

Attachment 2 - Recommended conditions for any approval

SSDA 849, 853, 859 Pacific Highway and 2-8 Wilson Street, Chatswood

Note 1: This list is not definitive and other conditions may be required reflecting the Council submission and concerns of the consent authority)

Conditions adapted from Court Approval

PART A

Deferred Commencement - Term(s) to be satisfied prior to the consent becoming operable – relating to Sydney Trains

The following deferred commencement term(s) must be complied with to the satisfaction of Council within 24 months of the date of this deferred commencement development consent:

1. Sydney Trains

The following requirements from Sydney Trains must be satisfied:

This consent is not to operate until the Applicant satisfies the Council, within 24 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

- A1. The Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version items in compliance with AMB Standard Airspace and External Developments (<https://www.transport.nsw.gov.au/industry/assetmanagement-branch>):
1. Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware rock anchors/bolts (whether temporary or permanent) are not permitted by Sydney Trains within its land or easements, without the prior consent of Sydney Trains.
 3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 4. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains' rail corridor land and easements.
 5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 6. If required by Sydney Trains, a Monitoring Plan. Any conditions issued as part of Sydney Trains' endorsement of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

PART B - Other Agency conditions (not deferred commencement)

2. WaterNSW

The following conditions from WaterNSW must be complied with:

GT0115-00001

Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

(Reason: Ensure compliance)

GT0117-00001

A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.

Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

(Reason: Ensure compliance)

GT0118-00001

If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:

- a) record water taken for which the exemption is claimed, and
- b) record the take of water not later than 24 hours after water is taken, and
- c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
- d) keep the record for a period of 5 years, and
- e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124
 - i. not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or
 - ii. if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

(Reason: Ensure compliance)

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.

(Reason: Ensure compliance)

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. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
 - ii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
 - iii. QA: Include details of quality assurance and control
 - iv. 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)
(Reason: Ensure compliance)

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
(Reason: Ensure compliance)

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
- (Reason: Ensure compliance)

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.

(Reason: Ensure compliance)

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.

(Reason: Ensure compliance)

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
- (Reason: Ensure compliance)

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.
- (Reason: Ensure compliance)

GT0241-00001

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, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 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.

(Reason: Ensure compliance)

3. NSW POLICE

The following conditions from NSW Police must be complied with:

- A. The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises.
- B. 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".
- C. Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
- D. Any bicycle parking should be in a secure area and covered with CCTV cameras.
- E. 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".
- F. Mail boxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.
- G. If the site has storage cages they should be made of materials that can't be cut open and should be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
- H. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime (including vandalism and graffiti). The lighting will need to be sufficient to enable people to identify signs of intoxication and anti-social behaviour. The lighting will also need to be sufficient to support images obtained from

any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.

- I. Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia (BCA) and Australian Standards – Lock Sets AS:4145.
- J. Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
- K. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
- L. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
- M. All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.
- N. “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.
- O. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
- P. The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
- Q. The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.
(Reason: Ensure compliance)

4. Ausgrid

The following Ausgrid conditions must be complied with:

A. 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.

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.

(Reason: Ensure compliance)

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.

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/WorkingSafe/Clearance-enquiries

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should 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>

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au
(Reason: Ensure compliance)

5. Transport for NSW

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

- A. All buildings and structures together with any improvements integral to the future use of the site shall be removed from the future road proposal zone, as shown pink in the aerial at Attachment A. (end of the table) upon acquisition and use of the future road proposed zone for road purposes.
- B. The removal of the redundant vehicular crossing and associated works on the Pacific Highway shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.

Detailed design plans are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works.

Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- C. 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.

- D. 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 commencement of any works. The developer must also obtain 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.

- E. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the state road during construction activities.

A ROL can be obtained through

<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

(Reason: Ensure compliance)

6. Sydney Trains

The following requirements from Sydney Trains must be satisfied:

1. All plans/documentation(s) provided and endorsed by Sydney Trains as part of the Sydney Trains Deferred Commencement Conditions will form part of this Consent, unless said plans/documentation(s) are otherwise superseded and confirmed in writing by Sydney Trains as a result of compliance with any Sydney Trains related conditions of consent. All recommendations, final findings, and subsequent requirements (including where specified in the written endorsement letter from Sydney Trains) of such plans/documentation(s) are to be reflected in the Construction Certificate construction plans/documentation(s) where relevant, and compliance with those plans/documentation(s) must be certified prior to the issue of any Occupation Certificate.
2. Prior to the issue of any Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
3. Prior to the issue of any Construction Certificate, the Applicant is to enter into a temporary access arrangement with Sydney Trains, providing access arrangements during construction to the rail corridor and any associated access gates, from either Wilson Street or O'Brien Street. Final detailed documentation is to be submitted to Sydney Trains for review, comment and written endorsement detailing the point of access, method of access, any alternative access routes and the associated timing in which these are proposed. The Certifier is not to issue a Construction Certificate until written confirmation from Sydney Trains advising that this condition has been completely satisfied.
4. Prior to the issue of a Construction Certificate, the Applicant is to submit final plans that locate where proposed anchors are to be placed with respect to the rail corridor. If permitted by Sydney Trains, where anchors are to be proposed crossing the rail boundary, all relevant documentation are to be prepared in compliance with all relevant TfNSW Standards. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into TAM (Transport Asset Management) property or easements without Sydney Trains' consent. The Certifier is not to issue any Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 5 . Prior to the issue of a Construction Certificate, the Applicant is to engage with a

suitably qualified consultant to prepare a numeric modelling analysis which assesses the different stages of loading and unloading of the site and its effect on the rock mass surrounding the rail corridor. This report is to be submitted to Sydney Trains for review and endorsement demonstrating that the proposed works will not have any adverse impacts on the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

6. Prior to the issue of a Construction Certificate, the Applicant shall submit the final version of stormwater management plans and reports to confirm that there shall be no direct stormwater runoff towards the rail corridor. The Certifier is not to issue any Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
7. Prior to the issue of a Construction Certificate, the Applicant is to engage with a suitably qualified consultant to prepare a numeric modelling analysis which assesses the different stages of loading and unloading of the site and its effect on the rock mass surrounding the rail corridor. This report is to be submitted to Sydney Trains for review and endorsement demonstrating that the proposed works will not have any adverse impacts on the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
8. Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
9. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
10. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
11. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction

drawings and documentation prior to the issuing of the relevant Construction Certificate.

12. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority and Council certifying that the completed development meets the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
13. The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains' Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.
14. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
15. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
16. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
17. The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

18. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
19. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
20. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
21. Prior to the issue of a Construction Certificate, the Applicant shall include in their Construction Management Plan and Safe Working Method Statements (SWMS) adherence to the load restriction set in place for the Wilson Street Bridge, or as per the structural requirements set out in the Interface Agreement between Sydney Trains and Council. The Certifier shall not issue a Construction Certificate until these requirements have been met.
22. During all stages of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
23. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
24. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
25. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.
26. The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
27. Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
28. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing.

Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

29. Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Certifier is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
30. The Applicant is to enter into a post-construction access arrangement with Sydney Trains, making provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
31. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
32. Sydney Trains advises they have a High Voltage Aerial Transmission Line immediately adjacent to the development site. The proposed development should note the requirements of the below electrical standards/guidelines:
 - a) ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - a) The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06- GD-0268 – Working Around Electrical Equipment”.
 - b) “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”
33. In addition, all Landscaping should be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan.
34. Prior to the issuing of a Construction Certificate, the following final version rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement:
 - a) Machinery to be used during excavation/construction.
 - b) Demolition, excavation, and construction methodology and staging.
35. The Certifier is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.
36. Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
37. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAM (Transport Asset Management) property or easements, unless agreed to by TAM

(Transport Asset Management). The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

38. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAM (Transport Asset Management), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAM (Transport Asset Management) has been obtained by the Applicant. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
39. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who: i. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains; i. acts as the authorised representative of the Applicant; and ii. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
40. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
41. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is North Interface, and they can be contacted via email on North.Interface@transport.nsw.gov.au.
42. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAM (Transport Asset Manager of NSW) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

7. Sydney Metro

The following conditions from Sydney Metro must be complied with:

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Engineering

- A. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the application.

Subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro confirming which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and

specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

Rail Corridor

B. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Metro North West Line rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Metro North West Line rail corridor or rail operations, that part of the development must have a minimum design life of 100 years. Survey and Services

C. Prior to the issue of a Construction Certificate:

- a. the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- b. a registered hazardous surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

D. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

Noise & Vibration

F. The development must:

- a. comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info);
- b. be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
- c. not have any noise or vibration impacts on the rail corridor or rail infrastructure.

G. The Applicant must:

- a. prepare an acoustic assessment report which confirms compliance with each of the matters outlined in 'E' above; and
- b. incorporate as part of the development all the measures recommended in the acoustic assessment report; and
- c. not have any noise or vibration impacts on the rail corridor or rail infrastructure. A copy of the acoustic assessment report is to be provided to Sydney Metro for review and endorsement and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

Electrolysis

- G. Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk.
A copy of the electrolysis report is to be provided to Sydney Metro for review and endorsement. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

Design

- H. Given the possibility of objects falling, being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg. roof terraces and external fire escapes) of the development that are within 20 metres of and face the rail corridor, the development must have measures installed, to the satisfaction of Sydney Metro (eg. awning windows, louvres, enclosed balconies, window restrictors, rainwater piped down the face of the building etc) which prevent objects falling into the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- I. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Construction

- J. No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

- K. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor or Sydney Metro property. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in easements benefitting Sydney Metro without prior approval of Sydney Metro. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- L. Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
 - a. Machinery to be used during excavation/construction;
 - b. Demolition, excavation and construction methodology and staging; The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- M. If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- N. If required by Sydney Metro, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. Throughout construction the Applicant must monitor Sydney Metro track deformation. Monitoring must be undertaken in accordance with SPC 207 Track monitoring requirements for undertrack excavation. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- O. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
- P. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
(Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - Metro North West Line rail corridor which is not in the

public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.)

- Q. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

(Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - Metro North West Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.)

Drainage

- R. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

Documentation

- R. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS

Construction

- S. Prior to the commencement of any works, appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Metro prior to the fencing work being undertaken.

DURING CONSTRUCTION

Supervision

- U. No metal ladders, tapes, plant, machinery, or conductive material is to be used within 6 horizontal metres of any live electrical equipment associated with the rail corridor and rail infrastructure without the prior approval of Sydney Metro and Metro Trains Sydney. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- V. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Metro. To obtain approval, the **Applicant** must submit details of the scaffolding and/or hoarding, the means of erecting and securing the scaffolding and/or hoarding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Scaffolding

and/or hoarding shall also not be erected without isolation and protection panels unless agreed to by Sydney Metro in writing.

- W. Excess soil from the construction works is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of by the Applicant. Consultation
- X. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
 - a. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
 - b. acts as the authorised representative of the Applicant; and
 - c. is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- Y. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- Z. Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

Contamination

- AA. Prior to the issue of a Construction Certificate, the Applicant shall provide a Contamination Assessment Report to Sydney Metro for review. Any contamination identified which is migrating (or at risk of migration) from the development site into the rail corridor shall be remediated by the Applicant to the satisfaction of Sydney Metro during the construction of the project and a Validation Report provided to Sydney Metro for endorsement following any remediation works. The Certifier must not issue an Occupation Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

Drainage

- BB. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- CC. The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintainin108.g alternative services.
- DD. Rainwater from the roof of the development must not be projected and/or fall into the rail corridor and must be piped down the face of the building which faces the rail corridor.

Inspections

- EE. If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- a. site investigations;
 - b. foundation, pile and anchor set out;
 - c. set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - d. foundation, pile and anchor excavation;
 - e. other excavation;
 - f. surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - g. other concreting; or
 - h. any other event that Sydney Metro has notified to the Applicant in writing so that Sydney Metro may inspect the carrying out or completion of those works on the development site.
- FF. If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Noise and Vibration

- GG. Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:
- a. State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - b. the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
 - c. any other noise and vibration requirements imposed by this consent. The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

Lights and Reflective Materials

- HH. If required by Sydney Metro, prior to the issue of an Occupation Certificate,

the Applicant must demonstrate to Sydney Metro's satisfaction that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor have been installed to limit glare and reflectivity.

Fencing

- II. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issue of an Occupation Certificate, the Applicant shall liaise with Sydney Metro regarding the adequacy of any existing fencing along the rail corridor boundary or the need for the design and erection of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Metro prior to the fencing work being undertaken.

Documentation

- JJ. Prior to the issue of an Occupation Certificate, the Applicant is to submit as built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- KK. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

Inspections

- LL. If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Maintenance

- MM. Prior to the issue of an Occupation Certificate, the Applicant must provide to Sydney Metro for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Certifier must not to issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

GENERAL CONDITIONS

Inspections

- NN. At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
 - attend on-site meetings with the Applicant and its contractors, to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

Environmental Protection and Contamination

- OO. During all stages of the development, including construction and operation of the development, no form of pollution or contamination should enter the railway corridor as a result of development's activities. Any form of pollution or contamination that occur in the rail corridor as a consequence of the development activities shall remain the full responsibility of the owner of the development.
- PP. Sydney Metro may direct the owner of the development to remove or remediate any physical pollution or contamination caused by the development's activities from the rail corridor at the owner's cost, and within any timeframe required by Sydney Metro, acting reasonably. The owner of the development must obtain written approval from Sydney Metro (which may be subject to conditions) before entering the rail corridor to remove or remediate any form of pollution or contamination.

OTHER CONDITIONS

- QQ. Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- RR. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- SS. All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.

8. Sydney Airport

The following conditions from Sydney Airport must be complied with:

- A. The application sought approval for the PROPERTY DEVELOPMENT to a

height no greater than XXX metres Australian Height Datum (AHD).

In my capacity as Manager, Airfield Spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of XXX metres AHD.

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should you wish to exceed this height a new application must be submitted. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie. cranes) should be obtained prior to any commitment to construct.

Information required by Sydney Airport prior to any approval is set out in Attachment A.

"Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).

B. Planning for Aircraft Noise and Public Safety Zones:

Current planning provisions (s.117 Direction 3.5 NSW EP&A Act) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

Note:

1. a person who conducts a controlled activity otherwise than with an approval commits an offence against the Act.
 - s. 183 and s. 185 Airports Act 1996.
 - Penalty: 250 penalty units.
2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.

Attachment A

Application for Approval of Crane Operation

[Sections s.182, 183, Airports Act 1996] [Airports (Protection of Airspace) Regulations 1996 – Reg 7]

TO: Sydney Airport Corporation Ltd
c/- Airport Design Services Locked Bag 5000

Application pursuant to airport (protection of airspace) regulations reg 7:

- i. Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
- ii. An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- iii. The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- iv. Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- v. The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- vi. The Secretary and the Airport, as applicable, may request further information before determining an application.
- vii. The "Important Notes" must be read and accepted.
- viii. The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

CERTIFICATE BY PROPONENT:

I certify that the Application for approval is complete to the best of my knowledge.

Dated:

Signature of Proponent:

Title of signatory:

(Reason: Ensure compliance)

Non-Agency conditions

1. Approved Plan/Details

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

XXX

2. 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)

3. Amended Plans

The following details must be shown on amended plans (and within the MU1 zoned portion of the site):

- (a) A planting area with a minimum soil depth of 1.5m below the finished paving level is to be provided for a width of at least 2.2m from the site boundary for at least 50% of the Pacific Highway frontage. The soil area must be contiguous with the soil of the SP2 zone area and must include the planting of large canopy trees. This shall be achieved by a cut-out into the basement mezzanine level.
- (b) The paved area of the pocket park that is within the deep soil area within the site boundary near the corner of the Pacific Highway and O'Brien Street shall be deleted and replaced with planting to maximise the amount of deep soil planting area within the site on the Pacific Highway and O'Brien Street frontages that is not in the SP2 zone. This space must include at least one (1) large canopy tree.
- (c) The platform lift in the southeastern corner of the site on the through site link must be replaced with an accessible ramp.
- (d) At least two (2) additional medium sized canopy trees are to be planted in the Southeast corner of the site.
- (e) Street tree planting:
 - (i) Two (2) new *Pyrus callaryana* 'Capital' (Capital ornamental pear) street trees are to be planted on Wilson Street. The additional two (2) street trees are to be deleted to maintain the spacing pattern of the existing street trees to be retained.
 - (ii) Show a total of five (5) new *Tristania laurina* (Water Gum) to be planted on O'Brien Street. The existing trees T76, T77 & T78 shall be shown to be removed.

The amended Landscape Plans must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.
(Reason: Landscape amenity)

4. Local Infrastructure Contributions

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

5. 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)

6. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the EP&A Act the person having the benefit of the development consent must 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)

7. Occupation Certificate

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

(Reason: Safety)

8. Support for Neighbouring Buildings

(a) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:

(i) protect and support the building, structure or work from possible damage from the excavation, and

(ii) if necessary, underpin and support the building, structure or work to prevent any such damage, and

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

(c) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

9. Design excellence

Within 6 days of the issue of a Development Approval, Willoughby Council is to be reimbursed all fees and charges associated with the administration and consideration of design excellence in relation to this application.

(Reason: To align with Willoughby Council LEP Clause 6.23, Design Excellence Policy and Guidelines (Procedures) and Fees and Charges)

PART C - PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

10. Certification of Gross Floor Area

Prior to the issue of a Construction Certificate, a Registered Surveyor shall submit to the Certifier for approval, a floor space ratio (FSR) calculation plan demonstrating that the proposed gross floor area of all buildings on the site is in accordance with the approved plans listed in this Consent. The calculation must be undertaken in accordance with the definition for gross floor area under Willoughby Local Environmental Plan.

(Reason: Bulk and scale control/compliance)

11. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval prior to the issue of the Construction Certificate. 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)

12. External Finishes – Solar Absorptance

The external glazing and walls of the proposed dwelling are to be of minimal reflectance (maximum 20% reflectivity) 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)

13. S7.11 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid **to in accordance with section 7.11 of Environmental Planning and Assessment Act, 1979** in the amount of \$ [insert amount] for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

Active transport and public domain facilities	\$ [insert amount]
Open space and recreation facilities	\$ [insert amount]
Plan administration	\$ [insert amount]
Recoupment - community facilities	\$ [insert amount]
Recoupment - open space and recreation	\$ [insert amount]
Total	\$ [insert amount]

Indexation

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

$$\frac{\$C_o \times CPI_P}{CPI_c}$$

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)

14. S7.12 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 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*.

This contribution is based on X% of the estimated cost of development, being \$ [insert amount] at XX/XX/20XX and the adopted *Willoughby Local Infrastructure Contributions Plan*.

Indexation

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the monetary contribution is set out below:

$$\frac{\$C_o \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

\$C _o =	the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan
Current CPI =	the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter immediately prior to the date of payment
Base CPI =	the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.

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

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

15. Planning Agreement

Prior to the issue of first Construction Certificate, the obligation under the Planning Agreement executed on 10 May 2023 relating to this development, that is, the 2nd instalment is to be satisfied at the timing and at the CPI adjusted contribution \$ amount required under Column 1, Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.
(Reason: Ensure compliance)

16. Housing and Productivity Contribution (HPC)

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

Housing and Productivity Contribution (HPC) Amount	
Residential – XXX x XXX	\$XXX
Commercial – XXX x \$XXX per m2 rate	\$XXX
Total HPC	\$XXX

- The HPC must be paid using the NSW planning portal:
<https://pp.planningportal.nsw.gov.au/>.
Note: The Planning Portal will be charging based on an indexed rate upon payment.
- At the time of payment, the amount of the HPC is to be adjusted by indexation in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).
- The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the EP&A Act 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 EP&A Act 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)

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

In accordance with clause 6.8 of the Willoughby Local Environmental Plan (WLEP) 4% of the residential gross floor area in the development (being the residential component of the development related to this SSDA consent **i.e. XXXm²**) is to provide for affordable housing. Such provision of affordable housing in accordance with clause 6.8 of the WLEP is satisfied by either (or a combination) of the following:

Monetary Contribution

- The applicant shall pay to Council a monetary contribution for the purpose of providing affordable housing that is calculated at 4% of the residential gross floor area of the development **(which in this case is XXXm² i.e. 4% x XXX = XXXm²)**. The amount of the monetary contribution is determined by reference to the market value of dwellings of a similar size to the dwellings in the proposed development, and as set out below:

- i. **Within three (3) months of the issue of the Construction Certificate**, the applicant is to submit to Council a valuation report (prepared by a registered valuer) identifying the market value of dwellings of a similar size to dwellings in the development by reference to the recent sales prices of such new dwellings of similar size and, in the absence of recent sales prices at the subject development, recent sales price of similar sized dwelling(s) in comparable development(s) within the Willoughby local government area.
- ii. Council will consider the valuation report and, acting reasonably, determine the amount of the contribution to be paid.
- iii. If it considers it desirable to do so, Council may appoint an independent registered valuer to undertake a separate valuation. The applicant / developer is to pay Council all reasonable costs associated with the service provided by Council's appointed valuer for this valuation.
- iv. The applicant is to submit to Council's Director of Planning & Infrastructure the valuation report and documentation to demonstrate how the applicant has calculated the contribution, including identifying the residential gross floor areas used in the calculation. The evidence is to be provided prior to any application being made for an Occupation Certificate, and before any payment of contribution is made. If this valuation report option is taken, payment shall be made **within three (3) months of Council's written acceptance of the valuation report**.
- v. Alternatively to (i) to (iv) inclusive above, a figure (mean) for the market value of dwelling sales in Willoughby is obtained from the most recent (recent at the time of payment) Rent and Sales Report issued by the Department of Communities and Justice. In the event this option is chosen, a date stamped screenshot of the relevant figure within the Rent and Sales Report must be provided, and the payment made within three (3) months of the date displayed in the screenshot. A unit size of 95m² may be assumed for the purpose of the calculation.

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

Dedication of Affordable Housing units to Council

- b. The dedication of complete residential dwelling units within the development (being the residential component of the development related to this SSDA consent **i.e. unit numbers and levels to be specified**; each having a gross floor area of at least 50m², and equivalent to the mapped percentage of 4% of the residential component of the development related to this consent **(residential component is XXXm² i.e 4% x XXX = XXXm²)**). Each affordable dwelling must have an appurtenant car space. The affordable housing unit(s) and appurtenant car spaces to be dedicated to Council must be clearly shown on the Construction Certificate plans. A **Housing Transfer Deed** that identifies all affordable housing units for dedication to Council **must be executed prior to issue of the first Occupation Certificate**.

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

(Reason: Increase affordable housing supply, Ensure compliance)

18. NSW Affordable Housing Ministerial Guidelines 2023/24

The NSW Affordable Housing Ministerial Guidelines 2023/24 (or subsequent updates) must be complied with. The Community Housing Provider must be notified to Council, and must provide Council on an annual basis occupancy levels for affordable housing and tenant sector employment data.

(Reason: Compliance, Housing affordability)

19. 88E Restriction – Affordable Housing

Pursuant to s 82 Environmental Planning and Assessment Regulation 2021, a restriction must be registered, in accordance with the *Conveyancing Act 1919*, section 88E, against the title of the property relating to the development, which will ensure the affordable housing component must be used for affordable housing, and the affordable housing component must be managed by a registered community housing provider. Further, that evidence of an agreement with a registered community housing provider for the management of the affordable housing component is given to the Registrar of Community Housing, including the name of the registered community housing provider.

(Reason: Compliance)

20. Affordable Housing Fittings and Finishes

Prior to the issue of the Construction Certificate, if affordable housing dwellings/s in stock is to be dedicated to Council, 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)

21. 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)

22. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$390,000** (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 a Final / Whole Occupation Certificate. 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 = \$390,000 + Damage Deposit Release Inspection Fee
(Reason: Protection of public asset)

23. Dedication of Land – Road Widening

Where the kerb line at the end of O'Brien Street is within the current site boundary, the applicant is required to dedicate, at no cost to Council a strip of land at the end of O'Brien Street extending 600mm behind the face of kerb at the cul-de-sac.

The Plan of Dedication is to be lodged with Council prior to the issue of the Construction Certificate and registered with the NSW Land Registry Services prior to issue of the Occupation Certificate. Council's costs, including legal fees associated with reviewing, approving and executing the Plan of Dedication 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. A copy of the registered document shall be submitted to Council for record purposes.

(Reason: Public safety)

24. 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 must 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 must be installed in accordance with approved drawings.

(Reason: Encroachment of works)

25. Wind Treatment

In order to minimise the effects of wind on the proposed building, the development must be designed and constructed to incorporate the recommended wind mitigation measures into the design as detailed in the application, as a minimum.

(Reason: Amenity)

26. Public Right of Way

Prior to the issue of the relevant Construction Certificate, a public domain plan must be provided to the satisfaction of Council which provides public rights of way which are generally consistent with Part L, Chapter 13.1.15, Section 8 of the Willoughby DCP 2023 (DCP), over:

- a) The 4m front setback to the Pacific Highway boundary.
- b) The varied setback between 1 metre and 5.4 metres to O'Brien Street, and continuing on the southern boundary of Lot 1 DP 1189541.
- c) The varied rear setback to the North Shore Rail Line between 6.8 metres and 11.3 metres.
- d) The varied setback to Wilson Street.

The public domain plan is to be prepared in consultation with Council, identifying paving, lighting, landscaping and way finding signage, and is to be submitted to Council for approval.

The right of ways are to be registered over the site prior to the issue of the Occupation Certificate. The wording of the right-of-way must be provided to Council and written approval obtained from Council prior to the issue of the Construction Certificate.
(Reason: Compliance and Public Amenity)

27. Adaptable Units

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units. Each adaptable unit is to be nominated on the Construction Certificate drawings. Accessible car parking spaces are to be provided for the adaptable units in accordance with WDCP.
(Reason: Amenity)

28. Fibre-Ready Facilities and Telecoms Infrastructure

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

- (a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose. and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots/or premises in a real estate development project demonstrated through an agreement with a carrier. (Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act).

(Reason: Compliance)

29. Construction Traffic Management Plan

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

- (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 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 must 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 must be the subject of approval from Council. Prior to implementation of any road closure during construction, Council must be advised of these changes and a Traffic Guidance Scheme must be submitted to Council for approval. This Plan must include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

30. Traffic Work

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

(Reason: Public safety and amenity)

31. Submit the following information to Willoughby City Council

Prior to the issue of any construction certificate, the applicant must submit the following information to Willoughby City Council's Traffic and Transport team for its review, comment and written approval, including Local Traffic Committee endorsement and Council adoption. Documentation confirming approval by Willoughby City Council is to then be submitted to the certifier for the application of a construction certificate. Due to the increased traffic generation associated with the development, the following infrastructure improvements are required within the adjoining streets:

Traffic Median Island

- a) Develop plans for the installation of a concrete traffic median along the current double barrier line, from the traffic signal HOLD Line to 10-metre south of the intersection of Railway Street and O'Brien Street. The concrete traffic median must be installed prior to the issue of an Occupation Certificate for the Site.
- b) An associated signage plan is to be submitted concurrently for review.
- c) Concrete traffic median must comply with current Australian Standards and Council designs.
- d) The purpose of the concrete median is to deter right-turn movements from O'Brien Street into Railway Street as well as prevent right-turn movements from Railway Street into O'Brien Street. Due to the proximity to the signalised intersection, where separate concurrence from Transport for NSW is required, such concurrence must be obtained and submitted along with design plans.

(Reason: to deter right-turn movements from O'Brien Street into Railway Street as well as prevent right-turn movements from Railway Street into O'Brien Street.)

32. Electric Vehicle Charging Bays

Electric vehicle charging infrastructure is to be provided in accordance with the requirements outlined in the Willoughby DCP (Clause 5.6) and the mandatory EV charging requirements of Part J9D4 of NCC 2022.

(Reason: Support sustainable transport)

33. Bicycle facilities

Bicycle wayfinding, storage and end of trip facilities must be provided on-site to the satisfaction of Council's DCP. The storage and end of trip facilities must be located in a convenient and secure location in as close proximity to the retail areas as possible. Separate facilities must be provided for use by employees and visitors to the development. All spaces must be clearly and visibly marked on site for their intended use. The design of the bicycle wayfinding (such as signposting), storage (including bicycle racks, bicycle rails and lockers) and end of trip facilities must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and TfNSW technical directions and guidelines.
(Reason: Support active transport use)

34. Sustainable building rating

Prior to issue of any construction certificate, a sustainable building report is to be provided by a suitably qualified person confirming that the building design involves a minimum of 5 stars GBCA building rating (or the equivalent).
(reason: Sustainability)

35. Services and Fire Hydrant Enclosure

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

36. Stormwater to Street Drainage

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in O'Brien Street via a 375 mm Class 4 RCP in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. Kerb inlet pits shall be provided at all changes of direction for the pipe. 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)

37. Analysis of Outlet Condition

The capacity of the outlet pipe to the Council system must be hydraulically evaluated using the Hydraulic Grade Line method to ensure that all outlets from the OSD system (both tank and basin) are 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 must be submitted to Council for consideration prior to the issue of the Construction Certificate.
(Reason: Prevent property damage)

38. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of any 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 system must include an on-site stormwater detention system that limits the peak flow from the site to 73L/s in

the 1%AEP storm event. The construction drawings and specifications must be prepared by a suitably qualified and experienced civil engineer and in accordance with Xavier Knight drawings 230812 C100/D, C101/C, C102/C, C150/B, C200/C, C201/D, C202/B and C207/A. The plans are to be amended to show access points at the south-east and south-west corners of the tank, in addition to the access points detailed in the plans along the western side of the tank. The tank outlet may be relocated to either the south-east or south-west corner to allow for the access points. All drawings must comply with Part I of Council's DCP and Technical Standard 1, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.
(Reason: Ensure compliance)

39. 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)

40. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that the crest for the access to the basement parking area is at or above a level of the 1%AEP event water level plus 230mm or the PMF water level, whichever is higher, in O'Brien Street.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition.
(Reason: Prevent property damage)

41. Construction Management Plan (CMP)

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

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

42. 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 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Wilson Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in O'Brien Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (c) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Railway Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (d) Construction of a shared path (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Pacific Highway 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.
- (e) Reconstruction of existing kerb and gutter for the full frontage of the development site in Wilson Street in accordance with Council's specifications and Standard Drawing SD105.
- (f) Reconstruction of existing kerb and gutter for the full frontage of the development site in O'Brien Street and Railway Street in accordance with Council's specifications and Standard Drawing SD105.
- (g) Reconstruction of existing kerb and gutter to replace redundant vehicle crossings in Pacific Highway in accordance with TfNSW specifications and drawings.

- (h) Reconstruction of the existing road pavement for half roadway width for the full frontage of the development site in O'Brien Street in accordance with Council's specifications.
- (i) Reconstruction of the existing road pavement for half roadway width for the full frontage of the development site in Wilson Street in accordance with Council's specifications.
- (j) Construction of a new cul-de-sac head at the end of O'Brien Street in accordance with Council's specifications.
- (k) Construction of a 7.0 metres wide vehicular crossing in O'Brien Street in accordance with Council's specification and Standard Drawings SD105.
- (l) Construction of stormwater pipe in O'Brien Street, to link the site drainage to the Council drainage system. The pipe is to be a minimum 375mm Class 4 RCP.
- (m) Construction of any other works in the road reserve required for the development, including any works required by conditions of this consent.

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

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate. Concurrence from TfNSW is required for any works to the kerb and gutter or road pavement on the Pacific Highway frontage.
(Reason: Ensure compliance)

43. 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 0890.1. All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.

The new crossing is to be 7.0 metres wide with no splays and be constructed at right angle to street kerb. The footpath/footpath zone which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – As required to provide fall of 1 to 2.5% downwards toward the back of layback.

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)

44. OSD/Rainwater Tank Design

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

(Reason: Safe access to tanks)

45. Vehicle Access and Manoeuvring – Engineer’s Certification

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That a maximum gradient of 5% is provided for the first 6 metres from the property’s front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That accessible and adaptable parking spaces comply with the requirements of AS 2890.6, including the size of shared zones and provision of bollards.
- (e) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (f) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (g) That the headroom clearance of minimum 4.5m 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) Simultaneous manoeuvring of B99 and B85 vehicles including the clearance lines for each vehicle in accordance with AS2890.1, is provided from the frontage road and around all circulation aisles and ramps
- (i) Simultaneous manoeuvrability of the largest vehicle using the site (as a 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.

(Reason: Ensure compliance)

46. Finish Surface Levels Along the Street Boundary

Prior to the issue of any Construction Certificate other than a Construction Certificate for excavation and shoring, 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)

47. Visitor Bicycle Parking

Prior to the issue of a Construction Certificate, architectural plans shall be submitted to the Certifying Authority for approval that show the location of visitor bicycle parking spaces at ground level. The spaces shall be provided near the entry to each building, with 2-3 spaces at each location. A minimum of 15 rails are to be provided at ground level.

(Reason: Ensure compliance)

48. Noise from Transport Corridor

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building must be constructed in accordance with the recommendations and specifications of the application acoustic report. Details of the proposed acoustic treatment must be submitted to the Certifier prior to the issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

49. Internal Noise Levels Residential

To minimise the noise intrusion from any external noise source, all new building work must be designed and constructed to comply with the following criteria with windows and doors closed:

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

Note:

1. The above criteria do not apply to kitchens, bathrooms, laundries, foyers, hallways, balconies or outdoor areas.

2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

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

(Reason: Amenity, environmental compliance and health)

50. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation must be provided. These must be designed in accordance with the provisions of The National Construction Code; AS1668.1, AS1668.2 and AS3666.1 as applicable (and/or any alternative solution using an appropriate assessment method).

All tenancies with potential to be occupied by a food business or beauty salon (including studios at Ground Level) must be provided with connection to mechanical ventilation ducting with vertical external discharge only (ie without any horizontal ventilation discharge) in such a way as to avoid offensive odours to nearby residential and commercial tenants.

The location of components of heating and cooling (Air Conditioning) systems are to be shown on construction certificate plans and are to be located in such a way so as to not give rise to offensive noise or vibrations.

No cooling water system (cooling tower) has been approved as part of this consent.

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

(Reason: Health and compliance)

51. Noise Mechanical Services

To minimise the impact of noise onto receivers on surrounding land, all mechanical services must be designed to comply with the noise emission criteria contained in the EPA's Noise Policy for Industry 2017. Details of the proposed equipment, siting, appropriate noise criteria and any attenuation required must be prepared by an appropriately qualified acoustic consultant and accompany the application for a Construction Certificate.

(Reason: Amenity, environmental compliance and health)

52. Dewatering of Development Site

Appropriate pollution control methods must 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) must 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 must 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 must 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	2
Turbidity	NTU	< than	2
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

53. Tree Protection Plan

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

(Reason: Tree protection)

54. Tree Offset Planting Scheme

Prior to the issue of any Construction Certificate and **before any trees are removed**, the Applicant must pay a fee for the off-site planting of 54 trees in accordance with Willoughby DCP Part G Vegetation Management clause 6 Replacement Trees and Part 7.3 Tree Offset Scheme of the Vegetation Management Guidelines.

The applicable fee must be based on the 'Offset fee for replacement planting' schedule as published in the Willoughby Council Fees and Charges at the time of payment.

When you are ready to pay, please contact Council's Customer Service Centre on 9777 1000 to organise your payment.

Receipt of payment must be provided to the Certifying Authority **prior to the removal of any trees** and prior to the release of the Construction Certificate.

(Reason: Canopy Cover and landscaping)

55. Access for Waste Collection Vehicles

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, 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)

56. On-Site Collection Point(s) Design: Collection Holding Rooms for Bins and Bulky Waste

Prior to issue of any Construction Certificate, it must be demonstrated that there are collection holding rooms accessed a maximum of two (2) metres from the applicable onsite collection point:

- (a) Residential waste and recycling bins: A minimum of one hundred and twenty-five (125) square metres (sqm).
- (b) Residential organics bins: A minimum of twenty-seven (27) sqm.
- (c) Residential bulky waste: A minimum of sixty-eight (68) sqm.
- (d) Residential charity waste / other recycling: A minimum of six (6) sqm.
- (e) Non-residential waste and recycling bins: A minimum twenty-three (23) sqm.

The collection holding rooms must be able to be safely and efficiently used by waste collection staff, particularly without crossing any active traffic area.

(Reason: Ensure compliance/ legal requirement/ work health and safety)

57. Resident Access to Basement Waste Storage

Prior to issue of a construction certificate, it must be demonstrated that there are separate storage rooms provided within the basement for resident access:

- (a) Residential organics bins, a minimum of twenty-seven (27) square metres (sqm).
- (b) Residential bulky waste, a minimum of sixty-eight (68) square metres (sqm) in accordance with Willoughby Development Control Plan 2023 (NSROC Waste Management Technical Guide 2018, Table 2).
- (c) Residential charity waste / other recycling, a minimum of six (6) sqm in accordance with Willoughby Development Control Plan 2023 (NSROC Waste Management Technical Guide 2018, Section 3.12.1).

These storage rooms may be the same room as the equivalent Collection Holding Room, if they are safe for residents to access and located within thirty (30) metres of any residential unit.

(Reason: Ensure compliance/ waste reduction/ environmental protection)

58. Waste Chute Design

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

- (a) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material.
 - (b) Chute is cylindrical in section, vertical and without bends as it passes through the floors.
 - (c) Chutes must terminate in the waste storage room and discharge into a waste bin.
 - (d) Manufacturer's technical specifications and operational limitations.
- (Reason: Environmental protection/waste reduction/public health and safety)

59. Waste Storage Room Construction

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

- (a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
 - (b) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;
 - (c) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
 - (d) The room is to be provided with artificial light controllable within the room and adequate ventilation;
 - (e) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - (f) Doorways are at least 2,500mm wide (unless otherwise specified on the approved basement plans).
- (Reason: Environmental protection/waste reduction/public health and safety)

58. Air Quality Monitoring

1. The additional air quality testing recommended in the Ambient Air Quality Report is to be carried out, and the results used to prepare an updated Air Quality Management Plan, prior to the issue of a Construction Certificate.
 2. Should the results of the additional air quality monitoring find nitrogen dioxide and sulphur dioxide levels above the maximum concentrations, a permanent system of air quality sensors is required to be installed to monitor nitrogen dioxide and sulphur dioxide levels in external areas of the child care centre. The updated Air Quality Management Plan, required by the above condition, is to include management measures to avoid the use of any areas of the child centre if there are instances when nitrogen dioxide and sulphur dioxide levels exceed the maximum concentrations.
- (Reason: protection and health of the children attending the childcare centre)

59. Mechanical Ventilation – Food Premises

Emission control equipment shall be provided in the mechanical exhaust system serving cooking appliances at the food premises to effectively minimise the emission of odours, vapours and oils. Solid fuel cooking equipment must have a separate exhaust ventilation system/s. Exhaust hoods must be of stainless steel construction with an internal 50mm x 50mm gutter, an unscrewable drainage plug at one corner and have removable grease filters for effective cleaning.

Prior to the issue of a Construction Certificate, detailed design plans, to scale, and specifications and operational information of the proposed emission control equipment shall be submitted to the Certifier demonstrating that the ventilation system has been designed in accordance with the following Australian Standard/New Zealand Standards:

- (a) *AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – Fire and smoke control in multi-compartment buildings;*
- (b) *AS/NZS 1668.2:2002 – The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control; and*
- (c) *AS/NZS 2918:2001 – Domestic solid fuel burning appliances – Installation.*

(Reason: Amenity, environmental compliance and health)

60. Eastern Façade Balcony Treatment

Amended architectural drawings are required to be prepared prior to the issue of the relevant Construction Certificate that demonstrate that the permanent open area of the balcony façade is a minimum 30% of the total east facing balcony façade area.

(Reason: Sustainability and thermal comfort)

61. Creative Hoardings

Prior to issue of a Construction Certificate, a strategy is to be provided to Council in accordance with the Willoughby Creative Hoarding Guidelines for the treatment of all site construction hoardings.

(Reason: Amenity)

PART D - PRIOR TO THE COMMENCEMENT OF ANY WORKS

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.

62. Site Management

A site Management Plan must be submitted to and approved by the Certifier prior to commencement of work. The site management plan must 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 must be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan must be conspicuously displayed, maintained on site and be made available to the Certifier/Council officers upon request.
(Reason: Environment protection, public health and safety)

63. 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 must be submitted to Council and the Certifier advised of the submission prior to commencement of work.
(Reason: Protection of Council's infrastructure)

64. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 11 Railway Street, Chatswood, 1 Day Street, Chatswood, 52, 54 & 56 Anderson Street, Chatswood, 3 Wilson Street, Chatswood, and 802 & 812 to 820 Pacific Highway, Chatswood to the Certifier and all owners of these adjoining properties. Such photographic survey and report must be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary. In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the Certifier, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.
(Reason: Protection of adjoining owners)

65. Geotechnical Report

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

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

In the event of the geotechnical conditions of the site resulting in instability during the excavation phase and more area than approved being excavated, all excavation work is to cease and Council to be contacted to allow the matter to be reviewed.
(Reason: Protection of adjoining properties and ensure compliance).

66. 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 must be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

67. 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)

68. 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 on all frontage streets, as required for the development. Such street lighting must also conform to Council's standard specifications.

(Reason: Public amenity)

69. 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 must be at the full cost to the applicant.

(Reason: Protection of utilities)

70. Proof of site remediation prior to commencement of work

Prior to commencement of works, proof that the site is suitable for the proposed use and that remediation has been carried out in accordance with the application is to be provided to Principal Certifying Authority.

(Reason: Environmental protection, compliance)

71. Noise and Vibration Management

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

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

(Reason: Amenity and environmental compliance)

72. 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)

73. Removal of Trees in Public Areas

Prior to the commencement of work:

- (a) Written notification is to be provided to Council giving a minimum of 7 days warning prior to undertaking the removal of any trees approved for removal in public areas
- (b) Removal of approved trees is to be undertaken by a qualified Arborist (Minimum qualification AQF Level 3) with suitable public liability insurance.

(Reason: Management of Public Land)

74. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;

- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan, AS4970-2009 Protection of trees on development sites and relevant conditions of consent;
 - (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.
- (Reason: Safety, environmental protection, landscape amenity)

75. Carparking

The basement car park must be designed to be compliant with AS2890.1-2004. Prior to the commencement of any works, a traffic engineering certificate is required to be prepared to the satisfaction of the Principal Certifying Authority confirming the parking layout, including the basement parking layout, is compliant with AS2890.1-2004.

(Reason: Safety, access)

PART E - DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

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

76. 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 EP&A Act 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)

77. Provide Erosion and Sediment Control

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices must 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 must 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. 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)

79. Demolition Work AS 2601-2001

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

(Reason: Safety)

80. Temporary Toilet Facilities

Temporary toilet facilities must 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)

81. 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)

82. 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)

83. 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)

84. 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)

85. Importation of Fill

Any material to be imported onto the site for levelling, construction or engineering purposes must satisfy the Office of Environment & Heritage (OEH) requirements for virgin excavated natural material (VENM), or excavated natural material (ENM). The determination of VENM or ENM must be made by suitable qualified consultant. Pre-certification of the imported material must be made and details made available to Council upon request.

(Reason: Environment & Health Protection)

86. Excavation Noise

Construction noise must be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG). Noise levels must not exceed the following noise criteria:

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

If noise complaint investigation or monthly monitoring reveal that the highly affected criteria is exceeded, appropriate measures to control excessive noise must be implemented immediately. Advice should be sought from the suitably qualified acoustic expert to provide recommended noise amelioration measures and the Principal Certifying Authority advised in writing.

(Reason: Amenity)

87. Water Quality Testing Prior to Dewatering

- a) On the occasion that any rainfall or other event necessitates dewatering of the site, ongoing water quality sampling, analysis and collation of results must 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.
- b) A copy of the up-to-date Construction Site Dewatering Plan (or other document detailing the water pollution control method) and the ongoing water quality test results must 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)

88. Silencing Devices

Sound attenuating devices must 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)

89. Storage of Materials on Council Land Prohibited

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

90. Excavation Materials

All materials excavated and removed from the site (fill or natural) must 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)

91. 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 must notify Council in writing when they become aware of any contamination.
(Reason: Environment & Health Protection)

92. 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)

93. Construction Noise & Vibration

Construction noise must be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline (ICNG) and the Construction Noise and

Vibration Management Plan (CNVMP). Noise levels must not exceed the following noise criteria:

- (a) Affected residential properties (during ICNG recommended standard hours) – Noise affected level of RBL + 10dB and Highly noise affected level (i.e. noise level above which there may be strong community reaction) $\leq$ 75dB(A)Leq(15mins).
- (b) Affected commercial premises (i.e. office, retail outlets etc.) – 70dB(A)Leq(15mins). Where noise or vibration criteria are exceeded, appropriate measures to control excessive noise and/or vibration must be implemented immediately.

(Reason: Amenity)

94. Loading and Unloading During Construction

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (d) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities
- (f) Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website

(Reason: Public safety and amenity)

95. Swimming Pool Notice

During construction and in perpetuity following completion, a notice must be displayed showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating
 - i. "YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS SWIMMING POOL",
 - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES CLEAR OF THE POOL FENCE AT ALL TIMES"

Note: This notice must be kept in a legible condition and at the pool side.

(Reason: Safety)

96. Public Infrastructure Restoration

Prior to the release of the Damage Deposit and prior to the completion of all works associated with the development, 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) must be fully repaired in accordance with Council's specification and AUSSPEC at no cost to Council. Any damage which presents a safety risk must be rectified as a matter of urgency as soon as possible after the issue has been identified. (Reason: Protection of public assets)

97. Tree Removal

Approval is given for the removal of the following trees as identified on the Demolition Plan Dwg. No. DA002 Issue 04 dated 16/7/2025 prepared by pbd architects:

Trees T20, T35, T66, T68, T70, T76, T77 and T78.

Note: This consent does not provide approval for removal of trees other than those listed above. The removal of other trees indicated for removal on the approved plans was granted under separate consent.

(Reason: Site development)

98. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: Trees T9, T10, T11, T16, T17, T72 and T75 as identified on the approved plans.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with the approved Tree Protection Plan and AS 4970-2025 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with (c) above are to be certified by the Project Arborist prior to commencement of works.
- (e) All excavation works within the structural root zone (SRZ) of trees to be retained must be carried out by hand using manual hand tools only under the supervision of the Project Arborist.
- (f) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (g) All structures are to bridge roots unless directed by The Project Arborist on site.
- (h) Installation of stormwater or other services within the tree protection zone (TPZ) are to be dug by hand under supervision of the Project Arborist and shall be routed under or over roots greater than 25mm.

(Reason: Tree management)

99. 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)

100. Street Tree Protection Fencing

Street Tree Protection Fencing must be installed for all Council Street trees adjoining the site.

- (a) The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together in accordance with Australian Standard 4970-2009 The Protection of Trees on Development Sites.
- (b) The fenced area must not be used for any activities outlined in section 4.2 of the of Australian Standard 4970-2009 The Protection of Trees on Development Sites.
- (c) A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.
- (d) Such fencing and signage must be erected prior to demolition including site preparation and remain in place for the duration of the construction work.
- (e) Tree Protection Fencing may only be moved under the direct supervision of the Project Arborist and must be reinstated immediately after the approved works have been conducted.

Note: An example of suitable tree protection fencing can be found in figure 3 of the Australian Standard 4970-2009 The Protection of Trees on Development Sites

(Reason: Tree management)

101. Street Tree Trunk and Branch Protection

Street tree trunk and branch protection must be installed for all Council Street trees adjoining the site.

- a) Timber Planks (50mmx100mm) must be placed at 100mm intervals and must be fixed by wire ties or strapping to a height of 2m.
- b) Hessian cloth is to be placed between the trunk and the planks to minimise damage. The timber planks are not to be fixed directly to the tree in any way.

Note: An example of suitable trunk protection can be found in figure 4 of the Australian Standard 4970-2009 The Protection of Trees on Development Sites.

(Reason: Tree protection)

102. Control of Wind Movements

Where control of wind movements in and around the site relies on the proposed landscaping, the Landscaping Plan is to be endorsed by the wind expert confirming that the proposed landscaping will achieve an acceptable wind environment in and around the building.

(Reason: Amenity)

103. Construction and Demolition Waste Management Plan

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

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/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water **courses**.

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

104. Council Inspection – Waste Management Facilities

At completion of basement level, an authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval, Waste Management Plan. Specifically, the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and door way dimensions, and that all waste facilities are fit for purpose.

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

106. Skips and Bins

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

107. 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)

108. 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)

PART F - PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE

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

109. Submit the Following Information to Willoughby City Council

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)

110. Public Rights of Way

Prior to the issue of any Occupation Certificate, rights-of-way must be registered, with Land Registry Services over:

- a) The 4m front setback to the Pacific Highway boundary.
- b) The varied setback between 1 metre and 5.4 metres to O'Brien Street, and continuing on the southern boundary of Lot 1 DP 1189541.
- c) The varied rear setback to the North Shore Rail Line between 6.8 metres and 11.3 metres.
- d) The varied setback to Wilson Street.

These rights-of-way are to allow public use of this portion of the land.

Documentation confirming the above public rights of way registration over the land is to be provided to the satisfaction Council.

(Reason: Public benefit)

111. 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)

112. Street Numbering

Prior to the issue of any Occupation Certificate, written application must 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)

113. Planning Agreement

Prior to the issue of first Occupation Certificate or prior to registration of a Strata Plan, the obligation under the Planning Agreement executed on 10 May 2023 relating to this development, that is, the 2nd and 3rd instalments have been satisfied at the timing and at the CPI adjusted contribution \$ amount required under Column 1, Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.

(Reason: Ensure compliance)

114. Sustainability Completion 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 sustainability measures have been satisfied.

(Reason: Environmental sustainability)

115. Sustainable Development - Multi-unit Dwellings

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

(Reason: Environmental sustainability)

116. 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)

117. 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 must 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)

118. State Survey Marks

Prior to the issue of a Whole Occupation Certificate, the Applicant must 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) must be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy must be acceptable to the NSW Land Registry Services.

(Reason: Public amenity)

119. Swimming Pool – Heating and Cover

Prior to the issue of the Occupation Certificate and in perpetuity, the swimming pool is to be fitted with a cover to maintain temperatures and minimise evaporation of water. Any heating must be of energy efficient means.

(Reason: Ensure compliance/ sustainable development)

120. Swimming Pool - Access

Prior to the issue of the Occupation Certificate for the swimming pool, access to the swimming pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992.

- (a) The pool must not be filled with water, or be allowed to collect stormwater, until the installation of the child resistant barrier is completed to the Certifier's satisfaction.
- (b) The barrier is to conform to the requirements of AS 1926 – Part 1 – “Safety Barriers for Swimming Pools” Part 2 – “Location of Safety Barriers for Swimming Pools”

(Reason: Safety)

121. Emitted Noise

Prior to the issue of any Occupation Certificate, the noise emitted by the:

- (a) Swimming pool pump and filter
- (b) Spa pool pump and filter
- (c) Water feature pump

equipment must be not more than 5dBA above the background noise level measured at the boundaries in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Further, in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2017, the equipment is not to operate between 8pm to 7am weekdays and 8pm to 8am on weekends and public holidays if noise can be heard within any room in any other residential premises (that is not

a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open. A time switch is to be installed on the power source for the above equipment to ensure that the non-permitted hours are observed.

(Reason: Amenity)

122. Spa/Swimming Pool Backwash and/or Overflow

Prior to the issue of an Occupation Certificate for the spa and/or swimming pool, water from the spa/swimming pool, including any backwash, overflow and runoff must be effectively contained and discharged to the sewer by appropriate, permanent piping, drainage and design so this water does not

- (a) enter any land, waters or the stormwater disposal system, including during wet weather events;
- (b) cause, or be likely to cause, damage to other land, or a building on the land or other land; and
- (c) cause discharge of sewer from the residential premises at a flow rate exceeding 2 Litres per second per Sydney Water's requirements

Upon completion, certification from an independent, licenced and practising plumber and any engaged suitable pool specialists must be submitted to the Principal Certifier certifying that the spa/swimming pool, any associated components and all drainage at the premises complies with the most recent, relevant editions of:

- (d) the Plumbing Code of Australia;
- (e) Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage;
- (f) the BCA and relevant Australian Standards and Australian Standard/New Zealand Standards for spas, swimming pools and any associated components featured or installed at the premises;
- (g) Part I – Water Management of the Willoughby DCP (WDCP); and
- (h) Sydney Water editions of the relevant Water Services Association of Australia codes of practice and any Sydney Water guidelines, policies and relevant requirements.
- (i) Australian Standard 1926.3 – Swimming Pool Safety – Water Recirculation Systems

(Reason: Environmental compliance, health and safety)

123. Swimming Pool Registration

The Swimming Pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au or in person at Willoughby City Council (Fee applies when registering at Council)

(Reason: Statutory Compliance)

124. Marked Parking Bays

Prior to the issue of any relevant Occupation Certificate, all parking bays and/or truck docks and the direction of traffic movement must be permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Certifier.

Where it is proposed that a building or site be used for multiple occupations, all parking bays must be identified by corresponding consecutive numbers.
(Reason: Ensure compliance)

119. Safer by Design

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

- (a) In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, particularly including the waste storage areas. This lighting must ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting must be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.
- (b) The ceiling and vertical structures of the basement parking area must be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- (c) The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) must not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- (d) The means to isolate the residential and commercial components of the building must be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- (e) Walls/screens between balconies must be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
- (f) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- (g) A small portion of each storage area must be of solid construction (i.e. Cupboard).

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

120. Finalisation of works associated with the Public domain plan

Prior to issue of the construction certificate, works identified in the public domain plan, prepared in consultation with Council, and including paving, lighting, landscaping and way faring signage, are to be installed and finalised. In this regard Council is to inspect and approve the work.

(Reason: Public safety and amenity)

121. Visitor Parking Spaces

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

(Reason: Amenity)

122. Services - Electricity Supply and Telecommunication Mains

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

(Reason: Compliance)

123. Services - Mailboxes

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

(Reason: Legal)

124. Affordable Housing – Fittings and Finishes

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

(Reason: Amenity)

125. 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 must be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors must 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 must be submitted to Council.

(Reason: Destressing of ground anchors)

126. 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, must undertake a closed circuit television (CCTV) inspection and then report on the condition of the new Council drainage pipeline constructed in O'Brien Street 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 must comply with the following:

- (a) The internal surface of the drainage pipe must be viewed and recorded in a clear and concise manner.
- (b) The CCTV camera used must 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 must 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 must 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 must be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site must be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction. A written acknowledgment must be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier.

(Reason: Ensure compliance and protection of public asset)

127. 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 pit must be carried out by Council's Engineer. Written confirmation must 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)

128. 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 Council's drainage system in O'Brien Street via a water quality improvement system and an approved OSD system that limits peak flow from the site to 73L/s in the 1%AEP storm event and which has a minimum volume of 163m³. The system shall be in accordance with Sydney Water's requirements AS/NZS3500.3, Part 1 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)

129. 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 must 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)

130. 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)

131. Certification of OSD

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) must 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)

132. 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 must be submitted to the Certifier.

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) must 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)

133. Works-As-Executed Plans - OSD

Prior to the issue of any Occupation Certificate and upon completion of the OSD System, the following must 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)

134. 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 must 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 must 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 must be submitted to the Certifier and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

135. Documentary Evidence of Positive Covenant, Engineers Certificate

Prior to the issue of any Occupation Certificate, the following documentary evidence of the completed drainage works must 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)

136. 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 Wilson Street and O'Brien Street.

(Reason: Public amenity)

137. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, the following road pavements shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC).

- Half roadway width for the full frontage of the development site in Wilson Street
- Half roadway width for the full frontage of the development site in O'Brien Street

Council's standard design traffic for this pavement is 1x10⁶ ESA.

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

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

(Reason: Ensure compliance)

138. Concrete Footpath

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

- (a) 1.5m wide concrete footpath for the full frontage of the development site in Wilson Street.
- (b) 1.5m wide concrete footpath for the full frontage of the development site in O'Brien Street, with cut outs for trees 1.0 x 1.5m. Tree cut outs are to be planted with low growing grasses.
- (c) Concrete shared path for the full frontage of the development site in Pacific Highway including the south west corner of the site which fronts Railway Street. Width to be a minimum of 1.5m wide within the road reserve and as per the approach architectural plan within the site.

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

(Reason: Public amenity)

139. Stormwater Drainage System in O'Brien Street

Prior to the issue of any Occupation Certificate, construct the extension of the stormwater system in O'Brien Street in accordance with the approved public domain plans. The works must be in accordance with Council's specification.

(Reason: Public amenity)

140. Street Lighting

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

(Reason: Public amenity)

141. 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 must be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing is to be 7.0 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing must be located no closer

than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

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

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – As required to provide 1 to 2.5% fall downwards to the back of layback.

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 as required on both sides of the crossing to suit the new levels.

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

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

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

(Reason: Public amenity)

142. 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 must be carried out in accordance with Council's specification and TfNSW requirements for works located along Pacific Highway.

A Civil Completion Certificate must 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)

143. 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 must 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 must be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor must be submitted to Council for record purposes. The Work-as-Executed drawings must be based on the Council approved drawings with all changes marked in red. A completion certificate must 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)

144. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$200,000 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)

145. Turfing of Nature Strip

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

146. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.

- (d) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (e) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (f) That accessible and adaptable parking spaces comply with the requirements of AS 2890.6, including the size of shared zones and provision of bollards.
- (g) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (h) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (i) That the headroom clearance of 4.5m 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.
- (j) Simultaneous manoeuvring of B99 and B85 vehicles including the clearance lines for each vehicle in accordance with AS2890.1, is achieved from the frontage road and around all circulation aisles and ramps
- (k) 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 achieved between the frontage road and the loading bay.

(Reason: Ensure compliance)

147. 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)

148. 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) must 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)

149. Acoustic Treatment – Certification

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

(Reason: Amenity, environmental compliance and health)

150. Noise Emission – Equipment

Prior to the issue of any relevant Occupation Certificate, certification must 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 Final Mechanical Plant Noise Assessment Report required elsewhere in this consent.
(Reason: Amenity, environmental compliance and health)

151. Certification – Ventilation

Prior to the issue of any relevant Occupation Certificate, certification must 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)

152. Residential Waste Collection Agreement with Council

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Residential Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its servants/ contractors to enter and exit for the purpose of waste recycling collection. The development is 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)

153. Private 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)

154. Final Public Art Report

Prior to the issue of a Whole Occupation Certificate, the written consent of Council's Planning and Infrastructure Director must be obtained that confirms the public 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)

155. Public Tree Maintenance

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

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

(Reason: Tree management, public asset management)

156. Tree Planting

Prior to the issue of a Whole Occupation Certificate, the Project Arborist or Landscape Architect must certify in writing that trees have been planted in accordance with the following:

<i>No. Required</i>	<i>Species</i>	<i>Location</i>	<i>Min Pot Size</i>
All trees	As indicated on the approved Landscape Plans (as amended by conditions of consent)	As indicated on the Landscape Plans and consistent with Ground Floor – Landscape Plan No. 09 Rev D4	As indicated on the Landscape Plan (unless conditioned for larger)

The trees must be grown to AS 2303:2018 Tree stock for landscape use and be planted, mulched, watered and maintained according to industry best practice.

(Reason: Landscape amenity)

157. Public Tree Planting

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

<i>No. Required</i>	<i>Species</i>	<i>Location</i>	<i>Min Pot Size</i>
Five (5) trees	<i>Tristanopsis laurina</i> (Water Gum)	O'Brien Street; as indicated on the Landscape Plan	200L
Two (2) trees	<i>Pyrus calleryana</i> 'Capital' (Capital ornamental pear)	Wilson Street; at similar spacing to the existing street trees.	200L

The trees must:

- (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 planted at least 2m from driveways, and generally in alignment with other street trees.

(Reason: Landscape amenity, tree canopy recruitment)

158. Project Arborist Certification

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

(Reason: Protection of trees required to be retained)

159. Completion of Landscape Works

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

(Reason: Landscape amenity)

160. 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 DCP 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)

161. Waste and Recycling Signage

Adequate signage is to be provided prior to occupation, 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)

162. Vehicle Management Plan

Prior to the issue of an Occupation Certificate, submit to the Certifying Authority for approval a Vehicle Management Plan for the site. The plan shall cover management of

vehicle movements, with specific reference to the loading bays and service vehicle access. It shall include any measures required to minimise vehicle conflict.
(Reason: Vehicle Management and Safety)

163. 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 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, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2-2018.
(Reason: Ensure compliance)

164. Electric Vehicle Charging

Electric vehicle charging infrastructure is to be provided in accordance with the requirements outlined in the Willoughby DCP (Clause 6.5) and the mandatory EV charging requirements of J9D4 of NCC 2022.
(Reason: Ensure compliance)

165. Location of On-Site Detention System

The locations of the as-built on-site stormwater detention system(s) including access to the system and any access points to any underground tank, must be located in common areas at all times.
(Reason: Ensure compliance)

166. 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)

PART G - DURING OCCUPATION AND ONGOING USE 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.

167. Annual Fire Safety Statement

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

(Reason: Safety)

168. On-site Car Parking

The on-site car parking provision (excluding the loading bay), motorbike spaces and bike spaces are to be permanently available for the life of the development.

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

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

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

(Reason: Ensure Compliance)

169. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank must be above the 1% Annual Exceedance Probability (AEP) event water level.

(Reason: Maintain designed discharge)

170. Road Closure

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

(Reason: Public protection)

171. Noise Control – Offensive Noise and Vibration

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

(Reason: Amenity)

172. 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, 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 6:00am on any day.
- (Reason: Amenity)

173. Stormwater Treatment System – Ongoing Maintenance

The registered proprietor of the land must 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)

174. 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) must 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)

175. Regulated air handling and water systems

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

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

176. Maintenance of structures on public land

The owner of the premises is to maintain the awning approved by this consent and located over Council’s road reserve, directly adjacent to the property. This awning must be maintained at all times to a structurally sound condition in order to provide an

acceptable level of public safety. Any approval granted for the awning under section 138 of the Roads Act 1993 must include provision for an appropriate indemnity in favour of Council regarding the awning.

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

177. Vehicle Access

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

(Reason: Pedestrian and vehicle safety)

178. Noise Levels from Common Open Spaces/ noise management plan

To minimise the noise intrusion from Common Open Spaces on the amenity of the residential occupants, a Common Open Spaces Management Plan is to be drawn up, establishing controls such as: Limiting times of use to 7am to 10pm; No high noise generating activities, large gatherings, playing of loud music, parties; No amplified music or use of electrically amplified electronic sound equipment allowed; prominent notices on display to remind residents of these requirements and minimise noise.

(Reason: Amenity)

179. 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. Each 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 two (2) metres of the applicable collection holding room;
- (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)

180. Licenced Non-residential Waste Collection

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

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

181. 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 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)

182. Waste Storage Containers

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

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

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

183. 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)

184. Waste Chute Contingency

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

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

185. Public Art

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

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

186. Use of swimming pool

The swimming pool/spa must not be used for hire or for the purpose of any trade, industry, business or commercial gain.

(Reason: Preserve amenity)

187. Waste Management Collection Policy

The development must operate in full compliance with Council's Waste Management collection requirements for Council's onsite residential waste service. This includes collection by Council HRV rear-loader, currently on the following frequencies and capacities:

- (a) Garbage: collected twice per week, a minimum of 140L/unit/week capacity required.
- (b) Recycling: collected once per week, a minimum of 120L/unit/week capacity required.
- (c) Organics: collected once per week, a minimum of 25L/unit/week capacity required for studios, 1-bedroom and 2-bedroom units and a minimum of 50L/unit/week capacity required for 3 or more-bedroom units.
- (d) Bulky waste: a weekly service on a day that is not a residential bin collection day, currently intended to be a Friday but may be subject to change. The weekly service is provided in place of any other booked or scheduled service.

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

188. Deliveries and Service Vehicles

All service and delivery vehicles, including removalist vehicles, couriers and food delivery vehicles, shall load and unload on site using the designated bays. No loading or unloading shall occur on Council streets.

(Reason: Safety and amenity)

189. Childcare Waste

The childcare facility is limited to a capacity of seventy-three (73) children for the purposes of waste generation and capacity calculated using generation rates of 20L per child per week of garbage and 10L per child per week of recycling.

(Reason: Environmental protection/ waste reduction)

190. Chute Access and Waste Services Cupboard at Every Residential Level

Each residential level must contain signed chute entry access and a signed waste services cupboard that contains a recycling bin of at least 240L capacity. Signage must be legible to all potential users.

(Reason: Environmental protection/ waste reduction)

191. Operational Waste Management Plan (WMP) Implementation

The approved Operational Waste Management Plan (WMP) is to be implemented throughout the ongoing use of the development.

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

192. Waste Equipment

The building manager must ensure suitable waste equipment is maintained and operated in addition to Waste Storage Containers and chute systems:

- (a) A bin lifter, to decant the on-floor residential Waste Services Cupboard bins into the 1,100L bins for collection.
- (b) A bin tug, to transfer the bins from generation (e.g., chute rooms) to the

collection holding rooms, due to the distances exceeding three (3) metres for 1,100L bins and five (5) metres for smaller bins (NSROC 2018, Section 3.16.2).

(Reason: Waste reduction/ work health and safety)

193. 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 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)

194. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on neighbouring private land.

(Reason: Environmental protection)

195. Landscaping to be maintained by Owners Corporation

All landscaping within the development, including but not limited to:

- landscaping located within private strata lots,
- communal open space,
- podium and roof garden areas, and
- all vertical garden and green wall elements of the building,

is to be maintained in perpetuity by the Owners Corporation to a standard consistent with the approved landscape plans. Maintenance is to ensure the long-term health, vigour, and visual quality of all plantings and the preservation of the original design intent. This includes replacement of any failed or damaged planting, irrigation system upkeep, and the continued performance and presentation of all green wall and building-integrated landscaping elements.

(Reason: Ongoing maintenance and amenity)

