

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

- meet statutory requirements;
- protect the amenity of the locality; and
- ensure amenity for future residents.



Ben Lusher
Executive Director
Housing and Key Sites Assessments

Sydney

25 November 2025

File SSD-72891212

SCHEDULE 1

Application Number:	SSD-72891212
Application lodged by:	Chatswood Property Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	57–61 Archer Street and 34 Albert Avenue, Chatswood (SP81015 and SP101358)
Development:	Construction of a 33-storey mixed-use shop-top housing development comprising: • a three-storey podium comprising non-residential uses between ground level and level 2; • a 29-storey residential tower comprising 150 units (including 41 affordable housing units); • a five-level basement providing a total of 169 parking spaces; • associated landscaping; • services and infrastructure improvements; and • use of 34 Albert Avenue as a food and drink premises.

Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act.

DEFINITIONS

Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

AEP	Annual Exceedance Probability
Applicant	The person having the benefit of this consent, or who is carrying out the Development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
Consultation	When capitalised, means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.
Council	Willoughby City.
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Where capitalised, means the Development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled "57-61 Archer Street and 34 Albert Avenue, Chatswood Environmental Impact Statement", prepared by Mecone, dated 5 December 2024, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
PMF	Probable Maximum Flood

Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a suitably qualified Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.

SCHEDULE 2

PART A – GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A1. The Development must be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; and
- (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural Drawings prepared by Woods-Bagot			
Drawing Number	Rev	Name of Plan	Date
DA-1000	03	Drawing List Cover Sheet	27.05.25
DA-1101	02	Location Plan	25.09.24
DA-1102	03	Site Plan	12.09.25
DA-2201	4	Basement 5	12.09.25
DA-2202	04	Basement 4	12.09.25
DA-2203	04	Basement 3	12.09.25
DA-2204	04	Basement 2	12.09.25
DA-2205	04	Basement 1	12.09.25
DA-2205		Basement 1 Copy 1	
DA-2210	05	Ground Floor	12.09.25
DA-2211	05	Level 1	12.09.25
DA-2212	05	Level 2	12.09.25
DA-2213	04	Affordable Housing Level 3	12.09.25
DA-2214	04	Affordable Housing Level 4	12.09.25
DA-2215	04	Affordable Housing Level 5	12.09.25
DA-2216	04	Affordable Housing Level 6	12.09.25
DA-2217	04	Affordable Housing Level 7	12.09.25
DA-2218	04	Low-Rise Level 8-10	12.09.25
DA-2219	05	Mid-Rise Level 11-16 & 18-19	12.09.25
DA-2220	04	Mid-Rise Level 17	12.09.25
DA-2221	05	High-Rise Level 20 - 28	12.09.25
DA-2222	04	Sub-Penthouse Level 29 -30	12.09.25
DA-2223	05	Penthouse Level 31	12.09.25
DA-2224	05	Roof Plan	12.09.25
AR3201	04	Elevation 01	12.09.25
AR3202	04	Elevation 02	12.09.25
AR3301	04	Section 01	12.09.25
AR3302	04	Section 02	12.09.25
DA4100	01	Residential Tower Residential Tower Typical Apartments	19.12.23

DA4201	01	Post Adaptive Layout – 1Bed Type T1	25.09.24
DA4202	01	Post Adaptive Layout – 2Bed Type T1	25.09.24
DA4203	01	Post Adaptive Layout – 2Bed Type T2	25.09.24
DA4204	01	Post Adaptive Layout – 3Bed Type T1	25.09.24
DA4205	01	Post Adaptive Layout – 3Bed Type T1	25.09.24
DA6001	04	Landscaping Area	12.09.25
DA8001	03	ADG – Cross vent and solar access	12.09.25
DA8002	03	ADG – Storage	12.09.25
DA8003	03	ADG – Storage 2	12.09.25
DA8201	04	GFA Area Schedule	28.10.25
DA8202	04	GFA Area Schedule	28.10.25
Landscape Plans prepared by Arcadia			
L0000	E	Cover Sheet	17.06.25
L0001	D	Legend	17.06.25
L0001	D	Planting Schedule	17.06.25
L1000	C	Master Plan – Ground Floor	24.10.24
L1000	C	Master Plan – Level 31	24.10.24
L2000	C	Hardworks Plan – Ground Floor	24.10.24
L2001	C	Hardworks Plan – Level 31	24.10.24
L4000	D	Softworks Plan – Ground Floor	17.06.25
L4001	C	Softworks Plan – Level 31	24.10.24
L4002	C	Softworks Plan – Level 2	24.10.24
L4003	C	Softworks Plan – Level 3	24.10.24
L4004	C	Softworks Plan – Level 4	24.10.24
L4005	C	Softworks Plan – Level 5	24.10.24
L4006	C	Softworks Plan – Level 6	24.10.24
L4007	C	Softworks Plan – Level 7	24.10.24
L4008	C	Softworks Plan – Level 8 - 10	24.10.24
L4009	C	Softworks Plan – Level 11-16 & 18 - 19	24.10.24
L4011	C	Softworks Plan – Level 17	24.10.24
L4012	C	Softworks Plan – Level 20 -28	24.10.24
L4013	C	Softworks Plan – Level 29 - 30	24.10.24
L4014	C	Softworks Plan – Level 31	24.10.24
L4015	C	Softworks Plan – Green Roof	24.10.24
L6000	C	Landscape Details - Planting	24.10.24
L7000	C	Landscape Specification Notes	24.10.24

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

A2. To the extent of any inconsistency:

- (a) the more recent document in Condition A1(b) prevails over an earlier document in that section; and
- (b) the conditions of consent prevail over a document listed in Condition A1(c).

- A3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that employees, contractors (and their sub-contractors) carry out in respect of the Development.

LIMITS ON CONSENT

- A4. This consent will lapse two years from the date the consent is published on the NSW Planning Portal unless the works associated with the Development have physically commenced.
- A5. Where required, separate approvals must be obtained from the relevant landowner or authority (except where exempt and/or complying development applies).
- A6. This consent does not approve the following:
- (a) demolition of existing buildings and structures;
 - (b) signage including business identification signs (excluding wayfinding signs if approved by this consent);
 - (c) fitout or operation of any of the commercial, retail or food and drink premises;
 - (d) any outdoor dining areas;
 - (e) any portion of the stormwater culvert in the public domain; and
 - (f) the removal or pruning of trees on adjoining properties.

INFRASTRUCTURE CONTRIBUTIONS

DEVELOPER CONTRIBUTIONS

- A7. Prior to the issue of the first Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of EP&A Act in the amount of \$3,271,089.74 for the purposes of the Local Infrastructure identified in the Willoughby Local Infrastructure Contributions Plan (Contributions Plan).

In accordance with the Contributions Plan, this contribution is based on 3% of the estimated cost of development, being \$109,036,324.76 provided on 20 November 2024.

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 the Contributions Plan.

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

$$\frac{\$C_0 \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

$\$C_0$ = 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 Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au.

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

- A8. Prior to the issue of the first Construction Certificate, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made:

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$1,223,509.76

Note: The contribution amount is subject to indexation in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 at the time of payment. A request for assessment of the adjusted amount and instructions on how to make a payment can be made by contacting hpc.enquiry@planning.nsw.gov.au.

Note: The contribution amount is subject to indexation in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* at the time of payment. A request for assessment of the adjusted amount and instructions on how to make a payment can be made by contacting hpc.enquiry@planning.nsw.gov.au.

LOCAL AFFORDABLE HOUSING CONTRIBUTIONS

A9. In accordance with clause 6.8 of the Willoughby Local Environmental Plan (WLEP) 10% of the residential gross floor area in the development (being the residential component of the development related to this SSDA consent i.e. 17,190m²) 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:

- (a) The applicant shall pay to Council a monetary contribution for the purpose of providing affordable housing that is calculated at 10% of the residential gross floor area of the development (which in this case is 1,510.8 m² i.e. 10% x 15,108 m² = 1,510.8 m²). 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 100 m² 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.

- (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 50 m², and equivalent to the mapped percentage of 10% of the residential component of the development related to this consent (residential component is 1,510.8 m² i.e. 10% x 15,108 = 1,510.8 m²). 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.

BOND TO COUNCIL

A10. Prior to commencement of any works, a security deposit or bank guarantee (bond money) must be paid to Council for any/all of the following:

- (a) making good any damage caused to any property of the Council as a consequence of works approved under this consent;
- (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent; and
- (c) remedying any defects in any such public work that arise within six months after the work is completed.

A11. Details of the security deposit and the amount must be obtained from Council prior to the commencement of works and the payment made.

A copy of the receipt of payment of bond must be provided to the Certifier for information.

Note: Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

AMENDMENTS TO 34 ALBERT AVENUE

- B1. Prior to the issue of the Construction Certificate for above ground works, the Applicant must provide evidence to the Certifier that revised plans relating to 34 Albert Avenue detailing the following revisions have been submitted to and approved by the Planning Secretary. The amended 34 Albert Avenue plans must:
- (a) amend the ground floor layout and all elevations of the building so that the layout and design is consistent with the approved layout and design of development application DA2024/68 dated 15 October 2024; and
 - (b) delete the outdoor dining area located forward of the building within the front garden fronting Albert Avenue and replace that space with soft landscaping that has been integrated into the landscaping of the front garden.

RELOCATION OF THE SUBSTATION

- B2. Prior to the issue of the Construction Certificate for the public domain and ground level landscaping, the Applicant must provide evidence to the Certifier that revised plans detailing the following revisions have been submitted to and approved by the Planning Secretary. The amended plans must:
- (a) relocate the electrical sub-station located in the front garden of 34 Albert Avenue to another location on the site;
 - (b) if the alternative location is within the pocket park located along Betram Street, the plans/details must demonstrate that substation location minimises the impact on the function and amenity of the pocket park
 - (c) demonstrate how Crime Prevention by Environmental Design principles have been addressed; and
 - (d) replace the former location of the electrical sub-station with soft landscaping integrated into the landscaping of the front garden of 34 Albert Avenue.

DESIGN EXCELLENCE AND INTEGRITY

- B3. To ensure that the Development is consistent with assessed and approved design excellence requirements, the Applicant must:
- (a) commission Woods Bagot as part of the architectural design team engaged to prepare the design documentation, contract documentation and construction stages of the Development;
 - (b) prior to the issue of the first Construction Certificate, provide the Certifier with evidence that this architectural design team has been so commissioned; and
 - (c) if the Applicant proposes changes to the approved architectural drawings, seek the Planning Secretary's advice as to whether such changes are likely to require review by the State Design and Review Panel.

MATERIALS AND FINISHES

- B4. Prior to the issue of the Construction Certificate for the facade, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer; and
 - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B5. Prior to the issue of the Construction Certificate for excavation and the basement structure, the Applicant must submit to the Certifier a Report from an Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;
 - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
 - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and

- (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B6. Prior to the issue of the Construction Certificate for the facade, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the BASIX Certificate and *'Ecologically Sustainable Development Report Revision 3'*, prepared by E-LAB Consulting dated 28 August 2024.

STRUCTURAL DETAILS

- B7. Prior to the issue of the Construction Certificate for excavation and the basement structure, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
 - (b) this development consent.

FLOOD IMPACT AND RISK ASSESSMENT

- B8. Prior to the issue of a Construction Certificate for above ground structure and services, the Applicant must provide evidence to the Certifier that a revised Flood Impact and Risk Assessment report (FIRA) and amended plans have been submitted to and approved by the Planning Secretary. The FIRA and amended plans must address the following requirements:
- (a) demonstrate no adverse increase in the frequency of over-floor flooding as measured adjacent to the floor level entrances to the heritage building at 34 Albert Avenue;
 - (b) undertake sensitivity testing to confirm the effect of:
 - (i) climate change up to the year 2050 (SSP3-7.0);
 - (ii) rainfall inflow location (applied in the road corridors); and
 - (iii) other approved works on adjoining properties,on the basis of these sensitivity tests, review whether the design may be revised to reduce or rationalise the stormwater asset size; and
 - (c) undertake an assessment on the potential for overtopping of the carpark entry ramp in order to demonstrate that:
 - (i) the risk to life is low;
 - (ii) building systems, such as sewer and electrical, can be protected up to the ponding level in the 1% AEP;
 - (iii) there is low risk of environmental harm in events up to and including the 1% AEP; and
 - (iv) the potential for property damage is minimal for all events up to and including the 1% AEP.If additional measures are required to reduce the flood risk inside the basement, a suitable flood barrier that is operated without manual intervention shall be incorporated on the basement entry ramp to further reduce the probability of basement inundation.

STORMWATER MANAGEMENT SYSTEM

- B9. Prior to the issue of the Construction Certificate for above ground structure and services, the Applicant must submit to the Certifier details of an operational stormwater management system (OSMP) for the Development designed by a suitably qualified and experienced person(s). The OSMP must:
- (a) be generally in accordance with the conceptual design in the EIS and any Council stormwater requirements (including Technical Standard 1) and specifications which are consistent with that conceptual design;
 - (b) be in accordance with applicable Australian Standards;
 - (c) have a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
 - (d) demonstrate stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. A grated drainage pit of minimum 600 mm x 600 mm shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part I of Council's DCP, Technical Standards and AS 3500.3.
 - (e) incorporate stormwater management plans including:
 - (i) an on-site stormwater detention system that limits peak stormwater flow from the site to 45L/s in the 1% AEP storm event with a minimum volume of 120 m³;
 - (ii) a water quality improvement system;

- (iii) catchment plan to confirm areas draining to the OSD system and water quality improvement system;
 - (iv) details to confirm that the permitted site discharge is achieved for the site in the 1% AEP event. In the event of areas bypassing the OSD tank, calculations are to confirm that the outflow from the tank has been reduced. If the area of bypass exceeds 5% of the total site area, a Drains (or equivalent) analysis is to be undertaken to confirm the volume required; and
 - (v) longitudinal section including a hydraulic grade line analysis (HGL) to confirm that the outlet of the OSD tank is above the downstream water level in the 1% AEP storm event. The adopted downstream water level at the connection point to the Council pit shall be the grate level on the pit.
- B10. Prior to the issue of the Construction Certificate for above ground structure and services, the Applicant shall submit to the Certifier, stormwater management plans that include on-site stormwater detention system that complies with the requirements of Technical Standard 2. The plans are to clearly demonstrate the following:
- (a) that the outlet of the OSD system is not impacted by the downstream water level for all events up to the 1% AEP storm event. A hydraulic grade line analysis is to be provided to demonstrate that the OSD tank outlet is above the downstream 1% AEP water level;
 - (b) that overflow from the OSD tank/s is to ground and not to an internal pit / pipe;
 - (c) that 300 mm freeboard is provided between the overflow water level from the OSD tank and the floor level in adjacent buildings;
 - (d) that all access points are located in common areas and are accessible at ground level. No access point is to be below decking or other structure; and
 - (e) all OSD tanks are to be clear of overland flow paths.
- B11. Prior to the issue of the Construction Certificate for above ground structure and services, the Applicant shall submit to 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) all drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code;
 - (b) 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;
 - (c) each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1% AEP storm event 5-minutes duration of the area draining into the system, whichever is greater;
 - (d) 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; and
 - (e) 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% AEP storm event for 2-hours duration.
- B12. Prior to issue of the Construction Certificate for above ground structure and services, a suitably qualified person shall certify that the design of all rainwater/OSD tanks comply with the requirements of the NSW Work Health and Safety Regulation 2017, to minimise risks associated with confined spaces. The design shall also consider "Safety in Design" requirements.
- B13. Prior to the issue of a Construction Certificate for above ground structure and services, full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted for Council's consideration. The details shall demonstrate that the overflow outlet from the OSD system is above the downstream water level for the 1% AEP storm event. The capacity of the outlet pipe to the Council system shall be hydraulically evaluated using the Hydraulic Grade Line method.

FLOODING

- B14. Prior to the issue of the Construction Certificate for above ground structure and services, the Applicant must submit for approval by Council as roads authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:
- (a) the finished floor levels of the building have a minimum freeboard of 300 mm above the 1% AEP flood event that is conveyed through the site;
 - (b) that all access points to the basement have a minimum level of the 1% AEP flood level + 300 mm or the PMF level, whichever is higher;
 - (c) the proposed works will not result in afflux greater than 0.01 m in all areas external to the site and that any afflux within the site does not impact freeboard requirements on the existing building to be retained;

- (d) warning signs regarding the potential hazards relating to overland flow have been documented at all the entry points to high hazard areas;
- (e) mitigation measures are in accordance with the requirements of the Flood Impact Report approved by Council; and
- (f) the documents works are in accordance with the Flood Impact Report and Flood Risk Management Study approved under the conditions of this Consent.

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

- B15. Prior to the issue of the Construction Certificate for above ground structure and services, a report prepared by a qualified and suitably experienced Structural Engineer registered on the Engineers Australia National Engineers Register shall be submitted to the Certifier, indicating that all buildings, including the existing heritage building, can withstand the likely conditions (including structural load forces) experienced up to the PMF event. The report should be completed in accordance with the requirements of AS/NZS 1170.1-2002, Structural design actions - Permanent, imposed and other actions.
- B16. Prior to the issue of the Construction Certificate for above ground structure and services, submit full hydraulic design documentation to Council for approval for the relocation of the existing stormwater pipe / easement within the site that serves the upstream property. The relocated pipe is to be consistent with the requirements of Condition A2. The following engineering details must be included:
- (a) plan view of inter-allotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge;
 - (b) the contributing catchment calculations and supporting pipe sizing information;
 - (c) longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities;
 - (d) surrounding survey detail including all trees within seven (7) metres of the proposed inter-allotment drainage system; and
 - (e) the new easement location is to be registered prior to issue of any Occupation Certificate (Condition E62).

SYDNEY WATER ASSETS

- B17. Prior to the issue of the Construction Certificate for above ground structure and services, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the Development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Note: Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

LANDSCAPING

- B18. Prior to the issue of the Construction Certificate for the public domain and ground level landscaping, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by Arcadia as approved in Condition A1(c) and as amended by Condition B1(b);
 - (b) includes details of tree planting comprising no less than 30 trees at ground and above ground levels;
 - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) demonstrates adequate drainage and watering systems;
 - (e) includes details of paving, lighting, landscaping and way-finding signage related to the east-west and north-south through-site links;
 - (f) includes details of plant maintenance and watering for the first 12 months; and
 - (g) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

PARKING

- B19. Prior to the issue of the Construction Certificate for fitout of the basement, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on site before being required to stop;

- (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, height clearances and parking bay dimensions) must be in accordance with the applicable Australian Standards;
- (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
- (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
- (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
- (g) demonstrate compliance with the following:
 - (i) compliance with Australian Standards for the layout, design and security of bicycle facilities;
 - (ii) provision of 165 car parking spaces (including 23 accessible spaces) within the basement comprising 154 residential, seven retail and four commercial car parking spaces;
 - (iii) provision of three motorcycle parking spaces at basement level;
 - (iv) provision of electric vehicle charging infrastructure in accordance with the NCC;
 - (v) provision of one service vehicle parking spaces within the ground floor loading dock for a maximum 8.8m long medium rigid vehicle;
 - (vi) provision of 172 bicycle parking spaces, comprising:
 - 150 residential spaces within basement residential storage lockers;
 - six commercial spaces and associated end of trip facilities at basement level; and
 - 15 residential and one commercial visitor spaces at ground floor level.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B20. Prior to the issue of the Construction Certificate for fitout, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated the management and mitigation measures included within the *'Crime Prevention Through Environmental Design Assessment (CPTED) Assessment'*, prepared by Chatswood Property Pty Ltd, dated 18 October 2024.

WIND MITIGATION MEASURES

- B21. Prior to the issue of the Construction Certificate for the facade or the public domain and ground level landscaping (whichever is earlier), the Applicant must submit a Report to the Certifier demonstrating that the design of the Development has incorporated the mitigation measures contained within the *'Pedestrian Wind Environment Study Revision 0'*, prepared by Windtech Consultants, dated 1 October 2024.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B22. Prior to the issue of the Construction Certificate for the facade, the Applicant must submit a Report to the Certifier from an acoustic Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the *'Noise and Vibration Impact Assessment for SSDA Revision 003'*, prepared by E-Lab Consulting, dated 6 June 2025.

MECHANICAL VENTILATION

- B23. Prior to the issue of the Construction Certificate for above ground structure and services, detailed plans of the mechanical exhaust ventilation system must be submitted to the Certifier. The plans must:
- (a) be prepared by a suitably qualified person;
 - (b) be in accordance with Australian Standard AS1668.1, AS1668.2 and AS366.1 as applicable and/or an alternative solution using an appropriate assessment method;
 - (c) ensure all generate heated air, smoke, fumes, steam or grease vapours do not cause a nuisance to persons within or nearby to the premises, or cause air pollution as defined under the *NSW Protection of the Environment Operations Act 1997*; and
 - (d) demonstrate all mechanical services shall be designed to comply with the noise emission criteria contained in the EPA's Noise Policy for Industry 2017
- B24. Prior to the issue of the Construction Certificate for above ground works, the mechanical exhaust systems and/or shafts for the non-residential units must:
- (a) be designed to allow for the treatment and removal of offensive odours and particulates, and the discharge of effluent air at a height and velocity that prevents discomfort and nuisance to the public;
 - (b) be incorporated internally within the building (i.e. not be affixed to the external elevations), designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future; and

- (c) systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings* and *AS2918:2001 – Domestic solid fuel burning appliances – Installation*.

ADAPTABLE UNITS

- B25. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that:
- (a) 75 adaptable dwellings have been provided within the Development;
 - (b) 30 Liveable Housing Guideline silver level dwellings; and
 - (c) any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

BASIX CERTIFICATION

- B26. Prior to the issue of the Construction Certificate for above ground works, BASIX Nos. 1771293M_02 Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

ACCESSIBILITY

- B27. Prior to the issue of any Construction Certificate for basement works, the Applicant must submit a Report to the Certifier reviewed by a qualified access consultant demonstrating that the locations of accessible parking spaces and access path widths between and to/from lifts are compliant with the Disability (Access to Premises – Building) Standards 2010 and Building Code of Australia 2019.

PUBLIC ART STRATEGY

- B28. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Public Art Strategy prepared in consultation with Council. The Public Art Strategy must:
- (a) consider the public art statement within the '*DA Design Report*', prepared by Woods-Bagot and dated 18 October 2024; and
 - (b) contain the final design, materials, finishes, construction methodology, ownership, ongoing maintenance methodology, associated budgeting arrangements and evidence of consultation undertaken.

CREATIVE HOARDINGS

- B29. Prior to issue of the first 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.

REFLECTIVITY

- B30. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a report to the Certifier demonstrating that the visible light reflectivity from the building materials used on the facades of any building or structures shall not exceed 20% and shall be designed to minimise glare.

DESIGN OF WORKS IN PUBLIC ROAD

- B31. Prior to issue of the Construction Certificate for above ground works, the applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:
- (a) construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Archer Street, Albert Avenue and Bertram 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) reconstruction of existing kerb and gutter for the full frontage of the development site in Archer Street, Albert Avenue and Bertram Street in accordance with Council's specifications and Standard Drawing SD105;
 - (c) reconstruction of the existing road pavement 3.5m wide for the full frontage of the development site in Archer Street and Albert Avenue in accordance with Council's specifications;
 - (d) reconstruction of the existing road pavement for half road width for the full frontage of the development site in Bertram Street in accordance with Council's specifications;
 - (e) construction of vehicular crossings in Archer Street and Bertram Street in accordance with Council's specification and Standard Drawings SD105; and
 - (f) any line marking and traffic signage required to suit the development.

Note: The required plans must be designed in accordance with Council's specifications (AUS-SPEC). All sections must include the location of existing services. 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.

TEMPORARY GROUND ANCHORS

- B32. Prior to the issue of any Construction Certificate the Applicant must obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of any proposed temporary ground anchors prior to issue of the Construction Certificate. Permits are to be obtained from Council for any temporary ground anchors to be installed within the road reserve. Copies of the permission shall be sent to Council. A Temporary Ground Anchor Permit is to be obtained from Council for any ground anchors proposed to be installed in Council's Road Reserve. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

OPERATIONAL WASTE COLLECTION AND MANAGEMENT

- B33. Prior to issue of the Construction Certificate for above ground works, the Applicant must submit a design certificate and detailed plans to the Certifier demonstrating that the operational waste storage area provided at ground floor level adjacent to the loading dock meets the following requirements:
- (a) residential bulky waste, a minimum thirty-eight (38) square metres (sqm);
 - (b) non-residential waste and recycling bins: A minimum of ten (10) sqm;
 - (c) the collection holding rooms must be able to be safely and efficiently used by waste collection staff, particularly without crossing any active traffic area;
 - (d) the floor is to be constructed of concrete at least 75mm thick, adequately graded to drain to a Sydney Water approved drainage fitting and finished so that it is non-slip and has a smooth and even surface covered at all intersections;
 - (e) the ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
 - (f) the room is to be provided with artificial light controllable within the room, adequate ventilation and supply of hot and cold water mixed through a centralised mixing valve with hose cock; and
 - (g) doorways are at least 2,500mm wide for any collection holding rooms, 1,100L bin rooms and bulky waste storage rooms.
- B34. Prior to issue of the Construction Certificate for above ground works, the Applicant must submit a design certificate and detailed plans to the Certifier demonstrating that access to the loading dock for waste vehicle satisfies the following requirements:
- (a) 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;
 - (b) the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements:
 - (i) 25 tonne waste collection vehicles;
 - (ii) Turning circle of 23 metres;
 - (iii) Truck length of 8.8 metres; and
 - (iv) Clearance height of 4.5 metres throughout the vehicle swept path.
- B35. Prior to issue of the Construction Certificate for above ground works, the Applicant must submit a design certificate and detailed plans to the Certifier demonstrating that waste chute(s) can be constructed to satisfy the following requirements:
- (a) each residential level contains a signed chute entry access and a signed waste services cupboard that contains a recycling bin of at least 240L capacity;
 - (b) chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material;
 - (c) chute is cylindrical in section, vertical and without bends as it passes through the floors;
 - (d) chutes must terminate in the waste storage room and discharge into a waste bin; and
 - (e) manufacturer's technical specifications and operational limitations.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
 - (i) hours of construction;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) construction program and construction methodology, including construction staging;
 - (iv) traffic management;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) prevention and management of contamination;
 - (ix) management of stockpiles of soil or other materials;
 - (x) waste management;
 - (xi) external lighting in compliance with applicable Australian Standards;
 - (xii) site security, including fencing or hoarding;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with Condition C2;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with Condition C3;
 - (d) Air Quality Management Sub-Plan in accordance with Condition C4;
 - (e) Construction Waste Management Sub-Plan in accordance with Condition C5;
 - (f) Construction Soil and Water Management Sub-Plan in accordance with Condition C6;
 - (g) Construction flood management in accordance with Condition C7;
 - (h) an unexpected finds protocol for remediation in accordance with Condition C22;
 - (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Condition D43; and
 - (j) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (CTPMP) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic, including, at a minimum, the following information:
- (a) location of proposed work zone(s);
 - (b) construction vehicle access arrangements and haulage routes;
 - (c) predicted number and timing of construction vehicle movements and vehicle types;
 - (d) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles; and
 - (e) details of construction worker parking, including the potential for onsite parking within the basement levels, after completion.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the Development with measures to minimise environmental impacts and harm during construction of the Development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) hours of construction (in accordance with Conditions D3 to D7);
 - (c) quantification of the rating background noise level (RBL) for Sensitive Receivers;

- (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the Interim Construction Noise Guideline (DECC, 2009) (ICNG), and how the Applicant will ensure that construction is carried out in compliance with the construction noise management levels detailed in the ICNG and so as not to exceed approved noise limits for the site;
- (e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG;
- (f) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures;
 - (ii) alternative excavation methods;
- (g) describe the measures to be implemented to manage high noise generating works (such as piling and rock breaking) or activities that may be particularly annoying (as defined in the ICNG), in close proximity to sensitive receivers;
- (h) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (i) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (j) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods; and
- (k) include a complaints management system that would be implemented for the duration of the development.

AIR QUALITY MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (AQMP) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
 - (b) dust and odour management practices to be implemented, including:
 - (i) watering of exposed surfaces and stockpiles;
 - (ii) covering of truck loads;
 - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
 - (iv) progressive land stabilisation works to minimise exposed surfaces;
 - (v) monitoring requirements;
 - (vi) communication strategy;
 - (vii) system and performance review for continuous improvements; and
 - (c) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- C5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (CWMP) for the Development. The CWMP must include, as a minimum, the following information:
- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;

- (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - (iii) the name and address of each licensed facility that will receive waste from the site.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C6. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) for the Development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (a) describe all erosion and sediment controls to be implemented during construction;
 - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - (c) detail all off-site flows from the site during construction; and
 - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

CONSTRUCTION FLOOD MANAGEMENT

- C7. Prior to the commencement of any earthwork, demolition or construction, the Applicant must prepare and implement:
- (a) for the duration of the works flood warning and notification procedures for construction works on the site and evacuation and refuge protocols; and
 - (b) awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

CONSTRUCTION PARKING

- C8. Prior to the commencement of any earthwork, demolition or construction, the Applicant must submit to the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.
- C9. Prior to the commencement of any earthwork, demolition or construction, the Applicant must submit to the Certifier a Construction Worker Transportation Strategy. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C10. Prior to the commencement of works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- C11. The Applicant must cause a Registered Surveyor to measure and mark:
 - (a) prior to commencement of works – the positions of all footings/ foundations;
 - (b) at other stages of construction – any marks that are required by the principal Certifier,
 and provide information on the positions to the principal Certifier.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- C12. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- C13. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C14. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

- C15. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C16. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C17. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for public domain works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C18. Prior to the commencement of works, the Applicant must:
 - (a) undertake Consultation with the relevant owner and provider of services that will be affected by the Development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation Report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.
- C19. Prior to the commencement of works, a strategy is to be provided to Council in accordance with the Willoughby Creative Hoarding Guidelines for the treatment of all site construction hoardings.

GROUNDWATER AND DEWATERING ASSESSMENT AND MANAGEMENT

- C20. Prior to the commencement of any demolition, earthworks or construction works or the take of water, the following Groundwater Assessment Reports (GAR) must be submitted to and approved by the Planning Secretary. The GARs must:
 - (a) quantify the maximum annual groundwater intake due to aquifer interference activities during construction and operation;
 - (b) prepare an assessment in accordance with the NSW Aquifer Interference Policy and a Dewatering Management Plan (if deemed necessary), should groundwater take be predicted to exceed 3ML/year; and
 - (c) prepare the above reports in accordance with the Groundwater Assessment Toolbox (DPE 2022) and the Minimum Requirements for Building Site Groundwater Investigations and Reporting (DPE 2022).
- C21. The Applicant must obtain a Water Access Licence (WAL), unless an exemption under the Water Management (General) Regulation 2018 applies (i.e. if water take is less than or equal to 3ML/year).

CONTAMINATION UNEXPECTED FINDS PROTOCOL

- C22. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

ABORIGINAL HERITAGE MANAGEMENT PROCEDURES

- C23. Prior to the commencement of any works (including demolition, excavation and construction works), the Applicant must ensure Aboriginal heritage management procedures are prepared for the development and included within the CEMP (Condition C1). The management procedures must:
 - (a) be generally consistent with the recommendations of the *'Aboriginal Cultural Heritage Assessment Report Revision 7'*, prepared by Artefact and dated 23 September 2023;
 - (b) be prepared by a suitably qualified and experienced professional(s);
 - (c) be prepared in consultation with Registered Aboriginal Parties and be reviewed by Heritage NSW;
 - (d) include a description of the measures that would be implemented for:
 - (i) ongoing consultation with Registered Aboriginal Parties including consultation regarding changes to the management of Aboriginal cultural heritage;
 - (ii) a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the Registered Aboriginal Parties and in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW 2010. The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of the works; and
 - (iii) ensuring workers on site receive suitable heritage induction(s) prior to carrying out any development on site and that records are kept of these inductions.

- C24. All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- C25. The Registered Aboriginal Parties must be kept informed about the SSD and must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
- C26. The Applicant is to ensure workers on site receive suitable heritage inductions prior to carrying out any development on the site, and that records are kept of these inductions.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C27. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C28. If the construction or operation of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

UTILITIES AND SERVICES

- C29. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.
- C30. Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property to suit the new Development. Such street lighting shall also conform to Council's standard specifications and Ausgrid requirements.

DIAL BEFORE YOU DIG SERVICE

- C31. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

STREET TREE REMOVAL

- C32. Prior to the commencement of tree removal work 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.
- C33. A Project Arborist is to be appointed prior to commencement of works on site and is to;
- (a) have a minimum qualification AQF Level 5;
 - (b) 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; and
 - (c) certify that all tree protection measures have been installed prior to commencement of works.

PERMITS AND APPROVAL REQUIRED

- C34. Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:
- (a) permits to erect Builder's hoarding, stand mobile crane and/or other major plant on public roads, open public roads (including footpaths, verge, crossings) for any purpose;
 - (b) to place skips/waste bin on footpath/verge, to work and/or place building materials on footpath and/or verge, to establish Works Zone on public roads; and
 - (c) to construct vehicular crossings over Council footpath, road or verge, to install ground anchors; and
 - (d) for the construction of two plain concrete vehicle crossings.

PART D DURING CONSTRUCTION

SITE NOTICE

- D1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and structural Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) stating the approved hours of work;
 - (d) stating that unauthorised entry to the work site is prohibited.
- D2. The site notices must:
- (a) be positioned prominently at the site informing the public of key project details;
 - (b) have dimensions of at least A1 size with large writing
 - (c) be durable and weatherproof.

HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) 7am to 6pm, Monday to Friday; and
 - (b) 8am to 1pm, Saturday.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D8. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

- D9. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP (Condition C3).
- D10. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D11. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.
- D12. The immediately adjoining neighbours must be given a minimum of 48 hours of notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.
- D13. The Applicant must ensure that idle plant, machinery and vehicles are switched off when not in use and that plant and machinery is located as far away from sensitive receivers as is practical.
- D14. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at

least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

- D15. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) Vibration in Buildings - Effects on Structures, English Translation (German Institute for Standardisation, 2016);
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D16. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

- D17. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D18. If the Development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:
- (a) protect and support the building, structure or work from possible damage from the excavation; and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage,
- unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.
- D19. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- D20. 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.
- D21. 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.

TREE PROTECTION

- D22. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
- D23. Street tree trunk, branch and root protection and the installation of street tree protection fencing for all Council Street trees adjoining the site must be undertaken in accordance with *Australian Standard 4970-2009 The Protection of Trees on Development Sites*.

TREE REMOVAL

- D24. Approval is given for the removal of trees T1, T18, T20, T30a and T30b as identified in the '*Arborist Impact Assessment Report*', prepared by Elke Landscape Architect Consulting Arborist Horticulturalist Soils and dated 4 September 2024, as updated by '*Arboricultural Impact Assessment*' prepared by Sidrat Verda and dated 25 September 2025.
- D25. Removal of approved trees is to be undertaken by a qualified Arborist (Minimum qualification AQF Level 3) with suitable public liability insurance.

EROSION AND SEDIMENT CONTROL

- D26. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication Managing Urban Stormwater: *Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

- D27. Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

SITE FENCING

- D28. Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, including:
- (a) provision of a temporary safety fence to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control; and
 - (b) fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor-quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.
- D29. The public safety provisions and temporary fences must be in place and be maintained throughout construction.

SIGNS AND MAINTENANCE

- D30. 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.
- D31. 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.

CUT AND FILL

- D32. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
 - (b) the classification and the volume of material removed must be reported to the Certifier.
- D33. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

SEEPAGE AND STORMWATER

- D34. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D35. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D36. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.
- D37. The connection of the site stormwater drainage system to the existing Council pit shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill. The inspection must be booked via Council's website with Council's Engineer and a minimum of 2 working days' notice provided. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

CONTAMINATION MANAGEMENT AND MITIGATION

- D38. The development must be undertaken in accordance with the:
- (a) contamination unexpected find protocol requirements (Condition C22);
 - (b) the contamination management and mitigation measures contained within the '*Preliminary Site Investigation, E26224.E01 Revision 3*', prepared by EIAustralia and dated 19 July 2024; and
 - (c) the '*Hazardous Materials Survey E26224.E10 Revision 0*', prepared by EIAustralia and dated 4 September 2024.

ASBESTOS

- D39. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- (a) Work Health and Safety Regulation 2017;
 - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
 - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – ‘Transportation and management of asbestos waste’.
- D40. 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.
- D41. The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited, unless written consent of Council is obtained.

CONTACT TELEPHONE NUMBER

- D42. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- D43. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately;
 - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
 - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- D44. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D45. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an Incident;
 - (c) a description of what immediate steps were taken in relation to the Incident; and
 - (d) identifying a contact person for further communication regarding the Incident.
- D46. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

- D47. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an Incident does not need to also be notified as a non-compliance.

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

- E1. In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

AFFORDABLE HOUSING

- E2. An Occupation Certificate for the 41 affordable housing units must be issued concurrently or before and Occupation Certificate for the residential component of the development.

NOTIFICATION OF OCCUPATION

- E3. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the development.
- E4. If the occupation or use of the development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

- E5. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E6. Prior to the issue of an Occupation Certificate, the Applicant is to provide a Report (Post-Construction Dilapidation Report) to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
 - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of development;
 - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E7. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

- E8. Prior to the issue of an Occupation Certificate or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- E9. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
 - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development.
- E10. Prior to the issue of an Occupation Certificate or commencement of the use of the Development, any damage identified in Condition E6 as being caused by the carrying out of the Development not subject to Condition E9 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E11. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development; and
 - (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.
- E12. Prior to the issue of an Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

COMPLIANCE WITH BASIX CERTIFICATE

- E13. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent (Condition B26) have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

- E14. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor area and building height.

ACOUSTIC COMPLIANCE

- E15. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under Condition B22.

STRUCTURAL INSPECTION CERTIFICATE

- E16. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- E17. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

- E18. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications (Condition B18) that were required to be included in documentation for a Construction Certificate application;
 - (b) verifies that a maintenance program under the Landscape Plan required under Condition B18 has been commenced;
 - (c) includes details of plant maintenance and watering for the first 12 months; and
 - (d) includes details of plant maintenance and watering for the life of the Development.

PUBLIC AND PRIVATE TREE PROTECTION AND MAINTENANCE

- E19. Prior to the issue of any relevant Occupation Certificate, the Project Arborist is to certify that:
- (a) all retained trees 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"; and
 - (b) all new and replacement 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.

PUBLIC TREE PLANTING

- E20. Prior to the issue of an Occupation Certificate, three trees must be planted on Council land forward of the property. The trees must::
- (a) included one (1) *Angophora costata* (Smooth-barked apple) to be planted on the Archer Street frontage;
 - (b) include two (2) *Tristanopsis laurina* (Water gum) to be planted on the Albert Avenue frontage;
 - (c) have a minimum container size of 100 litres and grown to AS 2303:2018 Tree stock for landscape use;
 - (d) be located as indicated on the Softworks Plan – Ground Floor Dwg. No. L4000 dated 17/6/2025 prepared by Arcadia;
 - (e) be planted in accordance with WCC Vegetation Management Guidelines; and
 - (f) be planted at least 2m from driveways, and generally in alignment with other street trees.

FIRE SAFETY CERTIFICATION

- E21. Prior to the issue of any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development.
- E22. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

- E23. Prior to the occupation or commencement of use of the development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the development:
- (a) achieves the objective of minimising light spillage:
 - (i) beyond the property boundary; and
 - (ii) to any adjoining or adjacent Sensitive Receivers;
 - (b) complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and
 - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

SYDNEY WATER COMPLIANCE

- E24. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

SWIMMING POOL

- E25. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence demonstrating that the swimming pool has been constructed in accordance with the relevant legislation and complies with section 120 of the POEA Act, which prohibits the pollution of waters.

UTILITY PROVIDERS

- E26. Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- E27. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

PARKING, END OF TRIP FACILITIES AND GREEN TRAVEL PLAN

- E28. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence of compliance demonstrating that all car parking and bicycle parking spaces along with end-of-trip facilities (as relevant) have been provided in accordance with Condition B19.
- E29. Prior to the issue of any Occupation Certificate, the Applicant must prepare a final Green Travel Plan (GTP) in consultation with TfNSW to promote the use of active and sustainable transport modes. The GTP must:
- (a) be prepared by a suitably qualified traffic consultant;
 - (b) consider the '*Green Travel Plan, Issue A*' prepared by Transport and Traffic Planning Associates dated September 2024
 - (c) include objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (d) include specific tools and actions to help achieve the objectives and mode share targets;

- (e) include an Implementation Strategy incorporating measures to promote and support the implementation of the plan, financial and human resource requirements, specific management actions, roles and responsibilities for relevant employees involved in the implementation of the GTP;
- (f) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP; and
- (g) include an Implementation Strategy that commits to specific management actions, including travel surveys to identify travel behaviours of users of the development, operational procedures to be implemented along with timeframes.

Note: Information on preparing GTP can be found at www.mysydney.nsw.gov.au/travelchoices/tdm

- E30. Prior to the operation or commencement of use of the Development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

- E31. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

REDUNDANT INFRASTRUCTURE

- E32. Prior to the issue of any occupation certificate, the Applicant must demonstrate to the Certifier that:
- (a) all redundant driveways, crossings and stormwater pipes have been removed;
 - (b) the redundant driveways and pipes (as applicable) have been replaced with new kerb and gutter and the footway with turf and a concrete path; and
 - (c) any damaged stone kerb has been replaced including all kerb outlets in stone kerb have been carefully core drilled.

Note: Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone

UNDERGROUNDING

- E33. Prior to the issue of any Occupation Certificate, all existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site.

ROADWORKS

- E34. Prior to the issue of any Occupation Certificate, the Certifier must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUSSPEC#2- "Roadworks Specifications" has been constructed at the vehicular access locations.
- E35. All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the approved drawings, conditions and specification (AUS-SPEC).

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

- E36. Prior to the issue of any Occupation Certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.
- E37. Prior to the release of the Bond (Condition A10), any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- E38. Prior to the issue of any Occupation Certificate the Applicant must submit a design certificate and detailed plans to the Certifier demonstrating that:
- (a) the construct two (2) new vehicular crossings including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers has been 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;

- (b) the crossings:
 - (i) are to be a width as agreed with Council to suit the relevant service vehicle and is to be constructed at right angles to the street kerb in plain concrete;
 - (ii) shall be located no closer than 1m from any power pole and 2m from any street tree unless otherwise approved by Council;
 - (iii) shall be located a minimum of 1.2m off the side boundary of the property; and
- (c) all driveway grades and transitions must comply with AS/NZS 2890.1.

Note: A separate application for the crossing including current fees and charges is to be submitted for approval by Council. 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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E39. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that the design of the development has implemented all the CPTED measures set out in Condition B20.

WIND MITIGATION MEASURES

- E40. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence demonstrating that the design of the development has incorporated the wind mitigation measures set out in Condition B21.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E41. Prior to the issue of any Occupation Certificate, the Applicant must provide evidence to the Certifier demonstrating compliance with the ESD commitments in set out in Condition B6.

PUBLIC ART STRATEGY

- E42. Prior to the issue of any Occupation Certificate, the Applicant must submit evidence to the Certifier that the Public Art Strategy prepared in accordance with Condition B28 has been implemented.

STATE SURVEY MARKS

- E43. Prior to the issue of a Whole Occupation Certificate, the Applicant shall reinstate any existing State/Permanent Survey Marks damaged by the works to requirements of the Surveying and Spatial Information Regulation 2024. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the NSW Land Registry Services.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E44. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
 - (b) management of communal areas and open spaces;
 - (c) loading and unloading consistent with Condition E59;
 - (d) security and staff management;
 - (e) emergency management/ evacuation and incident response protocols;
 - (f) waste management (including the Operational Waste Management Plan required by Condition E68);
 - (g) tenant induction and behaviour/ house rules;
 - (h) noise management of communal open space areas, loading docks and retail uses;
 - (i) community consultation and complaint procedures;
 - (j) noise management measures for communal open space located on level 1 and 2;
- E45. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

STORMWATER

- E46. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by an Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E47. Prior to the issue of an Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as built water quality improvement system and the as-built OSD system are in accordance with the approved plans and complies with the requirements of Technical Standard 1.

- E48. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Stormwater Operational and Maintenance Plan (SOMP) that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
 - (b) specifies, but is not limited to:
 - (i) a maintenance schedule of all stormwater quality treatment devices;
 - (ii) record and reporting details;
 - (iii) relevant contact information; and
 - (iv) Work Health and Safety requirements.
- E49. Prior to the issue of any Occupation Certificate, inspection of drainage connection works to the existing Council pit shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.
- E50. Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council drainage system via an approved OSD system that limits peak flow from the site in the 1% AEP storm event to 45L/s with a minimum volume of 120m³ and a water quality improvement system in accordance AS/NZS3500.3, Part I of Council's DCP and Technical Standards 1 and 2. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).
- E51. Access to the on-site stormwater detention system, including access points to any underground tank, shall be located in common areas and shall not be covered, including by decking.
- E52. Prior to the issue of any Occupation Certificate pertaining to any works requiring an On-Site Detention System (OSD), an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD tank or basin. The wording for the plaque shall state *"This is the on-site stormwater detention system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.
- E53. 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.
- E54. Prior to the issue of any Occupation Certificate and upon completion of the pump-out system, the following shall be submitted to the Certifier.
- (a) a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part I of Council's DCP Technical Standard 1, all relevant codes and standards and the approved stormwater management plans;
 - (b) work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans; and
 - (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.
- E55. Prior to the issue of any Occupation Certificate and upon completion of the OSD System, the following shall be submitted to the Certifier:
- (a) Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
 - (b) Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

FLOOD MANAGEMENT AND CERTIFICATION

- E56. Prior to the issue of any Occupation Certificate, submit to the Certifier written certification, prepared by a suitably qualified and experienced civil engineer (generally CPEng), that:
- (a) the finished floor levels of the building have a minimum freeboard of 300mm above the 1% AEP flood event that is conveyed through the site;
 - (b) that all access points to the basement have a minimum level of the 1% AEP flood level + 300mm of the PMF level, whichever is higher;

- (c) the works do not result in afflux greater than 0.01m in all areas external to the site and that any afflux within the site does not impact freeboard requirements on the existing building to be retained;
- (d) no structures, walls, fill or other items have been constructed to impede the 1% AEP overland flow path within the identified flood zone, other than works detailed in the approved flood report;
- (e) warning signs regarding the potential hazards relating to overland flow have been documented at all the entry points to high hazard areas; and
- (f) open type fencing shall be provided within the extent of the 1% AEP flood zone to allow for passage of floodwaters, unless modelled as an obstruction in the approved flood report. The open style fencing shall extend from ground level to a minimum of 300mm above the 1% AEP flood level.

E57. Prior to issue of any Occupation Certificate, submit to the Certifier and a copy sent to Council:

- (a) work as executed plans based on the approved flood mitigation measures drawings prepared by a registered surveyor to verify that the as-built details which are constructed in accordance with the design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved plans; and
- (b) Civil / Hydraulic Engineer's certification that the works have been constructed in accordance with the requirements of the approved flood report, as required by conditions of this consent.

E58. Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built flood mitigation measures have been constructed in accordance with the approved plans, approved flood report (as required under conditions of this Consent) and complies with Council's DCP and Technical Standards.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

E59. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Car Parking, Loading and Servicing Management Plan that:

- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
- (b) provides details on the allocation and management of tandem car spaces. Tandem spaces must be allocated to the same apartment.
- (c) specifies, but is not limited to, details of:
 - (i) the Development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
 - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - (iii) access and manoeuvrability of the largest vehicle accessing the site (8.8m medium rigid vehicle waste truck) and simultaneous manoeuvrability of the largest vehicle using the site
- (d) loading dock is not to be used for collections and deliveries between 10pm and 5am on any day;
- (e) confirms that all loading and unloading will be undertaken within the site at all times; and
- (f) confirms that the loading and unloading areas will be available for its purpose at all times and no storage of goods or parking of cars will be carried out in these areas.

REGISTRATION OF EASEMENTS

E60. Prior to the issue of any Occupation Certificate, all matters required to be registered on title including easements, rights-of-way required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

E61. Prior to the issue of any Occupation Certificate, rights-of-way must be registered with the Land Registry Services over the:

- (a) pocket park open space fronting Bertram Street;
- (b) the east-west through-site connecting Archer Street to the pocket park and Bertram Street; and
- (c) the north-south through-site link connecting Albert Avenue to the east-west through site link, Archer Street, the pocket park and Bertram Street.

E62. Prior to the issue of any Occupation Certificate, any existing registered easements and rights or carriageways which burden the development site must be appropriately extinguished and/or modified as appropriate to ensure services and drainage is maintained for easement beneficiaries.

E63. Prior to the issue of any Occupation Certificate, the drainage easement for the adjacent property shall be registered with NSW Land Registry Services and the relocated pipe constructed.

- E64. Prior to the issue of any Occupation Certificate, 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. Positive Covenant and Restriction must also address the following:
- (a) the instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively;
 - (b) 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; and
 - (c) 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
- Note:** The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested..
- E65. Prior to the issue of an Occupation Certificate for construction of new parking levels, create a Restriction on the Use of the Land on the title of the subject property under Section 88E(3) of the *Conveyancing Act 1919* and subject to the following requirements:
- (a) the restriction must be placed over the 1% AEP flood path within the site identified in the approved Flood Report. The extent of the identified overland flood path within the subject site, shall be shown on a scale sketch, attached as an annexure to the request forms
 - (b) the wording for the restriction shall state "No placement of any structures, walls, fences, fill or other items which may impede the 1% AEP flood path within the identified flood zone shall be permitted";
 - (c) Council shall be the authority empowered to release, carry or modify the restriction. Documentary evidence of registration of the instrument with the NSW Land Registry Services shall be submitted to Council and the Certifier;
 - (d) Council's costs, including legal fees associated with reviewing, approving and executing the 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.
- Note:** The 13RPA forms are obtainable from the NSW Department of Lands.
- E66. Prior to the issue of any Occupation Certificate, the following documentary evidence of the completed drainage works shall be submitted to Certifier and Council:
- (a) registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed;
 - (b) certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system; and
 - (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.
- E67. Prior to the issue of any Occupation Certificate, the location of the as-built on-site stormwater detention system(s) shall be shown on the final strata plan. Access to the system, including access points to any underground tank associated with the OSD and water quality improvement system, shall be located in common areas

OPERATIONAL WASTE MANAGEMENT

- E68. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an Operational Waste Management Plan for the Development (OWMP) and submit it to the Certifier. The OWMP must:
- (a) be prepared in consultation with Council;
 - (b) consider the '57-61 Archer Street Chatswood – Waste Management Plan, Version 1' prepared by MRA Consulting Group, as amended by letter, prepared by MRA Consulting Group and dated 20 May 2025;
 - (c) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
 - (d) confirm the location of waste collection and establish appropriate routes to the collection point;
 - (e) provide confirmation that appropriate arrangements have been made for the collection of waste;
 - (f) detail the type and quantity of waste to be generated during operation of the Development;
 - (g) provide details to demonstrate that the waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are separate and self-contained;
 - (h) provide confirmation that would separate the waste collection times for the residential waste and commercial / retail waste;

- (i) provide details of a bulky waste storage area for residents;
- (j) confirm that the bin carting routes do not have any steps; and
- (k) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (EPA).

Note: Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.

WASTE VEHICLE ACCESS AND MANOEUVRING

- E69. 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.

RESIDENTIAL WASTE COLLECTION AGREEMENT

- E70. Prior to the issue of any Occupation Certificate, the Applicant must provide evidence to the Certifier that it has consulted with Council's waste officer regarding whether Council is able to service the development with a MRV truck or require the development to utilise a private waste collection service for a defined period of time.
- E71. If Council confirms that it is able to complete the collection using a Council MRV truck, the Applicant is required to enter into a formal agreement with Council for the utilisation of Council's residential waste collection service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for Council and its servants/ contractors to enter and exit for the purpose of waste recycling collection. The development is required to indemnify Council and its servant/contractors against claims for loss or damage or wear and tear of access roads, pathways and other parts of the building.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements. The provision of Council's waste collection service will not commence until formalisation of the agreement. As access is limited to an MRV (8.8m long), Council may utilise its sole discretion to complete the collection using a Council MRV truck or require the development to utilise a private collection service for a defined period of time.

NON-RESIDENTIAL WASTE COLLECTION SERVICE

- E72. If Council confirms that it will not complete waste collection using a Council MRV truck, the developer is required to enter into a formal agreement with a licenced private waste contractor to service the non-residential component of the development. 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. Non-residential waste collection shall not take place between the hours of 10pm and 5am on any day;
 - (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; and
 - (d) a copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

RESIDENTIAL WASTE STORAGE

- E73. 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. The internal waste storage area should include a minimum capacity of:
- (a) garbage of 40L and recycling of 35L within cupboard(s); and
 - (b) kitchen organics (estimate 15L, which may be storage space on the benchtop or within a cupboard).

IN-FILL AFFORDABLE HOUSING

- E74. A minimum of 41 dwellings within the development must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*.
- E75. For a period of 15 years commencing on the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates:
- (a) the affordable housing component must be used for affordable housing; and
 - (b) the affordable housing component must be managed by a registered community housing provider; and

- (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and
 - (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.
- E76. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that:
- (a) the affordable housing component is complete and ready for occupation;
 - (b) a restriction has been registered against the title of the site on which Development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, requiring:
 - (i) minimum of 41 dwellings within the Development to be used for the purposes of affordable housing as defined by the EP&A Act and the State Environmental Planning Policy (Housing) 2021 for a minimum of 15 years from the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates;
 - (ii) specifically nominating those units to be allocated and used for affordable housing; and
 - (iii) the affordable housing component must be managed by a registered community housing provider;
 - (c) an agreement with a registered community housing provider for the management of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider; and
 - (d) the requirements of paragraphs (b) and (c) have been met and evidence has been given to the Consent Authority.
- E77. The Applicant (or others responsible for the management of the affordable housing apartments, such as the Community Housing Provider) must use best endeavours to ensure that the affordable housing units for each stage of the Development are at full occupancy and by 30 June of each year, must submit to the Planning Secretary a report relating to the previous 12-month period as to:
- (a) the occupancy rate of the affordable housing units for that year; and
 - (b) compliance with the requirement in this condition to use best endeavours.

FLOOD EMERGENCY RESPONSE AND MANAGEMENT

- E78. Prior to occupation the Applicant must submit a Flood Emergency Response and Management Plan to the Certifier, which must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with the NSW State Emergency Service;
 - (c) be consistent with the '*Flood Emergency Management Plan*' prepared by AT&L and dated 29 August 2025 except as required by this condition; and
 - (d) outline site specific procedures, triggers and responsibility to ensure practical implementation during flood events.

PART F – OCCUPATION AND ONGOING USE

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F1. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must:
- (a) implement the Stormwater Operational Management Plan (Condition E48); and
 - (b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.
- F2. The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Stormwater Treatment System constructed on the land. The maintenance of the system is to be undertaken in accordance with the recommendations of “Guidelines for the Maintenance of Stormwater Treatment Measures” published by Stormwater NSW or other relevant guidelines or publications.
- F3. All storage outlet pipes from the OSD tank shall be above the 1% AEP event water level.

STORAGE AND HANDLING OF WASTE

- F4. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan (Condition E68).
- F5. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left on the site;
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

- F6. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Car Parking, Loading and Servicing Management Plan prepared under this consent;
 - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F7. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.
- F8. The car spaces within the Development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.
- F9. Any traffic management system required to manage potential vehicle conflict within the site shall be operational at all times with required maintenance to be undertaken in accordance with manufacturer's recommendations and requirements.

USE OF COMMUNAL SPACES

- F10. The outdoor communal open spaces and the ancillary indoor amenities shall only be used by residents, staff and their guests and shall not be available for use or hire by the general public.
- F11. The use of the outdoor communal open spaces and indoor amenities may only be carried out between 7 am and 10 pm.
- F12. No amplified music shall be played within the outdoor communal open spaces that gives rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

LANDSCAPING

- F13. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under Condition B18.

FIRE SAFETY CERTIFICATION

- F14. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

- F15. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

BASIX CERTIFICATION

F16. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Nos. 1771293M_02 and any updated certificate issued if amendments are made.

GREEN TRAVEL PLAN

F17. Following occupation or commencement of use of the development, the Applicant must:

- (a) review and update the Green Travel Plan required by Condition **Error! Reference source not found.** annually; and
- (b) implement the Green Travel plan (as updated annually) for the life of the development.

IMPLEMENTATION OF THE VARIOUS OTHER OPERATIONAL MANAGEMENT PLANS

F18. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following the issue of the Occupation Certificate:

- (a) Acoustic Report (Condition B22);
- (b) Operational Plan of Management (Condition E44);
- (c) Stormwater Operational Management Plan (Condition E48);
- (d) Car Parking and Loading Management Plan (Condition E59); and
- (e) Operational Waste Management Plan (Condition E68).
- (f) Flood emergency Response and Management Plan (Condition E78)

HOUSING

IN-FILL AFFORDABLE HOUSING

F19. A minimum of 41 dwellings within the development must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*.

F20. For a period of 15 years commencing on the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates:

- (a) the affordable housing component must be used for affordable housing; and
- (b) the affordable housing component must be managed by a registered community housing provider; and
- (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than three months after the change; and
- (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

F21. The Applicant (or others responsible for the management of the affordable housing apartments, such as the Community Housing Provider) must use best endeavours to ensure that the affordable housing units for each stage of the Development are at full occupancy and by 30 June of each year, must submit to the Planning Secretary a report relating to the previous 12-month period as to:

- (a) the occupancy rate of the affordable housing units for that year; and
- (b) compliance with the requirement in this condition to use best endeavours.

ADVISORY NOTES

- AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
 - (b) certificates under Part 6 of the EP&A Act;
 - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
 - (d) approvals for the installation of any hoardings over Council footways or road reserves;
 - (e) approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act);
 - (f) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the development are obtained from other authorities or other parties, as relevant.
- AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
 - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
 - (c) Disability Discrimination Act 1992 (Cth);
 - (d) Building and Construction Industry Long Service Payments Act 1986;
 - (e) Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021;
 - (f) Airports (Protection of Airspace) Regulations 1996.
- AN6. The Housing and Productivity Contribution:
- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees; and
 - (b) 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 *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.
- AN7. The operation and maintenance of warm water systems and water-cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition D45 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition D45), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition D46):
 - (a) identifies how the Incident was detected;
 - (b) identifies when the Applicant became aware of the Incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the Incident; and
4. The Applicant must submit any further reports as directed by the Planning Secretary.