

# 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 in schedule 2.

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

Sydney

28 SEP 2010

2010

### SCHEDULE 1

Application No.:

MP09\_0066

Proponent:

Welles Thomas

Approval Authority:

Minister for Planning

Land:

Lots 22 – 30 in DP 2983  
Lot 13 in DP 2983  
Lots A & B in DP 381223  
Part of Fleet Lane

Project:

Welles Thomas Plaza including:  
Mixed use development consisting of:

- Southern commercial building consisting of a:
  - three-storey podium; and
  - 18 storey commercial tower above.
- Northern residential building consisting of a:
  - three storey podium; and
  - 26 storey residential tower above.
- Five level basement; and
- Public domain works.

## DEFINITIONS

<b>Act</b>	<i>Environmental Planning and Assessment Act, 1979</i> (as amended).
<b>Advisory Notes</b>	Advisory information relating to the approved development but do not form a part of this approval.
<b>BCA</b>	The Building Code of Australia.
<b>Certifying Authority</b>	Has the same meaning as Part 4A of the Act.
<b>Council</b>	Willoughby City Council
<b>Department</b>	The Department of Planning or its successors.
<b>Director-General</b>	The Director-General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	The Environmental Assessment prepared by JBA Urban Planning Consultants Pty Ltd and dated December 2009.
<b>Minister</b>	The Minister for Planning
<b>MP No. 09_0066</b>	The Major Project described in the Proponent's Preferred Project Report.
<b>PCA</b>	Principal Certifying Authority and has the same meaning as Part 4A of the Act.
<b>Preferred Project Report (PPR)</b>	The Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd and dated July 2010 as amended on 12 August 2010.
<b>Proponent</b>	Welles Thomas or any party acting upon this approval
<b>Regulation</b>	The <i>Environmental Planning and Assessment Regulation, 2000</i> (as amended).
<b>Subject Site</b>	Has the same meaning as the land identified in Part A of this schedule.

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## 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 commercial, residential and retail development consisting of:

- Southern commercial building (maximum height RL 197.2 AHD) consisting of a:
  - three-storey podium accommodating retail and commercial floor space; and
  - 18 storey commercial tower above.
- Northern residential building (maximum height RL 199.0 AHD) consisting of a:
  - three storey podium accommodating retail/café tenancies, commercial gym, resident recreational facilities and building manager's apartment; and
  - 26 storey tower above containing 202 residential apartments;
- A five level basement accommodating a total of 506 parking spaces; and
- Public domain works comprising:
  - publicly accessible open space with associated landscaping works;
  - a pedestrian through site link; and
  - a vehicular right-of-way between Thomas Street and Fleet Lane.

#### Approved Plan/Details

A2 The development will be undertaken in accordance with MP No. 09\_0066 and the Environmental Assessment dated December 2009, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated July 2010, prepared by JBA Urban Planning Consultants Pty Ltd, the further amendments contained within the additional submission by JBA dated 12 August 2010 and the following drawings:

Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report by PTW Architects			
Drawing No.	Revision	Name of Plan	Date
A - 0001	B	Locality / context plan	18/12/09
A - 0002	B	Site analysis	18/12/09
A – 0090	B	Site / roof plan	18/12/09
A – 0100	B	Ground floor plan	18/12/09
A – 0101	B	Level 1 plan	18/12/09
A – 0102	B	Level 2 plan	18/12/09
A – 0103	B	Level 3-6 plan	18/12/09
A – 0104	B	Level 7-10 plan	18/12/09
A – 0105	B	Level 11-18 plan	18/12/09
A – 0106	B	Level 19-20 plan	18/12/09
A – 0107	B	Level 21-28 plan	18/12/09
A – 0108	B	Roof plant level plan	18/12/09
A – 0111	B	Basement 1 plan	18/12/09
A – 0112	B	Basement 2 plan	18/12/09
A – 0113	B	Basement 3 plan	18/12/09
A – 0114	B	Basement 4 plan	18/12/09
A – 0115	B	Basement 5 plan	18/12/09
A – 0121	B	North elevation	18/12/09
A – 0122	B	South elevation	18/12/09
A – 0123	B	East elevation – building 1 (residential)	18/12/09
A – 0124	B	East elevation – building 2 (commercial)	18/12/09
A – 0125	B	West elevation – building 1 (residential)	18/12/09

A – 0126	B	West elevation – building 2 (commercial)	18/12/09
A – 0131	B	Section – building 1 (residential)	18/12/09
A – 0132	B	Section – building 2 (commercial)	18/12/09
A – 0181	B	Building 1 façade finishes	18/12/09
A – 0182	B	Building 2 façade finishes	18/12/09

Except as amended by:

SK 001	-	Residential Amenity	May 2010
SK 002	-	Ground floor plan	May 2010
SK 003	-	Basement 1 Plan	May 2010

Except as amended by:

SK 010	-	Residential Amenity	August 2010
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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.

## **PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Road Closure of Fleet Lane**

- B1. The section of Fleet Lane forming part of the subject site shall be closed prior to the issue of a Construction Certificate.

### **Detailed Drawings**

- B2. Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Consent and comply with the requirements of the Building Code of Australia.

### **Additional Details and Information**

- B3. Any requirements outlined by conditions of this consent requiring changes and/or information to be noted on plans are to be incorporated within the Construction Certificate plans and documentation.

Further 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.

### **Developer Contributions**

- B4. a) In lieu of the monetary contribution in accordance with the Council's Development Contributions Plans for Open Space/Community Facilities, Road Works/Traffic Management and Child Care, the Council will accept a development contribution of 2% of the cost of constructing the total development (including the public car park and affordable housing units) in recognition of the construction of an Premium Grade office building providing employment generation in Chatswood CBD.

In this regard the proponent is to submit a cost estimate report at the time of payment which has been prepared by a registered Quantity Surveyor and which reflects the final approved total development.

Payment of the total contribution is required prior to the issue of any Construction Certificate associated with the development of the site. Please note that payment will only be accepted by way of a bank cheque.

- b) A monetary contribution shall be paid to off set the short fall of 51 on-site parking spaces to the consideration of \$1,366,212.99. This is based on a rate of \$26,788.49 per car space identified in the current Willoughby Council Section 94 Contributions Plan – Car Parking. This is to be paid to Council prior to any Construction Certificate and is to be lodged in the special trust fund for the provision of parking within the Chatswood Centre.

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.

Payment of the total contribution is required prior to the issue of any construction certificate associated with the development of the site.

### **Damage Deposit**

- B5. The proponent shall lodge a Damage Deposit of \$135,000 (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.
- c) Implement a public information campaign to inform any road changes well in advance of each change. In this regard it is noted that **access to the properties 2 to 12 Thomas Street and 73**

to 77 Albert Avenue from Fleet Lane East shall be maintained throughout the construction process.

- 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 accompany the application for the construction certificate.

#### **Building Ventilation**

- B8. 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 accompany the application for the Construction Certificate.

#### **Adaptable units**

- B9. Adaptable residential units for disabled persons are to be provided to no less than 20% 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.

#### **Design of OSD & Rainwater Harvesting System**

- B10. The proponent shall submit for approval a rainwater harvesting system with a minimum storage volume of 2.5 cum per apartment and capable of receiving 100 mm of rainfall over the roof catchments of the development in accordance with Sydney Water's requirements and relevant Council's WDCP and Technical Standards. The rainwater harvesting tank shall be located behind the front property alignment of the building. Should the tank be full, the overflow shall be directed to a suitably sized on site detention tank (OSD) system. The rainwater harvesting system shall be connected to supply non-potable use of the development including, but not limited to laundry, toilet flushing and landscape irrigation.

#### **Design of stormwater system in Fleet Lane**

- B11. The proponent shall submit a design for approval by Willoughby Council an underground stormwater disposal system in Fleet Lane to convey the carry the 1 in 20 years Annual Recurrence Interval (ARI) critical storm. An approved overland flow path shall be maintained on street level for flows larger than the design flow. The proposed underground system shall be connected to Council's nearest underground system.

#### **Temporary ground anchors**

- B12. 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. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

#### **Dedication of Land – Road Widening**

- B13. The proponent is required to dedicate, at no cost to Council:

- a) A strip of land no less than 30 metres in length and no less than 2.85 metres wide along the Albert Avenue frontage of the site generally following the outline plan of the lay-by along the frontage of the property to Albert Avenue to maintain the width of the public footpath.
- b) A 1.5 metre wide strip of land along the site's Albert Avenue frontage in accordance with the requirements of the Roads and Traffic Authority
- c) Two splay corners of 2 metres by 2 metres at the intersection of Albert Lane and Albert Avenue and Albert Lane and Fleet Lane, for the purpose of road widening.

Where the dedication of land on the Albert Avenue frontage as required by (a) and (b) would overlap, the strip of land required by dedicated by (a) is to be provided in addition to the strip of land required to be dedicated by (b).

The Plan of Dedication is to be lodged with Council prior to the issue of the Construction Certificate and registered with the Land and Property Management Authority prior to issue of the Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes.

#### **Construction Management Plan (CMP)**

- B14. The proponent shall submit, for approval by Willoughby City Council, 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 construction working hours set by condition 1 and its justification, duration and purpose.

#### **Public Car Park**

- B15. For any Construction Certificate for below ground construction of the basement levels, a detailed design of the public car park, including the public bicycle facilities, shall be submitted and approved by Willoughby City Council. The plan is to show the configuration, detail, finish, ventilation and services of the facility and is to include all pedestrian, bicycle and vehicle access to, through and from the site and the public car park. It shall be accompanied by a whole of basement car parking management plan showing the relationship and operation of all car parking/bicycle facilities on the site.

#### **Energy Star Ratings**

- B16. Certification is to be provided to the Certifying Authority (with a copy supplied to the Department) by the Green Building Council of Australia, indicating that the commercial component of the development achieves a 5 Star Green Star rating. This certification is to be submitted prior to the issue of the relevant Construction Certificate.

#### **BASIX Certificate requirements**

- B17. 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 PCA. 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.

#### **Sydney Water Requirements**

- B18. The proponent shall ensure that the development meets contemporary water discharge requirements as set by the 1997 NSW Environmental Protection Authority guidelines. Plans demonstrating suitable measures to achieve the minimum water discharge quality standard are to be submitted as part of the Construction Certificate application.

## **PART C – PRIOR TO CONSTRUCTION**

### **Construction Certificate Required**

- C1. This consent 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 development consent shall appoint a Principal 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 85% of used and unused demolition and construction materials shall be submitted to Council.

### **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 Principal 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**

*NSW Government  
Department of Planning*



- C8. Suitable screens and/or barricades shall be erected during demolition and building work and where required by the principal 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 Principal 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 PCA/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 Principal Certifying Authority.

#### **Dilapidation Report of adjoining properties**

- C15. 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.  
(Reason: Protection of adjoining properties)

#### **Spoil Route Plan**

- C16. 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.

#### **Property Boundary Levels**

- C17. The proponent must obtain the levels for the vehicle crossing at the property boundary from Council under a separate application. These levels shall be incorporated into the design of the internal driveway. The suitability of the grade of driveway inside the property is the sole responsibility of the Proponent and the required levels fixed by Council may impact upon these levels.

The crossing at the property boundary must be of minimum wide and is to be constructed at right angle to the street kerb. Design plans shall be submitted to Willoughby City Council for approval.

All adjustments to the nature strip, footpath and /or public utilities' mains and services as a consequence of the development and associated construction work are to be carried out at the full cost to the Proponent.

#### **Road Pavement – Engineering Details**

- C18. The proponent shall submit, for approval by Council as the road authority under Section138 of the Roads Act, full engineering design plans and specifications prepared by a suitably qualified and experienced civil engineer for the reconstruction of half of the road pavement in Albert Avenue and Thomas Street including any associated works fronting the subject site.

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 construction works in the public road.

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## **PART D – DURING CONSTRUCTION**

### **Hours of Work**

- D1. All construction/demolition work relating to this Development Consent 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.

### **Utility Services**

- D5. 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.

### **Adjustment to Street Lighting**

- D6 The proponent shall consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property along the full frontage of Albert

Avenue, Thomas Street and Fleet Lane. Such street lighting shall also conform to Australian Standard (AS 1158-2005) and Council's standard specifications.

#### **Adjustment to overhead Electricity supply**

- D7 All existing and proposed overhead electricity supply mains and other overhead services adjacent to full frontage of the site along Thomas Street and Albert Avenue, are to be relocated underground including the removal of existing power poles, underground electricity supply to development and necessary sub station to the specification of Energy Australia and Willoughby City Council at full cost to the proponent.

#### **Ventilation Plans and Details**

- D8 Plans and specifications of mechanical ventilation, air conditioning systems and any associated pollution control equipment are to be submitted and approved by the PCA.

#### **Contamination/Remediation - Documentary evidence**

- D9 Documentary evidence must be submitted to the Principal 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.

#### **Control of wind movements**

- D10. 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.

The Landscape Plan is to be amended to change *Ficus rubiginosa* with *Flindersia australis* or *Ulmus parvifolia* because of the problems with ongoing fruit drop in the plaza for Fig species. In addition 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.

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## **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 Workplace Travel Plans (WTP) and Transport Access Guidelines (TAG).

### **Marked parking bays**

- E3. 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 Principal Certifying Authority.

### **Safer by Design**

- E4. To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:
- 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 roof of the basement parking area 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 each storage area in the residential car park shall be of solid construction.

### **Certification of slip resistant surfaces**

- E5. 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**

- E6. A certificate is to be submitted by the Principal 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 filling with water.

### **Sound level output certification**

- E7. 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 Principal Certifying Authority.

### **Sustainable Development - Final Occupation**

- E8. The measures proposed to be undertaken in the Ecological Sustainable Development Report submitted as part of the Development Application are to be implemented as part of the development. Should any variation to these measures be proposed, a new report with the amendments highlighted is to be submitted for the approval of Willoughby City Council and is required to continue to achieve the relevant mandatory measures and other sustainability measures.

An Environmental Sustainability Manual shall be prepared summarising all the sustainability measures in the development including any necessary methodology or maintenance requirements and provided to all owners and occupants of the development. An Owners Corporation Manual will also be required for any future strata scheme on the site that ensures commitment to the continuation and possible improvement of the sustainability measures in the development.

### **Access for the Disabled**

- E9. The building shall be provided with access for people with disabilities as well as toilets and other facilities for people with disabilities and comply with Willoughby Development Control Plan Part C.6 and all the requirements of Part D3 and Part F2 of the BCA and the relevant provisions of AS 1428 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**

- E10. 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**

- E11. 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**

- E12. 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.

#### **Identification of car parking/bicycle spaces**

- E13. The 506 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.

#### **Public parking spaces and Car Park Access**

- E14. The 250 public 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 public at all times. The access to the public car park for vehicles and pedestrians shall be direct, unobstructed (other than by the future entry boom-gate) and clearly sign-posted.

#### **Tree Planting**

- E15. The proponent is to consult with Willoughby City Council for its requirements for the provision of street trees in Thomas Street and Albert Avenue. The trees on site and in the street shall:
- i Have a minimum container size of 100 litres and grown to NATSPEC 2 Guide Specifying Trees (2003);
  - ii Be flowering species, preferably locally occurring native species;
  - iii Palms, conifers, fastigiated and columnar trees are not acceptable for the purposes of complying with this condition;
  - iv Have the potential to attain a minimum height and minimum crown spread at maturity to comply with the wind management requirements;
  - v Be planted in an appropriate location and planter to allow root growth;
  - vi Be planted, mulched, watered and maintained according to industry best practice.

#### **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.

#### **Temporary ground anchors – de-stressing**

- E17. 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.

#### **Construction of OSD & Rainwater Harvesting System**

- E18. The proponent shall install the approved rainwater harvesting and on site detention (OSD) systems in accordance with the approved plans, Sydney Water's requirements and Willoughby City Council's WDCP and Technical Standards. The system shall be operated and maintained in accordance with an approved management plan including registration of Section 88b instruments (Positive Covenant and Restriction on the Use of the Land) and other statutory compliance such that the design intent will be met.

#### **Extension of Stormwater System**

- E19. The proponent shall extend an approved underground stormwater pipe system from Council's nearest kerb inlet pit in Albert Avenue to the outlet of the OSD system in accordance with Willoughby City Council's specification and standards including restoration of all damaged assets.

#### **Extension of Fleet Lane Stormwater System**

- E20. The proponent shall construct an approved underground stormwater system to cater for the 1 in 20 years ARI critical rainfall event from Fleet Lane to the nearest Council's underground system in accordance with Willoughby City Council's specification and standards.

#### **Reconstruct Pavement**

- E21. The proponent shall construct half the road pavement including any necessary associated works adjoining to the full frontage of the development site at Albert Avenue, and Thomas Street shall be reconstructed in accordance with Willoughby City Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for these pavements is 1 X 106 and 6 X 104 ESA respectively.

#### **Construct Kerb and Gutter**

- E22. The proponent shall construct new kerb and gutter together with any necessary associated pavement restoration in accordance with Willoughby City Council's specification for the full frontage of the development site with associated pavement restoration in Albert Avenue, Albert Lane, Fleet Lane and Thomas Street.

#### **Construct full width paving bricks footpath - Albert Avenue and Thomas Street**

- E23. The proponent shall construct full width paving brick footpath for the full frontage of Albert Avenue, and Thomas 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.

#### **Street Lighting and Furniture**

- E24. The proponent shall provide approved street lighting and furniture in accordance with Willoughby City Council's street furniture manual and Australian Standard AS/NZ 1158(2005) to Albert Avenue, Fleet Lane and Thomas Street.

#### **Performance Bond**

- E25. The Proponent shall lodge with Willoughby City Council a performance bond of \$60,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Proponent is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

#### **Inspection of Civil Works on Road Reserves**

- E26. 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.

#### **Certification of Rainwater Harvesting and OSD systems**

- E27. A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Willoughby City Council's standard certification form that the as-built Rainwater harvesting and OSD systems is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.1.

#### **Works As Executed Plans – Rainwater Harvesting and OSD system**

- E28. Upon completion of the Rainwater Harvesting and OSD System, the following shall be submitted to the Willoughby City Council:
- a) 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.
  - b) Engineer's certification of the system together with the completed Council's standard form for On-Site Detention Record of Installation.

#### **S88B/88E(iii) Instrument**

- E29. 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.

#### **Registration of Dedication of Road Widening**

- E30. The proponent shall submit to Willoughby City Council documentary evidence that the Plan of Dedication has been registered with the Land and Property Management Authority.

#### **Sweep & Clean Pavement**

- E31. 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**

- E32. 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**

- E33. 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 development consent.

#### **Certification – Ventilation**

- E34. 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 development consent.)

#### **Easement in Gross**

- E35. Prior to any occupation certificate for the basement car parking levels, a right of footway easement in gross for the public to enter, pass, re-pass, use and enjoy the plaza and access the public car park is to be registered over the land in favour of Willoughby City Council.

#### **Link from Thomas Street to Fleet Lane East**

- E36. The proponent is to construct a thoroughfare for public use between Thomas Street and Fleet Lane East in accordance with the adopted Traffic Management Plan for the closure of Fleet Lane and Willoughby City Council requirements (AUS-SPEC).

A legal instrument(s) to Council's satisfaction is to be entered into between Council and the owners creating a legal public access over the link. Council is to hold the sole power to alter or remove the legal instrument(s). The instrument(s) is to allow the public to pass and re-pass over the thoroughfare and provide for and maintain drainage, lighting and other utility services if required by Council.

#### **Public Car Park**

- E37. The stratum containing the public car parking facility is to be handed over to the ownership of Willoughby City Council prior to any occupation certificate for the ground level or above ground level development in either building. Rights of vehicular, pedestrian and public access to the stratum are to be registered in conjunction with the stratum registration.

#### **Traffic Signage**

- E38. Signage is to be provided at the vehicular exit and right-of-way entry points on Thomas Street making a clear distinction between the adjacent entry and exit points. Such signposting and associated works are to be at no cost to Council or the RTA.

#### **RTA Car Parking Layout Requirements**

- E39. The layout of the car parking spaces within the development is to be in accordance with AS2890.1 – 2004 and AS2890.2 – 2002 for heavy vehicles.

#### **Affordable Housing Units**

- E40. The ownership of the affordable housing units is to be transferred to Willoughby City Council prior to occupation of the residential flat building.
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## **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.

### **Land Subdivision**

- F4. The site will likely require a subdivision that will require that the public car parking facility be a separate stratum. The Neighbourhood Association in the case of a Community Scheme and/or any shared facility register shall not impose any obligation on Willoughby City Council as the owner of the public car park facility other than its share of ventilation and utilities servicing and only as they apply to the car park facility.

### **Security controlled car parking**

- F5. 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**

- F6. The on-site car parking provision shall be arranged as follows:

- 250 public spaces;
- 192 residential spaces (including visitors); and
- 64 commercial/retail spaces
- Total 506 spaces

One car space within the secure area of the car parking of the commercial building for the parking of a car share vehicle being used by a tenant. One car space within the secure car park for the residential flat building that allows for the parking a car share vehicle being used by a resident of the building. (Note these are in addition to any car share space that may be allocated by Council in the public car park for storage of a car share vehicle when not in use)

### **Loading and Unloading**

- F7. 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 Albert Avenue, Thomas Street or Fleet Lane.

### **Services - Electricity supply and telecommunication mains**

- F8. 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**

- F9. 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**

- F10. 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) AS 1668.2 – 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

**Mechanical ventilation systems comprising water cooling**

- F11. 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**

- F12. 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**

- F13. 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**

- F14. 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.
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## ADVISORY NOTES

### Strata Subdivision

- AN1. Any proposal to Strata subdivide the development will require separate applications to obtain Development Approval for the proposal and subsequent approval of the final Strata Plan and issue of the Strata Certificate by Council or a Complying Development Certificate from a PCA or an accredited Strata certifier in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

### Compliance Certificate, Water Supply Authority Act, 2000

- AN2. 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 principal certifying authority prior to occupation.

### Requirements of Public Authorities for Connection to Services

- AN3. 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

- AN4. 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

- AN5. 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

- AN6. 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

- AN7. 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.