

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 131-05-2005

(FILE NO. 9039003-2)

CHATSWOOD TRANSPORT PRECINCT PROJECT

I, the Minister for Planning, pursuant to Sections 80(1) (a) and 80A of the *Environmental Planning & Assessment Act, 1979*, and Clause 6 of State Environmental Planning Policy (State Significant Development) 2005 determine the development application referred to in the attached Schedule 1, by **granting consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To provide a mix of land use opportunities at Chatswood;
- (2) To ensure development of the land will assist in improving the transport infrastructure of the Chatswood Transport Precinct;
- (3) To minimise environmental impacts:
- (4) To encourage good urban design and a high standard of architecture.

Frank Sartor MP
Minister for Planning

Sydney,

2005

SCHEDULE 1**PART A—TABLE**

Application made by:	CRI Chatswood Pty Limited 65 Berry Street North Sydney
Application made to:	Minister for Planning
Development Application:	No.131-05-2005
On land comprising:	Land generally bounded by Albert Avenue, Thomas Lane, Railway Street and Help Street and including the first floor of the Sydney Water Building and land up to, but not including 430 Victoria Avenue, Chatswood <u>Title Details</u> Lot No 24 in DP819522 Lot No 23 in DP819522 Lot No 22 in DP819522 Lot No 1 in DP590323 Book 394 No276 Lot No 1 in DP321820 GC 19/1/1945 FOL. 50 GC 8/7/1887 FOL. 4443 GC 9/7/1926 FOL. 4585 Lot No 14 in DP817116 Lot No 61 in DP864346 Lot No 62 in DP864346 AC 8634-243 consisting of Lot No 15 in DP817116 Lot No 20 in DP790323 Lot No 21 in DP790323 Lot No 1 in DP1080387 Lot No 2 in DP1080387 Orchard Road Air Space Victoria Road Air Space 1 Victoria Road Air Space 2
Local Government Area	Willoughby
For the carrying out of:	Development comprising three residential tower buildings, retail floor space including kiosks, basement car parking and associated loading areas, access to, and including a shareway, residential drop off area, public domain improvements and stratum subdivision A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2
Estimated Cost of Works	\$164,819,000.00
Type of development:	State Significant Development Integrated Development
S.119 Public inquiry held:	No
BCA building class:	Class 2, 6, 7a, 7b
Approval Body / Bodies:	Willoughby City Council
Determination made on:	
Determination:	Development consent is granted subject to the conditions in

	the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 131-05-2005

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within **12** months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

- This development consent contains a levy for development imposed under Section 94 of the Act. The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979*.

Advisory Notes – mean advisory information relating to the approved development.

Applicant means CRI Australia Pty Limited or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Willoughby City Council

DA No. 131-05-2005 means the development application and supporting documentation submitted by the Applicant on 27 May 2005.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

DEC means the Department of Environment and Conservation.

Director means the Director of the Urban Assessments (or its successors) within the Department or the nominees of the Director.

Director-General means the Director-General of the Department

Minister means the Minister for Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations mean the *Environmental Planning and Assessment Regulations, 2000*.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Team Leader means the Team Leader of the Urban Assessments (or its successors) within the Department.

TIDC means Transport Infrastructure Development Corporation.

Transport Stakeholder Committee means a group represented by Willoughby City Council, Roads and Traffic Authority, State Transit Authority and Forest Coachlines.

WCC means Willoughby City Council

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO 131-05-2005.

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development consent is granted only to carrying out the development described in detail below:

- (1) Construction and use of three residential buildings providing a total of 64,513 square metres of residential gross floor area (GFA) in the following configuration:
 - a) Tower 1 consisting of 32,802 square metres of GFA, 40 storeys, to 246.80 metres AHD (to top of parapet and not including roof plant or architectural features);
 - b) Tower 2 consisting of 14,515 square metres of GFA, 25 storeys, to 201.10 metres AHD (to top of parapet and not including roof plant or architectural features);
 - c) Tower 3 consisting of 17,196 square metres of GFA, 36 storeys, to 234.30 metres AHD (to top of parapet and not including roof plant or architectural features);
- (2) Construction and use (excluding fit-out) of 9,969 square metres Gross Lettable Area of retail development associated with the railway concourse and the bus interchange, including kiosks;
- (3) Three basement levels for car parking for 501 vehicles associated with the proposed residential development, plus 5 parking spaces for RailCorp use;
- (4) A residential loading dock;
- (5) Two retail loading docks;
- (6) Access to the residential drop-off for Towers 2 and 3 (shareway);
- (7) Landscaping to the podium roof; and
- (8) Stratum subdivision of the site.

A2 *Development in Accordance with Plans*

The development shall be in accordance with development application number DA No.131-05-2005 submitted by the Applicant on 27 May 2005 and in accordance with the following:

Statement of Environmental Effects (7 Volumes) titled Chatswood Transport Precinct Project prepared by JBA Urban Planning Consultants Pty Ltd, dated April 2005			
Chatswood Interchange Building Management Statement, undated.			
Instruments under Section 88A and 88B of the Conveyancing Act, undated			
Architectural Drawings prepared by COXDesignInc.			
Drawing No.	Revision	Name of Plan	Date
A-DA-100	04	Site Plan	22.04.05

A-DA-101	05	Car Park 3 Plan	--.07.05
A-DA-102	05	Car Park 2 Plan	--.07.05
A-DA-103	05	Car Park 1 Plan	--.07.05
A-DA-104	04	Concourse Level Plan	22.04.05
A-DA-104.1	04	Concourse Level North– Interchange Plan	22.04.05
A-DA-104.2	04	Concourse Level Central – Retail Plan	22.04.05
A-DA-104.3	04	Concourse Level South – Albert Avenue	22.04.05
A-DA-105	04	Intermediate Level – Plan	22.04.05
A-DA-105.1	04	Intermediate Level Central – Retail Plan	22.04.05
A-DA-105.2	02	Intermediate Level Central – East Retail Plan	22.04.05
A-DA-106	04	Platform Level Plan	22.04.05
A-DA-106.1	04	Platform Level North – Interchange Plan	22.04.05
A-DA-106.2	04	Platform Level Central Plan	22.04.05
A-DA-106.3	04	Platform Level South Plan	22.04.05
A-DA-107	04	Retail Podium Level Plan	22.04.05
A-DA-107.1	04	Railway Structure North Plan	22.04.05
A-DA-107.2	04	Retail Podium Level – Food Court Plan	22.04.05
A-DA-107.3	04	Railway Structure South Plan	22.04.05
A-DA-108	04	Residential Towers Plan – Amenities Level Plan	22.04.05
A-DA-109	03	Residential Towers Plan Level 1-10 Plan	23.03.05
A-DA-110	03	Residential Towers Plan Level 11-13 Plan	23.03.05
A-DA-111	03	Residential Towers Plan Level 14-20	23.03.05
A-DA-112	03	Residential Towers Plan Level 21-23	23.03.05
A-DA-113	03	Residential Towers Plan Level 24	23.03.05
A-DA-114	03	Residential Towers Plan Level 25	23.03.05
A-DA-115	03	Residential Towers Plan Level 26-30	23.03.05
A-DA-116	03	Residential Towers Plan Level 31-34	23.03.05
A-DA-117	03	Residential Towers Plan Level 35	23.03.05
A-DA-118	03	Residential Towers Plan Level 36	23.03.05
A-DA-119	03	Residential Towers Plan Level 37-38	23.03.05
A-DA-120	03	Residential Towers Plan Level 39-40	23.03.05
A-DA-121	03	Residential Towers Plant Room Levels Plan	23.03.05
A-DA-122	03	Residential Towers Roof Level Plan	23.03.05
A-DA-202	04	Section BB Interchange and Endeavour Street	22.04.05
A-DA-203	04	Section CC Interchange and Exchange Hotel	22.04.05
A-DA-204	04	Section DD Chatswood Mall	22.04.05
A-DA-205	04	Section EE Towers 1 and 3	22.04.05
A-DA-206	04	Section FF Telstra and Sydney Water	22.04.05
A-DA-207	04	Section GG Tower 2 and Podium	22.04.05
A-DA-208	04	Section HH Thomas Street	22.04.05
A-DA-209	04	Section JJ Thomas Lane and Gardens	22.04.05

A-DA-211	04	Section LL Long Section South	22.04.05
A-DA-212	04	Section MM Towers 2 and 3	22.04.05
A-DA-213	04	Section NN South	22.04.05
A-DA-214	04	Section NN Central	22.04.05
A-DA-215	04	Section NN North	22.04.05
A-DA-216	04	Section PP	22.04.05
A-DA-217	04	Section RR	22.04.05
A-DA-401	03	East Elevation	22.04.05
A-DA-402	03	West Elevation	22.04.05
A-DA-403	03	North Elevation	22.04.05
A-DA-404	03	South Elevation	22.04.05
A-DA-405	03	Tower 3 East Elevation	22.04.05
A-DA-406	03	Tower 3 West Elevation	22.04.05
A-DA-407	03	Tower 3 North Elevation	22.04.05
A-DA-408	03	Tower 3 South Elevation	22.04.05
A-DA-409	03	Tower 2 East Elevation	22.04.05
A-DA-410	03	Tower 2 West Elevation	22.04.05
A-DA-411	03	Tower 2 North Elevation	22.04.05
A-DA-412	03	Tower 2 South Elevation	22.04.05
A-DA-413	03	Tower 1 East Elevation	22.04.05
A-DA-414	03	Tower 1 West Elevation	22.04.05
A-DA-415	03	Tower 1 North Elevation	22.04.05
A-DA-416	03	Tower 1 South Elevation	22.04.05
A-DA-417	04	Podium Elevations North and West	22.04.05
A-DA-418	04	Podium Elevations South and East	22.04.05
Landscape Drawings prepared by Fiona Yeates Consulting Pty Ltd Landscape Architects			
Drawing No.	Revision	Name of Plan	Date
L-DA-104	B	Development Precinct	23.03.05
L-DA-104.1	B	Landscape Plan Bus Interchange	23.03.05
L-DA-104.2	B	Landscape Plan Station Concourse/Western Pct	23.03.05
L-DA-104.3	B	Landscape Plan Remembrance Gardens	23.03.05
L-DA-108	B	Landscape Plan Residential Amenities	23.03.05
L-DA-201	B	Landscape Sections A-A and B-B	23.03.05
L-DA-202	B	Landscape Sections C-C and D-D	23.03.05
L-DA-203	B	Landscape Sections E-E, F-F, G-G and H-H	23.03.05
L-DA-401	B	Landscape Elevations I-I and J-J	23.03.05
Stratum Subdivision Drawings prepared by Hard and Forester Consulting Surveyors			
Drawing No.	Revision	Name of Plan	Date
110354040/1	01	Carpark – P3 RL 84.60	19.07.05
110354040/2	01	Carpark – P2 RL 87.50	19.07.05

110354040/3	01	Carpark – P1 RL 90.25	19.07.05
110354040/4	01	Concourse RL 94.00	19.07.05
110354040/5	01	Intermediate Level RL 98.00	19.07.05
110354040/6	01	Platform Level RL 102.00	19.07.05
110354040/7	01	Podium Level RL 106.00	19.07.05
110354040/8	01	Residential Level RL 113.00	19.07.05

except for:

- a) any modifications which are 'Exempt Development' in Development Control Plan No.25, or as may be necessary for the purpose of compliance with the Building Code of Australia and any Australian Standards incorporated in that Code;
- b) otherwise provided by the conditions of this consent;

A3 Detailed Drawings

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate shall be in accordance with the terms of this consent and comply with the requirements of the Building Code of Australia.

A4 Additional Details and Information

Any requirements outlined by conditions of this consent requiring changes and/or other information to be noted on plans are to be incorporated within the Construction Certificate(s) plans and documentation.

A5 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A6 Surrender of Consent

In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this consent, the Applicant shall, within 3 months of the date of commencement of this consent and in the manner prescribed by Clause 97 of the Regulation, surrender the development consents described below:

DA 119-05-2004

A7 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Additional Details

In order to ensure the appropriate design of works adjacent to the Garden of Remembrance, satisfactory wind conditions, reuse of collected rainwater, retail waste management and minimisation, additional details in regard to the following matters shall be submitted to and approved by the Director prior to the issue of a Construction Certificate for above ground works:

- (1) details of all adopted wind mitigation measures shall be submitted for approval, and they shall include:
 - a) detailed drawings of all building elements proposed for wind amelioration;
 - b) verification of wind test findings for all mitigation measures that have been adopted, but for which no specific test results were provided in the Wind and CFD Study;
 - c) verification of wind findings for a sensor location on Thomas Lane, at the base of Tower 1;
 - d) details of wind mitigation measures proposed to achieve wind speeds of 13m/sec within the Garden of Remembrance;
 - e) 1:250 scaled plan and elevation drawings that clearly show and identify all final adopted mitigation measures;
- (2) a revised Watercycle Management report, which provides adequate supporting material to justify the proposed non-reticulation of collected rainwater for non-potable water reuse for the residential apartments (which is contrary to the ESD initiatives described in the ESD and Solar Access Assessment).
- (3) proposals for the implementation of waste management and minimisation within the retail areas, including details of proposed protocols/agreements to be entered into between the development managers and future retail tenants/operators.
- (4) detailed drawings of all proposed works outside the boundaries of, but immediately adjacent to, the Garden of Remembrance including, but not limited to, the shareway adjacent to the northern and western sides of the Garden, the associated retaining wall and heritage interpretative proposals, and the new northern end to the Garden. The detailed design of those works shall be undertaken in consultation with the Garden's Trustees, Council and the Chatswood RSL.
- (4) detailed drawings of the shared pedestrian and vehicle access along the eastern side of the Garden of Remembrance including appropriate land dedication for footpath and access
- (5) design changes and performance-based solutions that affect floor layouts, building elevations, roof, roof lights, awnings and other external building elements that are intended to address departures from the Deemed-to-Satisfy provisions of the BCA.

B2 *Design Modifications*

In order to ensure the privacy of adjoining properties, additional provision for adaptable housing, improved pedestrian and disabled persons' access, safety and security and connections with adjoining streets, the design of the building shall be amended as follows:

- (1) The layouts and, where necessary, the mix of apartments on Levels 113.6 to RL128.6 of Tower 3 shall be modified as necessary to avoid or ameliorate overlooking from habitable rooms, of the adjoining property at Nos. 426-430 Victoria Avenue. Amended apartment layouts and details of and proposed privacy devices shall be submitted for approval;
- (2) adaptable residential apartments for disabled persons shall be provided at the rate of 15% of the total apartments;
- (3) the submission of detailed design options and recommendations demonstrating more direct, convenient disabled persons' access between the landing at S-E corner of the retail area (RL104.5) to the retail areas at RL106.6 and between those areas and Victoria Ave W/Railway Street;
- (4) provision shall be made for a direct, uninterrupted routes of clear minimum width of 4m wide along pedestrian walkways:
 - i) at RL98 and RL102, along and for the full length of the N-S retail podium;
 - ii) at RL106.60, between the void areas and the adjacent retail areas;
 - iii) at RL106.60 between the steel bridges and the escalators to Victoria Ave W/Railway Street;
- (5) the submission of detailed design options and recommendations demonstrating a more direct and convenient access arrangement at the S-E corner of the site for pedestrian and disabled persons' access from the new ramp system along Orchard Road at RL 102 to the terraces, pedestrian promenades and walkways at RL102, RL 104.5 and RL106 and food court area.
- (6) a passenger lift or suitable ramp shall be provided adjacent to the steps at Chatswood Mall (RL97.5) to provide more direct access to Victoria Avenue/Orchard Way (RL94).
- (7) 24-hour CCTV surveillance of all pedestrian connections and walkways, the retail areas along the Thomas St/Orchard Way and Thomas Lane and the interface connection at RL106.60 and associated lobby at the adjoining property at No.430 Victoria Avenue shall be provided.
- (8) greater visibility from the connection to the lobby, referred to in (7), shall be provided at the development site's boundary;
- (9) the pedestrian connection and associated entrance lobby, between Post Office Lane and the retail podium at RL98 shall be modified and redesigned to avoid a "back-of-house" service entry environment.
- (10) the passenger lift at Victoria Avenue West at RL102 shall be suitably sized to provide access between that level and RL94.00 for disabled persons and cyclists.

Detail drawings of these modifications shall be submitted to and approved by the Director prior to the issue of a Construction Certificate for above ground works or that part of the works.

B3 *Works Impacting on Garden of Remembrance*

Prior to the issue of a Construction Certificate for above-ground works, a detailed design and landscape plan shall be prepared for the Garden of Remembrance in consultation with the Garden's Trustees and to the satisfaction of Council. In this regard the following are required to be provided:

- a) detailed plans of proposed landscaping works in the gardens;
- b) the plans shall have regard to the historical importance of the roses and perpetuate the red and white theme of the original Gardens providing also for the "Picardy" roses;
- c) wind shall be managed in the Gardens to achieve appropriate wind levels in accordance with Condition B1(1)(d). Wind amelioration measures incorporated in the landscape design (which for the Garden of Remembrance shall be achieved by landscaping means around the edges or by the buildings' detail design; and shall not include the use of perforated screens); and
- d) construction works to the Garden edges shall reinstate the green enclosure of the Gardens to the northern and western views from the Garden. The extensions to the Plaza over Orchard Road shall preserve and incorporate the green relief to the built form;
- e) details on the management of the construction of the relocated beds including repositioning of roses and plaques.

The above are required in the context of the existing good condition of the Gardens and its well cared for state noting that the spacing and layout of the roses contributes to their health and lack of fungal diseases. All works to the Gardens, if approved by Council, shall be carried out to the satisfaction of the Council's at the applicant's expense and supervised throughout by a qualified person nominated by Council.

B4 *Public Domain Works*

Prior to the issue of any Construction Certificate relating to public domain works the applicant shall establish and participate in a working group chaired by the Department and with representation from WCC and TIDC to review all public domain works proposed. The purpose of the review is to ensure that the works proposed meet public domain priorities agreed by the working group. The applicant shall prepare a report on the review and document any changes proposed. The applicant shall incorporate any proposed changes in an application under S96 of the Act to amend this consent. All reasonable costs associated with the public domain works, as agreed by the working group, shall be met by the applicant.

B5 *Adaptable Apartments*

Each adaptable apartment shall be nominated on the Construction Certificate drawings and that disabled car spaces be provided in accordance with DCP No.14 *Access, Mobility and Adaptability*.

The structural design of the adaptable apartments and plumbing connections shall be demonstrated to be capable of adaptation for people with disabilities.

B6 *Detailed Landscaped Plans*

A detailed Landscape Plans for the shareway and podium roof residential amenity area shall be prepared and approved by the Director. The Plans shall be to scale and provide adequate details on:

- a) species selection (minimum of 60% indigenous species to area);
- b) adequacy of soils surface areas, volumes and depths;
- c) location of services that may impact on plant growth.

B7 *Reflectivity and External Finishes*

The recommendations of the Reflectivity Assessment report submitted with the application shall be incorporated in the development.

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.

The external finishes shall be high quality low maintenance finishes that can withstand the weather, vibration and pollution impacts of the location for periods greater than 10 years without significant maintenance.

A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the podium and for works above the podium for the residential towers.

B8 Design Verification Statement – Residential Flat Buildings

Prior to the issue of a Construction Certificate for residential tower works the Applicant shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development as nominated in the DA submission, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

B9 Rail Corridor and Railway Infrastructure

Prior to the issue of a Construction Certificate for above ground works the Applicant shall obtain RailCorp review and approval of:

- a) design measures to mitigate noise and vibration affecting the residential towers;
- b) integration of noise and vibration mitigation designs within the development and consistent with the Part 5 approvals for the Chatswood Transport Interchange;
- c) management plans for the protection of existing rail infrastructure resulting from vibration generated during excavation, demolition and construction works;
- d) environmental management plans for any construction work that could give rise to risk of an environmental incident on the rail corridor;
- e) designs for the appropriate earthing and bonding of the building to minimise the impact of electrolysis and risk of electrocution to members of the public.

Adequate design measures shall be installed to prevent the throwing of objects onto the rail corridor and to prevent the likelihood of tree branches falling onto the rail corridor from the Amenities Level.

The Applicant shall provide access to the station/concourse in accordance with Rail Corp operational requirements regardless of any future retail policy and security changes within the development.

The Applicant shall ensure that:

- a) fencing and walls along the rail corridor are coated with anti-graffiti paint or other suitable coating; and
- b) roots and tree foliage being planted beside the rail corridor do not have an impact on the rail corridor.

B10 Accessibility

The recommendations of the Access Review Report submitted with the application shall be incorporated in the development.

Except as provided for in Condition B2(2), the building shall be provided with access for people with disabilities as well as toilets and other facilities for people with disabilities to

comply with Council's DCP No.14 and all the requirements of Part D3 and Part F2 of the BCA and the relevant provisions of AS 1428.1 and in particular:

- a) stairways or ramps shall have handrails on each side complying with Clause 9.3 of 1428.1;
- b) passenger lifts shall be installed to comply with the requirements of AS 1735.12;
- c) the unisex toilet for people with disabilities shall comply with the requirements of Clause 10 of AS 1428.1;
- d) suitable identification signs and/or symbols, as well as directional signs incorporating the symbol for access for people with disabilities shall be provided to comply with Clause 14 of AS 1428.1;
- e) any step at an entry door being reduced to nil at the threshold by provision of a short ramp to facilitate access;
- f) the requirements of Clause 7 of AS 1428.1 in respect of the clear circulation space required at doorways.

Access between Orchard Way, the retail podium at RL102 and RL106.60 to the Sydney Water and Council's buildings shall be signposted and well lit.

The access shutter at the interface connection between the Retail Podium Level (RL106.60) and the adjoining property at No.430 Victoria Avenue shall remain open during normal retail area opening hours.

Because of the reliance on passenger lifts for disabled persons' access provision shall be made for adequate anti-vandalism measures and regular maintenance in respect of passenger lifts.

Prior to the issue of a Construction Certificate for above ground works, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B11 Remediation of Land

- (1) Prior to the issue of a Construction Certificate for below ground works the Applicant shall submit to the Certifying Authority a Remedial Action Plan and a Hazardous Materials Survey. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.
- (2) Upon completion of any required remediation works on the site, the Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

B12 Dust and Air Quality Management Plan - Construction

Adequate measures shall be taken during construction to prevent dust from affecting the amenity of the surrounding area. The Dust and Air Quality Management Plan shall be prepared in consultation with, and in accordance with the requirements of, the Department of Environment and Conservation and Council and shall address, but not be limited to:

- a) the control of dust using water sprays and/or water carts;
- b) the installation of truck wheel shaker/wash for all vehicles leaving the site;
- c) regular cleaning of silt fences;

- d) the regular cleaning of footpaths and local roads, as required, with street sweepers;
- e) if necessary, amending construction activities during periods of high winds;
- f) covering/watering of stockpiles and exposed areas;
- g) the secure covering of vehicles carrying spoil or rubble to or from the site at all times to prevent the escape of dust or other material;
- h) the fitting of gates with shade cloth or other suitable material.

The Plan shall be submitted to the Director for approval prior to the issue of a Construction Certificate for below-ground works.

B13 Pre-Construction Dilapidation Reports

The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

A copy of the report is to be forwarded to the Director and Council.

Traffic & Parking

B14 Traffic Control Devices

In order to ensure that vehicles exit the site in a safe manner, a speed hump or other suitable traffic calming device shall be installed and shall be clearly visible at the upper threshold of the driveways. Details of the type, location and operation of the device are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

B15 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall be 501 vehicles associated with the proposed residential development, plus 5 parking spaces for RailCorp use. Details confirming the allocation of the approved parking spaces for each area listed in the below table shall be submitted to and approved by the Director prior to issue of a Construction Certificate for above ground works.

Car parking allocation	Number
Residential Car parking spaces	
Number of residential car spaces to be disabled spaces to be in accordance with the DCP2 <i>Transport Requirements for Development</i> .	
Car share scheme spaces	
Retail car parking spaces (preferably in accordance with the specified type and total number of shops)	
RailCorp parking spaces	5
Disabled parking spaces for residential and retail to be provided in accordance with DCP2 <i>Transport Requirements for Development</i>	
Visitor Spaces of which one shall also serve as a car wash bay	

B16 Bicycle and Motorcycle Spaces

A minimum of 90 bicycle spaces and 20 motorcycle spaces are to be provided for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

B17 Loading Bays

A minimum of 3 loading bays shall be provided for the development. Prior to the issue of a Construction Certificate for below-ground works, details of the loading arrangements shall be submitted to the satisfaction of the Director, demonstrating that the turning circles of Large Rigid Vehicles and Medium Rigid Vehicles for the eastern and western loading docks, respectively for forward-out and forward-in is achievable, and the head room free of all obstructions for those size vehicles.

B18 Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 2004.
- (2) All of the parking spaces, including those for motorcycles, shall be line marked and physically identified based on their nominated use and shall be maintained free of obstructions. Under no circumstances shall they be used for the storage of goods or waste;
- (3) The layout of the service vehicle areas shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (4) The western loading dock shall be modified as necessary to allow entry by large rigid vehicles to accommodate large furniture trucks.
- (5) The loading dock area shall be separated from the access way for entering and departing vehicles.
- (6) The car park layouts shall ensure that all vehicles are able to suitably access and manoeuvre within the car park areas and shall adequately address critical issues of manoeuvrability and standing of garbage and removal vehicles for the residents of Towers 1 and 2.
- (7) For security purposes, each car park level shall be adequately lighted in accordance with AS/NZS 1158.3.1 (1999) Road Lighting-Pedestrian area lighting. CCTV strategically located shall be installed in consultation with security professionals;
- (8) All vehicles associated with the premises must use the allocated parking area and not encroach onto any public street. In this regard a suitable sign(s) shall be provided to the satisfaction of the PCA.
- (9) All loading and unloading shall be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas shall be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities be conducted from vehicles standing kerbside on any of the surrounding streets;
- (10) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below ground works.

B19 Car-Share Scheme

Full details of the method of operation and management of the car share scheme shall be submitted to and approved by the Director. The scheme may be operated and managed through the Building Management Committee including the ownership of the share vehicles, or a specialist contractor.

Ecologically Sustainable Development (ESD) – Residential

B20 NatHERS Ratings

The following NatHERS rating requirements shall be complied with:

- (1) an average rating for all dwellings of 4 stars or better,
- (2) at least 20% of all dwellings shall achieve better than 4.5 stars,
- (3) at least 80% of all dwellings shall achieve better than 3.5 stars, and
- (4) no apartment shall achieve less than 3 stars.

Prior to the issue of a Construction Certificate for above ground works the Applicant shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B21 Energy Star Ratings

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more). The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B22 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

Safety and Security

B23 Safer by Design

The Crime Prevention Through Environmental Design (CPTED) report submitted with the application shall be forwarded to NSW Police and revised, as necessary, to address NSW Police's comments. It shall also address the following matters:

- a) to maintain a safe level of visibility for pedestrians within the development, adequate lighting in accordance with AS 1158 to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes including waste storage areas;
- b) the lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar-powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets;
- c) the roof of the basement parking areas shall be painted a gloss white or equivalent to ensure good visibility, surveillance and less reliance or artificial lighting lux levels;
- d) landscaping design, installation and maintenance within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other;
- e) the development shall incorporate means to isolate the residential and non-residential components of the building, including the security keying of lifts and doors and other measures for access control;

- f) walls and screens between balconies shall be designed to avoid footholds or natural ladders to prevent access between balconies/terraces within the development;
- g) adequate signage shall be provided within the development to identify facilities, entry/exit points and direct movement within the development.

The revised CPTED report shall be submitted to the Director for approval prior to the issue of a Construction Certificate for above ground works, and the approved report's recommendations shall be incorporated in the development.

Health

B24 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works for the podium and for works above the podium for the residential towers.

Waste Management

B25 Waste/Garbage Storage and Removal of Trade Waste

Details of the method of storage and removal of garbage, recycling, commercial and trade waste, and details of the height clearances in the garbage and recycling collection areas, shall be submitted to the satisfaction of Council prior to issue of Construction Certificate for below ground works. The design of waste storage facilities and access to them shall address these conditions of consent.

B26 Waste/Garbage – Compactor Vehicles

In order that garbage compactor vehicles can service the premises entrances, exits, driveways, vehicle ramps, loading dock way and garages shall be designed in accordance with the relevant Australian Standards and following minimum dimensions:

- a) 3700mm width, 3800mm clear height;
- b) 10500mm radius turning circle;
- c) ramp gradients should be 1 in 20 for the first 6m from the street or colonnade alignment then 1 in 8 or 1 in 6 with a transition of 1 in 12 for 4 metres at the lower end. Clearance must take account of roller shutters, service ducts, pipe work etc.

B27 Garbage Servicing

Council will provide a bulk garbage service for each residential tower. This service does not require wheelie bins for garbage. Instead a bulk bin usually 1500 litres will be supplied by the company that installs the chute system. The bins will be specially designed for the compactor unit supplied as Council does not supply them

B28 Waste Collection

The bulk bins will be serviced twice a week instead of once a week (as is the case when a wheelie bin system is used). Note that Council does not provide a collection service to the non-residential uses unless a separate contract is negotiated with Council.

B29 Waste Volumes

Volumes of waste shall be based on 100 litres per unit per week (Note: Council's Garbage Code is currently being updated). A compaction ratio of 2:1 is the maximum limit.

B30 Requirements for Bins

Based on the above, the number of bulk bins required is:

Tower	No. of units	Weekly waste 100l/unit/week	Compaction 2:1	Bulk bins based on 1500 l	Twice/week collection (half no. of bin needed)
3	143	14 300	7150	5	3
2	120	12 000	6000	4	2
1	246	24 600	12300	9	3
Total					8

B31 Waste Rooms

Each waste room must be built large enough to house the number of bulk container bins as indicated above (bin dimensions should be checked with the garbage compactor supplying the bins). One bulk container bin must be attached to the compactor at all times. When the bin is full a caretaker must be on site to exchange the full bin with an empty one.

B32 Location of Bin Room

The garbage room must be located in a basement (except in the case of Tower 2) and the driveway and travel path to the bin room for the garbage truck must have clearance level of 3.8 metres in order for Council to service the bulk bins.

B33 Cleaning of Bin Room

The bin room must contain a hot and cold water tap connected to the sewer system for drainage and must have adequate light and a lockable door.

B34 Ventilation to Bin Room

Adequate ventilation inside the bin room must be supplied. A bump rail made of galvanised metal must be placed around the side wall of the bin room.

B35 Recycling Service Requirements – Residential Towers

Co-mingle recycling is based on 60 litres per unit per week and Council is also able to provide a separate bulk bin for paper and cardboard.

The recycling bin room should be located within close proximity to the garbage room. It shall be posted with words similar to "Recycling Room" to help residents to distinguish the difference between garbage and recycling and be easily accessible to residents.

B36 Paper and Cardboard Recycling

Bulk bins (1500 litre) for paper and cardboard only are service once a week. Based on 60 litres per unit per week the following bins are required:

Tower	No. of units	Recycling bins	Bulk paper bins
-------	--------------	----------------	-----------------

3	143	$8580/240 \text{ } \text{I} = 36$	1
2	120	$7200/240 \text{ } \text{I} = 30$	1
1	246	$14760/240 = 62$	2

B37 Green Waste

Should caretakers wish to use Council's garden waste collection service, provision should be made in each residential towers bin rooms for 3 or 4 x 240 litre bins.

B38 Commercial Waste

A separate waste and recycling room shall be provided for the non-residential component of the development. The room(s) should be labelled with wording similar to "Commercial Waste and Recycling Room" and shall be fitted with lockable doors and keys made available to the commercial tenants only.

Arrangements should be worked out before building the retail waste rooms to ensure the room is large enough to hold the number of bins required. The information on Page 3 of the Operational Waste Management Plan is a fair approximation of waste generation requirements.

Should it be intended that a single contractor will be used to service all waste and recycling needs for the retail component, they should be consulted to assist with the size of the bins to be used and the numbers, as well as truck clearance requirements.

Monetary Contributions and Contributions-in-lieu

B39 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act and pursuant to Section 94A(5) of that Division, the Applicant shall pay a monetary contribution of \$1,255,363 towards the provision of childcare facilities.

(1) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

(2) Indexing

The contribution will be adjusted in accordance with consumer price index at the time of payment.

B40 Heritage Interpretation/Public Art

The commitment to public art and heritage interpretation shall include a funding commitment by the applicant of \$500,000.

A heritage interpretation strategy and the public art strategy shall be co-ordinated and developed in consultation with Council's Arts and Cultural Manager including his/her involvement in the development of Briefs for the commissioning of any art works. A community notice board shall be provided within the concourse area to the satisfaction of Council. A significant public art element shall be provided that provides a focus and sense of arrival to Chatswood.

B41 Security Deposit – Protection of Works during Demolition/Construction

The Applicant shall lodge with Council a Security Deposit Bond in a sum to be calculated by Council for each Construction Certificate (GST Exempt) against possible damage to Council's property during the course of the building works. If any damage is caused, Council shall deduct the reasonable cost of replacement or rectification of the works from the Security Deposit.

B42 Stormwater Management and Reuse

The Applicant shall submit design plans and calculations for the proposed rainwater re-use system, including collection, treatment, storage and distribution of the water, for approval by the Director prior to the issue of Construction Certificate for above ground works. A maintenance procedure of the proposed system shall be incorporated into the Plan of Management of the development.

B43 Road Design

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of Council and the RTA. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B44 Plan stamping by Sydney Water

The relevant approved plan, which shows the building footprint, must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met prior to the issue of a Construction Certificate.

For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

B45 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works

Compliance**B46 Compliance Report**

Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Notification of Intention to Commence Works

In accordance with the provisions of Clause 81A(2) of the Act the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 day's notice to the Director, in writing, of the person's intention to commence the erection of the building.

C2 Demolition/Construction Licensee Details

Should the contractor for the works change at any time the Director and Council shall be furnished, in writing, with the details of the name, address and contractor licence number of the licensee who has been contracted to carry out the works

Demolition Works

C3 Statement of Compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

C4 Demolition/Construction – Hoarding, Fencing and Screens

Provision of hoarding, fencing or other safety measures complying with WorkCover NSW requirements shall be provided to restrict public access to the site (including demolition and/or excavation site) and building works, materials and equipment. A separate application shall be made to Council's Infrastructure Services Division for this purpose should the hoarding etc. be located on Council property.

Public access to the site and building works, materials and equipment on the site shall be restricted when work is not in progress. A temporary safety fence shall be provided located at the perimeter of the site and shall of ah height and material and height as approved by Council

Suitable screens and/or barriers shall be erected where required by Council or Principal Certifying Authority to reduce the emission of noise, dust, water effluent or other matter from the site.

C5 Demolition/Construction – Road and Footpath

Council's footpath, nature strip or roadway shall not be damaged and shall be kept clear at all times.

Building material, plant, equipment and builder's waste shall not be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to the building site.

Rubbish skips or bins shall not be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

C6 Demolition/construction – Temporary Toilet Facilities

Temporary toilet facilities shall be provided to statutory requirements. This provision must be completed before any work is commenced on the site. Portable toilets will not be permitted on public areas without prior approval having been obtained from Council.

Excavation Works

C7 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Structural Works

C8 Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C9 Stormwater On-site Detention

A detailed stormwater drainage and management plan, including calculations for the entire site shall be prepared in consultation with the Council and submitted to the Director for approval prior to the commencement of construction. An experienced professional hydraulic engineer shall provide full construction details and calculations showing the method of disposal of all surface/roofwater that is not retained for re-use on the site and on-site detention systems provided in accordance with Council's policies.

Construction Management

C10 Construction Traffic Management Report

A Traffic Management Report (TMR) shall be prepared in consultation with Council and the RTA, where relevant, prior to commencement of substantial construction affecting the area.

General requirements for the TMR shall include, but not be limited to:

- a) results of all necessary investigations (such as additional modelling) detailing impacts on all existing traffic conditions, including the staging of construction works to minimise road closures and delay or detours to and redistribution of traffic;
- b) access to construction sites and site compounds, including minimising the disruption from construction vehicles entering or leaving construction sites and compounds;
- c) any changes to existing number and width of traffic lanes, intersection geometry and signal phasing/priority;
- d) impact on bus services particularly at Chatswood station;
- e) need for restrictions on truck movements during critical school drop off and pick up times;

- f) need for changes to existing signposted speed for trucks;
- g) impacts on relocation of existing station access facilities particularly at Chatswood station;
- h) maximum and average truck volumes and expected hourly distribution with specific estimation off-peak period construction traffic;
- i) details of spoil destination sites and routes to/from such sites;
- j) truck ingress and egress routes;
- k) entry/exit locations;
- l) nature of loads and materials;
- m) temporary traffic arrangements, including identification and promotion of alternative routes;
- n) no heavy vehicles queuing on public roads unless otherwise agreed by Council and the RTA;
- o) provision of barriers between working and trafficked areas;
- p) the impact on pedestrian and bicycle facilities, including measures to ensure safe pedestrian and cycle routes and access at all times, and the provision of alternative facilities and locations for pedestrians and cyclists;
- q) the provision of safe and convenient access to all bus stops or any changes to bus routes or stops;
- r) signposting;
- s) diversions to stormwater drainage;
- t) methods for implementing the TMR;
- u) access to side streets;
- v) access to adjoining properties, which would be maintained at all times wherever practicable;
- w) impacts and changes to on and off street parking and requirements for any temporary replacement provision;
- x) communication and liaison methods and procedures between the Applicant, RTA and Council;
- y) all other traffic control devices necessary for the implementation of the TMR;
- z) methods for communicating traffic changes to the community and road users;
- aa) the timing of all changes/measures to be implemented for the TMR;
- bb) traffic redistribution resulting from road or lane closures and measures to mitigate impacts on the road network;
- cc) construction employee traffic generation and parking demands particularly management of shift time change overs to avoid peak periods;
- dd) the use of cranes on public roads;
- ee) deliveries to construction site and site compounds;
- ff) a response plan which sets out the proposed response to any traffic, construction or other incident;
- gg) appropriate feedback, monitoring, review and amendment mechanisms;
- hh) an independent safety audit assessing the appropriateness of all traffic devices and measures proposed during each construction stage.

The Traffic Management Report shall be prepared by a suitably qualified person who shall be engaged throughout the construction stage to advise in implementation issues and amendments and as a key liaison contact for Council and the RTA. The Plan shall be submitted to and approved by the Director.

The performance of all project traffic arrangements shall be monitored during construction and quarterly monitoring reports shall be prepared for the Department or otherwise required by the Director. The Applicant shall implement any additional traffic and public transport management measures as required by the RTA and the Department and prepare quarterly reports for the RTA regarding any impacts on bus operations. The RTA reports shall be made available to the Director on request.

C11 Construction Water and Soil Management Plan

A detailed Construction Water and Soil Management Plan shall be prepared in consultation with the DEC, Resource Assessment and Planning, DIPNR and Council. The Plan shall be prepared in accordance with the Department of Housing's guideline *Managing Urban Stormwater-Soils and Construction* to manage the cumulative impacts of the development on the quality and quantity of surface and groundwater, including stormwater in storage, sedimentation dams and flooding impacts. The Plan shall be submitted to Director and Council.

The Plan shall contain, but not be limited to:

- a) preparation of a relevant catchment analysis in consultation with Council and Sydney Water to determine the capacity of existing drainage systems and capacity changes resulting from the construction of the proposal and implications of pumping load and detention requirements;
- b) details of short and long term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the exact locations and capacities of sedimentation basins;
- c) identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
- d) measures to handle and dispose of stormwater, effluent and contaminated water and soil;
- e) seepage, spillage, contaminated water, washings, firefighting or other water which contains pollution levels above the background concentrations of natural discharge points shall be directed into sumps with pump-out facilities;
- f) measures for the use of water reclaimed or recycled on-site;
- g) detailed erosion and sedimentation controls, which shall be prepared to the satisfaction , Resource Assessment and Planning, DIPNR and in consultation with the DEC and sufficient to address the technical requirements for obtaining the relevant DEC licence;
- h) detailed description of water quality monitoring to be undertaken including base line monitoring, identification of locations where monitoring would be carried out and procedures for analysing the degree of contamination of potentially contaminated water;
- i) contingency plans to be implemented in the event of fuel spills or turbid water discharge from the site; and
- j) program for reporting on the effectiveness of the sediment and erosion control system against performance goals.

C12 Operational Noise and Vibration Management Plan

Prior to the commencement of construction, a detailed Operational Noise and Vibration Management Plan (ONVMP) shall be prepared to the satisfaction of the Director. The Plan shall provide details of noise and vibration measures to be undertaken during the operation stages, sufficient to address the technical requirements of the DEC. The Plan shall include, but not be limited to:

- a) identification of the appropriate noise and vibration criteria;
- b) predicted operational noise and vibration impacts;
- c) monitoring procedures for regenerated noise, including indications of how many monitoring locations will be used and how these locations will be selected;
- d) details of the High Noise Event Management Strategy as appropriate;
- e) examination of all feasible and reasonable noise measures (including those recommended in the Acoustic Performance Assessment report submitted with the application) and of vibration mitigation measures,
- f) location type and timing of erection of permanent noise barriers and/or vibration mitigation measures demonstrating best practice;
- g) specific physical and managerial measures for controlling noise and vibration;
- h) monitoring strategies for particularly sensitive locations such as recording studios;
- i) noise and vibration monitoring, reporting and response procedures.

For human exposure to vibration within buildings, vibration resulting from train pass-by events within the excavated tunnel shall be limited to the evaluation criteria presented in British Standard BS 6472 for low probability of adverse comment, unless otherwise agreed by the DEC.

Regenerated noise from train movements at CTI when measured in any habitable room or other noise sensitive premises shall not exceed L_{Amax} 40dB(A) (fast meter response) for 95% of train pass by events over a 24 hour period.

Prior to construction, a Noise Report, prepared by an independent qualified acoustic consultant shall be submitted by the Applicant for approval of the Director demonstrating how, in the final design of the development, the Applicant has endeavoured to reduce the maximum regenerated noise level below the above referred maximum level of 40dB(A).

The Report shall detail the proposed mitigation/treatment measures and the regenerated noise level predictions .

C13 Construction Vibration Criteria

Vibration (other than from blasting) resulting from construction shall be limited to:

- a) for structural damage vibration – German Standard DIN 4150 and BS 7385: Part 2 – 1993; and
- b) for human exposure to vibration – the evaluation criteria presented in British Standard BS 6472 for low probability of adverse comment unless otherwise agreed by the Director in consultation with the DEC through the Construction Noise and Vibration Management Plan.

Unless otherwise agreed by the Director, following consultation with the DEC, vibration levels shall not exceed 3mm/s at heritage buildings and sensitive structures.

Vibration testing of actual equipment such as vibratory compactors and rock breakers shall be carried out on site to determine acceptable buffer distances to commercial and residential occupancies. The methods for testing and buffer zones shall be detailed in the Construction Noise and Vibration Management Plan. Should it be necessary to use vibratory compactors

or rockbreakers within the buffer zone, building condition surveys of all buildings and structures within this area shall be undertaken before and after use of this type of equipment.

C14 Construction Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Construction Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise and vibration sources,
- (2) Identification of all potentially affected sensitive receivers including properties containing noise sensitive equipment,
- (3) The construction noise criteria specified in the Acoustic Performance Assessment report submitted with the application for the construction of the retail and podium levels (Stages 2, 3 and 4) and for the construction of the residential towers (Stages 5, 6 and 7),
- (4) The construction vibration criteria specified in Condition C14,
- (5) determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Applicant shall submit a copy of the approved plan to the Department and Council.

C15 Construction Waste Management Plan

The Construction Waste Management and Reuse Plan submitted with the development application shall be forwarded to the DEC and revised, as necessary, in accordance with that Department's requirements. The revised Plan shall be submitted to the Director approval prior to the commencement of the works.

C16 Rail Corridor and Railway Infrastructure

The Applicant shall request service searches from RailCorp to establish the existence and location of any RailCorp services and structures. Where RailCorp services are identified the Applicant shall discuss and agree with RailCorp how these services are to be accommodated in the development.

The Applicant shall provide a Geotechnical Engineering report to RailCorp for review prior to the commencement of the works. The report shall demonstrate that the development has no

negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition-and-excavation-induced vibration in rail facilities, and loadings imposed on RailCorp's facilities by the development.

The Applicant shall undertake and provide to RailCorp a Risk Assessment, carried out in accordance with RailCorp standard TS 30 000 3 01 SP Structures – Design Standards and shall include appropriate design standards in the development if the Assessment requires.

A Risk Assessment/Management Plan and detailed Safe Working Method Statements for the proposed works shall be submitted to RailCorp for review and comment prior to the works commencing on site. RailCorp's representatives may impose conditions on the methods to be used and require the provision of on-site Safe Working supervision for certain aspects of the works.

The Applicant shall put in place a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. The plan for this shall be submitted to RailCorp for review prior to the commencement of the works.

Details of any proposed piling, sheet piling, batter and anchors shall be provided to RailCorp for review and comment prior to the commencement of the works. RailCorp may require the removal of such construction aids.

The Applicant shall submit to RailCorp any proposals for the use of lights, signs and reflective materials, whether permanent or temporary, in the proximity of RailCorp's facilities prior to commencing the work.

C17 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

Hazardous Materials

C18 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C19 Garden of Remembrance Protection Plan

Prior to the commencement of building works, the Garden of Remembrance Protection Plan shall be completed in consultation with the Garden's Trustees, Council and the Chatswood RSL.

C20 Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

Compliance***C21 Compliance Report***

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with Condition C11, are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

No disposal of water shall be allowed to the sewer or the stormwater system without prior agreement from Sydney Water and Council, as applicable.

All water collected during construction, including water drained from excavations and from the dewatering of major excavations, which is likely to be contaminated shall be tested, treated, handled and disposed of to the satisfaction of the DEC, where relevant.

D2 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Structural Works

D3 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

D4 Construction Traffic Generation Rate

To address the potential cumulative effects of the development and the Chatswood Traffic Interchange project the construction traffic generation rate shall be limited to no more than twenty (20) heavy vehicle trips per hour during the morning peak period of 7am to 10am and twenty (20) heavy vehicle trips per hour during the afternoon peak period of 4pm to 7pm.

D5 Heavy Vehicle Restrictions

The use of heavy vehicles on the following streets shall be minimised at all times and be restricted between the hours of 10am and 2.30 pm on weekdays:

- Katherine Street
- Thomas Street
- Victoria Avenue
- Railway Street

No heavy vehicle traffic shall use Waratah, Ashley or Wilson Streets, except for essential construction activities as agreed by the Director-General following consultation with Council and where there is not alternative access.

D6 Road closures

The following requirements shall be met during works requiring road closures:

- a) only two roads out of Waratah, Ashley or Wilson Streets may be closed at any one time, but only following consultation with the RTA and within an agreed specified timeframe;
- b) Help Street shall not be closed at the same time as Ashley or Wilson or Albert Avenue;
- c) Wilson Street shall not be closed for a period greater than 3 months unless otherwise agreed with Council;
- d) Help Street and Albert Avenue shall not be closed to traffic between 6am and 7pm Monday to Sunday (except Thursday) and 6am to 10pm on Thursdays;
- e) Ashley Street shall not be closed for a period of longer than 6 months unless otherwise agreed by Council.

In the event that Thomas Lane may require temporary or permanent closure, the Applicant shall in consultation with Council undertake an assessment of impacts of the closure and incorporate any management measures required into the TMR.

D7 Traffic Operations Review

Traffic operations shall be reviewed every six (6) months during the construction period or reviewed in regular meetings of the Transport Stakeholder Committee and shall include thorough monitoring and a report on proposed traffic management measures, where appropriate, for each intersection. Intersection monitoring shall include, but not necessarily be limited to the following intersections:

- Albert Avenue/Pacific Highway
- Albert Avenue/Orchard Road
- Albert Avenue/Anderson Street
- Albert Avenue/Archer Street
- Help Street/Pacific Highway
- Help Street/Railway Street
- Help Street/Orchard Road
- Help Street/Anderson Road
- Railway Street/Pacific Highway
- Railway Street/Victoria Avenue
- Victoria Avenue/Pacific Highway
- Victoria Avenue/Anderson Street
- Victoria Avenue/Archer Street
- Thomas Lane/Pacific Highway
- Thomas Lane/Albert Avenue

Copies of each six-monthly review, shall be submitted on completion to the Director, RTA and Council.

D8 Rail Corridor and Railway Infrastructure

The Applicant shall ensure that provision is made for easy and on-going access by rail, vehicles, plant and equipment to support maintenance and emergency activities.

Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the railway corridor unless prior approval has been obtained from RailCorp.

The Applicant shall ensure that extreme care is taken during excavation to prevent water from collecting on or near RailCorp infrastructure. Should water be allowed to pond adjacent to the infrastructure and service be interrupted, the Applicant/contractor shall be liable for the RailCorp expenditure involved with restoring or maintaining alternative services.

Should, according to RailCorp's representative, any unforeseen risks to rail infrastructure become apparent the Applicant/contractor shall submit to RailCorp information relating to the attenuation of that risk for approval by RailCorp's representative.

The use of any crane, plant/machinery shall comply with the RIC Electrical Safety Manual and all relevant RIC Standards and Guidelines. Construction equipment such as scaffolding shall not impinge over the rail corridor.

Metal ladders, tapes, scaffolding and plant/machinery or conductive material shall not be used within 6 horizontal metres of any live electrical equipment. This shall apply to train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high-voltage aerial supplies within or adjacent to the rail corridor. Metal ladders shall not be used within the rail corridor.

No excavation or boring is permitted within 2.0 metres, measured horizontally, of high voltage underground cable and 1.0 metre, measured horizontally, for low voltage cables.

No plant or vehicle is permitted to encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance.

No infrastructure or equipment shall be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no impact will occur to rail infrastructure eg. signal sighting, safety signage, emergency access.

D9 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D10 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D11 Contact Telephone Number

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

D12 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D13 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

Noise and Vibration**D14 Construction Hours**

Construction activities shall be restricted to the hours of 7.00am to 6.00pm (Mondays to Fridays); 8.00am to 1.00pm (Saturdays) and at no time on Sundays and public holidays except for:

- a) any works which do not cause noise emissions to be audible at any nearby residential property and other noise sensitive receivers;
- b) the delivery for safety reasons of plant, equipment and materials which is required outside these hours as requested by Police or other authorities including Council;
- c) emergency work to avoid loss of lives, property and/or to prevent environmental harm;
- d) spoil management and haulage subject to: any haulage of spoil, resulting in greater than 10 trucks per hour (5 in and 5 out) shall not be undertaken between 7.00am and 10.00am and 4.00pm and 7.00pm (Monday to Friday) unless otherwise agreed by the RTA;
- e) any works within the rail corridor (with the exception of track possessions) subject to the approval of the Director or the DEC (where relevant to the issue of an Environmental Protection Licence) as part of the process in developing the Construction Noise and Vibration Management Plan;
- f) any other work as agreed by the Director in consultation with the DEC, and considered essential to the project and where it can be demonstrated that it would achieve a better environmental outcome, through the Noise and Vibration Management Plan process.

Spoil haulage outside the hours specified in this condition may be undertaken with the approval of the Director-General following consultation with the RTA and DEC for:

- a) non road based removal of spoil.

D15 Construction Noise Management

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

D16 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Heritage

D17 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, then all excavations or disturbance to the area shall stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before further works can continue in that area.

D18 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, then all excavations or disturbance to the area shall stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*, and the Applicant shall obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

Ecologically Sustainable Development

D19 Construction Waste Management

Construction Waste Management shall be undertaken in accordance with the Waste Management and Reuse Plan. Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

Compliance

D20 Compliance Report

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

PART E—PRIOR TO STRATUM SUBDIVISION CERTIFICATE

Easements

E1 Access

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

E2 Services

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

E3 Notation on title related to operational noise

Where a regenerated noise level criteria of between 35 dB(A) and 40 dB(A) would occur for residential areas, a notation on title must be created over the appropriate lots with respect to residential development stating that any development for the purpose of residential use at the subject land may be affected by noise due to rail operations within the CTI corridor.

E4 Car parking restrictions

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (1) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,
- (2) restriction on use under Section 68 of the *Strata Schemes (Leasehold Development) Act, 1986* to all lots comprising in part or whole car parking spaces, and
- (3) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

Should a childcare facility be provided a restriction on the on-going use for that purpose is also required.

For the on-site detention and water reuse systems, a Positive Covenant and Restriction on Use of land shall be placed on the Title in favour Council. This can be created under Section 88B/E of the *Conveyancing Act 1919* for subdivision. The purpose of this is to ensure that the registered proprietors have protection, control and maintenance obligations to the on-site detention and water reuse systems. A copy of Council's draft terms for the above is available on request.

These requirements are to be made to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the Applicant.

E5 Common areas and facilities

No right of exclusive use and enjoyment of the whole or any specified part of the designated common area or similar in the approved plans will be conferred on any person or persons without the prior consent of Council.

These requirements are to be made, at no cost to Council, and to the satisfaction of Council and a restrictive covenant placed on title pursuant to Section 88E of the *Conveyancing Act, 1919*.

E6 Part 4A Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A Certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE***F1 Documentary evidence regarding Operational Noise***

Prior to issue any Occupation Certificate for the residential apartments, a Report to accompany the necessary documentary evidence including a Noise Report, prepared by an independent qualified acoustic consultant shall be submitted to the Director demonstrating that the completed residential development regarding regenerated noise from train movements at CTI when measured in any habitable room or other noise sensitive premises not to exceed L_{Amax} 40dB(A) (fast meter response) for 95% of train pass by events over a 24 hour period.

F2 Wind Mitigation

The proposed wind mitigation measures shall ensure that wind speeds resulting from the development:

- a) achieve 16m/sec for all public areas including along all pedestrian walkways associated with the retail podiums, Chatswood Mall, Orchard Way, Victoria Ave/Railway Street and Thomas Lane, and external areas within the Residential Amenities Level;
- b) achieve the level in accordance with Condition B1(1)(d) within the Garden of Remembrance.

Prior to the occupation of each of the residential tower buildings, the Applicant shall prepare a report(s) verifying the wind speeds predictions of the Wind and CFD Study and submission referred to in Conditional result B1(1).

The report shall be prepared by a suitably qualified specialist and shall be submitted to the Director for approval. It shall make recommendations, where necessary, for additional wind mitigation measures to achieve the relevant wind speed criteria within the areas nominated in Condition B1(1) and this condition, and the cost of preparing the reports and implementing the approved measures shall be borne by the Applicant.

F3 Public Domain Works

Public domain works as required under Condition B4 shall be implemented prior to the issue of the first Occupation Certificate for the residential tower buildings.

F4 Management of On-site Stormwater Reuse and Detention Systems

A plaque measuring no less than 400mm x 200mm shall be permanently attached and prominently displayed within the immediate vicinity of the on-site detention and water reuse devices. The plaque shall advise maintenance workers of the property of the existence of the devices and also that the devices are not in any way to be removed or changed without prior consent of the Council. The proprietors shall regularly clean the systems. Standard confined space danger signs shall also be securely and prominently attached to the access doors/grates of the devices.

The design and construction of the on-site detention and water reuse systems must be certified by a suitably qualified and experienced consulting engineer (generally CP Eng. Qualification) which must state that it complies with Council's on-site detention policy, all relevant codes, and standards and also that it is in accordance with the approved plans. Upon completion of the works, the consulting engineer/registered surveyor shall submit work-as-executed plans of the system in digital format.

F5 Operational Traffic Audits

Road safety audits for all transport related facilities such as development access, shareway, 'kiss and ride' facilities, pedestrian and cyclists' facilities shall be undertaken upon completion of the works but prior to their operation.

F6 Access/Parking

All car parking spaces, parking bays, truck docks and the direction of traffic movement shall be permanently marked out on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the PCA. As the car park is to be used for multiple uses all parking bays shall be identified by corresponding numbers or title reflecting the role of the car spaces, as required by Conditions B17 and B19.

Where there will be multiple occupation of a building and staging of occupation the appropriate number of parking spaces shall be allocated in respect of each individual use and the spaces so allocated being identified numerically on a sketch plan of the parking area which shall be submitted with any future application for consent to use any non-residential portion of the building or site.

F7 Security Controlled Car Parking

Should any security-controlled car parking arrangement be introduced for the residential visitor, commercial, retail and any community facility spaces, a visitor voucher or similar system shall be used to enable free access and parking for the tenants/visitors.

Engineering**F8 Fire Safety Certificates**

Upon completion of the building work or part a Fire Safety Certificate shall be furnished by the owner to the Director-General and Council, and the owner must cause a copy of the certificate and current fire safety schedule to be forwarded to the Commissioner of New South Wales Fire Brigades and must cause a further copy of the certificate and schedule to be prominently displayed in the building in accordance with Clause 172 of the Regulations in respect of each essential fire safety measure included in the schedule.

Before a change of use for any space occurs the above procedures for the furnishing of a Fire Safety Certificate to the Director-General and Council, the forwarding of copies of the certificate and schedule to the Commissioner and their display must be followed.

F9 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F10 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the

premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F11 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

Easements

F12 Registration of Easements, Notations

Prior to the issue of any Occupation Certificate, the Applicant shall provide to the PCA evidence that all easements required by this consent including notation on title related operation noise in accordance with Condition E3, approvals, and other consents have been registered on the certificates of title.

F13 Registration of Notation regarding Operational Noise – Final Occupation

In relation to strata subdivision, the notation required on title related to operational noise over appropriate strata lots with respect to residential development stating that any development for the purpose of residential use at the subject land may be affected by noise due to rail operations within the CTI corridor shall be created and evidence that is required by this condition shall be submitted to the PCA prior to issue of Occupation Certificate.

Additionally, the necessary notation required by this condition shall be incorporated into the sales contracts to notify potential purchasers of the noise impacts regarding the affected residential apartments due to rail operations with the CTI corridor.

Sydney Water

F14 Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation prior to occupation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision.

Second Dilapidation Report

F15 *Post-construction Dilapidation Report*

The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B15, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to the Director and Council.

F16 *Swimming pools*

Access to each swimming pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992. The barrier shall conform to the requirements of AS 1926-1993 *Fences and Gates for Private Swimming Pools* and shall not be filled with water, or be allowed to collect stormwater, until the barrier has been installed to the satisfaction of the Council.

Each pool shall display a notice showing appropriate instructions of artificial resuscitation methods and a warning notice stating in bold lettering "Young children should be supervised when using this pool", and the notices shall be maintained in a legible condition and at the pool side.

F17 *Mail boxes*

All mail boxes provided on the site shall comply with the requirements of Australia Post in respect of sizes, locations, numbering and clearing. Details of these requirements can be obtained from Australia Post or from their website. Letter boxes for adaptable dwellings shall comply with Clause 3.8 of AS 4299.

PART G—POST OCCUPATION

Fire Safety

G1 *Annual Fire Safety Certification*

The owner of the building shall certify to Council every year (commencing within 12 months after the date on which the consent authority received the initial Fire Safety Certificate is received) that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade.

Traffic and Parking

G2 *Loading and Unloading*

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

G3 *Unobstructed Driveways and Parking Areas*

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Noise

G4 *Noise Control – Plant and Machinery*

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

Hazardous Materials

G5 *Storage of Hazardous or Toxic Material*

Any hazardous or toxic materials must be stored in accordance with WorkCover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Access**G6 *Public Way to be Unobstructed***

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Garden of Remembrance**G7 *Maintenance of Garden of Remembrance***

The developer shall be responsible for any relevant costs in relation to the Gardens for a period of 2 years from the date of completion of the works to the Garden and its edges in accordance with the Garden of Remembrance Protection Plan.

Compliance**G8 *Compliance Report***

The Applicant, or any party acting upon this consent, shall submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

PART H—GENERAL TERMS – WORKS REQUIRED UNDER THE ROADS ACT 1993

Willoughby Council

H1 Deed of Indemnity

A Deed of Indemnity shall be entered into prior to commencement of building works or preparatory works for construction works within Victoria Avenue and Orchard Road whereby the developer will fully indemnify Council and their representatives from all claims, demands and liability which may arise in respect of any accident or damage to property or death or injury to any person of whatsoever nature. In this regard the developer will from the date that work commences on the bridges and/or associated structures until the expiration of the lease agreement, effect appropriate insurance policies including a Contract Works Policy, Public Risk Insurance, Worker's Compensation Insurance and will keep insured each part of the works as they are completed against damage or destruction. A copy of the executed Deed shall be submitted to Council for its records.

H2 Deed of Agreement

Prior to the issue of the Construction Certificate for above-ground works, a Deed of Agreement for lease of the air space over Orchard Road for the bridge constituting widening of the public plaza over Orchard Road shall be finalised.

H3 Air Space Lease Agreement

A suitable air space lease agreement in respect of the proposed bridge connection/extension of the plaza over Orchard Road shall be completed to the satisfaction of Council prior to issue of the Occupation Certificate for that part of the development being at RL 102.00 and RL 106.60. The documentation in respect of this agreement is to be completed and plans of subdivision registered for the portion of the development and the term of lease should be as negotiated between Council, the lessor of Lot 1 in DP790011 being PT Limited, and the developer up to a maximum of 99 years.

H4 Shops in Victoria Avenue

The retail spaces proposed to be constructed in Victoria Avenue shall be constructed and finished to the satisfaction of Council and shall remain in the ownership of the Council. Subsequent management, use and occupancy arrangements shall be separately negotiated with Council to its satisfaction and a Deed of Agreement signed prior to the issue of the Occupation Certificate for that part of the development at RL 94.00. In this regard Council shall be aware of the need for the premises to operate in conjunction with the balance of the retail space at RL 94.00 and use its best endeavours to reach an acceptable arrangement expeditiously and unnecessarily delay the preparation and finalisation of the Deed of Agreement.

Furthermore, as agreed between Transport Infrastructure Development Corporation (TIDC) and Council in negotiation over the demolition of the Victoria Avenue Stairs, the retail spaces the subject of this condition are separate to the undertaking given by TIDC to relocate the plant and equipment and Red Cross Tea Rooms previously located in the stair structure to a location in the stair structure to a location in the vicinity of the Mall.

ADVISORY NOTES

AN1 *Sydney Water*

Suitable documentation shall be submitted to the Director, which indicates that Sydney Water has been informed of this development and that satisfactory arrangements have been made to adequately service the development.

The Applicant should consult with Sydney Water to determine the nature and location of Sydney Water's assets in the vicinity of the development site. Any development on the site which may impact on these assets will be required to comply with Sydney Water's Guidelines on Precautions to be Taken when Building over or adjacent to Sydney Water's Assets.

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Sydney Water Act 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate. The Section 73 Certificate shall be submitted to the PCA prior to the occupation of the development or release of the linen plan.

AN2 *Compliance Certificate, Water Supply Authority Act, 2000*

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the consent authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the consent authority before the release of the subdivision certificate, and
- (3) the principal certifying authority prior to occupation.

AN3 *Requirements of Public Authorities for Connection to Services*

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN4 *Energy Australia*

The Applicant should consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure shall be detailed in the landscape design to be submitted. In the event of Energy Australia requiring a substation, the Applicant is to consult with Council's Director of Infrastructure Services with a view to dedication of land for the substation as public roadway.

AN5 *Compliance with Building Code of Australia*

The Applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN6 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN7 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's Policy,
- (2) Structural certification prepared and signed by an suitably qualified practising structural engineer.

The Applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

AN8 Use of Mobile Cranes

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN9 Movement of Trucks Transporting Waste Material

The Applicant shall notify the RTA's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN10 Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,

- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN11 Noise Generation

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN12 Application under Part 4A of the Act

Any application under Part 4A of the Act shall be submitted to the consent authority or the council along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

AN13 Other Details Required prior to Issue of Subdivision Certificate

The Applicant shall submit to the satisfaction of the Director-General the following information, prior to the issue of the Subdivision Certificate:

- (1) documentary evidence of the payment of the childcare contribution,
- (2) an Occupation Certificate, and
- (3) documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 131-05-2005 and of compliance (or a Compliance Certificate) with the conditions of that consent.

AN14 Compliance with Conditions

The Applicant will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 131-05-2005 and of compliance (or a Compliance Certificate) with the conditions of that consent, prior to the issuing of Strata Plan of Subdivision.

AN15 Remediation and Validation Report

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an Environmental Protection Agency accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the consent authority prior to occupation of the building.

AN16 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

AN17 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

AN18 Stormwater Drainage works or Effluent Systems

A Construction Certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN19 Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

AN20 Disability Discrimination Act

This consent does not guarantee compliance with the Disability Discrimination Act. The Applicant/owner should investigate their responsibility under that Act.

AN21 Further Approvals

The following shall be subject of separate development applications:

- allocation of specific uses to the approved retail (shops) spaces including shop fitout, shop front design, internal subdivisions, tenancy signage, outdoor seating, hours of operations etc.
- any changes to the approved 24-hours opening and any associated closure of floor(s) or parts of a floor(s) that would otherwise be open to the public;
- operating hours for the non-residential uses.

AN22 Advertising and Signage

A separate development application(s) for a co-ordinated signage, including wayfinding and directional signage and advertising scheme for the development will be required. The application should have regard to SEPP64 *Advertising and Signage* and DCP No.20 *Advertising and Advertising Structures* and should be prepared in consultation with the Director and Council.