

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06_0301

(FILE NO. S06/00804)

**ALTERATIONS AND ADDITIONS TO CHATSWOOD CHASE SHOPPING CENTRE
AT 345 VICTORIA AVENUE, 19 HAVILAH STREET AND 8 MALVERN AVENUE,
CHATSWOOD**

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J Clause (2) determine the major project referred to in the attached Director-General's Environmental Assessment Report, by **granting approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment identified in Appendix C and the Proponent's Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2.



Frank Sartor MP
Minister for Planning

Sydney,

19th Dec

2007

SCHEDULE 1

PART A—TABLE

Application made by:	Colonial First State Property Management
Application made to:	Minister for Planning
Major Project Application:	MP 06_0301
On land comprising:	345 Victoria Avenue, 19 Havilah Street and 8 Malvern Avenue, Chatswood. Lot 3 in DP 790756, Lot 1 in DP 806034 and Lot 1 in DP 74357.
Local Government Area	Willoughby City Council
For the carrying out of:	Alterations and additions to Chatswood Chase Shopping Centre
Estimated Cost of Works	\$103.5 million
Type of development:	Major Project
S.119 Public inquiry held:	No
Approval made on:	
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0301

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

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

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

Council means Willoughby City Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Author of EA and dated Insert date.

Minister means the Minister for Planning.

MP No. 06_0301 means the Major Project described in the Proponent's Environmental Assessment.

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

Proponent means Colonial First State Property Management or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

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

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0301

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

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

- (1) Demolition of the existing office buildings at 19 Havilah Street and 8 Malvern Avenue;
- (2) Excavation of those sites to extend the two basement levels of Chatswood Chase car parking onto those sites;
- (3) Extension of the lower ground floor retailing of Chatswood Chase Shopping Centre onto those sites with reconfiguration of the loading docks and car parking access from Malvern Avenue;
- (4) Alterations and additions to Ground Level, and Level 1 of the shopping centre including a new entry arrangement from Victoria Avenue;
- (5) Increase in gross floor area of 13,748m² and gross leasable floor area of 11,084m².

A2 *Development in Accordance with Plans*

The development will be undertaken in accordance with the Environmental Assessment Report dated June 2007 (two volumes) and as amended by the Response to Submissions and Statement of Commitments dated September, 2007 both prepared by JBA Urban Planning Consultants including all Appendices and the following drawings:

Architectural (or Design) Drawings Project Number 305059 prepared by Buchan Laird and Bawden (Vic) Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
ATP 103	07	Proposed site plan	03.09.07
ATP 104	04	Existing building – shadow diagrams	03.09.07
ATP 105	03	Proposed building – shadow diagrams	03.09.07
ATP 200	08	Proposed Basement Level 2 Plan	06.09.07
ATP 201	08	Proposed Basement Level 1 Plan	06.09.07
ATP 202	11	Proposed Lower Ground Floor Plan	28.09.07
ATP 203	09	Proposed Street Level Plan	06.09.07

ATP 204	10	Proposed Ground Floor Plan	06.09.07
ATP 205	09	Proposed Ground A Plan	31.10.07
ATP 206	11	Proposed Level 1 Plan	31.10.07
ATP 207	09	Proposed Level 1A Plan	31.10.07
ATP 208	10	Proposed Level 2 Plan	31.10.07
ATP 209	08	Proposed Level 2A Plan	06.09.07
ATP 210	08	Proposed Level 3 Plan	06.09.07
ATP 400	05	Elevation – Victoria Avenue	28.09.07
ATP 401	05	Elevation – Havilah Street	28.09.07
ATP 402	05	Elevation - Malvern Avenue	28.09.07
ATP 500	04	Sections – Victoria Avenue	03.09.07
ATP 501	06	Sections– Victoria/Havilah/Malvern Avenue	28.09.07
ATP 502	06	Sections – Havilah Street	28.09.07
ATP 503	05	Sections – Havilah Street	28.09.07
ATP 504	05	Sections – Havilah Street	28.09.07
ATP 505	05	Sections - Malvern Avenue	28.09.07
ATP 506	05	Sections – Malvern Avenue	28.09.07
ATP 507	03	Sections - Overall	03.09.07
ATP 601	04	Photomontage 1 – North end Havilah Street	03.09.07
ATP 602	04	Photomontage 2 – Havilah St and Malvern Ave	03.09.07
ATP 603	05	Photomontage 3 – Victoria Avenue	28.09.07
ATP 604	04	Photomontage 4 – Neridah St opp. Car park	03.09.07
ATP 605	06	View – Victoria Avenue	28.09.07
ATP 606	06	View – Victoria Avenue	28.09.07
ATP 607	04	View – Havilah Street (no trees)	28.09.07
ATP 608	04	View – Havilah Street (with trees)	28.09.07
ATP 609	03	View – Havilah St & Malvern Ave (no trees)	03.09.07
ATP 610	03	View – Havilah St & Malvern Ave (with trees)	03.09.07
ATP 611	03	View – Havilah St & Malvern Ave (no trees)	03.09.07
ATP 612	03	View – Havilah St & Malvern Ave (with trees)	03.09.07
ATP 613	00	Photomontage 5 – Malvern Ave to East	10.09.07
ATP 614	00	Photomontage 6 – 1-3 Havilah Street Interface	28.09.07
ATP 615	00	Photomontage 7 – Entry from Havilah Street	28.09.07

ATP 800	09	Comparative Area Schedule	06.09.07
ATP 801	02	Proposed Materials Palette	03.09.07
ATP 802	01	Building Over-sail Plan	03.09.07
ASK 400	N/A	Plan extract - Location of Sketch Sections	26.09.07
ASK 401	N/A	Sketch Section A	26.09.07
ASK 402	N/A	Sketch Section B	26.09.07
ASK 403	N/A	Sketch Section C	26.09.07
ASK 404	N/A	Sketch Section D	26.09.07
ASK 405	N/A	Sketch Section E	26.09.07
ASK 406	N/A	Sketch Section F	26.09.07
ASK 407	N/A	Sketch Section G	26.09.07
ASK 408	N/A	Sketch Section H	26.09.07
ASK 409	N/A	Sketch Section I	26.09.07
Landscape Drawings Project No 1461 prepared by Mark McWha Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
LC1	E	Landscape Concept Plan	27/09/2007
LC2	E	Landscape Concept Plan	27/09/2007
Survey Title Drawing Project No 31219 prepared by Degotardi Smith and Partners			
Drawing No.	Revision	Name of Plan	Date
A 13	A	Consolidated Survey Plan	11.10.07

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in Part B2 and B3 of Willoughby Development Control Plan or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

A3 Development in Accordance with Documents

The development will be undertaken in accordance with the following documents:

- (1) *Environmental Assessment Report and Response to Submissions and Statement of Commitments* prepared by JBA Urban Planning on behalf of name of Colonial First State Property Management, dated July 2007 and September, 2007;
- (2) The following list specialist reports:
 - Review of Access Provisions for People with Disabilities (Appendix B) by Access Associates Sydney dated 31 May, 2007;
 - Wind Impact Assessment (Appendix C) by Mel Consulting dated 2 May, 2007;
 - Traffic and Transport Assessment (Appendix D) by Masson Wilson Twiney dated 29 Jun, 2007 and amended 10 September, 2007;

- Hydraulic Services (Appendix E) by Ove Arup Pty Ltd dated May, 2007 and supplemented by undertakings of further flood study analysis detailed in letter dated 5 September, 2007;
 - Social Impact Assessment (Appendix F) by Urbis JHD dated May 2007;
 - Economic Impact Assessment (Appendix G) by Urbis JHD dated May 2007 as amended by letter dated 6 September, 2007;
 - Construction Management Strategy (Appendix H) by Clifton Coney Group now known as Coffey Projects dated 30 March, 2007;
 - BCA Compliance Report – Revision E (Appendix I) by Dix Gardner Pty Ltd dated 24 September, 2007;
 - Fire Engineering Brief – Revision E (Appendix J) by Norman Disney & Young dated June 2007;
 - Noise Impact Report – Revision C (Appendix K) by Norman Disney & Young dated 14 September, 2007;
 - Contamination Assessment (Appendix L) by Douglas Partners dated May, 2007; and,
 - Register of Hazardous Materials Report (Appendix L) by Coffey Environments dated 12 December, 2006.
- (3) Chatswood Chase redevelopment – Sustainability Initiatives Consultants Advice G002 by Norman Disney & Young dated 29 August, 2007.

A4 *Inconsistency between documents*

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

A5 *Prescribed Conditions*

The Proponent shall comply with the prescribed conditions of development approval under clause 98 of the Regulation.

A6 *Construction Hours of Work*

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

An application under Section 96 of the Environmental Planning and Assessment Act, 1979, for variation of these approved hours must be lodged with Willoughby Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and measures to mitigate any impacts on the area and must be accompanied by the required fee.

Where construction work is wholly within the building and potential adverse impacts can be demonstrated to be managed including construction traffic, variation to the permitted hours of work may occur in approval of the Construction Management Plans required by Condition B12.

Note: This s.96 application may require re-notification in some circumstances.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

THE FOLLOWING CONDITIONS OF CONSENT MUST BE COMPLIED WITH

PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE UNLESS OTHERWISE STATED IN THE CONDITION NOTING THAT THE STAGED CONSTRUCTION PROGRAM DIVIDED OVER FIVE ZONES WILL REQUIRE THE ISSUE OF A NUMBER OF CONSTRUCTION CERTIFICATES AS FOLLOWS:

CC1 – DEMOLITION, TEMPORARY ROADWORKS, DRIVEWAY MALVERN AVENUE ENTRY, COLUMN STRENGTHENING, STRUCTURAL UPGRADE WORKS TO EXISTING CAR PARK, BULK EXCAVATION, RETENTION STRUCTURE/OSD TANKS TO NEW CAR PARK/RETAIL SPACE, SEWER AND STORMWATER DIVERSION MALVERN AVENUE AND HAVILAH STREET, DEMOLITION OF CORE TO ZONE C, CONSTRUCTION OF NEW LIFT SHAFT AND STAIR AND LEVEL 2A CARPARK.

CC2 – SUBSTRUCTURE AND SUPERSTRUCTURE ZONES A, B, C AND D.

CC3 – FAÇADE WORKS AND FIT-OUT ZONES A, B, C AND D.

CC4 – REFURBISHMENT ZONE E RETAIL.

CC5 – VICTORIA AVENUE FAÇADE AND ENTRY RECONFIGURATION WORKS ZONE E.

Design Details and Changes

B1 Additional Details

For the reason noted against the request, additional details in regard to the following matters shall be submitted to and approved by Willoughby City Council prior to the issue of Construction Certificate CC2 unless otherwise stated:

- (1) The location, form and integration of all roof mounted plant rooms and vents has not been sufficiently detailed in the application. Further design information is required that demonstrates that they will be integrated into the roof or building structure as relevant. Roof mounted plant in the vicinity of boundaries shared with neighbours shall be set back at least 3.5 metres from the face of the building. Vents and shafts or similar shall be set back a minimum of 3.5 metres where the building face is adjacent to 1-3 Havilah Street.

(Reason: Achieve an integrated architectural outcome, avoid visual impacts and impacts of noise and odours)

- (2) The existing and proposed substation in Malvern Avenue shall be located within or integrated into the architecture of the building and streetscape design or provided below ground.

(Reason: Adverse visual impact of external kiosks in the streetscape, vandalism and graffiti issues)

- (3) Preparation of a public art plan that will provide for unique public art elements at pedestrian entries to the Centre.

(Reason: Urban design and site identity)

- (4) Details of a "report card" process that is maintained during the detailed design development by a Green Star accredited professional that ensures that the proposed sustainability initiatives are monitored and provided throughout the design and construction. This is to be addressed prior to Construction Certificate CC1.

(Reason: Achieving objectives for sustainability)

- (5) Preliminary preparation prior to Construction Certificate CC1 of the Loading Dock Operational Management Plan and Waste Management Plan required by conditions elsewhere in this consent sufficient to inform any design modifications required. In this regard the loading dock off Victoria Avenue shall reconsider truck access requirements and manoeuvring needs with a view to widening the buffer landscaping along the driveway. This may require relocation of the courier spaces.

(Reason: Co-ordination and security of deliveries and management of waste noting constraints on the operation of some docks)

- (6) Provision of bicycle rails associated with each pedestrian entry to the Centre.

(Reason: Encouraging use of more sustainable transport modes)

- (7) Preliminary preparation of a strategy for shopping trolley management required by conditions elsewhere in this consent sufficient to inform any design modifications required.

(Reason: Adverse impact of trolleys in the area)

- (8) Details on the potential for a car space to be provided for the local car sharing scheme.

(Reason: Encourage use of alternative transport modes)

- (9) Details for facilities to accommodate smokers at the Centre and to avoid passive smoking impacts in the public domain.

(Reason: Amenity of the public domain)

B2 Design Modifications

For the reason identified for each modification, the design of the building shall be amended as follows:

- (1) Provision of acoustic attenuation to the open car park structure to be retained in Havilah Street up to RL 92 including along the southern façade adjacent to 5-7 Havilah Street;

(Reason: Improve acoustic impacts)

- (2) Redesign of the pedestrian entry from Havilah Street to achieve unimpeded view lines from the street to the entry doors, address security, privacy and noise issues. This is to be achieved by widening the link to a total of 6 metres and 2 metres width of buffer landscaping and a splay to the entry corner. An alternative design that achieves the objectives may be considered involving full enclosure of the walkway

The design is to incorporate:

- i) a 2 metre width glazed awning projecting from the building over the path for weather protection;
- ii) a gate at the point of the corner splay that is to be locked outside trading hours; and
- iii) a 2.5m masonry boundary fence along the southern edge of the walkway with a 2 metre high translucent glazed acoustic screen on top for the length of the building at 5-7 Havilah Street.

(Reason: Safety, security, privacy and noise)

- (3) Provision of an additional set back of at least 2 metres to Level 1 of the Centre (RL 91.91) where it adjoins 1-3 Havilah Street;

(Reason: Massing impacts, air circulation and enclosure)

- (4) Provision of 18 motor cycle spaces (in accordance with WDCP) conveniently located within the car park and secure bicycle lockers for 26 bicycles and shower facilities;

(Reason: Encourage use of alternative transport modes)

- (5) Provision of a convenient and easily accessible internal drive through drop-off and pick-up location for customers to the centre including people with disabilities in the direct vicinity of the Basement 1 travelators and lifts that provide access to the supermarket at the Lower Ground Floor;

(Reason: Customer convenience especially for the older shopper and the disabled. Avoid use of the surrounding streets for drop-off/pick-up adversely impacting on those streets from traffic generation and possibly illegal parking)

- (6) Redesign of the loading dock at the end of Mills Lane to provide for truck manoeuvring within the building and not within Mills Lane: and,

(Reason: Congestion and efficiency of use of the lane)

- (7) The Victoria Avenue frontage is to be designed to present as an active street frontage including additional door openings for permeability, provision for outdoor seating for any café or restaurant use on the foot path and high internal visibility with minimal window glass advertising.

(Reason: Activate street frontages, passive surveillance)

- (8) Any design modifications arising from Condition B1.

Details shall be submitted to and approved by the Willoughby City Council prior to the issue of Construction Certificate CC2.

B3 *Details of Materials, Colours and Finishes*

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours, shall be submitted to and approved by Willoughby City Council prior to the issue of Construction Certificate CC2 for above natural ground works. Where the development abuts neighbours the colour used shall maintain light without glare by use of materials or finishes that are light beige or similar in colour.

B4 *Reflectivity*

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. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of Construction Certificate CC2 for above natural ground works.

B5 *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 Construction Certificate CC2 for above ground works.

B6 *Disabled Access*

Access and facilities for people with disabilities shall be provided in accordance with Part C.6 of Willoughby Development Control Plan. Prior to the issue of Construction Certificate CC2, a

certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority. An exception is made for full compliance for the disabled car spaces in the basement car parking levels subject to provision of the required signage as noted by Access Australia.

Remediation / Demolition / Earthworks

B7 Remediation of Land

- (1) Prior to the issue of Construction Certificate CC1 for below ground works, the Proponent shall submit to the Certifying Authority a Remedial Action Plan and a Hazardous Materials Survey noting that the Contamination Assessment submitted with the development application did not involve subsoil evaluation. The Remedial Action Plan if required 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 the remediation works on the site if required, the Proponent 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.

B8 Hazardous Materials Survey

Prior to any demolition work a detailed Hazardous Materials Survey is to be conducted noting that the Register of Hazardous Materials provided with the development application was qualified and limited due to availability of access to a re-survey of only the existing Chatswood Chase Shopping Centre and did not consider the buildings to be demolished in Havilah Street and Malvern Avenue. The Hazardous Materials Management Plan for demolition and construction consequent on the survey shall be prepared in accordance with all statutory requirements, Codes of Practice, Guidelines, Materials Safety Data Sheets and the like as may apply for the type of hazardous material found. This must include handling and disposal requirements. The survey and the preparation of the Hazardous Materials Management Plan must be carried out by a qualified specialist accredited by the Environment Protection Agency and submitted to the Certifying Authority. It shall be the responsibility of the Proponent to comply with its requirements and recommendations through out the demolition and construction program.

B9 Submit Erosion and Sedimentation Plan

Soil erosion and sediment control measures shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and excavation) being conveyed to the stormwater system, natural watercourses and neighbouring properties. The measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004)* by Landcom, the Protection of the Environment Operations Act 1997 and the Environment Protection Authority guidelines. The Erosion and Sediment Control Plan is to be submitted to the satisfaction of the Certifying Authority prior to the issue of Construction Certificate CC1. The control devices are to be maintained in a serviceable condition AT ALL TIMES and throughout the construction process.

B10 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report(s) including a photographic record detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The dilapidation report of Willoughby Council's infrastructure must cover a minimum distance from the site boundaries of 50 metres from that part of the site where the construction works are occurring and to which the Construction Certificate applies. The report(s) shall be submitted to the satisfaction of the Certifying Authority prior to the issue of Construction Certificate CC1. The report must include any measures required to be incorporated to ensure that no damage will occur during the course of the construction works.

A copy of the report(s) is to be forwarded to the relevant property owners and Willoughby Council.

B11 Damage Deposit

The applicant shall lodge with Willoughby Council prior to the initial construction certificate CC1 a Damage Deposit in the sum of \$104,000 (GST Exempt) against possible damage to Willoughby Council's property during the course of the building works. The deposit shall be held by Council throughout the construction program and may be used by Council to repair damage on Council's property unless replaced/repaid by the proponent to Willoughby Council's satisfaction.

In this regard the proponent must submit, prior to Construction Certificate CC2, for approval under the Roads Act 1993 by Willoughby Council as the road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced engineer for the following infrastructure works that may be damaged during construction:

- a) Construction of kerb and gutter with associated road restoration of three metres wide for the full frontage of the development to Havilah Street and Malvern Avenue (Condition F31).
- b) Construction of a full width footpath in approved paving material in Victoria Avenue in accordance with Council's CBD Paving Policy (Condition F32).
- c) Construction of 1.5 metres wide footpath (maximum 2.5% cross-fall) and perambulator ramps where necessary for the full frontage to Havilah Street and Malvern Avenue (Condition F33).

The required plans must be designed in accordance with Willoughby Council's Specifications.

Construction Management

B12 Construction Management Plan

Prior to the issue of each Construction Certificate, a Construction Management Plan shall be submitted to and approved by Willoughby City Council. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) Construction vehicle access to and egress from the site,
- (2) Dust control measures,
- (3) Route plan for spoil removal and estimated volumes (see also condition C17),
- (4) Location of site office, accommodation and storage of building materials related to the project,
- (5) Protection of adjoining properties, pedestrians, vehicles and public assets,
- (6) Location and extent of builder's hoardings, Work Zones and traffic control devices,
- (7) Contact details of site manager,

- (8) Liaison process with neighbours during construction program,
- (9) Complaints response processes,
- (10) Traffic management (see also B13),
- (11) Noise and vibration management (see also B14 below D8 and D9),
- (12) Waste management (see also B15 below),
- (13) Erosion and sediment control (see also B9),
- (14) Variation to construction hours that may be justified for internal works only and mechanisms to be put in place to ensure that that there will be no adverse external impacts shall be provided, and
- (15) Site remediation and hazardous materials (see also B7)

The Proponent shall submit a copy of the approved plan to the Certifying Authority.

B13 Construction Traffic & Pedestrian Management Plan

Prior to the issue of each Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Willoughby City Council. The Plan shall address, but not be limited to, the following matters:

- (1) Ingress and egress of vehicles to the site,
- (2) Loading and unloading and expected delivery vehicle sizes, including construction zone requirements,
- (3) Method to provide for all deliveries and materials storage on site as soon as possible,
- (4) Predicted traffic volumes, types and routes,
- (5) Pedestrian management methods,
- (6) Traffic management measures including a Traffic Control Plan detailing management of any road changes that may be required,
- (7) Process for advising the public of any traffic impacts/changes or impacts/changes affecting pedestrian movements and car parking,
- (8) Any temporary road closures and the proposed method noting that temporary road closures shall be confined to off-peak hour trading times and are subject to the approval of Willoughby City Council, and
- (9) Details of a contact person who is to have the authority without reference to other persons to comply with the instructions issued by Willoughby Council's Traffic Engineer and/or Chatswood Police.

The Proponent shall submit a copy of the approved plan to the Certifying Authority.

B14 Noise and Vibration Management Plan

Prior to the issue of each Construction Certificate, a Noise and Vibration Management Plan prepared by a suitably qualified person and shall be submitted to and approved by Willoughby City Council. 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 sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment including but not limited to 12-14 Malvern Avenue,
- (3) The construction noise objectives specified in the conditions of this approval,

- (4) The construction vibration criteria specified in the conditions of this approval,
- (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 that may arise causing a variation request to condition A6 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 Proponent shall submit a copy of the approved plan to the Certifying Authority.

B15 Construction and Demolition Waste Management Plan

Prior to the issue of Construction Certificate CC1, the Proponent shall submit to the satisfaction of the Certifying Authority a Construction and Demolition Waste Management Plan that achieves 85% recycling of waste material prepared by a suitably qualified person in accordance with Willoughby City Council's Development Control Plan. The Plan shall be implemented for all demolition and construction works on the site. The Proponent shall submit a copy of the plan to Willoughby City Council.

Traffic & Parking

B16 Traffic Management

A number of traffic management changes have been identified and are required as a result of this development by Willoughby City Council and the Roads and Traffic Authority including but not limited to:

- Provision of a right turn phase for vehicles turning from Archer Street (north) into Malvern Avenue;
- Provision of a bicycle phase at the intersection of Malvern Avenue and Archer Street;
- Provision of a median in Archer Street to prevent the right turn into the express ramp to the upper level car park;
- The Archer Street entry to the speed ramp to the car park shall be up-graded to improve clarity of the pedestrian priority and pedestrian safety;
- The bicycle route along Lane W124 noted in the *Willoughby Bike Plan* shall be extended along Malvern Avenue to Havilah Street;
- Adjustment (and possible relocation) of the speed control device in Havilah Street due to visibility of the pedestrian entry;
- Redesign of the turning/termination area at the entrance to the car park from Malvern Avenue generally as indicated in the Landscape Plan LC1/E;

- The entry/exit to Mills Lane and the left turn exit to Victoria Avenue should be narrowed to improve pedestrian safety and comfort. This would be subject to Auto-TURN simulation of truck movements;
- A Traffic and Car Parking Management Plan is required to be submitted to the RTA and Willoughby Council for approval that addresses the issue of localised traffic congestion associated with the development and to recommend strategies for dealing with traffic and car parking during peak trading times such as Christmas, sale times and the like;
- To improve parking efficiency on the site a dynamic signage system is to be provided that indicates the location and availability of car spaces. Clear directional signage shall be provided within the car park that relates the location of car parking to the major tenants;
- A "Green Travel Plan" is to be developed and implemented;

Detailed design of the required traffic management changes is to be carried out for the approval of the Roads and Traffic Authority and the Local Traffic Committee of Willoughby City Council prior to CC2. Included in the detailed design will be a staging of the construction program for the works that demonstrates that the required changes **will be completed before completion of that stage of the construction works on the development site to which the traffic management changes relate**. The traffic management works shall be carried out at no cost to Willoughby Council or the RTA.

B17 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of Construction Certificate CC2 involving car park construction works. NOTE: The car spaces used by the car wash service for vehicles waiting to be cleaned or waiting to be collected are excluded from the calculation.

Car parking allocation	Number
Retail car parking spaces	2,456 up to a maximum of 2,500.
Number of retail car spaces to be disabled spaces	56
Motor Cycle Spaces	18

B18 Number of Bicycle Spaces

A minimum of 78 bicycle rails are to be provided for the development within the basement car park levels and adjacent to each of the pedestrian entries. A secure bicycle locker accommodating at least 26 bicycles and a shower facility shall be provided for staff. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of Construction Certificate CC2.

B19 Loading Bays

A number of loading bays are to be provided for the development. An Operational Management Plan shall be prepared and approved by Willoughby Council prior to Construction Certificate CC2 that has regard to the following:

- Details hours of operation of each of the docks that has regard to any potential adverse impacts on neighbours of the access circumstances to each dock and the noise in the operation of each dock;
- Fit-out of the docks that has regard to provision of adequate goods handling area for the part of the centre in it serves (also identified) and waste management requirements;
- Recognises the constraints on manoeuvring in some of the loading areas and hence on truck size that can be accommodated;
- Security arrangements; and
- Any other matters that may be relevant to the efficient operation of the docks and the delivery and waste collection services to the Centre.

The Proponent shall submit a copy of the approved plan to the Certifying Authority. Details.

B20 Car Park and Service Vehicle Layout

- (1) The layout of the new car park areas shall comply with Australian Standard AS2890.1: 2004 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be line-marked.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 2002 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate containing car parking. The details shall include proposed directional signage to car spaces including a 'real- time' advisory capability for location of available spaces.

B21 Shopping Trolleys

It is the responsibility of the Centre Manager and owners to ensure that no shopping trolleys exit the Centre. Any trolleys identified in the surrounding areas as being associated with the Centre will constitute a breach of the consent.

A Shopping Trolley Management Plan is to be prepared and approved by Willoughby Council prior to Construction Certificate CC2. The Management Plan shall detail the method of operation, storage, use and collection of shopping trolleys within the Centre. The Shopping Trolley Management Plan shall use all practical measures to ensure that shopping trolleys do not leave the Centre. It will detail the nominated management strategy incorporating physical constraints, signage and enforcement methods by Centre Management.

Landscaping

B22 Landscape Plan

The Landscape Plan is to be amended prior to Construction Certificate CC2 to provide for street trees in Havilah Street and Malvern Avenue as follows;

- *Angophora costata* shall be provided in Havilah Street,
- *Michelia doltsopa* shall be provided in Malvern Avenue.

All trees to be supplied to the site and including the street trees shall be grown to "Natspec 2" standards and provided in minimum 400 litre containers.

The Landscape Plan is also to provide for additional tree planting along the south eastern boundary between the northern most end of the existing *Casuarina sp.* In this regard a minimum 1.5 metre planter area is to be provided to accommodate tree growth and understorey plantings. In particular, a quick growing, dense canopy, evergreen tree (such as

Acmena smithii or similar) is to be planted adjacent to the southwest boundary corner of the building at 1-3 Havilah Street.

Ecologically Sustainable Development (ESD)

B23 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. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B24 Water Ratings

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

B25 Green Star Rating

The design of the new part of the development shall achieve a minimum of 4 Green Stars in line with the recently released Pilot Rating Tool for Shopping Centres by the Green Building Council of Australia for Construction Certificate CC2. The assessment shall be on the basis of a holistic approach to the proposed extensions to the centre in Zones A, B, C and D (CC2 and CC3). A report indicating sustainability initiatives that will be incorporated into the refurbishment works within the existing building, having regard to feasibility based on the cost compared with the overall cost for the extent of construction/refurbishment works, shall be incorporated into the detailed design for Construction Certificate CC4. Undertakings for potential sustainability upgrades in the future shall be identified.

BCA and HEALTH

B26 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 Construction Certificate CC2.

B27 Fire Safety Upgrade of Premises

Both the Fire Engineering Design Brief prepared by Norman Disney & Young dated 4 June 2007 and the Building Code of Australia 2007, Preliminary Assessment Report prepared by Dix Gardner Pty Ltd dated 24 September 2007 review the fire safety of the proposed shopping centre additions in isolation to the fire engineered solution of the existing centre.

In this regard, under Clause 94 of the Environmental Planning & Assessment Regulation 2000 Council requests that the existing buildings level of the fire safety be revisited and considered as a united building specifically given that there is no documented physical fire separation between the new and existing portions of the buildings, the existing building is the subject of a supplementary (6 monthly) Fire Safety Statement & egress travel distances have been extended within the new portion of the building.

Furthermore, there are contradictions between the Fire Engineering Design Brief & Building Code of Australia Report in respect to Section E of the BCA (Services & Equipment) particularly in relation to provisions for Ewis, Fire Detection & Alarm System and Fire Doors etc.

In light of the above circumstances a report prepared by a suitably qualified person or accredited certifier is to be submitted to and approved by Council in accordance with Section 80A(2) of the *Environmental Planning and Assessment Act 1979*.

The fire safety report must include the following:

- a) A Building Code of Australia audit with regards to fire safety and identification of the relevant deemed to satisfy provisions which are not being complied with;
- b) A list of detailed fire safety upgrading works that may be required including alternative solutions considered appropriate to satisfy the relevant deemed to satisfy provisions and/or the performance requirements of the Building Code of Australia, to protect persons using the building, to facilitate their egress from the building in the event of fire and to restrict the spread of fire.
- c) A list of existing and proposed Essential Fire Safety Measures.

The fire safety upgrading works if required are to be included in the Construction Certificates and be implemented prior to final occupation of the new and existing building.

B28 Services – 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 are to be detailed on all the plans issued with the Construction Certificate. In the event of Energy Australia requiring such a structure eg. a substation, the applicant is required to provide an easement over the land for the substation. The Easement Plan shall be lodged to Council prior to issue of Construction Certificate CC2 and registered at Land and Property Information prior to issue of the Occupation Certificate.

Operational Waste Management

B29 Storage and Handling of Operational Waste

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of Willoughby Development Control Plan Part C.8. A Waste Management Plan is to be prepared that has regard to but is not limited to the following:

1. The Centre layout (type of shop/kiosk and waste requirements including recycling) in relation to the location of waste management facilities;
2. Predicted waste volumes to be handled at each collection point and type of waste;
3. Frequency of collection for different waste;
4. Capacity of and type of equipment at collection locations;
5. Demonstrated maximising of recycling opportunities for waste;
6. Holding area capacity;
7. Provision of hot and cold water for cleaning of waste holding areas;
8. Provision of refrigerated waste storage for putrescibles waste (if necessary).

The Waste Management Plan is to be approved by Willoughby Council. Details are to be submitted to the Certifying Authority prior to the issue of Construction Certificate CC2 for the above ground works.

Monetary Contributions and Contributions-in-lieu

B30 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay the following monetary contributions:

(1) Amount of Contribution

Contribution Category	Rate of Contribution	Amount
Open Space	\$156.67 per additional m ² GFA	\$1,456,717.66
Child Care	\$27.17 per additional m ² GFA	\$252,626.66
Roads and Traffic Management	\$190.32 per additional m ² GLA (Total \$1,891,568.25)	\$1,000,000.00 (reduced for works beyond the needs of the development, eg, the cycleway)
TOTAL		\$2,709,344.32

(2) Timing and Method of Payment

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

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate CC2 for above ground works.

(3) Indexing

The contributions will be adjusted after one year in accordance with the latest CPI if a Construction Certificate has not been issued.

B31 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage and retention/detention systems within the proposed development, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Willoughby DCP Part C.5 and associated Technical Standards shall be submitted to and approved by Willoughby Council prior to issue of Construction Certificate CC2. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff. Note that the Hydraulic Design must have regard to flood mitigation measures as may be necessary. The Flood Study required by Condition B32 shall be sufficiently completed to inform the requirements (if any) for detailed design for construction work in Zone A and B (including provision and requirements for two submersible pumps to drain the basement car parks and driveways to deliver the 100 year run-off.

B32 Flooding

Prior to issue of Construction Certificate **CC3** a Flood Study shall be completed in accordance with the undertaking of Ove Arup Pty Ltd in a letter dated 5 September, 2007.

The results of the Flood Study shall inform the detailed design process for works in Zones D and E. Any amendments to the development plans noted in Condition A2 shall be approved by Willoughby City Council. The flood study shall be sufficiently completed prior to **CC2** to also inform the detailed design on pumping or other measures to deal with water penetration should any water penetration occur. The basement car park levels shall require a pump-out drainage system comprising two submersible type pumps. The system shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle. In the event of power failure the system is to provide a holding well which has storage capacity equivalent to the run-off from a 2 hour 100year ARI storm or as otherwise determined by the Flood Study. Grease, oil and sediment must be separated from the water before water enters the stormwater drainage system.

B33 Plan stamping by Sydney Water for new buildings

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.

Compliance

B34 Compliance Report

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

PART C—PRIOR TO COMMENCEMENT OF WORKS

Demolition Works

C1 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.

Excavation Works

C2 Notice to be Given Prior to Excavation

The PCA and Willoughby 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

C3 Structural Details

Prior to the commencement of construction, the Proponent 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 approval,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C4 Contact Telephone Number

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

C5 Notice of Intention to Commence Construction Works

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 days' notice to Willoughby Council, in writing, of the persons intention to commence the erection of the building.

Hazardous Materials

C6 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.

C7 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.

C8 Construction Information Sign

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Willoughby Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

C9 *Licensee Details*

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to Willoughby Council.
NB: Should changes be made for the carrying out of the work Council must be immediately informed.

C10 *Building Site Hoarding*

Provision of a hoarding, complying with WorkCover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation site) and building works, materials or equipment. A separate application is to be made to Willoughby Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property.

C11 *Building Site Fencing*

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

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

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place **PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION, EXCAVATION OR BUILDING WORKS** and be maintained throughout construction.

C12 *Provide Sediment and Erosion Control*

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

C13 *Suitable Screens*

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

C14 *Construction Management Plan*

The approved Construction Management Plan shall be kept on-site at all times during the construction works. The contractor shall comply with its requirements at all times.

C15 *Public Risk Insurance Policy*

The Public Risk Insurance Policy held by the excavation contractor must not be less than \$10 million and must contain a clause indemnifying Willoughby Council against any claims in respect of the excavation works. A copy of this policy is to be submitted to Council.

C16 *Permits and Approvals Required*

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

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed usage. It should be noted that the issue of such permits may also involve approval from the Police Department and the R.T.A. A separate written application to work outside normal hours must be submitted for approval.

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

- c) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- d) Permit to open a public road, including footpaths, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- e) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

C17 *Spoil Route Plan*

Submit a "to and from" spoil removal route plan to Willoughby Council **prior to the commencement of excavation** on the site. Such a route plan should show entry and exit locations of all truck movements.

C18 *Geotechnical Report*

Submit to the accredited certifier a geotechnical engineer's report of the proposed geotechnical works including excavation, piling, and shoring. The report shall specifically address safety issues.

C19 *Under-grounding of Cables and Street Lighting*

The development is to include undergrounding of all aerial cables fronting the property in Victoria Avenue, Havilah Street and Malvern Avenue.

Consult with utility authorities to determine the requirements for relocation/adjustment of street lighting services and under-grounding of all overhead cabling fronting the property on all its street frontages. Street lighting shall also conform to Willoughby Council's specifications.

C20 *Construction of Encroachments in Road Reserve - Deed of Indemnity*

A Deed of Indemnity is to be entered into **PRIOR TO COMMENCEMENT OF BUILDING WORKS IN ZONE E (CC5)** 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 construction works in Zone E (CC5) 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 is to be submitted to Willoughby Council for its records.

C21 *Deed of Agreement to Lease for Building Encroachments*

A Deed of Agreement for lease of the air space over the public road of Victoria Avenue for the encroachment of the building into Victoria Avenue is to be finalised before construction works commences for Construction Certificate CC5 .

C22 *Temporary ground anchors*

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings. All anchors shall be de-stressed prior to the issue of the Occupation Certificate for the location of the associated construction works. Certification from a geotechnical engineer shall be submitted fro Willoughby Council's records.

C24 *Temporary ground anchors – supervision*

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

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

Compliance

C24 *Compliance Report*

Prior to the commencement of works, the Proponent, or any party acting upon this approval, shall submit to the Willoughby Council a report addressing compliance with all relevant conditions of this Part.

PART D—DURING CONSTRUCTION

D1 *Erosion and Sediment Control*

All erosion and sediment control measures, as designed in accordance with Condition B11, 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.

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.

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 *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 Willoughby Council or the PCA.

D5 *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 Proponent shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D6 *Dust Control Measures*

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D7 *Construction Noise Objective*

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A):

- (2) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the Environmental Assessment or name of technical plan or otherwise identified in the approved Construction Noise and Vibration Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D8 Construction Noise Management

The Proponent shall:

- (1) Schedule only after at least three (3) days notice to residents and business in the vicinity, rock breaking, rock hammering, sheet piling, pile driving and any similar activity shall only occur 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.

D9 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D10 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. 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.

D11 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

D12 *Water Conservation*

Water saving showerheads shall be fitted to all showers within the development to reduce water consumption and promote energy efficiency.

D14 *Recycling of Concrete*

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.

D14 *Road and Footpath*

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

D15 *No storage on foot/roadway*

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

D16 *Skips and Bins*

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

D17 *Excess or waste concrete*

Excess or waste concrete from mobile concrete agitators or concrete pumping equipment shall not be washed down, spilled or disposed of onto the road reserve, Willoughby Council's stormwater system, road, pavement, reserves or Council land.

D18 *Access to site*

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

D19 *Wash down and shaker areas*

During Demolition, Excavation and Construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

Compliance

D20 *Compliance Report*

The Proponent, or any party acting upon this approval, shall, for the duration of construction period, submit to Willoughby Council a three monthly report addressing compliance with all relevant conditions of this Part.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

THE FOLLOWING CONDITIONS OF CONSENT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY INTERIM OR FINAL OCCUPATION CERTIFICATE UNLESS OTHERWISE STATED IN THE CONDITION NOTING THAT THE STAGED CONSTRUCTION PROGRAM DIVIDED OVER FIVE ZONES WILL REQUIRE THE ISSUE OF A NUMBER OF OCCUPATION CERTIFICATES

F1 Registration of Plan of Consolidation

Prior to the issue of any Occupation Certificate in Zones A, B C and D (Construction Certificate CC2), all individual allotments in the development site shall be consolidated into a single allotment and evidence of registration of the plan of consolidation shall be submitted to Willoughby Council.

F2 Treatment of Vehicular Entry

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

F3 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to Willoughby Council by the PCA.

F4 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received. This frequency shall be adjusted in accordance with any requirements of Condition B27.

F5 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent 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 approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F6 Sound Level Output Certification

The sound level output from the equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level measured at the boundaries of the property in accordance with the current Department of Environment and Climate Change guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Principal Certifying Authority

F7 Certification of Slip Resistant Surfaces

Upon completion, certification being submitted to the PCA that all floor finishes and floor surfaces (excluding carpet) have been tested on site to achieve a slip resistant classification under wet and dry conditions to comply with the current version of AS/NZS 4586, Table 3 of CSIRO/SA publication HB 197 (An Introductory Guide to the Slip Resistance of Pedestrian Surface Materials) and Willoughby Development Control Plan Part C.6 Access, Mobility and Adaptability. The wet slip test must achieve at least an "X" classification.

F8 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 approval authority for specific electronic format) shall be submitted to the approval 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.

F9 Access for the Disabled – Disability Discrimination Act

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

It should be noted that this approval does not guarantee compliance with the DDA and the applicant/owner should investigate their liability under this Act.

F10 Access for the Disabled

The building shall be provided with access for people with disabilities as well as toilets and other facilities for people with disabilities and comply with Willoughby Development Control Plan Part C.6 and all the requirements of Part D3 and Part F2 of the BCA and the relevant provisions of AS 1428 and in particular :-

- a) The required carparking space/s shall be identified on the floor and behind the space for use for people with disabilities and a series of signs are to be provided from the driveway entrance to indicate the location of the said space.
- b) The passenger lift 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 necessary directional signs, incorporating the symbol for access for people with disabilities shall be provided to comply with Clause 14 of AS 1428.1.
- e) Attention is directed to Clause 7 of AS 1428.1 in respect of the clear circulation space required at doorways.

F11 Confirmation of Approved Development

A detailed layout plan of the Shopping Centre shall be provided to Willoughby Council that shall identify each and every proposed or potential tenancy (including shops, kiosks, barrows, store areas and so on) in the Centre and the gross leasable floor area for each. The Plan shall identify the number or description by which the tenancy will be known and how it will be displayed in the Centre.

F12 DA for Use

As no specific end user has been approved in the Development Consent for use of the new or rearranged tenancies, the proponent shall individually or collectively ensure that a development application is lodged and consent is issued prior to occupation and use of the tenancies. Development applications for food premises shall comply with the requirements of AS 4674 Design, Construction and Fit-out of Food Premises, The Food Act 2003 and the Food Safety Standards.

F13 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 Proponent prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the damage deposit, Willoughby Council will automatically call up the damage deposit to recover the costs if not satisfactorily carried out by the Proponent. Should the repair costs exceed the deposit amount, a separate invoice will be issued.

F14 Performance Bond

Prior to the issue of the Interim/Final Occupation Certificate for construction works under Construction Certificate CC2, the Proponent shall lodge with Willoughby Council a Performance Bond of \$25,000 against defective civil works undertaken by the main contractor. The Performance Bond shall be held for a period of twelve (12) months from the date of completion of the construction works in Construction Certificate CC5. The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable subject to the approval of Willoughby Council's Infrastructure Services Division at the end of the maintenance period. In this period, the applicant shall be liable for any part of the work which fails to achieve the design specifications. Council shall have full authority to make use of the Bond for such restoration work within the maintenance period as deemed necessary by Council.

F15 Sydney Water

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

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 completion of the development approved in Construction Certificate CC2.

F16 Post-construction Dilapidation Report

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works at

each stage, that is, Construction Certificate CC1 to CC5. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

- (2) 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 B10, and
 - (b) have written confirmation from Willoughby Council that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of these reports is to be forwarded to the Council.

F17 Air space lease agreement

The completion to the satisfaction of Council of a suitable air space lease agreement in respect of the proposed bridges/tunnel connections/encroachment of the building. The documentation in respect of this agreement is to be completed and plans of subdivision registered prior to issue of an Interim/Final Occupation Certificate for Construction Certificate CC5 and the term of lease should be as negotiated between Council and the developer up to a maximum of 99 years.

F18 Sustainable Development – Final Occupation

A report is to be submitted to the Principal Certifying Authority (with a copy submitted to Willoughby Council) demonstrating the manner in which the measures proposed in the approved Ecological Sustainable Development (ESD) undertaking has been satisfied. The report shall indicate the provision of the measures for a 4 Green Star rating for the new parts of the development in Zones A, B C and D (CC3). It shall also detail the initiatives that have been completed and the program of initiatives (including timing) that are to be undertaken within the refurbished areas of the existing centre (CC4).

F19 Commercial - Gap between adjoining awnings

The gap between each end of the awning and the adjoining awnings shall be appropriately sealed to protect pedestrians during wet weather.

F20 Under awning sign - Clearances

The under awning sign shall be not less than 1.5m from a projection of the side boundary line. In addition, no part of the sign shall be less than 2.6m above the footpath.

F21 Completion of landscape works

The approved landscape works are to be completed prior to an Interim/Final Occupation Certificate for construction work in Zones A, B C and D (CC3). All work must be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards. All planted trees are to be nurtured to maturity and cannot be pruned unless such pruning complies with Council's Tree Preservation order or removed without a permit issued under Council's Tree Preservation Order.

F22 Temporary ground anchors – destressing

All damages to Willoughby Council's infrastructure due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of

Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.

F23 Inspection of civil works on road reserves

All required road pavement, footpath, kerb and gutter and/or drainage works on the road reserve must be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC). Inspection of these civil engineering works shall be carried out by Council's engineer or if approved by Council, by a competent professional engineer. The supervising consulting engineer is to provide certification to Council that the works were constructed in accordance with the Council drawings, conditions and specifications. A Work-as-Executed drawing prepared by a registered surveyor shall be submitted to Council. The works shall be completed to the Willoughby City Council specifications as the road authority under the *Roads Acts 1993*.

(Reason: Ensure compliance)

F24 S88B/88E(iii) Instrument

Create a Positive Covenant and Restriction on Use of Land on the Title in favour of Willoughby Council prior to issue of an Interim/Final Occupation Certificate for Construction Certificate CC2. The purpose of this is to ensure that the registered proprietor has, control and maintenance obligations of the on-site stormwater retention system (OSR) and on-site stormwater detention system (OSD), including roof guttering and downpipe systems. A copy of Council's draft terms for the instrument is available from Council on request. Documentary evidence of registration of these instruments with the NSW Department of Lands is to be submitted to Council.

The above instruments can be created under Section 88b of the Conveyancing Act 1919 for newly created lots. For an existing lot, a Positive Covenant and Restriction on the Use of Land can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the OSR and OSD systems, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

F25 Sign for OSR and OSD Systems

Permanently attach and display a plaque measuring no less than 400mm x 200mm within the immediate vicinity of the OSD and OSR systems. This plaque will advise occupiers of the property of the existence of the OSD and OSR systems and also that the systems are not in any way to be tampered with or changed without prior written consent of Willoughby City Council and the owner shall regularly maintain the system. The wording for the plaque is available from Council on request.

F26 Confined Space Sign

Securely install a standard confined space danger sign in a prominent location within the access gate of the OSD and OSR systems if necessary.

F27 Certification of OSD

A suitably qualified and experienced consulting engineer (generally CP Eng. Qualification) must certify on Council's standard certification form that the as-constructed OSD system complies with Council's OSD policy, all relevant codes, standards and that it is in accordance

with the approved plans. Council's standard certification form is contained in the appendix of the Willoughby Development Control Plan, which is available on Council's website.

F28 Documentary Evidence of Positive Covenant, Engineers Certificate

Documentary evidence of the registered Positive Covenant, the Restriction on the Use of Land, the engineer's certification and the On-Site Detention and On-Site Retention Record of Installation shall be submitted to the Principal Certifying Authority.

F29 Works as executed plans - OSD

Upon completion of the OSD system, the following shall be submitted to the Principal Certifying Authority:

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

F30 Works as executed plans – Rainwater Reuse

Upon completion of the Rainwater Re-use system, the following shall be submitted to the Principal Certifying Authority:

- Work-as-executed plans based on the approved Rainwater Re-use Plans from a registered surveyor to verify that the volume of storage, water and floor levels are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved Rainwater Re-use Plan.
- Plumber's certification that the Rainwater Re-use system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.
- The Rainwater tanks shall not be closer to the boundary than 450mm if constructed in combustible material.

F31 Construction of Kerb & Gutter

Construct new kerb and gutter and associated roadwork/pavement unless otherwise determined by Willoughby Council in accordance with Council's specification for the full frontage of the development to Havilah Street and Malvern Avenue with associated road restoration 3 metres wide.

F32 Footpath Paving

Construct a full width footpath in approved paving material tiling for the full frontage of the Victoria Avenue frontage to the site all in accordance with Willoughby City Council's CBD Pavement Policy. Permission must be obtained from Council's Infrastructure Services Division and the Police Department prior to the opening and closure of the footpath and road pavement for construction works. The footpath paving shall be completed prior to completion of construction works in Construction Certificate CC5.

F33 Footpath 1.5 metre wide

Construct a new 1500 mm wide concrete footpath for the full frontage of the site adjacent to the property boundary in Havilah Street and Malvern Avenue in accordance with Council's

standard specification and drawing and the Landscape Plan. The footpath shall be completed prior to completion of construction works in Construction Certificate CC2.

F34 Street Lighting and Furniture

Provide approved street lighting and furniture in accordance with Willoughby City Council's street furniture manual and Australian Standard AS/NZ 1158 (2005) prior to completion of construction works in Construction Certificate CC2, CC3 and CC5.

In addition to the seating indicated in the Landscape Plan this is to include seating in conjunction with the Victoria Avenue bus stop and in a location that provides weather protection. In this regard the proponent is to consult with Willoughby Council and the State Transit Authority on location and type of seating. The bus seating is to be provided prior to completion of construction works in Construction Certificate CC5.

F35 Vehicular Crossing

New vehicular crossings are to be constructed in accordance with Council's specification AUS-SPEC C271, Council Vehicular Footpath Crossing and Kerb and Gutter details, Drawing No. SD105 and the approved long sections (if any). New crossing is to be constructed at right angle to the kerb and construction shall have regard to pedestrian priority and safety.

NOTE: The vehicular crossings and driveways and access ramps must be designed not to cause scraping of the underside of vehicles.

A separate application for the crossing including current fees and charges is to be submitted. The levels of the street alignment at the property boundary shall also be obtained from Council. These levels shall be incorporated into the new crossings and design of the new internal driveways. The alignment levels fixed by Council may impact on the internal levels of the driveways.

F36 Certification of the Basement Pumpout Drainage System

A suitably qualified and experienced consulting engineer (generally CP Eng. Qualification) shall certify that the as-constructed basement pumpout system complies with Council's OSD policy and the Flood Study requirements, all relevant codes and standards and the approved plans.

F37 Certification – Structures / Excavations near Council's Easements

A suitably qualified and experienced structural engineer is to certify that all footings and structures adjacent to Council's pipeline and/or easement have been constructed such that any future excavation on the easement is without the need to support or underpin the subject structure. Certification is to be provided to the Principal Certifying Authority, and a copy provided to Council, prior to issue of the an Occupation Certificate.

F38 Sustainable Development - Alterations and Additions

The measures proposed to be undertaken in the Ecological Sustainable Development (ESD) Report submitted as part of the Development Application are to be implemented as part of the development. Should any variation to these measures be proposed, a new report with the amendments highlighted is to be submitted for the Principal Certifiers approval and is required to continue to achieve the relevant mandatory measures and other sustainability measures.

F39 Signs and Advertising

A separate Development Application shall be submitted to Council for approval in respect of any proposed advertising sign which will be visible from a public place to be designed to comply with Willoughby Development Control Plan Part G.5 Advertisements & Advertising Structures. In this regard it is noted this consent approves the location of signage structures in Victoria Avenue, it does not approve the content. Please note that a separate DA is not required for signs which are exempt under Part B.2 or B.3 of the Development Control Plan.

F40 Removal of redundant crossings

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

F41 Sweep & Clean Pavement

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

F42 Street Signs

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

F43 Under-grounding of Cabling and Landscaping

Under-grounding of cables and completion of landscaping work shall occur with completion of the construction works in Zones A, B, C and D (CC3).

F44 Public Art

Public Art works shall be incorporated into the development at locations and as approved by the Public Art Plan required by Condition B1.

PART G—POST OCCUPATION

Fire Safety

G1 Annual Fire Safety Certification

The owner of the building shall certify to Council every year (or as required by resolution of Condition B27) 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.

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 *Hours of Access*

1. The pedestrian access on Havilah Street is to be closed on Monday to Friday and Saturday at 9pm except Thursdays 9:30pm, and Sunday and Public Holidays at 5:30pm.
2. The Havilah Street pedestrian entry is not to be opened for access before 8am on any day.
3. The Malvern Avenue vehicle entry is to be shut for entering vehicles from Monday to Saturday at 7pm except Thursdays at 9pm and Sundays and Public Holidays at 5:30pm.

(Public Amenity; Noise)

G5 *Noise Control – Licensed Premises*

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7:00am and 12 midnight and 12 midnight to 7:00am at the boundary of any affected residence.

Notwithstanding the requirements of this condition, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

G6 *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.

G7 *Noise Monitoring*

The Proponent shall undertake a noise monitoring program for a minimum period of 12 months following the commencement of operations on the site. The monitoring program shall be undertaken by an appropriately qualified person and monitoring reports shall be submitted to the Willoughby Council at intervals of 3 months..

Hazardous Materials

G8 *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

G9 Public Way to be Unobstructed

The public way and car parking spaces for shoppers must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

G10 Centre Management

The Green Travel Plan, Waste Management Plan, Loading Dock Operation Management Plan, the peak trading times Traffic and Car Parking Management Plan and Shopping Trolley Plan shall be the responsibility of Centre Management to administer. The Coles Loading Dock Operation Management Plan shall be the responsibility of the Coles Store Manager to administer.

Compliance

G11 Compliance Report

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

ADVISORY NOTES

AN1 Sydney Water

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 approval 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 approval 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 Proponent 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 Proponent. 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 Compliance with Building Code of Australia

The Proponent 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.

AN5 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.

AN6 Use of Mobile Cranes

The Proponent 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.

AN7 Movement of Trucks Transporting Waste Material

The Proponent shall notify the Roads and Traffic Authority'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.

AN8 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 approval.

AN9 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.

AN10 Excavation – Aboriginal Objects

Should any Aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to 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*.

AN11 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN12 Compliance with Conditions

The Proponent will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Development Application No. <<XXX>> and of compliance (or a Compliance Certificate) with the conditions of that approval, prior to the issuing of Strata Plan of Subdivision.

AN13 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 approval authority prior to occupation of the building.

AN14 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.

AN15 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 prior to the occupation of the building(s) or commencement of the use.

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

AN16 Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of the 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.

AN17 Place of Public Entertainment

An approval from the Council under Section 68 of the Local Government Act 1993 must be obtained for a "Place of Public Entertainment Licence" prior to the use of the premises commencing. The Proponent shall provide evidence of receipt of the approval to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

AN18 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN19 Recreation Facility

The proponent shall consider the provision of a recreation facility in a subsequent stage of the refurbishment affecting the Archer Street side of the site. Details of the proposed recreation facility shall be provided in the development application.

AN20 Sustainability Initiatives

The Proponent shall consider the incorporation of additional sustainability measures in a subsequent stage of the refurbishment of the Centre. This shall have regard to the opportunity of the extensive potential of roof area for installation of renewable energy generation opportunities and possibly sale back to the grid (solar power, wind turbines, co-generation plant). A carbon audit scheme with regular reviews shall be considered. Further, confirmation of the achievement of a 4 Green Star rating shall be provided to Willoughby Council 12 months after completion of the development.

AN21 Car Wash

The operation of the car wash service in the Basement car park requires protection of pedestrians from noise of equipment and spray of water outside the car wash area. Centre Management shall implement measures to mitigate the adverse impacts on pedestrians accessing the lifts and car spaces including screens, acoustic panels or relocation of the car wash.

AN22 Safer by Design

An assessment to inform the detailed design and then operation of the Centre on completion shall be prepared having regard to Crime Prevention through Environmental Design and Security principles.

SCHEDULE 3

MP 06-0301

ALTERATIONS AND ADDITONS TO CHATSWOOD CHASE

**345 VICTORIA AVENUE, 19 HAVILAH STREET AND 8 MALVERN AVENUE,
CHATSWOOD**

SITE LOCATION

STATEMENT OF COMMITMENTS

(SOURCE: ENVIRONMENTAL ASSESSMENT)

Statement of Commitments

Approved Project

The development of Chatswood Chase will be carried out generally in accordance with the architectural drawings prepared by The Buchan Group and landscape architect drawings prepared by Mark McWha as shown numbered and dated in **Table 1** below, and with the Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated June 2007 and the subsequent "Response to Submissions" report also prepared by JBA and dated September 2007.

Table 1 – Architectural Drawings

Design Standards			
Drawing Number (revision)	Date	Drawing Number (revision)	Date
AEX 100 (07)	03-09-07	ATP 401 (04)	03-09-07
AEX 200 (07)	03-09-07	ATP 402 (04)	03-09-07
AEX 201 (07)	03-09-07	ATP 500 (04)	03-09-07
AEX 202 (08)	03-09-07	ATP 501 (05)	06-09-07
AEX 203 (07)	03-09-07	ATP 502 (05)	06-09-07
AEX 204 (07)	03-09-07	ATP 503 (04)	06-09-07
AEX 205 (06)	03-09-07	ATP 504 (04)	06-09-07
ATP 100 (05)	03-09-07	ATP 505 (04)	06-09-07
ATP 101 (05)	03-09-07	ATP 506 (04)	06-09-07
ATP 102 (05)	03-09-07	ATP 507 (03)	03-09-07
ATP 103 (07)	03-09-07	ATP 601 (04)	03-09-07
ATP 104 (04)	03-09-07	ATP 602 (04)	03-09-07
ATP 105 (03)	03-09-07	ATP 603 (04)	03-09-07
ATP 200 (06)	06-09-07	ATP 604 (04)	03-09-07
ATP 201 (06)	06-09-07	ATP 605 (05)	03-09-07
ATP 202 (10)	06-09-07	ATP 606 (04)	03-09-07
ATP 203 (09)	06-09-07	ATP 607 (03)	03-09-07
ATP 204 (10)	06-09-07	ATP 608 (03)	03-09-07
ATP 205 (08)	06-09-07	ATP 609 (03)	03-09-07
ATP 206 (10)	06-09-07	ATP 610 (03)	03-09-07
ATP 207 (08)	06-09-07	ATP 611 (03)	03-09-07
ATP 208 (09)	06-09-07	ATP 612 (03)	03-09-07

ATP 209 (08)	06-09-07	ATP 613 (00)	10-09-07
ATP 210 (08)	06-09-07	ATP 800 (09)	06-09-07
ATP 400 (04)	03-09-07	ATP 801 (02)	03-09-07
		ATP 802 (01)	03-09-07

Design Standards

The new components of the proposed development will comply with the design standards shown in Table 2. The existing development will be retained in its current state.

Table 2 – Design Standards

Design Standards	
Design Issue	Standard
General building and fire safety	Building Code of Australia
Vehicle access, parking	• Parking bays and aisles are proposed to comply generally with AS2890.1 2004 for Class 3 or 3A parking. • Accessible spaces to comply with draft AS2890.6 off street car parking for people with disabilities
Access for the disabled	• Australian Standards AS1428.1 (2001) Design for access and mobility Part 1: General requirements for access-New building work; • AS1428.2 (1992) Design for access and mobility Part 2: Enhanced and additional requirements-Buildings and facilities • AS1735.12 (1999) Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities • AS2890.1 – 1993 Car Parking -Off-street parking; AS2890.1 – 2004 Car Parking -Off-street parking; DR04021 – 2004 Parking facilities – Off-street parking for people with disabilities (with the exception of the minimum floor to ceiling heights on all parking levels other than Level 2. The existing floor to ceiling heights on all parking levels other than Level 2 may be used).
Acoustic privacy	• Criteria specified in the Noise Impact Assessment prepared by Norman Disney & Young dated May 2007, and reissued in September 2007. • Construction noise will comply with noise criteria requirements in the Environment Noise Control Manual which are as follows: • $L_{Aeq} = \text{background } L_{Aeq} + 20 \text{ dB(A)}$ for periods of loss

	than 4 weeks; • $L_{Aeq} = \text{background } L_{Aeq} + 10 \text{ dB(A)}$ for periods between 4 and 26 weeks; and • $L_{Aeq} = \text{background } L_{Aeq} + 5 \text{ dB(A)}$ for periods greater than 26 weeks • To prevent damage to dwellings vibration levels will be below 10mm/s at the site boundary and below 5mm/s at any foundation level of any occupied building;
ESD performance	• 4 Green Stars under the Pilot Rating Tool for Shopping Centres, prepared by the Green Building Council of Australia, will be prepared for refurbished and new parts of the Shopping Centre.

Matters to be completed prior to Construction Certificate

The matters to be completed prior to the issue of a construction certificate are:

- A Green Star Rating Report prepared in accordance with the Pilot Rating Tool for Shopping Centres by the Green Building Council of Australia will be prepared and submitted to Willoughby City Council demonstrating the achievement of 4 Green Stars for refurbished and new parts of the Shopping Centre.
- An Assessment of Crime Prevention through Environmental Design and Security Management Plan will be prepared and submitted to Willoughby City Council.
- Should the outcomes of the Chatswood Chase flood study require design amendments, that these design amendments will be done to the satisfaction of council.
- Construction drawings for stormwater management works will be prepared in accordance with the requirements of Willoughby City Council and submitted to Council prior to the issue of a construction certificate for those works.
- An Arborist Report justifying the selection of trees to be removed on the Havilah Street and Malvern Avenue frontages will be prepared and submitted to Willoughby City Council prior to any tree removal.
- Should the acoustic detailed analysis prove that acoustic treatment is required to the covered loading dock than appropriate resiliently faced, acoustically absorbent material will be provided.

With partial enclosure of the car park entry, it is anticipated that reverberant noise in this area may increase. To treat these effects, the acoustic consultants, Norman Disney Young have recommended that the underside of the enclosing element be treated with.

Matters to be completed prior to Occupation Certificate

The matters to be completed prior to the issue of an occupation certificate are:

- * Section 94 monetary contributions will be paid to Willoughby City Council as prescribed in Willoughby City Councils developer Contribution Plan, dated July 2007;
- * Public art will be provided to the property in a location, design and capital cost to be agreed with Willoughby City Council.
- * An Access Management Plan will be prepared and submitted to Willoughby City Council. It will include the following components:
 - Car Park Management Plan that includes, amongst other matters, directional and information signage on driveway access to car parking levels and car parking spaces available on each level;
 - Green Travel Plan that aims to encourage staff and users of the Chatswood Chase shopping centre to minimise the use of cars and use alternative modes of transport to access the shopping centre;
 - Operational Management Plan for access for the disabled; and
 - Integration Plan to co-ordinate and integrate the networks of pedestrian, cycle and vehicle access.
- * Stormwater management works will be completed, and a report on the completion of the works will be prepared and submitted to Willoughby City Council.
- * Landscape works will be completed, and a report on the completion of the works will be prepared and submitted to Willoughby City Council.

Construction management

A Construction Management Plan will be prepared and sent to Willoughby City Council prior to the commencement of works for each stage of works associated with demolition, excavation and building construction.

The Construction Management Plan will address the matters and comply with the standards identified in the Construction Management Strategy prepared by Clifton Convey Group dated May 2007, and in the Noise Impact Assessment prepared by Norman Disney & Young dated May 2007. A dilapidation report for properties immediately adjoining areas of proposed construction works will be undertaken.

The provisions in the Environmental Planning and Assessment Regulation 2000 relating to construction works will apply to the proposed development.

Ongoing monitoring and management

A qualified Acoustical Consultant (being a member of the Acoustic Association) will be engaged to undertake an ambient noise and vibration survey at agreed sensitive locations to establish baseline noise and vibration conditions prior to the commencement of the construction/demolition project.

The monitoring will be conducted in accordance with the following procedures:

- * Assessment Procedure for Baseline Noise Monitoring Base line noise monitoring will be conducted in the noise sensitive zone over a period of not less than one week. Monitoring will be undertaken prior to the commencement of construction or demolition site activity or (in the case of the Guideline being applied after site work has commenced) during days when construction or demolition activity is not

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occurring. All noise measurements will be performed by a qualified acoustic consultant in general accordance with Australian Standard AS 1055.1-1997.