

SCHEDULE 1

**CONDITIONS OF CONSENT
DEFERRED COMMENCEMENT**

In accordance with Section 4.16(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with the Regulation, a twelve (12) month period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail. If not, then the 'deferred commencement' will lapse and a new development application will be required.

(Reason: Ensure compliance)

PART A

1. Modification of Consent for DA-2021/300

This consent requires the modification of development consent DA-2021/300 approved on 2 February 2022 for demolition of existing dwellings and construction of 5 residential flat buildings comprising 154 units over basement car parking as a two staged development.

The modification is to be effected under section 4.17(1)(b) and section 4.17(5) of the Environmental Planning and Assessment Act 1979 prior to the activation of this development consent DA-2024/159.

The required modifications:

- are to be set out in a notice of modification of development consent DA-2021/300; and
- must be lodged with the consent authority, in compliance with the requirements of section 67 of the Environmental Planning and Assessment Regulation 2021 ("the EP&A Regulation").

in the terms prescribed by any condition of this consent that sets out a required modification to DA-2021/300.

(Reason-Orderly development of land)

- It is a requirement of this condition that a new condition 1A is to be inserted into development consent DA-2021/300 as follows:
 - Despite any provision of this development consent DA-2021/300 (as modified), this consent does not authorise or require anything that is inconsistent with the work approved (as shown clouded in red) in accordance with development consent DA-2024/159 and to the extent of any inconsistency the latter consent applies. The terms of development consent DA-2024/159 must be satisfied when carrying out development under this consent.
- It is a requirement of this condition that a new condition 1B is to be inserted into development consent DA-2021/300 (as modified)_as follows:

Despite condition 1A, the development must be implemented in accordance with the following approved plans and documents as amended by conditions of this consent:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Drawings	A.010	I	15/12/2024	
	A.011	H	15/12/2024	
	A.0004	H	18/11/2024 A.007 Rev J 12.12.2024 A.101/ST1 & A.102/ST1 15.12.2024	
	A.0005			
	A.0006	I		
	A.0007	J		
	A.0008	I		
	A.023	F		
	A.100	H		
	A.101/ST1	F		
	A.102/ST1			
	A.103/ST1	F		
	A.104/ST1	E		
	A.105/ST1	F		
	A.106/ST1			
	A.107/ST1	E		
	A.108/ST1			
A.109/ST1				

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
	A.110/ST1	E	18.11.2024	

Architectural Drawings	A.111/ST1	D			
	A.111a/ST1	C			
	A.111b/ST1				
	A.111c/ST1				
	A.112/ST2	N	27/11/2024		
	A.113/ST2	L	18/11/2024		
	A.114/ST2	N	27/11/2024		
	A.115/ST2	K	18/11/2024		
	A.116/ST2	I			
	A.117/ST2				
	A.118/ST2				
	A.119/ST2				
	A.120/ST2				
	A.121/ST2				
	A.122/ST2				
	A.123/ST2	C	18/11/2024		
A.124/ST2	A	8/7/2024			
	A.125/ST2	C	18/11/2024		
Architectural Drawings	A.151/1	G	8/7/2024	Architecture Urbaneia	
	A.151/2				
	A.153/1	J	27/11/2024		
	A.154/1	I			
	A.155/1				
	A.156/1	H	18/11/2024		
	A.160				
	A.160A				
	A.161	I	27/11/2024		
	A.162	C	18/11/2024		
	A.163				
	A.164				
	A.166				
	A.167				
	A.168				
	A.169				
A.170	J	27/11/2024			
A.171					
A.172					
A.173					

	A.174		
	A.175		
	A.176		
	A.177		

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by	
Architectural Drawings	A.178	J	27/11/2024		
	A.179				
	A.179a				
	A.179b				
	A.401	F			
	A.402	B	8/7/2024		
	A.403		27/11/2024		
	A.404		8/7/2024		
	A.405				
	A.406				
	A.407				
	A.407A		A		18/11/2024
	A.407B				
	A.407C				
	A.407D				
	A.408	B	8/7/2024		
	A.409				
	A.410				
	A.411				
	A.411A	A	18/11/2024		
	A.411B				
	A.411C	A	18/11/2024		
	A.411D				
A.413	B	18/11/2024			
Architectural Drawings	A.414	B	8/7/2024	Architecture Urbaneia	
	A.414A				
	A.414B				
	A.414C				
	A.414D				
	A.414E	A			
	A.414F				
	A.414G				
	A.415	G			
	A.417	E			
	A.418				
	A.421	G			18/11/2024
	A.422	A			8/7/2024
A.423	E	18/11/2024			

	A.424	B		
Engineering				
General Arrangement Plan – Sheet 1 of 4	C1-2-00	H	14/10/2022	Calibre
General Arrangement Plan – Sheet 2 of 4	C1-2-01	H	14/10/2022	Calibre
General Arrangement Plan – Sheet 3 of 4	C1-2-02	H	14/10/2022	Calibre

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
General Arrangement Plan – Sheet 4 of 4	C1-2-03	H	14/10/2022	Calibre
Stormwater Drainage Details Sheet 1 of 2	C1-4-20	G	14/10/2022	Calibre
Stormwater Drainage Details Sheet 2 of 2	C1-4-21	G	14/10/2022	Calibre
On-site Stormwater Detention Details Site 1	C1-4-30	I	14/10/2022	Calibre
Stormwater Drainage OSD Catchment Plan	C1-4-60	F	14/10/2022	Calibre
General Arrangement Plan Level 1 – Sheet 1 of 4	C2-2-00	I	14/10/2022	Calibre
General Arrangement Plan Level 1 – Sheet 2 of 4	C2-2-01	I	14/10/2022	Calibre

General Arrangement Plan Ground Level – Sheet 3 of 4	C2-2-02	I	14/10/2022	Calibre
General Arrangement Plan Ground Level – Sheet 4 of 4	C2-2-03	I	14/10/2022	Calibre
Stormwater Drainage Details	C2-4-20	H	14/10/2022	Calibre
On-site Stormwater Detention Details Site 2	C2-4-30	J	14/10/2022	Calibre
Stormwater Drainage OSD Catchment Plan	C2-4-60	H	14/10/2022	Calibre
Landscape				
Landscape Planting Plan	L401	A	10/12/2024	Site image
Landscape Planting Plan	L402	A	10/12/2024	Site image
Landscape Planting Plan	L403	A	10/12/2024	Site image
Landscape Planting Plan	L404	A	10/12/2024	Site image
Landscape Planting Plan	L405	A	10/12/2024	Site image
Landscape Planting Plan	L406	A	10/12/2024	Site image
Landscape Planting Plan	L407	A	10/12/2024	Site image
Landscape Planting Plan	L408	A	10/12/2024	Site image
Landscape Planting Plan	L409	A	10/12/2024	Site image
Landscape Planting Plan	L410	A	10/12/2024	Site image
Landscape Planting Plan	L502	A	10/12/2024	Site image
Landscape site plan	LP-00	01	28/6/2024	Site image

Existing tree plan	LP-00.1	01	28/6/2024	Site image
Streetscape plan	LP-00.2	01	28/6/2024	Site image
Streetscape plan – sheet	LP-00.21	01	28/6/2024	Site image
Streetscape plan – sheet 2	LP-00.22	01	28/6/2024	Site image
Landscape images design notes – sheet 1	LP-00.3	01	28/6/2024	Site image
Landscape images design notes – sheet 2	LP-00.4	01	28/6/2024	Site image
Landscape Plan – Site 1	LP-01	01	28/6/2024	Site image
Hardscape Plan – Site 1	LP-01.1	01	28/6/2024	Site image
Level 4 Landscape Plan – site 1	LP-01.5	01	28/6/2024	Site image
Level 4 Blg B - Landscape Plan	LP-01.6	01	28/6/2024	Site image
Roof level landscape plan – Site 1	LP-01.7	01	28/6/2024	Site image
Landscape Plan – Site 2	LP-02	01	28/6/2024	Site image
Hardscape plan – Site 2	LP-02.1	01	28/6/2024	Site image
Landscape Elevation –o Walter Street	LP-30	01	28/6/2024	Site image

2. Name of the registered community housing provider

Pursuant to s26 (1) (a) Environmental Planning and Assessment Regulations 2021, the name of the registered community housing provider who will manage the affordable housing component nominated under State Environmental Planning Policy (Housing) 2021, must be specified and confirmation of the written agreement between the applicant and the registered community housing provider must be provided to Council.

(Reason: Compliance with Environmental Planning and Assessment Regulations 2021)

Subject to Council confirming in writing its satisfaction of the items required in Part A, the conditions in Part B will become effective as amended or added to by any conditions emanating from satisfaction of Part A.

PART B

CONSENT IDENTIFICATION

Conditions of Consent: (Including reasons for such conditions)

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

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
	A.010	I	15/12/2024	
	A.011	H	15/12/2024	
	A.0004	H	18/11/2024 A.007 Rev J 12.12.2024 A.101/ST1 & A.102/ST1 15/12/2024	
	A.0005			
	A.0006	I		
	A.0007	J		
	A.0008	I		
	A.023	F		
	A.100	H		
	A.101/ST1	F		
	A.102/ST1			
	A.103/ST1	F		
	A.104/ST1	E		
	A.105/ST1	F		
	A.106/ST1			
	A.107/ST1	E		
	A.108/ST1			
	A.109/ST1			
	A.110/ST1			
	A.111/ST1	D		
	A.111a/ST1	C		
	A.111b/ST1			
	A.111c/ST1			
	A.112/ST2	N	27/11/2024	
	A.113/ST2	L	18/11/2024	
	A.114/ST2	N	27/11/2024	
	A.115/ST2	K	18/11/2024	

A.116/ST2	I	
A.117/ST2		

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
	A.118/ST2			
	A.119/ST2			
	A.120/ST2			
	A.121/ST2			
	A.122/ST2			
	A.123/ST2			
	A.124/ST2	A	8/7/2	
	A.125/ST2	C	18/11/2024	Architecture Urbaneia
Architectural Drawings	A.151/1	G	8/7/2024	
	A.151/2			
	A.153/1	J	27/11/2024	
	A.154/1	I		
	A.155/1	H		
	A.156/1			
	A.160	H	18/11/2024	
	A.160A			
	A.161	I	27/11/2024	
	A.162	C	18/11/2024	
	A.163			
	A.164			
	A.166			
	A.167			
	A.168			
	A.169			
	A.170	J	27/11/2024	
	A.171			
	A.172			
	A.173			
A.174				
A.175				
A.176				
A.177				
A.178				
A.179				
A.179a				
A.179b				
A.401	F			
A.402	B			
A.403				
A.404				

	A.405		8/7/2024	
	A.406			
	A.407			

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by	
	A.407A	A	18/11/2024		
	A.407B				
	A.407C				
	A.407D				
	A.408	B	8/7/2024		
	A.409				
	A.410				
	A.411	A	18/11/2024		
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	A.414G				
	A.415	G			
	A.417	E			
	A.418				
	A.421	G			18/11/2024
	A.422	A			8/7/2024
A.423	E	18/11/2024			
A.424	B				
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Level 4 Landscape Plan – site 1	LP-01.5	01	28/6/2024	Site image
Level 4 Blg B -	LP-01.6	01	28/6/2024	Site image
Roof level landscape plan – Site 1	LP-01.7	01	28/6/2024	Site image
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Landscape Elevation –o Walter Street	LP-30	01	28/6/2024	Site image

2. Ausgrid

Ausgrid consents to the above mentioned development subject to the following conditions:-

A	<p>Method of Electricity Connection The method of connection will be in line with Ausgrid’s Electrical Standard (ES)1 – ‘Premise Connection Requirements.</p>
B	<p>Supply of Electricity It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:</p> <ul style="list-style-type: none"> - The existing network can support the expected electrical load of the development - A substation may be required on-site, either a pad mount kiosk or chamber style and; - site conditions or other issues that may impact on the method of supply. <p>Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.</p>
C	<p>Streetlighting The developer is to consider the impact that existing streetlighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting. The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.</p>

D	<p>Service Mains It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.</p>
E	<p><u>Proximity to Existing Network Assets</u> Overhead Powerlines There are existing overhead electricity poles and cables along WILLOUGHBY ROAD & WALTER STREET .</p> <p>Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.</p> <p>The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au</p> <p>Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.</p> <p>It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.</p>
F	<p>Substation There are 2 proposed substations within the development site along WALTER STREET.</p> <p>The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.</p> <p>In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.</p> <p>Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a nonignitable blast resisting barrier.</p> <p>The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).</p>

	<p>For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.</p> <p>Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.</p> <p>For further details refer to Ausgrid's Network Standard 143.</p>
G	<p><u>For Activities Within or Near to the Electricity Easement:</u></p> <p>Purpose Of Easement</p> <p>This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.</p> <p>The Following Conditions Apply for any Activities Within the Electricity Easement:</p> <ol style="list-style-type: none"> 1. All construction works on or near the easement and/or powerlines must adhere to the Safework NSW <ul style="list-style-type: none"> – Work Near Overhead Powerlines: Code of Practice, 2006 2. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. 3. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site. 4. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset. 5. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne. 6. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement. 7. No vehicles, plant or equipment having a height exceeding 4.6 metres are to be brought into the easement site without written approval from Ausgrid. 8. Vehicles brought into the easement, with a height less than 4.6m but having an extension capable of extending greater than 4.6m above ground, must not have that extension operated at all whilst within the easement. 9. Adequate removable protection must be installed to prevent vehicles inadvertently colliding with the transmission tower. This proposed form of protection must be forwarded to Ausgrid for review and consent. 10. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid's assets.

11. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earthstake driven at least 1.6 metres into the ground.
12. Metallic fencing is generally not permitted to extend away from the easement site unless an insulating section is installed, at least 3 metres wide. This requirement maybe relaxed upon assessment of a supplied fencing design.
13. No buildings/structures or parts thereof constructed may encroach the easement.
14. No machine excavation is permitted within the easement without Ausgrid's express permission.
15. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.
16. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.
17. The storage of non-flammable materials is allowable provided access is maintained along the easement and subject to height limitations of 2.5 metres if climbable or 4.6 metres if not climbable. Lifting of materials within the easement area must consider the clearance requirements given in Safework NSW Code of Practice.
18. The erection of minor structures such as clothes hoists, barbecues, and the like are permitted within the easement site provided they do not exceed a height of 2.5 metres if climbable or 4.6m if not climbable, and the metallic components are earthed. The positioning of such structures should allow a 5m wide vehicular access along the full length of the subject easement area. Ausgrid reserves the right to remove such structures where required for safety, access and maintenance.
19. The flying of kites, model aircraft etc. is not permitted within the easement site.
20. The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.
21. No fill material or retaining walls are to be placed within the easement without Ausgrid's written approval.
22. Any excavation adjacent to the easement must utilise adequate shoring to prevent destabilisation or subsidence of the ground around the LV cable.
23. Trees, shrubs, or plants which have root systems likely to grow greater than 250mm below ground level are not permitted within the easement or close to the cable infrastructure. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.
24. Trees, shrubs, or plants which have a mature height of greater than 3.0m, or climbable portions greater than 2.5m above ground, are not permitted within the easement. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.

	<p>25. Electric power should not be connected to the easement site without permission from Ausgrid.</p> <p>26. Electric power should not be connected to the easement site without permission from Ausgrid, however electric power may be run through the easement under the conditions in the following point.</p> <p>27. Any electrical services and metallic telecoms and metallic piping, whilst installed within easement are not to be run parallel with the overhead electricity mains for a combined total distance greater than 50m per service. Any parallel length greater than this will require additional Ausgrid consent when the services design is determined. Fibre communications cable does and plastic or concrete piping does not need to meet this requirement.</p>
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PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

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

3. Amendments

Prior to the issue of any relevant Construction Certificate, the following must be shown on the Construction Certificate plans:

- a. Building D – Levels 9 and 10 (units 903, 904, 1003 and 1004) shall be provided with a landscape bed or some other measure along its north-facing balcony to provide an adequate level of privacy to northern neighbours.

Plans detailing these amendments are required to be shown on the relevant Construction Certificate plans.
(Reason: To maintain privacy and amenity to neighbouring properties)

4. Site isolation (waste collection for 462 Willoughby Road)

The waste collection area allocated for the future garbage requirements of No 462 Willoughby Road and as indicated on Drawing A.102/ST1 Rev F, plot dated 15 December 2024 prepared by Architecture Urbaneia forms part of this consent and the terms of the Section 88B Instrument under DP 1284971 are to be amended by agreement with the parties to require that the waste collection area for No 462 Willoughby Road as noted within the subject site is included within the area covered by the right of way to benefit No 462 Willoughby Road. The amendments to the Section 88B Instrument are to be completed within three (3) months of the issue of the Construction Certificate pertaining to this development consent and the dedicated waste collection area for the benefit of No 462 Willoughby Road is to be retained for such purpose unless released via separate written approval by Willoughby City Council. At the time the 88B instrument is updated, the Waste Management Plan for 1 Walter Street must be updated to clearly describe the waste management procedures associated with the temporary holding room located on 1 Walter Street

that serves 462 Willoughby Road.
(Reason: Avoid site isolation, waste management, orderly development)

5. Section 88B Instrument (Access to/from 462 Willoughby Road)

The terms of the Section 88B Instrument under DP 1284971 are to be amended by agreement between the parties to ensure that the a right-of-way burdening 1 Walter Street and benefitting 462 Willoughby Road as indicated within the approved drawings is accompanied with written terms, clearly defining its use as an access route to/from 462 Willoughby Road from/to 1 Walter Street, including residents' vehicles, visitors, service vehicles, removalists and waste vehicles.

(Reason: Avoid site isolation, waste management, orderly development)

6. Housing and Productivity Contribution (HPC)

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

Housing and Productivity Contribution (HPC)	Amount
HPC (base component)	\$276,214.48
Total HPC	\$276,214.48

The HPC must be paid using the NSW planning portal:

<https://pp.planningportal.nsw.gov.au/>

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

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

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

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

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

7. 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 **\$520,000.00** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$22,176.70
Open space and recreation facilities	\$407,585.10
Plan administration	\$7,684.82
Recoupment - community facilities	\$78,385.84
Recoupment - open space and recreation	\$4,167.54
Total	\$520,000.00

Indexation

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

$$\frac{8. \$C_0 \times CPI_P}{9. CPI_C}$$

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

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

8. Damage Deposit – Stage 1

Prior to the issue of the Construction Certificate for Stage 1, the applicant shall lodge a Damage Deposit of **\$230,000** (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 Stage 1 of the proposed development. Where this payment is made under DA-2021 this condition is also satisfied. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$176** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$230,000 + \$176 = \$230,176

(Reason: Protection of public asset)

9. Damage Deposit – Stage 2

Prior to the issue of the Construction Certificate for Stage 2, the applicant shall lodge a Damage Deposit of **\$150,000** (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 Stage 2 of the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$176** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$150,000 + \$176 = \$150,176

(Reason: Protection of public asset)

10. 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. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings. Any temporary ground anchors proposed for the road reserve must be a minimum of 1.5m below the ground level and be distressed and removed on completion of the works. Temporary ground anchors will not be approved in the road reserve adjacent to Willoughby Road.

(Reason: Encroachment of works)

11. Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Walter Street and Willoughby Road via a 375 mm RCP in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval prior to the issue of the Construction Certificate.

(Reason: Prevent nuisance flooding)

12. Analysis of Outlet Condition

A hydraulic grade line analysis shall be undertaken to ensure that the outlet from each OSD tank is above 1%AEP downstream water 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 for each stage.

(Reason: Prevent property damage)

13. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate for each Stage, 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 generally be in accordance with the concept stormwater management plans, prepared by Calibre – C1-2-00/H, C1-2-01/H, C1-2-02/H, C1-2-03/H, C1-4-20/G, C1-4-21/G, C1-4-30/I, C1-4-60/F all dated 14/10/2022, C2-2-00/I, C2-2-01/I, C2-2-02/I, C2-2-03/I, C2-4-20/H, C2-4-30/J, C2-4-60/H all dated 14/10/2022. All drawings shall comply with Part C.5 of Council's Development Control Plan, Technical Standard 1, AS/NSZ3500.3 – *Plumbing and Drainage Code and National Construction Code*. The pipe network draining to the OSD tank/s shall be designed for the 1%AEP storm event, unless the overland flow path for the system drains to the tank/s. The overflow from the tanks is to be in a visible location and be either through the access grate in the top of the tank or an overflow weir through the site of the tank. The plans shall incorporate the following:

- For the Stage 1 tank, in addition to the access covers provided on the north side of the tank, an access grate shall be provided in a common area as close to the north side of the tank as possible.
- For the eastern Stage 2 OSD tank (Site 2 Tank 2), access points are to be provided in all four corners of the tank.
- Runoff draining to rainwater tanks is to be from roof areas only, to minimise contamination of stored water.
- The invert level of the orifice is to be flush with the base of the outlet sump / tank floor.
- Minimum of 300mm freeboard between the overflow water level from the OSD tanks and the adjacent floor level.

(Reason: Ensure compliance)

14. Amended Stormwater Plans

Amended stormwater plans must be submitted for approval with the Construction Certificate that demonstrate the following:

- (a) That a maximum of 5% of the impervious area is allowed to bypass the Stage 1 eastern detention tank (OSD1), with the discharge to be confirmed that in the 1%AEP storm event the peak flow leaving the site does not exceed the permitted site discharge (PSD) as detailed in Technical Standard 1.

- (b) To ensure adequate safety and maintenance, OSD Tank 2 must show access points into the tank at the outlet and at the opposite corner of the tank.
- (c) To meet water quality targets in line with DCP Part I, stormwater runoff from all parking areas, driveways or access way are to drain to a treatment train which may include raingardens and/or bioretention basins or equivalent.
- (d) That 300mm freeboard is provided between the overflow grate level in the Stage 1 OSD tank and the adjacent floor level in the building.

The Construction Certificate must not be issued until (a), (b), (c) and (d) above is clearly shown on the drawings. No approved floor levels or post-developed levels are to be altered to achieve these requirements.

15. Basement Pumpout Drainage System

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

- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1% Annual Exceedance Probability storm event 5-minutes duration of the area draining into the system, whichever is greater.
- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity as required by AS/NZS2500.3.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

16. Flood Level

A suitably qualified and experienced civil engineer must certify that the finished floor levels of the proposed development comply with the minimum freeboard requirements of Technical Standard 3 and are in accordance with the recommendations of the Hydrology and Hydraulic Analysis report dated 30 July 2021 prepared by Calibre.

(Reason: Prevent property damage)

17. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
 - (b) Parking for construction vehicles
 - (c) Locations of site office, accommodation and the storage of major materials related to the project
 - (d) Protection of adjoining properties, pedestrians, vehicles and public assets
 - (e) Location and extent of proposed builder's hoarding and Work Zones
 - (f) Tree protection management measures for all protected and retained trees.
- (Reason: Compliance)

18. Design of Works in Public Road (Roads Act Approval) – Stage 1

Prior to issue of any Construction Certificate for Stage 1 works, 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 3.0 metres wide shared path, or narrower width as agreed with Council's Engineers, (max. 2.5% crossfall) towards the kerb for the full Stage 1 frontage of the development site on the north side of Walter Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full Stage 1 frontage of the development site on the south side of Walter Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (c) Reconstruction of existing kerb and gutter on both sides of the roadway for the full Stage 1 frontage of the development site in Walter Street in accordance with Council's specifications and Standard Drawing SD105.
- (d) Reconstruction of the full width of the existing road pavement for the full Stage 1 frontage of the development site in Walter Street in accordance with Council's specifications. The width of the road pavement between kerbs shall be as agreed with Council's Engineering Design Team.
- (e) Construction of a 6.6 metres wide vehicular crossing in Walter Street in accordance with Council's specification and Standard Drawings SD105

- (f) Construction of up to 2 new raised threshold speed humps, in accordance with Council's requirements and any recommendations from the Traffic Committee. The location and number are to be as agreed with Council's Traffic Engineers and Design Engineers
- (g) Construction of new landscape bays / blisters in Walter Street, in accordance with the requirements of Council's Engineering Design Team. The final locations are to be determined in consultation with the Design Team, with the maximum number to be as detailed on the DA approved drawings. The bays are to be constructed with kerb line running around the outer edge, and not as an island with the gutter separating the landscape bay from the nature strip.
- (h) Construction of new stormwater pits and pipes along the northern side of Walter Street, generally in accordance with the stormwater drawings approved in this consent. Final layout of the connection to the Council system at the intersection of Willoughby Road and Walter Street, including possible removal of pits and replacement of pipes, shall be as agreed with Council's Engineering Design and Asset Team and TfNSW requirements. Minimum pipe size is to be 375mm diameter RCP. Detailed longitudinal sections are to be provided for all new pipes.
- (i) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Willoughby 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.
- (j) Construction of any kerb ramps required to replace existing or connect new crossings to the new paths. Kerb ramps in Walter Street are to be in accordance with Council standard drawing SD100 and at the intersection with Willoughby Road in accordance with TfNSW requirements.
- (k) Construction of works to prevent vehicles turning right out of Walter Street into Willoughby Road. The extent of any such works are to be agreed with Council's Traffic Engineers and may require a median to direct vehicles to the left.
- (l) Construction of up to 2 pedestrian refuges along Walter Street. The number and location are to be as agreed with Council's Traffic Engineers.
- (m) Any adjustments required to street lighting to suit the new development, including lighting required for the pedestrian refuges to meet current lighting standards for crossings.
- (n) Removal of redundant vehicle crossings in Willoughby Road and construction of new kerb and gutter in accordance with TfNSW requirements
- (o) Any signage and linemarking required by Council's Traffic Engineers or statutory requirements.

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. Following assessment by Council Officers and agreement that the plans are acceptable, approval will be required from the Traffic Committee, which

only meets every 1-2 months. 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. Separate approval / concurrence is to be obtained from TfNSW for the removal of laybacks and construction of new kerb and gutter for the redundant vehicle crossings in Willoughby Road and for any works located at the intersection of Willoughby Road and Walter St, including changes to the stormwater drainage system. Final approval from Council will not be obtained until concurrence is obtained from TfNSW.

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

(Reason: Ensure compliance)

19. Design of Works in Public Road (Roads Act Approval) – Stage 2

Prior to issue of any Construction Certificate for Stage 2, 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 3.0metres wide shared path (or narrower width as agreed with Council's Engineers) (max. 2.5% crossfall) towards the kerb the north side of Walter Street from the junction with the Stage 1 works to the connection point with the future link to the Gore Hill Freeway shared path, just to the west of 18 Walter Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb on the south side of Walter Street from the junction with the Stage 1 works to the connection point with the future link to the Gore Hill Freeway shared path in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (c) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb on the northern side of Walter Street from the shared path to the western end Walter Street 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.

- (d) Reconstruction of existing kerb and gutter on both sides of the roadway for the full frontage of the development site in Walter Street in accordance with Council's specifications and Standard Drawing SD105. The reconstruction shall include the turning circle at the end of the street, with the adopted radius to be in accordance with the requirements of Council's Traffic Engineers
- (e) Reconstruction of the full width of the existing road pavement for the full frontage of the development site in Walter Street in accordance with Council's specifications. The width of the road pavement between kerbs shall be as agreed with Council's Engineering Design Team.
- (f) Construction of a 7.0 metres wide vehicular crossing in Walter Street in accordance with Council's specification and Standard Drawings SD105
- (g) Reconstruction of the existing vehicle crossings on the south side of Walter Street, to suit the new works.
- (g) Construction of new landscape bays in Walter Street, in accordance with the requirements of Council's Engineering Assets Team. The final locations are to be determined in consultation with the Assets Team, with the maximum number to be as detailed on the DA approved drawings. The bays are to be constructed with kerb line running around the outer edge, and not as an island with the gutter separating the landscape bay from the nature strip.
- (i) Construction of new stormwater pits and pipes along the northern side of Walter Street, generally in accordance with the stormwater drawings approved in this consent. Minimum pipe size is to be 375mm diameter RCP. Detailed longitudinal sections are to be provided for all new pipes.
- (j) If required by Council's Traffic Engineers, construction of 1 new raised threshold speed hump, in accordance with Council's requirements and any recommendations from the Traffic Committee. The location and need are to be as agreed with Council's Traffic Engineers and Design Engineers
- (k) Construction of 1 pedestrian refuges along Walter Street. The location is to be as agreed with Council's Traffic Engineers, but will be in line with the connection point for the future shared path link to the Gore Hill Freeway shared path.
- (l) Construction of new kerb ramps as required to suit new pedestrian refuges and path links. Kerb ramps are to be in accordance with Council standard drawing SD100
- (m) Any signage and linemarking required by Council's Traffic Engineers or statutory requirements.
- (n) Any adjustments required to street lighting to suit the new development, including for an new pedestrian refuges.

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. Following assessment by Council Officers and agreement that the plans are acceptable, approval will be required from the Traffic Committee, which only meets every 1-2 months. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

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

(Reason: Ensure compliance)

20. Driveway Longsection

Prior to issue of the Construction Certificate for each Stage 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 the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.
- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

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

The new crossing for Stage 1 is to be 6.6 metres wide with no splays and be constructed at right angle to street kerb and the new crossing for Stage 2 is to be 7.0m wide and be constructed at right angle to street kerb. The footpath 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 – 150mm minimum above and parallel to the gutter invert
- (c) Crest of driveway – At or above the PMF level

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)

21. OSD/Rainwater Tank Design

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

(Reason: Safe access to tanks)

22. Vehicle Access and Manoeuvring – Engineer’s Certification

Prior to the issue of the Construction Certificate for each stage, 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 stage of the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property’s front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided, aisle and circulation road widths and grades on parking spaces.
- (d) That visitor parking spaces comply with the requirements of Class 2 Medium Term Parking in AS/NZS 2890.1.
- (e) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.4 of AS/NZS 2890.6.
- (f) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS/NZS 2890.6.
- (g) That shared areas are provided for all disabled and accessible parking spaces in compliance with AS/NZS 2890.6. A bollard shall be located in the shared zone in accordance with AS/NZS 2890.6.
- (h) That the headroom clearance of 4.1m has been provided for the loading area and the path to and from the loading area.

- (i) 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.
- (j) Simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided.
- (k) That the sight lines to pedestrians required by Clause 3.2.4(b) of AS/NZS2890.1 are provided

(Reason: Ensure compliance)

23. Finish Surface Levels Along the Street Boundary

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

(Reason: Ensure compliance)

24. Internal Noise Levels Residential

To minimise the noise intrusion from any external noise source, all new building work shall be designed and constructed to comply with recommendations expressed in the Noise Impact Assessment (Addendum Noise Impact Assessment, Report No. 20240287.1/0507A/R1/SW, 5 July 2024), in addition to the following criteria with windows and doors closed:

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

Note:

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

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

(Reason: Amenity, environmental compliance and health)

25. Construction Traffic and Transport Management Plan

Prior to issue of the Construction Certificate, a detailed Construction Traffic and Transport Management Plan (CTMP) shall be prepared to ensure safe and efficient movement to/ from the construction site (site) and the closest State Road by motor vehicles including buses, cars, motor bikes, emergency vehicles, trucks and heavy vehicles; and for pedestrians and bicycles moving to/ from and past the site (collectively referred to as traffic). The CTMP must be approved by the Principal Certifier and submitted to Council for registration. The CTMP shall: -

- (a) Be prepared by a suitably qualified and experienced traffic engineering consultancy. The traffic consultancy should hold, or contract a traffic control company with, a valid *Prepare Work Zone Traffic Management Plans* (PWZTMP) traffic control qualification in TfNSW's Traffic Control at Work Site Technical Manual. The personnel used must have undertaken refresher training in PWZTMP competency in the preceding two years from the date of qualification.
- (b) Be prepared in accordance with the current version of Austroads Guide to Traffic Management, Austroads Guide to Road Safety, Austroads Guide to Temporary Traffic Management, Australian Standard AS1742 Manual of Uniform Traffic Control Devices, TfNSW's Supplement to Australian Standard, TfNSW's Traffic Control at Work Site Technical Manual and TfNSW Traffic Modelling Guideline.
- (c) Identify and demonstrate that the pedestrian, bicycle and motor vehicle ingress and egress locations at the site are designed / managed/ operated in accordance with relevant standards, policies and guidelines and eliminate and minimise hazards and risks to maximise safety, amenity and mobility to site users and those moving past the site on the adjacent road and pathways.
- (d) Identify and describe the Council and TfNSW managed road network (road network) to be used by motor vehicles and pathway network to be used by pedestrians and bicycles generated by the site. Document and explain the administrative and functional classifications, interchanges i.e. bus stops, rail stations etc, types of user and management of the existing road and pathway networks.
- (e) Provide information on the existing operational performance of the road network including level of service, delays, queues for weekday morning and afternoon peak periods and, when requested by Council, other times of high traffic demand. The performance information should be sourced using industry standard and accepted data collection techniques and systems and traffic modelling tools such as SIDRA.
- (f) Identify and explain all construction methodology with a focus on site operation, generation and distribution of traffic on the road and pathway network. In situations where the construction methodology involves a

subdivision of the site, this arrangement should be explained. The start/ end dates for each stage should be provided. Staging of each location and overlap of works across locations including duration and traffic demands should be explained. In circumstances where additional operational arrangements are also occurring on the site, this situation should also be explained and the pedestrian, bicycle and motor vehicle generation and movement determined.

- (g) Identify and explain all construction related motor vehicle generation, type, times of movement and routes to/ from the site for all construction phases including spoil removal, materials delivery and suppliers/ workers visiting and working on the site. The route chosen for heavy vehicle movement between the site and the State Road network should be the safest, least impact on the amenity of residents and most direct to the nearest intersection with a State Road.
- (h) Provide information on the forecast operational performance of the road network including level of service, delays, queues for weekday morning and afternoon peak periods and, where necessary, other times of high traffic demand during the construction period based on the construction methodology. The performance information should be sourced using industry standard and accepted data collection techniques and traffic modelling tools such as SIDRA.
- (i) Analyse, compare and assess the existing and forecast operational performance during the construction period. Identify and explain the change in operational performance including those intersections that have a worsening in operational performance during the construction period and stages therein.
- (j) Demonstrate that all heavy vehicles generated by the site will travel on the road network safely and in compliance with the NSW road rules.
- (k) Identify and explain management arrangements so that all construction related motor vehicles park on the site or in designated approved locations on the public roads adjacent to the site i.e. approved Work Zone. Identify and explain operational and mitigation measures to be implemented so that no or minimal construction related vehicles such as worker motor cars park or queue on the public road network.
- (l) Detail and explain all proposed changes to the public road network that will be in place for the duration, or for a significant period of time, during the construction period to support the construction methodology including, if desired, Work Zone provision, and to maintain a safe road and pathway network with an acceptable operational performance. Short term changes involving implementation and removal of a temporary change for one day only are addressed elsewhere in the CTMP. All regulatory parking, traffic control and traffic management changes to the road and pathways will require Council approval.
- (m) Detail and explain all construction related impacts to pathways including pedestrian footpaths and bicycle facilities such as bicycle lanes and shared paths. Identify and explain mitigation measures to maintain a safe and continuous connection for these vulnerable road users. All regulatory parking, traffic control and traffic management changes to the road and pathways will require Council approval.

- (n) Provide a schedule of short term temporary traffic changes (changes typically implemented and removed in one day only), relevant Council permit, times and dates of changes and accompanying *Work Zone Traffic Management Plan*. Road closures shall be the subject of approval from Council.
- (o) Public information and campaigns to be used to inform road users, residents, businesses, emergency services, public transport operators of any long term changes or temporary full road closures on the local road network well in advance of each change.
- (p) Nominate a contact person who is the owner of the CTMP and has authority without reference to other persons to change the CTMP to comply with instructions issued by Council's Safe City or the NSW Police.

(Reason: Public safety and amenity)

26. Road, Safety, Traffic and Active Transport Works

Prior to issue of the Construction Certificate, any proposed road safety, traffic management, intelligent transport system and road infrastructure changes to the carriageway and footways on a public road such as road widening, a new roundabout, pedestrian refuge, footpaths shall be referred to the Traffic Committee for consideration and Council for approval.

Traffic control signal designs and construction will be referred to Transport for New South Wales (TfNSW) for approval.

All work shall be designed in accordance with Council policies and guidelines, Austroads guidelines, Australian Standards, TfNSW policies, Technical Directives and Guidelines.

(Reason: Public safety and amenity)

27. Safety Road Works at the intersection of Willoughby Road and Walter Street

Prior to the issue of the Construction Certificate, detailed design plans and associated technical reports for the intersection of Willoughby Road and Walter Street outlining road safety, traffic management and road infrastructure changes such as concrete islands, refuge islands, regulatory signs and pavement markings to ensure the following traffic and pedestrian operations is self-enforcing is provided to Council:

- All motor vehicles that enter Walter Street from Willoughby Road and exit Walter Street to Willoughby Road do so in left turn movement only at all times.
- Right turn movements from Willoughby Road, southbound, into Walter Street and Walter Street, eastbound, into Willoughby Road are denied at all times.
- Pedestrians walking and bicyclists riding along Willoughby Road are able to safely wait within the carriageway of Walter Street and walk and ride across Walter Street in 2 stages.

The detailed design plans shall be referred to the Traffic Committee for consideration and Council for approval.

The detailed design plans shall be referred to Transport for NSW for consideration and approval should the road works impact on the design and operation of Willoughby Road.

The detailed design plans must integrate and seamlessly connect to the detailed design plans for Walter Street to ensure safe and effective pedestrian and traffic movement at all times.

All work shall be designed in accordance with Council policies and guidelines, Austroads guidelines, Australian Standards, TfNSW policies, Technical Directives and Guidelines.

Construction of all road works must be completed prior to occupation of the development to the satisfaction of Council. Operation of the road works must be to the satisfaction of Council.

(Reason: Public safety and traffic management)

28. Road and Traffic Management Works in Walter Street

Prior to the issue of the Construction Certificate, detailed design plans and associated technical reports for the road widening, traffic and pedestrian management of Walter Street between, and including, the intersection of Willoughby Road and Walter Street and the cul-de-sac at the western end of Walter Street outlining road safety, traffic management and road infrastructure changes such as road widening, traffic lanes, shared path, footpath, refuge islands, regulatory signs and pavement markings etc to ensure the following traffic and pedestrian operations is self-enforcing is provided to Council:

- Two trafficable lanes are available at all times, separate from parking lanes, comprising one eastbound and one westbound traffic lane.
- Parking lanes are provided on both sides of the road.
- Pedestrian refuge islands are located away from driveways and provide safe crossing points to cross Walter Street.
- Shared path and nature strip is provided on the northern side of the road.
- Footpaths and nature strip is provided on the southern side of the road.

The detailed design plans must integrate and seamlessly connect to the detailed design plans for the intersection of Willoughby Road and Walter Street to ensure safe and effective pedestrian and traffic movement at all times.

The detailed design plans shall be referred to the Traffic Committee for consideration and Council for approval.

All work shall be designed in accordance with Council policies and guidelines, Austroads guidelines, Australian Standards, TfNSW policies, Technical Directives and Guidelines.

Construction of all road and traffic management works must be completed prior to occupation of the development to the satisfaction of Council. Operation of the road and traffic management works must be to the satisfaction of Council.

(Reason: Public safety and traffic management)

29. 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)

30. Adaptable Units

A total of 104 adaptable unit (which equates to 57.7% of the total number of units) shall be provided, and sixty-nine (69) accessible spaces compliant with AS 2890.6 shall be made appurtenant to these adaptable units, in accordance with Drawing A.011 Rev H, plot dated 15.12.2024 by Architecture Urbaneaia.

(Reason: Compliance, versatile building design)

31. Affordable Housing Fittings and Finishes

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

(Reason: Amenity)

32. Fibre-Ready Facilities and Telecoms Infrastructure

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

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

and

b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots/or premises in a

real estate development project demonstrated through an agreement with a carrier.

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

(Reason: Compliance)

33. Acoustic Report

Prior to the issue of a Construction Certificate, the applicant must notate on the Construction Certificate plans that the Acoustic Report (Ref 20240287.1 dated 19.11.2024) prepared by Acoustics Logic, will be fully complied with.

(Reason: Compliance)

34. BCA Report

Prior to the issue of a Construction Certificate, the applicant must notate on the Construction Certificate plans that the BCA Report (Ref 230359 Statement dated 28 November 2024) prepared by Credwell, will be fully complied with. The Performance Solutions identified in Performance based Consulting (Ref: SYD000866-LTR01-D, dated 27.11.2024) must be provided with the Construction Certificate.

(Reason: Compliance)

PRIOR TO COMMENCEMENT OF WORK PERTAINING TO DA-2024/159

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, including demolition.

35. 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)

36. 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 (RMS). 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.
- (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.

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)

37. Application for Vehicle Crossing

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing for each stage.

(Reason: Protection of public asset)

38. 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 in Walter Street and Willoughby Road. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

39. 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)

40. 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)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

41. 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)

42. 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)

43. 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)

44. 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)

45. 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)

46. Demolition Work AS 2601-2001

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

(Reason: Safety)

47. Silencing Devices

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

(Reason: Maintain amenity to adjoining properties)

48. Suitable Footpath Crossing Provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.

(Reason: Protection of public safety)

49. 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)

50. Wash Down and Shaker Areas

During Demolition, Excavation and Construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

(Reason: Environmental protection)

51. Rock Hammering/Sawing

Having regard to the residential nature of surrounding area rock sawing is to be used in preference to rock hammering during the excavation/construction phase of the development.

(Reason: Amenity)

52. 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) At roof slab level indicating the level of that slab to Australian Height Datum;
- (d) 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)

53. 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)

54. 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)

55. 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)

56. 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)

57. Excess or Waste Concrete

Excess or waste concrete from mobile concrete agitators or concrete pumping equipment shall not be washed down, spilled or disposed of onto the road reserve, Council's stormwater system, road, pavement, reserves or Council land.

(Reason: Environmental protection)

58. 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)

59. Erection Wholly within the Boundaries

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

(Reason: Ensure compliance)

60. Temporary Ground Anchors – Supervision

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of any ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

(Reason: Protection of public assets)

61. 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)

62. 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)

63. Maintenance of Nature Strip

Where a nature strip and/or footpath is located directly adjacent to the property, the nature strip must be maintained during the construction period to ensure the turf/vegetation is no higher than 75mm in height and the public footpath is kept free of all rubbish, weeds and debris to ensure safe public access.

(Reason: Public amenity and safety)

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

The connection of the site stormwater drainage system to the Council drainage system shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements. The inspection must be booked via telephone with Council's Engineer and a minimum of 48hours notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

65. Survey Certificate

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

- a. At each level indicating the level of that floor to Australian Height Datum;
- b. Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- c. At roof slab level indicating the level of that slab to Australian Height Datum;
- d. 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)

66. Loading and Unloading During Construction

The following requirements apply:

All loading and unloading associated with construction must be accommodated on site.

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.

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.

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.

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.

Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

67. 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)

68. 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)

69. Sustainable Development - Multi-unit Dwellings

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

(Reason: Environmental sustainability)

70. 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)

71. 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)

72. State Survey Marks

Prior to the issue of a Whole Occupation Certificate for each Stage, the Applicant shall reinstate any State/Permanent Survey Marks disturbed by works to the specification of the Land and Property Management Authority, including the following marks:

- PM22119 on Walter Street
- SS36598 on Walter Street
- PM22116 on Walter Street

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)

73. 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)

74. Stormwater Runoff from Upstream Lots

Prior to the issue of any Occupation Certificate, if necessary to divert upstream flows around the site, 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 C.5 of the Council's WDCP. This drainage system is to be designed for storm events up to and including the 1%AEP storm event.

(Reason: Prevent nuisance flooding)

75. CCTV Report of Council Pipe System After Work

Prior to the issue of an Occupation Certificate for Stage 1 and Stage 2 works, a qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the new stormwater drainage pipes constructed in the road reserve, including along the north side of Walter Street. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

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

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site or any works that do not meet Council's requirements shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier.

(Reason: Ensure compliance and protection of public asset)

76. 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's pipeline/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)

77. 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 via an approved OSD and water quality improvement system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. 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). The system shall include an OSD system for all impervious areas in accordance with the requirements of Technical Standard 1. The drainage system is to ensure that existing sub-catchment drainage areas are to be maintained and no additional areas diverted away from their existing sub-catchments.

(Reason: Prevent nuisance flooding)

78. Sign for OSD System

Prior to the issue of any Occupation Certificate pertaining to any works requiring an On-Site Detention System, 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/s.

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)

79. 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)

80. Certification of OSD

Prior to the issue of an Occupation Certificate for Stage 1 and Stage 2 works, 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 the appendix of Council's Technical Standard No. 1.

(Reason: Legal requirement)

81. Certification of the Basement Pumpout Drainage System

Prior to the issue of an Occupation Certificate for Stage 1 and Stage 2 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 C5 of Council's DCP, 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)

82. Works-As-Executed Plans - OSD

Prior to the issue of an Occupation Certificate for Stage 1 and Stage 2 works 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)

83. 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. 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, 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.

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)

84. 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)

85. Construction of Kerb & Gutter – Stage 1

Prior to the issue of an Occupation Certificate for Stage 1 works, construct new kerb and gutter on both sides of Walter Street in accordance with Council's specification for the full frontage of the development site in Walter Street.

(Reason: Public amenity)

86. Construction of Kerb & Gutter – Stage 2

Prior to the issue of an Occupation Certificate for Stage 2 works, construct new kerb and gutter on both sides of Walter Street in accordance with Council's specification for the full frontage of the development site in Walter Street.

(Reason: Public amenity)

87. Reconstruct Pavement – Stage 1

Prior to the issue of an Occupation Certificate for Stage 1, reconstruct the full width of road pavement in Walter Street for the full frontage of the development site. The width between kerbs shall be as agreed with Council's Traffic Engineers. The works shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 6 x 10⁴ ESA.

(Reason: Ensure compliance)

88. Reconstruct Pavement – Stage 2

Prior to the issue of an Occupation Certificate for Stage 2 works, reconstruct the full width of road pavement in Walter Street for the full frontage of the development site. The width between kerbs shall be as agreed with Council's Traffic Engineers. The works shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 6 x 10⁴ ESA.

(Reason: Ensure compliance)

89. Concrete Footpath – Stage 1

Prior to the issue of an Occupation Certificate for Stage 1, construct:

- (a) A 1.5m wide concrete footpath for the full frontage of the development site in Willoughby Road .
- (b) A 3.0m wide concrete shared path (or narrower width if agreed with Council's Engineers) on the northern side of the street for the full frontage of the development site in Walter Street .
- (c) A 1.5m wide concrete footpath on the southern side of the street for the full frontage of the development site in Walter Street .

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

(Reason: Public amenity)

90. Concrete Footpath –Stage 2

Prior to the issue of an Occupation Certificate for Stage 2, construct:

- (a) A 3.0m wide concrete shared path (or narrower width if agreed with Council's Engineers) on the northerner side of Walter Street from the Stage 1 shared path to the connection point to the future link to the Gore Hill Freeway shared path .
- (b) A 1.8m wide concrete footpath on the northern side of Walter Street from the shared path to the western end of the street .
- (c) A 1.5m wide concrete footpath on the southern side of Walter Street from the Stage 1 path to the connection point to the future link to the Gore Hill Freeway shared path.

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

(Reason: Public amenity)

91. Street Lighting and Furniture

Prior to the issue of an Occupation Certificate for Stage 1 and 2, upgrade the street lighting in Walter Street as required to suit the works constructed. For any new pedestrian refuges, lighting requirements are to be in accordance with the relevant standards.

Reason: Public amenity and safety)

92. Vehicular Crossing

Construct a new vehicular crossing for each stage 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 for Stage 1 is to be 6.6 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 crossing for Stage 2 is to be 7.0 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – As per approved public domain drawings and 150 mm minimum 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)

93. 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. Works in Willoughby Road shall be undertaken in accordance with TfNSW requirements.

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

(Reason: Public amenity)

94. 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. 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. Where TfNSW has provided concurrence for works, evidence will be required to be supplied to Council to confirm that TfNSW has approved the constructed works prior to the issue of any Completion Certificate.

(Reason: Ensure compliance)

95. Performance Bond – Stage 1

Prior to the issue of an Occupation Certificate for Stage 1, the Applicant shall lodge with the Council a performance bond of \$140,000 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. Where this performance bond is lodged under DA-2021 this condition is also satisfied.

(Reason: Ensure compliance and specification)

96. Performance Bond – Stage 2

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$90,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary. Where this performance bond is lodged under DA-2021 this condition is also satisfied.

(Reason: Ensure compliance and specification)

97. Turfing of Nature Strip

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

(Reason: Public amenity)

98. Public Infrastructure Restoration

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

99. Vehicle Access and Manoeuvring – Construction & Certification

Prior to the issue of an Occupation Certificate for each stage, 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 890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (d) All parking spaces are open type with no partitions.
- (e) Aisle widths and circulation road and ramp widths throughout basements comply with AS/NZS 2890.1.
- (f) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (g) Visitor parking spaces comply with the requirement of AS/NZS 2890.1 for Class 2 Medium Term Parking spaces
- (h) 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 2.4 of AS/NZS 2890.6.
- (i) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS/NZS 2890.6.

- (j) That the headroom clearance of minimum 4.1m is provided for the loading area and the path to and from the loading area.
- (k) That shared areas are provided for all disabled / accessible parking spaces in accordance with the requirements of AS/NZS 2890.6, and that a bollard is located in accordance with AS/NZS 2890.6.
- (l) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (m) Access and manoeuvrability of the largest vehicle accessing the site and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved.
- (n) That the sight lines to pedestrians required by Clause 3.2.4(b) of AS/NZS2890.1 are provided.
- (o) That bicycle parking, including rails and cages, comply with the requirements of AS 2890.3.
- (p) The access is freely available to the loading bay and visitor parking.

(Reason: Ensure compliance)

100. Stormwater Maintenance Plan

Prior to the issue of an Occupation Certificate for Stage 1 and 2 works, 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)

101. Certification of Water Quality Improvement System

Prior to the issue of an Occupation Certificate for Stage 1 and Stage 2 works, 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)

102. Public Domain Works – Stage 1

Prior to the issue of any Occupation Certificate for Stage 1, construct the following works in the public domain:

- a) New raised thresholds as detailed on the Section 138 approved drawings
- b) New kerb ramps as detailed on the Section 138 approved drawings
- c) New landscape blisters as detailed on the Section 138 approved drawings
- d) New pedestrian refuges as detailed on the Section 138 approved drawings

- e) Replacement of existing vehicle crossings on the southern side of Walter Street.
 - f) Signage and linemarking required to comply with Council, TfNSW and regulatory requirements.
 - g) Paths, kerb and gutter and pavement reconstruction as required elsewhere in these conditions.
 - h) Construction of all road and traffic management works as outlined in conditions 52 and 53 must be completed to the satisfaction of Council. Operation of the road and traffic management works must be to the satisfaction of Council.
- (Reason: Ensure Compliance)

103. Public Domain Works – Stage 2

Prior to the issue of any Occupation Certificate for Stage 2, construct the following works in the public domain:

- i) New kerb ramps as detailed on the Section 138 approved drawings
 - j) New landscape blisters as detailed on the Section 138 approved drawings
 - k) Replacement of vehicle crossings on the southern site of Walter Street as detailed on the Section 138 approved drawings.
 - l) Signage and linemarking required to comply with Council, TfNSW and regulatory requirements.
 - m) Paths, kerb and gutter and pavement reconstruction as required elsewhere in these conditions.
- (Reason: Ensure Compliance)

104. Construct Street Stormwater Drainage

Prior to the issue of an Occupation Certificate for Stage 1 and Stage 2, construct a new stormwater drainage system on the northern side of Walter Street in accordance with the approved Section 138 drawings.

(Reason: Stormwater management)

105. Flood Certification

Prior to the issue of an Occupation Certificate for Stage 1 and Stage 2, submit to Council written certification, prepared by a suitably qualified and experienced civil engineer (generally CPEng), that the as-constructed works comply with the recommendations of Calibre's Hydrology and Hydraulic Analysis for the site dated 30 July 2021 and that:

- The as-constructed finished floor levels have 500mm freeboard to the 1%AEP flood level.
 - That the access ramp to the basement is at or above the adjacent PMF flood level.
- (Reason: Ensure compliance and prevent flood damage)

106. 88E Restriction – Affordable Housing

Pursuant to the Environmental Planning and Assessment Regulation 2021 the following must be complied with:

a) registration of a restriction against the title of the property in accordance with section 88E of the Conveyancing Act 1919 to ensure the affordable housing component is:

- Twenty-seven (27) units as nominated on the approved architectural drawings are used for affordable housing, for a period of at least 15 years commencing on the day an occupation certificate is issued being:

Building E

Unit G01

Unit G02

Unit 101

Unit 103

Unit 105

Unit 201

Unit 203

Unit 205

Unit 301

Unit 401

Unit 403

Unit 501

Unit 503

Unit 601

Building F

Unit G01

Unit 101

Unit 103

Unit 105

Unit 201

Unit 203

Unit 205

Unit 301

Unit 401
Unit 403
Unit 501
Unit 503
Unit 601, and

managed by a registered CHP.

- b) evidence of an agreement with a registered CHP for the management of the affordable housing component to be given to the Registrar of Community Housing, including the name of the registered CHP, and
- c) evidence that the requirements of a) and b) above have been satisfied provided to the consent authority.

107. Affordable Housing Conditions pursuant to clause 6.8 of the Willoughby Local Environmental Plan

In accordance with clause 6.8 of the Willoughby Local Environmental Plan (WLEP) 4% of the residential gross floor area in the development (being the residential component of the development related to this development consent DA-2024/159 i.e. 3,827m²) is to provide for affordable housing. Such provision of affordable housing in accordance with clause 6.8 of the WLEP is satisfied by either (or a combination) of the following:

Monetary Contribution

- (a) The applicant shall pay to Council a monetary contribution for the purpose of providing affordable housing that is calculated at 4% of the residential gross floor area of the development (which in this case is 3,827m² i.e. 4% x 3,827 = 153.08m²). The amount of the monetary contribution is determined by reference to the market value of dwellings of a similar size to the dwellings in the proposed development, and as set out below:
 - (i) **Within three (3) months of the issue of the Construction Certificate**, the applicant is to submit to Council a valuation report (prepared by a registered valuer) identifying the market value of dwellings of a similar size to dwellings in the development by reference to the recent sales prices of such new dwellings of similar size and, in the absence of recent sales prices at the subject development, recent sales price of similar sized dwelling(s) in comparable development(s) within the Willoughby local government area.

- (ii) Council will consider the valuation report and, acting reasonably, determine the amount of the contribution to be paid.
- (iii) If it considers it desirable to do so, Council may appoint an independent registered valuer to undertake a separate valuation. The applicant / developer is to pay Council all reasonable costs associated with the service provided by Council's appointed valuer for this valuation.
- (iv) The applicant is to submit to Council's Director of Planning & Infrastructure the valuation report and documentation to demonstrate how the applicant has calculated the contribution, including identifying the residential gross floor areas used in the calculation. The evidence is to be provided prior to any application being made for an Occupation Certificate, and before any payment of contribution is made. If this valuation report option is taken, payment shall be **made within three (3) months of Council's written acceptance of the valuation report.**
- (v) Alternatively to (i) to (iv) inclusive above, a figure (mean) for the market value of dwelling sales in Willoughby is obtained from the most recent (recent at the time of payment) Rent and Sales Report issued by the Department of Communities and Justice. In the event this option is chosen, a date stamped screenshot of the relevant figure within the Rent and Sales Report must be provided, and the payment made within three (3) months of the date displayed in the screenshot. A unit size of 100m² may be assumed for the purpose of the calculation.

Evidence of payment of the monetary contribution (by electronic transfer pursuant to s210 Environmental Planning and Assessment Regulation 2021) is to accompany the application for any Occupation Certificate.

Dedication of Affordable Housing units to Council

- (b) The dedication of complete residential dwelling units within the development (being the residential component of the development related to this development consent DA2024/159 i.e. Levels 8 to 10 inclusive for Building D, Levels 7 to 9 inclusive for Building E, and Levels 7 to 9 inclusive for

Building F); each having a gross floor area of at least 50m², and equivalent to the mapped percentage of 4% of the residential component of the development related to this consent (residential component is 3,827m² i.e 4% x 3,827 = 153.08m²). Each affordable dwelling must have an appurtenant car space. The affordable housing unit(s) and appurtenant car spaces to be dedicated to Council must be clearly shown on the Construction Certificate plans. A **Housing Transfer Deed** that identifies all affordable housing units for dedication to Council **must be executed prior to issue of the first Occupation Certificate**.

The terms of this Housing Transfer Deed must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings and appurtenant car spaces to Council's ownership is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated, or within two months of the issue of an Occupation Certificate, whichever comes first. 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.

(Reason: Increase affordable housing supply, ensure compliance)

PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to the issue of the Subdivision Certificate and the release of the Linen Plans for registration at the Land Registry Services.

108. Section 73 Compliance Certificate

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

The Section 73 Certificate must be submitted in conjunction with the application for Subdivision Certificate/Strata Approval.
(Reason: Statutory requirement)

109. General Easement/ROW Provision and Certification

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

(Reason: Ensure compliance)

110. Location of On-Site Detention System

The locations of the as-built on-site stormwater detention system(s) shall be shown on the final plan of subdivision/strata plan.

(Reason: Ensure compliance)

111. Documentary Evidence of Registered Positive Covenant and Restriction on the Use of Land

Prior to issue of the Subdivision Certificate, the following documentary evidence of the completed on-site detention (OSD) system as required by this DA shall be submitted to Council:-

Title Deed of the as-built OSD systems. Alternatively, the applicant shall create a Positive Covenant and Restriction on the use of Land with this application.

(Reason: Public record)

112. Section 88B Instrument

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

(Reason: Ensure compliance)

113. Positive Covenant – Access to OSD tanks

For all access grates / covers to OSD tanks that are not located in common property and are located in private open space, a positive covenant is to be provided on the Strata and Subdivision Plans to allow access at all times to the access points by the Body Corporate and Council for inspection and maintenance of the OSD tank, including emergency access.

(Reason: Ensure access to tank for maintenance)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

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

114. Retaining Walls and Drainage

If the soil conditions require it:

- (a) retaining walls, complying with the National Construction Code and associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) **115. adequate** provision must be made for drainage.
(Reason: Safety)

115. 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)

116. Affordable Housing

The NSW Affordable Housing Ministerial Guidelines 2023/24 (or subsequent updates) must be complied with. Council must be notified of:

- The date of commencement of operations of the registered Community Housing Provider in relation to this development, and
- From the date of occupancy and thereon on an annual basis within 28 days of the anniversary date of the first Occupation Certificate, details confirming tenant eligibility (household income), and
- Any change of the registered Community Housing Provider in relation to this development within 28 days of that change.

(Compliance: Housing affordability, Compliance)

117. Fire Safety Measures

The existing fire safety measures are to be retained and maintained within the tenancies/tenancy during and after demolition.

(Reason: Fire safety)

118. Exposed Timbers

All exposed timbers shall be painted or treated to the satisfaction of the Certifier.

(Reason: Visual amenity/structural integrity)

119. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1% AEP event water level.

(Reason: Maintain designed discharge)

120. Road Closure

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

(Reason: Public protection)

121. Overland Flow

The applicant's attention is drawn to potential overland flow from the upstream catchment. Appropriate measures where required shall be implemented to ensure overland flow does not enter the building and no additional flow is directed onto adjoining property.

(Reason: Protection of building)

122. 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)

123. Access to Visitor Parking and Loading Bay

Access to visitor parking and the loading bay shall be freely available at all times. All loading and unloading of goods shall occur within the site.

(Reason: Ensure access)

PRESCRIBED CONDITIONS

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

124. 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)

125. 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)

126. 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)

127. Prescribed conditions

Any consent involving building work is issued subject to compliance with the prescribed conditions specified in Division 8A of the Environmental Planning and Assessment Regulation.

(Reason: Legislative requirements)

STATUTORY REQUIREMENTS

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

128. 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)

129. 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)

130. 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)