



**PLANNING & INFRASTRUCTURE**  
**Planning Unit**

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

<b>Application number</b>	DA-2023/160 PAN-342067
<b>Applicant</b>	Loftex Chatswood Pty Limited Level 18, 141 Walker St NORTH SYDNEY NSW 2060
<b>Description of development</b>	SNPP - The application is identified as nominated integrated development requiring approval from Water NSW pursuant to s90 Water Management Act 2000 - SNPP - AMENDED PLANS - Demolition of existing structures, construction of 27 storey mixed-use development comprising commercial, 127 residential units, 3 to 4 levels of basement carparking, publicly accessible through-site link and associated works.
<b>Property</b>	3-5 HELP STREET, CHATSWOOD NSW 2067 COMMON PROPERTY ON SP 134, COMMON PROPERTY ON SP 52320
<b>Determination</b>	Approved Consent Authority ○ Sydney District or Regional Planning Panel.
<b>Date of determination</b>	17 September 2024
<b>Date from which the consent operates</b>	17 September 2024
<b>Date on which the consent lapses</b>	18 September 2029
<b>Approval bodies that have given general terms of approval</b>	WaterNSW

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### Reasons for approval

- a) Subject to compliance with the conditions of consent the development satisfies all relevant SEPP, LEP and DCP objectives and contain sufficient elements to achieve design excellence.
- b) The impacts to surrounding residences and the surrounding locality emanate from compliance with the Chatswood CBD Planning and Urban Design Strategy 2036, WLEP and WDCP;
- c) The proposal satisfies the Chatswood CBD Planning and Urban Design Strategy 2036.

### Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

#### Request a review

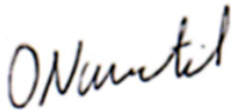
You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

#### Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 month after the date on which the determination appealed against is notified or registered on the NSW planning portal.

An objector who is dissatisfied with the consent authority's determination to grant consent, has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Olivia Navratil  
on behalf of,  
Hugh Phemister  
GENERAL MANAGER

For further information, please contact Council on 02 9777 1000.

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

# GENERAL CONDITIONS

Condition
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## 1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Site demolition plan	0102	A	12/06/2023	Em Be Ce
Proposed site plan	0110			
Public Domain Plan	0111	B	22/02/2024	
B03 Plan	1001			
B02 Plan	1002			
B01 Plan	1003			
LG Plan	1010			
UG Plan	1011			
Mezzanine Plan	1100	A	12/06/2023	
L01 Plan	1101			
L02 Plan	1102	B	22/02/2024	
L03 Plan	1103			
L04 -05 Plan	1104			
L06 Plan	1106			
L07-18 Plan	1107			
L19-24 Plan	1122			
L25 Plan	1125	A	12/06/2023	
Roof Plan	1126			
West Elevation Cambridge Lane	2000	B	22/02/2024	
North Elevation Mcintosh Street	2001	A	12/06/2023	
East Elevation	2002	B	22/02/2024	
South Elevation Help Street	2003			
Section North-South	3000			
Section East-West	3001			
Driveway Ramp Plan	4500			
Driveway Ramp Sections	4501			
Material Palette	9900	A	12/06/2023	
Stormwater Coversheet	301351072	04	12/06/2024	Stantec
General Notes	CI-007-001	C	15/06/2023	
Demolition Plan	CI-030-001	D	24/05/2024	

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Existing Conditions Plan	CI-050-001	C	15/06/2024	Stantec
General Arrangement Plan - Basement	CI-060-101	D	24/05/2024	
General Arrangement Plan – Lower Ground Floor	CI-060-201	G	12/06/2024	
General Arrangement Plan – Upper Ground Floor	CI-060-301	E	11/01/2024	
Erosion and Sediment Control Plan	CI-070-001	C	15/06/2023	
Erosion and Sediment Control Details	CI-076-001			
Bulk Earthworks Plan	CI-100-001			
Public domain and Pavement Plan Sheet 1	CI-400-001			
Public domain and Pavement Plan Sheet 2	CI-400-002			
Civil Details	CI-406-001			
Stormwater Drainage Catchment Plan	CI-500-001	C	24/05/2024	
Stormwater Drainage Longitudinal Sections	CI-522-001	E		
Stormwater Drainage Details Sheet 1	CI-526-001	D		
Stormwater Drainage Details Sheet 2	CI-526-002	F		
Cover Page and Notes	L-001	D	-	Common Grounds Landscape Architecture
Existing Tree Plan	L-01		11/05/2023	
Compliance	L-002	C	27/04/2023	
Deep Soil zone	L-02	D	11/05/2023	
Landscape Site Plan	L-03			
Landscape Site Plan – Ground	L-04			
Planting Plan – Ground	L-05			
Landscape Site Plan – Mezzanine	L-06			
Planting Plan – Mezzanine	L-07			
Landscape Plan - Level 1	L-08	C		
Planting Plan – Level 1	L-09			
Landscape Plan – Level 2	L-10			
Planting Plan – Level 2	L-11			
Landscape Plan – Level 6	L-12			
Planting Plan – Level 6	L-13			
Section 1/101	L101			
Section 1/102	L-102			
Public Domain Perspective 1	L103			
Public Domain Perspective 2	L104			
Public Domain Precedent 1	L-105			
Public Domain Precedent 2	L-106			
Level 2 – Perspective 2	L-107			
Level 2 – Perspective 1	L-108			
Typical Details	L-201			

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

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

**2. WaterNSW**

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

Dewatering

GT011500001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT011600001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT011700001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

<p>GT011800001</p>	<p>If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:</p> <ul style="list-style-type: none"> <li>(a) record water taken for which the exemption is claimed, and</li> <li>(b) record the take of water not later than 24 hours after water is taken, and</li> <li>(c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and</li> <li>(d) keep the record for a period of 5 years, and</li> <li>(e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124</li> <li>(i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or</li> <li>(ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.</li> </ul>
<p>GT011900001</p>	<p>All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.</p>
<p>GT012000001</p>	<p>The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any belowground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.</p>
<p>GT012100001</p>	<p>Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.</p>
<p>GT012200001</p>	<p>Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to</p>

	<p>groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):</p> <ul style="list-style-type: none"> <li>i. Preapplication measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.</li> <li>ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;</li> <li>iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;</li> <li>iv. QA: Include details of quality assurance and control</li> <li>v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.</li> </ul> <p>b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)</p>
<p>GT012300001</p>	<ul style="list-style-type: none"> <li>(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.</li> <li>(b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): <ul style="list-style-type: none"> <li>1) All results from the Approved Monitoring Programme; and</li> <li>2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.</li> </ul> </li> <li>(c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.watarnsw.com.au/customer-service/waterlicensing/dewatering">www.watarnsw.com.au/customer-service/waterlicensing/dewatering</a></li> </ul>
<p>GT015000001</p>	<p>The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following:</p> <ul style="list-style-type: none"> <li>- Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation</li> <li>- Survey plan showing ground surface elevation across the site</li> <li>- Architectural drawings showing basement dimensions</li> <li>- Environmental site assessment report</li> </ul> <p>for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS))</p> <ul style="list-style-type: none"> <li>- Laboratory test results for soil sampling testing for ASS</li> <li>- If ASS, details of proposed management</li> </ul>

	and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT015100001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT015200001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT015500001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

(Reason: Ensure compliance)

**3. Transport for NSW (Sydney Trains)**

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

A.	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 Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority 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.
B.	The proposed development is to comply with the deemed-to satisfy provisions in the Department of Planning’s document titled “Development Near Rail Corridors and Busy Roads- Interim Guidelines”.
C.	Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure’s Development Assessment Guideline titled “Development Near Rail Corridors and Busy Roads - Interim Guidelines” as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective

	measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
D.	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 Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority 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.
E.	Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
F.	The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
G.	If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
H.	No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
I.	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 Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
J.	The Applicant/Developer shall not at any stage block any corridor access gate and must make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
K.	If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure, and must be maintained for the duration specified by Sydney Trains. The Applicant

	is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
L.	If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
M.	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 Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
N.	Any conditions issued as part of Sydney Trains' approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
O.	Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
P.	The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who: <ul style="list-style-type: none"> <li>• oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;</li> <li>• acts as the authorised representative of the Applicant; and</li> <li>• is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.</li> </ul>
Q.	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.
R.	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.

(Reason: Ensure compliance)

#### 4. Ausgrid

The following conditions from Ausgrid must be complied with:

A.	<p><b>Overhead Powerlines</b></p> <p>The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.</p> <p>Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.</p> <p>The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at <a href="http://www.ausgrid.com.au">www.ausgrid.com.au</a>.</p> <p>It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.</p> <p>Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: <a href="http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries">www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries</a></p> <p>For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <a href="https://www.ausgrid.com.au/Connections/Get-connected">https://www.ausgrid.com.au/Connections/Get-connected</a></p> <p><b>Ausgrid Underground Cables are in the vicinity of the development</b></p> <p>Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.</p> <p>It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).</p> <p>In addition to DBYD the proponent should refer to the following documents to support safety in design and construction: SafeWork Australia – Excavation Code of Practice.</p>
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	<p>Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables.</p> <p>The following points should also be taken into consideration.</p> <p>Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p>
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(Reason: Ensure compliance)

**5. NSW Police**

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

A.	The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises.
B.	Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. “This site is under 24 hour video surveillance”.
C.	Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
D.	Any bicycle parking should be in a secure area and covered with CCTV cameras.
E.	Mail boxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.
F.	If the site has storage cages they should be made of solid materials that can’t be cut open and should be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
G.	Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
H.	Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.  Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
I.	An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and

<p>common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.</p> <p>An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.</p> <p>All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.</p> <p>“Park Smarter” signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.</p> <p>Wheelchair access should at no time be blocked nor impede access to anyone with a disability.</p> <p>The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.</p> <p>The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.</p>
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(Reason: Ensure compliance)

## 6. Sydney Airport

The following conditions from the Sydney Airport must be complied with:

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

- a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).

- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The Important Notes to Application for Approval of a Crane Operation which is a Controlled Activity as issued by Sydney Airport must be read and accepted.
- h) The Proponent must provide a copy of the application referred to above at (b) to Council.
- i) The Proponent must provide a copy of the application referred to above at (b) to Council.

(Reason: Ensure compliance)

## **DEMOLITION AND BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

Condition
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### **7. Submit the Following Information to Willoughby City Council**

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

Detailed stormwater management plans prepared by a suitably qualified and experienced civil engineer, which include a OSD system and water quality management system for the site. The plans are to be generally in accordance with Stantec drawings CI-060-101/D, CI-060-201/G, CI-060-301/E, CI-500-001/C, CI-522-001/E and CI-526-002/F, amended to include the following items:

- (a)
  - A hydraulic grade line analysis for the 1%AEP storm event, extending from the OSD tank to the connection point to the Council drainage system in Help Street, with the adopted downstream water level to be the top of kerb level at the Council pit. The analysis is to confirm that the OSD outlet is above the downstream water level during the 1%AEP storm.
  - Details to confirm that the permitted site discharge (PSD) required by Technical Standard 1 is achieved from the site, which includes allowance for flows that bypass the OSD system. The PSD is to be achieved for the 1%AEP storm event. If the bypass area exceeds 5% of the total site area, then a Drains analysis is to be undertaken and a summary provided on the plans to confirm the OSD volume required and the PSD achieved.
  - Details to confirm that 300mm freeboard is achieved between the overflow from the OSD system and the adjacent floor level. The overflow from the OSD tank, and the level used to determine the freeboard, must be to ground via the access grate in the roof of the tank or through the side wall, discharging to ground and not to a pipe or internal weir / overflow chamber.
  - Details to confirm that the pipe system draining to the OSD tank is able to convey the flow from the 1%AEP storm event or that an overland flows in

excess of the pipe's capacity drain to the OSD tank in all storms up to and including the 1%AEP storm.

Calculations are to be submitted as required to demonstrate that the OSD system complies with the requirements of Technical Standard 1, including that the system has been designed for the 1%AEP storm event. The system shall be designed for the entire site area, with a minimum OSD volume of 82m<sup>3</sup> and a PSD for the 1%AEP of 39L/s (based on a site area of 2,290m<sup>2</sup>).

- Detailed swept path diagrams that demonstrate that Council's waste vehicle (10.5m long) is able to service the site using the loading bay, with 2.0m clearance behind the vehicle when in the loading bay. The diagrams are to be prepared using the construction certificate architectural drawings and are to clearly show all structures, kerbs, extent of the roadway and any other items that impact the swept paths.
- (b)

(Reason: Ensure compliance)

## 8. Contamination – Investigation, Remediation and Validation

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

- (a) A systematic and targeted program of supplementary investigations shall be carried out to address data gaps identified in the Preliminary Site Investigation (PSI) by Stantec Pty Ltd, Ref. 301351072.Rev1, dated 24 May 2023. The results from the additional sampling and laboratory analysis shall be presented in a Targeted Site Investigation (TSI) or Detailed Site Investigation (DSI) report to Council for approval in writing. The TSI/DSI shall include, but not be limited to, the following:
- Sampling, testing and validation of soil contaminants within the demolished building footprint areas.
- (b) If the TSI/DSI identifies the presence of soil contaminants, a Remediation Action Plan (RAP) shall be prepared and submitted to Council for approval in writing.
- (c) Any variations to a required RAP (if one is required) must be approved in writing by Council prior to the commencement of any further work.
- (d) The site must be remediated in accordance with any Council-approved RAP;
- (e) Prior notice of any remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 16 of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- (f) A Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist must be submitted to Council for approval in writing (if remediation is necessary). The Validation Report must clearly state that the objectives stated in the approved RAP have been achieved and the land is suitable for the proposed use. In addition, notice of completion of remediation pursuant to clause 18 of SEPP 55 shall be provided.

Notes: (i) Contaminated land reports submitted to Council must be prepared, or reviewed and approved by, a certified contaminated land consultant certified under the Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)) or the Soil Science Australia –

Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) schemes.

(ii) Contaminated land reports shall be prepared in accordance with:

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- *Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land* (Department of Urban Affairs and Planning and EPA 1998) (Planning Guidelines) (or updates)
- *Consultants reporting on contaminated land – Contaminated Land Guidelines* (NSW EPA 2020)

(Reason: Protection of environment and public health)

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

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

(Reason: Amenity/Ensure compliance)

**10. S7.12 Contribution**

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$1,874,030.90** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 3% of the Estimated Development Cost, being \$62,467,697 at 30/05/2023 and the adopted *Willoughby Local Infrastructure Contributions Plan*.

Indexation

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

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

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

Where:

$\$C_0$  = the original development contribution determined by the Council based on a percentage of the Estimated Development Cost, set out in the Contributions Plan

Current CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter immediately prior to the date of payment

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

Please note that the dollar value stated applies to a payment made within the current calendar month. Any payment made in following months would have the relevant indexation (CPI Index) applied in the first instance to determine the actual amount due in the current month.

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](http://www.willoughby.nsw.gov.au)

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

(Reason: Statutory requirement)

#### 11. **Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$222,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$260** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$222,000 + \$260 = \$222,260**

(Reason: Protection of public asset)

#### 12. **Temporary Ground Anchors**

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

(Reason: Encroachment of works)

#### 13. **Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)**

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Help Street via a 375 mm Class 4 RCP in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the

property and adjacent to the boundary prior to discharging to the Council's drainage system and a kerb inlet pit at the kerb line in front of the property. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval prior to the issue of the Construction Certificate. (Reason: Prevent nuisance flooding)

#### **14. Analysis of Outlet Condition**

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

(Reason: Prevent property damage)

#### **15. Detailed Stormwater Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the concept stormwater management plans, prepared by Stantec, amended as required by the conditions of this consent. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

#### **16. Basement Pumpout Drainage System**

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

The pumpout drainage system shall comprise with two (2) submersible type pumps.

- (a) The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.

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.

- (b) generated from the 1% Annual Exceedance Probability storm event 5-minutes duration of the area draining into the system, whichever is greater.

- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.

- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1% Annual Exceedance Probability storm event for 2-hours duration.

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

(Reason: Prevent nuisance flooding)

#### **17. Overland Flow/Flood Level Certification**

A suitably qualified and experienced civil engineer must certify that:

- (a) The finished floor levels of the development comply with the requirements of Technical Standard 2.
- (b) All access points to the basement are at or above the 1%AEP water level + 500mm of the PMF, whichever is higher.
- (c) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (d) That the proposed works comply with the Stantec's report "Detailed Catchment Analysis – Review of Pre-Development & Post-Development Flood Levels" dated 9 June 2023.

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

(Reason: Prevent property damage)

#### **18. Construction Management Plan (CMP)**

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

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

(Reason: Compliance)

#### **19. Design of Works in Public Road (Roads Act Approval)**

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

- (a) Construction of 1.8 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Help Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Construction of 1.2 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in McIntosh Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (c) Reconstruction of existing kerb and gutter, including any kerb ramps, for the full frontage of the development site in Help Street, Cambridge Lane and McIntosh Street in accordance with Council's specifications and Standard Drawing SD105.
- (d) Reconstruction of the existing road pavement 3.0m wide for the full frontage of the development site in McIntosh Street in accordance with Council's specifications.
- (e) Construction of a 10 metres wide vehicular crossing in Help Street in accordance with Council's specification and Standard Drawings SD105.
- (f) Construction of a new kerb inlet pit in Help Street and extension of a new 375mm dia Class 4 stormwater pipe to the existing Council pit generally as detailed on Stantec drawing CI-060-201/G
- (g) Reinstatement of any Council infrastructure impacted by the construction of the stormwater drainage works and any other works required for the development.

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

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance)

## 20. Driveway Longsection

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

- (a) Horizontal distance from the centreline of the road to a minimum of 10m within the site, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm wide and back of layback is 100mm above the gutter invert.

- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

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

The new crossing is to be 10 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 – 200mm above and parallel to the gutter invert.

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

## **21. OSD/Rainwater Tank Design**

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

(Reason: Safe access to tanks)

## **22. Vehicle Access and Manoeuvring – Engineer's Certification**

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

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That the 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.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That visitor parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1.
- (e) 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.
- (f) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for

compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.

- (g) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m headroom) has been provided for the loading area and the path to and from the loading area.
- (i) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (j) Simultaneous manoeuvrability of the largest vehicle using the site (minimum Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay.
- (k) 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.
- (l) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit, including provision of kerbs to direct vehicles to compliant locations.

(Reason: Ensure compliance)

### **23. Finish Surface Levels Along the Street Boundary**

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

(Reason: Ensure compliance)

### **24. HRV access**

Full details including swept paths are required to clearly demonstrate the development safely enables the entry/exit of Council's 10.5m long truck. Further, that there is 2m clear at the rear of the truck (i.e. total 12.5m length) in its service position so that bins can be emptied. The parking / loading space is required to be a minimum of 12.5m. in accordance with 12.5m

(Reason: To confirm there is sufficient space for entry/exit and clearance space for Council's waste HRV to service the bins at the allocated collection point and that this does not impede pedestrian or other vehicle movements).

### **25. Waste Truck (HRV) Parking**

The development is required to submit drawings which demonstrate compliance with AS2890.2 including compliance with vertical height clearances, gradient, manoeuvrability including the parking facility size and distance from the waste storage rooms for the waste trucks when entering, leaving and standing in the waste collection area for:

- Willoughby City Council Heavy Rigid Vehicle (HRV) trucks for residential bins (garbage, recycling and garden organics) and bulky waste collection.
- Willoughby City Council or private contractor trucks for commercial bins (garbage, recycling and other proposed materials).

The details must confirm that the garbage trucks will stand on a level area when emptying bins and loading bulky waste and there is sufficient clearance of 2m at the rear of the vehicle for operation. The waste related facilities must comply with Australian Standards (AS2890.2-2002 parking facilities part 2 which provides for offstreet commercial vehicle facilities for HRVs).

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

## 26. Organic waste bins

Prior to the issue of a Construction Certificate, the plans must clearly demonstrate the provision of 64 x 240L garden organics bins, in accordance with Willoughby Development Control Plan 2023 – NSROC 2018 Section 3.6 Waste Generation Rates – at a minimum of 120L/unit/week. This also future proofs the development for the implementation of a food organics collection service.

(Reason: Compliance/waste reduction)

## 27. Waste Chute Design

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

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

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

## 28. Waste storage areas

The development must provide architectural drawings that clearly indicate there is sufficient waste storage space in accordance with the WDCP 2023. A minimum area for each type of waste stream is required: □ All residential bins:  $\geq 73.5\text{m}^2$

- Residential bulky waste:  $\geq 28\text{m}^2$
- Charity waste space:  $\geq 6\text{m}^2$
- Commercial waste space:  $\geq 16.4\text{m}^2$

The waste storage areas should also indicate amenities (including drainage and taps) and door widths in compliance with WDCP 2023 (NSROC 2018 Section 2.1 and 3.10.3).

(Reason: Compliance)

**29. Waste storage areas**

The development must provide architectural drawings that clearly indicate there is sufficient waste storage space in accordance with the WDCP 2023. A minimum area for each type of waste stream is required:

- All residential bins:  $\geq 73.5\text{m}^2$
- Residential bulky waste:  $\geq 28\text{m}^2$
- Charity waste space:  $\geq 6\text{m}^2$
- Commercial waste space:  $\geq 16.4\text{m}^2$

The waste storage areas should also indicate amenities (including drainage and taps) and door widths in compliance with WDCP 2023 (NSROC 2018 Section 2.1 and 3.10.3).

(Reason: Compliance)

**30. Waste and recycling cupboard on every residential level**

Prior to the issue of a Construction Certificate, the chute accesses for general waste and recycling at every residential level must be incorporated into a waste service compartment room. The waste service compartment room must be designed with sufficient space for the chute as well as the storage of one day's recycling in a Mobile Garage bin or other container (noting that recyclable containers can be placed down the chute but recyclable bulky cardboard cannot be placed down the chute) for all residents on that level, in accordance with Willoughby Development Control Plan 2023 Section 5.5 Recycling Cupboard On Each Floor.

(Reason: Compliance/waste reduction)

**31. Caretaker waste and bin carting routes**

Prior to the issue of the Construction Certificate, the Operational Waste Management Plan with supporting drawings must clearly indicate the carting routes, distance and equipment for caretakers to present waste for collection for all waste types, including garbage, recycling, organic waste and bulky waste to ensure that it is safe and efficient and compliant with WDCP 2023 (Section 3.16).

(Reason: Compliance/public health and safety)

**32. Internal Noise Levels**

To minimise the noise intrusion from any external noise source, the development shall be designed and constructed to comply with the following criteria with windows and doors closed:

Internal Space	Criteria
	L <sub>Aeq</sub> (period)
Common areas (e.g. foyer, lift lobby)	55 dB(A) L <sub>Aeq</sub> 24 hour
Residential Living Areas	40 dB(A) L <sub>Aeq</sub> 24 hour
Residential Sleeping Areas (night time)	35 dB(A) L <sub>Aeq</sub> 9 hour
Retail/Commercial Areas	50 dB(A) L <sub>Aeq</sub> when in use

Note:

1. The above criteria does not apply to garages, kitchens, bathrooms or hallways.
2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.
3. Fresh air ventilation that meets the requirements of the *National Code of Construction (NCC)* shall be provided to those occupancies that can only achieve the above criteria with windows and doors closed.

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

(Reason: Amenity, environmental compliance and health)

### **33. Noise from Transport Corridor**

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report by Pulse White Noise Acoustics Pty Ltd, Ref. No. 220555.Rev.3, dated 8 June 2023.

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

(Reason: Amenity, environmental compliance and health)

### **34. Acoustic Treatment for the Development**

In order to achieve the internal noise levels specified above, the proposed development shall be designed and constructed to incorporate the recommended acoustic treatments for glazing and other building elements from Section 5.1 of the acoustic report prepared by Pulse White Noise Acoustics, Ref. No. 220555.Rev.3, dated 8 June 2023, as a minimum.

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

Plans and specifications showing the details of the proposed acoustic treatment shall be submitted to the Certifier prior to the issue of the Construction Certificate. (Reason: Amenity, environmental compliance and health)

### **35. Building Ventilation**

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

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

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

(Reason: Health and compliance)

**36. Noise Mechanical Plant**

To minimise the impact of noise onto receivers on surrounding land, all mechanical services and other sources of noise shall be designed to comply with the noise emission criteria contained in the EPA’s Noise Policy for Industry (2017) and the criteria contained in Section 3 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. No. 220555.Rev.3, dated 8 June 2023.

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

**37. Dewatering of Development Site**

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

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

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

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	900
Total phosphorous	µg/L	< than	63.5
Dissolved oxygen	%sat	Btn 80 - 120%	

Analyte	Unit	Measurement	Criteria
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	778
Suspended solids	Mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

### 38. Mechanical Ventilation – Food Premises

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

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

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

(Reason: Amenity, environmental compliance and health)

### 39. Electric Vehicle Charging Bays

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

- For the non-residential car parking component of the development the minimum requirements under the National Construction Code.

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

(Reason: Compliance)

#### 40. Cambridge Lane - Shared Zone

The Cambridge Lane frontage of the development is to be transformed into a comprehensive 10km/h shared zone, incorporating a dedicated shared pedestrian and bicycle path. The design can be integrated with urban design elements to:

- Extend from the building setback line to connect with the existing cycle path along McIntosh St
- Enhance the 10km/h zone with road markings indicating the shared nature of the space
- Include a dedicated shared path within the zone, designed to appropriate width and safety standards for mixed pedestrian and bicycle use
- Ensure clear delineation between the shared path and the vehicular area while maintaining a cohesive shared zone feel
- Prioritize pedestrian and cyclist safety while allowing limited vehicular access
- Feature adequate lighting, signage, and surface treatments to enhance safety and usability for all users
- Create smooth transitions at connection points with existing infrastructure and at entry/exit points of the shared zone.
- Utilise distinct pavement materials for the road surface to enhance the unique character of the shared zone and serve as an additional traffic calming measure.

#### 41. Amended Landscape Plans

Prior to the issue of a Construction Certificate, Landscape Plans are to be amended to indicate that the proposed *Livistona australis* palms located along Cambridge Lane are to be of minimum height 4m trunk height at time of planting.

In addition, the Landscape Plans are to show three (3) street trees (*Pyrus calleryana*) planted along McIntosh Street, located within a landscape bed that is contiguous with the proposed landscape strip that runs along McIntosh Street. These trees are to be evenly spaced along the McIntosh Street frontage and be minimum pot size of 75 litres.

Amended Plans are to be submitted to the nominated Certifying Authority for approval prior to issue of a Construction Certificate.

(Reason: Environmental amenity/Sightlines.)

#### 42. Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with the Council providing for the transfer of title of the affordable housing dwellings to the Council, free of charge. The Deed is to be generally in accordance with the Housing Transfer Deed template available at Council and is to be submitted to the Council and executed prior to the issue of the Construction Certificate.

The Affordable housing units to be nominated are:

Level 03

Unit 3.04 (62.90m<sup>2</sup>)

Level 06

Unit 6.01 (88m<sup>2</sup>)

Unit 6.02 (56m<sup>2</sup>)

Unit 6.03 (59m<sup>2</sup>)

Unit 6.04 (50m<sup>2</sup>)

Unit 6.05 (56m<sup>2</sup>)

Unit 6.06 (83m<sup>2</sup>)

Total = 454.9m<sup>2</sup>

The terms of this agreement must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate. The applicant must agree to pay the Council's reasonable legal costs in satisfying itself that the agreement is appropriate, and a provision to this effect is to be included in the agreement.

The construction certificate plans should demonstrate that the physical requirements specified in the Housing Transfer Deed are satisfied.

(Reason: Ensure compliance)

**43. Affordable Housing Fittings and Finishes**

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

(Reason: Amenity)

**44. Building Sustainability – Green star**

Prior to the issue of a Construction Certificate, a compliance statement, prepared by a suitably qualified person, must be submitted to Council to verify a Green Star rating of minimum 4 stars but preferably 5 (to achieve 'Australian Excellence') can be achieved.

(Reason: Sustainability)

**45. Building Sustainability – NABERS**

Prior to the issue of a Construction Certificate, a NABERS Energy Commitment Agreement to achieve a minimum five-star rating must be submitted to the Department of Planning Industry and Environment (DPI&E), and a copy provided to Council.

(Reason: Sustainability)

**46. Access, Mobility and Adaptable Housing**

Prior to the issue of a Construction Certificate, to provide suitable access for people with disabilities, the development shall comply with Disability (Access to Premises – Buildings) Standards 2010. Details demonstrating compliance must be submitted with the Construction Certificate application.

(Reason: Access and Compliance)

**47. Adaptable Units and car spaces**

Adaptable residential units for disabled persons are to be provided at a rate of 50% of units (total 64 units). Each adaptable unit is to be nominated on the Construction Certificate drawings and minimum 16 adaptable units are to be provided with a disabled car space. Adaptable units that are also affordable, being units 3.04, 6.01, 6.03 and 6.06 must each have its own car space, where two (2) of these spaces are accessible.

(Reason: Compliance, universal design)

**48. Fibre-Ready Facilities and Telecoms Infrastructure**

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

(a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

and

(b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note: Real estate development project has the meanings given in section 372Q of the Telecommunications Act).

(Reason: Compliance)

**49. Electric Vehicle Charging Bays**

Prior to the issue of the Construction Certificate, all parking bays for motor vehicles and bicycles should be able to have an electric vehicle charger provided as part of the bay. A charger shall be provided for at least 50% motor vehicles and bicycles parking bays at the commissioning of the building.

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

(Reason: Support sustainable transport)

## 50. Sydney Water 'Tap In'

Prior to the issue of the Construction Certificate, the approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.  
(Reason: Ensure compliance)

## 51. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. Fresh air ventilation shall be provided to those occupancies that can only achieve the internal noise criteria with windows and doors closed. Ventilation shall be designed in accordance with the provisions of:

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

The base building design shall include provisions for the installation of mechanical ventilation to any commercial/retail tenancy where it is intended to have the potential to be used as a food premises or any other use which requires mechanical exhaust ventilation. The provisions shall allow any mechanical exhaust system installed to discharge vertically above the building in such a way as to not cause a nuisance or loss of amenity to the occupiers of the development or other properties.

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

(Reason: Amenity, public health and compliance)

## 52. Noise Emission from the Development

To minimise the impact of noise onto receivers on surrounding land, all mechanical services and other sources of noise shall be designed to comply with the noise emission criteria contained in the EPA's *Noise Policy for Industry* (2017) and the criteria contained in Section 7 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. 210504-211019-871-877 Pacific Highway, Chatswood-Noise Impact Assessment-R3, dated 3 March 2022.

Details of the proposed equipment, siting, appropriate noise criteria, any attenuation required and recommendations shall be prepared by an appropriately qualified acoustic consultant and presented in an acoustic report. This report shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Amenity, environmental compliance and health)

### 53. Waste Management

The Operational Waste Management Plan must be updated (and amendments to architectural drawings where required) to ensure compliance with the following:

- **Organics generation rates and bin numbers:** please use WDCP 2023 generation rates for the organics bins (120L/hh/wk) to calculate estimated generation and organics stream bin numbers.
- **Waste storage areas:** the residential bin storage area provided in the WMP is not of sufficient size for the required number of bins. The WMP suggests that the residential bin room provides 52m<sup>2</sup> of storage for bins (118 – 66 = 52) (p. 19), however, Council requires 74m<sup>2</sup>.
- **Waste storage area amenities and sizes:** Please detail the area provided for bin storage on architectural drawings and provide details of bin room amenities, areas, door widths, aisle widths and any bin room equipment (such as a compactor) on the plans.
- **Charity waste / other recycling:** please provide an area of 6m<sup>2</sup> for the storage of charity waste and other recycling. This should be close to the bulky waste storage area.
- **Bin carting route for caretakers:** the WMP details that caretakers will be responsible for transporting all bins to the residential bin holding room. Please provide further detail on access, the proposed route and if any additional equipment is required.
- **Waste and recycling cupboard on each residential level:** the waste chute hoppers should be located in a waste cupboard, which also has space for additional bin(s). This is required in the WDCP 2023 and serves to assist in the case of a bin for cardboard recycling that cannot be placed down the chute (which is a large portion of Council's recycling), backup for the recycling chute and to future proof the development in the case of food organics collection.
- **Chute system:** the equipment under the chute should have sufficient capacity for 3-days of waste generation. The WMP states a mix of one and two days. This should be clarified. Please also detail the number of units using each hopper and recycling bin collection to confirm sufficient capacity.
- **Commercial waste:** please confirm the expected waste generation rate for commercial general waste as it is lower than Council's expected generation. Therefore, the number of bins proposed is not sufficient. It is acknowledged that the commercial bin room size is large enough for the number of bins required by Council.

(Reason: Ensure the development functions properly and to promote a healthy environment for residents, visitors and the public)

### 54. Privacy

Prior to the issue of a Construction Certificate translucent glazing (frosting) shall be used on Levels 3 to 5 to the east-facing living room window (units 3.03, 4.03, 5.03) up to height of 1.7m from the floor to aid privacy mitigation to the east.

(Reason: Mitigate privacy impacts to adjoining properties)

**55. Privacy**

The privacy screens shown on Drawing 5201 and 5202 both Rev A to be detailed on the Construction Certificate plans prior to the issue of the Construction Certificate.  
(Reason: Mitigate privacy impacts to adjoining properties)

**56. Glare nuisance**

The Construction Certificate drawings must confirm measures to be used to mitigate glare nuisance from the solar panels.  
(Reason: Mitigate glare impacts to adjoining properties)

**57. Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.  
(Reason: To ensure essential services are appropriately screened)

**BEFORE WORKS COMMENCE**

Condition
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**58. Dilapidation Report of Council's Property**

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

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

This dilapidation report shall be submitted to Council and the Certifier advised of the submission prior to commencement of work.  
(Reason: Protection of Council's infrastructure)

**59. Dilapidation Report of Adjoining Properties**

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 1 Cambridge Lane, 2A and 2B Help Street, 26-28 Anderson Street and any property within 50 metres of the development to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and

external including items as walls, ceilings, roof, structural members and other items as necessary.

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

## **60. Sydney Airport**

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

- a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The Important Notes to Application for Approval of a Crane Operation which is a Controlled Activity as issued by Sydney Airport must be read and accepted.
- h) The Proponent must provide a copy of the application referred to above at (b) to Council.

## **61. Permits and Approvals Required**

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

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

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

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

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

(Reason: Legal requirements)

## **62. Demolition, Excavation and Construction Noise and Vibration Management Plan**

A Demolition, Excavation and Construction Noise and Vibration Management Plan (CNVMP) is required to be prepared and approved by the Certifier.

## **63. Application for Vehicle Crossing**

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

(Reason: Protection of public asset)

## **64. Adjustment to Street Lighting**

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

(Reason: Public amenity)

## **65. Underground Utility Services**

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

**66. Removal of Trees in Public Areas**

Approval is granted for removal of trees numbered 17, 18, 19 and 20 (*Flindersia australis*) located in the Help Street road reserve as identified in the Arboricultural Impact Assessment Report dated June 2023 prepared by Earthscape Horticultural Services.

Prior to the commencement of work,

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

(Reason: Management of Public Land)

**67. Underground Utility Services**

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

**68. Hazardous Building Material Assessment**

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

(Reason: Environmental protection/public health and safety)

**69. Noise and Vibration Management**

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

- a) be prepared by a suitable qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
  - i) best management practice is being employed; and

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

**70. Asbestos Sign to be Erected**

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.  
(Reason: Public Health and safety/Ensure compliance)

**71. Neighbour Notification of Asbestos Removal**

The applicant/builder is to notify anyone occupying premises in the immediate vicinity of the site, five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence. As a minimum, this notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.  
(Reason: Public health)

## 72. Sydney Airport

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

- a) Pursuant to s. 183 of the Airports Act 1996 and Reg 7 of the Airports (Protection of Airspace) Regulations 1996, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("controlled activity") set out in the Schedule.
- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The Important Notes to Application for Approval of a Crane Operation which is a Controlled Activity as issued by Sydney Airport must be read and accepted.
- h) The Proponent must provide a copy of the application referred to above at (b) to Council.

### DURING DEMOLITION AND BUILDING WORK

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

## 73. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed

changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

#### **74. Building Site Fencing**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

#### **75. Provide Erosion and Sediment Control**

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

#### **76. Suitable Barricades**

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Certifier and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

#### **77. Demolition Work AS 2601-2001**

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

(Reason: Safety)

## **78. Survey Certificate**

Certification of the following shall be submitted to the Certifier by a registered surveyor:

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- (b) At each level indicating the level of that floor to Australian Height Datum;
- (c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- (d) At roof slab level indicating the level of that slab to Australian Height Datum;
- (e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

## **79. Excavations and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

## **80. Temporary Toilet Facilities**

Temporary toilet facilities shall be provided to the satisfaction of the Certifier.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

## **81. Temporary Ground Anchors – Supervision**

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of any ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

(Reason: Protection of public assets)

**82. Sweep & Clean Pavement**

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

(Reason: Legal requirement)

**83. Street Signs**

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

**84. Excavation Materials**

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

(Reason: Environment & Health Protection)

**85. Hazardous Materials – Clearance Certificate**

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

(Reason: Health and safety)

**86. Unexpected Finds Protocol**

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

(Reason: Environment & Health Protection)

**87. Importation of Fill**

Any fill material to be imported onto the site for levelling, construction or engineering purposes must be certified by a suitably qualified consultant as virgin excavated natural material (VENM) or excavated natural material (ENM), or compliant with a Resource

Recovery Order and associated exemptions made under the Protection of the Environment Waste Regulation 2014.  
(Reason: Environment & Health Protection)

## **88. Dust Control**

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

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

(Reason: Amenity and environmental protection)

## **89. Construction Noise & Vibration**

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

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

Where noise or vibration criteria are exceeded, appropriate measures to control excessive noise and/or vibration shall be implemented immediately.

(Reason: Amenity)

## **90. Testing to Verify Water Quality Prior to Dewatering Activity**

- (a) On the occasion that any rainfall or other event necessitates dewatering of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and adjustments to the pollution control methodology will need to be made

by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.

- (b) A copy of the up-to-date Council-approved Construction Site Dewatering Plan (or other document detailing the water pollution control method), the written approval from Council for the method, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

## **91. Noise Management Plan**

The Applicant shall develop a Noise Management Plan to ensure the use of the common areas does not emit excessive noise and/or adversely impact upon the acoustic amenity of the neighbourhood.

The Plan should include, but not be limited to, the following:

- a) Address any recommendations in the acoustic report that relate to the ongoing use;
- (b) Appropriate signage to remind residents and their visitors to keep noise levels at reasonable levels;
- (c) The use of any amplified music being kept at low levels;
- (d) The management of resident and visitor behaviour and how complaints will be investigated and actioned.
- (e) The persons responsible for the implementation of the Noise Management Plan.

The Noise Management Plan shall be submitted to Council's Environmental Health Officer for approval. A copy of Council's written approval shall be provided to the Certifying Authority prior to the issue of any relevant Occupation Certificate.

(Reason: Amenity)

## **92. Traffic Management Plan**

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

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

during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

### **93. Traffic Work**

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

Measures to improve line of sight for motorists exiting parking access are to be provided in drawings.

(Reason: Public safety and amenity)

### **94. Spoil Route Plan**

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

### **95. Loading and Unloading During Construction**

The following requirements apply:

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

(Reason: Public safety and amenity)

**96. Tree Protection**

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- (b) Tree roots from protected trees greater than 25mm diameter are not to be removed unless approved by a qualified Arborist on site.
- (c) All structures are to bridge roots unless directed by a qualified Arborist on site.
- (d) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures

(Reason: Tree management)

**97. Tree Removal**

Approval is given for the removal of trees as identified in the Arboricultural Impact Assessment Report dated June 2023 prepared by Earthscape Horticultural Services.

(Reason: Site development)

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

Condition
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**The following conditions of consent must be complied with prior to the issue of an Occupation Certificate.**

**98. Section 73 Compliance Certificate**

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

The Section 73 Certificate must be submitted to the Certifier.

(Reason: Ensure statutory compliance)

**99. Affordable Housing – Fittings and Finishes**

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

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

(Reason: Amenity)

**100. Sustainable Development - Multi-unit Dwellings**

Prior to the issue of the Whole Occupation Certificate for the multi occupancy, a Sustainability manual is to be prepared which details all the environmental incentives outlined in the scorecard and ongoing provision and maintenance of these measures. The manual shall be provided to each unit in the development. (Reason: Environmental sustainability)

**101. Access for the Disabled - Disability Discrimination Act**

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act. (Reason: Access and egress)

**102. Fire Safety Certificate Forwarded to NSW Fire and Rescue**

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

**103. State Survey Marks**

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

**104. Temporary Ground Anchors – Destressing**

Prior to the issue of any Occupation Certificate, all damages to Council's infrastructures due to the works associated with the piling and installation of any ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council. (Reason: Destressing of ground anchors)

#### **105. CCTV Report of Council Pipe System After Work**

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

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

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

#### **106. On-site Water Management System**

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council drainage system in Help Street via a water quality improvement system and an approved OSD system with a minimum volume of 82m<sup>3</sup> in accordance with Sydney Water's requirements AS/NZS3500.3, Part I of Council's DCP and Technical Standards 1 and 2. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

#### **107. Sign for On-site Stormwater Detention System**

Prior to the issue of any Occupation Certificate pertaining to any works requiring an

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

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

(Reason: Prevent unlawful alteration)

#### **108. Confined Space Sign**

Prior to the issue of any Occupation Certificate, securely install standard confined space danger signs in a prominent location within the immediate vicinity of access points to on site stormwater detention systems, rainwater tanks and confined spaces in accordance with the requirements of NSW Work Health and Safety Regulation 2017.

(Reason: Safe access to tank)

#### **109. Certification of OSD**

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

(Reason: Legal requirement)

#### **110. Certification of the Basement Pumpout Drainage System**

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

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

(Reason: Ensure compliance)

### **111. Works-As-Executed Plans - OSD**

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

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

### **112. S88B/S88E(3) Instrument**

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

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

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

(Reason: Maintenance requirement)

### **113. Documentary Evidence of Positive Covenant, Engineers Certificate**

Prior to the issue of any Occupation Certificate, the following documentary evidence of the completed drainage works shall be submitted to Certifier and Council: -

- (a) Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- (b) Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system.

- (c) Work-as-Executed plans highlighting in red any variations based on the approved stormwater management plans from a registered surveyor for the asbuilt OSD system.

(Reason: Public record)

#### **114. Construction of Kerb & Gutter**

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Help Street, Cambridge Lane and McIntosh Street and as required for the stormwater drainage works.

(Reason: Public amenity)

#### **115. Completion of Landscape Works**

Prior to the issue of a Whole Occupation Certificate, any approved landscape works shall be consistent with the Landscape Plans Rev C and D prepared by Common Grounds Landscape Architecture, as amended by conditions of consent, completed to a professional standard, consistent with industry best practice and published standards, and certified in writing by a qualified horticulturalist, landscape architect or landscape designer.

(Reason: Landscape amenity)

#### **116. Public Tree Planting**

Prior to the issue of a Whole Occupation Certificate, plant the following trees on Council land forward of the property within the Help St road reserve, generally as indicated on the approved Landscape Plans:

4 x *Pyrus calleryana* 'Cleveland Select'

The trees shall:

- (a) Have a minimum container size of 200 litres and grown to NATSPEC 2 "Guide Specifying Trees", (2003).
- (b) Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting".
- (c) Be planted generally in alignment with other street trees.

(Reason: Landscape amenity, tree canopy recruitment)

**117. Tree Planting**

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

No. Required	Species	Location	Min Pot Size
All trees	As indicated on Landscape Plans Rev C and D prepared by Common Grounds (as amended by conditions of consent.	As indicated on the Landscape Plans	75 litre, unless specified or conditioned as larger.

(Reason: Landscape amenity)

**118. Reconstruct Pavement**

Prior to the issue of any Occupation Certificate, reconstruct the pavement 3.0m wide for the full frontage of the development site in McIntosh Street in accordance with Council’s approved drawings, conditions and specification (AUS-SPEC). Council’s standard design traffic for this pavement is 6x10<sup>4</sup> ESA. Subject to provision of a geotechnical report detailing that the existing pavement base meets the required design life following proof rolling and agreement with Council, mill and resheet of the pavement with 50mm AC10 may be permitted in lieu of reconstruction.

(Reason: Ensure compliance)

**119. Footpath**

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

- (a) 1.8m wide footpath for the full frontage of the development site in Help Street .
- (b) 1.2m wide concrete footpath for the full frontage of the development site in McIntosh Street .

All works shall be carried out in accordance with Council's standard specifications and drawings. The pavement material shall be in accordance with Council’s requirements for the CBD.

(Reason: Public amenity)

**120. Stormwater Drainage Pipe**

Prior to the issue of any Occupation Certificate, extend the Council drainage system from the existing pit in Help Street to the site. The works shall include a kerb inlet pit with a 1.8m lintel in front of the site.

All works shall be carried out in accordance with Council's standard specifications and drawings. The pipe shall be a 375mm dia Class 4 RCP. (Reason: Public amenity)

### **121. Street Lighting**

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

### **122. Vehicular Crossing**

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

The crossing is to be 10.0 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

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

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 200 mm above and parallel to the gutter invert.

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

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

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

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

### **123. Removal of Redundant Crossings**

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

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

(Reason: Public amenity)

#### **124. Inspection of Civil Works on Road Reserves**

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

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

(Reason: Ensure compliance)

#### **125. Performance Bond**

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$120,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

#### **126. Turfing of Nature Strip**

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

(Reason: Public amenity)

#### **127. Public Infrastructure Restoration**

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

## 128. Vehicle Access and Manoeuvring – Construction & Certification

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That 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 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.
- (h) 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.
- (i) 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.
- (j) 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
- (k) 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.
- (l) 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.
- (m) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
- (n) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit, including provision of kerbs to direct vehicles to compliant locations.

(Reason: Ensure compliance)

**129. Stormwater Maintenance Plan**

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

(Reason: Ensure operation of system complies)

**130. Certification of Water Quality Improvement System**

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

(Reason: Legal requirement)

**131. Overland Flow Path – Engineers Certification**

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

- (a) The finished floor levels of the development comply with the requirements of Technical Standard 2.
- (b) All access points to the basement are constructed at or above the 1%AEP water level + 500mm of the PMF, whichever is higher.
- (c) The as constructed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (d) That the as constructed works comply with the Stantec’s report “Detailed Catchment Analysis – Review of Pre-Development & Post-Development Flood Levels” dated 9 June 2023.

(Reason: Ensure compliance)

**132. Acoustic Treatment – Certification**

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the approved construction details and the relevant design noise criteria contained in Section 3 of the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd, Ref. No. 220555.Rev.3, dated 8 June 2023.

(Reason: Amenity, environmental compliance and health)

**133. Noise Emission – Equipment**

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

(Reason: Amenity, environmental compliance and health)

#### **134. Certification – Ventilation**

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.  
(Reason: Amenity, environmental compliance and health)

#### **135. Waste Collection Agreement with Council**

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's 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 servant/contractors against claims for loss or damage or wear and tear of access roads or other parts of the building.

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

#### **136. Waste Management Collection Policy**

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

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

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

#### **137. Waste Management Collection Policy**

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

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

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

### **138. Public Art**

#### **(a) Detailed Public Art Plan**

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

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

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

The Public Art Plan will be reviewed by the Public Art Advisory Panel for comment and any recommendations will be recorded and passed on to the developer. (b) Final Public Art Report to be submitted at Occupation Certificate Stage Prior to the release of the Occupation Certificate, the written consent of Council's Planning and Infrastructure Director must be obtained that confirms the public art has been delivered in accordance with the Public Art Plan.

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

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

### **139. Street Numbering**

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

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

### **140. Right of Way Registration**

Prior to the issue of any Occupation Certificate, a right-of-way must be registered with Land Registry Services over all that part of the land that is located between the glassline of the building at ground floor level and the boundary, along Cambridge Lane, Help Street and McIntosh Street. The right-of-way is to allow public use of this portion of the land.

(Reason: Compliance, urban design)

## OCCUPATION AND ONGOING USE

### Condition

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

#### 141. Annual Fire Safety Statement

Attention is directed to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated. (Reason: Safety)

#### 142. Stormwater Treatment System – Ongoing Maintenance

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Stormwater Treatment System constructed on the land. The maintenance of the system is to be undertaken in accordance with the recommendations of “Guidelines for the Maintenance of Stormwater Treatment Measures” published by Stormwater NSW or other relevant guidelines or publications.  
(Reason: Ensure compliance)

#### 143. Vehicle Access

All vehicle movements into and out of the site shall be in a forward direction. No vehicle is to reverse over the boundary.  
(Reason: Pedestrian and vehicle safety)

#### 144. Noise Control – Offensive Noise and Vibration

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

#### 145. Collection/Delivery Services

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from and to the premises shall not take place between the hours of 10:00pm and 7:00am on any day.  
(Reason: Amenity)

#### 146. Mechanical Ventilation Systems with Regulated Air Handling and Water Systems

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

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

(Reason: Health protection)

#### **147. Stormwater Drainage Management**

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

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

(Reason: Environmental protection)

#### **148. Regulated air handling and water systems**

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

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

(Reason: Compliance and health)

#### **149. Trees on Adjoining Properties**

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

(Reason: Environmental protection)

#### **150. Public Art**

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

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

## PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION CERTIFICATE/STRATA APPROVAL

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

**151. General Easement/ROW Provision and Certification**

The creation of drainage easements, service easements and/or rights-of carriageway shall be carried out as required. A registered surveyor is to certify prior to the release of the subdivision certificate that all interallotment drainage lines, services or driveways are fully contained within the proposed allotment and/or that future provisions of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no easements and/or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.

(Reason: Ensure compliance)

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

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

(Reason: Ensure compliance)

**153. Section 88b Instrument**

A Section 88B Instrument is to be submitted with the Linen Plan for subdivision in respect to any proposed easements, rights-of-way and positive covenants.

(Reason: Ensure compliance)

**154. Affordable Housing Dwellings**

The affordable housing dwellings identified in this consent are to be dedicated to Willoughby City Council within two months of the registration of any subdivision of the development, or within 6 months of the issue of an Occupation Certificate, whichever comes first, for the purpose of affordable housing in accordance with Clause 6.8 of Willoughby Local Environmental Plan 2012

(a) List units, car spaces and adaptable units

(Reason: Ensure compliance)

## PRESCRIBED CONDITIONS

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

### 155. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

### 156. Support for Neighbouring Buildings

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

- i protect and support the building, structure or work from possible damage from the excavation, and
- ii if necessary, underpin and support the building, structure or work to prevent any such damage, and
- iii must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

(Reason: Safety)

## STATUTORY REQUIREMENTS

Condition
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### 157. Construction Certificate

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

**158. Notify Council of Intention to Commence Works**

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

**159. Occupation Certificate**

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

(Reason: Safety)

## General advisory notes

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

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

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

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

## Dictionary

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

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

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

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

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

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

**Council** means Willoughby City Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Willoughby Local Planning Panel.

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

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

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

**Stormwater drainage system** means all works and facilities relating to:

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

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

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

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

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