

# SCHEDULE

CONDITIONS OF CONSENT: (including reasons for such conditions)

## GENERAL CONDITIONS

Condition

### 1. Approved Development Description

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

Demolition of existing structures and excavation works and construction of shop top housing consisting of retail tenancies, residential apartments, basement car parking, landscaping and associated works. The application is identified as nominated integrated development requiring approval from Water NSW pursuant to s90 the Water Management Act 2000.

This condition also confirms that this approval does not grant consent to strata subdivision of the site or for any signage on the site. If strata subdivision or signage is required, this will be subject to a separate application.

(Reason: Confirm the approved works and use)

### 2. Approved Plan/Details

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

Plan Type	Plan No.	Revision/ Issue No.	Plan Date (as Amended)	Prepared by
Site & Existing Conditions Site Plan (Existing)	S12751, A01.001			Bates Smart Architects Pty Ltd
Site & Existing Conditions Demolition Plan	S12751, A01.002	2	28.06.2024	
Site & Existing Conditions Site Plan Proposed	S12751, A01.003			
General Arrangement Plan Basement Level 01	S12751, A03.001	5	20.06.2025	
General Arrangement Plan Basement Level 02	S12751, A03.002	4	31.10.2024	
General Arrangement Plan Ground Level	S12751, A03.100	5	20.06.2025	
General Arrangement Plan Public Through-site Link	S12751, A03.100_A	1		
General Arrangement Plan Level 01	S12751, A03.101	5		
General Arrangement Plan Level 02 & 03	S12751, A03.102			
General Arrangement Plan Level 04	S12751, A03.104	4	20.06.2025	

Plan Type	Plan No.	Revision/ Issue No.	Plan Date (as Amended)	Prepared by
General Arrangement Plan Roof Level	S12751, A03.105	3	31.10.2024	Bates Smart Architects Pty Ltd
External Elevations North Elevation	S12751, A09.001	5		
External Elevations East Elevation	S12751, A09.002			
External Elevations South Elevation	S12751, A09.003			
External Elevations West Elevation	S12751, A09.004			
Building Sections Section A	S12751, A10.001	3		
Building Sections Section B	S12751, A10.002	4		
Building Sections Section C	S12751, A10.003	2		
Building Sections Section D	S12751, A10.004			
Apartment Types 3B_A	S12751, A13.001	4		
Apartment Types 3B_B	S12751, A13.002	5		
Apartment Types 3B_C	S12751, A13.003	4		
Apartment Types 3B_D	S12751, A13.004			
Apartment Types 4B_A	S12751, A13.101			
Apartment Types 4B_B	S12751, A13.102			
Ground Level Landscape Plan	DA-2320-01	D	31.10.2024	Sturt Noble Associates
Level 1 Landscape Plan	DA-2320-02			
Level 2 & 3 Landscape Plan	DA-2320-03			
Level 4 Landscape Plan	DA-2320-04			
Deep Soil Landscape Plan	DA-2320-05			
Landscape Sections	DA-2320-06			
Planting Schedule	DA-2320-07			
Stormwater Concept Plans Cover Sheet Plan	23190, 000	C	29.10.2024	Telford Consulting Pty Ltd
Stormwater Concept Plan Basement Level 2 Sheet 1 of 2	23190, 101	B		
Stormwater Concept Plan Basement Level 2 Sheet 2 of 2	23190, 102	A	16.04.2024	
Stormwater Concept Plan Basement Level 1	23190, 103	B	29.10.2024	
Stormwater Concept Plan Ground Floor	23190, 104	E	31.10.2024	
On-Site Detention Details and Calculations Sheet 1 of 2	23190, 105	B	29.10.2024	
On-Site Detention Details and Calculations Sheet 2 of 2	23190, 105.1	B	31.10.2024	
Catchment Plan and MUSIC Results	23190, 106	A	16.04.2024	

<b>Plan Type</b>	<b>Plan No.</b>	<b>Revision/ Issue No.</b>	<b>Plan Date (as Amended)</b>	<b>Prepared by</b>
Sediment and Erosion Control Plan & Details Sheet 1 of 2	23190, 107	C	26.04.2024	Telford Consulting Pty Ltd
Sediment and Erosion Control Plan & Details Sheet 2 of 2	23190, 107.1	A	26.04.2024	
Stormwater Concept Plans Miscellaneous Details Sheet	23190, 108	A	16.04.2024	
Civil Engineering Plans General Notes, Locality Plan and Drawing Schedule	23190, C000	A	17.04.2024	
Civil Works Layout Plan	23190, C101	A		
Driveway Profile Longitudinal Sections	23190, C201	A		
Construction Notes and Details Sheet	23190, C301	A		
Stormwater Longitudinal Section	23190, C401	A		
<b>Document Type</b>				<b>Date (as Amended)</b>
Access Report prepared by Accessibility Solutions (NSW) Pty Ltd				20.06.2025
Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees-				19.10.2023
Architectural Design Statement prepared by Bates Smart Architects Pty Ltd-				02.05.2024
BASIX Assessment Report Revision 03 – Updated scheme prepared by ESD Synergy Pty Ltd-				20.06.2025
BASIX Certificate No. 17446388M_03 prepared by ESD Synergy Pty Ltd				20.06.2025
BCA 2022 Section J Assessment Report Revision 03 – Updated Scheme prepared by ESD Synergy Pty Ltd-				20.06.2025
BCA Assessment Report Ref: 118164 Revision 2 prepared by Jensen Hughes Pty Ltd				02.07.2024
BCA Confirmation Letter prepared by Jensen Hughes Pty Ltd				19.06.2025
Civil Driveway Design Statement Ref: 23190.DDS1 prepared by Telford Consulting Pty Ltd				01.05.2024
Construction Traffic Management Plan Ref: 23044r03B- 240430 Issue Final prepared by MLA Transport Planning				30.04.2024
Contamination Investigation Ref: 221953.00 Revision 1 prepared by Douglas Partners Pty Ltd				12.03.2024
DA Noise Impact Assessment Ref: 230529 Revision 2 prepared by Pulse White Noise Acoustics Pty Ltd				01.07.2024
Acoustic Letter Ref: 230529 prepared by Pulse White Noise Acoustics Pty Ltd				03.10.2024
Demolition and Construction Waste Management Plan (DCWMP) Revision 2 prepared by EcCell Environmental Management				01.10.2024
Demolition Report Ref: P0049873 Issue Final prepared by Urbis Pty Ltd				15.03.2024
Design Verification for Development Application prepared by Bates Smart Pty Ltd				28.06.2024

<b>Document Type</b>	<b>Date (as Amended)</b>
Detailed Site Investigation Ref: 65963 156273 prepared by JBS&G Australia Pty Ltd	02.07.2024
Ecologically Sustainable Development (ESD) – Green Star Assessment Report Ref: 2024042100 Rev 3 prepared by Thermal Environmental Engineering Pty Ltd	09.05.2024
Embodied Carbon Assessment Ref: S-R2024041800 Rev 01 prepared by Thermal Environmental Engineering Pty Ltd	28.04.2024
Geotechnical Investigation Ref: 221953.01 Rev 3 prepared by Douglas Partners Pty Ltd	03.05.2024
Green Travel Plan Ref: 23044r02B- 240430 Issue Final prepared by MLA Transport Planning	30.04.2024
NatHERS Certificate No. 0009432580 prepared by ESD Synergy Pty Ltd	20.06.2025
Operational Waste Management Plan (OWMP) prepared by EcCell Environmental Management	20.06.2025
Remedial Action Plan Ref: 65963 156347 prepared by JBS&G Australia Pty Ltd	02.07.2024
Section J (2022) – DTS Assessment Ref: S-R2024022800 Rev 02 prepared by Thermal Environmental Engineering Pty Ltd	02.07.2024
Sewer / Potable Water Servicing Ref: DA Ref: DA-2024/106 prepared by Qalchek	28.10.2024
Stormwater Design Certificate Ref: TEL23190.SW.DA prepared by Telford Consulting Pty Ltd	26.04.2024
Sydney Water Concept Plan prepared by Sydney Water Corporation-	22.10.2024
Traffic and Parking Assessment Ref: 23044r01C- 240702 Issue Final prepared by MLA Transport Planning	02.07.2024
Traffic Letter Ref: 23044I01B-241025 prepared by MLA Transport Planning	20.06.2025

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

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

(Reason: Information and ensure compliance)

### **3. Amended Plans**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved plans listed in Condition 2 above, have been amended in accordance with the following requirements of this condition as well as other conditions of this Development Consent:

#### Parking – Residential (Level B2)

- (a) One (1) of the three (3) motorcycle spaces shall be nominated as a dedicated space for visitor use.
- (b) One (1) of the three (3) bicycle spaces shall be nominated as a dedicated space for visitor use.

- (c) An additional one (1) bicycle space shall be provided as a dedicated space for visitor use. A total of two (2) bicycle spaces dedicated for visitor use are required.
- (d) The two (2) bicycle spaces for visitor use are to be Class C level security spaces in accordance with Australian Standard 2890.3 (2015). Refer to Council's DCP for details.
- (e) The two (2) bicycle spaces for resident use are to be Class A or B level security spaces in accordance with Australian Standard 2890.3 (2015). Refer to Council's DCP for details.

#### Parking – Retail (Level B1)

- (a) One (1) of two (2) accessible car spaces shall be nominated as a dedicated space for visitor use.
- (b) One (1) of the two (2) motorcycle spaces shall be nominated as a dedicated space for visitor use.
- (c) Two (2) of the bicycle spaces are to be Class A or B level security spaces and one (1) is to be Class C level in accordance with Australian Standard 2890.3 (2015). Refer to Council's DCP for details.

#### General

- (a) The end-of-trip facilities for retail use are to include the provision of six (6) personal lockers for the bicycle riders (provided at a rate of two (2) lockers per bicycle space).
- (b) All parking spaces (car, motorcycle, bicycle, visitor, accessible) must be clearly and visibly marked on site for their intended use. All spaces must be numbered.

#### Landscape

- (a) The street tree planting species along Strathallen Avenue shall be *Platanus x acerifolia* (London plane tree).
- (b) Public domain footpath paving shall match the established footpath paving type and pattern. Contact Council for confirmation of paver specification.
- (c) The awnings over the footpath shall be modified to incorporate recesses or openings to accommodate the growth of the street trees.
- (d) Plant species used within the balcony planter boxes are to be amended to be plants capable of providing dense screening.
- (e) A children's play area shall be provided within the communal open space area. The play area is to be at least 30m<sup>2</sup> with a 5m minimum dimension.

#### Waste

- (a) All waste rooms in the development are required to have 2.5m doors.
- (b) Demonstrate that the required waste collection truck can access the loading bay through the provision of swept path diagrams.

(Reason: To ensure that the development is in accordance with the development consent)

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

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

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

- (a) Revised stormwater management plans that clearly show the overflow from the OSD tank to ground and not to an underground channel or piped system. The overflow must be in a visible location and have the required 300mm freeboard to adjacent floor levels. It is not to be in any form of underground channel or pipe that is subject to blockage and must be at ground level.

(Reason: Ensure compliance)

## 5. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this Development Consent prevail.

(Reason: To ensure that the development is in accordance with the Development Consent)

## 6. Water NSW General Terms of Approval

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

The following conditions from Water NSW must be complied with:

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

	grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b)obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-

	development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A 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): 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. 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)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any

	<p>other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.waternsw.com.au/customer-service/water-licensing/dewatering">www.waternsw.com.au/customer-service/water-licensing/dewatering</a></p>
GT0150-00001	<p>The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual</p>
GT0151-00001	<p>Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.</p>
GT0152-00001	<p>This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.</p>
GT0155-00001	<p>The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report</p>

(Reason: Ensure compliance with Water NSW General Terms of Approval)

## 7. Transport for NSW Conditions

TfNSW provide concurrence to the proposed driveway closure works and awning on Strathallen Road subject to Council's approval and the following conditions:

- I. The redundant driveways on the Strathallen Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Strathallen Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au).
  - a. Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).
  - b. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
- II. The proposed awning on Strathallen Road shall be setback a minimum of 0.6 metres from the face of kerb to protect against the overhang of large vehicles.
- III. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Strathallen Road 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](mailto:development.sydney@transport.nsw.gov.au).
  - a. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
- IV. 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.
  - a. 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. Documents should be submitted to [Development.Sydney@transport.nsw.gov.au](mailto:Development.Sydney@transport.nsw.gov.au).
  - b. 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.
- V. Any proposed public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- VI. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) via <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>. for any works that may impact on Strathallen Road traffic flows during construction activities.

(Reason: Ensure compliance with TfNSW conditions)

## 8. Ausgrid Conditions

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

The following conditions from Ausgrid must be complied with:

- I. Ausgrid Underground Cables are in the vicinity of the development:
  - a. Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
  - b. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).
  - c. In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:
  - d. SafeWork Australia – Excavation Code of Practice.
  - e. Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.
  - f. The following points should also be taken into consideration.
  - g. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
  - h. Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.
  - i. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
- II. Ausgrid Overhead Powerlines are in the vicinity of the development:
  - a. The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

- b. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.
- c. The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).
- d. It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

III. New Driveways – Proximity to Existing Poles:

- a. Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

IV. New or modified connection:

- b. To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>
- c. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website:
- d. [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)

(Reason: Ensure compliance with Ausgrid conditions)

## 9. NSW Police Force

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

- I. 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 with ease.
- II. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime during the hours of darkness i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify criminal behaviour, 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.

- III. 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 digital images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
- IV. 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 any individual, who may be involved in criminal behaviour.
- V. 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. Large banks of mailboxes in the lobby area that are accessible to the public increase the risk of mail and parcel theft.
- VI. 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, i.e mountain and/or road bikes.
- VII. Any bicycle parking should be in a secure area and covered with CCTV cameras.
- VIII. 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".
- IX. "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.
- X. 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.
- XI. 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.
- XII. Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
- XIII. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.

- XIV. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
- XV. 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.
- XVI. The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Ensure compliance with NSW Police Force conditions)

## **DEMOLITION AND BUILDING WORK**

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

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

#### **10. Notice of proposed work (contaminated land)**

A notice of commencement must be provided to Council's Development Assessment Officer, in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, Clause 4.13. Note: At least 30 days notice is required, except in the case of work required to be carried out immediately under the terms of remediation order (in which case, at least 24 hours notice is required).

State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, Clause 4.13 requires that the notice must:

- be in writing
- provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given
- briefly describe the remediation work
- show why the person considers that the work is category 2 remediation work by reference to Chapter 4, Clause 4.11
- specify, by reference to its property description and street address (if any), the land on which the work is to be carried out
- provide a map of the location of the land
- provide estimates of the dates for the commencement and completion of the work

The following additional information must be submitted with the notice to Council:

- copies of any preliminary investigation, detailed investigation and remediation action plan for the site

- contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements

(Reason: Protection of the environment and compliance with SEPP (Resilience and Hazards) 2021)

## 11. Contamination – Investigation, Remediation and Validation

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

- The site shall be remediated in accordance with the Stage 3 – Remedial Action Plan (RAP) prepared by JBS&G Australia Pty Ltd, Ref. 65963, dated 2 July 2024;
- Any variations to the RAP must be approved in writing by Council prior to the commencement of any work;
- Prior notice of any remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 4.13 of State Environmental Planning Policy - (Resilience and Hazards) 2021;
- A Stage 4 Validation Report and a clearance certificate (issued by an appropriately qualified occupational hygienist) must be submitted to Council for concurrence in writing once remediation and validation sampling have been completed and the results obtained. The Validation Report must clearly state that the objectives stated in the approved RAP have been achieved and the land is suitable for the proposed use. In addition, notice of completion of remediation pursuant to Clauses 4.14 and 4.15 of State Environmental Planning Policy - (Resilience and Hazards) 2021 shall be provided.

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

### Notes:

- Contaminated land reports submitted to Council must be prepared, or reviewed and approved by, a certified contaminated land consultant certified under the Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEvP (SC)) or the Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) schemes.
- Contaminated land reports shall be prepared in accordance with:
  - State Environmental Planning Policy - (Resilience and Hazards) 2021
  - Contaminated Land Planning Guidelines* (Department of Urban Affairs and Planning and EPA 1998) or updates
  - Consultants reporting on contaminated land – Contaminated Land Guidelines* (NSW EPA 2020)

(Reason: Protection of environment and public health)

## 12. Archival recording of buildings

Prior to the commencement of any works, the Principal Certifier shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of the following:

- High resolution images of the Northbridge Hotel building internally and externally including important details as well as external views showing the building's relationship to neighbouring properties and the streetscape;
- Scaled Site Plan showing location of each photograph and the direction which the images were taken;
- A photographic catalogue sheet with digital file No. cross-referenced to the Site Plan;
- The report is to be downloaded onto two (2) USBs.

The USBs are to be labelled and put in a sealed plastic bag or envelope displaying the title, DA number and address and is to be submitted to the Heritage Advisor for approval.

Written acknowledgement from Council must be obtained, attesting to this condition being satisfied and submitted to the Certifier, prior to the issue of any Construction Certificate

(Reason: To ensure there is a historical record of buildings to be altered or demolished)

## PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

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

### 13. 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 **\$440,528.06** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$18,787.42
Open space and recreation facilities	\$345,293.61
Plan administration	\$6,510.35
Recoupment – community facilities	\$66,406.08
Recoupment – open space and recreation	\$3,530.61
<b>Total</b>	<b>\$440,528.06</b>

#### Indexation

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

$$\$C_o \times CPI_p \div CPI_c$$

Where:

- $\$C_O$  = the contribution amount shown in this Development Consent expressed in dollars
- $CPI_P$  = the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics (ABS) at the quarter immediately prior to the date of payment
- $CPI_C$  = the Consumer Price Index (All Groups Index) for Sydney as published by the ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.

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

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

(Reason: Statutory requirement)

#### 14. **Housing and Productivity Contribution (HPC)**

Before the issue of Construction Certificate, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made.

<b>Housing and Productivity Contribution (HPC)</b>	<b>Amount</b>
Residential – 23 dwellings x \$10,000 (1x affordable dwelling exempted)	\$230,000
<b>Total HPC</b>	<b>\$230,000</b>

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

Note: The Planning Portal will be charging based on an indexed rate upon payment.

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)

## 15. Local Infrastructure Contributions

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

(Reason: Statutory requirement)

## 16. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$190,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee as per Council's Fees and Charges is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$190,000 + Inspection Fee for Release of Damage Deposit**

(Reason: Protection of public asset)

## 17. Disabled Parking Provision

Disabled parking wayfinding and parking spaces must be provided on-site to the satisfaction of Council's DCP. The parking spaces must be located in a convenient and secure location in as close proximity to the retail areas and internal pedestrian facilities such as lifts, escalators and ramps as possible. All spaces must be clearly and visibly marked on site for their intended use.

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: Support mobility impaired users access)

## 18. 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)

## **19. Electric Vehicle Charging Bays**

Prior to the issue of the Construction Certificate, all motor vehicles and bicycles shall have access to an electric vehicle charger at all times.

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

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

(Reason: Support sustainable transport)

## **20. 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)

## **21. 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)

## **22. Stormwater Conveyed to Street Drainage**

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

details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

### **23. 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. The adopted downstream water level at the connection to the Council system shall be the top of kerb level. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

### **24. Detailed Stormwater Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and be in accordance with Telford Civil drawings 23190 101/B, 102/A, 103/B, 104/E, 105/B, 105.1/B and 106/A. The plans shall be amended so that the overflow from the OSD tank is to ground and not to an underground channel / chamber pipe. The overflow shall be in a visible location and have a minimum of 300mm freeboard to the adjacent floor level. The proposed sump at the OSD outlet is to be deleted and the invert level of the tank outlet to have a minimum level of 84.80m, to ensure that it is above the downstream 1%AEP water level. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

### **25. 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)

## **26. 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)

## **27. 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 full width footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Strathallen Avenue and Baringa Road in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Baringa Road in accordance with Council's specifications and Standard Drawing SD105.
- (c) Replacement of all redundant laybacks with new kerb and gutter in Strathallen Avenue in accordance with TfNSW specifications.
- (d) Reconstruction of the existing road pavement for half roadway width for the full frontage of the development site in Baringa Road in accordance with Council's specifications.
- (e) Construction of a 6.5 metres wide vehicular crossing in Baringa Road in accordance with Council's specification and Standard Drawings SD105.
- (f) Construction of any awnings located over the road reserve.

- (g) Any other works in the road reserve required for the development or as required to satisfy the conditions of consent.

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

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

(Reason: Ensure compliance)

## **28. 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 6m 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 Council's standard vehicle profile (SD100). All driveway grades and transitions shall comply with AS/NZS 2890.1, AS 2890.2 and Council's specifications.

The new crossing is to be 6.5 metres wide with no splays and be constructed at right angle to street kerb. The footpath/footpath zone which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 160mm above and parallel to the gutter invert.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

(Reason: Safe vehicular access)

## **29. 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)

## **30. 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 and service vehicles, including Council’s waste vehicle.
- (b) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces, including that all visitor parking spaces comply with the requirements for Class 2 Medium Term parking.
- (c) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (d) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (e) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area, with a minimum headroom clearance of 4.5m to be provided.
- (f) That the accessible parking spaces comply with the requirements of AS 2890.6, including provision shared zone and bollards.
- (g) That 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. Where simultaneous manoeuvring is not possible at single lane ramps, a traffic control system and waiting area is provided to allow vehicles to pass and prevent conflicts.
- (h) That simultaneous manoeuvrability of a SRV and a passenger vehicle including clearance in accordance with AS/NZS 2890.1 and AS2890.2, is provided between the site entry and the loading bay.

- (i) That a traffic management system will be provided to manage access to and from the loading bay for vehicles larger than an SRV where simultaneous movement of the service vehicle and a passenger vehicle is not possible.
- (j) That the swept path provided for Council's waste vehicle, including manoeuvring zone, is clear of all structures (including walls and columns) and that the wheel path is fully contained on hard stand area, including a contingency for different driver ability.

(Reason: Ensure compliance)

### **31. Vehicle Access and Manoeuvring for Waste Collection Vehicles – 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 HRV waste collection trucks at 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 in full with AS 2890.2:2018 for an HRV and will not result in scraping to the underside of trucks.*
- b) *That the proposed HRV vehicular path and parking arrangements comply in full with AS 2890.2:2018.*
- c) *That the headroom clearance required in AS 2890.2:2018 for an HRV of 4.5m has been provided for the whole swept path including the loading area and the path to and from the loading area.*

(Reason: Ensure compliance / Work Health and Safety)

### **32. 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)

### **33. Awning Location**

Prior to the issue of a Construction Certificate, submit plans to the Certifying Authority that show the edge of the new awnings on Strathallen Avenue and Baringa Road set back a minimum of 600mm from the face of kerb.

(Reason: Ensure compliance)

### **34. Traffic Management Plan – During Works**

Prior to issue of the Construction Certificate, a detailed 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 RMS accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS'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 Control Plan 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)

### **35. Construction Staff and Contractors Parking Plan**

To ensure that construction activities, including demolition and modification works, are carried out with minimal disruption to local traffic, parking, and pedestrian safety, the applicant must submit a Construction Staff and Contractors Parking Plan to Council for review and approval. The Parking Plan can form part of the Construction Traffic Management Plan (CTMP), or can be submitted as a standalone document. It must address the following key aspects:

#### Parking Arrangements:

- (a) A staff and contractors parking plan that minimises impact on the surrounding area.
- (b) Number of parking spaces to be provided on-site for staff and contractors.
- (c) If on-site parking is insufficient, provide a detailed plan for off-site parking arrangements.
- (d) Estimated number of on-street parking spaces required for construction activities, if any.
- (e) Strategies to manage and monitor adherence to the parking plan throughout all construction stages.
- (f) Contact details for the site manager or liaison officer responsible for addressing community concerns.

#### Monitoring and Compliance:

- (a) Proposed methods for monitoring compliance with the Parking Plan.
- (b) Procedure for addressing non-compliance and complaints.

The applicant must demonstrate that all reasonable efforts have been made to contain staff and contractor parking within the site boundaries. Where this is not

feasible, the Parking Plan must provide a clear justification and detail measures to minimize the impact on local parking availability.

Council reserves the right to request amendments to the CTMP based on local traffic conditions and community feedback. The approved CTMP must be strictly adhered to throughout all stages of construction, including modification and demolition activities. Any proposed changes to the approved CTMP must be submitted to Council for review and approval prior to implementation.

(Reason: Public safety and amenity)

### **36. 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.

Measures to improve line of sight for motorists exiting parking access are to be provided in drawings.

(Reason: Public safety and amenity)

### **37. Safety and Transport Management Works**

Prior to an application for a Construction Certificate, detailed design plans, road safety audits and environmental factors (REF) must be submitted to Council to carry out the following works:

Pedestrian and Bicycle Refuge (New) – Baringa Road and Strathallen Avenue intersection:

- (a) One 2.0 metre-wide minimum bicycle/ pedestrian refuge in Baringa Road at the intersection with Strathallen Avenue, east of Strathallen Avenue.
- (b) All necessary line marking, pavement marking and signposting to support the new traffic and parking arrangements

(Reason: Public safety and amenity)

### **38. 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)

### 39. Walls – Solid Construction – Food Premises

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

(Reason: Health and compliance)

### 40. Internal Noise Levels

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

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

Note:

- (a) The above criteria does not apply to garages, kitchens, bathrooms or hallways.
- (b) The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.
- (c) 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)

### 41. 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 the report by Pulse White Noise Acoustics Pty Ltd, Ref. 230226, Rev. 2, dated 1 July 2024, 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)

#### **42. 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 6.1.4 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 230226, Rev. 2, dated 1 July 2024.

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)

#### **43. 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	2650
Total phosphorous	µg/L	< than	39.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	437
Suspended solids	Mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	19.3
Lead	µg/L	< than	0.5
Copper (& other heavy metals)	µg/L	< than	4.9

(Reason: Environmental protection, compliance)

#### 44. 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(s) and car space to the Council, free of charge. The Deed is to be generally in accordance with the Housing Transfer Deed template available at Council and is to be submitted to the Council and executed prior to the issue of the Construction Certificate.

The Affordable housing units to be nominated are:

##### Level 01

Unit 1.01 (170m<sup>2</sup>)

Total = 170m<sup>2</sup>

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)

#### **45. Compliance with BASIX Certificate**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all commitments listed in the approved BASIX Certificate (referred to under Condition 1) are detailed on the plans forming the Construction Certificate.

(Reason: Statutory requirement)

#### **46. Access for people with disabilities (commercial)**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Dignified and equitable access shall be provided.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Certifier prior to the issue of a Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions including AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

#### **47. Access for people with disabilities (residential)**

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

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

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

#### **48. 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;
- (e) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- (f) Doorways are at least 2,500mm wide.

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

## **PRIOR TO COMMENCEMENT OF WORKS**

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

### **49. Licensee Details**

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Certifier prior to commencement of work.

N.B. Should changes be made for the carrying out of the work the Certifier must be immediately informed.

(Reason: Information)

### **50. Report Existing Damages on Council's Property**

Prior to commencement of any works on site, submit to Council and the Principal Certifier a report with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reason: Protection of Council's Infrastructure)

### **51. 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)

## **52. 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)

### **53. 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)

### **54. 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)

### **55. Adjustment to Street Lighting**

Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property to suit the new development. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

### **56. 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)

#### **57. 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)

#### **58. Project Arborist**

- (a) A Project Arborist is to be appointed prior to commencement of works on site;.
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the Arboricultural Impact Appraisal and Method Statement dated 19/10/2024 prepared by Naturally Trees, , 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)

#### **59. 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)

#### **60. Construction Noise and Vibration Management**

The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) which addresses all phases of the development including demolition and excavation. The Plan should refer to Section 5 of the acoustic report by Pulse White Noise Acoustics Pty Ltd, Ref. 230226, Rev. 2, dated 1 July 2024, and must:

- (a) be prepared by a suitable qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- (b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- (c) describe the measures that would be implemented to ensure:
  - (i) best management practice is being employed; and
  - (ii) compliance with the relevant conditions of this consent;
- (d) describe the proposed noise management measures in detail;

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

(Reason: Amenity and environmental compliance)

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

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

(Reason: Improved identification for emergency services)

#### **62. Waste Chute Design**

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

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

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

#### **63. Noise and vibration management plan**

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and

vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifier. The management plan is to identify amelioration measures to achieve the best practice objectives of Australian Standard 2436-2010 - Guide to noise and vibration control on construction, demolition and maintenance sites and NSW Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters:

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

(Reason: To protect the amenity of surrounding residents during construction)

#### **64. Adaptable units**

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the nominated adaptable units nominated in the development application, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 3.02, 3.03, 3.04, 3.05, 3.06, and 3.07, are designed as Class C Adaptable Housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing and a notice placed on the power box identifying these units as adaptable.

Evidence from an appropriately qualified professional demonstrating compliance with this standard is to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

(Reason: To ensure adaptability of units for disabled access)

**65. Green star certification**

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

1. The Construction Certificate plans include all the matters referred to in the ESD report prepared by Thermal Environmental Engineering Pty Ltd ref: 2024042100 Rev 3 dated 09.05.2024 and any additional ESD measures proposed for the achievement of the required [4/5] (or greater) Green Star - Building;
2. The plans for development have been registered with Green Building Council of Australia (GBCA) for a Green Star- Building (including the provision of a registration notice and invoice for registration payment); and
3. The plans for the development have achieved a 4 Green Star Rating by Green Building Council of Australia (GBCA) for the "Design" component of the Green Star - Building certification as evidenced by a notice or letter from GBCA.

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

**66. Dilapidation Report of Adjoining Properties**

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 128 Sailors Bay Road Northbridge, 134 Sailors Bay Road Northbridge and 31 Baringa Road Northbridge to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the Certifier, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.

(Reason: Protection of adjoining owners)

**DURING DEMOLITION, EXCAVATION AND CONSTRUCTION  
WORK**

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

**67. 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)

#### **68. Building Site Fencing**

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

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

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

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

(Reason: Safety)

#### **69. 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)

**70. Approved plans to be on site**

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifier.

(Reason: To ensure that the development is in accordance with the determination)

**71. Control of construction noise (Noise and vibration management plan)**

During any demolition, excavation or building works, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

(Reason: To ensure reasonable standards of amenity to neighbouring properties)

**72. Compliance with submitted geotechnical report**

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified consulting geotechnical engineer must oversee the excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the geotechnical report Ref: 221953.01 Rev 3 prepared by Douglas Partners Pty Ltd dated 03.05.2024

Prior approval must be obtained from all affected property owners, including Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

(Reason: To ensure the safety and protection of property)

**73. Temporary rock anchors**

Where the use of temporary rock anchors extending into the road reserve is required, approval must be obtained from Council and/or the Transport for NSW in accordance with Section 138 of the Roads Act 1993. The applicant is to submit

details of all the work that is to be considered and the works are not to commence until approval has been granted. The designs are to include details of the following:

1. Details of how the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road.
2. A copy of the plans and sections showing the location, including level and angle, of the installed anchors is to be provided to Council so that the locations of the rock anchors are registered with "Before You Dig Australia".
3. Evidence confirming that approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities.
4. Evidence confirming that any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
5. Placement and maintenance of signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Operations for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the conditions of construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

(Reason: To ensure the safety and protection of property)

#### **74. Suitable Screens**

In the event of likely emission of dust, noise, waste water or other matter, suitable screens shall be erected during demolition and building work to prevent their emission from the site.

(Reason: Maintain amenity to adjoining properties)

#### **75. Suitable Barricades**

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Certifier and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

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

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

(Reason: Safety)

**77. Access to Site**

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

**78. Survey Certificate**

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

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

(Reason: Ensure compliance)

**79. Road and Footpath**

Council's footpath, nature strip or roadway shall not be damaged and shall be kept clear at all times. The public footway must not be obstructed at any time unless written approval has been granted by Council and the footway including any footpath shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Maintain public safety)

**80. No Storage or Parking on Footway/Nature Strip**

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

Further, the parking of motor vehicles on footpaths, nature strips and cross overs and unloading vehicles while double parked or otherwise unsafely parked is not permitted. All vehicles are required to be parked legally and safely.

(Reason: Safety)

**81. Skips and Bins**

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

(Reason: Safety)

**82. 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)

**83. Erection Wholly within the Boundaries**

All works (with the exception of approved awnings and 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)

**84. Excavations and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

**85. Temporary Ground Anchors – Supervision**

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 public assets)

**86. 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)

**87. 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)

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

The connection of the site stormwater drainage system to the existing Council pit shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements and the new connection pipe does not protrude into the Council pit. The inspection must be booked via Council's website with Council's Engineer and a minimum of 2 working days' notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

**89. 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)

## **90. Tree Removal**

Approval is given for the removal of the following trees as identified on Ground Level Landscape Plan Dwg. No. DA-2320-01 dated 31/10/2024 prepared by Sturt Noble Associates:

Trees 1, 2, 3, 4, 5, 6, 8 and 9.

(Reason: Site development)

## **91. Tree Trunk, Branch and Root Protection**

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not approved for removal unless exempt under relevant planning instruments or legislation.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with the Arboricultural Impact Appraisal and Method Statement dated 19/10/2023 prepared by Naturally Trees, 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)

## **92. Public Tree Protection**

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

(Reason: Tree management)

## **93. 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)

#### **94. Waste Management Plan**

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

When implementing the DCWMP the developer is to ensure:

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

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

#### **95. 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)

#### **96. 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)

#### **97. 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)

#### **98. Dust Control**

Dust from works on the site shall be carried out in accordance with the recommendations contained in Section 9.6 of the Stage 3 – Remedial Action Plan (RAP) prepared by JBS&G Australia Pty Ltd, Ref. 65963, dated 2 July 2024.

In addition, 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)

#### **99. Construction Noise and Vibration**

Construction noise and vibration shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG), the noise and vibration criteria contained in Section 5 of the acoustic report by Pulse White Noise Acoustics Pty Ltd, Ref. 230226, Rev. 2, dated 1 July 2024, 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:

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

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

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

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

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

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

(Reason: Amenity)

## **100. 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 and vibration monitoring shall be carried out as recommended in Section 5.8 of the acoustic report by Pulse White Noise Acoustics Pty Ltd, Ref. 230226, Rev. 2, dated 1 July 2024, and in the event of a complaint being received by Council or the principal construction contractor. This monitoring shall be documented in reports and submitted to the Principal Certifying Authority and demonstrate compliance with criteria contained in Section 5 of the acoustic report by Pulse White Noise Acoustics Pty Ltd, Ref. 230226, Rev. 2, dated 1 July 2024. 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)

## **101. 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)

# **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

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

## **102. Registration of Plan of Consolidation**

Prior to the issue of any Occupation Certificate, all individual allotments involved in the development site shall be consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.

(Reason: Ensure compliance)

**103. BASIX Certificate**

Prior to the issue of the relevant Occupation Certificate, a completion certificate is to be submitted to the Certifier demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

(Reason: Environmental sustainability)

**104. 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)

**105. Commercial – Shop Number Display**

Prior to the issue of any Occupation Certificate, the shop number at least 50mm high being clearly displayed adjacent to the head of the entry door to the shop.

(Reason: Information)

**106. Commercial – Gap Between Adjoining Awnings**

Prior to the issue of any Occupation Certificate, the gap between each end of the awning and the adjoining awnings shall be appropriately sealed to protect pedestrians during wet weather.

(Reason: Safety)

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

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

(Reason: Safety)

**108. 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)

**109. Stormwater Runoff from Upstream Lots**

Prior to the issue of any Occupation Certificate, provide an interceptor drainage system to capture and convey all stormwater runoff from the upstream neighbouring property to the Council or public drainage system. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Part I of the Council's WDCP and AS/NZS 3500.3. This drainage system is to be designed for storm events up to and including the 1%AEP storm event.

(Reason: Prevent nuisance flooding)

**110. Surface Water Runoff**

Prior to the issue of the Occupation Certificate and in perpetuity, surface water runoff from new paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Certifier.

(Reason: Health and amenity)

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

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

(Reason: Ensure compliance)

**112. Grated Box Drain**

Prior to the issue of any Occupation Certificate, a minimum 200mm wide grated trench drain with a heavy duty removable galvanised grate is to be provided within the property along the front boundary to collect driveway runoff. The trench drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

(Reason: Proper disposal of stormwater)

### **113. On-site Water Management System**

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council drainage system via a water quality improvement system and an OSD system with a minimum volume of 93m<sup>3</sup> in accordance with Sydney Water's requirements AS/NZS3500.3, Part I of Council's DCP and Technical Standard 1. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

### **114. 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)

### **115. 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)

### **116. 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)

### **117. 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)

### **118. 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)

### **119. 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)

#### **120. 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)

#### **121. 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 Baringa Road and to replace redundant layback in Strathallen Avenue.

(Reason: Public amenity)

#### **122. Reconstruct Pavement**

Prior to the issue of any Occupation Certificate, reconstruct half width of road pavement for the full frontage of the development site in Baringa Road in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is  $5 \times 10^5$  ESA.

(Reason: Ensure compliance)

#### **123. Footpath**

Prior to the issue of any Occupation Certificate, construct a full width footpath for the full frontage of the development site in Strathallen Avenue and Baringa Road. The pavement material shall be in accordance with Council's standards for the Northbridge Local Centre. Cut outs shall be provided as required for any street trees.

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

(Reason: Public amenity)

#### **124. Street Lighting**

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

(Reason: Public amenity)

#### **125. Vehicular Crossing**

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

The crossing is to be 6.5 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

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 – 160 mm above and parallel to the gutter invert.

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

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the

Certifier prior to issue of any Occupation Certificate.

(Reason: Public amenity)

#### **126. 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)

#### **127. 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. Council will not issue the Completion Certificate until sign off is provided from TfNSW for works on Strathallen Avenue. Council will require a minimum of 2 weeks to check required documentation, including work-as-executed drawings, prior to issue of the Completion Certificate.

(Reason: Ensure compliance)

#### **128. 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)

## **129. 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)

## **130. Vehicular 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 and service vehicles, including Council's waste vehicle.
- (c) That aisle widths throughout basements comply with AS/NZS 2890.1, including provision of required additional width in locations where walls or columns are located opposite parking spaces.
- (d) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (e) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (f) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (h) That the accessible parking spaces comply with the requirements of AS 2890.6, including provision shared zone and bollards.
- (i) That simultaneous manoeuvring of B99 and B85 vehicles at all circulation aisles and ramps including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with. Where simultaneous manoeuvring is not possible at single lane ramps, a traffic control system and waiting area is provided to allow vehicles to pass and prevent conflicts.
- (j) That simultaneous manoeuvrability of a SRV and a passenger vehicle including clearance in accordance with AS/NZS 2890.1 and AS2890.2, is provided between the site entry and the loading bay.
- (k) That a traffic management system is provided to manage access to and from the loading bay for vehicles larger than an SRV where simultaneous movement of the service vehicle and a passenger vehicle is not possible.

- (l) That the swept path provided for Council's waste vehicle, including manoeuvring zone, is clear of all structures (including walls and columns) and that the wheel path is fully contained on hard stand area, including a contingency for different driver ability.

(Reason: Ensure compliance)

### **131. 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)

### **132. 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)

### **133. Traffic Management Systems**

Prior to the issue of any Occupation Certificate, a suitably qualified traffic engineer shall certify that the following systems have been installed and are operational:

- (a) A traffic control system at all single lane ramps, with a default setting of green for incoming vehicles
- (b) Waiting areas at all locations where vehicles cannot pass, with the area clearly defined.
- (c) Signage at ground level to indicate when visitor parking on the site is full.

(Reason: Vehicle management and safety)

### **134. Traffic Management Plan – Operational**

Prior to the issue of any Occupation Certificate, a Traffic Management Plan is to be prepared for the development and submitted to the Certifier for approval. The plan is to include, but not be limited to, the following items:

- (a) Operation of the loading bay, including any booking system.
- (b) Maximum vehicle size able to access various parts of the site.
- (c) Traffic management system required to manage locations where vehicles cannot pass.
- (d) Manufacturer's details for any traffic management systems, including signals.
- (e) Maintenance requirements for traffic management systems.
- (f) Contact details of company responsible for responding to breakdowns.

(g) Access requirements for visitors.

(Reason: Vehicle management and safety)

### 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. Identification of Parking Spaces

Prior to the issue of any Occupation Certificate, the approved car parking spaces shall be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

The development has been approved to provide the following parking numbers:

Type of parking space	Number of spaces required
<b>Residential (Basement 2)</b>	
Car (resident – standard)	21
Car (resident – accessible)	3
Car (visitor – standard)	2
Car (visitor – accessible)	1
Motorcycle (resident)	2
Motorcycle (visitor)	1
Bicycle (resident)	2 (Class A or B)
Bicycle (visitor)	2 (Class C)
Electric Vehicle Charging Space	1
Electric Vehicle Fit Out	Charger provided for every parking bay
<b>Retail (Basement 1)</b>	
Car (retail – standard)	22
Car (retail – accessible)	1
Car (visitor – accessible)	1
Motorcycle (retail)	1
Motorcycle (visitor)	1
Bicycle (retail)	3 (2x Class A or B, 1x Class C)
EV Charging Space	1
EV Vehicle Fit Out	Charger provided for every parking bay
Loading Bay	1

(Reason: Amenity)

### **137. Visitor Parking Spaces**

Prior to the issue of any Occupation Certificate, the approved designated visitor car parking spaces shall be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

(Reason: Amenity)

### **138. Accessible Parking Spaces**

Prior to the issue of any Occupation Certificate, the approved designated accessible car parking spaces shall be physically identified on site and maintained free of obstruction. The spaces are to fully comply with the relevant Australian Standards. Under no circumstances are these spaces to be used for the storage of goods or waste products.

(Reason: Amenity)

### **139. End of Trip Facilities**

Prior to the issue of any Occupation Certificate, the end-of-trip facilities for retail use must be installed. The end-of-trip facilities are to include one (1) shower, one (1) change room and six (6) personal lockers.

(Reason: Amenity)

### **140. Services – Mailboxes**

Prior to the issue of any Occupation Certificate, all mailboxes 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)

### **141. Residential Component – Service Facilities**

Prior to the issue of any relevant Occupation Certificate, the following shall apply to the development:

- (a) Electricity and telephone lines must be placed underground from the street to the building.
- (b) One storage area shall be allocated to each unit.
- (c) A master TV antenna or satellite dish is to be provided for the building. This shall be suitably screened from view from the street.
- (d) All plumbing pipes and installations must be concealed in ducts and not exposed on the external walls of the building and must be adequately soundproofed.

- (e) Secure bicycle parking facilities shall be provided in accordance with Willoughby Development Control Plan Part F and designed in accordance with AS2890.3

(Reason: Ensure compliance, streetscape and amenity)

#### **142. 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)

#### **143. 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)

**144. 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)

**145. Management Plan for loading dock and delivery and service vehicles entering and exiting the Development**

Prior to issue of any Occupation Certificate, the applicant must submit a management plan to ensure all delivery and service vehicles use Baringa Road via Strathallen Avenue to approach the subject site. The plan shall include details of the following traffic movement for all delivery and service vehicles:

- (a) The maximum length of all delivery and service vehicles.
- (b) The hours of operation of the loading dock.
- (c) Delivery and service vehicles will not enter and exit the loading dock outside of the hours of operation of the loading dock.
- (d) Entry into the loading dock area shall be from Baringa Road via Strathallen Avenue.
- (e) Exit from the loading dock area shall be onto Baringa Road then to Strathallen Avenue.
- (f) No delivery or service vehicles are permitted to enter or exit the basement car parking areas.

(Reason: Public safety and amenity)

**146. Council Inspection – Waste Management Facilities**

Prior to the issue of any Occupation Certificate, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval., Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and doorway dimensions, and that all waste facilities are fit for purpose.

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

**147. Council Waste Vehicle**

Prior to the issue of any Occupation Certificate, the Applicant shall obtain written confirmation from Council that the loading bay and associated manoeuvring area is suitable for Council's waste vehicle. If required, the pavement width at the loading

bay apron is to be increased by a maximum of 1m within the manoeuvring zone required by the waste vehicle.

(Reason: Ensure residential waste is able to be collected by Council).

#### 148. 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)

#### 149. Tree Planting

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 Landscape Plans Dwg No. DA-2320-01 – DA-2320-07 dated 31/10/2024 prepared by Sturt Noble Associates	As indicated on the Landscape Plan	As indicated on the Landscape Plan

*Note: Street tree species shall be as per Public Tree Planting condition.*

The trees are to be semi-mature when planted.

(Reason: Landscape amenity)

#### 150. Public Tree Planting

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

- (a) Four (4) *Platanus x acerifolia* (London plane tree) along Strathallen Avenue frontage;
- (b) One (1) *Tristaniopsis laurina* (Water gum) on the Baringa Street frontage.

The trees shall:

- (a) Have a minimum container size of 100 litres and grown to AS 2303:2018 Tree stock for landscape use.
- (b) Be planted in accordance with WCC Vegetation Management Guidelines.
- (c) Be planted in 1.2m x 1.2m tree pits.

(Reason: Landscape amenity, tree canopy recruitment)

#### **151. 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)

#### **152. 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 landscape architect or landscape designer.

(Reason: Landscape amenity)

#### **153. 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 3 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 230226, Rev. 2, dated 1 July 2024. The certificate is to be approved by the Principal Certifier (PC) prior to the issue of any Occupation Certificate.

(Reason: Amenity, environmental compliance and health)

#### **154. 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)

#### **155. 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)

**156. Validation report to be submitted**

After completion of the remedial works, a copy of the validation report shall be submitted to Council being the regulatory authority for the management of contaminated land, prior to the issue of an Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, Consultants Reporting on Contaminated Sites, and shall:

- describe and document all works performed
- include results of validation testing and monitoring
- include validation results of any fill imported on to the site
- show how all agreed clean-up criteria and relevant regulations have been complied with
- include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

(Reason: To ensure compliance with SEPP (Resilience and Hazards) 2021 and environmental health)

**157. Site audit statement to be submitted**

A site audit statement (SAS) shall be submitted to Council, being the regulatory authority for the management of contaminated land, prior to the issue of an Occupation Certificate. The SAS shall clearly demonstrate that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency

(Reason: To ensure compliance with SEPP (Resilience and Hazards) 2021 and environmental health)

**158. Green star rating**

- i. Prior to the issue of an Occupation Certificate, an up to date green star credit schedule demonstrating sufficient credits to achieve a GBCA certified outcome of [4] (or greater) stars for the "as built" component of the constructed development is to be provided to the Certifier. A supporting statement from a GBCA accredited project ESD consultant is to accompany the schedule stating that the contractor (and associated sub-contractors) has carried out the works in accordance with the green star standards required to achieve the Green Star- Building certification.
- ii. Prior to the issue of an Occupation Certificate, the Owner is to provide to the Principal Certifier a notice from GBCA confirming documentation has been submitted for the final "As Built" component of the Certification.

- iii. Within 3 months of an Occupation Certificate being issued, the Owner is to submit to Council a copy of the GBCA Green Star - Building certificate confirming the achievement of a 4 green star rating.

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

#### **159. Affordable Housing Dwellings**

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

(a) Level 01 – Unit 1.01

(Reason: Ensure compliance)

#### **160. Through-site link**

Prior to issue of Occupation Certificate, an easement is to be registered on title of the consolidated lot over the area identified as a potential through-site link within the communal open space. This easement shall be dormant until such time that a connection to 134 Sailors Bay Road is facilitated through future redevelopment.

In the event the through-site link is required in the future, the applicant (or future owner) must be responsible for retrofitting the communal open space area to provide a publicly accessible, functional, and compliant through-site link in accordance with Council's requirements. The design and delivery of the link is to be at no cost to Council and must ensure continued amenity for adjoining residents where practical. Details of the proposed fencing, gate and any landscaping changes are to be submitted as part of the easement documentation.

Upon activation of the through-site link, the remaining communal open space is to be appropriately sectioned off to maintain security and amenity for residents. This is to be achieved through the installation of a 1.8-metre high mesh pool-style fence in dark colour, appropriate landscaping, and a gate to clearly define the private resident-only areas.

Signage is to be installed to clearly identify which areas are for resident use only and which areas are publicly accessible.

(Reason: Ensure compliance)

#### **161. 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. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its servants/ contractors to enter and exit for the purpose of waste recycling collection.

The development is required to indemnify Council and its servant/contractors against claims for loss or damage or wear and tear of access roads, pathways and other parts of the building.

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

(Reason: Legal requirement/ compliance)

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

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

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

- (a) The service is functional and meets the operational needs of the development, specifically that non-residential waste must be collected from the onsite collection point. The building manager or the private waste contractor must wheel the bins to and from the non-residential bin room at the time of collection. The development must provide a safe pedestrian access to the non-residential waste room and any manual handling equipment to wheel the bins to and from the onsite collection point.
- (b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.
- (c) Council has been provided with indemnity against claims for loss or damage, should they take over the service at some point in the future.

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

(Reason: Legal requirement/ ensure compliance)

## OCCUPATION AND ONGOING USE

### Condition

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

#### **163. 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)

#### **164. Maintenance of structures on public land**

The owner of the premises is to maintain the awning approved by this consent and located over Council's road reserve, directly adjacent to the property. This awning must be maintained at all times to a structurally sound condition in order to provide an acceptable level of public safety. Any approval granted for the awning under section 138 of the *Roads Act 1993* must include provision for an appropriate indemnity in favour of Council regarding the awning.

(Reason: To ensure pedestrian and public safety and to ensure that structures located on public land for private benefit are maintained to an acceptable standard.)

#### **165. Traffic Management System**

The traffic management system required for the site shall be maintained on a regular basis, in accordance with manufacturer's recommendations. The system is to be updated as required to prevent congestion and manage traffic conflicts, including any new conflicts that occur during operation.

(Reason: Ensure compliance)

#### **166. On-site Disabled Car Parking, Motorbike Spaces, Bicycle Racks/Rails and Bicycle Lockers – Operation (Retail)**

The designated retail spaces for disabled car spaces, motorbike spaces and the bicycle racks/rails and bicycle lockers must be accessible to the public at all times during the hours of operation.

(Reason: Ensure compliance)

**167. Vehicle Access**

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

(Reason: Ensure compliance)

**168. 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)

**169. Maintenance of Landscaping**

All trees and plants forming part of the landscaping, including balcony planter boxes, must be maintained for the life of the development in accordance with the Landscape Maintenance Strategy as approved by the Accredited Certifier.

Landscaping is to be irrigated using non-potable water supply.

(Reason: Ensure compliance and amenity)

**170. Noise Control – Offensive Noise**

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

(Reason: Amenity)

**171. Annual Fire Safety Statement**

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

**172. 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)

**173. Waste Management Collection Policy**

The development must operate in full compliance with Council's onsite Waste Management collection requirements.

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

**174. Ongoing 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 development's waste management system.
- (e) Cleaning up and management of bulky waste.

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

**175. 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.

Waste storage containers must be adequately maintained in full working order without damage (without splits, with all components in-tact and with all wheels operational). Bin lids must be able to be closed shut at all times.

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

**176. Waste 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)

**177. Operational Waste Management Plan**

The approved OWMP is to be implemented throughout the ongoing use of the development.

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

**178. 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)

**179. 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)

**180. 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)

**181. 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)

**182. On-site Parking Provision**

The on-site car parking provision of car parking spaces, motorbike spaces and bike spaces are to be permanently available for the life of the development in accordance with the following breakdown:

Type of parking space	Number of spaces required
<b>Residential (Basement 2)</b>	
Car (resident – standard)	21

Type of parking space	Number of spaces required
Car (resident – accessible)	3
Car (visitor – standard)	2
Car (visitor – accessible)	1
Motorcycle (resident)	2
Motorcycle (visitor)	1
Bicycle (resident)	2 (Class A or B)
Bicycle (visitor)	2 (Class C)
Electric Vehicle Charging Space	1
Electric Vehicle Fit Out	Charger provided for every parking bay
<b>Retail (Basement 1)</b>	
Car (retail – standard)	22
Car (retail – accessible)	1
Car (visitor – accessible)	1
Motorcycle (retail)	1
Motorcycle (visitor)	1
Bicycle (retail)	3 (2x Class A or B, 1x Class C)
EV Charging Space	1
EV Vehicle Fit Out	Charger provided for every parking bay
Loading Bay	1

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

The Basement 1 level comprising of retail and visitor car spaces must be accessible to visitors and retail/business staff and clients at all times.

The Basement 2 level car parking comprising of residential car parking spaces must only be accessible to residents at all times.

(Reason: Ensure compliance)

### 183. Security Controlled Car Parking

Should any security controlled car parking arrangement be introduced for the residential visitor, commercial, retail and community facility spaces, a visitor voucher or similar system is to be used to enable free access and parking for the tenants/visitors.

(Reason: Amenity)

### 184. Motorcycle Parking

Motorcycle spaces be provided in accordance with the stated numbers in this consent. These spaces are to have an area of 1.2 metres x 3 metres.

(Reason: Amenity)

**185. Bicycle Lockers**

The provision of six (6) bicycle lockers for the use of retail staff. The additional end-of-trip facilities of a shower and change room must also be provided.

(Reason: Amenity)

**186. Visitor Car Parking Bays**

Any visitor parking bays required in accordance with Willoughby Development Control Plan Part F, are to be grouped together and physically identified by suitable signs and/or pavement and being permanently accessible and reserved for the exclusive use of visitors to the premises.

(Reason: Ensure compliance)

**187. Staff Parking**

Employees are not to be denied the right to use a parking space provided for staff parking purposes in accordance with the Willoughby Development Control Plan Part F, subject to such parking space not having been otherwise allocated to another staff member.

(Reason: Ensure compliance)

**188. Accessibility to Car Parking Spaces**

The disabled car spaces, motorbike spaces and the bicycle racks/rails and bicycle lockers must be accessible to the public at all times during the hours of operation.

In perpetuity, the designated retail car parking spaces are to be accessible during all hours of operation of the business.

(Reason: Ensure compliance)

**189. Loading and Unloading**

The loading dock operating times and movement of delivery and service vehicles entering and exiting the Development will comply with the Management Plan.

In perpetuity, loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Baringa Road or Strathallen Avenue or from any appurtenant right of way.

(Reason: Access and amenity)

**190. Illumination of Building or Car Park**

Illumination of any part of the building or car parking areas is to be designed so as to avoid glare adversely affecting nearby residents.

(Reason: Amenity)

**191. Site Lighting**

Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

(Reason: Amenity)

**192. Public Art**

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

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

**193. Licenced Non-residential Waste Collection**

All businesses must have written evidence on site of a valid and current contract with a licenced waste collection provider for lawful waste collection and disposal whether disposal is for landfill, treatment, recycling, reuse or any other purpose.

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

**194. On-Site Collection Point**

The nominated on-site collection point is to be utilised to facilitate the collection of waste for the development, whether residential waste or non-residential waste and including any bin type and bulky waste. The on-site collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste.

(Reason: Environmental protection/ public health and safety/ work health and safety)

# PRESCRIBED CONDITIONS AND STATUTORY REQUIREMENTS

Condition
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**195. 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)

**196. Construction Information Sign**

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number / after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Certifier (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

**197. 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)

**198. 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)

#### **199. 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)

#### **200. 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)

#### **201. Detailed Drawings**

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Consent and comply with the requirements of the National Construction Code.

(Reason: Ensure compliance)

### *General advisory notes*

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

# Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means Willoughby City Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Willoughby Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney North Planning Panel