

SCHEDULE OF CONDITIONS

SCHEDULE 1

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Conditions 1 to 12

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Site Plan	Add info - 1103	2	24/10/2024	fjcstudio
Site demolition plan (DA2)	Add info - 1302	1	29/08/2024	
Basement 3	Add info – 2000 – GA plans	2	28/08/2024	
Basement 2	Add info – 2001 – GA plans	2	28/08/2024	
Basement 1	Add info – 2002 – GA plans	3	24/10/2024	
Mezzanine	Add info – 2003 – GA plans	3	24/10/2024	
Ground	Add info – 2004 – GA plans	3	24/10/2024	
Level 1	Add info – 2005 – GA plans	2	29/08/2024	
Level 2	Add info – 2006 – GA plans	2	28/08/2024	
Level 3 roof	Add info – 2007 – GA plans	2	29/08/2024	
Level 4 Upper roof	Add info – 2008 – GA plans	2	29/08/2024	
Elevations – North/South	Add info – 3000	2	24/10/2024	
Elevations – East/West	Add info – 3001	2	24/10/2024	
Elevations – East/ West Inner	Add info – 3002	1	29/08/2024	
Section A, C, D	Add info - 4000	3	24/10/2024	
Section 2 & 3	Add info - 4001	3	24/10/2024	
Adaptable Apartments	Add info - 9101	1	27/08/2024	
Adaptable Apartments	Add info - 9102	1	27/08/2024	
Adaptable Apartments	Add info - 9103	1	27/08/2024	
Adaptable Apartments	Add info - 9104	1	27/08/2024	
Communal Open Space	Add info- 9606	2	24/10/2024	
Elevations – Materials Board	3003	0	13/12/2023	
Existing Tree Management Plan	L-001	G	03/09/2024	Site Image Landscape architect
Landscape plan - Overall Ground floor	L-100	J	24/10/2024	
Landscape render - Masterplan composite	L-C100	F	24/10/2023	
Landscape render - Ground Floor	L-C101	B	24/10/2024	
General arrangement 1 - Ground floor	L-101	E	24/10/2024	

General arrangement 2 - Ground floor	L-102	E	24/10/2024	
General arrangement 3 - Ground floor	L-103	G	24/10/2024	
General arrangement 4 - Ground floor	L-104	F	24/10/2024	
General arrangement 5 – Level 1	L-105	D	30/08/2024	
General arrangement 6 – Level 3	L-106	D	29/08/2024	
Planting plan - Overall Ground floor	L-200	H	24/10/2024	
Planting plan 2 - Level 1	L-201	C	30/08/2024	
Planting plan 3 - Level 3	L-202	C	30/08/2024	
Landscape specifications notes & Indicative plant schedule	L-500	B	30/08/2024	
Landscape details 1	L-501	B	30/08/2024	
Landscape details 2	L-502	C	30/10/2024	
Landscape details 3	L-503	C	30/08/2024	
Plan of Subdivision	Sheets 1 to 8	-	27/06/2023	LTS

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

2. Local Infrastructure Contributions

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

3. Ausgrid

The following conditions from Ausgrid must be complied with:

A.	Method of Electricity Connection The method of connection will be in line with Ausgrid’s Electrical Standard (ES)1 – ‘Premise Connection Requirements.
B.	Service Mains It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

C.	<p><u>Proximity to Existing Network Assets</u></p> <p>Underground Cables</p> <p>There are existing underground electricity network assets in EDINBURGH ROAD CASTLECRAG.</p> <p>Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.</p> <p>Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.</p>
D.	<p>Substation</p> <p>There are existing electricity substation S5062 within 100 EDINBURGH ROAD CASTLECRAG.</p> <p>The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.</p> <p>In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.</p> <p>Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120.</p> <p>Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a nonignitable blast resisting barrier.</p> <p>The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).</p> <p>For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.</p>

	<p>Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.</p> <p>For further details refer to Ausgrid's Network Standard 143</p>
E.	<p><u>For Activities Within or Near to the Electricity Easement:</u></p> <p>Purpose Of Easement</p> <p>This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid.</p> <p>The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.</p> <p>The Following Conditions Apply for any Activities Within the Electricity Easement:</p> <ol style="list-style-type: none"> 1. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. 2. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site. 3. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset. 4. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne. 5. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement. 6. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets. 7. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earthstake driven at least 1.6 metres into the ground. 8. Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design. 9. No buildings/structures or parts thereof constructed may encroach the easement. 10. No machine excavation is permitted within the easement without Ausgrid's express permission. 11. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.

	<p>12. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.</p> <p>13. Any change to ground levels must be submitted to Ausgrid for approval.</p> <p>14. The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.</p> <p>15. The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.</p> <p>16. No fill material or retaining walls are to be placed within the easement without Ausgrid's written approval.</p> <p>17. Any excavation adjacent to the easement must utilise adequate shoring to prevent destabilisation or subsidence of the ground around the LV cable.</p> <p>18. Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.</p> <p>19. Electric power should not be connected to the easement site without permission from Ausgrid.</p> <p>20. Electric power should not be connected to the easement site without permission from Ausgrid, however electric power may be run through the easement under the conditions in the following point.</p> <p>21. Any electrical services and metallic telecoms and metallic piping, whilst installed within easement are not to be run parallel with the overhead electricity mains for a combined total distance greater than 50m per service. Any parallel length greater than this will require additional Ausgrid consent when the services design is determined. Fibre communications cable does and plastic or concrete piping does not need to meet this requirement.</p>
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(Reason: Ensure compliance)

4. NSW Police

The following conditions from NSW Police must be complied with:

A.	The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises.
B.	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.
C.	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.
D.	All recording made by the CCTV system must be stored for at least a minimum of 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.
E.	Mailboxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up inside the building i.e., a mail room
F.	If the site has storage cages, they should be made of solid materials that can't be cut open and should be covered by CCTV cameras. They should have a material encasing them that prevents individuals being able to see into the storage cage from the outside of the cage. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
G.	Any bicycle parking should be in a secure area and covered with CCTV cameras.
H.	Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
I.	"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.
J.	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.
K.	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.
L.	Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
M.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
N.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
O.	The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
P.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Ensure compliance)

5. Transport for NSW

The following conditions from Transport for NSW must be complied with:

A.	All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the
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	freehold property unlimited in height or depth along the Eastern Valley Way boundary.
B.	<p>Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Eastern Valley Way 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>
C.	<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 GTD2012/001.</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>
D.	<p>A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Eastern Valley Way during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.</p>
E.	<p>The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.</p>

(Reason: Ensure compliance)

6. WaterNSW

The following dewatering conditions from WaterNSW must be complied with:

GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	<p>Before any construction certificate is issued for any excavation under the development consent, the applicant must:</p> <ol style="list-style-type: none"> 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 3. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply

	<p>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.</p> <p>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.</p> <p>Advisory Notes:</p> <ol style="list-style-type: none"> 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	<p>If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:</p> <ol style="list-style-type: none"> (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to – PO Box 398 Parramatta NSW 2124 <ol style="list-style-type: none"> i. not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or ii. if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	<p>All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.</p>
GT0120-00001	<p>The design and construction of the building must prevent:</p> <ol style="list-style-type: none"> (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for

	<p>unforeseen high water table elevations to prevent potential future inundation;</p> <p>(b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and</p> <p>(c) any elevated water table from rising to within 1.0m below the natural ground surface.</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.</p> <p>(b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.</p> <p>(c) The monitoring bores must be installed and maintained as required by the water supply work approval.</p> <p>(d) The monitoring bores must be protected from construction damage.</p>
GT0122-00001	<p>Construction Phase Monitoring programme and content:</p> <p>(a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):</p> <ul style="list-style-type: none"> i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. <p>(b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).</p>
GT0123-00001	<p>(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required</p>

	<p>under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.</p> <p>(b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):</p> <ol style="list-style-type: none"> 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. <p>(c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watarnsw.com.au/customer-service/waterlicensing/dewatering</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:</p> <ul style="list-style-type: none"> - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	<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).</p> <p>Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.</p>
GT0152-00001	<p>This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.</p>
GT0155-00001	<p>The following construction phase monitoring requirements apply (Works Approval):</p>

	<p>(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.</p> <p>(b) The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).</p> <p>(c) The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.</p>
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(Reason: Ensure compliance)

7. Compliance with National Construction Code

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

(Reason: Compliance)

8. Support for Neighbouring Buildings

- (a) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the building, structure or work from possible damage from the excavation, and
 - (ii) if necessary, underpin and support the building, structure or work to prevent any such damage, and
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (c) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

9. Construction Certificate

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

10. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint

a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

11. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

12. Erection Wholly within the Boundaries

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

(Reason: Ensure compliance)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

Condition 13

13. 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) Detailed stormwater plans for the site that include the following information:
- Detailed design for OSD tank, including overflow levels. The overflow levels are to be through the top or side of the tank and are to be to ground and not to a pipe or internal chamber with a piped outlet. The levels are to confirm that the required 300mm freeboard from the overflow water level to adjacent floor levels is provided.
 - Details to confirm that the system draining to the OSD tanks are able to carry flow from all storms up to and including the 1%AEP event. Should overflow paths not drain to the tank, then the pipe system shall be designed for the 1%AEP event.
 - Longitudinal section from the connection point to the street drainage system to the OSD tank. The section is to include a hydraulic grade line analysis for the 1%AEP event, that confirms that the water level immediately downstream of the OSD tank does not impact the tank outlet nor result in a drowned outlet. Unless a detailed analysis is undertaken, and provided to Council, to confirm the 1%AEP water level at the connection to the street drainage system, the adopted 1%AEP water level at the pit shall be the grate level.
 - At the connection points to the street drainage system, details of the existing grate and invert levels of the pit.
 - Detailed design of the system draining the south-eastern part of the site that drains to the east towards The Postern. A maximum flow of 20L/s may discharge to the kerb and gutter in The Postern. For flows in excess of this,

- the piped network shall extend to the Council drainage system in The Postern or The Rampart. We note that Council has no records of Council owned stormwater infrastructure in the position indicated on EIAustralia drawing C201/02 and the design is to include details of a new drainage system.
- Catchment plan detailing where all areas drain for both the Drains and MUSIC models. Nodes names used in each analysis are to be clearly detailed on the catchment plans.
- (b) Calculations for the stormwater management system that confirm compliance of the system with the requirements of Part I of the *DCP* and Technical Standard 1. The calculations shall include the following:
- Catchment plan that details all areas draining to various systems
 - Details of the Drains analysis, including model layout and details of parameters used in each node, including the OSD tanks.
 - Summary of results to confirm that the peak flow from the entire site in the 1%AEP storm event does not exceed the permitted site discharge of 116L/s.
 - Details of peak stormwater flows from the southern part of the site that drain to the east, towards The Postern
 - Hydraulic Grade Line analysis to confirm that the outlet of the OSD tank is above the downstream water level in the 1%AEP event.
 - Summary of MUSIC analysis, including catchment details for all nodes, parameters adopted in the model and analysis results.
- (c) Public Domain Plan to show treatments along the periphery of Edinburgh Road frontage, including but not limited to a trafficable and robust area, along with planted areas and seating arrangements that encourage outdoor passive recreation activities.
(Reason: Ensure compliance)

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Conditions 14 to 55

14. 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 **\$704,672.40** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$30,052.54
Open space and recreation facilities	\$552,334.55
Plan administration	\$10,413.95
Recoupment - community facilities	\$106,223.74
Recoupment - open space and recreation	\$5,647.61
Total	\$704,672.40

Indexation

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

$$\frac{\$C_0 \times \text{CPI}_P}{\text{CPI}_C}$$

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

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

15. Housing and Productivity Contribution (HPC)

Before the Issue of first Subdivision Certificate for the residential subdivision or first Construction Certificate for the mixed-use development, whichever is earlier, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made.

Housing and Productivity Contribution (HPC)	Amount
HPC (base component of 37 dwellings x \$10,000)	\$370,000
Total HPC	\$370,000

The HPC must be paid using the NSW planning portal: <https://pp.planningportal.nsw.gov.au/>

At the time of payment, the amount of the HPC is to be adjusted by indexation in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

(Reason: Statutory requirement for contributions towards the provision of regional infrastructure)

16. Planning Agreement

Prior to the issue of first Construction Certificate, the obligations under the Planning Agreement relating to this development executed on 8 June 2023 are to be satisfied at the timing specified under Schedule 2 of the Planning Agreement.

Contact Council for a CPI indexation adjustment prior to paying the contribution of item A1 below.

Prior to carrying out the items B1, B2, B3 and D below at their respective timing, contact Council for requirements (e.g. approvals & specifications) relating to these items. See reference clauses for details.

Voluntary Planning Agreement (VPA) Contribution Item	Timing	Reference in VPA
A1. Pay \$100,000 monetary contribution	7 days prior to issue of Construction Certificate	Schedule 2, item A1
B1. Carrying out the works for the Pathway shown as 'Item B.1' in Schedule 3, extending from the eastern boundary of land in Lot 1, DP 43691 to The Postern.	Completion of works prior to issuing of the first Occupation Certificate for the Development	Schedule 2, item B1; Schedule 3 Map; clauses 14 & 14A
B2. Construction of Public Car Spaces	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B2; Schedule 3 Map; clauses 11 to 13C
B3. Construction and provision of the Public Meeting Area	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B3; Schedule 3 Map; clauses 11 to 13C;
D. Registration of the following on land title: <ul style="list-style-type: none"> Public Car Spaces Encumbrance (Sch 4); Public Meeting Area Encumbrance (Sch 6); Public Access Easement (Sch 5) 	All three (3) matters to be registered on title prior to issuing of first Occupation Certificate for the Development	Schedule 2, item D; Schedule 3 Map; clauses 11 to 13C; Schedules 4, 5 & 6

For details, refer to actual executed VPA by download the agreement from Council's [website](#).

(Reason: Ensure compliance)

17. Amendments

Prior to the issue of the Construction Certificate, the proposal is to be amended in the following manner:

- (a) Architectural plans are amended to ensure no structural works, including fencing encroach the land zoned RE1 – Public Recreation, legally described as Lot 1 DP 43691.
- (b) Provision of at least 10 bicycle spaces, including 5 x retail, 1 x retail visitor, 2 x residential and 2 x residential visitors
- (c) The subdivision (stratum) plans, prepared by LTS, dated 27/06/2023 are updated to be consistent with the approved architectural plans, as listed in Condition 1 of this consent.
- (d) To mitigate potential privacy impacts on 116 Edinburgh Road and to ensure compliance with *WDCP*, no private open space or trafficable areas are to be located within 3m of the eastern boundary on Levels 1 and 2.
- (e) To mitigate visual privacy impacts on 116 Edinburgh Road, habitable room windows of Units 112 and 211 on the eastern elevation shall consist of obscure glazing to a minimum height of 1.6m, measured from the finished floor level of their respective floor.
- (f) To incorporate and reuse sandstone from the original Burley griffin Office on the development site, along with reinstating the associated plaque that details its historic significance.

Plans detailing the above amendment are required to be shown on the Construction Certificate plans.

(Reason: ensure compliance)

18. 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)

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

The base building design shall include provisions for the installation of mechanical exhaust ventilation for any proposed food business tenancy. Such an exhaust system shall be designed to effectively minimise the emission of odours, vapours and oils and comply with the requirements of the National Construction Code and any relevant Australian Standard.

(Reason: Amenity/Ensure compliance)

20. 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 LAeq (period)
Common areas (e.g. foyer, lift lobby)	55 dB(A) LAeq 24 hour
Residential Living Areas	40 dB(A) LAeq 24 hour
Residential Sleeping Areas (night time)	35 dB(A) LAeq 9 hour
Retail/Commercial Areas	50 dB(A) LAeq 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)

21. 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 Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 November 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)

22. Acoustic Treatment for the Development

In order to achieve the internal noise levels specified above, the proposed development shall be designed and constructed to incorporate the recommended acoustic treatments for glazing and other building elements from Section 5.2 of the acoustic report prepared by Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 November 2023, as a minimum.

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

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

(Reason: Amenity, environmental compliance and health)

23. 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 6.1 of the acoustic report prepared by Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 November 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)

24. 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	600
Total phosphorous	µg/L	< than	26.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	536

Suspended solids	Mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	22.5
Lead	µg/L	< than	1.2
Copper (& other heavy metals)	µg/L	< than	4.2

(Reason: Environmental protection, compliance)

25. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$212,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$260** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$212,000 + \$260 = \$212,260

(Reason: Protection of public asset)

26. 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)

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

(Reason: Stormwater control)

28. 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 Council for consideration prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

29. 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 in accordance with the concept stormwater management plans, prepared by EI Australia. 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. If the catchment area of the OSD tank is not able to drain by overland flow to the tank in the 1%AEP event, the pipe system draining to the tank shall be designed for the 1%AEP event.

(Reason: Ensure compliance)

30. Basement Pumpout Drainage System

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

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

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part I of Council's Development Control Plan, Technical Standard 1, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

31. 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)

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

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

- (a) Construction of a full width footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Eastern Valley Way 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 a full width footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Edinburgh Road in accordance with Council's specification and Standard Drawings SD105 and SD100. Cut outs are to be provided as required for street trees. 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 Edinburgh Road in accordance with Council's specifications and Standard Drawing SD105.
- (d) Reconstruction of the existing road pavement 4.0m wide for the full frontage of the development site in Edinburgh Road in accordance with Council's specifications.
- (e) Construction of a new vehicular crossing in Edinburgh Road in accordance with Council's specification and Standard Drawings SD105.
- (f) Construction of any other works in the road reserve as required for this development or required by other conditions of consent.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. A longer time frame may apply if works need to be referred to Traffic Committee. 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 will be required from TfNSW for works impacting Eastern Valley Way and will be required prior to approval from Council.

(Reason: Ensure compliance)

33. 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 template in 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 7.5 metres wide at the boundary and 11.0 meters wide at the kerb line and be constructed at right angle to street kerb. The footpath/footpath zone which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 170mm above and parallel to the gutter invert.
- (c) At 6m inside the property boundary – Maximum 1:20 grade below level at boundary.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.
(Reason: Safe vehicular access)

34. 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)

35. Vehicle Access and Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.

- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That the adaptable and disabled parking spaces comply with AS 2890.6, including provision of shared zones and 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.
- (f) That the headroom clearance of minimum 4.5m required in AS 2890.2 for the largest vehicle using the site (minimum MRV and Council's waste vehicle) has been provided for the loading area and the path to and from the loading area.
- (g) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (h) Simultaneous manoeuvrability of the largest vehicle using the site (Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading dock.
- (i) That in the event of the turntable not working, service vehicles are able to turn around and enter and leave the site in a forward direction.

(Reason: Ensure compliance)

36. 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)

37. Tree Protection Plan

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

(Reason: Tree protection)

38. 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)

39. Traffic Work

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

(Reason: Public safety and amenity)

40. Electric Vehicle Charging Bays

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

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

(Reason: Support sustainable transport)

41. Bicycle facilities

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

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

(Reason: Support active transport use)

42. Wombat Crossing

A wombat crossing is to be designed and installed to facilitate pedestrian movements between the northern and southern sides of Edinburgh Road at the frontage of the proposed development.

The applicant must obtain all required approvals and the Construction Certificate before commencing any related construction work. All modifications required by Council or the Local Traffic Committee must be incorporated into the final design prior to approval being granted.

(Reason: Public safety and amenity)

43. Traffic Control System

A new traffic control system is to be designed and installed at the intersection of Edinburgh Road, Raeburn Avenue, and the development access to manage traffic movements. The proposed design must be submitted to both the Traffic Committee and Council for approval prior to implementation.

(Reason: Public safety and amenity)

44. 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)

45. Waste Storage Room Construction

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

- (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
- (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;
- (c) The ceilings and walls must be finished with smooth faced non-absorbent

- material capable of being cleaned;
- (d) The room is to be provided with artificial light controllable within the room and adequate ventilation;

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

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

46 External Finishes – Solar Absorptance

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

(Reason: Visual amenity)

47. 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)

48. BASIX

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

(Reason: Environmental Sustainability)

49. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (Total 19 units). Each adaptable unit is to be nominated on the Construction Certificate drawings. Each unit is to be provided with a disabled car space.

(Reason: Amenity)

50. 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 dwelling identified as three storey Unit LG.08 shown on the architectural plans prepared by fjcstudio, sheet no. 2002 to 2004, dated 24/10/2024, to the Council, free of charge. The Deed is to be drafted in accordance with the Housing Transfer Deed template available on Council’s website and is to be submitted to the Council’s Property Team and be executed prior to the issue of the Construction Certificate.

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

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

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

(Reason: Ensure compliance)

51. 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)

52. Fibre-Ready Facilities and Telecoms Infrastructure

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

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

and

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

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

(Reason: Compliance)

53. Shopping Trolley Management

A Shopping Trolley Management Plan (plan) should be prepared and submitted to Council for approval. The Plan shall detail the nature of operations, storage, use and collection of shopping trolleys within the site. The Plan should include details of the measures and management strategies to ensure that shopping trolleys do not leave the site, incorporating physical constraints, signage and enforcement methods by the owner/operator of the supermarket, liquor outlet and individual shop owners.

(Reason: Public safety, amenity and customer service)

54. Services and Fire Hydrant Enclosure

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

(Reason: To ensure essential services are appropriately screened)

55. Management Plan for Public Open Space

Prior to the issue of a construction certificate, the applicant shall prepare and submit a management plan for public open space areas for Council's review and approval. The management plan is to address future management arrangements of areas in private ownership to be accessed by the public, including any outdoor dining, landscaping, public access and ongoing maintenance responsibilities. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate. The approved Management Plan must then be implemented and maintained in perpetuity.

(Reason: Ensure compliance, public safety and amenity)

PRIOR TO COMMENCEMENT

Conditions 56 to 68

56. 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)

57. Site Management

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

- (a) Details and contact telephone numbers of the owner, builder and developer;
- (b) Location and construction details of protective fencing to the perimeter of the site;
- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;
- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;
- (i) Protective measures for tree preservation;
- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;

- (l) Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- (m) Construction noise and vibration management.

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

(Reason: Environment protection, public health and safety)

58. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining property at 116 Edinburgh Road 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 this, 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)

59. 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)

60. 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)

61. 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)

62. Adjustment to Street Lighting

Prior to commencement of work, consult with utility authorities to determine the requirements for relocation/adjustment of electricity supply and street lighting on all frontage streets as required to suit the new development. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

63. 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)

64. Bushfire Protection

All required Asset Protection Zone (APZ) requirements are to be located within the subject property. All tree removals for fuel reduction purposes are subject to an application made under the provisions of the *Willoughby Development Control Plan* (development application).
(Reason: Landscape amenity)

65. Project Arborist

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

(Reason: Safety, environmental protection, landscape amenity)

66. 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)

67. Geotechnical Report

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

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

In the event of the geotechnical conditions of the site resulting in instability during the excavation phase and more area than approved being excavated, all excavation work is to cease and Council to be contacted to allow the matter to be reviewed.

(Reason: Protection of adjoining properties and ensure compliance)

68. Noise and Vibration Management

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

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

(Reason: Amenity and environmental compliance)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

Conditions 69 to 90

69. Silencing Devices

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

(Reason: Maintain amenity to adjoining properties)

70. Provide Erosion and Sediment Control

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the *Protection of Environment Operations Act 1997* and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

71. 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)

72. Demolition Work AS 2601-2001

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

(Reason: Safety)

73. 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)

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. 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)

76. 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)

77. 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)

78. Dust Control

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

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- (c) All dusty surfaces and activities must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system. Activities could include, but

are not limited to, rock-breaking, excavation, earth moving, drilling, and angle grinding, cutting, jack hammering and chiselling of concrete or masonry.

- (d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity and environmental protection)

79. Construction Noise

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 and the Construction Noise and Vibration Management Plan (CNVMP). Noise levels shall be managed so as to not exceed the following noise criteria wherever possible:

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

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

(Reason: Amenity)

80. 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. 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)

81. Testing to Verify Water Quality Prior to Dewatering Activity

- (a) On the occasion that any rainfall or other event necessitates dewatering of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.
- (b) A copy of the up-to-date Council-approved Construction Site Dewatering Plan (or other document detailing the water pollution control method), the written approval from Council for the method, and the ongoing water quality test results shall be kept on the

site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.
(Reason: Environmental protection, compliance)

82. 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)

83. 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)

84. 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)

85. 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)

86. Tree Removal

Approval is given for the removal of the following trees as identified on Demolition Plan Dwg. No. 1 dated 28/8/2024 prepared by FJCStudio:

Trees T8, T9, T16, T29A, T30, T35, T36, T37.

All other trees are to be retained.

(Reason: Site development)

87. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on Demolition Plan Dwg. No. 1 dated 28/8/2024 prepared by FJCStudio.
 - (b) The above retained trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
 - (c) Tree protection measures must comply with the approved Tree Protection Plan and AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
 - (d) Tree protection measures in accordance with (c) above are to be certified by the Project Arborist prior to commencement of works.
 - (e) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
 - (f) All structures are to bridge roots unless directed by The Project Arborist on site.
- (Reason: Tree management)

88. Public Tree Protection

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

89. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.
(Reason: Safety, environmental protection)

90. Loading and Unloading During Construction

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (d) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (e) If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (f) Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.
- (Reason: Public safety and amenity)

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Conditions 91 to 142

91. Planning Agreement

Prior to the issue of first Occupation Certificate, the obligations under the Planning Agreement relating to this development executed on 8 June 2023 are to be satisfied at the timing specified under Schedule 2 of the Planning Agreement.

Contact Council for a CPI indexation adjustment prior to paying the contribution of item A1 below.

Prior to carrying out the items B1, B2, B3 and D below at their respective timing, contact Council for requirements (e.g. approvals & specifications) relating to these items. See reference clauses for details.

Voluntary Planning Agreement (VPA) Contribution Item	Timing	Reference in VPA
A1. Pay \$100,000 monetary contribution	7 days prior to issue of Construction Certificate	Schedule 2, item A1
B1. Carrying out the works for the Pathway shown as 'Item B.1' in Schedule 3, extending from the eastern boundary of land in Lot 1, DP 43691 to The Postern.	Completion of works prior to issuing of the first Occupation Certificate for the Development	Schedule 2, item B1; Schedule 3 Map; clauses 14 & 14A
B2. Construction of Public Car Spaces	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B2; Schedule 3 Map; clauses 11 to 13C
B3. Construction and provision of the Public Meeting Area	Completion of works prior to issuing of first Occupation Certificate for the Development	Schedule 2, item B3; Schedule 3 Map; clauses 11 to 13C;
D. Registration of the following on land title: <ul style="list-style-type: none"> Public Car Spaces Encumbrance (Sch 4); Public Meeting Area Encumbrance (Sch 6); 	All three (3) matters to be registered on title prior to issuing of first Occupation	Schedule 2, item D; Schedule 3 Map; clauses 11 to 13C;

<ul style="list-style-type: none"> Public Access Easement (Sch 5) 	Certificate for the Development	Schedules 4, 5 & 6
For details, refer to actual executed VPA by download the agreement from Council's website .		

(Reason: Ensure compliance)

92. Public Right of Way

The applicant is to provide a Public Right of Way on the Title in favour of Council. The purpose is to allow Public Communal Open Space (1150m²) as shown on architectural plan prepared by fjcstudio, sheet no. *Add info-9606 – Communal Open Space, dated 24/10/2024* to be accessible to the public and available for public use at all times. Draft terms for the instrument are to be discussed with Council. Documentary evidence of registration of these instruments with the NSW Department of Lands is to be submitted to Council prior to the issue of the any Occupation Certificate (Reason: Compliance and Public Amenity)

93. Affordable Housing Dwellings

The affordable housing unit, LG.08 as shown on the architectural plans prepared by fjcstudio, sheet nos. 2002 to 2004, dated 24/10/2024, and providing a total gross floor area of at least 238m², are to be dedicated to Willoughby City Council within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate for the purpose of affordable housing in accordance with Clause 6.8 of *Willoughby Local Environmental Plan 2012*. At least one (1) designated car parking space must be allocated to the affordable dwelling/unit.

(Reason: Ensure compliance)

94. Affordable Housing Monetary Contribution

In accordance with clause 6.8 *Willoughby Local Environmental Plan*, the applicant shall make a monetary contribution to Council for the purpose of providing Affordable Housing. This contribution will be calculated based on a per square metre rate, applied to the residual affordable housing gross floor area that is in excess the gross floor area of the affordable housing Unit LG.08, amounting to 30.44m².

Reference is to be made to the value of most recent sales price of such new dwellings of similar size at the subject development (in the absence of current sales price at the subject site, the recent sales price of similar sized dwelling(s) at other surrounding comparable development(s) within the Willoughby local government area is acceptable). In establishing an acceptable value of most recent sales price, Council will be benchmarking the value with the most recent median sales price for the Willoughby local government area reflected in the Rent and sales report - interactive dashboard published by NSW Communities and Justice.

Evidence such as a valuation report or document(s) of recent sales of such dwelling(s) are to be provided to Council for approval before Council accepts the monetary contribution.

In the event of a dispute between applicant / developer and Council in the valuation / validation of the evidence provided, Council will appoint an independent registered valuer to undertake a re-valuation. The applicant / developer is to pay Council all reasonable costs associated with the service provided by Council's appointed valuer for this revaluation.

Prior to payment of the contribution evidence shall be submitted to Council's Director of Planning & Infrastructure demonstrating how the contribution has been calculated in accordance with the above requirement. The contribution is to be paid prior to release of the Occupation Certificate.

(Reason: Ensure compliance)

95. 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)

96. Sustainable Development - Multi-unit Dwellings

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

(Reason: Environmental sustainability)

97. 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)

98. Disabled parking spaces

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

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

(Reason: Access for mobility impaired users)

99. 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 6.1 of the acoustic report prepared by Acoustic Logic Pty Ltd, Ref. 20230424.1/0211A/R2/SJ, dated 2 November 2023.

(Reason: Amenity, environmental compliance and health)

100. 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)

101. 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)

102. 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)

103. 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)

104. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the street drainage system in Eastern Valley Way via a water quality improvement system and an approved OSD system with a minimum volume of 167m³ in accordance with AS/NZS3500.3, Part I of Council's DCP and Technical Standard 1. The OSD system shall limit the peak stormwater flow from the site in the 1%AEP event to 115L/s. 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)

105. 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)

106. 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)

107. 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)

108. Certification of the Basement Pumpout Drainage System

Prior to the issue of any Occupation Certificate and upon completion of the pump-out system, the following shall be submitted to the Certifier.

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part I of Council's DCP Technical Standard 1, all relevant codes and standards and the approved stormwater management plans.
- (b) Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- (c) Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and AS/NZS3500.3.

(Reason: Ensure compliance)

109. 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)

110. 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)

111. 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)

112. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Edinburgh Road. Any existing kerb ramps are to be replaced in the same location in compliance with current Council and TfNSW standards.

(Reason: Public amenity)

113. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, 4.0m width of road pavement adjoining to the frontage of the development site in Edinburgh Road shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 1x10⁶ ESA.

In lieu of reconstruction, Council may approve mill and resheet (minimum 50mm thick AC10) subject to:

- provision of a geotechnical report detailing that the existing pavement is able to meet the design traffic loading
- proof rolling demonstrating there are no soft spots or spots requiring further works.
- there is no evidence that construction works have resulted in damage to the pavement

(Reason: Ensure compliance)

114. Footpath

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

- (a) full width footpath for the full frontage of the development site in Edinburgh Road, with cut-outs for street trees.
- (b) full width concrete footpath for the full frontage of the development site in Eastern Valley Way, with cut outs for trees .

The pavement material for the footpath in Edinburgh Road shall be in accordance with Council's requirements for the local centre.

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

(Reason: Public amenity)

115. Street Lighting and Furniture

Prior to the issue of any Occupation Certificate, provide approved street lighting and furniture in accordance with Willoughby City Council's street furniture manual and Australian Standard AS/NZ 1158.(2005).

Reason: Public amenity)

116. 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 7.5 metres wide at the boundary and 11.0 meters wide at the kerb line is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 170 mm above and parallel to the gutter invert.
- (c) At 6m inside the property boundary – Maximum grade of 1:20 below level at boundary.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. The nature strip and footpath is to be adjusted for a as required on both sides of the crossing to suit the new levels.

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)

117. Removal of Redundant Crossings

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

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

(Reason: Public amenity)

118. Inspection of Civil Works on Road Reserves

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

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

(Reason: Ensure compliance)

119. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$100,000 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)

120. 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)

121. Turfing of Nature Strip

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

(Reason: Public amenity)

122. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction 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)

123. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (d) Aisle and circulation roadway 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 the as constructed adaptable and disabled parking spaces comply with AS 2890.6, including provision of shared zones and 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 the headroom clearance of minimum 4.5m required in AS 2890.2 for the largest vehicle using the site (MRV and Council's waste vehicle) 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 the largest vehicle using the site (Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading dock.
- (l) That in the event of the turntable not working, service vehicles are able to turn around and enter and leave the site in a forward direction.

(Reason: Ensure compliance)

124. Stormwater Maintenance Plan

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

(Reason: Ensure operation of system complies)

125. Certification of Water Quality Improvement System

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

(Reason: Legal requirement)

126. Vehicle Management Plan

Prior to the issue of any Occupation Certificate, submit to the certifying authority for approval a vehicle management plan for the site. The plan shall include, but not be limited to:

- Management measures required for the loading dock, including any booking requirements
- Operation of the loading dock, including the turntable
- Procedures for removalists using the loading dock, including safe access routes.
- Maintenance requirements for the turntable.
- Contact details for company maintaining the turntable.
- Any management measures required for passenger vehicle access and parking.

(Reason: Traffic management)

127. Public Tree Maintenance

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

- (a) All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- (b) All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to AS 2303:2018 Tree stock for landscape use.

(Reason: Tree management, public asset management)

128. 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 approved Landscape Plans prepared by Site Image	As indicated on the Landscape Plan	As indicated on the Landscape Plan

(Reason: Landscape amenity)

129. Tree Planting

Prior to the issue of a Whole Occupation Certificate, plant at least 57 trees on the property.

The trees shall:

- (a) Have a minimum container size of 100 litres and grown to AS 2303:2018 Tree stock for landscape use;
- (b) Be flowering species, preferably locally occurring native species;
- (c) Palms, conifers, fastigiata and columnar trees are not acceptable for the purposes of complying with this condition;
- (d) Have the potential to attain a minimum height of 8 metres;
- (e) Be planted in an appropriate location to allow root growth;
- (f) Be planted, mulched, watered and maintained according to industry best practice.

(Reason: Landscape amenity)

130. Project Arborist Certification

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

(Reason: Protection of trees required to be retained)

131. 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)

132. Non-residential Waste Collection Service

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

(Reason: legal requirement/compliance)

133. 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)

134. Section 73 Compliance Certificate

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

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

135. Marked Parking Bays

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

(Reason: Ensure compliance)

136. Safer by Design

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

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

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.
- (b) The ceiling and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- (c) The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- (d) The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.

- (e) Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
- (f) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- (g) A small portion of each storage area shall be of solid construction (i.e. Cupboard.

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

137. Visitor Parking Spaces

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

(Reason: Amenity)

138. Services - Electricity Supply and Telecommunication Mains

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

(Reason: Compliance)

139. Services - Mailboxes

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

(Reason: Legal)

140. 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)

141. Street Lighting

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

(Reason: Public amenity)

142. Public Domain Works

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

(Reason: Ensure compliance)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Conditions 143 to 165

143. Noise Control – Offensive Noise and Vibration

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

(Reason: Amenity)

144. Kitchen Exhaust Odour Emissions

- a) The use of the restaurant tenancy must not give rise to the emission of gases, vapours, dusts, odours or other impurities which may be a nuisance or injurious or prejudicial to health.
- b) The mechanical exhaust system for the restaurant kitchen shall be properly inspected, tested and maintained by an appropriately qualified and competent person on a regular basis. Records of such shall be kept at the premises and be produced on demand by an authorised officer of Council.
- c) If complaints are received and found to be substantiated by Council, the occupier of the base building, or other appropriate person or body, may be required to submit to Council an odour impact assessment and odour management plan prepared by an appropriately qualified person demonstrating compliance with this condition and any appropriate legislation, standards or EPA guidelines. Council may then require works to be carried out so that the use of the premises complies.

(Reason: Environmental compliance and amenity)

145. 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)

146. 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)

147. 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)

148. 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)

149. 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)

150. Vehicle Access

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

(Reason: Pedestrian and vehicle 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. Ongoing Compliance with the Operational Waste Management Plan and Architectural Drawings

The development is required to maintain compliance with the submitted Operational Waste Management Plan (OWMP) (Elephants Foot Consulting, Rev F, 02/09/2024). The approved OWMP is to be implemented throughout the operational stage of the development. The Applicant is also required to maintain compliance with the Architectural drawings (FJC Studio, Add Info-2002 – GA Plans – Basement 1, Rev 3, 24/10/2024) showing a bulky waste and charity waste storage area of 16m².

(Reason: compliance/environmental protection/public health and safety)

154. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements for residential waste at the kerbside. This includes onsite collection by Council HRV, 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)

155. Trolley Locks

All shopping trolleys shall be contained within the site and managed in accordance with the Shopping Trolley Management Plan approved by council.

(Reason: Public safety, amenity and customer service)

156. Annual Fire Safety Statement

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

(Reason: Safety)

157. On-site Car Parking

The on-site car parking provision of 163 car parking spaces (excluding the loading bays), 18 motorbike spaces and 10 bicycle spaces are to be permanently available for the life of the development.

The car parking spaces shall be distributed as follows:

46 - residential car spaces (of which 19 are adaptable car spaces)

9 - residential visitor car spaces (of which 2 are accessible car spaces)
100 - retail car spaces (of which 4 are accessible car spaces)
8 - public car spaces
2 - loading bays

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

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

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

(Reason: Ensure Compliance)

158. On-Site Collection Point

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

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

159. Licenced Waste Collection

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

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

160. Management

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

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

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

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

161. Waste Storage Containers

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

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

162. Signage

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

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

163. Waste Chute Contingency

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

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

164. Regulated air handling and water systems

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

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

(Reason: Compliance and health)

165. Hours of Operation

The hours of operation of the approved commercial uses are to be restricted to those times listed below, i.e.:

- 7:00am to 10:00pm, all days

Any extension to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

SUBDIVISION

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

Conditions 166 to 170

166. Location of On-Site Detention System

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

(Reason: Ensure compliance)

167. Land Subdivision

Land subdivision requires Linen Plan plus eight copies to be prepared by a Registered Surveyor. In this regard the applicant's attention is drawn to the requirement for a Subdivision Certificate, which is to be obtained from Council by separate application, to allow registration of the land subdivision with the NSW Land Registry Services.

(Reason: Information)

168. General Easement/ROW Provision and Certification

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

(Reason: Ensure compliance)

169. Section 88B Instrument

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

(Reason: Ensure compliance)

170. Occupation Certificate Prior to Subdivision Certificate and Release of Linen Plan

All conditions of this consent required to be completed prior to the release of the Occupation Certificate are to be completed and complied with, to the satisfaction of Council.

An Occupation Certificate for the completed development shall be obtained PRIOR to the release of the Subdivision Certificate and Linen Plans.

(Reason: Ensure Compliance)