

CONSOLIDATED APPROVAL

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-75408008 – Mod 1	31 March 2026	Team Leader	Modification to delete the lower two (2) basement levels, being basement levels 7 and 8. Reconfiguration of approved basement levels.

The Department has prepared a consolidated version of the approval which is intended to include all modifications to the original determination instrument.

The consolidated version of the approval has been prepared by the Department with all due care. This consolidated version is intended to aid the approval holder by combining all approvals relating to the original determination instrument but it does not relieve an approval holder of its obligation to be aware of and fully comply with all approval obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

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

11 November 2025

File: SSD-75408008

SCHEDULE 1

Application Number: SSD-75408008
Application lodged by: Bridgestone Projects Pty Ltd

Consent Authority:	Minister for Planning and Public Spaces
Site:	44 – 52 Anderson Street Chatswood (SP80201; SP68797 and SP78790)
Development:	Construction of a 33-storey mixed-use shop-top housing development comprising: <ul style="list-style-type: none"> • a two-storey non-residential podium with commercial and retail floor space • two residential towers containing 123 apartments (including 36 affordable housing apartments) • an eight-level basement with 288 car parking spaces; • communal open space on level 2; • associated landscaping and public domain works, and • services and infrastructure improvements.

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.

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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.
Design Integrity Panel	The Design Integrity Panel, as outlined in the Bridging Design Excellence Strategy endorsed by the Government Architect NSW on 7 November 2024
Development	Where capitalised, means the Development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled "44-52 Anderson Street, Chatswood Environmental Impact Statement", prepared by Mecone, dated 2 May 2025, as amended by the Response to Submissions dated 4 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: <ul style="list-style-type: none"> • 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.
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 MAKE Architects and Turner Studio			
Drawing Number	Rev	Name of Plan	Date
<u>DA0001</u>	13	Cover Sheet	19.09.25
	<u>14</u>	<u>General Cover Sheet</u>	<u>23.01.26</u>
DA0100	05	Site Plan	21.10.24
DA1600	03	Demolition Plan	25.02.25
<u>DA2002</u>	<u>03</u>	<u>Level B8</u>	<u>27.05.25</u>
<u>DA2003</u>	<u>03</u>	<u>Level B7</u>	<u>27.05.25</u>
<u>DA2004</u>	02	Level B6	27.05.25
	<u>03</u>	<u>GA Plans Basement 06</u>	<u>23.01.26</u>
<u>DA2005</u>	03	Level B5	27.05.25
	<u>04</u>	<u>GA Plans Basement 05</u>	<u>23.01.26</u>
<u>DA2006</u>	06	Level B4	27.05.25
	<u>07</u>	<u>GA Plans Basement 04</u>	<u>23.01.26</u>
<u>DA2007</u>	06	Level B3	27.05.25
	<u>07</u>	<u>GA Plans Basement 03</u>	<u>23.01.26</u>
<u>DA2008</u>	08	Level B2	19.09.25
	<u>09</u>	<u>GA Plans Basement 02</u>	<u>23.01.26</u>
<u>DA2009</u>	10	Level B1	12.09.25
	<u>11</u>	<u>GA Plans Basement 01</u>	<u>23.01.26</u>
DA2010	06	Ground Floor	20.08.25
DA2011	06	Level 01	11.04.25
DA2012	09	Level 02 - Podium Amenity	20.08.25
DA2013	06	Level 03	19.09.25
DA2014	07	Level 04	20.08.25
DA2015	07	Typical Low Levels 5-8	19.09.25

DA2019	04	Typical Duplexes lower levels 9-23	19.09.25
DA2020	04	Typical Duplexes lower levels 10-24	19.09.25
DA2035	06	Levels 25-27	19.09.25
DA2038	03	Levels 28-29	19.09.25
DA2040	03	Level 30	19.09.25
DA2041	03	Level 31	19.09.25
DA2042	02	Level 32	19.09.25
DA2043	03	Level 33 – Roof	11.04.25
<u>DA2100</u>	<u>01</u>	<u>Building Section – North South</u>	<u>21.10.24</u>
	<u>02</u>	<u>Building Section – North South</u>	<u>20.03.26</u>
<u>DA2101</u>	<u>03</u>	<u>Building Section – East/West</u>	<u>21.10.24</u>
	<u>04</u>	<u>Building Sections – East/West</u>	<u>20.03.26</u>
DA2200	07	North Elevation	11.04.25
DA2201	06	South Elevation	11.04.25
DA2202	06	East Elevation	21.10.24
DA2203	06	West Elevation	21.10.24
DA2600	04	Deep Soil Diagram	21.10.24
DA2601	05	Communal Open Space Diagram	11.04.25
DA8100	02	Materials Board	16.06.25
DA8150	01	Wind Mitigation Strategies	27.05.25
DA8151	01	Wind Mitigation Strategies	27.05.25
DA8152	01	Wind Mitigation Strategies	27.05.25
DA8200	00	B1 Waste Management Plan	12.09.25
DA9000	05	FSR Plans – GFA	16.09.25
DA9100	02	Development Schedule	16.09.25
Landscape Plans prepared by Turf Design Studio			
LA13	H	Tree Management Plan	03.06.25
LA14	H	Ground Floor Landscape Plan	03.06.25
LA15	H	Ground Floor Planting Plan	03.06.25
LA16	H	Ground Floor Planting Palette	03.06.25
LA17	H	Ground Floor and Soil Depth Plan	03.06.25

LA18	H	Ground Floor Sections	03.06.25
LA19	H	Podium L2 Landscape Plan	03.06.25
LA20	H	Podium L2 Planting Plan	03.06.25
LA21	H	Podium L2 Planting Palette	03.06.25
LA22	H	Podium L2 Soil Depth Plan	03.06.25
LA23	H	Podium L2 Sections	03.06.25
LA24	H	Green Spine Overall Elevations	03.06.25
LA25	H	Green Spine – L3 Landscaping and Planting Plan	03.06.25
LA26	H	Green Spine – L4 Landscaping and Planting Plan	03.06.25
LA27	H	Green Spine – Typical L5-20 Landscaping and Planting Plan	03.06.25
LA28	H	Green Spine Planting Palette	03.06.25
LA29	H	Overall Planting Schedule	03.06.25
LA30	H	Overall Planting Schedule	03.06.25
LA31	H	Tree Canopy Coverage	03.06.25
LA32	H	Materials and Feature Elements Palette	03.06.25
LA33	H	Typical Details	03.06.25

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:
- the more recent document in Condition A1(b) prevails over an earlier document in that section; and
 - 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:
- demolition of existing buildings and structures, tree removal, site clearing and site preparation;
 - signage including business identification signs (excluding wayfinding signs if approved by this consent); and
 - first-use, fit-out or operating hours of the commercial and retail premises.

INFRASTRUCTURE CONTRIBUTIONS

DEVELOPER CONTRIBUTIONS

- A7. Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of Environmental Planning and Assessment Act, 1979 in the amount of **\$1,830,599.54** for the purposes of the Local Infrastructure identified in the Willoughby Local Infrastructure Contributions Plan.

Active transport and public domain facilities	\$78,070.50
Open space and recreation facilities	\$1,434,856.04
Plan administration	\$27,053.47
Recoupment - community facilities	\$275,948.23
Recoupment - open space and recreation	\$14,671.30
Total	\$1,830,599.54

Indexation

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

$$\frac{\$C_0 \times CPI_P}{CPI_C}$$

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

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

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)	\$994,458.27

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) 4% of the residential gross floor area in the development (being the residential component of the development related to this SSDA consent i.e. 18,218 m²) 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 4% of the residential gross floor area of the development (which in this case is 728.72 m² i.e. 4% x 18,218 = 728.72 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 SSSA 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 4% of the residential component of the development related to this consent (residential component is 728.72m² i.e. 4% x 18,218 = 728.72 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.

SYDNEY TRAINS

- A12. During all stages of the Development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the Development activities shall remain the full responsibility of the Applicant.
- A13. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- A14. The Applicant must ensure that all drainage from the Development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- A15. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - (b) acts as the authorised representative of the Applicant; and
 - (c) is available (or has a delegate notified in writing to Sydney Trains that is available) on a seven-days-a-week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- A16. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the Development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- A17. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is North Interface, and they can be contacted via email on North_Interface@transport.nsw.gov.au.
- A18. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to the Consent Authority for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- A19. Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site and all structures of the Development to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the Development or the owner or occupier of the part of the site to which access is sought.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

DESIGN AMENDMENT

- B1. ~~Prior to the issue of the Construction Certificate for the fit out of the basement, the Applicant must provide evidence to the Certifier that the revised plans detailing the following revisions have been submitted to and approved by the Planning Secretary:~~
- ~~(a) remove six residential and one retail car park spaces (being one parallel car parking space located along the western side of each basement level on Drawings Nos. DA2002, DA2003, DA2004, DA2005, DA2006, DA2007 and DA2008) as the width of these car parking spaces do not meet the Australian Standards.~~

DESIGN EXCELLENCE AND INTEGRITY

- B2. To ensure that the Development is consistent with assessed and approved design excellence requirements, the Applicant must:
- (a) commission Turner Studio 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 Design Integrity Panel.

MATERIALS AND FINISHES

- B3. Prior to the issue of the Construction Certificate for above ground works, 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

- B4. Prior to the issue of the first Construction Certificate, 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

- B5. Prior to the issue of the Construction Certificate for above ground works, 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 and ESD Report 44-52 Anderson Street Chatswood NSW 2067, prepared by GREENPERCH PTY LTD, dated 31 October 2024.

STRUCTURAL DETAILS

- B6. Prior to the issue of the first Construction Certificate for above ground works, 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.

- B7. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s):
- 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;
 - in accordance with applicable Australian Standards; and
 - with a system capacity designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing *Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

SYDNEY WATER ASSETS

- B8. Prior to the issue of the Construction Certificate for above ground works, 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

- B9. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- is consistent with the landscape plans prepared by Turf Design Studio, dated 20 June 2025 approved in Condition A1(c) as amended by any requirement of these conditions;
 - includes details of tree planting;
 - includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - demonstrates adequate drainage and watering systems;
 - includes details of plant maintenance and watering for the first 12 months; and
 - includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B10. Prior to the issue of the first Construction Certificate except for excavation, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (**CPTED**) management and mitigation measures included within the CPTED report prepared by Mecone, dated 12 November 2024.

WIND MITIGATION MEASURES

- B11. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier demonstrating that the design of the Development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Environment Study 44-52 Anderson St, Chatswood, prepared by WINDTECH, dated 28 February 2025.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B12. Prior to the issue of the Construction Certificate for above ground works, 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, prepared by RENZO TONIN & ASSOCIATES, dated 15 September 2025.

ADAPTABLE UNITS

- B13. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that:
- 34 adaptable dwellings have been provided within the Development; and
 - any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

BASIX CERTIFICATION

- B14. Prior to the issue of the Construction Certificate for above ground works, BASIX Nos. 1770964M_02 Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

ACCESSIBILITY

- B15. 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

- B16. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a detailed Public Art Strategy prepared in consultation with Council based on the recommendations contained in the Preliminary Public Art Plan prepared by UAP dated November 2024.
- B17. The Public Art Strategy must contain the final design, materials, finishes, construction methodology, ownership, ongoing maintenance methodology, associated budgeting arrangements and evidence of consultation undertaken.

CREATIVE HOARDINGS

- B18. 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.

EXTERNAL FINISHES – SOLAR ABSORPTANCE

- B19. The external roofing, glazing and walls of the Development are to be of minimal reflectance so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Details demonstrating compliance are to be submitted with the Construction Certificate application.

PUBLIC DOMAIN AND THROUGH SITE LINKS

- B20. Prior to the issue of the construction certificate for public domain works, a public domain plan, involving the public rights of way in the Anderson Street setback and rear setback adjacent the western boundary with the public right of way and 1 Day Street, is to be prepared in consultation with Council, identifying paving, lighting, landscaping and way faring signage, and is to be submitted to Council for approval.

PLANNING AGREEMENT

- B21. At least seven days prior to the issue of the first Construction Certificate, the Applicant must ensure that the second development contribution instalment set out in Schedule 2 of the planning agreement executed on 23 June 2022 (the Planning Agreement) is paid to Council. Contact Council for an indexation (CPI) adjustment at the time of payment.

STORMWATER AND DRAINAGE

DETAILED STORMWATER MANAGEMENT PLAN

- B22. Prior to the issue of the first Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans and calculations in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and shall include a water quality improvement system and an OSD system with a minimum volume of 97m³, which limits the peak flow from the site in the 1%AEP storm even to 46L/s. The plans for the system must include the following:
- All access points to the OSD system, water quality improvement system and rainwater tank shall be located within common areas and not within a tenanted space.
 - Access points to the OSD tank shall be provided at the outlet, at the diagonally opposite corner and as required to meet safety in design requirements, safe access to a confined space requirements and for ease of maintenance.
 - The OSD tank overflow shall be through the top or side of the tank and is to be to ground, with an overland flow path to the roadway. Overflow shall not be to an internal pit or pipe.
 - A minimum of 300mm freeboard shall be provided between the overflow level for the OSD tank and any adjacent floor level.
 - The invert level of the tank outlet shall be above the downstream 1%AEP water level, with the adopted water level at the connection point to the Council system to be the top of kerb level.
- B23. Calculations shall be provided to confirm that:
- The OSD system is based on the full site area and not just the impervious area.
 - the peak stormwater discharge from the developed site in the 1%AEP storm event does not exceed 46L/s/
 - the outlet from the OSD tank is above the downstream 1%AEP water level.
 - for the area draining to the OSD tank, flows in excess of the pipe capacity are able to be conveyed to the tank for all storms up to and including the 1% AEP storm event.

- (e) the proposed water quality improvement measure meet the water quality requirements detailed in Technical Standard 1.

All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NSZ3500.3 – Plumbing and Drainage Code and National Construction Code.

STORMWATER CONVEYED TO STREET DRAINAGE

- B24. 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 600mm x 600mm 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. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

ANALYSIS OF OUTLET CONDITION

- B25. The capacity of the outlet pipe from the OSD system to the Council system shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that the outlet from the OSD system is above the downstream water level for the 1%AEP storm event. The adopted downstream water level for the analysis shall be the top of kerb level at the connection point to the Council stormwater system. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to the Certifier for approval prior to the issue of the first Construction Certificate.

BASEMENT PUMPOUT DRAINAGE SYSTEM

- B26. Prior to the issue of the first Construction Certificate, the applicant shall submit, for approval by the Certifier, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications shall be generally in accordance with the approved stormwater management plans with the following requirements:
- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
 - (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1% Annual Exceedance Probability storm event 5-minutes duration of the area draining into the system, whichever is greater.
 - (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
 - (d) The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1% Annual Exceedance Probability storm event for 2- hours duration.
- B27. All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part I of Council's Development Control Plan, Technical Standard 1, AS/NZS 3500.3 – Plumbing and Drainage Code and the National Construction Code.

OSD/RAINWATER TANK DESIGN

- B28. The design of all rainwater/OSD tanks shall comply with the requirements of the NSW Work Health and Safety Regulation 2017, to minimise risks associated with confined spaces. The design shall also consider "Safety in Design" requirements. For the OSD tank, access points shall be located at the outlet and at the diagonally opposite corner and be located in common areas. Prior to issue of the first Construction Certificate, a suitably qualified person shall certify that the design meets these requirements.

ROAD WORKS, ACCESS, PARKING AND SERVICING

DESIGN OF WORKS IN PUBLIC ROAD (ROAD ACTS APPROVAL)

- B29. Prior to issue of the Construction Certificate for public domain 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 Day Street, Anderson Street and O'Brien Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.

- (b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Day Street, Anderson Street and O'Brien Street and for half the cul-de-sac head in Day Street in accordance with Council's specifications and Standard Drawing SD105.
 - (c) Reconstruction of the existing road pavement 4.0m wide for the full frontage of the development site in Day Street, Anderson Street and O'Brien Street and for half width of the cul-de-sac in Day Street in accordance with Council's specifications.
 - (d) Construction of a 7.0 metres wide vehicular crossing in Day Street in accordance with Council's specification and Standard Drawings SD105.
 - (e) Construction of new stormwater pits and pipe in Day Street, to connect the site drainage system to the Council pit at the end of Day Street in accordance with Council's specifications. Pipes shall be a minimum of 375mm diameter Class 4 RCP and pits 1.8m kerb inlet.
 - (f) Any other works in the public domain required to facilitate the development.
- B30. The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the Roads Act submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.
- B31. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of the first Construction Certificate.

DRIVEWAY LONGSECTION

- B32. Prior to issue of the Construction Certificate for public domain works and driveway works and in order to assess the susceptibility of vehicles to scraping as they pass over the proposed access driveway the applicant shall submit longitudinal sections for approval by the Certifier along each side of the proposed vehicular access path drawn at 1:20 Scale. The longitudinal sections shall include the following:
- (a) Horizontal distance from the centreline of the road to 10m within the site, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.
 - (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
 - (c) Crossfall on road pavement shall be shown on long sections.
- B33. The design shall be prepared by a suitably qualified civil engineer using Council's standard vehicle profile (SD100). All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.
- B34. The new crossing is to be 7.0 metres wide with no splays and be constructed at right angle to street kerb. The footpath/footpath zone which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:
- (a) At back of layback – 100 mm above and parallel to the gutter invert.
 - (b) At property boundary – 170mm above and parallel to the gutter invert.
- B35. The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

VEHICLE MANOEUVRING – ENGINEER'S CERTIFICATION

- B36. Prior to the issue of the Construction Certificate for the fitout of the basement, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the design of vehicular access and manoeuvring for the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:
- (a) 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) Appropriate pedestrian advisory signs must be provided at the egress from parking areas.
 - (d) All works/regulatory signposting associated with the development must be at no cost to the relevant roads authority.
 - (e) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.

- (f) That the maximum gradient for the first 6 metres from the property's front boundary to the basement complies with Clause 3.3.a of AS/NZS 2890.1 and that all driveway grades comply AS/NZS 2890.1 and AS 2890.2.
- (g) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (h) That visitor parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1
- (i) That courier parking spaces comply with the requirements for Class 3 Short term parking in AS/NZS 2890.1
- (j) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
- (k) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (l) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (m) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m headroom) has been provided for the loading area and the path to and from the loading area. (j) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (n) Simultaneous manoeuvrability of the largest vehicle using the site (minimum Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay.
- (o) Simultaneous manoeuvrability of the largest vehicle using the site (minimum Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay.
- (p) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
- (q) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit.

CAR PARKING

- B37. Prior to the issue of the Construction Certificate for the fitout of the basement, the Applicant must submit to the Certifier a Report demonstrating that the development will provide the following car parking requirements:
- (a) compliance with Australian Standards for the layout, design and security of bicycle facilities;
 - (b) provision of ~~249~~ **218** residential car parking spaces including ~~24~~ **25** accessible spaces and one EV parking space within the basement;
 - (c) provision of 14 retail car parking spaces;
 - (d) one retail/commercial accessible space;
 - (e) provision of 6 commercial car parking spaces;
 - (f) provision of 18 residential visitor car parking spaces;
 - (g) provision of 10 motorcycle parking spaces;
 - (h) provision of electric vehicle charging infrastructure in accordance with the NCC;
 - (i) provision of two service vehicle parking spaces, SRV and MRV parking spot; and
 - (j) provision of ~~470~~ **155** bicycle parking spaces including six visitor bicycle parking spaces located on Anderson Street frontage.

FINISH SURFACE LEVELS ALONG STREET BOUNDARY

- B38. Prior to the issue of the Construction Certificate for above ground works, finished surface levels for all internal works along the street boundary, including finish floor levels, driveways, car spaces, landscaping, drainage structures etc., must be shown on the plans issued for construction. The development's internal surface levels along the street boundary must be consistent with the public domain civil works plans approved by Council under the Roads Act (1993). Any changes required to the finish floor levels approved under this development consent may require an application under S4.55 of the EP&A Act.

PUBLIC DOMAIN WORKS FOR O'BRIEN STREET, DAY STREET AND ANDERSON STREET

- B39. Prior to the issue of the Construction Certificate for public domain works, construction plans for public domain upgrades are to be approved by Council. The works are to be broadly consistent with the Anderson Street Public Domain Schematic Design (Rev B) provided in Council's Traffic Committee Meeting notes dated 13 February 2025, to Council's specification:

- (a) Raised thresholds, road paving (asphalt to match northern half), landscaping and signage upgrading for the southern half of O'Brien Street - between Anderson Street and where O'Brien Street ends before the North Shore Rail Line (to be to a TfNSW Category 1 Shared Zone standard).
- (b) Raised thresholds, road paving (asphalt to match southern half), landscaping and signage upgrading for the northern half of Day Street – opposite the subject site (to be to a TfNSW Category 1 Shared Zone standard).
- (c) Raised thresholds, road paving, landscaping and signage upgrading for Anderson Street, between O'Brien Street (mid-point of intersection) and Day Street (mid-point of intersection).

WASTE

COUNCIL WASTE VEHICLE AND LOADING BAY

B40. Prior to the issue of the Construction Certificate for the fitout of the basement, the Applicant shall obtain written confirmation from Council's Waste Section that the proposed loading bay and associated manoeuvring area are suitable for Council's waste vehicle and comply with Council's requirements for waste collection.

WASTE STORAGE ROOM CONSTRUCTION

B41. Prior to issue of the Construction Certificate for the fitout of the basement, design certificate and detailed plans are to accompany any Construction Certificate application which demonstrates that the waste storage has been designed to be constructed in accordance with the Waste Management Guide and including the following requirements:

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

WASTE CHUTE DESIGN

B42. Prior to issue of the construction certificate for the fitout of the basement, a design certificate and detailed plans are to accompany the first Construction Certificate application which confirms that the waste chute can be constructed to satisfy the Waste Management Guide and specifically the following requirements:

- (a) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material
- (b) Chute is cylindrical in section, vertical and without bends as it passes through the floors
- (c) Chutes must terminate in the waste storage room and discharge into a waste bin
- (d) Manufacturers technical specifications and operational limitations

ACCESS FOR WASTE COLLECTION VEHICLES

B43. Prior to the issue of the Construction Certificate for the fitout of the basement, a design Certificate and detailed plans are to accompany the Construction Certificate application that confirms that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide. The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2:2018.

B44. The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements:

- (a) 25 tonne waste collection vehicles.
- (b) Turning circle of 23 metres.
- (c) Truck length of 10.5 metres.
- (d) Clearance height of 4.5 metres throughout the vehicle swept path.

ON-SITE COLLECTION POINT(S) DESIGN

- B45. Prior to issue of the Construction Certificate fitout of the basement, it must be demonstrated that the nominated on-site collection point(s) can be safely and efficiently used to facilitate the collection of waste for the development, including any bin contents, bulky waste and any other waste. Any on-site collection point is:
- (a) to be designed without obstructions so not to restrict the collection of waste;
 - (b) to be located within two (2) metres of the applicable collection holding room and without any need to cross any active traffic area during the collection of waste; and
 - (c) include a safe unobstructed rear clearance of two (2) metres behind the truck for loading of bin contents and bulky waste.

CONSTRUCTION WASTE MANAGEMENT LOCATION

- B46. Prior to the issue of the first Construction Certificate, a layout of the development site showing their onsite waste facilities during construction must be provided for approval.

SYDNEY TRAINS

- B47. Prior to the issuing of a Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant AMB Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
- (a) Detailed Survey Plan showing the relationship of the proposed development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
 - (b) Cross Sectional Drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - (c) Geotechnical and Structural report/drawings that meet Sydney Trains' requirements.
 - (d) Construction methodology with construction details pertaining to structural support during excavation.
 - (e) If required by Sydney Trains, a Finite Element (FE) analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 - (f) If required by Sydney Trains, a Monitoring Plan.
- The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B48. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifier and Council prior to the issuing of a Construction Certificate. The Certifier must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- B49. Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- B50. Prior to the issue of a Construction Certificate, the Applicant shall include in their Construction Management Plan and Safe Working Method Statements (SWMS) adherence to the load restriction set in place for the Wilson Street rail overbridge. The Certifier shall not issue a Construction Certificate until these requirements have been met.
- B51. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

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; and
 - (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) an unexpected finds protocol for remediation in accordance with Condition C16;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Condition D26;
 - (i) 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) quantification of the rating background noise level (RBL) for Sensitive Receivers;
 - (c) 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;

- (d) 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;
- (e) 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;
 - (iii) no out of hours vehicle deliveries;
 - (iv) idle plant and vehicles to be switched off;
 - (v) respite periods for noisy works;
- (f) 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;
- (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (i) 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
- (j) 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; and
 - (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.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C7. 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.
- C8. 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

- C9. 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.
- C10. 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.
- C11. 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.
- C12. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C13. 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.
- C14. 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

- C15. 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.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

- C16. 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.

REMEDIAL ACTION PLAN

- C17. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan prepared by Stantec Australia Pty Ltd dated 29 October 2024 and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

SITE AUDITOR

- C18. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the Contaminated Land Management Act 1997, has been appointed to independently review the implementation and validation of the remediation works.
- C19. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- C20. Upon completion of the remediation works and prior to the commencement of construction of the development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

VALIDATION REPORT

- C21. Within one month following the completion of the remediation works for the Development, a Remediation Validation Report (**RVR**) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C22. 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.
- C23. 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

- C24. 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.

DIAL BEFORE YOU DIG SERVICE

- C25. 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.

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
 - (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 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.
- D10. 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.
- D11. 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.
- D12. 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).

- D13. 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

- D14. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D15. 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.
- D16. 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.

TREE PROTECTION

- D17. 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.

EROSION AND SEDIMENT CONTROL

- D18. 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.

CUT AND FILL

- D19. 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.
- D20. 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.

DISPOSAL OF SEEPAGE AND STORMWATER

- D21. 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*.
- D22. 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.
- D23. 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*.

ASBESTOS

- D24. 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’.

CONTACT TELEPHONE NUMBER

D25. 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

D26. 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.

D27. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

D28. 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.

D29. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

D30. 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 36 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.

PLANNING AGREEMENT

- E6. At least seven days prior to the issue of the Occupation Certificate, the Applicant must ensure that the third development contribution instalment set out in Schedule 2 of the Planning Agreement is paid to Council. Contact Council for an indexation (CPI) adjustment at the time of payment.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E7. Before the issue of any Occupation Certificate, the Applicant is to provide a Report (**Post-Construction Dilapidation Report**) to the Certifier:
- 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;
 - 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;
 - whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E8. 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

- E9. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- E10. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
 - 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.
- E11. Prior to the occupation or commencement of the use of the Development, any damage identified in Condition E7 as being caused by the carrying out of the Development not subject to Condition E10 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E12. 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.
- E13. 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

- E14. 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 have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

- E15. 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

- E16. 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 B13.

STRUCTURAL INSPECTION CERTIFICATE

- E17. 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.
- E18. 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

- E19. 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 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 B9 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.

FIRE SAFETY CERTIFICATION

- E20. 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.
- E21. 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

- E22. 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

E23. 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.

UTILITY PROVIDERS

E24. 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.

E25. 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.

CAR PARKING AND BICYCLE PARKING AND GREEN TRAVEL PLAN

E26. 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 B37.

E27. Prior to the issue of any Occupation Certificate, the Applicant must prepare a final Green Travel plan consistent with the Proposed Mixed-Use Development 44 – 52 Anderson Street, Chatswood Preliminary Green Travel Plan prepared by JMT Consulting dated 23 October 2024.

E28. 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

E29. 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 DRIVEWAYS

E30. Prior to the issue of any occupation certificate, the Applicant must demonstrate to the Certifier that:

- (a) all redundant driveways 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.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

E31. 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 B10.

WIND MITIGATION MEASURES

E32. 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 B11.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

E33. Prior to the issue of any Occupation Certificate, the Applicant must provide evidence to the Certifier demonstrating compliance with the commitments in the SEARs Ecologically Sustainable Design Report, prepared by IGS, dated 6 February 2025.

PUBLIC ART STRATEGY

E34. Prior to the issue of any relevant Occupation Certificate, the Applicant must submit evidence to the Certifier that the Public Art Strategy prepared in accordance with B16 has been implemented

STATE SURVEY MARKS

E35. 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.

STORMWATER AND DRAINAGE

INSPECTION OF DRAINAGE CONNECTION TO COUNCIL'S DRAINAGE LINE

- E36. Prior to the issue of any Occupation Certificate, inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

ON-SITE WATER MANAGEMENT SYSTEM

- E37. Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council drainage system in Day Street via a water quality improvement system and an approved OSD system with a minimum volume of 97m³ in accordance with AS/NZS3500.3, Part I of Council's DCP and Technical Standard 1. 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 (AUSSPEC).

SIGN FOR ON-SITE STORMWATER DETENTION SYSTEM

- E38. 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".

CONFINED SPACE SIGN

- E39. 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.

CERTIFICATION OF OSD

- E40. Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in Appendix 2 of Council's Technical Standard No. 1.

CERTIFICATION OF THE BASEMENT PUMPOUT DRAINAGE SYSTEM

- E41. 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 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.
 - 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.
 - Certification from a licensed plumber to ensure that the constructed pumpout system complies with the current plumbing requirements of Sydney Water and AS/NZS3500.3.

WORKS-AS-EXECUTED PLANS - OSD

- E42. Prior to the issue of any Occupation Certificate and upon completion of the OSD System, the following shall be submitted to the Certifier:
- 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.
 - Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

S88B/S88E(3) INSTRUMENT

- E43. Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built on-site stormwater detention (OSD) system and stormwater treatment system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

- E44. The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The size and relative location of the OSD system and stormwater treatment system, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested. Council's costs, including legal fees associated with reviewing, approving and executing the Positive Covenant and Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing.
- E45. Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifier and Council prior to issue of any Occupation Certificate

DOCUMENTARY EVIDENCE OF POSITIVE COVENANT, ENGINEERS CERTIFICATE

- E46. Prior to the issue of any Occupation Certificate, the following documentary evidence of the completed drainage works shall be submitted to Certifier and Council:
- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
 - Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system.
 - 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.

STORMWATER MAINTENANCE PLAN

- E47. Prior to the issue of an Occupation Certificate, submit to the Certifier approval a Maintenance Plan for the stormwater management system. The plan is to be in accordance with recommendations of "Guidelines for the Maintenance of Stormwater Treatment Measures" published by Stormwater NSW or other relevant guidelines or publications.

CERTIFICATION OF WATER QUALITY IMPROVEMENT SYSTEM

- E48. Prior to the issue of an Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as built water quality improvement system is in accordance with the approved plans and complies with the requirements of Technical Standard 1.

ROAD WORKS

PUBLIC DOMAIN WORKS FOR O'BRIEN STREET AND DAY STREET

- E49. The shared zones in O'Brien Street and Day Street are to be constructed to Council's satisfaction prior to the issue of any Occupation Certificate.

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

PUBLIC DOMAIN WORKS FOR ANDERSON STREET

- E50. Public Domain upgrades to Anderson Street are to be constructed to Council's satisfaction prior to the issue of any Occupation Certificate.

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

CONSTRUCTION OF KERB AND GUTTER

- E51. Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Day Street, Help Street and O'Brien Street and for half the cul-de-sac head in Day Street. Kerb ramps complying with current standards shall be provided as required at existing crossing points at roads.

RECONSTRUCT PAVEMENT

- E52. Prior to the issue of any Occupation Certificate, reconstruct the following pavement areas:
- 4.0m wide for the site frontage in Anderson Street
 - 4.0m wide for the site frontage in O'Brien Street
 - 4.0m wide the site frontage in Day Street

(d) Half the cul-de-sac in Day Street

E53. The pavement shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 3 x 105 ESA. Mill and resheet with 50mm AC10 of the pavement may be permitted by Council subject to agreement by Council Engineers following proof rolling and provision of a geotechnical report that confirms that the pavement meets the required design life.

FOOTPATH

E54. Prior to the issue of any Occupation Certificate, construct a 1.5m wide footpath for the full frontage of the development site in Day Street, Anderson Road and O'Brien Road.

E55. All works shall be carried out in accordance with Council's standard specifications and drawings. Pavement materials shall be as per Council's requirements for the CBD.

VEHICULAR CROSSING

E56. Construct a new vehicular crossing including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

E57. The crossing is to be 7.0 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

E58. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 170 mm above and parallel to the gutter invert.

E59. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb.

E60. The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

E61. All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

E62. Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to issue of any Occupation Certificate.

REMOVAL OF REDUNDANT CROSSINGS

E63. Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

E64. Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to issue of any Occupation Certificate.

INSPECTION OF CIVIL WORKS ON ROAD RESERVES

E65. All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

E66. 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.

PERFORMANCE BOND

E67. Prior to the issue of any Occupation Certificate, a performance bond must be lodged with Council against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate as the road authority under the Roads Act 1993. The bond will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

ACCESS, PARKING AND SERVICING

VEHICLE ACCESS AND MANOEUVRING – CONSTRUCTION & CERTIFICATION

- E68. Prior to the issue of any Occupation Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the construction of vehicular access and manoeuvring for the development. This certification must be based on a site inspection of the constructed vehicle access, manoeuvring and vehicle accommodation areas, with dimensions and measurements as necessary, and must make specific reference to the following:
- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
 - (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
 - (c) That the maximum gradient for the first 6 metres from the property's front boundary to the basement complies with Clause 3.3.a of AS/NZS 2890.1 and that all driveway grades comply AS/NZS 2890.1 and AS 2890.2.
 - (d) Aisle widths throughout basements comply with AS/NZS 2890.1.
 - (e) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
 - (f) That visitor parking spaces comply with the requirements for Class 2 medium term parking in AS/NZS 2890.1.
 - (g) That courier parking spaces comply with the requirements for Class 3 short term parking in AS/NZS 2890.1.
 - (h) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
 - (i) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
 - (j) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
 - (k) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m high) has been provided for the loading area and the path to and from the loading area
 - (l) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
 - (m) Access and manoeuvrability of the largest vehicle accessing the site (minimum Council's 10.5m waste vehicle) and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved between the site entry and the loading bay.
 - (n) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
 - (o) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit, including provision of kerbs to direct vehicles to compliant locations.

COUNCIL WASTE VEHICLE AND LOADING BAY

- E69. Prior to the issue of any Occupation Certificate, the Applicant shall obtain written confirmation from Council that the loading bay and associated manoeuvring area is suitable for Council's waste vehicle.

PUBLIC DOMAIN

STREET LIGHTING

- E70. Prior to the issue of any Occupation Certificate, provide approved street lighting required to suit the development in accordance with Australian Standard AS/NZ 1158.(2005).

TURFING OF NATURE STRIP

- E71. Prior to the issue of a Whole Occupation Certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

PUBLIC TREE MAINTENANCE

- E72. Prior to the issue of any relevant Occupation Certificate, the Applicant submit evidence to the Certifier confirming that:

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

PUBLIC TREE PLANTING

E73. Prior to the issue of a Whole Occupation Certificate, plant the following trees on Council land forward of the property:

- (a) five (5) Fraxinus 'Raywoodi' (Claret Ash) to be planted on the Anderson Street frontage;
- (b) three (3) Pyrus callieriana (Chanticleer Pear) to be planted on the O'Brien Street frontage.

E74. The tree shall:

- (a) have a minimum container size of 200 litres and grown to AS 2303:2018 Tree stock for landscape use.
- (b) be planted in accordance with WCC Vegetation Management Guidelines. 34
- (c) be planted at least 2m from driveways, and generally in alignment with other street trees.

PUBLIC RIGHTS OF WAY

E75. Prior to the issue of any Occupation Certificate, rights-of-way must be registered, with Land Registry Services over:

- (a) the 6m Anderson Street setback.
- (b) the 2m wide setback to the western boundary with public right of way and 1 Day Street.

WASTE

DOMESTIC WASTE COLLECTION AGREEMENT WITH COUNCIL

E76. Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for council and its servants/ contractors to enter and exit for the purpose of waste recycling collection. The development is also required to indemnify Council and its servants/contractors against claims for loss or damage or wear and tear of access roads or to other parts of the building.

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

NON-RESIDENTIAL PRIVATE WASTE COLLECTION SERVICE

E77. Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the non-residential component.

E78. Prior to entering into an agreement for a private waste collection service, the developer is to ensure that:

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

E79. A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

COUNCIL INSPECTION – WASTE VEHICLE ACCESS AND MANOEUVRING

E80. 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

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E81. 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 E86;
 - (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 E83);
 - (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 2;
- E82. 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.

OPERATIONAL WASTE MANAGEMENT

- E83. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an **Operational Waste Management Plan** for the Development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) be prepared in consultation with Council;
 - (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
 - (c) confirm the location of waste collection and establish appropriate routes to the collection point;
 - (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
 - (e) detail the type and quantity of waste to be generated during operation of the Development;
 - (f) 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;
 - (g) provide confirmation that would separate the waste collection times for the residential waste and commercial / retail waste;
 - (h) provide details of a bulky waste storage area for residents; (i) confirm that the bin carting routes do not have any steps;
 - (i) 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.

STORMWATER

- E84. 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.
- E85. 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.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E86. 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 (minimum Council's 10.5m waste vehicle) and simultaneous manoeuvrability of the largest vehicle using the site
 - (d) loading dock is not to be used for deliveries between 10pm and 7am;
 - (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

- E87. 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.
- E88. Prior to the issue of any Occupation Certificate, rights-of-way must be registered with the Land Registry Services over the 6 m Anderson Street setback, 2 m wide setback to the western boundary with public right of way and 1 Day Street.
- E89. 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.

INFILL AFFORDABLE HOUSING

- E90. 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 36 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.

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 SOMP; 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.

STORAGE AND HANDLING OF WASTE

- F2. 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.
- F3. 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

- F4. 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
- F5. 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.
- F6. 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.

LANDSCAPING

- F7. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under Condition B9.

FIRE SAFETY CERTIFICATION

- F8. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

- F9. 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.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- F10. Within 24 months of commencement of operation, Green Star certification must be obtained demonstrating the development, operating in accordance with this consent achieves a minimum 5-Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

BASIX CERTIFICATION

- F11. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1770964M_02 and any updated certificate issued if amendments are made.

GREEN TRAVEL PLAN

- F12. Following occupation or commencement of use of the development, the Applicant must:
- (a) review and update the Green Travel Plan required by Condition E27 annually; and
 - (b) implement the Green Travel plan (as updated annually) for the life of the development.

LOCATION OF ON-SITE DETENTION SYSTEM

- F13. All access points to the on-site stormwater detention system and water quality improvement system, including access points to any underground tank, shall be located in common areas.

UNDERGROUNDING

F14. 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.

ANALYSIS OF OUTLET CONDITION

F15. All storage outlet pipes from the OSD tank shall be above the 1% Annual Exceedance Probability (AEP) event water level.

STORMWATER TREATMENT SYSTEM – ONGOING MAINTENANCE

F16. 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.

DELIVERIES AND SERVICE VEHICLES

F17. All service and delivery vehicles, including removalist vehicles, couriers and food delivery vehicles, shall load and unload on site using the designated bays. No loading or unloading shall occur on Council streets.

WASTE

WASTE MANAGEMENT COLLECTION POLICY

F18. The development must operate in full compliance with Council’s Waste Management collection requirements. This includes collection by Council HRV, currently on the following frequencies:

- (a) Garbage: twice per week.
- (b) Recycling: once per week.
- (c) Garden organics: once per week.
- (d) Bulky waste booked or scheduled service.

LICENCED WASTE COLLECTION

F19. All businesses must have written evidence on site of a valid and current contract with a licenced waste collector for lawful waste and recycling collection disposal whether disposal is for landfill, treatment, recycling, reuse or any other purpose.

MANAGEMENT OF WASTE

F20. Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone’s role and responsibility. This is to include:

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

F21. Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste and recycling system.

WASTE AND RECYCLING SIGNAGE

F22. Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.

WASTE CHUTE CONTINGENCY

F23. Where the waste management system incorporates the use of a waste chute system, a contingency plan should be in place for the development to allow for the continual disposal and collection of waste if the chute cannot be operated.

WASTE EQUIPMENT

- F24. The building manager must ensure suitable waste equipment is maintained and operated in addition to Waste Storage Containers and chute systems:
- (a) A bin lifter, to decant the on-floor residential Waste Services Cupboard bins into the 1,100L bins for collection.
 - (b) A bin tug, to transfer the bins and bulky waste from generation (e.g., chute rooms or resident use rooms) to the collection holding rooms, where the distances exceed three (3) metres for 1,100L bins (and bulky waste) and five (5) metres for smaller bins (NSROC 2018, Section 3.16.2).

WHEELING OF BINS: GRADIENT AND SURFACE

- F25. The development must provide a maximum bin wheeling grade for caretakers and Council's waste collection staff of 1:33; the requirement for 660L bins (3%) that is at least 2m wide, non-slip and free of obstructions and steps.

CHUTE ACCESS AND WASTE SERVICES CUPBOARD AT EVERY RESIDENTIAL LEVEL

- F26. Every residential level must contain signed chute entry access and a signed Waste Services Cupboard that contains a recycling bin of at least 240L capacity.

ON-SITE COLLECTION POINT(S)

- F27. The nominated on-site collection point(s) are to be utilised to facilitate the collection of waste for the development, including any bin contents, bulky waste and any other waste. Each on-site collection point is:
- (a) to be kept clear of obstructions at all times so not to restrict the collection of waste;
 - (b) to be located within two (2) metres of the applicable collection holding room; and
 - (c) include a safe unobstructed rear clearance of two (2) metres behind the truck for loading of bin contents and bulky waste.

WASTE STORAGE CONTAINERS

- F28. Waste storage containers must not be located or placed outside the approved waste storage areas at any time except for collection purposes.
- F29. Waste storage containers must be adequately maintained in full working order without damage (without splits, with all components in-tact and with all wheels operational). Bin lids must be able to be closed shut at all times.

HOUSING

IN-FILL AFFORDABLE HOUSING

- F30. A minimum of 36 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.
- F31. 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.
- F32. 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:
- (c) modifications to this consent or other development consents required under the EP&A Act;
 - (d) certificates under Part 6 of the EP&A Act;
 - (e) 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;
 - (f) approvals for the installation of any hoardings over Council footways or road reserves;
 - (g) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - (h) 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 D28 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 D28), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition D29):
 - (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.