

# Development Consent

## ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

The Independent Planning Commission (the Commission), as the declared consent authority under section 2.7 of State Environmental Planning Policy (Planning Systems) 2021 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, grants consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

- Meet statutory requirements
- Protect the amenity of the locality
- Ensure amenity for future residents

[NAME]  
Member of the Commission

[NAME]  
Member of the Commission

[NAME]  
Member of the Commission

Sydney

[DATE]

File: SSD 59805958

### **SCHEDULE 1**

**Application Number:** SSD 59805958

**Applicant:** The Trustee for Albert Avenue Sub Trust

**Consent Authority:** Independent Planning Commission

**Site:** 763-769 Pacific Highway, Chatswood  
Lot 6 DP 2983, Lot 7 DP 2983, Lot 8 DP 2983, and Lot 100 DP618823

**Development:** Construction of a new mixed-use development comprising:

- 198 build-to-rent units
- ground level retail uses, and residential area lobbies
- residential amenities, co-working facilities and rooftop communal spaces
- demolition, bulk earthworks, landscaping, tree removal and associated works.

### **Right of Appeal**

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

## DEFINITIONS

### Interpretation

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

### Definitions

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

|                                 |  |
|---------------------------------|--|
| <b>Above Ground Works</b>       | Includes all works above the ground floor levels nominated on the drawing DA01.04 Revision B (being RL 105.715), but excludes Demolition Works, Enabling Works, Bulk Excavation Works, Below Ground Works, Landscape Works and Public Domain Works.  |
| <b>Applicant</b>                | The person having the benefit of this consent, or who is carrying out the Development.   |
| <b>Australian Standard (AS)</b> | Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.   |
| <b>Below Ground Works</b>       | Includes all works below the ground floor levels nominated on the drawing DA01.04 Revision B (being RL105.715), construction of the lift and stair shaft to Level 4 to RL118.600 and construction of the ground floor structure to RL105.715, but excludes Bulk Excavation Works, Enabling Works, Demolition Works, Landscape Works and Public Domain Works.   |
| <b>Bulk Excavation Works</b>    | Includes all bulk excavation and basement retention system works associated with the Development but excludes Demolition Works and Enabling Works.   |
| <b>Certifier</b>                | A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .   |
| <b>Consultation</b>             | When capitalised, means undertaking a consultation process with a party under which the Applicant: <ul style="list-style-type: none"> <li>(a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and</li> <li>(b) provides details of the consultation undertaken including:               <ul style="list-style-type: none"> <li>(i) the outcome of that consultation, matters resolved and unresolved; and</li> <li>(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</li> </ul> </li> </ul>  |
| <b>Council</b>                  | Willoughby City Council  |
| <b>Demolition Works</b>         | Includes the demolition of the existing improvements on site, including the demolition of the Old Fire Station (I238) at 767 Pacific Highway, Chatswood.   |
| <b>Department</b>               | NSW Department of Planning, Housing and Infrastructure.  |
| <b>Development</b>              | Where capitalised, means the Development approved pursuant to this consent.  |
| <b>EIS</b>                      | The Environmental Impact Statement titled Novus on Albert Build-to-Rent Project, prepared by Ethos Urban, dated 6 June 2024, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.   |
| <b>Enabling Works</b>           | Includes any early works, enabling works and site establishment works required on the site, including any in-ground remediation works (if required), but excludes Demolition Works.  |
| <b>EPA</b>                      | NSW Environment Protection Authority.  |
| <b>EP&amp;A Act</b>             | <i>Environmental Planning and Assessment Act 1979</i> .  |
| <b>EP&amp;A Regulations</b>     | <i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.  |
| <b>Fire Safety Certificate</b>  | Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .  |
| <b>Incident</b>                 | An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.   |
| <b>Landscape Works</b>          | Includes all landscaping works located within the New Title Boundary, including the construction of the reinterpretation of the Old Fire Station.  |
| <b>Material Harm</b>            | Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"> <li>• involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</li> <li>• results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</li> </ul> |

|  |   |
|--|---|
| <b>Minister</b>                              | The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.   |
| <b>NCC</b>                                   | National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.  |
| <b>New Title Boundary</b>                    | The portion of the site contained within the area nominated as New Title Boundary (Post SP2 Land Dedication) on the drawing DA01.04 Revision B, being the existing site area less the SP2 allocation along Pacific Highway and Albert Avenue.   |
| <b>Planning Secretary</b>                    | The Planning Secretary under the EP&A Act (or delegate).  |
| <b>Prescribed Conditions</b>                 | The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.   |
| <b>Professional Engineer</b>                 | A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .   |
| <b>Public Domain Works</b>                   | Includes all landscaping works and other works located outside the New Title Boundary.  |
| <b>Registered Surveyor</b>                   | A person who is registered with the Board of Surveying and Spatial Information.   |
| <b>Report</b>                                | When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified. |
| <b>Site Establishment and Enabling Works</b> | The construction of the lift and stair shaft to Level 4 RL 118.600 and construction of the ground floor structure to RL 105.715.  |
| <b>Sensitive Receiver</b>                    | Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.   |

## SCHEDULE 2

### PART A GENERAL CONDITIONS

#### ADMINISTRATIVE CONDITIONS

##### TERMS OF CONSENT

A1. The Development must be carried out:

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

| Architectural drawings prepared by Rothelowman |     |                     |          |
|--|-----|---------------------|----------|
| Drawing Number                                 | Rev | Name of Plan        | Date     |
| DA00.01  | B   | Site Plan           | 18/10/24 |
| DA00.02  | A   | Demolition Plan     | 10/02/25 |
| DA00.10  | B   | Development Summary | 18/10/24 |
| DA01.01  | B   | Basement 3          | 18/10/24 |
| DA01.02  | B   | Basement 2          | 18/10/24 |
| DA01.03  | B   | Basement 1          | 18/10/24 |
| DA01.04  | B   | Ground              | 18/10/24 |
| DA01.05  | B   | Mezzanine           | 18/10/24 |
| DA01.06  | B   | Level 1             | 18/10/24 |
| DA01.07  | B   | Level 2             | 18/10/24 |
| DA01.08  | B   | Level 3             | 18/10/24 |
| DA01.09  | B   | Level 4             | 18/10/24 |
| DA01.10  | B   | Level 5-25          | 18/10/24 |
| DA01.11  | B   | Level 26            | 18/10/24 |
| DA01.12  | B   | Level 27            | 18/10/24 |
| DA01.13  | C   | Roof                | 10/02/25 |
| DA02.01  | C   | Elevation - East    | 10/02/25 |
| DA02.02  | C   | Elevation - West    | 10/02/25 |
| DA02.03  | C   | Elevation - North   | 10/02/25 |
| DA02.04  | C   | Elevation - South   | 10/02/25 |
| DA03.01  | C   | Section A           | 10/02/25 |

|  |   |                               |          |
|--|---|-------------------------------|----------|
| DA03.02  | C | Section B                     | 10/02/25 |
| DA03.03  | B | Section C                     | 18/10/24 |
| DA05.01  | B | GFA                           | 18/10/24 |
| DA05.04  | B | Storage Plans & Schedule      | 18/10/24 |
| <b>Landscape Plans prepared by Cola Studio</b> |   |                               |          |
| 100  | E | General Arrangement Plan – GF | 08/10/24 |
| 400  | E | Softworks Plan – GF           | 08/10/24 |
| 101  | E | General Arrangement Plan – L1 | 08/10/24 |
| 401  | E | Softworks Plan – L1           | 08/10/24 |

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

- A2. To the extent of any inconsistency:
- (a) the more recent document in Condition A1(b) prevails over an earlier document in that section; and
  - (b) the conditions of consent prevail over a document listed in Condition A1(c).
- A3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that employees, contractors (and their sub-contractors) carry out in respect of the Development.

#### LIMITS ON CONSENT

- A4. This consent lapses five years after the date of consent unless work is physically commenced.
- A5. This consent does not approve the following:
- (a) detailed fit-out and operation of the retail premises; and
  - (b) installation of signage.
- A6. Where required, separate approvals shall be obtained from the relevant consent authority (except where exempt and/or complying development applies).

## INFRASTRUCTURE CONTRIBUTIONS

### DEVELOPER CONTRIBUTIONS

- A7. Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of *Willoughby Local Infrastructure Contributions Policy and Plan 2019* has been paid to Council. Council must be contacted for the calculation of required contributions.

### HOUSING AND PRODUCTIVITY CONTRIBUTIONS

- A8. Prior to the issue of the first Construction Certificate, the Housing and Productivity Contribution (HPC) set out in the table below, less any relevant discount which may apply from time to time, is required to be made:

| Housing and Productivity Contribution                  | Amount                |
|--|-----------------------|
| Housing and productivity contribution (base component) | \$2,083,234.06        |
| Total housing and productivity contribution            | <b>\$2,083,234.06</b> |

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

### NEW DRIVEWAYS – PROXIMITY TO POLES

- A9. Proposed driveways must be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, to allow room for future pole replacements.

## **BUILDINGS AND STRUCTURES TO BE WHOLLY CLEAR OF THE SP2 ZONE**

- A10. All buildings and structures must be located wholly outside and clear of the (Pacific Highway and Albert Avenue) SP2 zones.

## **PART B PRIOR TO DEMOLITION OF THE HERITAGE ITEM**

### **PHOTOGRAPHIC ARCHIVAL RECORDING**

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#### **PHOTOGRAPHIC ARCHIVAL RECORDING**

- B1. Prior to the commencement of Demolition Works, a photographic archival record of the external and internal areas of the heritage items on site and all other items of heritage significance on the site identified in the Statement of Heritage Impact prepared by Artefact (2024) must be prepared in accordance with the NSW Heritage Branch guidelines titled Photographic Recording of Heritage Items using Film or Digital Capture. A digital copy must be submitted to Council and the Planning Secretary prior to the commencement of Demolition Works.

### **HERITAGE INTERPRETATION PLAN**

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#### **HERITAGE INTERPRETATION PLAN**

- B2. Prior to the commencement of Demolition Works, the Applicant must submit an initial Heritage Interpretation Plan addressing the Old Fire Station (I238) at 767 Pacific Highway, Chatswood, to the satisfaction of the Planning Secretary. The plan must be prepared in general accordance with the re-interpretation response described in the Response to Submission Design Report (18 October 2024, Rothelowman) and must:
- (a) be prepared by a suitably qualified and experienced expert.
  - (b) be prepared in Consultation with Council.
  - (c) apply best practice measures described within the Australia ICOMOS Burra Charter.
  - (d) provide an inventory of items which are intended to be retained and describe the construction methods to be used to prevent damage to any items intended for re-use.
  - (e) provide measures to maximise the quantity and quality of materials available for reuse.
  - (f) provide measures for the appropriate storage of any salvaged items following completion of the demolition process, to ensure their protection prior to use in the future interpretive element.
- B3. Prior to the issue of a Construction Certificate for Landscape Works, the Applicant must prepare and submit to the satisfaction of the Planning Secretary, a detailed Heritage Interpretation Strategy which:
- (a) reflects the quality and quantity of salvaged material that can be used in the reinterpretation.
  - (b) describes the final design, materials and finishes of the reinterpretation.
  - (c) describes a construction methodology which provides for the completion of the reinterpretation in an orderly manner and without delay.
  - (d) is prepared in Consultation with Council.
  - (e) incorporates interpretive information into the landscape design for the site.
  - (f) outlines all interpretation measures to be implemented acknowledge the heritage values of the heritage item described in the Old Fire Station (I238) under the Willoughby Local Environmental Plan 2012.
  - (g) provides details of any associated physical works including any relocation of building materials into the landscape scheme.
  - (h) describes ongoing maintenance measures to ensure the quality of the reinterpretation and provide for maintenance of the structure in perpetuity.
  - (i) describes how full responsibility of the structure and any supporting interpretive elements within the structure, is to be borne by the Applicant.
- B4. Prior to the issue of a Construction Certificate for Landscape Works, details demonstrating compliance with Condition B3 shall be submitted to the Certifier.

## **PART C PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **DETAILED DESIGN**

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#### **MAXIMUM BUILDING HEIGHT**

- C1. The maximum height of the approved building must not exceed RL 193.877 AHD, inclusive of all lift over-runs, vents, and any roof features. Details confirming compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate for Above Ground Works.

#### **GROSS FLOOR AREA CERTIFICATION**

- C2. The gross floor area of the development must not exceed 15,413m<sup>2</sup>. Details confirming compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate for Above Ground Works.

#### **DESIGN EXCELLENCE AND INTEGRITY**

- C3. To ensure the Development is consistent with assessed and approved design excellence requirements, the Applicant must:
- (a) commission Rothelowman (or another architectural design team approved by the Planning Secretary in writing) as part of the architectural design team engaged to prepare the design documentation, contract documentation and construction stages of the Development;
  - (b) prior to the issue of the first Construction Certificate, provide the Certifier with evidence that this architectural design team has been so commissioned; and
  - (c) if the Applicant proposes changes to the approved architectural drawings, seek the Planning Secretary's advice as to whether such changes are likely to require review by the established Design Integrity Panel (DIP).

#### **DESIGN AMENDMENTS**

- C4. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit evidence to the Certifier that details have been submitted to and approved by the Planning Secretary that ensure visual privacy is maintained between the development and windows and terraces at 77-79 Albert Avenue which demonstrate:
- (a) appropriate privacy screening measures have been applied to the terraces on the south-eastern façade across levels 4-25 with a minimum height of 1.4m as measured from the finished floor level.
  - (b) appropriate privacy screening measures have been applied to the living room windows of the studio units located across levels 4-26 on the eastern façade of the building with a minimum height of 1.4m as measured from the finished floor level.

#### **MATERIALS AND FINISHES**

- C5. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer; and
  - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

#### **PAVING TREATMENT TO SUBSTATION ACCESS**

- C6. If permitted by the relevant infrastructure authority, the driveway access to the substations located within the western frontage to the Pacific Highway façade must utilise a turf-pave grid or similar to the driveway areas outside of the shared path that provides greater linking and greening to the setback while still maintaining vehicle access. Details confirming compliance with this condition must be submitted to the satisfaction of the Certifier prior to the issue of a Construction Certificate for Landscape Works.

### **PRE-CONSTRUCTION REQUIREMENTS**

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#### **SITE STABILITY**

- C7. Prior to the issue of a Construction Certificate for Bulk Excavation Works, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;
  - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
  - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;



- (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
- (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
- (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- C8. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the Ecologically Sustainable Development (ESD) Report, prepared by JHA Consulting Engineers, dated May 2024.

#### **STRUCTURAL DETAILS**

- C9. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
  - (b) this development consent.

#### **STORMWATER MANAGEMENT SYSTEM**

- C10. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the conceptual design in the EIS and any Council stormwater requirements and specifications which are consistent with that conceptual design;
  - (b) in accordance with applicable Australian Standards; and
  - (c) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

#### **SYDNEY WATER ASSETS**

- C11. Prior to the issue of the first Construction Certificate, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the Development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

#### **LANDSCAPING**

- C12. Prior to the issue of a Construction Certificate for Landscape Works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by Cola Studio, dated 18 October 2024 as amended by any requirement of these conditions;
  - (b) includes details of tree planting;
  - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
  - (d) demonstrates adequate drainage and watering systems;
  - (e) includes details of plant maintenance and watering for the first 12 months; and
  - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

#### **PARKING**

- C13. Prior to the issue of a Construction Certificate for Below Ground Works, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the basement car park in a forward direction;
  - (b) all vehicles accessing the basement are to be wholly contained on site before being required to stop;
  - (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;

- (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
- (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
- (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
- (g) submit to the Certifier a Report demonstrating compliance with the following:
  - (i) provision of resident vehicle parking for 53 car spaces including 6 accessible spaces;
  - (ii) provision of 121 bicycle spaces;
  - (iii) provision of 4 motorcycle spaces;
  - (iv) provision of electric vehicle charging infrastructure in accordance with the NCC; and
  - (v) compliance with Australian Standards for the layout, design and security of bicycle facilities.

#### **WIND MITIGATION MEASURES**

- C14. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit a Report to the Certifier demonstrating that the design of the Development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Environment Assessment, prepared by Windtech, dated 17 May 2024 and Addendum Letter dated 17 October 2024.

#### **COMPLIANCE WITH ACOUSTIC ASSESSMENT**

- C15. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration report, prepared by E-LAB Consulting, dated 16 May 2025 and the Addendum Acoustic Letter dated 22 October 2024.

#### **REFLECTIVITY MITIGATION MEASURES**

- C16. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit a Report to the Certifier demonstrating that the design of the Development has incorporated the reflectivity mitigation measures contained within the document titled Solar Light Reflectivity Study, prepared by Windtech, dated 17 May 2024.

#### **ADAPTABLE UNITS**

- C17. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit to the Certifier a Report demonstrating that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

#### **BASIX CERTIFICATION**

- C18. Prior to the issue of a Construction Certificate for Above Ground Works, BASIX No. 1748901M Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

#### **STORMWATER TO STREET DRAINAGE VIA REINFORCED CONCRETE PIPE (RCP)**

- C19. Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Albert Avenue (approximately 30m to the east of Albert Lane) 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. Full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council. Details confirming compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate for Public Domain Works.

#### **DETAILED STORMWATER MANAGEMENT PLAN (SWMP)**

- C20. Prior to the issue of a Construction Certificate for Above Ground Works, the Applicant must submit to the Certifier a detailed stormwater management plan 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. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code and National Construction Code*. The system must include:
- (a) An on-site stormwater detention system (OSD) with a minimum volume of 54m<sup>3</sup> and a peak discharge from the site during the 1% AEP storm event of 23L/s.
  - (b) An overflow from the OSD tank that discharges to ground, either through the side or top of the tank. Piped overflows or overflow to an overflow pit are not permitted.
  - (c) A minimum of 300mm of freeboard between the overflow from the tank and the adjacent internal floor level.

- (d) A water quality improvement system for the site, which achieves the targets in Table 12 of Technical Standard 1.

#### DESIGN OF WORKS IN PUBLIC ROAD

- C21. Prior to issue of a Construction Certificate for Public Domain Works, the Applicant must submit, for approval by Council as the relevant roads authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:
- (a) Construction of new footpath / shared path (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Albert Avenue and Pacific Highway, with the width and material to be in accordance with Council's specification. 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 Albert Lane in accordance with Council's specifications and Standard Drawing SD105.
  - (c) Mill and re-sheet (50mm min AC10) of the existing road pavement 2.0m wide for the full frontage of the development site in Albert Lane in accordance with Council's specifications
  - (d) Construction of a vehicular crossing in Albert Lane in accordance with Council's specification and Standard Drawings SD105. The crossing width is to be minimised, while facilitating access for the design vehicles.
  - (e) Construction of a new stormwater pipe and pit system in Albert Avenue from the site to the existing Council system in Albert Avenue, approximately 30m to the east of Albert Lane, in accordance with Council's specifications. Kerb inlet pits with a 1.8m lintel are to be provided at 35m intervals and at any change in direction and the pipes a minimum 375mm Class 4 RCP. The existing kerb and gutter and associated 1.5 metres wide (minimum) road pavement must be reconstructed as part of the stormwater works. A longitudinal section for the pipe system shall be provided, which shall include both invert and finished levels, depth to invert, depth of cut/fill, pipe size and grade, chainages and the location of existing services.
  - (f) Any works in the road reserve.
  - (g) The required plans must be designed in accordance with Council's specifications (AUS-SPEC).

#### VEHICLE ACCESS AND MANOEUVRING

- C22. Prior to the issue of a Construction Certificate for Below Ground Works, with the exception of Condition C21(I) which shall be confirmed prior to the issue of a Construction Certificate for Above Ground Works the Applicant shall submit to the Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the design of vehicular access and manoeuvring for the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:
- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
  - (b) That a maximum gradient of 5% is provided for a distance extending from the property's front boundary for at least 6 metres All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2, with the grade measured along the inside curve of any ramp.
  - (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 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.
  - (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities, including spaces for adaptable units, for compliance with Section 2.7 of AS 2890.6.
  - (f) That the required accessible parking spaces for adaptable units comply with the requirements of AS 2890.6.
  - (g) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all accessible parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all accessible parking spaces to comply with AS/NZS 2890.6. A bollard shall be located in the shared zone in accordance with Section 2.4 of AS 2890.6.
  - (h) That the 3.5m headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
  - (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 or that for single lane ramps a signal system and marked waiting bay are provided.
  - (j) That a minimum of 4.5m headroom is provided between the ground level vehicle bay and any overhead structure, including roofs or awnings.

## PART D PRIOR TO COMMENCEMENT OF WORKS

### MANAGEMENT PLANS

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#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- D1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
    - (i) hours of construction;
    - (ii) 24 hour contact details of the site manager and complaint handling procedure;
    - (iii) construction program and construction methodology, including construction staging;
    - (iv) traffic management;
    - (v) noise and vibration management;
    - (vi) management of dust and odour;
    - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
    - (viii) remediation and management of contamination;
    - (ix) management of stockpiles of soil or other materials;
    - (x) waste management;
    - (xi) external lighting in compliance with applicable Australian Standards; and
    - (xii) site security, including fencing or hoarding.
  - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with Condition D3;
  - (c) Construction Noise and Vibration Management Sub-Plan in accordance with Condition D4;
  - (d) Air Quality Management Sub-Plan in accordance with Condition D5;
  - (e) Construction Waste Management Sub-Plan in accordance with Condition D6;
  - (f) Construction Soil and Water Management Sub-Plan in accordance with Condition D7;
  - (g) an unexpected finds protocol for remediation in accordance with Condition D15;
  - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Condition E23;
  - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.
- D2. Prior to the commencement of any work, the Applicant must ensure Aboriginal heritage management procedures are prepared for the development and included in the CEMP. The Aboriginal heritage management procedures must:
- (a) Be prepared by a suitably qualified and experienced persons;
  - (b) Be prepared in consultation with Registered Aboriginal Parties and be reviewed by Heritage NSW;
  - (c) Include a description of the measures that would be implemented for:
    - (i) ongoing consultation with Registered Aboriginal Parties, including consultation regarding changes to the management of Aboriginal cultural heritage;
    - (ii) a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the Registered Aboriginal Parties and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010). The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
    - (iii) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.

#### CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- D3. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (**CTPMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic, including, at a minimum, the following information:
- (a) location of proposed work zone(s);
  - (b) construction vehicle access arrangements and haulage routes;

- (c) predicted number and timing of construction vehicle movements and vehicle types;
- (d) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles.

#### **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN**

- D4. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during construction of the Development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
  - (b) quantification of the rating background noise level (**RBL**) for Sensitive Receivers;
  - (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (**ICNG**) (as may be updated or replaced from time to time);
  - (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG;
  - (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
    - (i) installation of acoustic barriers/enclosures;
    - (ii) alternative excavation methods;
  - (f) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
  - (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
  - (i) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods;
  - (j) include a complaints management system that would be implemented for the duration of the development.

#### **AIR QUALITY MANAGEMENT SUB-PLAN**

- D5. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (**AQMP**) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
  - (b) dust and odour management practices to be implemented, including:
    - (i) watering of exposed surfaces and stockpiles;
    - (ii) covering of truck loads;
    - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
    - (iv) progressive land stabilisation works to minimise exposed surfaces.
    - (v) monitoring requirements;
    - (vi) communication strategy; and
    - (vii) system and performance review for continuous improvements; and
  - (c) measures to identify non-conformances with the requirements of the AQMP, and procedures to implement corrective and preventative action and to respond to complaints.

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

- D6. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (**CWMP**) for the Development. The CWMP must include, as a minimum, the following information:
- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
  - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
  - (c) procedures for minimising the movement of waste material around the site and double handling;

- (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
- (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
- (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
  - (i) a traffic plan showing transport routes within the site;
  - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
  - (iii) the name and address of each licensed facility that will receive waste from the site.

#### **CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN**

- D7. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (**CSWMP**) for the Development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (a) describe all erosion and sediment controls to be implemented during construction
  - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
  - (c) detail all off-site flows from the site during construction; and
  - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

### **PRE-CONSTRUCTION DOCUMENTATION AND MEASURES**

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#### **SURVEY CERTIFICATE**

- D8. Prior to the commencement of the works identified in Condition D9, the Applicant must cause the relevant components of the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- D9. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of Bulk Excavation Works – the positions of all footings/ foundations;
  - (b) at other stages of construction – any marks that are required by the principal Certifier,
  - (c) and provide information on the positions to the principal Certifier.

#### **PRE-CONSTRUCTION DILAPIDATION REPORTS**

- D10. Prior to the commencement of works, the Applicant must:
- (a) submit to the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified and experienced building inspector, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the relevant 'zone of influence' advised by a qualified geotechnical engineer;
  - (b) undertake Consultation with the relevant owner and provider of services that will be affected by the Development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (c) submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
- D11. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- D12. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- D13. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

- D14. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

## REMEDICATION

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### UNEXPECTED FINDS PROTOCOL

- D15. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

### REMEDIAL ACTION PLAN

- D16. The development is to be undertaken in accordance with the findings and recommendations contained in the Detailed Site Investigation (DSI) prepared by EI Australia dated 2 June 2023, the Targeted Site Investigation (TSI) prepared by EI Australia dated 4 September 2023 and the Environmental Addendum Letter prepared by EI Australia dated 7 November 2024.
- D17. Further investigations are to be undertaken post demolition of existing structures to confirm the findings and outcomes of the Detailed Site Investigation (DSI) prepared by EI Australia dated 2 June 2023, the Targeted Site Investigation (TSI) prepared by EI Australia dated 4 September 2023 and the Environmental Addendum Letter prepared by EI Australia dated 7 November 2024.
- D18. Should the results of a further DSI (to be undertaken post demolition) identify contamination which may pose risks to human or ecological receptors on site, a Remedial Action Plan (RAP) is to be prepared and submitted to the Certifier describing the remediation and validation works necessary to render the site suitable for its proposed use.

### SITE AUDITOR

- D19. Should remediation be required, prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.
- D20. Should remediation be required, the Applicant must ensure the remediation works for the Development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

### SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- D21. Should remediation be required, following completion of the remediation works and prior to the issue of the first Occupation Certificate for the development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

### VALIDATION REPORT

- D22. Should remediation be required in Condition D18, within one month following the completion of the remediation works for the Development, a Remediation Validation Report must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

## NOTIFICATIONS AND COMMENCEMENT OF WORKS

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### NOTIFICATION OF COMMENCEMENT

- D23. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- D24. If the construction or operation of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### UTILITIES AND SERVICES

- D25. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

## **DIAL BEFORE YOU DIG SERVICE**

- D26. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from the Before You Dig Australia service that the proposed excavation will not conflict with any underground utility services.

## **DEMOLITION**

- D27. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

## **TRANSPORT FOR NSW**

- D28. Prior to the commencement of any works the Applicant is to Consult with Transport for NSW and obtain all necessary approvals, authorisations or licences required under the *Roads Act 1993* required to carry out the Development.



## **PART E DURING CONSTRUCTION**

### **SITE NOTICE**

- E1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and Professional Engineer;
  - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
  - (c) stating the approved hours of work;
  - (d) stating that unauthorised entry to the work site is prohibited.
- E2. The site notices must:
- (a) be positioned prominently at the site informing the public of key project details;
  - (b) have dimensions of at least A1 size with large writing
  - (c) be durable and weatherproof.

### **HOURS OF CONSTRUCTION**

- E3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) 7am to 6pm, Monday to Friday
  - (b) 8am to 1pm, Saturday
- E4. No work may be carried out on Sundays or public holidays.
- E5. Activities may be undertaken outside of these hours if approved by any relevant authority, or if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- E6. Notification of activities undertaken in the circumstances in Condition E5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

### **IMPLEMENTATION OF MANAGEMENT PLANS**

- E7. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

### **CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA**

- E8. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- E9. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.
- E10. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) Vibration in Buildings - Effects on Structures, English Translation (German Institute for Standardisation, 2016);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- E11. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

### **AIR QUALITY**

- E12. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

### **SHORING AND ADEQUACY OF ADJOINING PROPERTY**

- E13. If the Development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:

- (a) protect and support the building, structure or work from possible damage from the excavation; and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage,
- unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

E14. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

#### **EROSION AND SEDIMENT CONTROL**

E15. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

#### **CUT AND FILL**

E16. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
- (b) the classification and the volume of material removed must be reported to the Certifier.

E17. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

#### **DISPOSAL OF SEEPAGE AND STORMWATER**

E18. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.

E19. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

E20. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

#### **ASBESTOS**

E21. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:

- (a) *Work Health and Safety Regulation 2017*;
- (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
- (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – 'Transportation and management of asbestos waste'.

#### **CONTACT TELEPHONE NUMBER**

E22. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

#### **UNCOVERING RELICS OR ABORIGINAL OBJECTS**

E23. All reasonable steps must be undertaken to avoid harm, modification, or other impact to Aboriginal objects except as authorised by this approval.

E24. If a Relic (as defined in the *Heritage Act 1977*) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:

- (a) all works must cease immediately;
- (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and

- (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.

E25. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

#### **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

E26. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:

- (a) date, time and location;
- (b) a brief description of what occurred and why it has been classified as an Incident;
- (c) a description of what immediate steps were taken in relation to the Incident; and
- (d) identifying a contact person for further communication regarding the Incident.

E27. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

#### **NON-COMPLIANCE NOTIFICATION**

E28. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

## **PART F COMMENCEMENT OF OCCUPATION AND USE**

### **GENERAL REQUIREMENTS**

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#### **OCCUPATION CERTIFICATES**

- F1. In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building.

#### **NOTIFICATION OF OCCUPATION**

- F2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- F3. If the occupation or use of the Development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

#### **ENVIRONMENTAL PERFORMANCE**

- F4. Prior to the issue of the Occupation Certificate for the whole of the building, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

### **DILAPIDATION AND REPAIRS**

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#### **POST-CONSTRUCTION DILAPIDATION REPORT**

- F5. Before the issue of the Occupation Certificate for the whole of the building, the Applicant is to provide a Report (**Post-Construction Dilapidation Report**) to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
  - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of Development;
  - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- F6. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

#### **ROAD DAMAGE**

- F7. Prior to the issue of the Occupation Certificate for the whole of the building, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS**

- F8. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
  - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development.
- F9. Prior to the issue of the Occupation Certificate for the whole of the building, any damage identified in Condition F5 as being caused by the carrying out of the Development not subject to Condition F8 must be fully repaired and rectified by the Applicant.

### **COMPLIANCE REPORTING**

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#### **WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE**

- F10. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development; and
  - (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.

- F11. Prior to the issue of the Occupation Certificate for the whole of the building, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

#### **COMPLIANCE WITH BASIX CERTIFICATE**

- F12. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

#### **GFA AND BUILDING HEIGHT CERTIFICATION**

- F13. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor area (15,413m<sup>2</sup>), building height (RL 193.877 AHD) and that the proposal does not result in any additional overshadowing of the Chatswood Croquet Club between 12 noon to 2pm on 21 June.

#### **ACOUSTIC COMPLIANCE**

- F14. Prior to the issue of the relevant Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under Condition C15.

#### **STRUCTURAL INSPECTION CERTIFICATE**

- F15. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- F16. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

#### **LANDSCAPE PRACTICAL COMPLETION REPORT**

- F17. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
  - (b) verifies that a maintenance program under the Landscape Plan required under Condition C12 has been commenced;
  - (c) includes details of plant maintenance and watering for the first 12 months; and
  - (d) includes details of plant maintenance and watering for the life of the Development.

#### **FIRE SAFETY CERTIFICATION**

- F18. Prior to the issue of the relevant Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the works subject to the Occupation Certificate.
- F19. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

#### **OUTDOOR LIGHTING**

- F20. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:
- (a) achieves the objective of minimising light spillage:
    - (i) beyond the property boundary; and
    - (ii) to any adjoining or adjacent Sensitive Receivers;
  - (b) complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and
  - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## SYDNEY WATER COMPLIANCE

- F21. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

## UTILITY PROVIDERS

- F22. Prior to the issue of the relevant Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the Development, is completed to the satisfaction of the relevant authority.
- F23. Prior to the issue of the relevant Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

## BICYCLE PARKING AND END-OF-TRIP FACILITIES

- F24. Prior to the issue of the Occupation Certificate for the whole of the building, the Applicant must submit to the Certifier evidence the secure bicycle parking has been provided in accordance with Condition C13.
- F25. Prior to the issue of the Occupation Certificate for the whole of the building, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## STREET NUMBERING

- F26. Prior to the issue of the relevant Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

## MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

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### HERITAGE INTERPRETATION PLAN IMPLEMENTATION

- F27. Prior to the issue of the relevant Occupation Certificate, evidence must be submitted to the Certifier demonstrating all elements of the Heritage Interpretation Plan required under Condition B2 to B4 have been implemented.

### OPERATIONAL PLAN OF MANAGEMENT

- F28. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
  - (b) management of communal areas and open spaces, including the through-site link;
  - (c) loading and unloading;
  - (d) security and staff management;
  - (e) emergency management/ evacuation and incident response protocols;
  - (f) waste management;
  - (g) tenant induction and behaviour/ house rules;
  - (h) community consultation and complaint procedures.
- F29. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

### OPERATIONAL WASTE MANAGEMENT

- F30. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an **Operational Waste Management Plan** for the Development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) be prepared in consultation with Council;
  - (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
  - (c) confirm the location of waste collection and establish appropriate routes to the collection point;
  - (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
  - (e) detail the type and quantity of waste to be generated during operation of the Development;
  - (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA).

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

## STORMWATER

- F31. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- F32. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit to the Certifier a **Stormwater Operational and Maintenance Plan (SOMP)** that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
  - (b) specifies, but is not limited to:
    - (i) a maintenance schedule of all stormwater quality treatment devices;
    - (ii) record and reporting details;
    - (iii) relevant contact information; and
    - (iv) Work Health and Safety requirements.

## CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- F33. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
  - (b) specifies, but is not limited to, details of:
    - (i) the Development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
    - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
    - (iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed.

## GREEN TRAVEL PLAN

- F34. Prior to the commencement of operation, the Green Travel Plan (GTP) must be updated and submitted to the Planning Secretary for information to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
  - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

## LOT CONSOLIDATION

- F35. Prior to the issue of the Occupation Certificate for the whole of the building, the lots/separate titles within the development site must be consolidated to provide that all dwellings are located on the same lot of land. A plan of consolidation must be registered with the Land and Property Information Division of the NSW Land Registry Services.

## DEDICATION OF LAND TO COUNCIL

- F36. Prior to the issue of the Occupation Certificate for the whole of the building, land zoned SP2 along the Pacific Highway and Albert Avenue frontages is to be dedicated to Council to use as an expanded public domain prior to any future works to be undertaken by Transport for NSW.

## REGISTRATION OF EASEMENTS

- F37. Prior to the issue of the Occupation Certificate for the whole of the building, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

## CCTV REPORT OF COUNCIL PIPE SYSTEM AFTER WORK

- F38. Prior to the issue of the relevant 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 from the site to the existing system in Albert Avenue 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

#### **INSPECTION OF DRAINAGE CONNECTION TO COUNCIL'S DRAINAGE LINE**

- F39. Prior to the issue of the relevant Occupation Certificate, inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

#### **ON-SITE WATER MANAGEMENT SYSTEM**

- F40. Prior to the issue of the relevant Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council system in Albert Avenue via an approved OSD system with a minimum volume of 54m<sup>3</sup> in accordance AS/NZS3500.3, Part I of the Willoughby DCP and Technical Standard 1. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

#### **SIGN FOR ON-SITE STORMWATER DETENTION SYSTEM**

- F41. Prior to the issue of the relevant 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".

#### **WORKS-AS-EXECUTED PLANS - OSD**

- F42. Prior to the issue of the relevant 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.

#### **S88B / S88E (3) INSTRUMENT**

- F43. 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 the Occupation Certificate for the whole of the building.

#### **CONSTRUCTION OF WORKS IN ROAD RESERVE AND PUBLIC DOMAIN**

F44. Prior to the issue of the Occupation Certificate for the whole of the building, construct the following works:

- (a) New kerb and gutter together with any necessary associated pavement restoration for the full frontage of the development site in Albert Lane and as required to facilitate the stormwater drainage works in Albert Avenue.
- (b) New footpath / shared path for the full frontage of the development site in Albert Avenue and Pacific Highway.
- (c) Mill and resheet the pavement in Albert Lane.
- (d) Construction of new stormwater pipe from the site to the existing Council system in Albert Avenue.

The works are to be in accordance with Council's specification and the approved Public Domain Drawings.

#### **INSPECTION OF CIVIL WORKS ON ROAD RESERVES**

F45. All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the approved drawings, conditions and specification (AUS-SPEC).

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 the Occupation Certificate for the whole of the building.

#### **VEHICLE ACCESS AND MANOEUVRING – CONSTRUCTION & CERTIFICATION**

F46. Prior to the issue of the relevant Occupation Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the construction of vehicular access and manoeuvring for the development. This certification must be based on a site inspection of the constructed vehicle access, manoeuvring and vehicle accommodation areas, with dimensions and measurements as necessary, and must make specific reference to the following:

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (c) That a maximum gradient of 5% is provided for a distance extending from the property's front boundary for at least 6 metres. All driveway grades including change in grades shall comply AS2890.1 and AS 2890.2, with the maximum grade measured along the inside curve of any ramp.
- (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 the required accessible parking spaces provided for adaptable units comply with the requirements of AS 2890.6.
- (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/NZS 2890.6.
- (i) That the headroom clearance of 3.5m required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (j) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all accessible parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all accessible parking spaces to comply with AS 2890.6, and that a bollard is located in the shared zone in accordance with the requirements of Section 2.4 of AS/NZS 2890.6.

- (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 or that for single lane ramps a signal system and marked waiting bay are provided.
- (l) That a minimum of 4.5m headroom is provided between the ground level vehicle bay and any overhead structure, including roofs or awnings.

#### **PUBLIC INFRASTRUCTURE RESTORATION**

- F47. Prior to the issue of the Occupation Certificate for the whole of the building and 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 AUSSPEC at no cost to Council.

#### **STORMWATER MAINTENANCE PLAN**

- F48. Prior to the issue of the relevant 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.

#### **CERTIFICATION OF WATER QUALITY IMPROVEMENT SYSTEM**

- F49. Prior to the issue of the relevant 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.

## **PART G OCCUPATION AND ONGOING USE**

### **MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE**

- G1. Following the issue of the relevant Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must:
- (a) implement the SOMP; and
  - (b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

### **STORAGE AND HANDLING OF WASTE**

- G2. Following the issue of the relevant Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.
- G3. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left on the site;
  - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

### **TRAFFIC AND PARKING**

- G4. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the **Car Parking, Loading and Servicing Management Plan** prepared under this consent;
  - (b) for all areas other than the on-street loading bay located on Albert Lane, within the confines of the site, at all times and must not obstruct other properties or the public way; and
  - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- G5. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.
- G6. The car spaces within the Development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

### **GREEN TRAVEL PLAN**

- G7. Following commencement of operation the Green Travel Plan required by Condition F34 of this consent, the plan must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **LANDSCAPING**

- G8. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under Condition C12.

### **FIRE SAFETY CERTIFICATION**

- G9. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

### **OUTDOOR LIGHTING**

- G10. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- G11. Within 24 months of commencement of operation, Green Star certification must be obtained demonstrating the development, operating in accordance with this consent achieves a minimum 5 Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

### **BASIX CERTIFICATION**

- G12. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1748901M and any updated certificate issued if amendments are made.

## HOUSING

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### BUILD-TO-RENT HOUSING

- G13. For a period of 15 years commencing on the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates, the tenanted component of the building(s) must:
- (a) contain 198 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and
  - (b) not be subdivided into separate lots, and
  - (c) be owned and controlled by 1 person, and
  - (d) be operated by 1 managing agent, who provides on-site management.
- G14. From the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates, the tenanted component of the building(s) must:
- (a) contain 198 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and
  - (b) not be subdivided into separate lots, and
  - (c) be owned and controlled by 1 person, and
  - (d) be operated by 1 managing agent, who provides on-site management.
- G15. If the owner or managing agent of the build-to-rent component of the development changes, the Applicant must provide written notification to the Planning Secretary, the Council and the Certifier identifying the new owner and/or managing agent.

### USE OF COMMUNAL FACILITIES

- G16. During operation, the use of the communal facilities on Level 1 must be restricted to the residents of the building and their guests only.

## ADVISORY NOTES

- AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the Development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
  - (b) certificates under Part 6 of the EP&A Act;
  - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
  - (d) approvals for the installation of any hoardings over Council footways or road reserves;
  - (e) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
  - (f) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.
- AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
  - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
  - (c) *Disability Discrimination Act 1992* (Cth);
  - (d) *Building and Construction Industry Long Service Payments Act 1986*;
  - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
  - (f) *Airports (Protection of Airspace) Regulations 1996*.
- AN6. The Housing and Productivity Contribution:
- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees; and
  - (b) is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.
- AN7. The operation and maintenance of warm water systems and water-cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

## **APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition E26 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition E26), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition E27):
  - (a) identifies how the Incident was detected;
  - (b) identifies when the Applicant became aware of the Incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the Incident; and
  - (a) a summary of the Incident;
  - (b) outcomes of an Incident investigation, including identification of the cause of the Incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the Incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
  - (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.