have been provided to manage conflict at locations where a passenger vehicle is not able to pass vehicles larger than an MRV, including Council's waste vehicle.
- (m) That suitable sight lines are provided at the vehicle exit from the site to pedestrians on the path within the site.

(Reason: Ensure compliance)

40. 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)

41. 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)

42. Electric Vehicle Charging Bays

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

The design and provision of electric vehicle charging infrastructure must satisfy the relevant NCC requirements.

(Reason: Support sustainable transport)

43. Bicycle facilities

Bicycle wayfinding, storage and end of trip facilities must be provided on-site to the satisfaction of Council's *DCP*. The storage and end of trip facilities must be located in a convenient and secure location in as close proximity to the retail areas as possible. Separate facilities must be provided for use by employees and visitors to the development. All spaces must be clearly and visibly marked on site for their intended use.

The design of the bicycle wayfinding (such as signposting), storage (including bicycle racks, bicycle rails and lockers) and end of trip facilities must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and TfNSW technical directions and guidelines.

(Reason: Support active transport use)

44. 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 and Council verge) 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)

45. Tree Offset Planting Scheme

Prior to the issue of a Construction Certificate and **before** any trees are removed, the Applicant is required to enter a Deed of Agreement with Council and pay a fee for the off-site planting of 36 trees in accordance with *Willoughby Development Control Plan* Part G Vegetation Management clause 6 Replacement Trees and Part 7.3 Tree Offset Scheme of the Vegetation Management Guidelines.

The applicable fee shall be based on the 'Offset fee for replacement planting' schedule as published in the Willoughby Council Fees and Charges at the time of payment.

When you are ready to pay, please contact Council's Customer Service Centre on 9777 1000 to organise your payment.

Receipt of payment should be provided to the Certifying Authority prior to the removal of any trees and prior to the release of the Construction Certificate.
(Reason: Canopy Cover and landscaping)

46. Internal Noise Levels

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

Internal Space	Criteria L _{Aeq} (period)
Common areas (e.g. foyer, lift lobby)	55 dB(A) L _{Aeq} 24 hour
Residential Living Areas	40 dB(A) L _{Aeq} 24 hour
Residential Sleeping Areas (night time)	35 dB(A) L _{Aeq} 9 hour
Retail/Commercial Areas	50 dB(A) L _{Aeq} when in use

Note:

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

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

(Reason: Amenity, environmental compliance and health)

47. Acoustic Treatment for the Development

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

glazing and other building elements outlined in Section 5 of the acoustic report prepared by Resonate Consultants, Ref. S220427RP1 Rev0, dated 15 May 2023 and the supplementary letter dated 10 November 2023, as a minimum.

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

Plans and specifications showing the details of the proposed acoustic treatment shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

48. Noise Mechanical Plant

To minimise the impact of noise onto receivers on surrounding land, all mechanical services and other sources of noise shall be designed to comply with the noise emission criteria contained in the EPA's *Noise Policy for Industry* (2017) and the criteria contained in Section 4.4 of the acoustic report prepared by Resonate Consultancy, Ref. S220427RP1 Rev0, dated 15 May 2023.

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

(Reason: Amenity, environmental compliance and health)

49. 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)

50. Dewatering of Development Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from dewatering or pumping activity on the development site complies with relevant environmental criteria.

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

Where a discrepancy exists between Council's criteria and that from the Australian and New Zealand Environment and Conservation Council: 2000: *Guidelines for Fresh and Marine Water Quality*, *National Water Quality Management Strategy*, the lower value shall prevail.

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	900
Total phosphorous	µg/L	< than	63.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	468
Suspended solids	Mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

51. Services and Fire Hydrant Enclosure

Prior to the issue of the relevant Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans demonstrating 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 the BCA.

(Reason: To ensure essential services are appropriately screened)

BEFORE WORKS COMMENCE

Condition from 52 to 68

52. 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)

53. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 1-3 Gordon Avenue and 655 Pacific Highway 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)

54. Geotechnical Report

The site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer and a comprehensive report shall be submitted to the registered certifier prior to commencement of work. The report should indicate how the work is to be undertaken safely and with maximum protection for neighbouring amenity, with particular regard paid to acoustic and vibration impacts. The report should identify the stages at which the engineers' personal supervision is to occur during the works. The report should recommend when and where further study and investigation are to take place during construction.

All construction plans and excavation works are to be based on the conclusions of the geotechnical report and all recommendations of the report, including for further investigation, are to be followed during the works. The report shall be submitted to Council for record purposes.

In the event of the geotechnical conditions of the site resulting in instability during the excavation phase and more area than approved being excavated, all excavation work is to cease and Council to be contacted to allow the matter to be reviewed. (Reason: Protection of adjoining properties and ensure compliance)

55. 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)

56. 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)

57. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Certifier advised of the submission prior to commencement of work.

(Reason: Protection of Council's infrastructure)

58. 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)

59. 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)

60. 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 Gordon Avenue and Hammond Lane required to cater for the proposed development. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

61. 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)

62. 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)

63. 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)

64. Hazardous Building Material Assessment

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

65. Noise and Vibration Management

The Applicant must prepare a Demolition, Excavation and Construction Noise and Vibration Management Plan and the Plan must:

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

- l) A copy of the CNVMP is to be submitted to Council prior to the commencement of any work. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

(Reason: Amenity and environmental compliance)

66. Waste Storage Room Construction

A design certificate and detailed plans are to accompany any Construction Certificate application which demonstrates that the waste storage has been designed to be constructed in accordance with the Waste Management Guide and including the following requirements:

- (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
- (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;
- (c) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
- (d) The room is to be provided with artificial light controllable within the room and adequate ventilation;

The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.

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

67. Waste Chute Design

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

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

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

68. Spoil Route Plan

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

(Reason: Public amenity)

DURING DEMOLITION AND BUILDING WORK

Conditions from 69 to 92

69. 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)

70. 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)

71. Demolition Work AS 2601-2001

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

(Reason: Safety)

72. Silencing Devices

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

(Reason: Maintain amenity to adjoining properties)

73. Asbestos Removal and Disposal

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

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

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

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

(Reason: Environmental protection/Public health and safety)

74. 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)

75. 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)

76. 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)

77. 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)

78. 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)

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

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

(Reason: Ensure compliance)

80. Storage of Materials on Council Land Prohibited

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

(Reason: Safety, environmental protection)

81. Tree Removal

Approval is given for the removal of the following trees as identified on Ground Floor Landscape Plan Dwg. No. DA-2301-02 issue C dated 1/10/2024 prepared by Sturt Noble Associates:

Trees 8, 9, 10, 11, 12, 13, 14, 22, 23, 24, 25, 27 & 28.

(Reason: Site development)

82. 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 unless exempt under relevant planning instruments or legislation.

- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
 - (c) Tree protection measures must comply with the 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 roots unless directed by The Project Arborist on site.
- (Reason: Tree management)

83. Public Tree Protection

- (a) Unless identified by the development consent, no tree roots over 25mm diameter are to be damaged or cut and all structures are to be bridged over such roots.
 - (b) Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Public Trees section and resolve the matter to Council's satisfaction.
- (Reason: Tree management)

84. Excavation Materials

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

(Reason: Environment & Health Protection)

85. 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)

86. Unexpected Finds Protocol

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

(Reason: Environment & Health Protection)

87. Importation of Fill

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

(Reason: Environment & Health Protection)

88. 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)

89. Construction Noise & Vibration

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG) and the Construction Noise and Vibration Management Plan (CNVMP). Noise levels shall not exceed the following noise criteria:

- (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) $\leq 75dB(A)_{Leq(15mins)}$.
- (b) Affected commercial premises (i.e. office, retail outlets etc.) – $70dB(A)_{Leq(15mins)}$.

Where noise or vibration criteria are exceeded, appropriate measures to control excessive noise and/or vibration shall be implemented immediately.

(Reason: Amenity)

90. Testing to Verify Water Quality Prior to Dewatering Activity

- (a) On the occasion that any rainfall or other event necessitates dewatering of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and

adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.

- (b) A copy of the up-to-date Council-approved Construction Site Dewatering Plan (or other document detailing the water pollution control method), the written approval from Council for the method, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

91. 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)

92. Swimming Pool Notice

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

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

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

(Reason: Safety)

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Conditions from 93 to 155

93. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of a Final Occupation Certificate. An application must be made either directly to Sydney Water or through a Sydney Water accredited Water Service Coordinator. For details go to www.sydneywater.com.au/section73 or call 1300 082 746.

The Section 73 Certificate must be submitted to the Certifier.

(Reason: Ensure statutory compliance)

94. 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)

95. Planning Agreement

Prior to the issue of first Occupation Certificate, ensure the obligations under the Planning Agreement executed on 17 February 2022 relating to this development, that is, the 2nd and 3rd instalments have been satisfied at the timing and contribution amount required under Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

96. 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)

97. Sustainable Development - Multi-unit Dwellings

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

(Reason: Environmental sustainability)

98. 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)

99. Disabled parking spaces

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

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

(Reason: Access for mobility impaired users)

100. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Prior to the issue of any Occupation Certificate and upon completion of the building work, a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the *Environmental Planning and Assessment Regulation 2000* in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

101. Swimming Pool – Heating and Cover

Prior to the issue of the Occupation Certificate and in perpetuity, the swimming pool is to be fitted with a cover to maintain temperatures and minimise evaporation of water. Any heating shall be of energy efficient means.

(Reason: Ensure compliance/ sustainable development)

102. Swimming Pool - Access

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

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

(b) The barrier is to conform to the requirements of AS 1926 –
Part 1 – "Safety Barriers for Swimming Pools"
Part 2 – "Location of Safety Barriers for Swimming Pools"

(Reason: Safety)

103. Emitted Noise

Prior to the issue of any Occupation Certificate, the noise emitted by the

- (a) Swimming pool pump and filter
- (b) Spa pool pump and filter
- (c) Water feature pump

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

(Reason: Amenity)

104. Spa/Swimming Pool Backwash and/or Overflow

Prior to the issue of an Occupation Certificate for the spa and/or swimming pool, water from the spa/swimming pool, including any backwash, overflow and runoff shall be effectively contained and discharged to the sewer by appropriate, permanent piping, drainage and design so this water does not:

- (a) enter any land, waters or the stormwater disposal system, including during wet weather events;
- (b) cause, or be likely to cause, damage to other land, or a building on the land or other land; and
- (c) cause discharge of sewer from the residential premises at a flow rate exceeding 2 Litres per second per Sydney Water's requirements.

Upon completion, certification from an independent, licenced and practising plumber and any engaged suitable pool specialists must be submitted to the Principal Certifier certifying that the spa/swimming pool, any associated components and all drainage at the premises complies with the most recent, relevant editions of:

- (d) the *Plumbing Code of Australia*;
- (e) Australian Standard/New Zealand Standard AS/NZS 3500 series on *Plumbing and Drainage*;
- (f) the *Building Code of Australia* and relevant Australian Standards and Australian Standard/New Zealand Standards for spas, swimming pools and any associated components featured or installed at the premises;
- (g) Part I – *Water Management* of the *Willoughby Development Control Plan (WDCP)*; and
- (h) Sydney Water editions of the relevant *Water Services Association of Australia* codes of practice and any Sydney Water guidelines, policies and relevant requirements.
- (i) Australian Standard 1926.3 – *Swimming Pool Safety – Water Recirculation Systems*

(Reason: Environmental compliance, health and safety)

105. Swimming Pool Registration

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

(Reason: Statutory Compliance)

106. Right of Way Registration

Prior to the issue of any Occupation Certificate, right-of-way(s) must be registered with Land Registry Services over all that part of the land located within 3 metres of the western boundary of the site (fronting Hammond Lane), for the entire length of this western boundary, and 3 metres of the boundary fronting the Grodon Avenue, for the entire frontage. These rights-of-way are to allow public use of this portion of the land.

(Reason: Compliance, urban design)

107. Marked Parking Bays

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

(Reason: Ensure compliance)

108. Safer by Design

Prior to the issue of any relevant Occupation Certificate and to minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

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

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.

- (b) The ceiling and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- (c) The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to

the other.

- (d) The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- (e) Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
- (f) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- (g) A small portion of each storage area shall be of solid construction (i.e. Cupboard.

(Reason: Safety and surveillance, energy efficiency, amenity)

109. Visitor Parking Spaces

Prior to the issue of a Whole Occupation Certificate, the 9 visitor car parking spaces shall be physically identified on site, and maintained free of obstruction for the exclusive use of visitors to the premises at all times.

(Reason: Amenity)

110. Services - Electricity Supply and Telecommunication Mains

Prior to the issue of a Whole Occupation Certificate, all existing and proposed electricity supplies and telecommunication mains and services around the perimeter of the site shall be relocated underground to the satisfaction of the relevant utility provider and Willoughby City Council at the full cost of the applicant.

(Reason: Compliance)

111. Services - Mailboxes

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

(Reason: Legal)

112. Affordable Housing – Fittings and Finishes

Prior to the issue of any Occupation Certificate, the Certifier must be satisfied that the affordable housing dwellings have the internal fittings and finishes at the same standard as the other dwellings within the development and in accordance with the schedule endorsed by Council.

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

(Reason: Amenity)

113. Affordable Housing Dwellings

The affordable housing units, as units 0303, 0402, 0403, 0503 and 0603 as shown on the Affordable Housing Plan prepared by fjstudio, sheet no. 9103, Revision 04, dated 28 November 2023, and providing a total gross floor area of at least 342.6m², are to be dedicated to Willoughby City Council within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate for the purpose of affordable housing in accordance with Clause 6.8 of *Willoughby Local Environmental Plan 2012*. The affordable dwellings/units must have at least two (2) designated car parking spaces in total for all units.

(Reason: Ensure compliance)

114. 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)

115. 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)

116. CCTV Report of Council Pipe System After Work

Prior to the issue of any Occupation Certificate, a qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage pipeline located in Hammond lane adjacent to the site after the completion of all works. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- (c) Distance from the manholes shall be accurately measured and displayed on the video.
- (d) All pipe joints and defects are to be inspected by stopping movement and panning

the camera to fully inspect the joint and/or defect.

- (e) The inspection survey shall be conducted from manhole to manhole.
- (f) Recorded CCTV footage & reports are to use Council asset pit numbers to identify the start and finish location of the CCTV. A plan can be obtained from Council with these asset numbers at request.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier.

(Reason: Ensure compliance and protection of public asset)

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

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

(Reason: Ensure compliance)

118. 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 Council's pit in Hammond Lane via an approved OSD system with a minimum volume of 55m³ and a water quality improvement system in accordance with AS/NZS3500.3, Part 1 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)

119. 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)

120. 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)

121. 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)

122. 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)

123. 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)

124. 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)

125. 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)

126. 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 approved under this consent. 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)

127. 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 Gordon Avenue and Hammond Lane.

(Reason: Public amenity)

128. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, the following road pavements shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC):

- Full roadway width in Hammond Lane for the full frontage of the development site
- 4.0m pavement width in Gordon Avenue for the full frontage of the development site.

Council's standard design traffic for this pavement is 6x10⁴ ESA.

Subject to no construction damage occurring to the pavement in Gordon Avenue and provision of a geotechnical report that details that pavement is suitable for the design life, Council may not require the full reconstruction of the 4.0m wide pavement width in Gordon Avenue and may permit a mill and resheet with 50mm minimum of asphalt.

(Reason: Ensure compliance)

129. Concrete Footpath

Prior to the issue of any Occupation Certificate, construct a 1.5m wide concrete footpath for the full frontage of the development site in Gordon Avenue.

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

(Reason: Public amenity)

130. Street Lighting

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

Reason: Public amenity)

131. Vehicular Crossing

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

The crossing is to be 9.0 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

- (a) At back of layback – 100 mm above and parallel to the gutter invert.

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)

132. Removal of Redundant Crossings

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

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

(Reason: Public amenity)

133. Hammond Lane Layback

Prior to the issue of any construction certificate, replace the existing layback at the intersection of Hammond Lane and Gordon Avenue with a new layback. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard

Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections.

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.

(Reason: Public amenity)

134. Inspection of Civil Works on Road Reserves

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

Pursuant to Section 138 of the *Roads Act 1993*, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. The Work-as-Executed drawings shall be based on the Council approved drawings with all changes marked in red. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

135. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$121,000 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)

136. 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)

137. 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)

138. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (d) Aisle widths throughout basements comply with AS/NZS 2890.1, including that the widths are increased by 300mm in all locations where structures including walls and columns, are located opposite parking spaces.
- (e) 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.
- (f) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (g) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m headroom for Council's waste vehicle) has been provided for the loading area and the path to and from the loading area.
- (i) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS 2890.6, and that a bollard is located in the shared zone in accordance with the requirements of Section 2.4 of AS 2890.6.
- (j) Simultaneous manoeuvring of B99 and B85 at all circulation aisles, ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) Simultaneous manoeuvrability of the largest vehicle using the site (minimum MRV) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is achieved between the frontage road and the loading bay.
- (l) That the loading bay dimensions allow Council's waste vehicle to be fully parked within the bay, with 2m area behind, and no part of the vehicle protrudes into the main access driveway / circulation roadway, which has a minimum width of 6.5m from the northern kerb line.
- (m) That sufficient width is provided for Council's 10.5m waste vehicle, including clearance in accordance with AS 2890.2, to traverse from Gordon Avenue to the

loading bay, with a single reverse movement into the loading bay.

- (n) That traffic management measures have been provided to manage conflict at locations where a passenger vehicle is not able to pass vehicles larger than an MRV, including Council's waste vehicle.
- (o) That suitable sight lines have been provided at the vehicle exit from the site to pedestrians on the path within the site.

(Reason: Ensure compliance)

139. 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)

140. 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)

141. 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 CPEng), that:

- (a) The finished floor levels of the proposed building area have a minimum freeboard of 500mm above the 1% AEP flood event, which is conveyed through the site.
- (b) The basement entry ramp has been constructed with a crest at a level of 500mm above the 1%AEP flood level or the PMF, 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 approved flood report.
- (e) Mitigation works detailed in the approved Flood Report have been constructed.
- (f) The as contracted works comply with the requirements of Technical Standard 2 Floodplain Management.

(Reason: Ensure compliance)

142. 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)

143. 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)

144. Vehicle Management System

Prior to the issue of any Occupation Certificate, a vehicle management system shall be operational to manage conflict between cars and trucks at all locations between the entry and the loading bay where a passenger vehicle is not able to pass a service vehicle, including Council's waste vehicle. The system shall include:

- A signal system for the conflict point, with the default set to green.
- A sensor system to detect an entering vehicle larger than a MRV larger, which will turn the opposite signal to red.
- A button at the loading dock, to turn the entry signal to red and allow the service vehicle to leave with no conflicts.
- A system to detect when the vehicle has passed the conflict location and turn the signals back to green.
- Signage at the loading dock to detail system operation and contact details for maintenance / repair of the system

A manual is to be provided for the system, which is to include standard operating procedures and maintenance requirements.

(Reason: Manage potential vehicle conflicts)

145. Public Tree Maintenance

Prior to the issue of any relevant Occupation Certificate, the Project Arborist is to certify that all trees not approved for removal 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".

(Reason: Tree management, public asset management)

146. Tree Planting

Prior to the issue of a Whole Occupation Certificate, any tree that has been approved for removal shall be replaced at a rate of 3 to 1 in accordance with Part G of the *Willoughby Development Control Plan – Vegetation Management*.

Plant at least 6 trees.

The trees shall:

- (a) Have a minimum container size of 100L litres and grown to AS 2303:2018 Tree stock for landscape use;
- (b) Be flowering species, preferably locally occurring native species;
- (c) Palms, conifers, fastigiata and columnar trees are not acceptable for the purposes of complying with this condition;

- (d) Have the potential to attain a minimum height of 8 metres;
 - (e) Be planted in an appropriate location to allow root growth;
 - (f) Be planted, mulched, watered and maintained according to industry best practice.
- (Reason: Landscape amenity)

147. 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)

148. 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)

149. Acoustic Treatment – Certification

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the approved construction details and the relevant design noise criteria contained in Section 5 of the acoustic report prepared by Resonate Consultants, Ref. S220427RP1 Rev0, dated 15 May 2023 and the supplementary letter dated 10 November 2023.

(Reason: Amenity, environmental compliance and health)

150. Noise Emission – Equipment

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

(Reason: Amenity, environmental compliance and health)

151. 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)

152. Domestic Waste Collection Agreement with Council

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service.

This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its servants/ contractors to enter and exit for the purpose of waste recycling collection. The development is also required to indemnify Council and its servants/contractors against claims for loss or damage or wear and tear of access roads or to other parts of the building.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements. The provision of Council's waste collection service will not commence until formalisation of the agreement.

(Reason: Legal Requirement)

153. Private Waste Collection Service

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the non-residential component.

Prior to entering into an agreement for a private waste collection service, the developer is to ensure that:

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

A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

154. Final Public Art Report

Prior to the issue of a Whole 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)

155. Public Domain Works

Prior to the issue of a Whole Occupation Certificate, the written consent of Council's planning and Infrastructure Director must be obtained that confirms the public domain works as required and/or approved under this consent have been completed to the satisfaction of Council.

(Reason: Ensure compliance)

OCCUPATION AND ONGOING USE

Condition from 156 to 179

156. Annual Fire Safety Statement

Attention is directed to Clause 177 of the *Environmental Planning and Assessment Regulation 2000* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

157. On-site Car Parking

The on-site car parking provision of 50 car parking spaces (excluding the loading bay), 2 motorbike spaces and 9 bike spaces are to be permanently available for the life of the development.

The car parking spaces shall be distributed as follows:

32 residential car spaces (of which 8 are adaptable car spaces)

9 residential visitor car spaces

7 retail (Food & Drink) car spaces

2 Office car spaces

1 loading bay

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

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

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

(Reason: Ensure Compliance)

158. 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)

159. Enter and Exit in Forward Direction

All vehicles shall enter and exit the site in a forward direction.

(Reason: Pedestrian and vehicle safety)

160. Vehicle Management System

The system required to manage vehicle conflicts between the site entry and the loading dock shall be operational at all times, with required maintenance undertaken in accordance with manufacturer's recommendations and requirements.

(Reason: prevent vehicle conflicts)

161. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

162. 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)

163. Collection/Delivery Services

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

(Reason: Amenity)

164. Stormwater Drainage Management

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

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

(Reason: Environmental protection)

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

Mechanical ventilation systems comprising regulated air handling and water systems (cooling towers, warm-water systems and the like) shall be registered with Council on completion of the installation in accordance with the requirements of the *Public Health Act 2010* and *Public Health Regulation 2012*.

(Reason: Health protection)

166. Regulated air handling and water systems

All regulated air handling and water systems shall be maintained and operated in accordance with:

- (a) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- (b) Australian/New Zealand Standard AS/NZS 3666.3:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems;
- (c) Australian/New Zealand Standard AS/NZS 3666.4:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of air-handling systems (ducts and components);
- (d) the *Public Health Act 2010*; and
- (e) the *Public Health Regulation 2012*.

(Reason: Compliance and health)

167. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements. This includes collection by Council HRV on the following frequencies:

- Garbage: twice per week.
- Recycling: once per week.
- Garden organics: once per week.
- Bulky waste booked service.

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

168. On-Site Collection Point

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

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

169. Licenced Waste Collection

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

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

170. Management

Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:

- (a) Responsibility for cleaning and maintaining waste storage bins and containers.
- (b) Responsibility for cleaning and maintaining waste storage room.

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

Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste and recycling system.
(Reason: Environmental protection/waste reduction/public health and safety)

171. Waste Storage Containers

No waste storage containers are to be located or placed outside the approved waste storage area at any time except for collection purposes.
(Reason: Environmental protection/waste reduction/public health and safety)

172. Signage

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

173. Waste Chute Contingency

Where the waste management system incorporates the use of a waste chute system, a contingency plan should be in place for the development to allow for the continual disposal and collection of waste if the chute cannot be operated.
(Reason: Environmental protection/waste reduction/public health and safety)

174. Public Art

For the purposes of contributing to the social, cultural and economic vitality of the Willoughby LGA, the public art shall be maintained and managed in accordance with Council's Public Art Policy.
(Reason: Ensure compliance with Council's Public Art Policy)

175. Use of swimming pool

The swimming pool/spa shall not be used for hire or for the purpose of any trade, industry, business or commercial gain.
(Reason: Preserve amenity)

176. General Easement/ROW Provision and Certification

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

easements and/or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.

(Reason: Ensure compliance)

177. 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)

178. 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)

179. Licensed Waste Collection

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

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