

ATTACHMENT 2 – REQUESTED CONSENT CONDITIONS

SSD-88511459 – 33-37 Herbert Street, St Leonards

Council's requested local contributions, engineering, waste management, and public art conditions

While the application cannot be supported until certain issues are resolved, Council provides the following recommended conditions on the basis that they would be required should the proposal be amended and otherwise become capable of approval.

Note 1: Other conditions are recommended in Attachment 1 – Council submission.

Note 2: These conditions are not final and will be subject to change depending on any amendments to the proposed development. Additional conditions may be recommended in further Council submissions to this SSDA.

Local contribution conditions - prior to the issue of a Construction Certificate

Note 1: Consent conditions have been provided for affordable housing for scenarios where a monetary contribution is provided or if there is a transfer of affordable housing to Council.

• **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 \$ [insert amount] for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$ 244,470.79
Open space and recreation facilities	\$ 4,493,101.16
Plan administration	\$ 84,714.98
Recoupment - community facilities	\$ 864,103.54
Recoupment - open space and recreation	\$ 45,941.66
Total	\$ 5,732,332.13

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:

$$\text{\$CO} \times \text{CPIP} \div \text{CPIC}$$

Where:

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

CPIP = 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

CPIC = 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

If the applicant is proposing a monetary contribution for affordable housing, the below condition is to be implemented:

- **Affordable Housing Monetary Contribution**

The applicant shall pay to Council a monetary contribution for the purpose of providing affordable housing that is calculated at 10% of the residential gross floor area of the development, being 3,640m², i.e. 10% x 36,400m²). The amount of the monetary contribution is determined by reference to the market value of dwellings of a similar size to the dwellings in the proposed development, and as set out below:

- (i) Within three (3) months of the issue of the Construction Certificate, the applicant is to submit to Council a valuation report (prepared by a registered valuer) identifying the market value of the dwellings by reference to the recent sales prices of such new dwellings of similar size within the development. In the absence of recent sales prices at the subject development, recent sales price of similar sized dwelling(s) in comparable development(s) within the Willoughby Local Government Area (LGA) can be submitted to Council for consideration.
- (ii) Alternatively, the applicant can submit a report that aligns with Council's current market valuation approach which is based on the current research and valuation data obtained from the most recent Rent and Sales Report issued by the Department of Communities and Justice; and the average unit size taken from Council's recently approved and similar dwellings within the LGA.

In summary, a cost per m² rate can be derived from:

- The (mean) sale price of the most recent (ie. recent = at the time of payment) Rent and Sales Report issued by the Department of Communities and Justice, divided by;
- The most recent average unit size which is, 95m² (note: this average in m² is reviewed periodically)

(The above approach ensures that the valuation figure reflects the current market values for the LGA which is reviewed quarterly to ensure that the monetary contribution is sufficient to enable Council to purchase a comparable dwelling satisfying Council's Affordable Housing principles).

- (iii) In the event that the "Rent and Sales Report" option is chosen, the report must include a date stamped screenshot of the relevant figure within the Rent and Sales Report. And that the payment is to be made within three (3) months of the date displayed in that screenshot.
- (iv) Council will consider the valuation report and, acting reasonably, determine the amount of the contribution to be paid.
- (v) If it considers it desirable to do so, Council may appoint an independent registered valuer to undertake a separate valuation. The applicant / developer is to pay Council all reasonable costs associated with the service provided by Council's appointed valuer for this valuation.

- (vi) The applicant is to submit to Council's Director of Planning, the valuation report and/or other documentation to demonstrate how the applicant has calculated the contribution, including identifying the residential gross floor areas used in the calculation. The evidence is to be provided prior to the issue of the first Occupation Certificate, and before any payment of contribution is made before the issue of the first Occupation Certificate. If the valuation report option is taken, payment is to be made within three (3) months of Council's written acceptance of the valuation report.

- **Agreement to Transfer Affordable Housing Dwellings**

The applicant must enter into a Housing Transfer Deed with the Council, for transferring to the Council, free of charge, the title of the affordable housing identified as units: 1.XXX, 2.XXX etc shown on Plan XXX, titled "XXXXX", dated XX/XX/2026, Rev X, in the area equating to $10\% \times 36,400\text{m}^2 = 3,640\text{m}^2$. Each affordable dwelling unit must have an appurtenant car space and these must be clearly shown on the Construction Certificate plans to prepare ahead for incorporation of such documentation for the Housing Transfer Deed.

Prior to the issue of Construction Certificate, the applicant is to commence drafting the Housing Transfer Deed generally in accordance with Council's Housing Transfer Deed template, identifying all affordable housing units for dedication to Council. The Construction Certificate plans must demonstrate that the physical requirements specified in the Housing Transfer Deed are satisfied.

The terms of this Housing Transfer Deed must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings and appurtenant car spaces to Council's ownership will be completed within two (2) months of the registration of any subdivision of the development creating the dedicated areas or within two (2) months of the issue of the first Occupation Certificate, whichever comes first.

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

The Housing Transfer Deed must be executed prior to issue of the first Occupation Certificate.

- **Affordable Housing Fittings and Finishes**

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

Local contribution conditions - prior to the issue of an Occupation Certificate

- **Affordable Housing Fittings and Finishes**

Prior to the issue of any Occupation Certificate, the Certifier must be satisfied that the affordable housing dwellings have the internal fittings and finishes at the same standard as the other dwellings within the development and in accordance with the schedule endorsed by Council.

Any costs associated with bringing the affordable housing dwellings to the standards required are to be borne by the applicant.

- **Affordable Housing Dwellings**

The Housing Transfer Deed specifying the affordable housing units and their respective appurtenant car spaces, must be executed prior to issue of the first Occupation Certificate.

The affordable housing dwellings identified as unit(s) 1.XXX, 2.XXX etc shown on Plan XXX, titled "XXXXX", dated XX/XX/2026, Rev X, in the area equating to 10% x 36,400m² = 3,640m². are to be dedicated to Willoughby City Council within two (2) months of the registration of any subdivision of the development creating the areas to be dedicated and within two (2) months of the issue of an Occupation Certificate, whichever comes first. In accordance with Clause 6.8 of Willoughby Local Environmental Plan 2012, the following as outlined below will be dedicated:

- a) list units & respective car spaces; and
- b) (if applicable) adaptable unit

Engineering conditions prior to the issue of a Construction Certificate:

- **Amendments required to be submitted**

Prior to the issue of the Construction certificate, the Applicant must provide evidence to the Certifier that revised plans relating to 33-37 Herbert St Chatswood detailing the following revisions have been submitted to and approved by the Planning Secretary. The amended 33-37 Herbert St plans must:

- (a) No electric vehicle charging stations have been provided in accordance with WDCP Part F, Section 5.6. Provision of EV charging infrastructure is required to be demonstrated on the plans.
- (b) Access arrangement for bicycle parking to basement levels to be clarified to ensure no potential conflicts between pedestrians and cyclists at ground level entry and vehicle and cyclists at basement levels.
- (c) Following information is required to demonstrate compliance with Council's Technical Standard No. 1:
 - i. Design calculations confirming SSR and PSD;
 - ii. Verification that OSD and outlet are above the 1% AEP hydraulic grade line;
 - iii. Details of overflow spillway and major flow path;
 - iv. Freeboard compliance;
 - v. Demonstration of minor/major flow path operation up to 1% AEP; and
 - vi. Submission of the Council OSD Design Checklist.

- **Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of \$600,000 (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.

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. The deposit will be refundable via submitting "Damage deposit refund" request on Council's webpage.

For the purpose of inspections carried out by Council Engineers, an inspection fee as per Council's current fees and charges is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$600,000 + Damage Deposit Release Inspection Fee

(Reason: Protection of public asset)

- **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 application is to be obtained from Council's website 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)

- **Stormwater Conveyed to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system from Herbert Street via a 375 mm Class 4 RCP in accordance with Council's specification. A grated drainage pit (min. 900mm x 900mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system and a kerb inlet pit at the kerb line in front of the property. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval prior to the issue of the Construction Certificate.

(Reason: Prevent nuisance flooding)

- **Analysis of Outlet Condition**

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

(Reason: Prevent property damage)

- **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, which shall include an on-site stormwater detention system with a minimum volume of 288m³ that limits the peak flow from the site in the 1%AEP event to 101.41L/s. 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 Aqualand drawings CV-01101/P4, CV-0401/P4, CV-0401/P4. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NSZ3500.3 – Plumbing and Drainage Code and National Construction Code.

(Reason: Ensure compliance)

- **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)

- **Overland Flow/Flood Level Certification**

A suitably qualified and experienced civil engineer must certify that:

- (a) The finished floor levels of the development comply with the requirements of Technical Standard 2.
- (b) All access points to the basement are at or above the 1%AEP water level + 500mm or the PMF, whichever is higher.
- (c) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (d) The proposed works comply with the TTW report "Integrated Water Management Plan" dated Apr 2026

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

(Reason: Prevent property damage)

- **Construction Management Plan (CMP)**

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

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

- **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) The works are to be broadly consistent with sheets L.114 and L.115 of the Herbert Street Final Concept Design Issue 5 Future Stages (Revision E).
- b) Detailed long section and cross sections at 5 metres interval shall be provided.
- c) Reconstruction of existing kerb and gutter for the full frontage of the development site in Herbert Street and Ella Street in accordance with Council's specifications and Standard Drawing SD105.
- d) Full width road pavement for the full frontage of the development site in Herbert Street in accordance with Council's specifications;
- e) Reconstruction of the existing road pavement for the full width of Ella Street, adjacent the development site, in accordance with Council's specifications.
- f) Construction of a vehicular crossing in Herbert Street in accordance with Council's specification and Standard Drawings SD105. The crossing width shall be as required for vehicle access.
- g) Connection of the site drainage system to Council's stormwater system in Herbert Street.
- h) During the course of construction, the Applicant must provide temporary road restoration works as required and as directed by Council, and ensure all public areas affected by the works are maintained in a safe condition and free of pedestrian trip hazards at all times.
- i) Any other works in the road reserve required for the development, and any signage or traffic control measures required by the conditions of consent.

Submit an application for **Public Domain Works on Council Infrastructure** provided on Council's website. 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.

All sections must include the location of existing and proposed services. 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)

- **Driveway Longsection**

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

- (a) Horizontal distance from the centreline of the road to a minimum of 10m within the site, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.
- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

The design shall be prepared by a suitably qualified civil engineer using the B99 vehicle template from AS/NZS 2890.1. All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.

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

- (a) As per drawings approved by Council

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

- **Flood Risk Management Plan**

A Flood Risk Management Report prepared by a qualified civil engineer experienced in flood analysis and management and complying with the requirements in Part I of the Willoughby DCP and Technical Standard No. 2, "Floodplain Management" and the NSW Government's Flood Risk Management Manual, shall be submitted with the application for Construction Certificate. All measures contained in the report shall form part of any Construction Certificate issued.

(Reason: Managing Flood Risk)

- **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)

- **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 visitor and retail parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1.
- (d) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
- (e) That the loading bay and access to and from the loading bay complies with the requirements of AS 2890.2 for the service vehicle required for the site, including Council’s waste vehicle
- (f) 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.
- (g) 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.
- (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m headroom) has been provided for the loading area and the path to and from the loading area.
- (i) Simultaneous manoeuvring of B99 and B85 vehicles at all circulation aisles, ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (j) Simultaneous manoeuvrability of the largest vehicle using the site (minimum Council’s 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay or that suitable traffic control measures are provided.
- (k) Simultaneous manoeuvrability of a small rigid vehicle (SRV) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay or that suitable traffic control measures are provided.
- (l) That the loading bay size is sufficient for Council’s 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.

(m) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit.

(Reason: Ensure compliance)

- **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.

Engineering conditions prior to commencement of works:

- **Construction soil and water management plan sub-plan**

Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) for the Development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:

- (a) describe all erosion and sediment controls to be implemented during construction;
- (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
- (c) detail all off-site flows from the site during construction; and
- (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

- **Construction parking**

Prior to the commencement of any earthwork, demolition or construction, the Applicant must submit to the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

Prior to the commencement of any earthwork, demolition or construction, the Applicant must submit to the Certifier a Construction Worker Transportation Strategy. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

- **Construction flood management**

Prior to the commencement of any earthwork, demolition or construction, the Applicant must prepare and implement:

- (a) for the duration of the works flood warning and notification procedures for construction works on the site and evacuation and refuge protocols; and
- (b) awareness training for employees and contractors, including locations of the

assembly points and evacuation routes, for the duration of construction.

- **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)

- **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)

- **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)

- **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 at Herbert Street and Ella Street as necessary for the proposed development. Such street lighting shall also conform to Council's standard specifications.
(Reason: Public amenity)

- **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)

- **Hoarding requirements**

Prior to the lodgement of an application for a Construction Certificate, provide a submission in accordance with the Willoughby Creative Hoarding Guidelines for the treatment to all site construction hoardings. Hoard applications must be applied on Council's website and approval provided prior to any installations works are undertaken.

Engineering conditions during construction:

- **Shoring and adequacy of adjoining property**

If the Development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:

- (a) protect and support the building, structure or work from possible damage from the excavation; and
- (b) where necessary, underpin the building, structure or work to prevent any such damage, unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

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.

- **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)

- **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)

- **Erosion and sediment control**

All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

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.

- **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, including:

- (a) provision of a temporary safety fence 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; and
- (b) 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.

- **Signs and maintenance**

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.

- **Seepage and stormwater**

Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the Protection of the Environment Operations Act 1997. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the Roads Act 1993.

The connection of the site stormwater drainage system to the existing Council pit shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill. The inspection must be booked via Council's website with Council's Engineer and a minimum of 2 working days' notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

- **Maintenance of Nature Strip**

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

(Reason: Public amenity and safety)

Engineering conditions prior to occupation:

- **Occupation certificates**

In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

- **Post construction dilapidation report**

Before the issue of any Occupation Certificate, the Applicant is to provide a Report (Post-Construction Dilapidation Report) to the Certifier:

- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
- (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of development;
- (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

- **Road damage**

Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

- **Protection of public infrastructure and other repairs**

Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:

- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
- (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development.
- (c) promptly rectify, as a matter of urgency, any damage identified by Council that represents a safety risk or trip hazard; and
- (d) Arrange an inspection via Council's website for Council's engineers.

- **Works-as-executed plans and any other documentary evidence**

Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier:

- (a) works-as-executed plans for the Development; and
- (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.

Prior to the issue of an Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:

- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
- (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

- **Structural inspection certificate**

Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.

The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:

- (a) the site has been periodically inspected, and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
- (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

- **Utility providers**

Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

- **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 requirements of the Surveying and Spatial Information Regulation 2024. 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.

- **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)

- **Undergrounding**

Prior to the issue of any occupation certificate, all existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities.

Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site.

- **On-site Water Management System**

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council drainage system in Herbert Street via a water quality improvement system and an approved OSD system with a minimum volume of 288m³ that restricts the peak discharge from the site to 101.41L/s in the 1%AEP storm event. The stormwater system shall be 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)

- **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".

Signage is available to be purchased at Council by liaising with Customer Service on 9777 1000.

(Reason: Prevent unlawful alteration)

- **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)

- **Certification of OSD**

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in Appendix 2 of Council's Technical Standard No. 1.

(Reason: Legal requirement)

- **Certification of the Basement Pumpout Drainage System**

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

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

(Reason: Ensure compliance)

- **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)

- **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)

- **Overland Flow Path – Engineers Certification**

Prior to the issue of any Occupation Certificate, submit to Council written certification, prepared by a suitably qualified and experienced civil engineer (generally CP Eng), that:

- (a) The finished floor levels of the development comply with the requirements of Technical Standard 2.
- (b) All access points to the basement are constructed at or above the 1%AEP water level + 500mm or the PMF, whichever is higher.
- (c) The as constructed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (d) That the as constructed works comply with the TTW report "Integrated water Management Plan" dated April 2026.

(Reason: Ensure compliance)

- **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)

- **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.

- **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)

- **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.

- **Public domain works for Herbert Street**

The shared zone in Herbert Street is to be constructed to Council's satisfaction prior to the issue of any occupation certificate.

Note: Should completion of works be affected by concurrent construction on adjacent sites, a deed will need to be entered into with Council confirming the schedule for completion of works, the provision of any interim arrangements for access and public amenity, and the provision of an appropriate bond equal to the costs Council would incur to complete the works based on a Quantity Surveyors report to be provided to Council which is to include material, labour, and project management costs.

- **Public domain works for Ella Street**

Public Domain upgrades to Ella Street are to be constructed to Council's satisfaction prior to the issue of any Occupation Certificate.

Note: Should completion of works be affected by concurrent construction on adjacent sites, a deed will need to be entered into with Council confirming the schedule for completion of works, the provision of any interim arrangements for access and public amenity, and the provision of an appropriate bond equal to the costs Council would incur to complete the works based on a Quantity Surveyors report to be provided to Council which is to include material, labour, and project management costs.

- **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 Herbert Street and Ella Street (Reason: Public amenity)

- **Reconstruct footpath pavement**

Prior to the issue of any Occupation Certificate, reconstruct the following pavement areas:

- (a) Full width for the site frontage in Herbert Street.
- (b) Full width of the site frontage in Ella Street.

The pavement shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 3x10⁴ ESA.

In lieu of reconstruction, Council may approve a mill and resheet of the pavement with 50mm thick minimum asphalt AC10, subject to:

- Provision of a geotechnical report details that the existing basecourse is able to meet the design traffic loading
- Proof rolling demonstrating that there are no soft spots requiring further works.
- There is no evidence that construction works have resulted in damage to the existing pavement.

Council engineers will determine if a mill and resheet will be permitted in lieu of reconstruction following the pre-construction meeting for the public domain works and provision of documentation to confirm that the existing basecourse meets the required design life. If the pavement is a concrete road, Council's engineer will determine the extent of reconstruction and the reconstruction requirements.

(Reason: Ensure compliance)

- **Street Lighting and Furniture**

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

(Reason: Public amenity)

- **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 a 9 metre width and suitable for service vehicle access with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.
- For the design levels of the vehicular crossing at the property boundary, the following shall be complied with unless written approval is gained from Council for alternate levels:

(a) As per drawings approved by Council

- The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb.
- The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.
- All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction

works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

- Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to issue of any Occupation Certificate.
- A copy of AUS-SPEC C271 may be purchased from Council through Customer Service.

(Reason: Public amenity)

- **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)

- **Inspection of Civil Works on Road Reserves**

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

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

(Reason: Ensure compliance)

- **Performance Bond**

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$300,000 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)

- **Public Infrastructure Restoration**

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

- **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 visitor and retail parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1.
- (f) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
- (g) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (h) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (i) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m high) has been provided for the loading area and the path to and from the loading area
- (j) Simultaneous manoeuvring of B99 and B85 at all circulation aisles, ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) Access and manoeuvrability of the largest vehicle accessing the site (minimum Council's 10.5m waste vehicle) and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved between the site entry and the loading bay or that traffic management measures have been provided to prevent conflicts.
- (l) Access and manoeuvrability of a small rigid vehicle (SRV) and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved between the site entry and the loading

bay or that traffic management measures have been provided to prevent conflicts.

- (m) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
- (n) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit, including provision of kerbs to direct vehicles to compliant locations.

(Reason: Ensure compliance)

- **Council waste vehicle and loading bay**

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

- **Turfing of Nature Strip**

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

(Reason: Public amenity)

- **Registration of easements**

Prior to the issue of any Occupation Certificate, all matters required to be registered on title including easements, rights-of-way required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

Prior to the issue of any Occupation Certificate, any existing registered easements and rights or carriageways which burden the development site must be appropriately extinguished and/or modified as appropriate to ensure services and drainage is maintained for easement beneficiaries.

- **Location Of On-Site Detention System**

The location of the as-built on-site stormwater detention system(s) shall be shown on the final strata plan. Access to the system, including access points to any underground tank associated with the OSD and water quality improvement system, shall be located in common areas.

(Reason: Ensure compliance)

Engineering conditions – Occupation and Ongoing Use:

- **Vehicle Access**

All vehicle movements into and out of the site shall be in a forward direction. No vehicle is to reverse over the boundary.

(Reason: Pedestrian and vehicle safety)

- **Traffic and car parking**

All loading and unloading operations associated with the site must be carried out:

- (a) in accordance with the Car Parking, Loading and Servicing Management Plan prepared under this consent;
- (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
- (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

- **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)

Waste Management Conditions – Prior to Construction Certificate

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

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

- **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, vehicle ramps, loading docks and basement) 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
- (d) Clearance height of 4.5 metres throughout the vehicle swept path.

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

- **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 two (2) metres of the applicable collection holding room and without any need to cross any active traffic area during the collection of waste; 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)

- **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:

- a) Charity waste/other recycling collection room at the loading bay.
- b) Bin tug details and bin carting routes at least 2m wide.
- c) A recycling bin on each residential level in a room that contains the residential chute access points. Residential chute access points must be located within a residential waste cupboard on each residential level (NSROC 2018, Section 5.5 – Recycling Cupboard on each floor).
- d) Truck parking space at the Onsite Collection Point of at least 12.5m long; a 10.5m truck plus 2m rear clearance for loading.
- e) Temporary collection holding rooms at the Onsite Collection Point for residential bins, residential bulky waste and non-residential waste within 2m of the truck

parking space in accordance with the Willoughby DCP 2023 (NSROC, 2018, Section 3.15 Temporary Bin Storage Areas).

- f) Doors on the bulky waste room, bin storage rooms and chute rooms at least 2.5m wide.
 - g) Residential and non-residential bin washing areas.
- (Reason: Compliance/ waste reduction/ work health and safety/ public health and safety)

- **Updated Construction and Demolition Waste Management Plan**

Prior to issue of any Construction Certificate, the developer is required to submit an updated Construction and Demolition Waste Management Plan for Council approval.

- (a) An estimate of the types and expected volume (m³) and weight (t) of waste to be generated during demolition, and the estimated percentage of waste that will be reused or recycled;
- (b) An estimate of the types and expected volume (m³) and weight (t) of waste to be generated during construction, and the estimated percentage of waste that will be reused or recycled;
- (c) Clear evidence of the method(s) used to calculate expected waste generation (such as an excavation plan);
- (d) Nominated landfill and recycling facilities by waste type (to allow assessment of compliance with licensing requirements and activities);
- (e) Plans showing the location of onsite waste facilities during the demolition and construction phases, including vehicle access; and
- (f) Hazardous materials and asbestos disposal quantities, management and disposal details if applicable including an asbestos clearance certificate if required.

Waste Management Conditions – Prior to Occupation Certificate

- **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)

- **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)

- **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)

- **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)

Waste Management Conditions – Ongoing Use

- **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 Herbert Street 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)

- **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.
- Organics: once per week.
- Bulky waste booked or scheduled service.

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

- **Licensed Waste Collection**

All businesses must have written evidence on site of a valid and current contract with a licensed 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)

- **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 any 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)

- **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)

- **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)

- **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)

- **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)

- **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).
- (c) A bin lifter, to decant residential on-floor recycling bins into the collection bulk bins.

(Reason: Waste reduction/ work health and safety)

- **Service Lift Contingency**

Where the waste management system incorporates the use of a service lift, a contingency plan should 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)

Public Art Condition – Prior to Construction Certificate

- **Public Art Plan**

Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a detailed Public Art Plan prepared in consultation Council. The detailed public art plan must be developed and implemented in accordance with Council's Public Art Policy and Procedures and Guidelines and include: 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 - nominally 1% of the project CIV

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

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

- Demonstration of Excellence
- 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
 - Where the art piece is to be located on private property, the insurance shall be in the name of the owner of that property.

