

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

I, the Minister for Planning, approve the project application referred to in Schedule 1, subject to the conditions of approval in Schedule 2, and the Proponent's Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Anthony (Tony) Kelly MLC
Minister for Planning

23 FEB 2011

Sydney

2011

SCHEDULE 1

Application No.:

MP09_0154

Proponent:

Mirvac Projects Pty Ltd

Approval Authority:

Minister for Planning

Land:

Lot 6 DP 1058962
7 Railway Street, Chatswood

Project:

Construction of a new mixed use residential, commercial and retail development consisting of a:

- 43 storey mixed use building consisting of a:
 - 5 storey podium accommodating retail/café tenancies, 4,876m² of commercial floor space and resident recreational facilities
 - 37 storey tower above containing 295 residential apartments
 - Plant within an enclosed roof structure on Level 43
 - Communal private open space on top of the Railway Enclosure Structure
- A seven level basement accommodating a total of 332 parking spaces; and
- Public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link between Railway Street and Cambridge Street
- Stratum subdivision of existing lot into two stratum lots and strata subdivision of the proposed residential stratum.

DEFINITIONS

Act	<i>Environmental Planning and Assessment Act, 1979</i> (as amended).
Advisory Notes	Advisory information relating to the approved development but do not form a part of this approval.
BCA	The Building Code of Australia.
Certifying Authority	Has the same meaning as Part 4A of the Act.
Council	Willoughby City Council
Department	The Department of Planning or its successors.
Director-General	The Director-General of the Department or his nominee.
Environmental Assessment (EA)	The Environmental Assessment prepared by JBA Urban Planning Consultants Pty Ltd and dated August 2010.
Minister	The Minister for Planning
MP No. 09_0154	The Major Project described in the Proponent's Preferred Project Report.
Preferred Project Report (PPR)	The Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd and dated December 2010.
Proponent	Mirvac Projects Pty Ltd or any party acting upon this approval
Regulation	The <i>Environmental Planning and Assessment Regulation, 2000</i> (as amended).
Subject Site	Has the same meaning as the land identified in Part A of this schedule.

End of Schedule 1

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

Development Description

A1. Development approval is granted only to carrying out the development described in detail below:

Construction of a new mixed use residential, commercial and retail development consisting of a:

- 43 storey mixed use building (maximum height RL 231m AHD) consisting of a
 - 5 storey podium accommodating retail/café tenancies, 4,876m² of commercial floor space and resident recreational facilities
 - 37 storey tower above containing 295 residential apartments
 - Plant within an enclosed roof structure on Level 43
 - Communal private open space on top of the Railway Enclosure Structure
- A seven level basement accommodating a total of 332 parking spaces; and
- Public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link between Railway Street and Cambridge Street.
- Stratum subdivision of existing lot into two stratum lots and strata subdivision of the proposed residential stratum.

Approved Plan/Details

A2 The development will be undertaken generally in accordance with MP No. 09_0154 and the Environmental Assessment dated August 2010, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated December 2010, including all associated documents and reports, and the Statement of Commitments prepared by JBA Urban Planning Consultants Pty Ltd, and BASIX Certificates No. 348978M, 348979M, 348980M and 348983M dated 29 November 2010 and the following drawings:

Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report by Mirvac Design Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
PPR – 1000	03	Drawing Register	Nov 10
PPR – 1001	03	Locality & Context Plan	Nov 10
PPR – 1002	03	Site Plan	Nov 10
PPR – 1003	03	Site Analysis	Nov 10
PPR – 1004	03	Car parking Levels B6 & B7	Nov 10
PPR – 1005	03	Car parking Levels B4 & B5	Nov 10
PPR – 1006	03	Car parking Levels B2 & B3	Nov 10
PPR – 1007	03	Car parking Level B1	Nov 10
PPR – 1008	03	Level 1 (Ground) Floor Plan	Nov 10
PPR – 1009	03	Level 2 – 5 Floor Plans	Nov 10
PPR – 1010	03	Level 6 – 14 Floor Plans	Nov 10
PPR – 1011	03	Level 15 – 24 Floor Plans	Nov 10
PPR – 1012	03	Level 26-39 & Level 41 Floor Plans	Nov 10
PPR – 1013	03	Level 40 & Level 42 Floor Plans	Nov 10
PPR – 1014	03	Level 43 Plant Room, Mezzanine Plant Room & Roof Plans	Nov 10
PPR – 1015	03	North Elevation	Nov 10
PPR – 1016	03	South Elevation	Nov 10
PPR – 1017	03	East Elevation	Nov 10
PPR – 1018	03	West Elevation	Nov 10
PPR – 1016	03	Section A – A	Nov 10
PPR – 1020	03	Section B – B	Nov 10

PPR – 1021	03	Pre-adaptable and Adaptable Mode Apartment Floor Plans Levels 12 - 42	Nov 10
PPR – 1022	01	Pre-adaptable and Adaptable Mode Apartment Floor Plans Levels 7 - 42	Nov 10
N/A	N/A	Indicative External Finishes Board	Dec 10
Landscape Master Plan prepared for the Environmental Assessment / Preferred Project Report by Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
PPR1025	2	Landscape Master Plan	10.11.2010
Stratum and Strata Subdivision Plans prepared for the Environmental Assessment / Preferred Project Report by Denny Linker & Co Surveyors			
Drawing No.	Revision	Name of Plan	Date
080406D-SUB	7	Plan of proposed Subdivision of Lot 6 in DP 1058962	15 Nov 2010
080406 DSP	4	Plan of Subdivision of proposed Lot 1 in the subdivision of Lot 6 DP 1058962	19 Nov 2010

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

Inconsistency between documents

A3. In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

Prescribed Conditions

A4. The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

Responsibility for other approvals / agreements

A5. The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Lapsing of Approval

A6. Approval of the Project Application shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

End of Part A

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Detailed Drawings

B1. Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Project approval and comply with the requirements of the Building Code of Australia.

Additional Details and Information

B2. Any requirements outlined by conditions of this project approval requiring changes and/or information to be noted on plans are to be addressed to the satisfaction of the Certifying Authority prior to issue of the relevant construction certificate.

In particular, the following issues are to be addressed:

- a) All the proposed external finishes are to be demonstrated to be low maintenance high quality finishes that consider the locality and blend with the style of the urban setting.
- b) Wind Tunnel testing shall be undertaken of the approved design and any recommendations and requirements to achieve a minimum of 60% of apartments able to be naturally cross-ventilated or achieve equivalent resultant natural ventilation.
- c) Preparation of a detailed landscape plan. The landscape plan shall demonstrate the requirements for structural design of the base building to ensure the required soil depths, irrigation and drainage is provided to facilitate achievement of the landscape outcomes. Should the wind management rely on planting treatments the wind consultant shall verify that the landscape plan achieves the requirements for wind management.
- d) The Landscape Plan shall be accompanied by the lighting, public art and furniture plan for the public precinct area, including the provision of bicycle storage. The lighting shall comply with AS/NZS 1158 – Lighting for Public Streets and Pedestrian Areas. All proposed lighting is to incorporate vandal resistant lamps. The furniture plan shall comply with Willoughby Council's Manual for street furniture in Chatswood CBD.
- e) The Landscape Plan shall identify the use of the land on top of the Railway Enclosure Structure and distinguish between private communal open space for residents of the approved building, and communal open space accessible by all buildings within the Pacific Place precinct.
- f) Design of the path of travel for the through site link and tunnel, including the Schedule of finishes and materials to be used, shall be approved by Council in consultation with Chatswood Police Crime Prevention Officer. The tunnel design shall include internal illuminated (back-lit) walls with public art integrated into the wall surface (NOT third party advertising) to provide visual interest to the link and contribute to the lighting of the space. The finishes shall be vandal resistant and low maintenance.
- g) Provision of access to a loading/waste handling area capable of handling two trucks at the same time and manoeuvring space that is separate to and does not conflict with the access to the car park. The access ramp and entry shall be designed in accordance with AS 2890.2.

Wind Tunnel Testing

B3. Wind Tunnel testing shall be undertaken of the approved design and any recommendations and requirements to achieve a maximum moderate breeze wind environment in the public spaces (gust speeds of 5.5 to 7.9 m/second maximum – 4 Beaufort Scale after Penwarden 1975) shall be implemented and the relevant design modifications made to the satisfaction of the Certifying Authority prior to issue of any Construction Certificate for above ground level works.

Developer Contributions

B4 (i). Prior to issue of a construction certificate, a monetary contribution is to be paid in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, in relation to the following items specified below:

A	Childcare	\$380,298.99
	Calculation	
	\$785.11 per residential unit (295)	
	\$29.78 per m ² of GFA (4993m ² commercial/retail)	
B	Open Space and Recreational Facilities	\$3,783,373.20
	Calculation	
	\$6,475.48 per 1 bedroom dwelling (72)	
	\$9,827.86 per 2 bedroom dwelling (124)	

	\$12,538.24 per 3 bedroom dwelling (99) \$171.6 per m ² of commercial/retail GFA (4993m ²)	
C	Roads and Traffic Transport/Management <u>Calculation</u> \$2,102.76 per residential unit (295) \$208.54 per m ² of retail floor area (117m ²) \$63.12 per m ² of commercial floor area (4876m ²)	(\$952,486.50)* Refer to Condition B4(ii)
D	Drainage <u>Calculation</u> \$3.02 per m ² (4913m ²)	\$14,837.26
Total		\$4,178,509.45

This contribution is based on needs generated by the development as identified in the relevant adopted Section 94 Contributions Plan. The contribution rate and calculation is current until 30 June 2011, if payment is made after this date the rate/contribution will be increased in accordance with the CPI adjusted rates current at the time of payment.

Please note that payment will only be accepted by way of a bank cheque or cash.

Copies of the Contributions Plans and revised rates are available for inspection at the Councils Administration Building, 31 Victor Street, Chatswood or online at www.willoughby.nsw.gov.au

B4(ii). In respect of the requirements of Condition B4(i) above, the Proponent shall provide documentary evidence to the Certifying Authority and Council in respect to the previous payment of the Road, Traffic and Transport Management Contribution for the entire Pacific Place precinct and any applicable credit that may apply to this site. This evidence is to be provided prior to issue of any Construction Certificate for above ground works. If no such documentary evidence is provided, the Road, Traffic and Transport Management Contribution shall be paid in full as required by Condition B4(i).

Damage Deposit

B5. Prior to issue of a construction certificate, the Proponent shall lodge a Damage Deposit of **\$166,000.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. Any damages identified by Council shall be restored by the Proponent prior to release of the Damage Deposit.

Note: The deposit will be held by Council for the duration of all construction work on the site noting that the construction work may proceed in stages.

Traffic Management During Construction

B6. A detailed Traffic Management Plan shall be prepared for pedestrian and traffic management during construction and be submitted to the Council as the road authority for approval prior to the issue of a Construction Certificate. The plan shall: -

- a) Be prepared by a RTA accredited consultant.
- b) Include the route plan for deliveries to the site. The route plan must allow for site access via Pacific Highway, Railway Street and Help Street.
- c) Implement a public information campaign to inform any road changes well in advance of each change.
- d) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- e) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.
- f) The TMP is to be complied with throughout the construction process.

Noise from Location and Transport Corridor

B7. To minimise the impact of noise from the adjoining transport corridor on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report submitted with the EA documentation. Details of the proposed acoustic treatment shall be provided to the satisfaction of the Certifying Authority prior to issue of the relevant construction certificate.

Internal Noise Levels Residential

B8. To minimise the noise intrusion from any external noise source, the building shall be designed and constructed to comply with the following criteria with windows and doors closed:

Internal Space	Time Period	Maximum Repeatable L_{Aeq} (1 hour)
Living Areas	Any time	40 dB(A)
Sleeping Areas	Day (7am – 10pm)	40 dB(A)
	Night (10pm – 7am)	35 dB(A)

Note:

1. The above criteria does not apply to kitchens, bathrooms, laundries, foyers, hallways, balconies or outdoor areas.
2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

Details of the proposed acoustic treatment shall accompany the application for the construction certificate.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Certifying Authority prior to issue of the relevant construction certificate.

Building Ventilation

B9. To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- a) The Building Code of Australia
- b) AS1668.1-1998 – The use of ventilation and air conditioning in Buildings
- c) AS1668.2-1991 – The use of ventilation and air conditioning in Buildings
- d) The Public Health Act-1991
- e) The Public Health (Microbial Control) Regulation 2000
- f) AS3666.1 – 2002 – Air Handling and Water Systems in Buildings
- g) AS3666.2 – 2002 – Air Handling and Water Systems in Buildings
- h) AS3666.3 – 2000 – Air Handling and Water Systems in Buildings

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be provided to the satisfaction of the Certifying Authority prior to issue of the relevant construction certificate.

Adaptable units

B10. Adaptable residential units for disabled persons are to be provided to no less than 23% of the total number of units. Each adaptable unit is to be nominated on the Construction Certificate drawings and is to be provided with disabled car spaces at the rate required by Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability.

Existing Stormwater system through the site

B11. The existing stormwater drainage through the low point at the site from Railway Street shall be assessed for the critical 1 in 100 year Average Recurrence Interval peak flow which shall be collected and conveyed to Council's system in Help Street. Hydraulic calculations and construction plans of the proposed system shall be submitted to Council for approval. Satisfactory completion of the stormwater system including submission of Works as Executed Plans (plastic reproducible/digital) and Engineer's certification to Willoughby Council is required.

Design and Construct new stormwater through the site

B12. The Proponent shall at no cost to Council, design an approved underground stormwater system, which will replace the existing system through the site. It shall convey the critical 1 in 100 year Average Recurrence Interval peak flow from the upstream catchment. All stormwater from the site and the

upstream catchment must be appropriately connected to this system. Detailed hydrological and hydraulic calculations together with construction plans shall be submitted to Willoughby Council for approval prior to issue of the relevant construction certificate. This stormwater diversion and associated works shall be satisfactorily constructed and completed **prior to the release of the Occupation Certificate**. Works as Executed (WAE) plans (plastic reproducible/digital) and Engineer's certification of the completed system shall be submitted to Willoughby Council for record purposes.

On-site Detention and Retention Systems

B13. The stormwater from site shall be collected in a On Site Retention and Reuse (OSR) system prior to disposal into an approved On-Site-Detention (OSD) system within the site. Full design details and associated calculations showing the method of collection and disposal of all sub-surface, surface and roof-water from the site in accordance with Willoughby Council's Willoughby Development Control Plan (WDCP) and specification. This shall be submitted to Willoughby Council for approval prior to issue of the relevant construction certificate. The systems shall be constructed and Work-as-Executed Plans, Hydraulic Engineer's certification and a record of installation shall be submitted to Council **prior to the release of the final Occupation Certificate**.

Stormwater drainage to be directed away from rail corridor

B14. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.

Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor

Temporary ground anchors

B15. The Proponent shall 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 prior to issue of a construction certificate. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

Construction Management Plan (CMP)

B16. The Proponent shall submit, for approval by the Certifying Authority, a detailed Construction Management Plan (CMP) prior to the issue of the Construction Certificate for each stage of works (each Construction Certificate). The CMP shall address:

- (a) Construction vehicles access to and egress from the site in and route plan in accordance with the TMP during construction
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.
- (g) Noise management requirements for plant and equipment.
- (h) Any request for adjustment to the approved construction working hours and its justification, duration and purpose.

A copy of the CMP shall be submitted to Council.

Detailed Landscape Plan

B17. A detailed Landscape Plan is to be provided to the satisfaction of the Certifying Authority prior to issue of the relevant construction certificate. The detailed Landscape Plan for the site shall include the treatment of common open space areas, front, rear and side setbacks, balconies and raised common areas such as the slabs over basement parking and the RES and other areas requiring screening or general landscaping treatment. It is noted that the structural design of the basement levels must allow for the weighting and trenching of the landscaping and inconsistencies between the building design and the Landscape Concept drawings. In this regard the structural design of the development is to provide for planters that allow for the weight of the soil and planting and adequate dimension for a minimum of 1 metre is soil depth for trees and a minimum of 300mm soil depth for turf, ground cover and small shrubs.

In addition, the Proponent is to include in the detailed landscape design, landscaping of the strip of land in Lot 55 adjacent to the Cambridge Plaza no longer required for road widening in Help Street in the redesign of Chatswood Transport Interchange.

Detailed Landscape Plan – Use of indigenous species

B18. At least 60% of all plant species material is to be indigenous species with a priority on species common to the Willoughby local government area. Locally occurring indigenous plant species are readily available in native nurseries. The indigenous tree species are to be consistent with the species list titled “Indigenous Tree Species in Willoughby” and listed below:

Trees over 10m

<i>Acmena smithii</i>	<i>Lilly Pilly</i>
<i>Angophora bakeri</i>	<i>Narrow-leaved Apple</i>
<i>Angophora costata</i>	<i>Sydney Red Gum</i>
<i>Ceratopetalum apetalum</i>	<i>Coachwood</i>
<i>Corymbia gummifera</i>	<i>Redwood Bloodwood</i>
<i>Eucalyptus haemastoma</i>	<i>Scribbly Gum</i>
<i>Eucalyptus pilularis</i>	<i>Blackbutt</i>
<i>Eucalyptus piperita</i>	<i>Sydney Peppermint</i>
<i>Eucalyptus punctata</i>	<i>Grey Gum</i>
<i>Eucalyptus saligna</i>	<i>Sydney Blue Gum</i>
<i>Eucalyptus sieberi</i>	<i>Silvertop Ash</i>
<i>Syncarpia glomulifera</i>	<i>Turpentine</i>

Trees under 10m

<i>Allocasuarina distyla</i>	<i>She-oak</i>
<i>Allocasuarina littoralis</i>	<i>Black She-oak</i>
<i>Angophora hispida</i>	<i>Dwarf Apple</i>
<i>Banksia integrifolia</i>	<i>Coast Banksia</i>
<i>Banksia serrata</i>	<i>Saw Banksia</i>
<i>Callicoma serratifolia</i>	<i>Blackwattle</i>
<i>Ceratopetalum gummiferum</i>	<i>NSW Christmas Bush</i>
<i>Elaeocarpus reticulatus</i>	<i>Blueberry Ash</i>
<i>Ficus rubiginosa</i>	<i>Port Jackson Fig</i>
<i>Glochidion ferdinandi</i>	<i>Cheese Tree</i>
<i>Pittosporum undulatum</i>	<i>Native Daphne</i>
<i>Tristaniopsis laurina</i>	<i>Water Gum</i>

Control of wind movements

B19. Where control of wind movements in and around the site relies on the proposed landscaping, the Landscaping Plan is to be endorsed by the wind expert confirming that the proposed landscaping will achieve an acceptable wind environment in and around the building.

Planter Boxes and drainage

B20. All planter boxes are to be incorporated into the building structure, and shall be provided with an automatic irrigation system, drained into the building drainage system. All plans are to be amended accordingly.

Softening/screening walls – Commercial Zones

B21. Any solid façade or wall panel in excess of 1.5 metres in height and 2 metres in length on, or adjacent to, the footpath or the public precinct is to incorporate a landscaped planting at footpath/ground level (not raised planter boxes) to provide relief and screening to the wall, excluding areas surrounding the fire escape doors, fire control room doors and any other area where unimpeded access is required.

Anti-graffiti treatment is to be applied to any areas of the exposed walls along the eastern and western sides of the RES.

Landscaping adjacent to the rail corridor

B22. Landscaping shall be designed and selected to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The landscape plan is to be submitted to RailCorp for review, and incorporate any comments, prior to issue of the relevant construction certificate. Evidence of consultation with Railcorp is to be provided to the Certifying Authority prior to issue of the relevant construction certificate.

The Completed Landscape Plan

B23. The completed landscape and/or tree planting is to ensure that:

- i) No additional soil level changes, paths, etc are to be made other than shown on the approved plans without the written consent of Willoughby Council. A approval will require confirmation of no adverse overland flow or drainage impacts having regard to the hydraulic design.
- ii) Any substitution of plant species, or of plants with smaller pot or bag sizes, is to be agreed to by Willoughby City Council's Open Space Section, prior to delivery and planting.
- iii) The Proponent shall ensure that there are a sufficient number of groundcovers, planted at appropriate distances and depths to eliminate all bare mulched garden areas within twenty four (24) months of completion of all landscaping works.
- iv) The Proponent shall ensure all landscaping is completed to a professional standard (best practice), free of any hazards or unnecessary maintenance problems and that all plants are consistent with NATSPEC Guide 2, "A guide to assessing tree quality".
- v) All trees planted in turfed areas are to be double staked and mulched with 75-100mm of decorative mulch, which is to be contained by treated timber, or brick garden edging firmly secured to the ground.
- vii) Unhealthy, spindly, dying or root girdled plants are not acceptable and are to be substituted with healthy, vigorous, well-shaped plants free of root girdling.
- viii) All plants are to be maintained in such a way so as to ensure at least 300mm of new growth in the first six (6) months following planting.
- ix) All soil in the completed landscaped area shall be free of compaction, free draining and have a suitable "soil Ph" that promotes healthy plant growth. Any surface water following rainfall or irrigation is to be able to be drained or absorbed by the soil within eight (8) hours of the rainfall/irrigation concluding.
- x) All declared noxious plants listed for Willoughby City Council Local Government area to be removed from all areas of the development site.

BASIX Certificate requirements

B24. Prior to the issue of the relevant Construction Certificate, details of all commitments outlined in the BASIX Certificates submitted with application, shall be incorporated into the development and provided to the Certifying Authority. This shall also include those amendments to the building incorporated into the approved plans. Should design changes require amended BASIX Certificates, a copy is to be provided to the Department, along with stamped plans, for information.

Stray Currents and Electrolysis from Rail Operations

B25. The building shall be constructed in accordance with the recommendations and specifications of the electrolysis assessment submitted with the EA documentation, to the satisfaction of the Certifying Authority prior to issue of the relevant construction certificate.

Geotechnical and Structural Stability and Integrity

B26. Prior to issue of a construction certificate, the Proponent is to submit a geotechnical report, along with excavation and construction methodology, monitoring plan and final structural/engineering details/plans, to RailCorp and obtain written endorsement. The Certifying Authority shall not issue a construction certificate until written endorsement has been received from RailCorp. The Proponent is to comply with any recommendations that RailCorp advises as part of its review and endorsement process.

Building, Balconies and Window Design

B27. Prior to issue of a construction certificate for above ground works, the Proponent is to submit the final construction drawings and specifications and obtain written endorsement from Railcorp in relation to balconies and windows that face the rail corridor. The Certifying Authority shall not issue a construction certificate for above ground works until written endorsement has been received from RailCorp. The Proponent is to comply with any recommendations that RailCorp advises as part of its review and endorsement process.

Barriers or blade walls (or any other treatment agreed to be RailCorp) are to be installed on the roof of the proposed development to ensure items are not thrown onto the rail corridor

Use of Lights and Reflective Materials

B28. Prior to issue of a construction certificate for above ground works, the Proponent shall obtain written endorsement from RailCorp confirming that the design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limit glare and reflectivity to the satisfaction of RailCorp. The Certifying Authority shall not

issue a construction certificate for above ground works until written endorsement has been received from RailCorp.

Demolition, Excavation and Construction Impacts

B29. Prior to issue of a construction certificate, the Proponent shall obtain written confirmation from Railcorp confirming that a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the development have to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Certifying Authority shall not issue a construction certificate until written confirmation has been received from RailCorp.

Crane and other Aerial Operations

B30. The Proponent must comply with all RailCorp requirements in relation to cranes and other aerial operations. Prior to the issue of a construction certificate the Proponent shall submit plans/details and obtain written endorsement from RailCorp in relation to craneage and other aerial operations for the development. No cranes are to be placed on the RES. The Certifying Authority shall not issue a construction certificate until written endorsement has been received from RailCorp.

Safer by Design

B31. To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following to the satisfaction of the Certifying Authority prior to issue of the relevant construction certificate:

- i. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, particularly including the waste storage areas.

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.

- ii. The soffit of the basement parking area on Level B1 shall be painted a gloss white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting *lux* levels.
- iii. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- iv. The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- v. Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
- vi. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- vii. A portion of all individual storage areas on each residential car park level shall be of solid construction.
- viii. All street furniture and lighting within the publicly accessible precinct is to comply with the guidelines under Council's Manual for the street furniture within the Chatswood CBD. The street furniture is to include details of the proposed seating, bins and directional signage. Detailed plans and schedule of street furniture and lighting is to be approved by Council's CBD Engineering Project Manager as part of finalising the detailed landscape plan.
- ix. The Proponent (or subsequent building management committee) is to be responsible for the provision and ongoing maintenance of a public art/mural/mosaic or other forms of wall features such as back lit glass panelling on the side walls of the pedestrian tunnel and landscaping in open spaces.

- x. The pedestrian tunnel ceilings are to be painted white and the walls (apart from the wall features) are to be coloured and constructed in materials that are vandal resistant and require minimal maintenance.
- xi. The pedestrian tunnel is to be provided with gates or similar barrier to physically restrict access outside of the approved hours.
- xii. Vandal resistant mirrors are to be erected on the four corners of the pedestrian tunnel ceiling.
- xiii. Provision of 24 hour security surveillance over the through site link and public plaza areas by means of security cameras and/or patrol by security guards.

End of Part B

PART C – PRIOR TO CONSTRUCTION

Construction Certificate Required

C1. This project approval IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a Construction Certificate can be made to Willoughby City Council's Customer Service Centre on 9777 1000.

Notify Council of Intention to Commence Works

C2. In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the project approval shall appoint a Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.

Waste Management Plan

C3. A Construction and Demolition Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 80% of used and unused demolition and construction materials shall be submitted to Council.

All materials excavated from the site (fill or natural) shall be classified in accordance with the Protection of the Environment Operations Act 1997 and the NSW Department of Environment, Climate Change & Water (2008) Waste Classification Guidelines prior to the material being disposed to an approved landfill or to a recipient site.

Construction Information sign

C4. 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 Certifying Authority (if other than Council)

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

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.

Licensee Details

C5. 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 Council.

NB: Should changes be made for the carrying out of the work Council must be immediately informed.

Building Site Fencing

C6. 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.

Provide Erosion and Sediment Control

C7. 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, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

Suitable Screens

C8. Suitable screens and/or barricades shall be erected during demolition and building work and where required by the certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.

Silencing Devices

C9. Sound attenuating devices shall be provided and maintained in respect of all power-operated plant used during demolition, excavation, earth works and the erection of the structure.

Suitable footpath crossing provided

C10. Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area AT ALL TIMES.

Access to site

C11. During 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.

Wash down and shaker areas

C12. During excavation and construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

Site Management

C13. A Site Management Plan shall be submitted to and approved by the Certifying Authority prior to the commencement of work. The site management plan shall include the following measures as applicable.

- Details and contact telephone numbers of the owner, builder and developer;
- Location and construction details of protective fencing to the perimeter of the site;
- Location of site storage areas, sheds and equipment;
- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;
- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifying Authority /Council officers upon request.

Dilapidation Report of Council's property

C14. The Proponent is to submit a dilapidation report including a photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

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

This dilapidation report shall be submitted to Council and the Certifying Authority.

Dilapidation Report of Railcorp property

C15. Prior to the commencement of works and prior to the issue of the final Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Dilapidation Report of adjoining properties

C16. A dilapidation report including a photographic record is to be prepared by a practising Structural Engineer, at no cost to Council or adjoining property owners, detailing the structural adequacy of adjoining properties, including Council's property, and their ability to withstand the proposed excavation. This report must include any measures required to be incorporated to ensure that no damage will occur during the course of works. The report shall be submitted to the PCA and relevant adjoining property owners including Council.

Spoil Route Plan

C17. Submit a "to and from" spoil removal route plan for approval to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

Design and Construct road pavement, kerb and gutter

C18. The design and reconstruction of kerb and gutter for the full frontage of the development to **Railway Street**, with associated rigid pavement reconstruction for half the width of **Railway Street** in accordance with Council's standard and specification. The required plans must be designed in accordance with Council's Specifications (AUS-SPEC). Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road. Reconstruction of the rigid pavement, kerb and gutter shall be satisfactorily completed **prior to the release of the final Occupation Certificate**.

Street Lighting

C19. Consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property at **Railway Street and Help Street**. Such street lighting shall also conform to Willoughby Council's standard specifications.

Design and Construct half road pavement

C20.. The design and reconstruction of half road for the full frontage of the development to **Railway Street**, with associated rigid pavement reconstruction for half the width of the road shall be in accordance with Willoughby Council's standard and specification (AUSPEC). Council's standard loading for the pavement is 1×10^6 ESA. In this regard the Proponent shall submit construction plans to Willoughby Council for approval.

Design and construct footpath

C21. The design and construction of a full width footpath in approved paving stones for the full frontage of the site at **Help Street**, and **Railway Street** all in accordance with the Specification of Council's Chatswood CBD Footpath Paving Code. The footpath shall be designed to cater for safe disabled access. Detailed construction plans shall be submitted to Council for approval. The footpath shall be graded at a cross-fall of 2% to the top of kerb levels i.e. property boundary levels above top of kerb levels. Footpath and kerb profiles are detailed in Council's specification **A Road Opening Permit** from Council's Infrastructure Services Division and approval from the Police Department must be obtained prior to the opening and closure of the footpath and road pavement for construction works.

Certification of floor levels

C22. A suitably qualified and experienced civil engineer must certify that the habitable finished floor levels of the proposed apartment and car parking entry have a minimum freeboard of 500mm and 150mm respectively above the 1:100 year ARI flood event conveyed through the site. The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be altered or other flood protection measures deemed necessary, these details must be submitted and be approved by the Certifying Authority.

Evaluation of Existing Stormwater system

C23. The capacity of the existing Willoughby Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed OSD/OSR drainage system. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to Willoughby Council for consideration.

Dedication of Drainage Easement

C24. The Proponent shall dedicate, at no cost to Council, a drainage easement of a minimum 3.0 metre(s) wide over the allotment in favour of Council. The Plan of Dedication shall be lodged with Council for approval and registered with the Dept of Land and Property Information **prior to the release of the final Occupation Certificate.**

Contamination/Remediation - Documentary evidence

C25. Documentary evidence must be submitted to the Certifying Authority and the Council if the Council is not the certifying authority prior to commencement of any excavation or building works prepared by a suitably qualified environmental consultant certifying that the land is suitable for the proposed development.

Fencing

C26. Prior to the commencement of works the Proponent is to liaise with RailCorp regarding the barrier/fencing on top of the RES along the boundary with the open part of the rail corridor. Should RailCorp deem it necessary to replace or provide additional treatment then the Proponent is to comply with RailCorp's requirement prior to the issue of an occupation certificate.

End of Part C

PART D – DURING CONSTRUCTION

Hours of Work

D1. All construction/demolition work relating to this Project approval within the City must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

A variation to these approved hours may be approved by Council in the Construction Management Plan applying to the stage of works where extension of working hours is necessary, for example, with a large concrete pour or erection or dismantling of a crane. The Construction Management Plan must include a statement regarding the reasons and justification for the variation sought.

Access to Site

D2. During Demolition, Excavation and Construction, vehicular access to the site is to be available in all weather conditions and paths stabilised to prevent vehicles tracking soil materials onto public roads.

Permits and Approvals Required

D3. Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

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

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

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

Roads Act 1993 Approval

D4. Separate application shall be made to Council for approval under Section 132 of the Roads Act (1993) to undertake the following:-

- a) Erect a structure or carry out a work in, on or over a public road, or
- b) Dig up or disturb the surface of a public road, or
- c) Remove or interfere with a structure, work or tree on a public road, or
- d) Pump water into a public road from development site.

Construction Noise

D5. Construction noise shall be controlled to comply with the requirements as set in the DECCW Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

Utility Services

D6. The Proponent shall consult with all utility companies and obtain approval in relation to any relocation/adjustment of services affected by the construction works prior to the commencement of the works. Adjust/relocate all affected services all at the cost of the developer prior to the Occupation/Use of the site.

Geotechnical and Structural Stability

D7. The Proponent is to provide RailCorp details regarding the structural support and anchor treatment to the RES during excavation works.

The Proponent is to provide RailCorp with access to maintain and monitor existing anchors that are in place.

Demolition, Excavation and Construction Impacts

D8. To ensure there is no adverse impact on the integrity of Railcorp's facilities or the operation of the network, the following requirements shall be adhered to at all times during demolition, excavation and construction works

- a) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- b) No heavy loads are to be placed on the RES without RailCorp approval.
- c) Security measures are to be put in place to ensure that access to the RES for unsupervised people/the public is not available after hours.
- d) RailCorp standard rules and procedures are to be followed for deploying equipment or materials on top of the RES.
- e) Moveable plant/equipment located on top of the RES will be required to be locked up after hours to ensure items are not thrown or driven into the uncovered rail corridor.

Scaffolding

D9. No scaffolding is to be used within 6 horizontal metres 6 horizontal metres of any live electrical equipment (this applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor), unless prior written approval has been obtained from RailCorp. To obtain approval the Proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

End of Part D

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

Occupation Certificate

E1. The building/structure or part thereof SHALL NOT BE OCCUPIED OR USED UNTIL AN INTERIM OCCUPATION / FINAL OCCUPATION CERTIFICATE HAS BEEN ISSUED in respect of the building or part.

NSW Transport Requirements

E2. The Proponent shall prepare Sustainable Travel Plans (WTP) and Transport Access Guidelines (TAG).

Marked parking bays

E3. A total of 332 car parking spaces are required as a result of/in conjunction with this development and are to be provided in accordance with the approved plans. The 332 spaces are to be physically marked to ensure that there is shared use of the residential visitor, retail and commercial spaces. The two car share spaces are to be clearly marked and made always available for use by a car share vehicle.

All parking bays and/or truck docks and the direction of traffic movement being permanently marked on the pavement surface in accordance with the approved parking and driveway layout to the satisfaction of the Certifying Authority.

Identification of car parking/bicycle spaces

E4. The 332 car parking spaces are to be physically identified on site and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

The 9 residential visitor car parking spaces and public bicycle facility is to be physically identified on site, and maintained free of obstruction for the exclusive use of the visitors at all times.

RTA Car Parking Layout Requirements

E5. The layout of the basement including the access driveway, car parking spaces and loading areas within the development is to be in accordance with AS2890.1 – 2004 and AS2890.2 – 2002 for heavy vehicles.

Loading Dock Management Plan

E6. A Loading Dock Management Plan (LDMP) shall be prepared including appropriate measures to minimise the conflicts between trucks and other vehicles accessing the car park. The LDMP shall outline measures that would prevent another truck from entering the site when the loading dock is occupied.

Safer by Design

E7. To minimise the opportunity for crime and in accordance with CPTED principles, the development shall be constructed in accordance with the approved plans/details in accordance with Condition B32 of this Project Approval.

Management of common and publicly accessible areas

E8. The Proponent shall prepare a Strata management statement which includes the management of the common and publicly accessible areas of the site.

Certification of slip resistant surfaces

E9. 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.

Swimming Pool Certification

E10. A certificate is to be submitted by the Certifying Authority stating the swimming pool fencing complies with AS 1926 "Fences and Gates for Private Swimming Pools" and the "The Swimming Pools Act 1992". The certificate is to be submitted to Willoughby City Council prior to filling the swimming pool with water. If Council is the PCA, then inspection of the fencing is required prior to filing with water.

Sound level output certification

E11. 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, Climate Change and Water NSW guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Certifying Authority.

Access for the Disabled

E12. 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 the Accessibility Report submitted with the Environmental Assessment referred to in Condition A2 and all the requirements of Part D3 and Part F2 of the BCA and the relevant provisions of AS 1428 including but not limited to:-

- a) The required car parking 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) At least one required stairway or ramp must have handrails on each side complying with Clause 9.2 of AS 1428.1.
- c) The passenger lift shall be installed to comply with the requirements of AS 1735.12.
- d) The unisex toilet for people with disabilities shall comply with the requirements of Clause 10 of AS 1428.1.
- e) 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.
- g) Attention is directed to Clause 7 of AS 1428.1 in respect of the clear circulation space required at doorways.

Food Premises

E13. For possible future food premises the design shall address compliance with the AS 4674 Design, Construction and Fit-out of Food Premises, The Food Act 2003, the Food Safety Standards and in particular to:

- a) The floors shall be of an impervious, smooth finish coved at the intersections of all walls to a minimum radius of 25 mm and the floor finish extending at least 100 mm up the wall surface. All ceramic type floor and coving tiles are to be close fitted at the joints with a maximum grout width of 3 mm. Epoxy type grouting material should be used.
- b) All floors to food preparation and storage areas shall be graded so as to drain liquids to trapped floor wastes provided for this purpose.
- c) All tenancy perimeter walls and internal walls shall be constructed in masonry, brickwork or other approved solid construction.
- d) The ceiling shall be constructed of a rigid smooth faced, non absorbent material such as fibrous plaster, plasterboard, fibrous cement, cement render, or other approved material painted with a washable gloss paint of a light colour. 'Drop in' panel ceilings are not permitted over food preparation, display and servery areas. The ceiling shall cover the entire tenancy.
- e) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

Waste & recycling rooms

E14. The waste and recycling container rooms shall be constructed to comply with all the relevant provisions of Willoughby Development Control Plan and the Waste Minimisation Management Policy including but not limited to:-

- a) The floor being graded and drained to an approved Sydney Water basket trap drainage fitting connected to the sewer. Stormwater must not be allowed to enter this floor waste system. The floor shall have a smooth, even surface and be coved at all intersections with walls.
- b) The walls being cement rendered to a smooth, even surface and coved at all intersections.
- c) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.
- d) The bin storage areas must be enclosed and fitted with a self closing door.

- e) Artificial lighting must be provided controlled by a motion sensor located both outside and inside the room.
- f) Adequate ventilation being provided by the ventilation system exhausting at the rate of 5 L/s per square metre of floor area with a rate of 100L/s minimum or permanent or by unobstructed natural ventilation openings direct to external air, not less than one-twentieth (1/20) of the floor area. Mechanical exhaust systems shall comply with AS 1668 and not cause inconvenience odour or noise problems.
- g) A galvanised steel bump rail at least 50 mm clear of the wall being provided at the height of the most prominent part of the garbage containers.
- h) Bulk mobile containers are to be used where compactors are proposed and suitable for connection to the garbage collection vehicle being provided to the rooms. The maximum compaction ratio is 2:1. In addition suitable recycling containers must also be provided in the rooms.
- i) An engineer's certification is to be provided that the access to the waste rooms has been constructed to be suitable for the garbage collection vehicles servicing the site in terms of width, height clearance, pavement strength and manoeuvring.

Fire Safety Certificate forwarded to NSW Fire Brigades

E15. Upon completion of the building work a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire Brigades, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

Completion of landscape and public art works

E16. The landscape and works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

Within the landscape area on the site the developer is to provide a public art works that will contribute to the identity of the site. The design of the public art work is to be co-ordinated with and subject to the satisfaction of Willoughby City Council's Arts and Cultural Manager. The public art work is to be completed with the landscape work.

Footpath trees – Commercial Zones

E17. Footpath planting of *Platanus X hybrida* (Railway Street and West of the railway line in Help Street) and *Tristaniopsis laurina* (Help Street), are to be consistent with the following tree planting specification:

- a) Super – advanced, minimum 400litre sized container stock grown to NATSPEC 2 "Purchasing Landscape Trees" standard.
- b) The root ball shall be healthy, free from pests and disease, show no evidence of damage or restriction, and no roots circling the root ball.
- c) The trunk shall be free of damage or insect attack, and have a strong leading shoot with lateral branches forming a regular shaped crown for the species.
- d) Tree pit to be 2000mm x 4000mm x depth of tree root ball. Longest dimension parallel to kerb.
- e) Base of tree pit shall have a minimum 1:50 grade for drainage purposes. Drain to the nearest drainage line.
- f) Tree pit to be filled with Sand and Gravel 40mm Structural Soil Mix, or similar, and applied as per specification.
- g) Tree to be planted directly into the structural soil mix, any levelling or backfilling to use Type B soil mix. Tree root-ball is to rest on the undisturbed base of the planting hole.
- h) Tree to be located so that the trunk is a minimum of 1000mm from the front edge of the kerb.
- i) Install DWS series Tree Root Barrier along the rear of the kerb, extending minimum 1000mm beyond the tree pit.
- j) Install DWS series Tree Root Control Barrier to screen services located in tree planting hole area.
- k) The tree planting pit and surface treatment shall be as per Willoughby City Councils CBD Street tree Specification and to the satisfaction of the Director of Infrastructure Services, Willoughby City Council.
- l) The planter pits are to be linked by a root breakout zone trench.
- m) The trench shall be set back 1000mm from the rear of and parallel to the kerb, 300mm deep measured from the underside of the paving detail, and a minimum of 1000mm in width.
- n) The trench shall provide a continuous link between all the proposed tree planting pits.

- o) The trench to be filled with Sand and Gravel 40mm Structural Soil Mix, or similar, and applied as per specification.
- p) Infill paving treatment over the trench area shall be as per Willoughby Council specification.

Prior to the final preparation and planting of foot-path plants, the Proponent is to inspect the actual location of any underground services under, and adjacent to the subject plantings. Should such services be located, and there is a reasonable belief that damage may occur to those services by the new plantings, the Proponent shall consult with Willoughby Council to determine alternatives.

Landscape Certification – Commercial Zones, Landmark and Gateway sites

E18. The landscape designer of the approved landscape is responsible for the supervision of the landscape construction and will be responsible for:

- a) Preparation and implementation of soil management programs (including soil testing and analysis), before and during all site works.
- b) Compliance of all plant material with Natspec 2 "Purchasing Landscape Trees"
- c) Liaising with contract plant growers
- d) Supervision of staff and contractors during the construction period
- e) Liasing with the Accredited Certifier on any amendments to the landscape design and preparation of supporting documentation, where appropriate, for approval.

The landscape designer shall also certify the completed landscape works to show:-

- a) Full compliance with the approved landscape design (plan) and specifications, etc.
- b) All work complies with the conditions of the project approval
- c) The soil supporting the new planting is suitable for healthy plant growth and root development
- d) All plants are compliant with the requirements of Natspec 2 "Purchasing Landscape Trees"

Control of wind movements

E19. Where control of wind movements in and around the site relies on the proposed landscaping, the Landscaping Plan is to be endorsed by the wind expert confirming that the proposed landscaping will achieve an acceptable wind environment in and around the building.

Temporary ground anchors – de-stressing

E20. All damages to Willoughby City Council's infrastructures 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.

Covered and enclosed pedestrian tunnel access

E21. Prior to the release of the final occupation certificate, the covered and enclosed pedestrian tunnel under the State Rail Enclosure shall be completed, at no cost to Council,. The following requirements of Council's Infrastructure Services Division are to comply:

- a) Full structural details and finishes of the tunnel are to be submitted to and approval of Willoughby City Council prior to release of the final occupation certificate.
- b) Regard should be given to the major surface or subsurface utility lines including Sydney Water, Telstra and Energy Australia which are located in the vicinity.

NOTE: The design should show a minimum clearance at any part of the tunnel in accordance with Infrastructure Services Division requirements.

Reconstruct kerb, gutter and road pavement

E22. Prior to the issue of the final occupation certificate, the Proponent shall reconstruct kerb, gutter and half the road pavement including any necessary associated works adjoining to the full frontage of the development site at Railway Street shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard plans are available on request.

Construct full width paving bricks footpath – Railway Street and Help Street

E23. Prior to the issue of the final occupation certificate, the Proponent shall construct full width paving brick footpath for the full frontage of Railway Street and Help Street adjoining to the site in accordance with Willoughby City Council's Footpath specification and standard. 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 paving shall be incorporated into the

landscaping of Lot 55 adjacent to the Cambridge Plaza which is no longer required for road widening in Help Street.

Inspection of Civil Works on Road Reserves

E24. Prior to issue of the final occupation certificate, all required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Willoughby City Council approved drawings, conditions and specification (AUS-SPEC). Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council attesting to this condition being appropriately satisfied.

S88B/88E(iii) Instrument – On-Site Detention

E25. Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Willoughby Council as the benefiting authority for the as-built OSD/Reuse systems. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

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

Documentary evidence of registration of these instruments with the Land and Property Management Authority shall be submitted to Council.

Documentary Evidence of Positive Covenant, Engineers Certificate

E26. The following documentary evidence of the completed drainage works shall be submitted to Certifying Authority and Willoughby Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSR and OSD systems and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

Works As Executed Plans – OSR and OSD systems

E27. Upon completion of the OSR and OSD Systems, the following shall be submitted to the Willoughby City Council:

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

Engineer's certification and Works as Executed Plan

E28. The constructed OSR/OSD systems must be appropriately certified by a suitably qualified and experienced consulting engineer (generally CP Eng. qualification) who must state that it complies with Council's WDCP, policies, all relevant codes and standards and also that it is generally in accordance with the approved plans. Upon completion of the systems, work-as-executed (WAE) plans (plastic reproducible/digital) shall be submitted by the consulting engineer/registered surveyor to verify that the volume of storage has been attained and that critical water and floor levels are in accordance with design requirements. A Record of Installation on the standard forms issued by Willoughby City Council and WAE plans shall be submitted together with the Compliance Certificates to the PCA and a copy to Council. Any changes or variations to the approved plans shall be highlighted in red.

Sign for OSR and OSD systems

E29. An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSR and OSD tanks.

The wording for the plaque shall state "*This is the On site Retention and On Site Detention systems required by Willoughby City Council. It is an offence to alter any part of the system without written*

consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris".

Confined Space Sign

E30 Securely install standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the OSR and OSD tanks.

Performance Bond

E31. The Proponent shall lodge a Performance bond of **\$100,000.00** for any defective public civil and drainage remedial works required within Council's property that arise within 12 months after completion of the works. This bond is to be lodged either in cash/cheque or an unconditional Banker's guarantee. Release of the bond is subject to the satisfactory restoration of defective works.

CCTV Report of New Pipe System

E32. A qualified practitioner, with a certificate of attainment in *NWP331A Perform Conduit Evaluation*, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the new drainage pipeline. The camera and its operation shall comply with the following: -

- a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- c) Distance from the manholes shall be accurately measured.
- d) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to Willoughby City Council.

S88B/88E(iii) Instrument – Use of Car Spaces

E33. The following conditions apply to car parking:

- a) The on-site car parking spaces, exclusive of service and visitor car spaces, are not to be used by those other than an occupant, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant, lessee or register proprietor of a unit in the building.
- b) The on-site car parking spaces allocated to the commercial component of the development shall be available for use of visitors outside of standard office hours.
- c) A documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the *Conveyancing Act 1919*, to the effect of (a) and (b) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- d) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the *Strata Titles (Freehold Development) Act 1973*, as amended, burdening all utility car parking allotments in the strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the *Conveyancing Act 1919* burdening all car parking part – lots in the strata scheme.

Access

E34. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, pursuant to Section 88B of the *Conveyancing Act 1919*.

Services

E35. Documentary easements for services, support, drainage, shelter, use of plant and equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919* or registered as a shared facility in the strata management statement.

Common Areas and Facilities

E36. No right of exclusive use and enjoyment of the whole or any specified part of the designated common area or similar in the approved plans will be conferred on any person or persons without the prior consent of the relevant Council.

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

Common area on top of the Railway Enclosure Structure – Use and Access

E37. Documentary easements for access must be created over the common area at the northern end of the top of the Railway Enclosure Structure (excluding the private communal open space) to allow use and access by all buildings within the Pacific Place precinct, pursuant to Section 88B of the *Conveyancing Act 1919*

Adjustment to Electricity Supply

E38. All existing and proposed overhead electricity supply mains and other overhead services around the street frontages of the site of Railway Street and Help Street are to be relocated underground to the specification of Energy Australia and Willoughby City Council at full cost to the Proponent.

Street Signs

E39. The Proponent 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 Proponent.

Pedestrian Safety

E40. The Proponent shall ensure that safe pedestrian access along the footpath is available at all times. Footpath must not be closed or blocked without prior written permission from Council.

Sweep & Clean Pavement

E41. Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.

Acoustic Treatment – Certification

E42. Certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the requirements of the major project approval.

Noise Emission – Equipment

E43. Certification from a suitably qualified Acoustic Engineer certifying that the noise from all sound producing plant, equipment, machinery, mechanical ventilation and/or the refrigeration system complies with the terms of the project approval.

Certification – Ventilation

E44. Certification from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the conditions of the project approval.)

Easement in Gross

E45. Prior to any occupation certificate, an easement for public access in gross for the public to enter, pass, re-pass, use and enjoy the publicly accessible landscaped area and through site link and tunnel is to be registered over the land in favour of Willoughby City Council.

The terms of the easement are to be approved by Council prior to the issue of any Certificate of Subdivision or registration of the approved Plan of Subdivision.

Building Maintenance / Cleaning

E46. The Proponent is to provide a plan of how future maintenance/cleaning of affected parts of the southern and eastern facades of the development are to be undertaken. The maintenance plan is to be submitted to and endorsed by RailCorp prior to the issue of the Occupation Certificate.

The maintenance/cleaning plan is to provide a requirement that the Building Management Committee contact RailCorp's Metro North district in order to schedule any maintenance/cleaning during a planned rail shut down period, if required by Railcorp.

The maintenance/cleaning plan is to form part of the Strata management statement.

Part 4A Certificate

E47. Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

End of Part E

PART F – DURING OPERATIONS/ POST COMPLETION

Road and Footpath

F1. Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

No storage on foot/roadway

F2. 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.

Skips and Bins

F3. Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

Security controlled car parking

F4. Should any security controlled car parking arrangement be introduced for the residential visitor, commercial, retail and community facility spaces, a visitor voucher or similar system is to be used to enable free access and parking for the tenants/visitors.

On-site car parking

F5. The on-site car parking provision shall be arranged as follows:

- 295 residential spaces;
- 9 visitor spaces;
- 26 commercial/retail spaces
- 2 car share vehicle spaces
- Total 332 spaces

Loading and Unloading

F6. All loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Railway Street or Help Street.

Services - Electricity supply and telecommunication mains

F7. All existing and proposed electricity supply and telecommunication mains and services around the perimeter of the site are to be underground to the satisfaction of Willoughby City Council, Energy Australia and Telstra at the full cost of the Proponent.

Services - Mailboxes

F8. All mail boxes provided on site are to comply with the requirements of 'Australia Post' in terms of size, location, numbering and clearing. Details of the requirements can be obtained from Australia Post or from their web site. Letter boxes for adaptable dwellings shall comply with AS 4299 Clause 3.8.

Ventilation – Operation

F9. To ensure adequate ventilation within the building all mechanical and/or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) the Building Code of Australia
- b) AS1668.1 – 1998 – Use of Ventilation and Air Conditioning in Buildings
- c) AS1668.2 – 1991 – Use of Ventilation and Air Conditioning in Buildings
- d) The Public Health Act 1991
- e) The Public Health Act (Microbial Control) Regulation 2000
- f) AS3666.1 – 2002 – Air Handling and Water Systems in Buildings
- g) AS3666.2 – 2002 – Air Handling and Water Systems in Buildings

Mechanical ventilation systems comprising water cooling

F10. Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Willoughby City Council on completion of the installation in accordance with the requirements of the Public Health Act.

Annual Fire Safety Statement

F11. Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the buildings or on the land on which the buildings are situated.

Public Infrastructure Restoration

F12. Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Willoughby City Council's specification and AUS-SPEC at no cost to Council.

Separate Development Consent – Various Uses

F13. The initial use and fit-out of the all the commercial and retail premises in the development shall be the subject of separate development applications to Willoughby City Council.

Strata Subdivision

F14. The stratum and strata subdivision of the site shall be amended to have regard to the conditions of this consent and the following:

- The strata subdivision plans shall allocate the residential car parking spaces to respective units

The amendments shall be to the satisfaction of the Certifying Authority.

Hours of Access to Through site link and tunnel

F15. The through site link and tunnel shall be accessible between the hours of 7:00am and 7:00pm, 7 days. The tunnel shall be managed by the Building Management or an authorised contractor, and be provided with gates or similar barrier to physically restrict access outside of the approved hours. The Building Management or an authorised contractor shall be responsible for locking and unlocking of the tunnel and ensuring the hours of access are adhered to.

Use and Access to the Common area on top of the Railway Enclosure Structure

F16. The common area at the northern end of the top of the Railway Enclosure Structure (excluding the private communal open space) shall be accessible for the use and enjoyment of all residents of the Pacific Place precinct.

No public access to the area on top of the Railway Enclosure Structure is permitted.

End of Part F

ADVISORY NOTES

Compliance Certificate, Water Supply Authority Act, 2000

AN1. 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:

- (a) the certifying authority before release of the Construction Certificate,
- (b) the approval authority before the release of the subdivision certificate, and
- (c) the certifying authority prior to occupation.

Requirements of Public Authorities for Connection to Services

AN2. 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.

Compliance with Building Code of Australia

AN3. 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.

Disability Discrimination Act

AN4. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN5. 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 Proponent's 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.

Sydney Water

AN6. An application will need to 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) will need to be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate. The Section 73 Certificate will need to be submitted to the PCA prior to the occupation of the development or release of the linen plan.

Railcorp

AN7. The Proponent is to adhere to the requirements of the Development Deed, or any variation to the deed, that has been entered into with Railcorp.

Other Details Required prior to Issue of Subdivision Certificate

AN8. The Proponent shall submit to the satisfaction of the approval authority or the council, the following information, prior to the issue of the Subdivision Certificate:

- a) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s),
- b) An Occupation Certificate, and
- c) Documentary evidence that the property has been developed in accordance with plans approved by MP09_0154 and of compliance (or a Compliance Certificate) with the conditions of that approval.

Application under Section 37 of Strata Schemes (Freehold Development) Act, 1973

AN9. Section 37 and 37A of the Strata Schemes (Freehold Development) Act, 1973 require an application to be submitted to the council or accredited certifier for approval prior to the issue of the certified strata plan of subdivision.

End of Schedule 2

SCHEDULE 3
Revised Statement of Commitments

Source: PPR dated December 2010
Prepared by: JBA Urban Planning Consultants

4.0 Revised Statement of Commitments

In response to the submissions received the Statement of Commitments has been revised as provided in **Table 2**. Deletions are shown in **~~bold strikethrough~~** and insertions are shown in ***bold italics***.

Table 2 – Revised Statement of Commitments

Subject	No.	Commitments	Timing
Dilapidation	1.	Dilapidation reports will be prepared for surrounding residential properties.	Prior to works commencing.
Excavation	2.	A detailed methodology and construction monitoring and management plan will be prepared by a suitably qualified engineer	Prior to excavation works commencing.
Construction Management	3.	The Construction and Environmental Management Plan will be monitored throughout the project construction phase and amended from time to time to suit construction requirements.	Throughout the duration of construction works.
Wind Assessment	4.	Wind tunnel testing will be undertaken to confirm the proposed design mitigation measures recommended by Windtech Consulting Pty Limited in relation to the public domain and streetscape.	Prior to issue of a Construction Certificate for works above ground.
Natural Ventilation	5.	Wind tunnel testing will be undertaken to confirm the projects compliance with the natural ventilation requirements of the Residential Flat Design Code.	Confirmed prior to issue of a Construction Certificate for works above ground.
Solar Reflectivity	6.	All facade glazing and materials will have a normal specular reflectivity of visible light of 20 percent or less.	Confirmed prior to issue of a Construction Certificate for works above ground.
Acoustic Amenity	7.	Glazing will be installed in accordance with the recommendations of Renzo Tonin & Associates.	Prior to issue of an Occupation Certificate
Landscaping	8.	A maintenance manual will be prepared by a qualified landscaped architect for all of the proposed landscaped areas. The building management scheme of 7 Railway Street will be responsible for the implementation of the management plan.	Prior to the issue of a final Occupation Certificate
Sustainable Travel	9.	A Sustainable Travel Plan will be prepared by the Proponent and issued to all purchasers.	Prior to the issue of a final Occupation Certificate.
Adaptable parking spaces	10.	The parking spaces nominated as being adaptable on the architectural plans will be linked to the adaptable apartments as part of the strata subdivision of the building.	Prior to the issue of a final Strata Subdivision Certificate.
Commercial Floor space	11.	A minimum of 3,600m² <i>4,800m²</i> GFA of commercial floor space will be provided within the development.	Prior to issue of an Occupation Certificate.
Subdivision	12.	<i>Mirvac will submit management statements to the Department of Planning outlining how common and publicly accessible areas of the development will be managed.</i>	<i>Prior to the issue of an occupation certificate.</i>