

Annexure A**DETERMINATION OF DEVELOPMENT
APPLICATION BY GRANT OF CONSENT**

Development Application No:	DA-2024/274
Development:	Integrated Development - Water Management Act 2000 s90 Demolition of the existing building from the site and construction of a 5-storey mixed use building (plus rooftop communal open space and structures) comprising 36 residential units (12 x 1 bedroom; 20 x 2 bedroom; 4 x 3 bedroom) over two levels of basement parking. 224 Sydney Street North Willoughby and 330-342 Penshurst Street North Willoughby
Site:	

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination:	28 November 2025
Date from which consent takes effect:	Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site” means the land known as 224 Sydney Street North Willoughby and 330-342 Penshurst Street North Willoughby.

The conditions of consent are as follows:

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

This consent does not operate until:

1. The public benefits as updated in the revised letter of offer dated 09.09.2025 relating to DA-2024/274 shall be formalised into a planning agreement and be registered on the relevant Lot and DP number(s) relating to the land dedication and associated public domain works, in accordance with section 7.4 and 7.6 of Environmental Planning and Assessment Act 1979. The party(ies) that the planning agreement to be entered into by, shall primarily be the land owner(s) of the site of the land dedication, along with the applicant or/and the developer.

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 by any conditions emanating from satisfaction of Part A.

PART B**Conditions of Consent:** (including reasons for such conditions)

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

1. Approved Development Description

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

Integrated Development - Water Management Act 2000 s90 Demolition of the existing building from the site and construction of a 5-storey mixed use building (plus rooftop communal open space and structures) comprising 36 residential units (12 x 1 bedroom; 20 x 2 bedroom; 4 x 3 bedroom) over two levels of basement parking.
(Reason: Confirm the approved works and use)

2. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Cover Sheet	DA0001	H	08.09.2025	Sissons
Site Location Plan	DA0102	G	08.09.2025	Sissons
Proposed Site and Roof Plan	DA0103	G	08.09.2025	Sissons
Land Dedication Plan	DA0105	A	30.09.2024	Sissons
Public Domain Works Plan	DA0107	G	08.09.2025	Sissons
Demolition Plan – Level 00	DA0300	G	08.09.2025	Sissons
Renders	DA0801	G	08.09.2025	Sissons
GA Plan – Basement B2	DA1008	G	08.09.2025	Sissons
GA Plan – Basement B1	DA1009	G	08.09.2025	Sissons
GA Plan – Level 00	DA1010	H	08.09.2025	Sissons
GA Plan – Level 01	DA1011	G	08.09.2025	Sissons
GA Plan – Level 02	DA1012	G	08.09.2025	Sissons
GA Plan – Level 03	DA1013	G	08.09.2025	Sissons
GA Plan – Level 04	DA1014	G	08.09.2025	Sissons

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
GA Plan – Level 05	DA1015	G	08.09.2025	Sissons
GA Plan – Roof	DA1020	G	08.09.2025	Sissons
GA Elevations 1	DA1401	G	08.09.2025	Sissons
GA Elevations 2	DA1402	G	08.09.2025	Sissons
GA Elevations 3	DA1403	G	08.09.2025	Sissons
GA Sections 1	DA2401	G	08.09.2025	Sissons
GA Sections 2	DA2402	G	08.09.2025	Sissons
Unit Layout Arrangement Sheet 1	DA4040	G	08.09.2025	Sissons
Unit Layout Arrangement Sheet 2	DA4041	G	08.09.2025	Sissons
Unit Layout Arrangement Sheet 3	DA4042	G	08.09.2025	Sissons
Unit Layout Arrangement Sheet 4	DA4043	G	08.09.2025	Sissons
Unit Layout Arrangement Sheet 5 Adaptable	DA4044	G	08.09.2025	Sissons
Unit Layout Arrangement Sheet 6 Adaptable	DA4045	G	08.09.2025	Sissons
Basement Waste Study	SK-023	E	08.09.2025	Sissons
Stormwater Cover Page	SW-100	04	19.08.2025	Apex Civil Engineers
General Notes	SW-101	04	19.08.2025	Apex Civil Engineers
Stormwater Design – Basement B2 Plan	SW-200	04	19.08.2025	Apex Civil Engineers
Stormwater Design – Ground Floor	SW-201	04	19.08.2025	Apex Civil Engineers
Stormwater Design – First Floor Plan	SW-201.1	04	19.08.2025	Apex Civil Engineers
Stormwater Design – OSD & WSUD Catchment Plan	SW-202	04	19.08.2025	Apex Civil Engineers
Sedimentation & Erosion Control Plan	SW-300	04	19.08.2025	Apex Civil Engineers
OSD, WSUD Detailed Sections & Calculation Sheet	SW-400	04	19.08.2025	Apex Civil Engineers
RWT Detailed Section	SW-401	04	19.08.2025	Apex Civil Engineers
Standard Details	SW-500	03	04.04.2025	Apex
Civil Design	CIV100	03	04.04.2025	Apex
Long Section A	CIV200	03	04.04.2025	Apex

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Long Section B	CIV201	03	04.04.2025	Apex
Long Section C	CIV202	03	04.04.2025	Apex
Standard Details	CIV300	03	04.04.2025	Apex
Standard Details	CIV301	03	04.04.2025	Apex
Landscape Public Domain Plan: Ground Floor	DA-L101	C	04.09.2025	Canvas
Landscape Plan: Level 01	DA-L102	B	26.03.2025	Canvas
Landscape Plan: Level 05	DA-L103	D	27.08.2025	Canvas
Landscape Typical Details & Maintenance Schedule	DA-L104	B	26.03.2025	Canvas
Landscape General Layout Plan	DA-L105	D	27.08.2025	Canvas

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

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

(Reason: Information and ensure compliance)

3. WaterNSW

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

GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
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GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watarnsw.com.au/customer-service/water-licensing/dewatering

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

GT0174-00001	Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
GT0279-00001	A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0280-00001	A water access licence, for the relevant water source, must be obtained and nominate an occupational phase water supply work approval, to account for ongoing dewatering, unless an exemption applies.
GT0281-00001	A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies. Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2025.

4. NSW Police

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

1.	The site will need to be clearly identified through a building name or street number and be visible from both Penshurst Street and Stirling
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	Lane. This will enable all emergency services to locate the premises with ease.
2.	Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime during the hours of darkness i.e vandalism and graffiti – this particularly applies to the commercial premises. The lighting will need to be sufficient to enable people to identify criminal behaviour, signs of intoxication and anti-social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.
3.	All external lighting should be designed to comply with, where applicable, AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting'.
4.	An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises including the public through site link between Penshurst Street and Stirling Lane. The system should be capable of recording high quality digital images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
5.	All recording made by the CCTV system must be stored for at least a minimum of 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying any individual, who may be involved in criminal behaviour.
6.	Mailboxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up inside the building i.e., a mail room. Large banks of mailboxes in the lobby area that are accessible to the public increase the risk of mail and parcel theft.
7.	If the site has storage cages, they should be made of solid materials that can't be cut open and should be covered by CCTV cameras. They should have a material encasing them that prevents individuals being able to see into the storage cage from the outside of the cage. Signs should be placed in the area warning residents not to leave valuable items in storage cages, i.e mountain and/or road bikes.
8.	Any bicycle parking should be in a secure area and covered with CCTV cameras.

9.	Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
10.	"Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
11.	Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
12.	Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
13.	Appropriate modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
14.	An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents
15.	Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
16.	The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
17.	The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

(Reason: Ensure compliance)

5. Transport for NSW (TfNSW)

The following conditions from the TfNSW must be complied with:

1.	All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Penshurst Street boundary. The proposed awning shall be setback a minimum distance of 0.6 metres from the face of kerb on Penshurst Street to protect against the overhang of large vehicles.
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2.	Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system of the Pacific Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
3.	The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
4.	Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the issue of a Construction Certificate and the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
5.	The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW for the works required by Conditions 2, 3 and 4 that impact Penshurst Street.
6.	A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on Penshurst Street during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.
7.	For the life of the completed development no service vehicles (e.g. garbage trucks, vehicles delivering and/or collecting material from the development site, etc) are permitted to service the site directly from the Penshurst Street frontage.

(Reason: Ensure compliance)

6. Ausgrid

Ausgrid does not object to the proposed development.

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

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

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

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

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

- SafeWork Australia – Excavation Code of Practice.
- Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

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

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

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained.

These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

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

(c) New Driveways – Proximity to Existing Poles

Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to

allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

(d) New or Modified connection

To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

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

Should you require further information please contact Ausgrid via email to Development@ausgrid.com.au

(Reason: Ensure Compliance)

PRIOR TO MAKING AN APPLICATION FOR CONSTRUCTION CERTIFICATE

7. Contamination – Investigation, Remediation and Validation

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

- (a) A systematic and targeted program of supplementary investigations shall be carried out to address data gaps identified in the Detailed Site Investigation (DSI), Ref. E26139.E02_Rev0, dated 4 October 2024, and Remedial Action Plan (RAP), Ref. E26139.E06_Rev0, dated 19 August 2024, by EI Australia Pty Ltd (EI). The results from the additional sampling and laboratory analysis shall be presented in a Data Gap Investigation (DGI) report to Council for approval in writing. The DGI shall include, but not be limited to, the following:
 - Sampling, testing and validation of soil contaminants within the demolished building footprint areas.
- (b) If the DGI identifies the presence of soil contaminants, the approved RAP shall be amended and submitted to Council for approval in writing prior to the commencement of any further work;
- (c) Any further variations to the approved RAP must be approved in writing by Council prior to the commencement of any further work.
- (d) The site must be remediated in accordance with the Council-approved RAP;
- (e) Prior notice of any remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 4.13 of State Environmental Planning Policy (Resilience and Hazards) 2021;
- (f) A Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist must be submitted to Council for approval in writing (if remediation is necessary). The Validation Report must clearly state that the

objectives stated in the approved RAP have been achieved and the land is suitable for the proposed use. In addition, notice of completion of remediation, pursuant to clauses 4.14 and 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021, shall be provided.

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

Notes:

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

(Reason: Protection of environment and public health)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

8. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$176,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development and the issue of the Whole/Part/Final Occupation Certificate. For the purpose of inspections carried out by Council Engineers, an inspection fee as per Council's current fees and charges at the time of payment is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$176,000 + Damage Deposit Release Inspection Fee

(Reason: Protection of public asset)

9. Temporary Ground Anchors

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

(Reason: Encroachment of works)

10. CCTV Report of Existing Council Pipe System

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

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

- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) The inspection survey shall be conducted from manhole to manhole.
- (f) Recorded CCTV footage & reports are to use Council asset pit numbers to identify the start and finish location of the CCTV. A plan can be obtained from Council with these asset numbers at request.

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

(Reason: Encroachment of works)

11. Stormwater Conveyed from site

Stormwater runoff from the site shall be collected and conveyed in accordance with the approved stormwater drawings. Any new drainage pipe connections to street kerb shall be made using a 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS) with a grated drainage pit of minimum 450mm x 450mm provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part I of Council's DCP, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

12. Analysis of Outlet Condition

The capacity of the outlet pipe to the Council system shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that the outlet from the OSD system is above the downstream water level for the 1%AEP storm event. The adopted downstream water level at the point of connection to Council system is to be the top of the kerb level or the calculated 1%AEP water level. Results of the analysis must be presented on a longitudinal section from the OSD to the Council pit. Full engineering details of the hydraulic evaluations prepared and signed by a practicing Civil Engineer shall be submitted to Certifier for consideration prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

13. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil

engineer and in accordance with the concept stormwater management plans, prepared by Apex Civil Engineering. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NSZ3500.3 – Plumbing and Drainage Code and National Construction Code. The plans shall include:

- (a) An onsite stormwater system that limits peak stormwater flow from the site to 34L/s in the 1%AEP storm event with a minimum volume of 64m³
- (b) A water quality improvement system
- (c) Catchment plan to confirm areas draining to OSD and water quality improvement system
- (d) Details to confirm that the permitted site discharge is achieved for the site in the 1%AEP event. In the event of areas bypassing the OSD tank, calculations are to confirm the outflow from the tank has been reduced. If the area of bypass exceeds 5% of the total area, a DRAINS (or equivalent) analysis is to be undertaken to confirm the volume required.
- (e) Longitudinal sections including a hydraulic grade line analysis (HGL) to confirm that the outlet of the OSD tank is above the downstream water level in the 1%AEP storm event. The adopted downstream water level to be taken at the top of kerb or calculated 1% AEP water level)

(Reason: Ensure compliance)

14. Basement Pumpout Drainage System

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

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

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

(Reason: Prevent nuisance flooding)

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

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

- (a) Construction of full width footpath (max. 2.5% crossfall towards the kerb for the full frontage of the development site in Penshurst Street with cut-outs for trees and 2 metres wide footpath on Stirling Lane, as shown on the Public Domain Works Plan Drawing 0107 Rev G plot dated 08.09.20325 by Sissons 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. A level transition shall be provided to all entrances and external areas parallel to longitudinal fall of the footpath..
- (b) Reconstruction of the existing road pavement for half road width for the full frontage of the development site in Stirling Lane in accordance with Council's specifications.
- (c) Construction of an 8 metres wide vehicular crossing in Stirling Lane in accordance with Council's specification and Standard Drawings SD105.
- (d) A level transition shall be provided to all entrances and external areas parallel to longitudinal fall of the footpath. An access ramp to be provided at entry within the site if finished levels do not match footpath levels where required in accordance with AS1428.1-2009 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. 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)

16. 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)

17. Vehicle Access and Manoeuvring – Engineer's Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (c) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (d) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (e) That accessible parking spaces, including spaces required for adaptable units, comply with the requirements of AS 2890.6, including the required shared zones and bollards.
- (f) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (g) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle is provided between Stirling Lane and Basement B1A and that an internal traffic signal system is to be provided to manage and control vehicle movements along one-way ramps between basement level B1A and basement level B2B. The internal traffic signal system must be developed by a suitably qualified consultant and must include, but is not limited to, vehicle waiting bays, signal lights, vehicle sensors, and signage, as appropriate.

(Reason: Ensure compliance)

18. Finish Surface Levels Along the Street Boundary

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

(Reason: Ensure compliance)

19. Electric Vehicle Charging Bays

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

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

All car spaces allocated to an individual residential apartment must make provision for single or 3-phase electric vehicle supply equipment with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan (Future Transport 2056) from Transport for NSW.

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

(Reason: Compliance)

20. Grease Arrestor for Potential Food Businesses

Provision shall be made in the design of the development in the Construction Development Application for a grease arrestor room of adequate dimensions to house the necessary tanks and plant equipment to pre-treat oil, grease and fats prior to discharge to Sydney Water's sewer in accordance with that authority's requirements. The grease arrestor room shall be located somewhere in the development that facilitates easy access by waste contractor vehicles.

(Reason: Environmental protection/public health and safety)

21. Exhaust Ventilation for Potential Food Businesses

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

(Reason: Public health and amenity)

22. 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 **\$499,547.56** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$21,304.54
Open space and recreation facilities	\$391,554.04
Plan administration	\$7,382.55
Recoupment - community facilities	\$75,302.82
Recoupment - open space and recreation	\$4,003.61
Total	\$499,547.56

Indexation

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

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

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au

(Reason: Statutory requirement)

23. Housing and Productivity Contribution (HPC)

Prior to the issue of first 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
Residential – 36 dwellings x \$10,000	\$360,000
Total HPC	\$360,000

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

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

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

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

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

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

24. External Finishes – Solar Absorptance

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

(Reason: Visual amenity)

25. BASIX

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

(Reason: Ensure compliance)

26. Updated Operational Waste Management Plan

Prior to issue of any Construction Certificate, the developer is required to submit an updated Operational Waste Management Plan for Council approval that demonstrates:

- Bulky waste room door of at least 2.5m wide.
- Residential and non-residential bin washing areas.
- Location of bulky waste collection that does not risk blocking the non-residential waste collection room door or BOH access.
- Bin carting route if the service lift cannot be operated.

(Reason: Compliance/ waste reduction/ work health and safety/ public health and safety)

27. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (total 18 units). Each adaptable unit is to be nominated on the Construction Certificate drawings and is to be provided with accessible car spaces as required under the Willoughby Development Control Plan Part C.5.4 – Accessible car parking for people with disability

(Reason: Compliance, universal design)

28. Waste Storage Room Construction

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

- (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
- (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;
- (c) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
- (d) The room is to be provided with artificial light controllable within the room and adequate ventilation; and
- (e) Doorways for the collection holding rooms and bulky waste storage rooms are a minimum of 2,500mm wide.

The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. At least one bin washing area for each of residential bins and non-residential bins must also be provided in the respective waste storage rooms.

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

29. Access for Waste Collection Vehicles and Turntable

A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide. The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, turntable, loading docks and ground floor) has been designed in accordance with AS2890.2:2018.

The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements:

- (a) 25 tonne waste collection vehicles.
- (b) Turning circle of 23 metres.
- (c) Truck length of 10.5 metres with at least an 11m diameter turntable and at least a 12m diameter overall clearance based on 500mm all around the turntable.
- (d) Clearance height of 4.5 metres throughout the vehicle swept path.

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

30. On-Site Collection Point(s) Design

Prior to issue of any Construction Certificate, it must be demonstrated that the nominated on-site collection point(s) can be safely and efficiently used to facilitate the collection of waste for the development, including any bin contents, bulky waste and any other waste. Any on-site collection point is:

- (a) to be designed without obstructions so not to restrict the collection of waste;
- (b) to be located within the approved plan locations; and
- (c) include a safe unobstructed rear clearance of two (2) metres behind the truck for loading of bin contents and bulky waste.

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

31. Services and Fire Hydrant Enclosure

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

(Reason: To ensure essential services are appropriately screened)

32. 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)

33. 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: Ensure compliance)

34. 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 the following criteria with windows and doors closed:

Internal Space	Time Period	Criteria
		L_{Aeq} (period)
Living Areas	Any time	40 dB(A)
Residential Sleeping Areas (day time)	Day (7am – 10pm)	40 dB(A)
Residential Sleeping Areas (night time)	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.

Habitable rooms which need to have windows and doors closed to achieve the above criteria must be supplied with an alternative source of ventilation that draws air from a location as far away from the Penshurst Street frontage as practicable to maximise air quality.

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)

35. Internal Noise Levels – Commercial

To minimise noise intrusion from any external noise source on the commercial component of the development, the building shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2016 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

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

(Reason: Amenity, environmental compliance and health)

36. Noise from Transport Corridor

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report by Koikas Acoustics Pty Ltd, Project No. 5835, dated 25 March 2025.

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

(Reason: Amenity, environmental compliance and health)

37. Building Ventilation

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

(a) The National Construction Code:

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

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

(Reason: Health and compliance)

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

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

(Reason: Amenity/Ensure compliance)

39. Walls – Solid Construction – Food Premises

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

(Reason: Health & Compliance)

40. Noise Mechanical Plant

To minimise the impact of noise onto receivers on surrounding land, all mechanical services and other sources of noise shall be designed to comply with the noise emission criteria contained in the EPA's *Noise Policy for Industry* (2017) and the criteria contained in Section 4.0 of the acoustic report prepared by Koikas Acoustics Pty Ltd, Project No. 5835, dated 25 March 2025.

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

(Reason: Amenity, environmental compliance and health)

41. Acoustic Treatment for the Development

In order to achieve the internal noise levels specified above, the proposed development shall be designed and constructed to incorporate the recommended acoustic treatments for glazing and other building elements from the acoustic report prepared by Koikas Acoustics Pty Ltd, Project No. 5835, dated 25 March 2025, as a minimum.

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

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

(Reason: Amenity, environmental compliance and health)

42. Services and Fire Hydrant Enclosure

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

(Reason: To ensure essential services are appropriately screened)

43. Sound transmission and insulation

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

44. Dewatering of Development Site

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

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

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

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	900
Total phosphorous	µg/L	< than	63.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	778
Suspended solids	Mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

45. Construction Traffic Management Plan

Prior to issue of the Construction Certificate, a detailed Construction Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- (a) Be prepared by a TfNSW accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the TfNSW's Traffic Control at work site manual.
- (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- (d) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- (e) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Guidance Scheme shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

46. Green star certification

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

1. The Construction Certificate plans include all the matters referred to in the ESD report prepared by Jensen Hughes (Rev 119941-ESD-r1) dated 9/10/2024 and any additional ESD measures proposed for the achievement of the required [4/5] (or greater) Green Star - Building;
2. The plans for development have been registered with Green Building Council of Australia (GBCA) for a Green Star- Building (including the provision of a registration notice and invoice for registration payment); and
3. The plans for the development have achieved a 4 Green Star Rating by Green Building Council of Australia (GBCA) for the "Design" component of the Green Star - Building certification as evidenced by a notice or letter from GBCA.

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

47. Public Art Contribution

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

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

Project budget including breakdown:

- Project (building) CIV

- Public Art budget

Public Art Ownership:

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

(Reason - Public Realm improvement)

48. Design Excellence

Payment of Fees and Charges.

Within 30 days of the issue of a Development Approval.

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

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

49. Creative Hoardings

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

(Reason: To align with WCC Creative Hoardings Guidelines)

50. Right-of-Way

The plan titled "GA Plan – Level 00" (Drawing DA1010 Rev H, plot dated 08.09.2025 by Sissons, shall notate that a right-of-way is to be registered over all that part of the site as shown hatched in blue on Drawing DA0105 Rev A, plot dated 30.09.2024 prepared by Sissons, and that this right-of-way will be registered prior to the issue of the Occupation Certificate.

(Reason: Compliance and Public Amenity)

51. Access for people with disabilities

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

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

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

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

(a) In accordance with clause 6.8 of the Willoughby Local Environmental Plan (WLEP) 4% of the residential gross floor area in the development located upon the following properties:

- | | |
|-------|---|
| (i) | 224 Penshurst Street (Lot C DP 374488) |
| (ii) | 330 Penshurst Street (Lot B DP 374488) |
| (iii) | 334 Penshurst Street (Lot A DP 374488) |
| (iv) | 336 Penshurst Street (Lot 42 DP 553209) |
| (v) | 338 Penshurst Street (Lot 41 DP 553209) |
| (vi) | 340 Penshurst Street (Lot 2 DP 708223) |

And 10% of the residential gross floor area in the development located upon the following property:

- | |
|--|
| (vii) 342 Penshurst Street (Lot 1 DP 708223) |
|--|

being the residential component of the development related to this development consent DA-2024/274, is to provide for affordable housing. Such provision of affordable housing in accordance with clause 6.8 of the WLEP is to be satisfied as follows:

Monetary Contribution

- (i) The applicant shall pay to Council a monetary contribution for the

purpose of providing affordable housing that is calculated at 4% and 10% of the residential gross floor area of the development as described in (a) above (i.e. the residential gross floor area in this case totals 3,179.35m²). The amount of the monetary contribution is to be referenced to the applicant's report (Value Advice Ref: 24-0972_224 Sydney Street & 330-342 Penshurst Street, North Willoughby_Advice, dated 17 October 2024, by Cushman & Wakefield) which identifies a market value of \$17,250/m² (subject to indexation). A plan prepared by a suitably qualified person shall be provided to Council that clearly delineates the entire site and the mapped percentages of 4% and 10% for each portion, the residential component of the development [Willoughby Local Environmental Plan clause 6.8 (5)] upon each of these portions, and the resultant gross floor area equivalent to the mapped percentages of the residential component in each portion, the monetary contribution arising from the market value of \$17,250/m² for each portion and the total resultant monetary contribution. The total monetary contribution for affordable housing is to be paid to Council prior to the issue of the Construction Certificate.

- (ii) Alternatively to the above, a figure (mean) for the market value of dwelling sales in Willoughby may be 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, and prior to the issue of the Construction Certificate. 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.

(Reason: Increase affordable housing supply, ensure compliance)

53. Affordable Housing Fittings and Finishes

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

(Reason: Amenity)

54. Undergrounding of services

All services, including overhead electricity wires, are to be located underground in accordance with Willoughby Development Control Plan 2023 Part B 4.3.11. This must be notated on the drawings prior to the issue of the Construction Certificate.

(Reason: Compliance)

PRIOR TO COMMENCEMENT

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

55. 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)

56. Building Site Hoarding

Prior to the commencement of work, a hoarding, complying with StateCover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation site), building works, materials or equipment. A separate application is to be made to Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property.

(Reason: Safety)

57. Site Management

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

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

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

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

(Reason: Environment protection, public health and safety)

58. Ventilation Plans and Details

Plans and specifications of mechanical ventilation, air conditioning systems and any associated pollution control equipment are to be submitted and approved by the Certifier prior to commencement of work.

(Reason: Ensure compliance)

59. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER

ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

60. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify anyone occupying premises in the immediate vicinity of the site, five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence.

As a minimum, this notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

61. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition

of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

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

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

(Reason: Protection of Council's infrastructure)

62. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of each of the adjoining properties (including each strata lot): No. 222 Sydney Street, North Willoughby, No. 344 Penshurst Street, North Willoughby and any other properties deemed necessary by a suitably qualified geotechnical engineer, to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the pre-development physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

63. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.
- (h) Permit to install ground anchors beneath the road reserve.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

64. Application for Vehicle Crossing

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

(Reason: Protection of public asset)

65. Adjustment to Street Lighting

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

(Reason: Public amenity)

66. 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)

67. Hazardous Building Material Assessment

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

(Reason: Environmental protection/public health and safety)

68. Construction Noise and Vibration Management

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

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

(Reason: Amenity and environmental compliance)

69. Spoil Route Plan

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

(Reason: Public amenity)

70. Street Number Display During Construction

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

(Reason: Improved identification for emergency services)

71. Requirements by Transport for NSW

Prior to commencement of work, the following shall be completed

- a. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- b. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD 2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

(Reason: Requirement by TfNSW)

73. Privacy

Proposed privacy screens to south-facing and west-facing windows in the development to achieve privacy objectives pursuant to the Apartment Design Guide Part 3F shall be shown in 1:50 scale drawings for approval by the Certifier prior to the issue of the Construction Certificate.

(Reason: Ensure Compliance, privacy amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

74. 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)

75. Waste Classification – Excavation Materials

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

(Reason: Environment & Health Protection)

76. 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)

77. 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)

78. Tree Removal

Approval is given for the removal of all trees as indicated on Demolition Plan – Level 00 Dwg. No. DA0300 dated 8/9/2025 prepared by Sissons.

(Reason: Site development)

79. Public Tree Protection

(a) In relation to all public trees:

- i. no tree roots over 25mm diameter are to be damaged or cut and all structures are to be bridged over or tunnel bored under such roots.
- ii. No branch pruning or tree removal is to be undertaken.
- iii. Tree protection is to be undertaken in accordance with AS4970-2009 'Protection of trees on development sites' including Trunk and Branch Protection and Tree Protection Fencing.

(b) If any interference is anticipated with adjacent tree roots and/or branches, or the removal of any tree is sought as a result of the approved works, approval to undertake works on public trees must be sought from Council's Streetscapes Co-ordinator on 9777 7793 prior to such works being undertaken. Approval from Council must be granted in writing detailing works that are allowed. A copy of the written approval must be kept on site at the time of the works and must be presented immediately to any Council officer upon request.

(c) Any approved tree works are to be undertaken to the satisfaction of Council's

Streetscapes Co-ordinator or their delegated representative, and at the cost of the applicant/owner of this consent.

(Reason: Tree management)

80. 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)

81. 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)

82. Demolition Work AS 2601-2001

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

(Reason: Safety)

83. 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)

84. 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)

85. 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)

86 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)

87. 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)

88. Asbestos Removal and Disposal

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

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

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

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

(Reason: Environmental protection/Public health and safety)

89. 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)

90. 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)

91. 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)

92. 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)

93. Skips and Bins

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

(Reason: Safety)

94. 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)

95. 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)

96. 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)

97. 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)

98. 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)

99. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to the Certifier. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

100. Unexpected Finds Protocol

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

(Reason: Environment & Health Protection)

101. Importation of Fill

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

(Reason: Environment & Health Protection)

102. Dust Control

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

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.

- (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
- (c) All dusty surfaces and activities must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system. Activities could include, but are not limited to, rock-breaking, excavation, earth moving, drilling, and angle grinding, cutting, jack hammering and chiselling of concrete or masonry.
- (d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity and environmental protection)

103. Construction Noise and Vibration

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

Time of day	Management Level $L_{Aeq(15min)}^*$	How to apply
Monday to Friday 7am to 6pm Saturday 8am to 1pm No work on Sundays or public holidays	Noise affected RBL + 10 dB	The noise affected level represents the point above which there may be some community reaction to noise. - Where the predicted or measured $L_{Aeq(15min)}$ is greater than the noise affected level, the proponent should apply all feasible and reasonable work practices to meet the noise affected level. - The proponent should also inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as contact details.

Time of day	Management Level L _{Aeq} (15min)*	How to apply
	Highly noise affected 75 dB(A)	The highly noise affected level represents the point above which there may be strong community reaction to noise. - Where acoustic - is above this level, Council requires respite periods to be provided by restricting the hours that the very noisy activities can occur, taking into account: - times identified by the community when they are less sensitive to noise (mid-morning or midafternoon for works near residences); - if the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.**

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

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

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

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

(Reason: Amenity)

104. Noise and Vibration Management

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

(Reason: Amenity and environmental compliance)

105. Testing to Verify Water Quality Prior to Dewatering Activity

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

(Reason: Environmental protection, compliance)

106. Waste Classification – Excavation Materials

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

(Reason: Environment & Health Protection)

107. Construction and Demolition Waste Management Plan

The construction and demolition waste management plan (Rev. B prepared by Elephants Foot Consulting dated 28/03/2025) must be complied with during all demolition and construction stages of the proposed development. When implementing the WMP the developer is to ensure:

- (a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*.
- (b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*.
- (c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
- (d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.
- (e) Records are retained regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and

weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility.

- (f) All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses.

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

108. Excavation Materials

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

(Reason: Environment and health protection)

109. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to the Certifier. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Work Health and Safety (WHS)/ public health and safety)

110. Importation of Fill

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

(Reason: Environment and health protection)

111. Demolition Work AS 2601-2001

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

(Reason: Safety)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

112. 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)

113. Roof Stormwater Disposal

Prior to the issue of any Occupation Certificate, new roof stormwater shall be disposed of to:

- (a) A drainage system complying with Part I of Willoughby Development Control Plan

Note: Any rainwater tanks incorporated in the stormwater disposal system must be installed on the property to meet the requirements for rainwater tanks (above and/or below ground) installation under Subdivision 32 and/or 33 of the Exempt Development Criteria under the State Environmental Planning Policy (Exempt and Complying Codes) 2008.

(Reason: Health and amenity)

114. Acoustic Treatment – Certification

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the construction details approved and the relevant design noise criteria.

(Reason: Amenity, environmental compliance and health)

115. Noise Emission – Equipment

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

(Reason: Amenity, environmental compliance and health)

116. Certification – Ventilation

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work

associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.

(Reason: Amenity, environmental compliance and health)

117. Planning Agreement

Prior to the issue of Occupation Certificate, the obligations of the Planning Agreement relating to this development need to be satisfied at the timing specified under Schedule 2 of the Planning Agreement.

(Reason: Ensure compliance)

118. Public Art

a) Detailed Public Art Plan

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

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

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

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

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

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

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

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

119. Street Numbering

Prior to the issue of any Occupation Certificate, written application shall be made to the Geospatial Services Section of Council for the allocation of street numbering for each of the newly created strata lots and/or allotments. Documentary evidence of the allocated numbering issued by Council is to be lodged with the Subdivision Certificate Application and Linen Plans.

(Reason: Ensure compliance with Council's House-Property Numbering Policy)

120. Section 73 Compliance Certificate

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

The Section 73 Certificate must be submitted to the Certifier.

(Reason: Ensure statutory compliance)

121. Public Tree Maintenance

Prior to the issue of any relevant Occupation Certificate, the applicant's arborist or landscape designer is to certify that:

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

(Reason: Tree management, public asset management)

122. Tree Planting

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

No. Required	Species	Location	Min Pot Size
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All Trees	As indicated on Landscape Plan Dwg No. DA-L101 dated 4/9/2025 prepared by Canvas Landscape Architects	As indicated on the Landscape Plan	200 Litres
All Trees	As indicated on Landscape Plans Dwg Nos. DA-L102 dated 26/3/2025 and DA-L103 dated 27/8/2025 prepared by Canvas Landscape Architects	As indicated on the Landscape Plans	As indicated on the Landscape Plans

(Reason: Landscape amenity)

123. Public Tree Planting

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

- (a) Six (6) *Fraxinus angustifolia* 'Raywood' (Claret Ash) on Penshurst Street planted in 1.2m x 1.2m tree cut-outs;
- (b) One (1) *Jacaranda mimosifolia* (Blue Jacaranda) on Penshurst Street at the Eastern end of the through site link;
- (c) One (1) *Jacaranda mimosifolia* (Blue Jacaranda) on Stirling Lane at the Western end of the through site link.

The trees shall:

- (a) Have a minimum container size of 200 litres and grown to AS 2303:2018 Tree stock for landscape use.
- (b) Be planted in accordance with WCC Vegetation Management Guidelines.
- (c) Be located as indicated on Landscape Plan Dwg. No. DA-L101 dated 4/9/2025 prepared by Canvas Landscape Architects.

(Reason: Landscape amenity, tree canopy recruitment)

124. Completion of Landscape Works

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

(Reason: Landscape amenity)

125. 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)

126. 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)

127. Fire Safety Certificate Forwarded to NSW Fire and Rescue

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

(Reason: Safety)

128. State Survey Marks

Prior to the issue of a Whole Occupation Certificate, the Applicant shall reinstate any existing State/Permanent Survey Marks damaged by the works to the specification of the Land and Property Management Authority. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the NSW Land Registry Services.

(Reason: Public amenity)

129. 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)

130. CCTV Report of Council Pipe System After Work

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

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

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

(Reason: Ensure compliance and protection of public asset)

131. 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)

132. 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 system with a minimum volume of 64m³ in accordance with Sydney Water's requirements AS/NZS3500.3, Part I of Council's DCP and Technical Standards 1 and 2. The construction of the

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

(Reason: Prevent nuisance flooding)

133. Sign for On-site Stormwater Detention System

Prior to the issue of any Occupation Certificate pertaining to any works requiring an On-Site Detention System (OSD), an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD tank or basin.

The wording for the plaque shall state *"This is the on-site stormwater detention system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.

(Reason: Prevent unlawful alteration)

134. 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)

135. Certification of OSD

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No. 1.

(Reason: Legal requirement)

136. Certification of the Basement Pumpout Drainage System

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

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part I of Council's DCP Technical Standard 1, all relevant codes and standards and the approved stormwater management plans.

- (b) Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- (c) Certification from a licensed plumber to ensure that the constructed pumpout system complies with the current plumbing requirements of Sydney Water and AS/NZS3500.3.

(Reason: Ensure compliance)

137. Works-As-Executed Plans – OSD

Prior to the issue of any Occupation Certificate and upon completion of the OSD System, the following shall be submitted to the Certifier:

- (a) Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- (b) Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

138. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built on-site stormwater detention (OSD) system and stormwater treatment system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the OSD system and stormwater treatment system, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested. Council's costs, including legal fees associated with reviewing, approving and executing the Positive Covenant and Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing.

Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifier and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

139. 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)

140. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Penshurst St and Stirling Lane.

(Reason: Public amenity)

141. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, reconstruct the following pavement in accordance with Council's approved drawings, conditions and specification (AUS-SPEC).

- Half road width of pavement for the full frontage of the site along Stirling Lane.

Council's standard design traffic for this pavement is 3×10^4 - ESA. Council may permit mill and resheet of asphaltic concrete pavements, provided geotechnical reports are provided to confirm that existing basecourse meets the required design life, proof rolling does not reveal soft spots or areas that need to be replaced and that works have not caused damage to the pavement.

(Reason: Ensure compliance)

142. Concrete Footpath

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

- (a) Full width concrete footpath for the full frontage of the development site in Penshurst St with cut-outs for tree pits as per the approved drawings.
- (b) 2m wide concrete footpath for the full frontage of the development site in Stirling Lane as per the approved drawings.
- (c) The footpath for the pedestrian through site link located between the southern glassline of the building and the southern boundary, for its full length, as shown on the Public Domain Works Plan Drawing 0107 Rev G plot dated 08.09.20325 by Sissons.

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

(Reason: Public amenity)

143. Street Lighting

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

(Reason: Public amenity)

144. Vehicular Crossing

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

The crossing is to be 8 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

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

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

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. The nature strip and footpath is to be adjusted for a minimum distance of 3 metres on both sides of the crossing to suit the new levels.

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

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

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

(Reason: Public amenity)

145. Removal of Redundant Crossings

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

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

(Reason: Public amenity)

146. 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.

(Reason: Ensure compliance)

147. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$88,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the

Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

148. Public Infrastructure Restoration

Prior to the issue of the Occupation Certificate, the Certifier shall be satisfied that any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, construction vehicles, contractors, sub-contractors, concrete delivery vehicles) has been fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council or evidence provided that the developer has paid Council to rectify the damage. The release of the damage deposit will not occur until after issue of the Final / Whole Occupation Certificate and Council's inspection of the area to confirm that no damage has occurred.

(Reason: Protection of public assets)

149. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (d) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (e) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (f) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (h) That accessible parking spaces, including spaces required for adaptable units,

comply with the requirements of AS 2890.6, including the required shared zones and bollards.

- (i) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle is achieved between Stirling Lane and Basement B1A and that an internal traffic signal system is installed to manage and control vehicle movements along one-way ramps between basement level B1A and basement level B2B. The internal traffic signal system must be developed by a suitably qualified consultant and must include, but is not limited to, vehicle waiting bays, signal lights, vehicle sensors, and signage, as appropriate.

(Reason: Ensure compliance)

150. Stormwater Maintenance Plan

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

(Reason: Ensure operation of system complies)

151. Certification of Water Quality Improvement System

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

(Reason: Legal requirement)

152. Location of Onsite Detention System

All access points to the onsite stormwater detention system and water quality improvement system, including access points to any underground tank, shall be located in common areas.

(Reason: Legal requirement)

153. Noise Control – Offensive Noise

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

(Reason: Amenity)

154. Domestic Waste Collection Agreement with Council

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its servants/ contractors to enter and exit for the purpose of waste recycling collection. The development is also required to indemnify Council and its servants/contractors against claims for loss or damage or wear and tear of access roads or to other parts of the building.

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

(Reason: Legal Requirement)

155. Non-Residential Waste Collection Service

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

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

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

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

(Reason: Ensure compliance)

156. Internal Unit Residential Waste Storage Areas

Prior to the issue of any Occupation Certificate, the developer is required to provide an internal waste storage area in each residential unit, a space internally within the kitchens for residents to store a minimum of two (2) days of internal waste volume with source separation capacity. This is in accordance with Willoughby Development Control Plan 2023 (NSROC 2018, Section 3.8).

The internal waste storage area should include a minimum capacity of:

- (a) Garbage: 40L within a cupboard.
- (b) Recycling: 35L within a cupboard.
- (c) Kitchen organics (estimate 15L, which may be storage space on the benchtop or within a cupboard). This is to future proof the development for a future Food Organics (FO) or Food and Garden Organics (FOGO) collection service.

(Reason: compliance/ environmental health/ waste reduction)

157. Council Inspection – Waste Vehicle Access and Manoeuvring

Prior to the issue of any Occupation Certificate, Councils waste officer is to inspect and approve all waste vehicle access and manoeuvring/turning movements including the turntable to ensure they comply with the development approval and design certificate, and that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide. Specifically, the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, turntable, loading docks and ground floor) has been designed in accordance with AS2890.2-2018.

(Reason: Ensure compliance)

158. Dilapidation Report of Adjoining Properties

Following completion of work, submit a photographic survey and report of each of the adjoining properties (including each strata lot): No. 222 Sydney Street, North Willoughby, No. 344 Penshurst Street, North Willoughby and any other properties deemed necessary by a suitably qualified geotechnical engineer, to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the post-development physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

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

(Reason: Protection of adjoining owners)

PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE APPROVAL

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

159. 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)

160. Planning Agreement

Prior to the release of linen plans/ subdivision certificate, the obligations of the Planning Agreement relating to this development need to be satisfied at the timing specified under Schedule 2 of the Planning Agreement.

(Reason: Ensure compliance)

161. Plan of Consolidation

A registered Plan of Consolidation is required to be submitted prior to the issue of the Occupation Certificate, which clearly shows the excise of Local Road Widening (E1) areas identified by Willoughby Local Environmental Plan, and identifies the right-of-way (through site link) for public access for all that area cross-hatched in blue on Drawing DA0105 Rev A, plot dated 30 September 2024 prepared by Sissons.

(Reason: Ensure Compliance, public access and amenity)

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.

162. Remedial Action Plan

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

(Reason: Public Health)

163. Vehicle Access

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

(Reason: Vehicle and pedestrian safety)

164. Service Vehicles and Deliveries

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

(Reason: Amenity and pedestrian safety)

165. Trees on Adjoining Properties

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

(Reason: Environmental protection)

166. Public Art

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

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

167. 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)

168. Noise Control – Offensive Noise

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

(Reason: Amenity)

169. Collection/Delivery Services

To minimise the noise impact of the development on the surrounding environment and to avoid conflict between residential and non-residential waste trucks in Stirling Lane and in the development, collection and delivery services must be limited:

- (a) The collection and delivery of goods and materials from and to the premises must not take place between the hours of 10:00pm and 7:00am on any day.
- (b) Residential waste collection, whether any bin contents, bulky waste or other waste, must not take place between the hours of 10:00pm and 4:00am on any day.
- (c) Non-residential waste collection, whether any bin contents or other waste, must not take place between the hours of 10:00pm and 7:00am on any day.

(Reason: Amenity)

170. Waste Management Collection Policy

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

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

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

171. Licenced Waste Collection

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

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

172. Management of Waste

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

- (a) Responsibility for cleaning and maintaining waste storage bins and containers.
- (b) Responsibility for cleaning, securing and maintaining waste storage rooms.
- (c) Responsibility for the transfer of bins and bulky waste to the nominated collection point.
- (d) Responsibility for ensuring safe and unimpeded access for collection staff to and within the waste storage rooms.
- (e) Method of communication to new tenants and residents concerning the developments waste management system.
- (f) Cleaning up and management of bulky waste.
- (g) Responsibility for maintaining the compost bin or worm farm.

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

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

173. Waste and Recycling Signage

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

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

174. Wheeling of Bins – Gradient and Surface

The development must provide a maximum bin wheeling grade for caretakers and Council's waste collection staff of 1:33; the requirement for 660L bins (3%) that is at least 2m wide, non-slip and free of obstructions, steps and any turntable.

(Reason: compliance/ operational efficiency/ work health and safety)

175. On-site Collection Point(s) Operation

The nominated on-site collection point(s) are to be utilised to facilitate the collection of waste for the development, including any bin contents, bulky waste and any other waste. Any on-site collection point is:

- (a) to be kept clear of obstructions at all times so not to restrict the collection of waste;
- (b) to be located within the approved plan locations;
- (d) to be maintained with safe unobstructed rear clearance of two (2) metres behind the truck for loading of bin contents and bulky waste.

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

176. Waste Storage Containers

Waste storage containers must not be located or placed outside the approved waste storage areas at any time except for collection purposes.

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

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

177. Waste Equipment

The building manager must ensure the waste equipment including the vehicle turntable and bin tug are serviced in accordance with manufacturer's specifications and maintained in a safe and serviceable condition at all times:

- (a) Vehicle turntable, for the waste collection trucks to turn-around.
- (b) A bin tug, to transfer the bins and bulky waste from generation (e.g., resident or tenant use rooms to the collection holding rooms, where the distances exceed three (3) metres for 1,100L bins (and bulky waste) and five (5) metres for smaller bins (NSROC 2018, Section 3.16.2).

(Reason: Waste reduction/ work health and safety)

178. Service Lift Contingency

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

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

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

Mechanical ventilation systems comprising regulated air handling and water systems (cooling towers, warm-water systems and the like) shall be registered with Council

on completion of the installation in accordance with the requirements of the Public Health Act 2010 and Public Health Regulation 2012.

(Reason: Health protection)

180. Stormwater Drainage Management

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

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

(Reason: Environmental protection)

181. Analysis of Outlet Condition

Certifier to be satisfied, all storage outlet pipes from the OSD tank shall be above the 1% Annual Exceedance Probability (AEP) event water level.

(Reason: Maintain designed discharge)

182. Stormwater Kerb Outlet

New stormwater connection outlets at the street kerb shall be made using 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 450mm x 450mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of public asset)

183. Rainwater Retention and Re-Use Tank(s) System – Ongoing Maintenance

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Rainwater Retention and Re-Use Tank(s) system constructed on the land, in accordance with the conditions of this consent, the certified constructed system and the Registered Surveyor's Work As Executed plans. The registered proprietor shall not carry out any alterations to this system and shall carry out regular maintenance to tanks, pipelines, walls and other structures, plumbing fixtures, first flush apparatus, gutters, leaf gutter guards, downpipes, pumps, pipe connections and any associated devices relevant to the system, to keep the system

clean, in good working order and to ensure efficient and on-going operation of the system

(Reason: Ensure compliance)

184. 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)

185. Road Reserve Planting

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

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

(Reason: Management of public assets)

186. Retaining Walls and Drainage

If the soil condition 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) Adequate provision must be made for drainage.

(Reason: Safety)

187. Exposed Timbers

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

(Reason: Visual amenity/structural integrity)

PRESCRIBED CONDITIONS

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

188. 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)

189. 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)

190. 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)

191. 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)

192. 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)

193. 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)

General advisory notes

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

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

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

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

Dictionary

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

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

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

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

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

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

Council means Willoughby City Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Willoughby Local Planning Panel.

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

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

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

Stormwater drainage system means all works and facilities relating to:

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

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

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

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

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