

## UPDATED SCHEDULE

**CONDITIONS OF CONSENT:** (including reasons for such conditions)

### GENERAL CONDITIONS

Conditions
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#### CONSENT IDENTIFICATION

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

#### 1. Approved Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of:

Demolition of existing structures and construction of shop top housing development comprising 52 residential units; 4 level basement with 42 car parking spaces, strata subdivision, landscaping and associated works, nominated integrated development - water management act 2000 s90 (WaterNSW).

(Reason: Confirm the approved works and use)

#### 2. 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
Project Summary	DA001	02	04.07.2025	PBD Architects
Demolition Plan	DA002	01	14.09.2023	PBD Architects
Setback Plan	DA005	01	14.09.2023	PBD Architects
Basement 4	DA101	04	04.07.2025	PBD Architects
Basement 3	DA102	04	04.07.2025	PBD Architects
Basement 2	DA103	04	04.07.2025	PBD Architects
Basement 1	DA104	05	04.07.2025	PBD Architects
Basement Mezzanine	DA105	05	04.07.2025	PBD Architects
Ground Floor	DA106	05	04.07.2025	PBD Architects
Level 1	DA107	05	04.07.2025	PBD Architects

Level 2	DA108	05	04.07.2025	PBD Architects
Level 3	DA109	05	04.07.2025	PBD Architects
Level 04 – 09	DA110	05	04.07.2025	PBD Architects
Level 10	DA111	05	04.07.2025	PBD Architects
Level 11 – 19	DA112	05	04.07.2025	PBD Architects
Level 20 – 21	DA113	05	04.07.2025	PBD Architects
Level 22 & 24	DA114	05	04.07.2025	PBD Architects
Level 23 & 25	DA115	05	04.07.2025	PBD Architects
Level 26	DA116	05	04.07.2025	PBD Architects
Roof Plan	DA117	04	04.07.2025	PBD Architects
North West Elevations	DA200	03	04.07.2025	PBD Architects
South & East Elevations	DA201	03	04.07.2025	PBD Architects
Section A & B	DA300	03	04.07.2025	PBD Architects
Storage Calculation diagram – Sheet 1	DA550	01	14.09.2023	PBD Architects
Storage Calculation diagram – Sheet 2	DA551	01	14.09.2023	PBD Architects
Storage Calculation diagram – Sheet 3	DA552	01	14.09.2023	PBD Architects
Storage Calculation diagram – Sheet 4	DA553	01	14.09.2023	PBD Architects
Ramp Section	DA310	04	25.10.2024	PBD Architects
<b>Type</b>	<b>Plan No.</b>	<b>Revision/ Issue No</b>	<b>Plan Date (as Amended)</b>	<b>Prepared by</b>
Adaptable Unit Type A	DA700	01	14.09.2023	PBD Architects
Adaptable Unit Type B	DA701	01	14.09.2023	PBD Architects
Adaptable Unit Type C	DA702	01	14.09.2023	PBD Architects
Adaptable Unit Type D	DA703	01	14.09.2023	PBD Architects
Civil Cover Sheet Plan	000	B	17.07.2024	Telford Civil
Stormwater Concept Plan Basement 4 - Sheet 1 of 2	101	C	17.07.2024	Telford Civil
Stormwater Concept Plan Basement 4 - Sheet 2 of 2	102	C	17.07.2024	Telford Civil

Stormwater Concept Plan – Deleted Plan	103	B	13.09.2023	Telford Civil
Stormwater Concept Plan Basement 3	104	C	17.07.2024	Telford Civil
Stormwater Concept Plan Basement 2	105	C	17.07.2024	Telford Civil
Stormwater Concept Plan Basement 1	106	D	21.10.2024	Telford Civil
Stormwater Concept Plan Basement Mezzanine	107	B	21.10.2024	Telford Civil
Stormwater Concept Plan Ground Floor	108	E	30.10.2024	Telford Civil
On-site Detention Details and Calculations	109	D	30.10.2024	Telford Civil
Catchment Plan and Music Results	110	C	30.10.2024	Telford Civil
Sediment and Erosion Control Plan & Details	111	A	06.09.2023	Telford Civil
Miscellaneous Details Sheet	112	A	06.09.2023	Telford Civil
Landscaping Cover page	000	D	07.07.2025	Arcadia
Plant Schedule	101	D	07.07.2025	Arcadia
Planting Pan – Ground Level	201	D	07.07.2025	Arcadia
Planting Pan – Level 1	202	D	07.07.2025	Arcadia
Planting Pan – Level 2	203	D	07.07.2025	Arcadia
Planting Pan – Level 3	204	D	07.07.2025	Arcadia
Landscape Specification	501	D	07.07.2025	Arcadia
Landscape Details	601	D	07.07.2025	Arcadia

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)

### 3. WaterNSW

The following General Terms of Approval (GTAs) from WaterNSW must be complied with. **The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to

WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Dewatering	
GT0116-00001	<p>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</p> <p>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.</p>
GT0117-00001	<p>A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.</p>
GT0118-00001	<p>If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (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</p>

	<p>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.</p>
GT0119-00001	<p>All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.</p>
GT0121-00001	<p>Construction phase monitoring bore requirements GTA:</p> <p>a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.</p>
GT0122-00001	<p>Construction Phase Monitoring programme and content:</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> <p>i. Preapplication 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.</p> <p>ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;</p> <p>iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;</p> <p>iv. QA: Include details of quality assurance and control</p> <p>v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.</p> <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	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and
	<p>any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.waternsw.com.au/customer-service/water-licensing/dewatering">www.waternsw.com.au/customer-service/water-licensing/dewatering</a></p>
GT0150-00001	<p>The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.</p> <p>Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual</p>
GT0151-00001	<p>Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.</p>

GT0152-00001	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.

#### 4. NSW Police

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

1.	The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises.
2.	Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
3.	Any bicycle parking should be in a secure area and covered with CCTV cameras.
4.	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.
5.	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.
6.	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.
7.	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.

8.	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.
9.	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.
10.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
11.	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.
12.	“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.
13.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
14.	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.
15.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Ensure compliance)

## 5. Transport for NSW (TfNSW)

The following conditions from the TfNSW must be complied with:

1.	<p>The redundant driveways on Pacific Highway shall be removed and replaced with kerb and gutter in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@transport.nsw.gov.au</p> <p>Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au</p> <p>A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.</p>
2.	<p>Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system of the Pacific Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au</p> <p>A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.</p>
3.	<p>The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.</p> <p>The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au</p> <p>If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.</p>
4.	<p>All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.</p>
5.	<p>A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities. A ROL can be obtained through <a href="https://myrta.com/oplinc2/pages/security/oplincLogin.jsf">https://myrta.com/oplinc2/pages/security/oplincLogin.jsf</a></p>

## 6. Sydney Airport

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

- a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.

- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The Important Notes to Application for Approval of a Crane Operation which is a Controlled Activity as issued by Sydney Airport must be read and accepted.
- h) The Proponent must provide a copy of the application referred to above at (b) to Council.

## **FOLLOWING DEMOLITION BUT PRIOR TO MAKING AN APPLICATION FOR CONSTRUCTION CERTIFICATE**

### **7. Submit the Following Information to Willoughby City Council**

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

- (a) A draft strata plan that corresponds to the approved architectural plans and clearly indicate (inter alia) car parking spaces, shared zones, basement storage and other areas appurtenant to residential units and non-residential area, and other easement and right of ways as required.

(Reason: Ensure compliance)

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

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

### **8. Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$185,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee as per Council's current Fees and Charges is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$185,000 + Damage Deposit Release Inspection Fee**

(Reason: Protection of public asset)

### **9. Temporary Ground Anchors**

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of any proposed temporary ground anchors prior to issue of the Construction Certificate. 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)

**10. 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 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)

**11. Analysis of Outlet Condition**

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

(Reason: Prevent property damage)

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

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and be in accordance with Telford Civil's drawings 101/C, 102/C, 104/C, 105/C, 106/D, 107/B, 108/E, 109/D, 110/C. The plans shall be amended to show that the outlet from the OSD tank has a minimum level of RL 99.20m. Alternatively, details must be submitted to Council and approval gained from Council to demonstrate that the outlet from the OSD system is above the downstream 1%AEP water level. The plans shall include an OSD system with a minimum volume of 45m<sup>3</sup>, that limits the peak flow from the site in the 1%AEP storm event to 20.1L/s. 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)

**13. Basement Pumpout Drainage System**

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

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

#### 14. **Overland Flow**

A suitably qualified and experienced civil engineer must certify that the vehicle access to the basement parking area has been designed to prevent overland stormwater flow from the laneway draining into the basement.

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

#### 15. **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)

### **SIDRA Analysis of Intersection Performance**

Prior to the issue of a Construction Certificate, the applicant must submit a SIDRA intersection analysis for the intersection of Pacific Highway and Gordon Avenue, Chatswood, for approval by Council's Traffic Engineer.

Due to the subject site's location being bounded by Pacific Highway, Gordon Avenue, and Hammond Lane, vehicular access to and from the property is limited to a small number of intersections. Accordingly, the SIDRA analysis must:

- Assess intersection performance, queuing lengths, and levels of service during both AM and PM peak periods;
- Evaluate inbound and outbound traffic movements generated by the development; and
- Consider any cumulative traffic impacts where applicable.

The analysis must be based on the approved development traffic generation and must include sufficient input parameters and outputs to inform Council's assessment of potential operational impacts.

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

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

- (a) Construction of 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) Construction of 2.0 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Pacific Highway in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (c) Reconstruction of existing kerb and gutter for the full frontage of the development site in Gordon Avenue in accordance with Council's specifications and Standard Drawing SD105.
- (d) Reconstruction of existing kerb and gutter for the full frontage of the development site in Pacific Highway in accordance with TfNSW requirements.
- (e) Construction of new kerb and gutter for the full frontage of the development site in Hammond Lane in accordance with Council's specifications and Standard Drawing SD105.

- (f) Reconstruction of the full width of the existing road pavement for the full frontage of the development site in Hammond Lane in accordance with Council's specifications.
- (g) Reconstruction of half width of the existing road pavement for the full frontage of the development site in Gordon Avenue in accordance with Council's specifications.
- (h) Construction of a 11.0 metres wide vehicular crossing in Hammond Lane in accordance with Council's specification and Standard Drawings SD105.
- (i) Reconstruction of the existing layback at the intersection of Hammond Lane and Gordon Avenue in accordance with Council's specification.
- (j) Construction of any other works within the road reserve required under these conditions or required for the development.

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

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

(Reason: Ensure compliance)

#### **17. Sight Distance at Hammond Lane / Gordon Avenue Intersection**

In order to ensure adequate sight distances for pedestrians in Gordon Avenue, all structures and walls located adjacent to the Hammond Lane / Gordon Avenue corner of the site, including the F.H.B structure, shall have a maximum height of 1.2m above ground for a minimum of 2.0m x 2.5m from the corner. Details demonstrating compliance are to be submitted with the construction certificate application. (Reason: Pedestrian safety)

#### **18. Driveway Longsection**

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

- (a) Horizontal distance from the centreline of the road to a minimum of 10m within the site, 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 the B99 vehicle profile from AS/NZS 2890.1. All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.

The new crossing is to be 11 metres wide with no splays and be constructed at right angle to street 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)

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

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

(Reason: Safe access to tanks)

## **20. Vehicle Access and Manoeuvring – Engineer's Certification**

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement on both sides of the driveway and a maximum grade of 2.5% is provided for the footway section. 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.
- (d) That disabled and accessible parking spaces comply with the requirements of AS 2890.6, including provision of shared areas and the bollard.
- (e) 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.
- (f) 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.
- (g) That 4.5m headroom clearance required in AS 2890.2 for the largest vehicle using the site (MRV and Council waste vehicle) has been provided for the loading area and the path to and from the loading area.

- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (i) Simultaneous manoeuvrability of a SRV and a B99 passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay.
- (j) Vehicle access is provided between the frontage road and the loading dock for Council's waste vehicle (10.5m long) and that the vehicle is able to enter and leave the site in a forward direction.
- (k) That traffic management measures are provided for locations where a passenger vehicle is unable to pass the largest vehicle using the site, including Council's waste vehicle.

(Reason: Ensure compliance)

## **21. Finish Surface Levels Along the Street Boundary**

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

## **22. Electric Vehicle Charging Bays**

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

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

Residential parking bays for motor vehicles and bicycles on-site shall have an electric vehicle charger provided for each bay, or collection of parking bays, allocated to a specific residential property. A charger shall be provided for all motor vehicles and bicycles parking bays at the commissioning of the building.

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

(Reason: Compliance)

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

Provision shall be made in the design of the development in the Construction Development Application for a grease arrestor room of adequate dimensions to house the necessary tanks and plant equipment to pre-treat oil, grease and fats prior to discharge to Sydney Water's sewer in accordance with that authority's

requirements. The grease arrestor room shall be located somewhere in the development that facilitates easy access by waste contractor vehicles.  
(Reason: Environmental protection/public health and safety)

#### 24. Exhaust Ventilation for Potential Food Businesses

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

#### 25. **Submit the Following Information to Willoughby City Council**

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

- ~~(a) The through site link pathway must have a minimum clearance of 1.5m from the building to any structures. The raised planter shall have a minimum internal planting width of 600mm at the narrowest with at least 25% having a minimum internal width of 1.2m.~~
  - ~~(b) The through site link pathway must not contain steps. The pathway shall be ramped to comply with AS 1428.1:2021 Design for access and mobility.~~
  - ~~(c) The raised planter and hydrant booster at the corner of Gordon Avenue and Hammond Lane shall be redesigned to provide improved and more obvious connection to the through site link pathway when approaching along Hammond Lane from the north. The hydrant booster assembly shall to be moved to the west along Gordon Avenue to provide access to the through site link pathway and not impede site links.~~
  - ~~(d) Public domain plans showing:
 
    - ~~i. The planting on the Gordon Avenue frontage shall have a minimum width of 1.5m from the back of the kerb;~~
    - ~~ii. All redundant driveway crossings to be removed;~~
    - ~~iii. The *Plantanus acerifolia* (London Plane) street trees on Gordon Avenue to be replaced with *Tristaniopsis laurina* 'Luscious' (Water Gum);~~
    - ~~iv. Two (2) *Eucalyptus paniculata* (Grey Ironbark) to be planted on Council land along the Pacific Highway frontage.~~~~
  - ~~(e) The walls of the planters along the Pacific Highway frontage shall be consistent with the wall heights shown on the Landscape Plans (Rev C).~~
- ~~(Reason: Ensure compliance, landscape amenity)~~

#### **Delete Pedestrian Crossing**

The Pedestrian Crossing shown on Drawing DA106 Issue 05, plot dated 4.07.2025 by PBD Architects is to be removed from the drawing prior to the issue of the Construction Certificate.  
 (Reason: Shared zone compliance)

**26. 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 **\$890,882** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$37,993.95
Open space and recreation facilities	\$698,288.75
Plan administration	\$13,165.93
Recoupment - community facilities	\$134,293.36
Recoupment - open space and recreation	\$7,140.01
<b>Total</b>	<b>\$890,882.00</b>

Indexation

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

$$\$C_O \times CPI_P \div CPI_C$$

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

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

**27. Planning Agreement**

Prior to the issue of first Construction Certificate, the obligations under the Planning Agreement executed on 20 October 2022 or the executed Deed of Variation relating to this development, that is, the instalment respective of the timing with its contribution \$ value within Schedule 2 of the Planning Agreement is to be satisfied. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

## **28. External Finishes – Solar Absorptance**

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

## **29. BASIX**

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

## **30. Amended Landscape Plan**

The following details must be shown on amended Landscape Plan(s):

- (a) Planting within the 4m setback from the Pacific Highway frontage must be at the same ground level as the adjoining footpath (i.e., not in a raised garden beds) to ensure a contiguous soil connection profile beneath the 3m shared path and road reserve planting areas.
  - a. An exception applies to the narrow garden bed between the building frontage and the ramped accessible access, which may be constructed as a raised planter above the OSD tank.
- (b) The road reserve planting and shared path on the Pacific Highway frontage must comply with the following:
  - a. A 1.5m wide planted verge must be provided, measured from the back of kerb. This verge must extend the full length of the site's frontage and include low-growing planting (not exceeding 1m in height at maturity) to maintain vehicle sightlines. Species must be selected and located to avoid overhanging the roadway.
  - b. A 3m wide shared path must be provided, commencing 1.5m from the back of kerb, and designed in accordance with Council's Shared Path Policy.

The amended Landscape Plan(s) shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Landscape amenity)

## **31. Access for people with disabilities**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Dignified and equitable access shall be provided.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided prior to the issue of any Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and compliance with the relevant standards including Disability (Access to Premises – Buildings) Standards 2010, AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

### **32. Adaptable Units**

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (total 26 units). Each adaptable unit is to be nominated on the Construction Certificate drawings and adaptable units are to be provided with an accessible car space that accords with AS 2890.6 at a rate of 1 accessible space per 4 adaptable residential unit (therefore minimum 7 accessible spaces required). (Reason: Compliance, universal design)

### **33. 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 nonabsorbent material capable of being cleaned;
- (d) The room is to be provided with artificial light controllable within the room and adequate ventilation;
- (e) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- (f) Doorways are at least 2,500mm wide.

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

### **34. Operational Waste Management Plan**

Before the issue of a construction certificate, an updated Operational Waste Management Plan (WMP) should be submitted to Council. The plan must maintain compliance with (Elephants Foot Consulting, Revision M, 7 July 2025) but also demonstrate the following:

- Layout of 2m rear clearance behind the truck for loading of bins and bulky waste.
- Swept paths that clearly state compliance with AS2890.2:2018 - Parking facilities, Part 2: Off-street commercial vehicle facilities.
- Waste storage area doorways are a minimum of 2,500mm wide.
- Gradient for wheeling of bins is no more than 7% for bins up to 240L in size or 3% for larger bins or a bin tug is to be used.
- Non-residential floorspace aligns with the architectural drawings for the purposes of calculating the expected non-residential waste generation.

Requirements of the approved Operational Waste Management Plan (WMP) shall be complied with during operation of the development.

(Reason: Resource recovery/ Environmental protection/ operational efficiency/ WHS/ compliance)

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

Before the issue of a construction certificate, an updated Construction & Demolition Waste Management Plan (WMP) should be submitted to Council. The plan must include the following details:

- (a) A site plan showing sorting and storage areas for demolition and construction waste and vehicle access to those areas; and
- (b) Hazardous materials (including but not limited to asbestos) disposal quantities, management and disposal details (including an asbestos clearance certificate if asbestos is present).

Requirements of the approved Waste Management Plan (WMP) shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.

When implementing the WMP the developer is to ensure:

- a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997;
- b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997;
- c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW;
- d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it;
- e) Records are retained regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility; and
- f) All materials and resources that are to be stored on site during construction works are contained on the site, The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose

material, disposal of concrete waste or activities which have potential to pollute drains and water courses.

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

### **36. Skips and Bins**

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway during demolition and construction unless prior written approval has been granted by Council.

(Reason: Safety)

### **37. 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) Manufacture's technical specifications and operational limitations.

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

### **38. Services and Fire Hydrant Enclosure**

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

(Reason: To ensure essential services are appropriately screened)

### **39. Sydney Water 'Tap In'**

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

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

(Reason: Ensure compliance)

#### 40. Fibre-Ready Facilities and Telecoms Infrastructure

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

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

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

#### 41. Internal Noise Levels

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
	<b>L<sub>Aeq</sub> (period)</b>
Common areas (e.g. foyer, lift lobby)	55 dB(A) L <sub>Aeq</sub> 24 hour
Residential Living Areas	40 dB(A) L <sub>Aeq</sub> 24 hour
Residential Sleeping Areas (night time)	35 dB(A) L <sub>Aeq</sub> 9 hour
Retail/Commercial Areas	50 dB(A) L <sub>Aeq</sub> when in use

Note:

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

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

(Reason: Amenity, environmental compliance and health)

#### **42. Building Ventilation**

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- (a) The National Construction Code:
  - (i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
  - (ii) Alternative solution using an appropriate assessment method

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Certifier prior to the issue of the Construction Certificate. (Reason: Health and compliance)

#### **43. Mechanical Ventilation – Provisions for Future Use of Commercial/Retail Tenancy**

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

(Reason: Amenity/Ensure compliance)

#### **44. Walls – Solid Construction – Food Premises**

All tenancy perimeter walls and internal walls (including partition walls) of a future food premises shall be solid construction. The walls are to be constructed in masonry, brickwork or other approved method with all voids filled with a suitable material.

(Reason: Health & Compliance)

#### **45. 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 4.1.3 of the acoustic report prepared by E-LAB Consulting, Issue 3, dated 11 September 2023.

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

(Reason: Amenity, environmental compliance and health)

**46. Noise from Transport Corridor**

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications in the acoustic report by E-LAB Consulting, Issue 3, dated 11 September 2023.

Details of the proposed acoustic treatment, specification and plans shall be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

**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 from Section 6 of the acoustic report prepared by E-LAB Consulting, Issue 3, dated 11 September 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. Services and Fire Hydrant Enclosure**

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

(Reason: To ensure essential services are appropriately screened)

**49. Sound transmission and insulation**

Prior to the issue of a Construction Certificate details must be provided for the Certifier's approval demonstrating compliance with the National Construction Code (NCC) – Volume 1, Section F, Health and Amenity, Part F7 Sound transmission and insulation, which deals with sound transmission between walls and floors of the building.

**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	778
Suspended solids	Mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

## 51. 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)

## **52. 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 to the Council, free of charge. The Deed is to be generally in accordance with the Housing Transfer Deed template available at Council and is to be submitted to the Council and executed prior to the issue of the Construction Certificate.

The Affordable housing units to be nominated are:

Affordable housing Units

301

302

303

Total = 236.9m<sup>2</sup>

Each affordable dwelling shall have an appurtenant car space. 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)

## **53. 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)

#### **54. Green star certification**

Prior to the issue of any Construction Certificate, the Certifier must be satisfied that:

1. The Construction Certificate plans include all the matters referred to in the ESD report prepared by Efficient Living Pty Ltd ref: 23-4734R Issue A dated 14.09.2023 and any additional ESD measures proposed for the achievement of the required [4/5] (or greater) Green Star - Building;
2. The plans for development have been registered with Green Building Council of Australia (GBCA) for a Green Star- Building (including the provision of a registration notice and invoice for registration payment); and
3. The plans for the development have achieved a 4 Green Star Rating by Green Building Council of Australia (GBCA) for the "Design" component of the Green Star - Building certification as evidenced by a notice or letter from GBCA.

(Reason: To ensure compliance with Part J 3.2 Sustainable Development of Willoughby Development Control Plan.

#### **55. Public Art Contribution**

Prior to the issue of a Construction Certificate, provide a Public Art Strategy clearly outlining the following:

- Demonstration of Excellence
- Composition of the Public Art Panel comprising, noting WCC representation:
- Developer representative Willoughby City Council representative (Urban Design Specialist and Arts and Culture Manager)
- Independent Art Specialist (TBA)

Project budget including breakdown:

- Project (building ) CIV □ Public Art budget

Public Art Ownership:

- Dedication of the Public Art to the people of Willoughby
- Agreement between Developer/Body Corporate and WCC regarding ownership
- Artist Rights
- Deaccession Plan/Agreement as noted in The Public Art Strategy Document
- Maintenance regimen and responsibilities Expected annual maintenance budget
- Insurances

(Reason - Public Realm improvement)

#### **56. Design Excellence**

Payment of Fees and Charges.

Within 30 days of the issue of a Development Approval.

Pay Willoughby City Council all fees and charges associated with the Administration and consideration of Design Excellence.

(Reason: To align with Willoughby City Council (WCC) Local Environmental Plan Clause 6.23, Design Excellence Policy and Guidelines (Procedures) and WCC Fees and Charges 2024-25)

**57. Creative Hoardings**

Provide a submission in accordance with the Willoughby Creative Hoarding Guidelines for the treatment to all site construction hoardings.

(Reason: To align with WCC Creative Hoardings Guidelines)

**58. Shared Zone to Hammond Lane**

Prior to the issue of the Construction Certificate, the proponent to seek and obtain TfNSW approval for Hammond Lane (South) to be recognised as a Category One Shared Zone. Plans and TfNSW Approval detailing this are required to be shown on the Construction Certificate plans.

(Reason: Pedestrian amenity to Hammond Lane)

**59. Shared Path and Right-of-Way**

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

(Reason: Compliance and Public Amenity)

**PRIOR TO COMMENCEMENT**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site.**

**60. Ausgrid**

Ausgrid does not object to the proposed development.

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

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

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

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

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

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

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

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

**(b) Ausgrid Overhead Powerlines are in the vicinity of the development**

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

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site. The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at [www.ausgrid.com.au](http://www.ausgrid.com.au).

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

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

**61. 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)

## **62. 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)

## **63. 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)

## **64. Dilapidation Report of Adjoining Properties**

Prior to commencement of work, submit a photographic survey and report of each of the adjoining properties (including each strata lot): 613-627 Pacific Highway Chatswood and any other properties deemed necessary by a suitably qualified geotechnical engineer, 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)

## **65. 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)

## **66. 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)

## **67. Adjustment to Street Lighting**

Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services

fronting the property required to suit the new development. Such street lighting shall also conform to Council's standard specifications.  
(Reason: Public amenity)

**68. 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)

**69. 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)

**70. Construction Noise and Vibration Management**

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

- a) be prepared by a suitable qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- 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 management measures in detail;
- e) identify the selection of alternative construction plant and machinery to avoid the generation of excessive noise levels;
- f) include strategies that have been developed to address impacts to noise sensitive receivers, where noise levels exceed the construction noise management level, for managing high noise generating works;
- g) implement intra-day respite periods for construction activities identified as annoying;

- h) implement noise reducing site/work practices and require regular noise checks of equipment;
- i) describe the consultation undertaken to develop the strategies in b) above;
- j) evaluate and report on the effectiveness of the noise management measures. Monitoring reports shall be submitted to the Principal Certifying Authority on a monthly basis and demonstrate compliance with 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 the Principal Certifying Authority 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 development works.

(Reason: Amenity and environmental compliance)

#### **71. 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)

#### **72. Street Number Display During Construction**

Prior to commencement of work, a street number at least 100mm high shall be clearly displayed on site. The number shall be kept in a conspicuous position and maintained in a legible condition throughout the construction period.

(Reason: Improved identification for emergency services)

### **DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

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

#### **73. 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)

#### **74. Waste Classification – Excavation Materials**

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

(Reason: Environment & Health Protection)

#### **75. Building Site Fencing**

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

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

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

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

(Reason: Safety)

#### **76. Provide Erosion and Sediment Control**

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the *Protection of*

*Environment Operations Act 1997* and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

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

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

**78. Temporary Toilet Facilities**

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

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

**79. Survey Certificate**

Certification of the following shall be submitted to the Certifier by a registered surveyor:

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- (b) At each level indicating the level of that floor to Australian Height Datum;
- (c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- (d) At roof slab level indicating the level of that slab to Australian Height Datum;
- (e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

**80. 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)

**81. 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)

**82. 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)

**83. 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)

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

The connection of the site stormwater drainage system to the existing Council system 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 48hours notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

**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 and Vibration**

Construction noise and vibration shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG), appropriate vibration criteria, the Construction Noise and Vibration Management Plan (CNVMP).

Noise levels shall be managed so as to not exceed the following noise criteria wherever possible:

Time of day	Management Level $L_{Aeq(15min)}$ *	How to apply
Monday to Friday 7am to 6pm Saturday 8am to 1pm No work on Sundays or public holidays	Noise affected RBL + 10 dB	The noise affected level represents the point above which there may be some community reaction to noise. <ul style="list-style-type: none"> <li>• Where the predicted or measured <math>L_{Aeq(15min)}</math> is greater than the noise affected level, the proponent should apply all feasible and reasonable work practices to meet the noise affected level.</li> <li>• The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.</li> </ul>
	Highly noise affected 75 dB(A)	The highly noise affected level represents the point above which there may be strong community reaction to noise. <ul style="list-style-type: none"> <li>• Where acoustic</li> <li>• is above this level, Council requires respite periods to be provided by restricting the hours that the very noisy activities can occur, taking into account:                             <ol style="list-style-type: none"> <li>1. times identified by the community when they are less sensitive to noise (mid-morning or midafternoon for works near residences);</li> <li>2. if the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.**</li> </ol> </li> </ul>

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

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

a) The noise management level at the external façade of offices and retail outlets is 70 dB(A)  $L_{Aeq}$  (15 min).

Where noise or vibration criteria are exceeded, appropriate measures to control excessive noise and/or vibration shall be implemented immediately and the CNVMP shall be reviewed. Any variations to these plans must be approved by Council.

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

**90. Noise and Vibration Management**

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

(Reason: Amenity and environmental compliance)

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

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

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

(Reason: Environmental protection, compliance)

**92. Waste Classification – Excavation Materials**

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the Environment Protection Authority (EPA) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.

(Reason: Environment and health protection)

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

**93. Acoustic Treatment – Certification**

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the approved construction details and the relevant design noise criteria contained in Section 4.3.1 of the acoustic report prepared by E-LAB Consulting, Issue 3, dated 11 September.

(Reason: Amenity, environmental compliance and health)

**94. Noise Emission – Equipment**

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

(Reason: Amenity, environmental compliance and health)

**95. Certification – Ventilation**

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

(Reason: Amenity, environmental compliance and health)

**96. Planning Agreement**

Prior to the issue of first Occupation Certificate or prior to the date of registration of the first Strata Plan for the Development, whichever is earlier, the obligations under the Planning Agreement executed on 20 October 2022 or the executed Deed of Variation relating to this development, that is, the instalment respective of the timing with its contribution \$ value within Schedule 2 of the Planning Agreement is to be satisfied. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

**97. Public Art**

**a) Detailed Public Art Plan**

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

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

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

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

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

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

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

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

**98. 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)

**99. Section 73 Compliance Certificate**

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

The Section 73 Certificate must be submitted to the Certifier.

(Reason: Ensure statutory compliance)

**100. Tree Planting Per Landscape Plan**

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

No. Required	Species	Location	Min Pot Size
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All trees	As indicated on the Planting Plans Dwg No. 201, 202, 203 & 204 dated 31/7/2023 prepared by Arcadia Landscape Architecture	As indicated on the Planting Plans	As indicated on the Plant Schedule Dwg. No 101.
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(Reason: Landscape amenity)

### 101. Public Tree Planting

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

- (c) Two (2) *Eucalyptus paniculata* (Grey Ironbark) to be planted on the Pacific Highway frontage;
- (d) Four (4) *Tristaniopsis laurina* 'Luscious' (Water Gum) to be planted on the Gordon Avenue frontage;

The trees shall:

- (a) Have a minimum container size of 200 litres and grown to AS 2303:2018 Tree stock for landscape use.
- (b) Be planted in accordance with WCC Vegetation Management Guidelines.
- (c) Be planted at least 2m from driveways, and generally in alignment with other street trees.

(Reason: Landscape amenity, tree canopy recruitment)

### 102. Completion of Landscape Works

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

### 103. 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)

### 104. 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)

**105. Fire Safety Certificate Forwarded to NSW Fire and Rescue**

Prior to the issue of any Occupation Certificate and upon completion of the building work, a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

**106. 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)

**107. 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)

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

Prior to the issue of any Occupation Certificate, inspection of drainage connection works to Council's 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)

**109. On-site Water Management System**

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council stormwater pit in Hammond Lane via a water quality improvement system and an approved OSD system with a minimum volume of 45m<sup>3</sup> that limits the peak stormwater flow from the site in the 1%AEP storm event to 20.1L/s. The system shall be in accordance with AS/NZS3500.3, Part I of Council's DCP and Technical Standards 1 and 2. The construction of the stormwater

drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

#### **110. 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)

#### **111. 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)

#### **112. 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)

#### **113. 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 pumpout system complies with the current plumbing requirements of Sydney Water and AS/NZS3500.3.

(Reason: Ensure compliance)

#### **114. 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)

#### **115. 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)

#### **116. 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)

#### **117. 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. The extent of kerb and gutter reconstruction shall be as per the approved public domain plans.

(Reason: Public amenity)

#### **118. 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 width of Hammond Lane fronting the site
  - Half width of Gordon Avenue fronting the site.
- Council's standard design traffic for this pavement is 6x10<sup>4</sup> ESA.

(Reason: Ensure compliance)

#### **119. Concrete Footpath**

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

- (a) 2.0m wide concrete footpath for the full frontage of the development site in Pacific Highway .
- (b) 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)

#### **120. Street Lighting**

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

(Reason: Public amenity)

## **121. 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 11.0 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 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)

## **122. Removal of Redundant Crossings**

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

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)

## **123. Inspection of Civil Works on Road Reserves**

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

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

#### **124. Performance Bond**

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$90,000 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)

#### **125. 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)

#### **126. 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)

#### **127. 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 on both sides of the driveway and a maximum grade of 2.5% provided for the footway section at the property boundary. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (d) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (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 disabled and accessible parking spaces comply with the requirements of AS 2890.6, including provision of shared areas and the bollard.
- (g) 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.
- (h) 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.
- (i) That 4.5m headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (j) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) Simultaneous manoeuvrability of a SRV and a B99 passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay.
- (l) Vehicle access is provided between the frontage road and the loading dock for Council's waste vehicle (10.5m long) and that the vehicle is able to enter and leave the site in a forward direction.
- (m) That traffic management measures are provided for locations where a passenger vehicle is unable to pass the largest vehicle using the site, including Council's waste vehicle.

(Reason: Ensure compliance)

#### **128. Sight Triangle at Hammond Lane / Gordon Avenue intersection**

In order to ensure adequate sight distances for pedestrians in Gordon Avenue, all structures and walls located adjacent to the Hammond Lane / Gordon Avenue corner of the site, including the F.H.B structure, shall have a maximum height of 1.2m above ground for a minimum of 2.0m x 2.5m from the corner. Details demonstrating compliance are to be submitted with the construction certificate application. (Reason: Pedestrian safety)

#### **129. 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)

**130. 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)

**131. Vehicle Management System**

Prior to the issue of any Occupation Certificate, a vehicle management system shall be operational to manage potential conflict between trucks and cars on the entry ramp. The system shall include:

- a. A signal system at the top and bottom of the ramp, set to green as the default
- a. A sensor system at the top to detect an entering MRV or larger, which will then turn the signal at the base of the ramp to red.
- b. A button in the loading dock area adjacent to the driver’s position and a sensor at the base of the ramp to detect an exiting MRV or larger, which will then turn the signal at the top of the ramp to red.
- c. A system to detect when the MRV or HRV has traversed the ramp to turn the signals back to green
- d. 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 conflicts on the ramp)

**132. Vehicle Management Plan**

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

- Any management measures required for the loading dock, including any times where the dock is reserved for a specific purpose, such as waste collection.
- Details of the traffic management system to manage use of the ramp by vehicles larger than an SRV.
- Maintenance schedule for the entry ramp traffic management system and contact details for the maintenance company.
- Details of any measures required to ensure that vehicles enter and leave in a forward direction.

(Reason: Vehicle management)

**133. ~~Waste Management Collection Policy~~**

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

- ~~• Garbage: twice per week~~

- Recycling: once per week
- Garden organics: once per week
- Bulky waste: booked or scheduled service

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

#### 134. Residential Waste Collection Agreement with Council

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Residential Waste Collection Service. The development is required to indemnify Council and its servant/contractors against claims for loss or damage or wear and tear of access roads or other parts of the building.

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

Management collection requirements. The provision of Council's waste collection service will not commence until formalisation of the agreement.

(Reason: legal requirement/compliance)

#### 135. 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) Manufacture's technical specifications and operational limitations.

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

#### 136. Noise Control – Offensive Noise

To minimise the noise and vibration impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

(Reason: Amenity)

#### 137. 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)

**138. Affordable Housing Dwellings**

The affordable housing dwellings identified in this consent are to be dedicated to Willoughby City Council within two months of the registration of any subdivision of the development, or within 6 months of the issue of an Occupation Certificate, whichever comes first, for the purpose of affordable housing in accordance with Clause 6.8 of Willoughby Local Environmental Plan 2012. The affordable housing dwellings are:

- (a) Unit 301
- (b) Unit 302
- (c) Unit 303

(Reason: Ensure compliance)

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

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

- All that part of the site located between the western boundary and the west-facing glassline at ground floor level, all that part of the site between the north-facing glassline and the northern boundary at ground floor level, and all that part of the site between the east-facing glassline and the Hammond Lane boundary at ground floor level.

(Reason: Compliance, urban design)

**140. Tree Planting Per Landscape Plan**

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

No. Required	Species	Location	Min Pot Size
All trees	As indicated on the Planting Plans Dwg No. 201, 202, 203 & 204 dated 7/7/2025 prepared by Arcadia Landscape Architecture	As indicated on the Planting Plans	As indicated on the Plant Schedule Dwg. No 101.

(Reason: Landscape amenity)

**141. Public Tree Planting**

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

- (a) Three (3) *Eucalyptus paniculata* (Grey Ironbark) to be planted on the Pacific Highway frontage;
- (b) Four (4) *Tristaniopsis laurina* 'Luscious' (Water Gum) to be planted on the Gordon Avenue frontage;

The trees shall:

- (a) Have a minimum container size of 200 litres and grown to AS 2303:2018 Tree stock for landscape use.
- (b) Be planted in accordance with WCC Vegetation Management Guidelines.
- (c) Be planted at least 2m from driveways, and generally in alignment with other street trees.

(Reason: Landscape amenity, tree canopy recruitment)

#### **142. 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)

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

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

#### **143. Location of On-Site Detention System**

The locations of the as-built on-site stormwater detention system(s) shall be shown on any subdivision/strata plan. Access to the system, including access points to any underground tank, shall be located in common areas.

(Reason: Ensure compliance)

#### **144. Consistency with approved architectural plans**

The strata plans must reflect the approved architectural plans and conditions of consent, including right-of-ways for public use, basement carparking layouts including storage areas and shared zones, and areas designated for plant.

(Reason: Ensure compliance)

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

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

**145. Remedial Action Plan**

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

(Reason: Public Health)

**146. Analysis of Outlet Condition**

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

(Reason: Maintain designed discharge)

**147. 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)

**148. Ramp Traffic Management System**

The signal system required to manage conflicts on the ramp between passenger vehicles and vehicles larger than an SRV shall be operational at all times with required maintenance to be undertaken in accordance with manufacturer’s recommendations and requirements.

(Reason: Prevent potential vehicle conflicts on the ramp)

**149. Vehicle Access**

All vehicles shall enter and exit the site in a forward direction. No vehicle shall reverse over the site boundary.

(Reason: Vehicle and pedestrian safety)

**150. Service Vehicles and Deliveries**

All deliveries and servicing of site shall occur on site. Vehicles servicing the site shall not park in adjacent streets.

(Reason: Amenity and pedestrian safety)

**151. Road Reserve Planting**

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

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

(Reason: Management of public assets)

**152. 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)

**153. Public Art**

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

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

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

The Applicant is required to maintain compliance with the submitted Waste Management Plan (EC Sustainable Waste Plan Demolition, Construction and Operational Phases, Revision B v251024b, 25 October 2024) unless otherwise conditioned.

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

**155. Annual Fire Safety Statement**

Attention is directed to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

**156. Noise Control – Offensive Noise**

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)

**157. 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)

**158. 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)

**159. 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)

**160. Management of Waste**

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 any compost bin or worm farm, if applicable.

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)

**160A. Waste Management Collection Policy**

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

- Garbage: twice per week
- Recycling: once per week

- Garden organics: once per week
- Bulky waste: booked or scheduled service

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

#### **161. Road Reserve Planting**

Planting within the road reserve shall be undertaken subject to the following conditions:

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

(Reason: Management of public assets)

#### **162. 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)

### **PRESCRIBED CONDITIONS**

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

#### **163. 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)

#### **164. Support for Neighbouring Buildings**

- (a) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the building, structure or work from possible damage from the excavation, and
  - (ii) if necessary, underpin and support the building, structure or work to prevent any such damage, and
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
  - (c) In this clause, "allotment of land" includes a public road and any other public place.
- (Reason: Safety)

## **STATUTORY REQUIREMENTS**

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

### **165. 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)

### **166. 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)

### **167. 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)