

## Attachment 3 - Recommended conditions

**SSDA 37 Archer Street, Chatswood**

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

Note 2: Further waste conditions will be provided by Council at Response to Submissions stage.

### Engineering

#### DEMOLITION AND BUILDING WORK

#### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

##### 1. 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.

(a)

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 the concept stormwater plans prepared by Jones Nicholson Pty Ltd, amended to include the following items:

- 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 Bertram Street, with the adopted downstream water level to be the 1%AEP flood 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.
- Access points to the OSD tank located in common areas, and not in tenancies, with as a minimum access points located over the tank outlet and at the diagonally opposite corner of the tank. Additional access points are to be provided as required to provide safe access for maintenance and to meet safety in design and confined space requirements.
- 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.

(Reason: Ensure compliance)

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

**Total Payable = \$222,000 + Damage Deposit Release Inspection Fee**

(Reason: Protection of public asset)

### **3. 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)

### **4. Stormwater to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Bertram 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)

### **5. 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 1%AEP water 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)

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

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development, which shall include an on-site stormwater detention system with a minimum volume of 93m<sup>3</sup> that limits the peak flow from the site in the 1%AEP event to 37.4L/s. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer

and in accordance with the concept stormwater management plans, prepared by Jones Nicholson Pty Ltd, 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)

## **7. Basement Pumpout Drainage System**

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

- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1% Annual Exceedance Probability storm event 5-minutes duration of the area draining into the system, whichever is greater.
- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1% Annual Exceedance Probability storm event for 2-hours duration.

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

(Reason: Prevent nuisance flooding)

## **8. 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 + 300mm or the PMF, whichever is higher.
- (c) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (d) The proposed works comply with the IDC's report "Flood Impact & Risk Assessment Report " dated 29 April 2025.
- (e) The maximum increase in water levels (afflux) on adjacent properties as a result of the development is 10mm in the 1%AEP storm event.

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)

## **9. 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)

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

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

- a) Construction of 1.5 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Archer Street and Bertram Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Archer Street Lane and Bertram Street in accordance with Council's specifications and Standard Drawing SD105.
- c) Reconstruction of the existing road pavement 4.5m wide for the full frontage of the development site in Bertram Street in accordance with Council's specifications.
- d) Construction of a vehicular crossing in Bertram Street in accordance with Council's specification and Standard Drawings SD105. The crossing width shall be as required for vehicle access.
- e) Any other works in the road reserve required for the development, including the connection of the site drainage system to the Council system and any signage or traffic control measures required by the conditions of consent.

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

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

#### **11. 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.
- (a) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (b) Crossfall on road pavement shall be shown on long sections.

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

The new crossing is to be a width suitable for the required vehicle access with no splays and be constructed at right angle to street kerb. The edge of the crossing is to be located a minimum of 1.2m off the side boundary of the development. 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 – 180mm 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)

#### **12. 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)

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

Prior to the issue of the Construction Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and

experienced Traffic Engineer relating to the design of vehicular access and manoeuvring for the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
  - (b) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
  - (c) That visitor and retail parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1.
  - (d) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
  - (e) That the loading bay and access to and from the loading bay complies with the requirements of AS 2890.2 for the service vehicle required for the site, including Council's waste vehicle.
  - (f) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
  - (g) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
  - (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m headroom) has been provided for the loading area and the path to and from the loading area.
  - (i) Simultaneous manoeuvring of B99 and B85 vehicles at all circulation aisles, ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
  - (j) Simultaneous manoeuvrability of the largest vehicle using the site (minimum Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay or that suitable traffic control measures are provided.
  - (k) Simultaneous manoeuvrability of a small rigid vehicle (SRV) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay or that suitable traffic control measures are provided.
  - (l) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
  - (m) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit.
- (Reason: Ensure compliance)

#### **14. 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)

## **BEFORE WORKS COMMENCE**

### **15. 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)

### **16. 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)

**17. 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)

**18. 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)

**19. 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)

**DURING DEMOLITION AND BUILDING WORK**

**20. 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)

**21. 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)



**22. 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)

**23. Public Infrastructure Restoration**

Prior to the release of the Damage Deposit and at completion of all works associated with the development, any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage caused by, but not limited to, delivery vehicles, construction 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. Any damage that represents a safety risk or trip hazard shall be rectified as a matter of urgency as soon as possible after the issue has been identified.

(Reason: Protection of public assets)

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

**24. 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)

**25. 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)

**26. 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 Bertram Street via a water quality improvement system and an approved OSD system with a minimum volume of 93m<sup>3</sup> that restricts the peak discharge from the site to 37.4L/s in the 1%AEP storm event. The stormwater system shall be in accordance with Sydney Water's requirements AS/NZS3500.3, Part I of Council's DCP and Technical Standards 1 and 2. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater

drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

## **27. 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)

## **28. 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)

## **29. 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)

## **30. 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)

### **31. 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)

### **32. 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)

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

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

- (a) Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- (b) Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system.
- (c) Work-as-Executed plans highlighting in red any variations based on the approved stormwater management plans from a registered surveyor for the as built OSD system.

(Reason: Public record)

**34. 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 Archer Street and Bertram Street.

(Reason: Public amenity)

**35. Undergrounding**

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

(Reason: Compliance)

**36. Reconstruct Pavement**

Prior to the issue of any Occupation Certificate, reconstruct the pavement 4.5m wide for the full frontage of the development site in Bertram Street in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is  $6 \times 10^4$  ESA.

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

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

Council engineers will determine if a mill and resheet will be permitted in lieu of reconstruction following the pre-construction meeting for the public domain works and provision of documentation to confirm that the existing base course meets the required design life/

(Reason: Ensure compliance)

**37. Footpath**

Prior to the issue of any Occupation Certificate, construct a 1.5m wide footpath for the full frontage of the development site in Archer Street and Bertram 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)

**38. 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)

**39. Vehicular Crossing**

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

The crossing is to be a width agreed with Council and suitable for service vehicle access with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located a minimum of 1.2 off the side boundary and 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 – 180 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)

**40. 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)

**41. 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)

**42. 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)

**43. Turfing of Nature Strip**

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

(Reason: Public amenity)

**44. Vehicle Access and Manoeuvring – Construction & Certification**

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

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (d) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (e) That visitor and retail parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1.
- (f) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
- (g) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (h) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (i) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m high) has been provided for the loading area and the path to and from the loading area
- (j) Simultaneous manoeuvring of B99 and B85 at all circulation aisles, ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) Access and manoeuvrability of the largest vehicle accessing the site (minimum Council's 10.5m waste vehicle) and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved between the site entry and the loading bay or that traffic management measures have been provided to prevent conflicts.
- (l) Access and manoeuvrability of a small rigid vehicle (SRV) and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved between the site entry and the loading bay or that traffic management measures have been provided to prevent conflicts.
- (m) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
- (n) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit, including provision of kerbs to direct vehicles to compliant locations.

(Reason: Ensure compliance)

#### **45. 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)

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

Prior to the issue of an Occupation Certificate, a suitably qualified and experienced civil engineer (generally CPEng. 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)

**47. 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 + 300mm 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 IDC's report "Flood Impact and Risk Assessment Report" dated 29 April 2025.

(Reason: Ensure compliance)

**OCCUPATION AND ONGOING USE**

**48. 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)

**49. 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)

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

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

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

(Reason: Ensure compliance)



## Affordable Housing

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

In accordance with clause 6.8 of the Willoughby Local Environmental Plan (WLEP) 4% of the residential gross floor area in the development (being the residential component of the development related to this SSDA consent **i.e. XXXm<sup>2</sup>**) is to provide for affordable housing. Such provision of affordable housing in accordance with clause 6.8 of the WLEP is satisfied by either (or a combination) of the following:

#### Monetary Contribution

- (a) The applicant shall pay to Council a monetary contribution for the purpose of providing affordable housing that is calculated at 4% of the residential gross floor area of the development **(which in this case is XXXm<sup>2</sup> i.e. 4% x XXX = XXXm<sup>2</sup>)**. The amount of the monetary contribution is determined by reference to the market value of dwellings of a similar size to the dwellings in the proposed development, and as set out below:
- (i) **Within three (3) months of the issue of the Construction Certificate**, the applicant is to submit to Council a valuation report (prepared by a registered valuer) identifying the market value of dwellings of a similar size to dwellings in the development by reference to the recent sales prices of such new dwellings of similar size and, in the absence of recent sales prices at the subject development, recent sales price of similar sized dwelling(s) in comparable development(s) within the Willoughby local government area.
  - (ii) Council will consider the valuation report and, acting reasonably, determine the amount of the contribution to be paid.
  - (iii) If it considers it desirable to do so, Council may appoint an independent registered valuer to undertake a separate valuation. The applicant / developer is to pay Council all reasonable costs associated with the service provided by Council's appointed valuer for this valuation.
  - (iv) The applicant is to submit to Council's Director of Planning & Infrastructure the valuation report and documentation to demonstrate how the applicant has calculated the contribution, including identifying the residential gross floor areas used in the calculation. The evidence is to be provided prior to any application being made for an Occupation Certificate, and before any payment of contribution is made. If this valuation report option is taken, payment shall be made **within three (3) months of Council's written acceptance of the valuation report**.
  - (v) Alternatively to (i) to (iv) inclusive above, a figure (mean) for the market value of dwelling sales in Willoughby is obtained from the most recent (recent at the time of payment) Rent and Sales Report issued by the Department of Communities and Justice. In the event this option is chosen, a date stamped screenshot of the relevant figure within the Rent and Sales Report must be provided, and the payment made

within three (3) months of the date displayed in the screenshot. A unit size of 95m<sup>2</sup> may be assumed for the purpose of the calculation.

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

#### Dedication of Affordable Housing units to Council

- (b) The dedication of complete residential dwelling units within the development (being the residential component of the development related to this SSDA consent **i.e. unit numbers and levels to be specified**; each having a gross floor area of at least 50m<sup>2</sup>, and equivalent to the mapped percentage of 4% of the residential component of the development related to this consent **(residential component is XXXm<sup>2</sup> i.e 4% x XXX = XXXm<sup>2</sup>)**). Each affordable dwelling must have an appurtenant car space. The affordable housing unit(s) and appurtenant car spaces to be dedicated to Council must be clearly shown on the Construction Certificate plans. A **Housing Transfer Deed** that identifies all affordable housing units for dedication to Council **must be executed prior to issue of the first Occupation Certificate**.

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

(Reason: Increase affordable housing supply, Ensure compliance)

#### **52. NSW Affordable Housing Ministerial Guidelines 2023/24**

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

(Reason: Compliance, Housing affordability)

#### **53. 88E Restriction – Affordable Housing**

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

(Reason: Compliance)

**54. Affordable Housing Fittings and Finishes**

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

(Reason: Amenity)

**General**

**55. External Finishes – Solar Absorptance**

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

(Reason: Visual amenity)

**56. Certification of Gross Floor Area**

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

(Reason: Bulk and scale control/compliance)

**57. 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)

**58. 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)

**59. 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: Amenity)

#### **60. Internal Noise Levels Residential**

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

(Reason: Amenity, environmental compliance and health)

#### **61. 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)

#### **62. Noise Mechanical Services**

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

(Reason: Amenity, environmental compliance and health)

#### **63. Construction Traffic Management Plan**

Prior to issue of the Construction Certificate, a detailed Construction 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 TfNSW accredited consultant.

(b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the TfNSW'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 Guidance Scheme 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)

#### **64. 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.

(Reason: Public safety and amenity)

#### **65. Public domain and through site links**

Prior to issue of the construction certificate, a public domain plan involving through site links and public rights of way is to be prepared in consultation with Council, identifying paving, lighting, landscaping and way finding signage, and is to be submitted to Council for approval.

(Reason: Public safety and amenity)

#### **66. Tree Protection Plan**

(a) Submit to the registered certifier a Tree Protection Plan for approval prior to issue of a construction certificate.

(b) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.

(c) Tree Protection Plan shall address tree protection and management of all trees (including those on adjoining properties) in accordance with AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.

(Reason: Tree protection)

#### **67. Tree Offset Planting Scheme**

Prior to the issue of a Construction Certificate and before any trees are removed, the Applicant must pay a fee for the off-site planting of **19** trees in accordance with Willoughby Development Control Plan Part G Vegetation Management clause 6 Replacement Trees and Part 7.3 Tree Offset Scheme of the Vegetation Management Guidelines.

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

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

Receipt of payment must be provided to the Certifying Authority **prior to the removal of any trees** and prior to the release of the Construction Certificate.  
(Reason: Canopy Cover and landscaping)

**68. 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)

**69. Dilapidation Report of Adjoining Properties**

Prior to commencement of work, submit a photographic survey and report of each of the adjoining properties 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)

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

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

**71. Project Arborist**

(a) A Project Arborist is to be appointed prior to commencement of works on site;  
(b) The Project Arborist is to have a minimum qualification AQF Level 5;  
(c) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan, AS4970-2009 Protection of trees on development sites and relevant conditions of consent;  
(c) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.  
(Reason: Safety, environmental protection, landscape amenity)

**72. Hazardous Building Material Assessment**

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval prior to the issue of the Construction Certificate. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.  
(Reason: Environmental protection/public health and safety)

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

Any demolition must be carried out in accordance with AS 2601 – 2001, The demolition of structures.  
(Reason: Safety)

**77. 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)

**78. Tree Removal**

Approval is given for the removal of the following trees as identified in the Arboricultural Impact Assessment (AIA) Report dated 5 May 2025 prepared by Margot Blues Consulting Arborist:

All trees within the site boundary, and trees T47 and T48 (street trees on Bertram Street).  
(Reason: Site development)

**79. Tree Trunk, Branch and Root Protection**

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not approved for removal unless exempt under relevant planning instruments or legislation.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with (c) above are to be certified by the Project Arborist prior to commencement of works.
- (e) All excavation works within the structural root zone (SRZ) of trees to be retained must be carried out by hand using manual hand tools only under the supervision of the Project Arborist.
- (f) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (g) All structures are to bridge roots unless directed by The Project Arborist on site.
- (h) Installation of stormwater or other services within the tree protection zone (TPZ) are to dug by hand under supervision of the Project Arborist and shall be routed under or over roots greater than 25mm.

(Reason: Tree management)



## 80. Public Tree Protection

- (a) In relation to all public trees:
- (i) no tree roots over 25mm diameter are to be damaged or cut and all structures are to be bridged over or tunnel bored under such roots.
  - (ii) No branch pruning or tree removal is to be undertaken.
  - (iii) Tree protection is to be undertaken in accordance with AS4970-2009 'Protection of trees on development sites' including Trunk and Branch Protection and Tree Protection Fencing.
- (b) If any interference is anticipated with adjacent tree roots and/or branches, or the removal of any tree is sought as a result of the approved works, approval to undertake works on public trees must be sought from Council's Streetscapes Co-ordinator on 9777 7793 prior to such works being undertaken. Approval from Council must be granted in writing detailing works that are allowed. A copy of the written approval must be kept on site at the time of the works and must be presented immediately to any Council officer upon request.
- (c) Any approved tree works are to be undertaken to the satisfaction of Council's Streetscapes Co-ordinator or their delegated representative, and at the cost of the applicant/owner of this consent.  
(Reason: Tree management)

## 81. Street Tree Trunk and Branch Protection

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

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

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

## 82. Street Tree Protection Fencing

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

- (a) The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together in accordance with *Australian Standard 4970-2009 The Protection of Trees on Development Sites*.
- (b) The fenced area shall not be used for any activities outlined in section 4.2 of the of Australian Standard 4970-2009 The Protection of Trees on Development Sites.
- (c) A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.

- (d) Such fencing and signage must be erected **prior to demolition** including site preparation and remain in place for the duration of the construction work.
- (e) Tree Protection Fencing may only be moved under the direct supervision of the Project Arborist and must be reinstated immediately after the approved works have been conducted.

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

### **83. Storage of Materials on Council Land Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited, unless written consent of Council is obtained.  
(Reason: Safety, environmental protection)

### **84. Maintenance of Nature Strip**

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

### **85. 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. 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)

## **87. 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)

## **88. Noise Monitoring Plan**

Construction noise shall be controlled to comply with the requirements as set out in the EPA Draft Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.  
(Reason: Amenity)

## **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) and the criteria stated below. Noise levels shall not exceed the following noise criteria during the standard construction hours:

- (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)  $\leq 75\text{dB(A)Leq}(15\text{mins})$ .
- (b) Affected commercial premises (i.e. office, retail outlets etc.) –  $70\text{dB(A)Leq}(15\text{mins})$ .

A noise and vibration monitoring plan shall be implemented and testing carried out by a suitably qualified acoustic engineer during construction. Where noise or vibration levels exceed criteria, appropriate measures to control excessive noise shall be implemented immediately. Copies of the plan and any testing shall be submitted to Council on the request of an Authorised Officer under the Protection of the Environment Operations Act 1997.  
(Reason: Amenity)

## **90. 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)

## **91. 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)

## **92. Public Tree Maintenance**

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

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

(Reason: Tree management, public asset management)

## **93. Tree Planting**

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

<b>No. Required</b>	<b>Species &amp; location</b>	<b>Min Pot Size</b>
All trees	As indicated on Landscape Plan Dwg No. LA LP 101 / 02, LA LP 102 / 02, LA LP 104 / 02, LA LP 105 / 02 & LA LP 106 / 02 dated 7/4/2025 prepared by Black Beetle Landscape Architecture and Design	At least 100L. Additionally, all trees to be planted in deep soil zones shall be at least 4m tall at time of planting.

(Reason: Landscape amenity)

## **94. Public Tree Planting**

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

Two (2) trees on the Bertram Street frontage. The required species is to be provided by Council at the time of planting. The applicant must contact Council's Public Trees section to request the specifications for the required species.

The trees shall:

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

(Reason: Landscape amenity, tree canopy recruitment)

**95. Project Arborist Certification**

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

(Reason: Protection of trees required to be retained)

**96. Completion of Landscape Works**

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

(Reason: Landscape amenity)

**97. Access for people with a disability - 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)

**98. 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 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

**99. Public Rights of Way**

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

- the through site link located adjacent the northern boundary of the site, connecting Archer Street and Bertram Street. The right-of-way is to allow public pedestrian and cycle use of the land.
  - the 6m front setback facing Archer Street.
  - the 6m front setback facing Bertram Street.
- (Reason: Public benefit)

#### **100. Through site link**

Prior to the issue of any Construction Certificate, a management strategy is to be provided regarding the through site link addressing safety of pedestrians and cyclists, maintenance including landscaping, responsibilities, public liability, CPTED issues, duty of care, hours of opening, way faring signage and paving.

(Reason: Amenity, public benefit)

#### **101. Creative Hoardings**

Prior to the lodgement of an application for a Construction Certificate, provide a submission in accordance with the Willoughby Creative Hoarding Guidelines for the treatment to all site construction hoardings.

(Reason: To align with WCC Creative Hoardings Guidelines)

#### **102. 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)

#### **103. 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)

#### 104. Design excellence

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

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

#### 105. Trees on Adjoining Properties

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

(Reason: Environmental protection)

### Infrastructure contributions

#### 106. S7.11 Contribution

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

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

#### Indexation

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

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

Where:

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

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

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

Deferred payments of contributions will not be accepted.

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

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

## 107. S7.12 Contribution

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

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

### Indexation

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

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

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

Where:

\$C<sub>o</sub> = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan

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

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

Deferred payments of contributions will not be accepted.

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

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

## Public art

### 108. Public Art Contribution

Prior to the issue of a Construction Certificate, a public art contribution is to be provided in accordance with the Willoughby Public Art Policy and Procedures and Guidelines.

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



## **Waste**

### **109. Grease Arrestor for Potential Food Businesses**

Provision shall be made in the design of the development in the Construction Development Application for a grease arrestor room of adequate dimensions to house the necessary tanks and plant equipment to pre-treat oil, grease and fats prior to discharge to Sydney Water's sewer in accordance with that authority's requirements. The grease arrestor room shall be located somewhere in the development that facilitates easy access by waste contractor vehicles.  
(Reason: Environmental protection/public health and safety)

### **110. 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)

### **111. 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)

### **112. Waste Management Collection Policy**

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

- Garbage:
  - 3 x 1,100L bins compacted and collected twice per week; or
  - 6 x 1,100L bins uncompacted and collected twice per week.
- Recycling: 10 x 1,100L bins collected once per week, and
- Garden organics: 45 x 240L bins collected once per week, which also provides contingency space for other bins.
- Bulky waste: booked or scheduled service

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