

17 April 2012

The Director General
NSW Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Simon Truong

Dear Sir,

Re: Modification 1 MP09_0066. Thomas Street Car Park Site Chatswood

I refer to the application for modification of the project approval MP09_0066 by Karimbla Properties (No 28) Pty Ltd. I note that the approval was for a mixed use commercial office retail and residential development on the Thomas Street Car Park site between Thomas Street and Albert Avenue Chatswood.

Council has no objection to the principle of the request to acknowledge formalise the staging of the development with the timing of the conditions of consent. It is this Council's practice to adjust consents for large projects in this manner so that conditions of consent are aligned with the applicable stage of the development. However, the application as lodged leaves many conditions unresolved as to what stage they apply. Although the modification requested refers to adjustment of the conditions in the category "prior to construction certificate" it also refers to other conditions that apply prior to commencement, during construction and prior to occupation certificate. In Council's view the request and its outcome, therefore, are unclear.

It is this Council's practice to identify the staging proposed by the developer in a condition and then to apply the staging within the condition itself as follows:

New Condition A2(A)

The development works may be carried out in stages with the relevant conditions being satisfied as required by the conditions of consent. The relevant stage of the development works applying to the condition is identified. Where no specific stage is identified in the condition, the condition applies to all stages of development work. The stages of development are as follows:

- | | |
|-----------------|---|
| Stage 1A | <i>Installation of shoring walls and associated works around the whole development site</i> |
| Stage 1B | <i>Ground preparation, piling and excavation over the whole development</i> |
| Stage 2 | <i>Construction of structures from basement to ground level</i> |
| Stage 3 | <i>Construction of structures above ground level</i> |

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Stage 4 Construction of fit-out works from basement to ground level

Stage 5 Construction of fit-out works above ground level

Stage 6A Prior to Interim Occupation Certificate Stages 2 and 4

Stage 6B Prior to Interim Occupation Certificate 3 and 5

Stage 6C Prior to Final Occupation Certificate

An example is the first condition B1:

"The section of Fleet Lane forming part of the subject site shall be closed prior to the issue of a Construction Certificate Stage 1A."

In the case of condition B2 that applies to all stages of the development work no reference to a stage is made. In Condition B3 the second paragraph requires a reference to Stage 2 and 3 and so on. The following table summarises the relevance of the staging to the Part B – "PRIOR TO CONSTRUCTION CERTIFICATE" conditions:

Condition No	Stage
B1	1A
B2	-
B3	2, 3
B4	1B
B5	1A
B6	-
B7	-
B8	2, 3, 4, 5
B9	2, 3
B10	1A
B11	1A
B12	1A
B13	1A, 6
B14	-
B15	1B
B16	1B, 2, 3, 4, 5
B17	1B, 2, 3, 4, 5
B18	-

Part C – "PRIOR TO CONSTRUCTION" conditions apply to all stages except for conditions C14, C15, C16, C17 and C18 which must be addressed prior to Stage 1A.

Part D – "DURING CONSTRUCTION" conditions are relevant during all stages of the development except for D9 which must be addressed prior to Stage 1A and D10 which must be addressed prior to Stage 2 to ensure the structural design of the basement levels is designed to accommodate the required trees and the soil depth and weight.

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Part E – “PRIOR TO ISSUE OF OCCUPATION CERTIFICATE/PRIOR TO OPERATION”
conditions must be addressed in accordance with below:

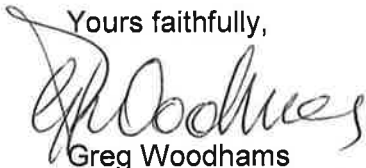
Condition No	Stage
E1	-
E2	6B
E3	6A,
E4	6A, 6B
E5	6A, 6B
E6	6B
E7	6A, 6B
E8	6C
E9	6A, 6B
E10	6A, 6B
E11	6A
E12	6A, 6B
E13	6A
E14	6A
E15	6B
E16	6B
E17	6A
E18	6A, 6B
E19	6A
E20	6B
E21	6B
E22	6B
E23	6B
E24	6B
E25	6B
E26	6B
E27	6A, 6B
E28	6A, 6B
E29	6A, 6B
E30	6B
E31	-
E32	6A, 6B
E33	6A, 6B
E34	6A, 6B
E35	6B
E36	6B
E37	6B
E38	6A
E39	6A
E40	6B

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The subsequent conditions in Parts F and the Advisory Notes do not require allocation to a staging with the exception that Conditions F5, F6, F8, F9 and F11 inform and complement other conditions and must be addressed prior to Stages 6A and 6B.

In summary Willoughby Council has no objection to the principle of applying the conditions of consent to the staging of development works. However, the manner in which the application has been made is confusing and incomplete in the application of the conditions and for that reason Willoughby Council recommends that the staging with respect to conditions be adjusted as outlined above. This will provide clarity and certainty for the staging.

Yours faithfully,



Greg Woodhams
Director Environmental Services