

Attachment 1: CONDITIONS OF CONSENT

CONSENT IDENTIFICATION

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Description	Revision / Issue No	Plan Date (as Amended)	Prepared by
Architecture	AR0001	Demolition Plan – Basement 2	03-WIP		Make Architects
Architecture	AR0002	Demolition Plan – Basement 1	03-WIP		Make Architects
Architecture	AR0003	Demolition Plan – LG and LGA	03-WIP		Make Architects
Architecture	AR0004	Demolition Plan – L00 and L00A	03-WIP		Make Architects
Architecture	AR0005	Demolition Plan – L01 and L01A	03-WIP		Make Architects
Architecture	AR0006	Demolition Plan – L02 and L02A	03-WIP		Make Architects
Architecture	AR0007	Demolition Plan – L03	03-WIP		Make Architects
Architecture	AR0190	Demolition Elevations	-		Make Architects
Architecture	DA2007	Level B2	05	13.05.19	Make Architects
Architecture	DA2008	Level B1	06	13.05.19	Make Architects
Architecture	DA2009	Level LG	05	13.05.19	Make Architects
Architecture	DA2009A	Level LGA	02	31.07.18	Make Architects
Architecture	DA2010	Level 00	07	16.05.19	Make Architects
Architecture	DA2010A	Level 00A	04	13.05.19	Make Architects
Architecture	DA2011	Level 01	04	13.05.19	Make Architects
Architecture	DA2011A	Level 01A	04	13.05.19	Make Architects

Architect- ure	DA2012	Level 02	04	13.05.19	Make Architects
Architect- ure	DA2012A	Level 02A	04	13.05.19	Make Architects
Architect- ure	DA2013	Level 03	04	13.05.19	Make Architects
Architect- ure	DA2013A	Level 03A	03	13.05.19	Make Architects
Architect- ure	DA2014	Level 04	05	13.05.19	Make Architects
Architect- ure	DA2014A	Level 04A	03	13.05.19	Make Architects
Architect- ure	DA2015	Level 05	04	13.05.19	Make Architects
Architect- ure	DA2015A	Level 05A	03	13.05.19	Make Architects
Architect- ure	DA2016	Level 06	03	13.05.19	Make Architects
Architect- ure	DA2200	Elevation –East	04	13.05.19	Make Architects
Architect- ure	DA2201	Elevation –West	04	13.05.19	Make Architects
Architect- ure	DA2202	Elevation–South	08	16.05.19	Make Architects
Architect- ure	DA2203	Elevation–North	06	16.05.19	Make Architects
Architect- ure	DA2260	Wall Sections	01	23.11.18	Make Architects
Architect- ure	DA2261	Wall Sections	02	12.12.18	Make Architects
Architect- ure	DA2262	Wall Sections	03	13.05.19	Make Architects
Architect- ure	DA2263	Wall Sections	00	27.07.18	Make Architects
Architect- ure	DA2300	Sections	02	13.05.19	Make Architects
Architect- ure	DA2301	Sections	03	13.05.19	Make Architects
Architect- ure	DA2302	Sections	02	13.05.19	Make Architects
Architect- ure	DA2303	Sections	01	13.05.19	Make Architects
Architect- ure	DA2304	Sections	02	13.05.19	Make Architects
Architect- ure	DA2305	Sections	02	13.05.19	Make Architects
Architect- ure	AR-MAK- DRG- DA7123	Havilah Street- Elevation 04	00	13.05.19	Make Architects

Architect- ure	AR-MAK- DRG- DA7124	Havilah Street- Elevation 05	00	13.05.19	Make Architects
Architect- ure	AR-MAK- DRG- DA7130	Malvern Ave – Elevation 01	00	13.05.19	Make Architects
Architect- ure	AR-MAK- DRG- DA7131	Malvern Ave – Elevation 02	00	13.05.19	Make Architects
Architect- ure	AR-MAK- DRG- DA7221	External Wall Systems 21	01	16.05.19	Make Architects
Architect- ure	AR-MAK- DRG- DA7230	External Wall Systems 30	01	16.05.19	Make Architects
Architect- ure	AR-MAK- DRG- DA7231	External Wall Systems 31	01	16.05.19	Make Architects
Architect- ure	DA9001	Victoria Avenue Awning Extent	02	16.05.19	Make Architects
Architect- ure	DA9002	Archer Street Awning Extents	02	16.05.19	Make Architects
Architect- ure	DA9003	Havilah Street Awning Extents	01	13.05.19	Make Architects
Architect- ure	DA9050	Awning Types Section	01	13.05.19	Make Architects
Architect- ure		Elevation Havilah Street			Make Architects
Waste Manage- ment Plan				31 July 2018	Compass Project Manage- ment
Arboricult- ural Impact Appraisal and Method State- ment				13 Decemb- er 2017	Naturally Trees
Sustain- ability Score card				31 July 2018	Compass Project Manage- ment
Noise Impact Assess- ment				2 August 2018	Norman Disney and Young
Land- scape	LA-LAT- DRG-XX-00- 0003	Legend Sheet 1	02	13.05.19	Lat 27
Land- scape	LA-LAT- DRG-XX-00- 0004	Legend Sheet 2	02	13.05.19	Lat 27

Land-scape	LA-LAT-DRG-XX-00-0030	Planting Schedule Sheet 1	03	17.05.19	Lat 27
Land-scape	LA-LAT-DRG--00-C1-0101	Ground C1 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--00-C3-0102	Ground C3 Finishes Plan Sheet 2	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--00-D2-0103	Ground D2 Finishes Plan Sheet 3	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--01-D2-0101	Level 1 D2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--02-D2-0101	Level 2 D2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--02-D2-0102	Level 2 D2 Finishes Plan Sheet 2	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--03-D2-0101	Level 3 D2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--03-D2-0102	Level 3 D2 Finishes Plan Sheet 2	03	17.05.19	Lat 27
Land-scape	LA-LAT-DRG--03-D3-0103	Level 3 A3 Finishes Plan Sheet 1	03	17.05.19	Lat 27
Land-scape	LA-LAT-DRG--04-A2-0101	Level 4 A2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--04-A3-0102	Level 4 A3 Finishes Plan Sheet 2	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--04-A3-0103	Level 4 A3 Finishes Plan Sheet 3	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--04-C1-0104	Level 4 C1 Finishes Plan Sheet 4	02	13.05.19	Lat 27

Land-scape	LA-LAT-DRG--04-C2-0105	Level 4 C2 Finishes Plan Sheet 5	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--04-C3-0106	Level 4 C3 Finishes Plan Sheet 6	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--04-C3-0107	Level 4 C3 Finishes Plan Sheet 7	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--04-D2-0108	Level 4 D2 Finishes Plan Sheet 8	03	17.05.19	Lat 27
Land-scape	LA-LAT-DRG--04-D3-0109	Level 4 D3 Finishes Plan Sheet 9	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--LG-A2-0101	Lower Ground A2 Finishes Plan Sheet 1	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--LG-A3-0102	Lower Ground A3 Finishes Plan Sheet 2	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--LG-A3-0103	Lower Ground A3 Finishes Plan Sheet 3	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--LG-B3-0104	Lower Ground B3 Finishes Plan Sheet 4	02	13.05.19	Lat 27
Land-scape	LA-LAT-DRG--LG-C3-0105	Lower Ground C3 Finishes Plan Sheet 5	02	13.05.19	Lat 27

the application form and any other supporting documentation submitted as part of the application, except for:

(a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;

(b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

2. Shopping Trolley Management

A Shopping Trolley Management Plan (plan) should be prepared and submitted to Council for approval. The Plan shall detail the nature of operations, storage, use and collection of shopping trolleys within the site. The Plan should include details of the measures and management strategies to ensure that shopping trolleys do not leave

the site, incorporating physical constraints, signage and enforcement methods by the owner/operator of the supermarket, liquor outlet and individual shop owners.
(Reason: Public safety, amenity and customer service)

2A. Signage

Only the signage zones indicated on the approved plans are approved as part of this consent. Details of all signage, including a signage strategy are to be subject to separate approval.
(Reason: Compliance)

PRIOR TO LODGEMENT OF APPLICATION FOR CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the lodgement of an application for a construction certificate.

3. Submit the following information to Willoughby City Council

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifying Authority with the application for a construction certificate:

a) Flooding

Prior to lodgement of the relevant Construction Certificate, an updated Flood Study Report shall be prepared by a qualified and suitably experienced Civil Engineer and approved by Council. Council may require the report to be independently reviewed. The Report shall:

- i. Assess the extent of the 1% AEP, 0.5%AEP, 0.05%AEP design flood and the Probable Maximum Flood event associated with the Sydney Water stormwater system and related overland flow paths through and around the property. The extents shall be shown with and without the proposed development and flood risk management concept solutions for the basement car park prepared by CJ Arms & Associates dated 20 February 2019 and show the difference in flood levels and flood hazard in accordance with the McLuckie et al 2014 H1 – H6 hazard classification system.
- ii. Assess the levels of the 1% AEP and the PMF event at all entry points to the building to confirm that the floor levels of retail and commercial areas are set above the flood planning level of the 1%AEP plus 0.3 m and to confirm no additional flood protection measures are required to control flooding of the basement up to the PMF apart from those proposed in the concept option prepared by CJ Arms & Associates dated 20 February 2019.
- iii. Indicate that the proposed development will not increase the 1% AEP flood levels or peak flood flow velocities on adjacent properties and that the proposed building and basement car park can withstand the likely conditions experienced during the 1%AEP flood event without suffering significant damage.

- iv. Indicate that the proposed development will not increase the flood hazard categorisation or risk to life on private property surrounding the development (e.g. residential and commercial allotments) for all events up to the PMF.
- v. Include concept plans showing the key features and measures of the proposed flood risk management strategy which is to be incorporated in the development.
- vi. Regarding the water quality system, the plans shall include details of the post-flood basement pump-out and water treatment system as required by Condition 12 of this consent.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

4. Amendments

Prior to the issue of the relevant Construction Certificate, the proposal is to be amended in the following manner:

- a) The proposed development is to include 78 motorcycle spaces.
- b) A minimum of 97 car spaces must be accessible in accordance with Clause C6.2.2 WDCP.
- c) There will be no change to the existing on-street car spaces on Malvern Avenue. Monitoring of the traffic flow on Malvern Avenue shall be undertaken quarterly within the first 12 months from commencement of operation of the extended car park to ascertain whether retention of the car parking spaces on Malvern Avenue are impeding traffic flow to and from the car park entry on Malvern Avenue. If these spaces are detrimental to traffic flow, evidence shall be put to Council for their removal.
- d) Ensure that scheduled "Screen Planting to Havilah Street and Malvern Avenue façade" establishes at maturity a continuous screen/ vertical layering of mixed tall canopy trees including co-dominants, *Eucalyptus saligna*, *Eucalyptus resinifera* and *Angophora costata* and a mixed sub-canopy/ understorey, dominated by *Allocasuarina torulosa* and including other scheduled tall shrub/ small mesic tree species. Planting should establish an informal layout with varying centres and set-backs from building facade. All canopy trees should be planted with minimum set-backs of 5-7 metres from façade wall to promote balanced development of crowns. Similarly, sub-canopy/ understorey trees should have minimum set-backs of 3-4 metres from façade wall.
- e) All planter boxes are to be accessible for the purposes of maintenance of vegetation.
- f) The materials of the façade areas labelled 'C' on the northern, southern, eastern and western elevations are to be in accordance with the Plan labelled 'Elevation Havilah Street'.

Plans detailing these amendments are required to be shown on the Construction Certificate plans.

(Reason: Ensure compliance)

5. Fixed Development Consent Levies

Prior to the issue of the first Construction Certificate, a monetary contribution of \$11,419,870.59 (subject to indexing as outlined below) is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act, 1979*.

This contribution is based on 3% of the estimated total development cost of \$380,662,353 at 30 November 2018 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development contribution payable

ODC = the original development contribution determined by the Council as a percentage of the cost as set down in this contributions plan

CP2 = the quarterly Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) immediately prior to the date of payment

CP1 = the quarterly Consumer Price Index, All Groups, Sydney as published by the ABS immediately prior to the date of imposition of the condition requiring payment of the contribution.

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au

(Reason: Statutory requirement)

6. Services - Energy

The applicant should consult with AUSGRID to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the relevant Construction Certificate.

In the event of the energy provider / Ausgrid requires such a structure eg. a substation, the applicant is required to dedicate the land for the substation as public roadway. The Plan of Dedication shall be lodged to Council prior to issue of the

Construction Certificate and registered at the Department of Lands prior to issue of the Occupation Certificate.
(Reason: Compliance)

7. Payment of Additional Fees

Prior to the issue of the Construction Certificate, an additional fee of \$137059.44 shall be paid to Council based on an amended estimated cost of \$403,512,000.
(Reason: Compliance)

8. Building Plan Approval – Sydney Water

(a) Stage 1 – Demolition

Due to the proximity of the proposed development to Sydney Water assets, prior to commencement of works, the approved plans for demolition of the existing buildings on 5-7 Havilah Street and 12-14 Malvern Avenue properties, must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

(b) Stage 2 – Early Works

Due to the proximity of the proposed development to Sydney Water assets, prior to the issue of the relevant Construction Certificate, the approved plans for early works including construction of structural piling, footings and the like relating to 5-7 Havilah Street and 12-14 Malvern Avenue properties, must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

(c) Stage 3 – Main Construction Works

Due to the proximity of the proposed development to Sydney Water assets, prior to the issue of the relevant Construction Certificate, the approved plans for the balance of the main works relating to the proposed development, separate to those demolition and early works listed in paragraphs (a) and (b) above, must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Any changes required by Sydney Water must be incorporated in the relevant Construction Certificate plans.

(Reason: Compliance)

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations

- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

9. Damage Deposit

Prior to the issue of the relevant Construction Certificate, the applicant shall lodge a Damage Deposit of **\$800,000** (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway 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. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$165** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

10. Temporary Ground Anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of the relevant Construction Certificate. 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.

(Reason: Encroachment of works)

11. Flood Risk Management Report

Prior to issue of the relevant Construction Certificate, a report prepared by a qualified and suitably experienced Structural Engineer registered on the Engineers Australia National Engineers Register shall be submitted to the nominated Accredited Certifier, indicating that the proposed flood gate and related flood-control facilities can withstand the likely conditions (including structural load forces) experienced up to the Probable Maximum Flood event. The report should be completed in accordance with the requirements of AS/NZS 1170.1-2002, Structural design actions - Permanent, imposed and other actions.

(Reason: Ensure compliance)

12. Flood Risk Management Strategy

Prior to issue of the relevant Construction Certificate, detailed plans and specifications suitable for construction are to be submitted to the nominated Accredited Certifier detailing the proposed flood risk management strategy. The detailed plans and specifications are to be prepared and certified by a qualified and suitably experienced Civil Engineer registered on the Engineers Australia National Engineers Register. As a minimum, the flood risk management strategy shall comprise the following measures:

- Flood gates on the Victoria Avenue car park entry to the B1 and B2 levels – these gates are to be designed to activate after the 1% AEP flood event flows to allow flow depths of generally no more than 0.2 m in any location on each

basement level and to cause no afflux in the 1%AEP and to minimise flood impacts in greater storms on adjacent properties.

- A formal flood diversion channel/conduit that will convey flows through the proposed building to discharge to Havilah Street – this channel/conduit shall operate in events greater than a 1%AEP flood event (when the flood gates activate) and shall have the capacity to convey flows up to and including 0.05% AEP (1 in 2000 year event).
- For events greater than the 0.05%AEP, a wall along the flood diversion channel can overtop and flood flows in excess of the diversion may enter the carpark up to a depth of 0.6 m on Level B2.
- Other modifications to related facilities including:
 - Mills Lane – flood protection works are required to prevent the ingress of flood flows via the Mills Lane loading dock.
 - Energy dissipation works on the outlet of the flood diversion conduit to Havilah Street
 - Modification of stair access to the Victoria Avenue loading dock to prevent flood ingress up to the PMF event.
- Water level sensors which are to be located throughout Levels B1 and B2. The water level sensors are to be linked to suitably designed SCADA system which shall trigger the operation of the flood gates when the depth of ponding in any basement reaches a depth of no more than 0.2 m in any location.
- A post-flood basement pump-out system shall be provided. This system could be temporary and portable and should include some form of water quality treatment which is capable of ensuring that the quality of the water being pumped to Council's stormwater drainage system following the ingress of floodwater to the basement is no worse than baseline water quality conditions in the downstream receiving water (Scotts Creek) (as determined by Council).
- Details of the post-flood recovery for the basement, including pump out and clean-up arrangements and details of arrangements with a suitable contractor to pump and treat floodwater from the basement to the stormwater system. Oil and grease, fine sediments and gross pollutants should be removed from the pumped floodwater prior to discharge.
- A flood warning system which is to alert people when flooding is occurring. The alarm aspect of the flood warning system shall be designed to trigger when flood flows commence flowing into the basement from Victoria Avenue. The system is to be tested annually to ensure that it remains in working order and confirmation that testing has occurred shall be forwarded to Council prior to 31 January of every year.
- All new or replacement electrical and mechanical facilities or equipment to be installed below the level of the 1% AEP flood level is to be flood-proofed and/or incorporate residual current devices to protect occupants of the basement from electrocution during a flood event.
- All existing and new fire-related facilities installed in the basement area are to be flood proofed to ensure they can operate effectively under all flood conditions, including up to the Probable Maximum Flood event.
- All materials to be used in the basement area are to be flood-compatible up to a depth of 0.6m.

- No hazardous materials are to be stored below the 1%AEP flood level.

13. Flood Emergency Response Plan

Prior to issue of the relevant Construction Certificate, a Flood Emergency Response Plan shall be submitted to the nominated Accredited Certifier (and a copy provided to Council for reference) to demonstrate that permanent, fail-safe measures are incorporated in the development to ensure the timely, orderly and safe evacuation of people from the basement areas affected by flooding and any other locations in the development below the Probable Maximum Flood level in the event of a flood. Such evacuation measures are to be designed for rainfall events up to the Probable Maximum Flood event. The plan shall include the following:

- A way of ensuring the management of the centre are made aware of the plan.
- Emergency contact numbers.
- Measures to be put in place to ensure occupants are prepared for flooding and evacuation, how to prepare for a flood event. The measures shall include the protection of any person on the premises/basement at all times including outside the operating hours of the centre.
- What to do during a flood event, including Plans of each flood affected level with clearly marked routes and exits to areas above the PMF level.
- An evacuation procedure for persons within the Centre and its car park, including how to know when to evacuate and where to go, the place of refuge inside the building must be located above the PMF level and must be able to accommodate the total number of persons evacuated from the basement areas.
- Details of wording and location of flood warning signs to be installed in the basement and at the entry from Victoria Avenue to increase flood awareness and provide direction as to the safest path for pedestrians using the Centre to evacuate to higher ground within the Centre.
- Details of a flood warning system that is to be triggered by the ingress of water into the basement. This is to include a plan showing the location of water level sensors on levels B1 and B2.
- Details of the flood gates at the car park entry and how they are to be operated (including specifying trigger levels for their operation)
- Specific measures that identify the location of accessible parking spaces and how persons using those spaces can safely leave the basement.
- Details of the post-flood recovery for the basement, including pump out and clean-up arrangements and details of consultation with Sydney Water for arrangements to pump floodwater from the basement to their stormwater system.
- The extent and depth of the PMF flow path shall be shown on the engineering plans and indicated on work as
- Executed plans. These are to be included in the Flood Emergency Response Plan.

The Flood Emergency Response Plan shall operate for the life of the development. Annual testing and certification shall occur for the system in its entirety (including flood gates, depth trigger sensors, all alarm systems, basement pump-out system

and back-up power systems) on an annual basis by a suitably qualified professional and evidence of that testing and certification shall be submitted to Council by 31 January of every year.
(Reason: Managing Flood Risk)

14. Back-Up Power Supply

Prior to the issue of the relevant Construction Certificate, the applicant shall submit, for approval by the Certifying Authority, evidence that a back-up power system has been incorporated in the development which will ensure operation of the flood mitigation measures in the event of power failure. The back-up power system shall be designed by a qualified and suitably experienced professional engineer and shall be included in the Flood Emergency Response Plan.
(Reason: Public health and safety)

15. Basement Flooding - Engineer's Certification

Prior to the issue of the relevant Construction Certificate, a qualified and suitably experienced Civil Engineer must certify that all the necessary measures have been incorporated into the design of the development which will ensure that depths of ponding in all basement car parking areas (existing and proposed) shall not exceed more than 0.2 m in any location for all floods up to 1% AEP in magnitude.

A qualified and suitably experienced Civil Engineer must also certify that measures have been incorporated into the design of the development which will ensure that depths of ponding on levels B1 and B2 shall not exceed 0.2 m and 0.6 m in a Probable Maximum Flood, respectively.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by the Certifying Authority prior to the issue of the relevant Construction Certificate.

All flood mitigation measures designed by a qualified civil engineer, required under the Section "Prior to Lodgement of an Application for the relevant Construction Certificate" of this consent shall form part of any construction certificate issued.
(Reason: Public Safety and reduction in property damage)

16. Stormwater Management Plans – Water Quality and On Site Detention

Submit revised stormwater management plans for the new works which comply with Part C.5 of the Willoughby DCP and referenced Technical Standards. The stormwater management system shall incorporate "water quality" and "on-site detention (OSD)" systems designed in accordance with Part C.5 of the Willoughby DCP and with Technical Standard No. 1 "On Site Detention" and Technical Standard No. 5 "Water Quality".

Regarding the on-site detention (OSD) system, the plans shall also comply with the following:

- The OSD system must be located in an area where it can be readily accessible for maintenance purposes, with an access pit located directly over the outlet. Access grates shall be in accordance with Council's policy. Attention is also drawn to the provisions of AS 2865 - "Safe Working in Confined Spaces".

- Storage volume and the Permissible Site Discharge rates (PSD) shall be calculated from Table 1 and Table 2 of Council's Technical Standard No.1 – On-Site Detention.
- Demonstrate that the detention storage and orifice outlet are above the 1% AEP HGL level at the point of connection to the receiving stormwater drainage system.
- Details of an overflow spillway from the OSD storage with an overland flow path to Malvern Avenue together with calculations demonstrating that the overflow elements can cope with the 1% AEP storm event in accordance with Council's policy.
- Freeboard to floor levels adjacent to the OSD storage and the spillway shall be observed.
- Minimum of two (2) sections / elevations showing the OSD structure/basin including the trash rack, step irons if deeper than 1.2m and orifice plates. The sections shall include surface and design RLs for the tank orifice plate, and outlet pipe at the point of connection to Council's system.

Council's Standard Design Certificates and QA Checklists issued by a qualified and experienced civil engineer certifying that the design of the OSD and water quality system are in accordance with Council policies and specifications AS3500.3 – *Plumbing and Drainage Code*, BCA and the above requirements shall be submitted.
(Reason: Ensure Compliance)

17. Stormwater Conveyed to Council's Drainage System

Stormwater runoff from the site shall be collected and conveyed to Council's underground drainage system in accordance with Council's specifications. A grated drainage pit (min. 1200mm x 1200mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's underground drainage system. All new drainage works shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the relevant Construction Certificate plans.
(Reason: Stormwater control)

18. Analysis of Outlet Condition

The capacity of the existing 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 drainage system. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration prior to the issue of the relevant Construction Certificate.
(Reason: Prevent property damage)

19. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the relevant Construction Certificate, submit to the Certifying Authority for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the stormwater management plans.

All drawings for the new works shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

20. Construction Management Plan (CMP)

Prior to the issue of the relevant Construction Certificate, submit, for approval by the Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (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.

(Reason: Compliance)

21. Road Pavement – Engineering Details

The applicant shall submit, for approval by Council as the road authority, prior to issue of the relevant Construction Certificate, full engineering design plans and specifications prepared by a suitably qualified and experienced civil engineer for the reconstruction of half of the road pavement and 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 proposed works in the public road.

(Reason: Protection of public asset)

22. Design of Works in Public Road (Roads Act Approval)

Prior to issue of the relevant Construction Certificate, the applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- (a) Construction of 1.5 metres wide concrete footpath (max. 2.5% crossfall) for the full frontage of the development site in Havilah Street and Malvern Avenue in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Reconstruction of the footpath in Archer Street and Victoria Avenue with CBD pavement is required. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Reconstruction of existing kerb and gutter and associated half road reconstruction for the full frontage of the development site in Havilah Street and Malvern Avenue, Archer Street and Victoria Avenue in accordance with Council's specifications and Standard Drawing SD105.

- (c) Construction of vehicular crossings. Longitudinal sections along both edges of the vehicular crossings commencing at the road centre line and incorporating Council's standard layback at a scale of 1:20. The longitudinal sections shall extend a minimum of 4m inside the property.
- (d) Works associated with any modifications and/or relocation to the Council's/Sydney Water's stormwater drainage systems.
- (e) Engineering details including long section and cross sections at 5 metres interval shall be provided relating to works associated with any overland flow conveyance through the site.
- (f) The construction of all Traffic Management Works as required by other conditions.
- (g) Design of the overland flow energy dissipation measures in Havilah Street.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the Roads Act submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

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 prior to the issue of the relevant Construction Certificate.

(Reason: Ensure compliance)

23. Vehicle Access – Engineer's Certification

The Applicant shall submit, for approval by the Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings for all new works, and must make specific reference to the following:

- a) That finished driveway gradients and transitions comply with AS 2890.1 and 2890.2 and will not result in the scraping of the underside of cars.
- b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All new driveway grades shall comply AS2890.1, AS2890.2 and AS2890.5.
- c) That the proposed new vehicular paths and parking arrangements comply in full with AS2890.1, AS2890.2 and AS2890.5 in terms of minimum dimensions provided,
- d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS2890.6.
- f) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent to all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.

- g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the access area and the path to and from this area.
- h) Simultaneous manoeuvring of B99 and B85 within the parking isles and at internal ramps and ramp ends including clearance for each vehicle in accordance with AS2890.1 is complied with.
- i) Simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS 2890.1 and AS 2890.2 is achieved.

(Reason: Ensure Compliance)

24. Geotechnical Report

Prior to issue of the relevant Construction Certificate, the applicant shall submit, for approval by the Certifying Authority, geotechnical report of the proposed geotechnical works including excavation, piling, and shoring. The report shall specifically address safety, excavation support etc. A copy of the geotechnical report shall be submitted to Council for record purposes.

(Reason: Safety & Amenity)

25. Sight Lines

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, any new boundary fence shall be designed and constructed by 2m x 2.5m splays on both sides of the driveway exit on both sides of the exit driveways to comply with section 3.2.4 of AS2890.1 - 2004. Details demonstrating compliance are to be submitted with the relevant construction certificate application.

(Reason: Pedestrian safety)

26. Tree Protection Plan

- i) Submit to the accredited certifier a Tree Protection Plan drawing for approval prior to issue of the relevant construction certificate.
- ii) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.
- iii) Tree Protection Plan drawing shall address tree protection and management of all trees (including those on adjoining properties) in accordance with AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.

(Reason: Tree protection)

27. Building Ventilation

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 National Construction Code:
 - (i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
 - (ii) Alternative solution using an appropriate assessment method

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

(Reason: Health and compliance)

28. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

29. Internal Noise Levels Commercial

To minimise noise intrusion from any external noise source on the commercial component of the development, all new works shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

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.

(Reason: Amenity, environmental compliance and health)

30. Noise Mechanical Services

To minimise the impact of noise onto residential receivers, all mechanical services shall be designed and installed to ensure ambient noise levels are maintained. Details of the proposed equipment, siting and any attenuation required shall accompany the application for the relevant Construction Certificate.

(Reason: Amenity, environmental compliance and health)

31. Construction Traffic Management Plan

Prior to issue of the first Construction Certificate, a detailed Construction Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- (a) Be prepared by a RMS accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site manual.
- (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- (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) Confine temporary road closures to weekends and off-peak hour times and shall be the subject of approval from 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) Be prepared in consultation with neighbours, particularly Mercy Catholic College and the child care centre approved for the site at 21 Malvern Avenue and 103 Archer Street.

(Reason: Public safety and amenity)

32. Traffic Work

Prior to issue of the relevant Construction Certificate, detailed design plans, road safety audits and an environmental assessment must be submitted for consideration by the Local Traffic Committee and final approval by Council to carry out the following works:

Victoria Avenue, Neridah Street and Chatswood Chase Car Park entry and exit, Chatswood

To manage all traffic and bicycle movements into and out of the Chatswood Chase car park entry and exit from Victoria Avenue and Neridah Street and pedestrian movements along Victoria Avenue, on the northern footpath, a new road way to/ from the car park entry and exit connecting to the intersection Victoria Avenue and Neridah Street will be implemented to:

- Interface with and be controlled by the existing traffic control signals so that all vehicle, bicycle and pedestrian movements will be under the control of traffic control signals.
- Provide pedestrian traffic control facilities across the full width of the new road way along the northern footpath on Victoria Avenue.
- Provide Full-time No Right Turn restrictions for all traffic exiting the car park so that all traffic must either turn left into Victoria Avenue or travel south into Neridah Street.
- Provide an overall intersection level of service performance no worse than the existing operation at all times.
- All other necessary traffic signal, road work and traffic facility works will also need to be undertaken as part of the changes at this intersection.

Car park ingress and egress road way connecting to Archer Street, east side of road, between Mills Lane and Malvern Avenue

Provision of a new road way to/ from the car park connecting to Archer Street. The new road way will:

- Ensure slow speed entry and exit movements by all motor vehicles
- Traffic movements are left turn entry and left turn exit only.
- Provide priority to pedestrians and satisfactory driver and pedestrian sight distance to support pedestrian safety and amenity.
- Provide a new concrete median island in Archer Street across the entry and exit roadway and extend 10 metres north and south of the northern and southern road boundaries respectively.
- Provide full-time No Right Turn sign in Archer Street, east side of road, facing traffic travelling in a northbound direction

- Provide full time All Traffic Left signs in the road way, facing traffic travelling in a westbound direction and in Archer Street, west side of road, facing traffic travelling in a westbound direction.
- All other necessary road work and traffic facility works will also need to be undertaken as part of the changes at this intersection.

(Reason: Public safety and amenity)

33. Design Standards for Traffic Management Works

The following road and traffic design, road safety assessment and environmental assessment standards will be applied:

- (a) All road and traffic management works shall be designed to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, RMS Technical Directions and Council policies and practices.
- (b) All road safety investigations, assessments and audits for the traffic management works shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, RMS Technical Directions and Council policies and practices.
- (c) All environmental investigations, assessments and audits for the road and traffic management works shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, RMS Technical Directions and Council policies
- (d) All road and traffic design, road safety assessment and environmental assessment shall be provided at no cost to Willoughby City Council.

(Reason: Public safety and amenity)

34. Management plan for delivery and service vehicles entering and exiting the Chatswood Chase Development

The maximum length of all delivery and service vehicles is 19.5m.

Prior to issue of the relevant Construction Certificate, the applicant must submit a management plan to ensure all delivery and service vehicles travel to and from the subject site as follows:

Malvern Avenue

- Entry into the loading dock area shall be from Boundary Street, Archer Street, left into Malvern Avenue Street and right into the loading dock.
- Exit from the loading dock area shall be left into Malvern Avenue, right into Archer Street and right or left into Boundary Street.
- No delivery or service vehicles are permitted to enter or exit the car parking areas.

Mills Lane

- Entry into the loading dock area shall be from Boundary Street, Archer Street, left into Mills Lane into the loading dock.
- Exit from the loading dock area shall be right into Archer Street and right or left into Boundary Street.

Victoria Avenue

- Entry into the loading dock area shall be from Penshurst Street and Victoria Avenue only. The approach route must be from Penshurst Street then into Victoria Avenue, travelling westbound, then right using the traffic control signals at the intersection at the intersection of Victoria Avenue, Neridah Street and roadway leading to the Chatswood Chase car park and loading dock, then into the loading dock.
- Exit from the loading dock area shall be to Penshurst Street via Victoria Avenue only. Exit from the loading dock area must be left into Victoria Avenue, using the traffic control signals at the intersection at the intersection of Victoria Avenue, Neridah Street and roadway leading to the Chatswood Chase car park and loading dock, travelling eastbound, to Penshurst Street and right or left into Penshurst Street only.

(Reason: road safety and amenity)

35. Parking Management Guidance and Information System (PMGIS)

Prior to the issue of the relevant Construction Certificate, the detailed design of a Parking Management Guidance and Information System (PMGIS) shall be provided to Council for approval. The PMGIS must be implemented at all driveways and within all car parking levels.

Detailed design of the PMGIS shall include, but is not limited to, the technology, software, devices and operation/management/maintenance/upgrade plan to support the continuous operation of the PMGIS for the development.

As a minimum The PMGIS shall achieve the following objectives:

- (a) manage queues at the ingress driveways so that no queues occur on the local road network;
- (b) guide drivers to available car parking spaces;
- (c) inform road users of the number of spaces available on each level of the car parking area;
- (d) direct drivers to the correct parking location within the car park for short stay (for pre-arranged goods pick up) and medium stay (for in-store shopping) needs as well as disabled and other specific parking areas in a safe, direct and efficient manner; and,
- (e) include appropriate measures to ensure all vehicles entering and exiting the site give way to pedestrians on the footpath across the driveways.

(Reason: Safe and efficient movement of drivers entering, circulating within and leaving the Chatswood Chase development car park)

36. Car Park and Loading dock driveways

Detailed designs of all new driveways must be provided for Council approval. The following minimum design arrangements must be adopted:

- (a) Separate entry and exit driveways separated by a central concrete median is to be provided on Victoria Avenue, Archer Street and Malvern Avenue for the general traffic and bicycle parking areas. Driveway design must meet Australian Standards, Austroads Guidelines and Council policies and practices.

(b) The loading dock driveway on Mills Lane and Malvern Avenue must meet Australian Standards, Austroads Guidelines and Council policies and practices.
(Reason: Road safety and traffic efficiency)

37. Disabled Parking Provision

Disabled parking wayfinding and parking spaces must be provided on-site in accordance with WDCP. The parking spaces must be located in a convenient and secure location in as close proximity to the retail areas and internal pedestrian facilities such as lifts, escalators and ramps as possible.

The design of the disabled parking spaces must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and RMS technical directions and guidelines.

(Reason: Support mobility impaired users access in the Chatswood Chase development)

38. Bicycle Facilities

Bicycle wayfinding, storage and end of trip facilities must be provided on-site in accordance with WDCP. Bicycle storage and end of trip facilities must be provided for employees and located in a convenient and secure location in as close proximity to the retail areas as possible. Separate bicycle storage facilities must be provided for use by visitors to the Chatswood Chase development.

(Reason: Support active transport use to the Chatswood Chase development)

39. Loading Dock Management Guidance and Information System (LDMGIS)

Prior to the issue of the relevant Construction Certificate, a Loading Dock Management Plan and detailed design of a Guidance and Information System (LDGIS) shall be provided to Council for approval. The Management Plan and LDGIS must be implemented at all loading docks driveways and within all loading docks.

The Management Plan and detailed design of LDGIS shall include, but is not limited to, the technology, software, devices and operation/management/maintenance/upgrade plan to support the continuous operation of the LDGIS for the development.

As a minimum the management plan and LDGIS shall achieve the following objectives:

- (a) Ensure compliance with the Council approved hours of operation of the loading dock and servicing arrangements
- (b) manage queues at the ingress driveways so that no queues occur on the local road network;
- (c) guide drivers to available parking spaces;
- (d) inform drivers of the number of spaces available at each loading dock area;
- (e) direct drivers to the correct parking location within the loading dock; and,
- (f) include appropriate measures to ensure all vehicles entering and exiting the site give way to pedestrians on the footpath across the driveways.

(Reason: Safe and efficient movement of drivers entering, circulating within and leaving the Chatswood Chase development loading docks)

PRIOR TO COMMENCEMENT

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.

40. Building Site Hoarding

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

(Reason: Safety)

41. Site Management

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

- (a) Details and contact telephone numbers of the owner, builder and developer;
- (b) Location and construction details of protective fencing to the perimeter of the site;
- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;
- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;
- (i) Protective measures for tree preservation;
- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;
- (l) 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;
- (m) Construction noise and vibration management (see following Condition for further details).

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.

(Reason: Environment protection, public health and safety)

42. Noise and Vibration Management

The Applicant must prepare a Demolition, Excavation and Construction Noise and Vibration Management Plan and the Plan must:

- a) be prepared by a suitable qualified expert and submitted to the satisfaction of the Principal Certifying Authority;
- b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level, in accordance with EPA guidelines;
- c) describe the measures that would be implemented to ensure:
 - i) best management practice is being employed; and
 - ii) compliance with the relevant conditions of this consent;
- d) describe the proposed noise and vibration management measures in detail;
- e) identify the selection of alternative construction plant and machinery to avoid the generation of excessive noise levels;
- f) include strategies that have been developed to address impacts to noise sensitive receivers, where noise levels exceed the construction noise management level, for managing high noise generating works;
- g) implement intra-day respite periods for construction activities identified as annoying;
- h) implement noise reducing site/work practices and require regular noise checks of equipment;
- i) describe the consultation undertaken to develop the strategies in b) above;
- j) evaluate and report on the effectiveness of the noise and vibration management measures. Monitoring reports shall be submitted to Council on a monthly basis and comply with the recommendations contained in Section 6.7 of the acoustic report 171107s0012 Rev. 6.0 – Amended DA Issue by Norman Disney & Young dated 2 August 2018;
- k) include a complaints management system that would be implemented for the duration of the project; and
- l) A copy of the CNVMP is to be submitted to Council prior to the commencement of any work. The CNVMP (as revised from time to time) must be implemented by the Applicant for the duration of the construction works.

43. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 1-3 Havilah Street, 339 Victoria Avenue, 341 Victoria Avenue, 365 Victoria Avenue, 369 Victoria Avenue, 375 Victoria Avenue, 377 Victoria Avenue, 379 Victoria Avenue, 99-101 Archer Street and 16-18 Malvern Avenue to the Certifying Authority and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the

physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the Certifying Authority, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.

(Reason: Protection of adjoining owners)

44. Public Risk Insurance Policy

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

(Reason: Limit liability)

45. Ventilation Plans and Details

Plans and specifications of mechanical ventilation, air conditioning systems and any associated pollution control equipment are to be submitted and approved by the Certifying Authority prior to commencement of relevant permanent works.

(Reason: Ensure compliance)

46. Geotechnical Report

The site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer and a comprehensive report shall be submitted to the accredited certifier prior to commencement of work indicating how the work is to be undertaken with safety, and identifying the stages at which the engineers' personal supervision is to occur during the works.

(Reason: Protection of adjoining properties)

47. Application for vehicle crossings

Prior to commencement of work, the applicant must submit an application with fees to Council for the construction of any concrete vehicular crossings.

(Reason: Protection of public asset)

48. Dilapidation Report of Council's Property

Submit a dilapidation report including 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 applicant 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 prior to commencement of work.

(Reason: Protection of Council's infrastructure)

49. Permits and Approvals Required

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 TfNSW Transport Management Centre. 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.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

50. Project Arborist

- i) A Project Arborist is to be appointed prior to commencement of works on site
- ii) The Project Arborist is to have a minimum qualification AQF Level 5
- iii) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan and relevant conditions of consent
- iv) The Project Arborist is to certify
 - a) that all tree protection measures have been installed prior to commencement of works and
 - b) that all tree protection measures and remediation works have been complied with prior to issue of the relevant Occupation

Certificate.

(Reason: Safety, environmental protection, landscape amenity)

51. Spoil Route Plan

Submit a “to and from” spoil removal route plan 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.

(Reason: Public amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

52. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, or otherwise permitted by this Condition, must be carried out only between the hours of 7.00am to 5.00pm Mondays to Fridays and 7.00am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays. These hours are subject to the exceptions set out below under the headings ‘Noisy Activities’ and ‘Hours of Work – Extended’.

Works may be undertaken outside the above hours where:

- a) The delivery of materials is required by the Police or a public authority for the delivery of vehicles, plant or materials; or
- b) It is required in an emergency to avoid the loss of life, damage to property to prevent environmental harm; or
- c) A variation is approved in advance in writing by the Council.

Noisy activities

Rock breaking, rock hammering, sheet piling, pile driving and similar activities as well as noisy demolition activities may only be carried out between the following hours:

- a) 9:00 am to 12:00 pm, Monday to Friday;
- b) 2:00 pm to 5:00 pm Monday to Friday; and
- c) 9:00 am to 12:00 pm Saturday

Hours of work – Extended

Internal works may be undertaken outside of the approved hours as outlined in this Condition only after the completion of the external shell and sealing of the entire floor (whether by permanent or appropriate temporary materials as defined by an acoustic engineer) during the following hours:

- a) Between 5.00pm and 7.00am, Mondays to Fridays inclusive; and

- b) Between 5.00pm Fridays and 7.00am Saturdays; and
- c) No works are to be undertaken externally without the prior consent of council; and
- d) No material delivery or removal of waste must take place during the extended hours; and
- e) Approval is not given for the use of any high noise intrusive plant and equipment other than hand operated power tools.
- f) Construction noise must be inaudible inside the nearest residential receiver between midnight and 7.00am.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.
(Reason: Ensure compliance and amenity)

53. Building Site Fencing

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

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

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.
(Reason: Safety)

54. Provide Erosion and Sediment Control

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices shall be provided wholly within the site 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 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.

(Reason: Environmental protection)

55. Suitable Screens

In the event of likely emission of dust, noise, waste water or other matter, suitable screens shall be erected during demolition and building work to prevent their emission from the site.

(Reason: Maintain amenity to adjoining properties)

56. Suitable Barricades

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Certifying Authority and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

57. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.

(Reason: Safety)

58. Silencing Devices

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.

(Reason: Maintain amenity to adjoining properties)

59. Suitable Footpath Crossing Provided

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.

(Reason: Protection of public safety)

60. Access to Site

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

(Reason: Environmental protection)

61. Wash Down and Shaker Areas

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

(Reason: Environmental protection)

62. Rock Hammering/Sawing

Having regard to the residential nature of surrounding area rock sawing is to be used in preference to rock hammering during the excavation/construction phase of the development.

(Reason: Amenity)

63. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

64. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

65. Asbestos Removal and Disposal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (*National Occupational Health and Safety Commission 2012 (1994)*).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental protection/Public health and safety)

66. Survey Certificate

Certification of the following shall be submitted to the Certifying Authority by a registered surveyor:

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- (b) At each level indicating the level of that floor to Australian Height Datum;
- (c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- (d) At roof slab level indicating the level of that slab to Australian Height Datum;
- (e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

67. Road and Footpath

Council's footpath, nature strip or roadway shall not be damaged and shall be kept clear at all times. The public footway must not be obstructed at any time unless written approval has been granted by Council and the footway including any footpath shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Maintain public safety)

68. No Storage or Parking on Footway/Nature Strip

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.

Further, the parking of motor vehicles on footpaths, nature strips and cross overs and unloading vehicles while double parked or otherwise unsafely parked is not permitted. All vehicles are required to be parked legally and safely

(Reason: Safety)

69. Skips and Bins

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.

(Reason: Safety)

70. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

71. Construction Information Sign

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

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

(Reason: Ensure compliance)

72. Temporary Ground Anchors – Supervision

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

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

(Reason: Protection of public assets)

73. Sweep & Clean Pavement

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

(Reason: Legal requirement)

74. Footings Near Easement

All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement. Footings must extend to at least 100mm below the invert of the Council's pipe unless the footings are to be placed on competent bedrock.

(Reason: Protection of public asset)

75. Structures to Clear of Council's Drainage Infrastructure

It is the full responsibility of the Applicant and their contractors to:

- (a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works; and
- (b) Take full measures to protect the in-ground Council drainage system, and
- (c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

All proposed structures and construction activities shall be located clear of Council drainage pipes, drainage easements, watercourses and/or trunk overland flow paths on the site. Trunk or dedicated overland flow paths shall not be impeded or diverted by fill or structures unless otherwise approved by Council. In the event of a Council drainage pipeline being uncovered during construction, all work in the vicinity of the area shall cease and the Certifying Authority and Council shall be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of public assets)

76. Street Signs

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

(Reason: Protection of public assets)

77. Public Tree Protection

Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

78. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

79. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with iii) above are to be certified by the Project Arborist prior to commencement of works.

- (e) Tree roots greater than 50mm diameter are not to be removed unless approved by The Project Arborist on site.
- (f) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

80. Waste Classification – Excavation Materials

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the *Environment Protection Authority* (EPA) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.

(Reason: Environment and health protection)

81. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to the Certifying Authority. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

82. Unexpected Finds Protocol

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.

(Reason: Environment & Health Protection)

83. Importation of Fill

Any material to be imported onto the site for levelling, construction or engineering purposes must satisfy the Office of Environment & Heritage (OEH) requirements for *virgin excavated natural material* (VENM), or *excavated natural material* (ENM). The determination of VENM or ENM must be made by suitable qualified consultant. Pre-certification of the imported material shall be made and details made available to Council upon request.

(Reason: Environment & Health Protection)

84. Dust Control

The following measures must be taken to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.

- (c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
 - (d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
 - (e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.
- (Reason: Amenity)

85. Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA 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 and shall comply with the criteria contained in Section 4.2 of the Acoustic Report 171107s0012 Rev6.0 – Amended DA Issue by Norman Disney and Young dated 2 August 2018. 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.

(Reason: Amenity)

86. De-watering of Construction Site

All water removed from the site and dispensed into Councils stormwater system shall meet criteria set by ANZECC (2000) Guidelines prior to water leaving the site.

Council shall be notified prior to any de-watering/ pumping out of the site.

Certification from a NATA accredited lab showing water meeting ANZECC (2000) Guidelines criteria shall be made available to Council officers upon request.

(Reason: Environment compliance)

87. Loading and Unloading During Construction

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (d) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the

progress of the construction activities.

- (f) Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

88. Certification of the Flood Risk Management Measures

Prior to the issue of the relevant Occupation Certificate, a qualified and suitably experienced flood risk management specialist, shall certify that the Flood Emergency Response Plan prepared in accordance with approved Report and the conditions of this consent has been implemented. The certification shall include the satisfactory completion and operation of all measures of the system including *flood warning system, depth trigger system, alarm systems, post-flood basement pump-out and water treatment systems, flood gates, back- up power system etc. to ensure uninterrupted operation of all measures and systems required for flood management and that the Plan has been implemented.*

(Reason: Public health and safety, reduction in flood damages, non-polluting of downstream receiver)

89. Construction of Flood Mitigation Works

Prior to the issue of the relevant Occupation Certificate, all Flood Mitigation Measures works which are to be incorporated into the redevelopment of Chatswood Chase shall be completed in accordance with the approved drawings prepared to meet Condition 12 of this consent (Reason: Ensure compliance)

90. Certification of Flood Mitigation Works

Prior to issue of the relevant Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built flood mitigation works have been constructed in accordance with the approved plans and complies with Council's DCP and Technical Standards.

(Reason: Ensure compliance)

91. Works-As-Executed Plans – Flood Mitigation Works

Prior to issue of the relevant Occupation Certificate and upon completion of the Flood Mitigation Works, the following shall be submitted to the Principal Certifying Authority and a copy sent to Council:

- (a) Work-as-Executed plans based on the approved flood mitigation works drawings from a registered surveyor to verify that all as-built details which 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) Civil Engineer's certification for satisfactory completion of the flood mitigation works.

(Reason: Record of works)

92. Works-As-Executed Plans – Flood Dissipation Works in Havilah Street

Prior to issue of the relevant Occupation Certificate and upon completion of the Flood Dissipation works in Havilah Street, the following shall be submitted to Council as the Roads Authority:

- (a) Work-as-Executed plans based on the approved flood dissipation works in Havilah Street shown on the approved drawings from a registered surveyor to verify that all as-built details. Any minor changes or variations to the approved plans should be highlighted in red on the approved plans.
- (b) Civil Engineer's certification for satisfactory completion of the flood mitigation and dissipation works in Havilah Street.

(Reason: Record of works)

93. Works-As-Executed Plans – Overland Flow Channel

Prior to the issue of the relevant Occupation Certificate and upon completion of the overland Flood Channel, the following shall be submitted to the Certifying Authority:

- (a) Work-as-Executed plans based on the approved overland flow design drawings from a registered surveyor to verify that all as-built levels of the overland flow channel. 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 Overland Flow Channel for compliance with conditions of this consent.

(Reason: Record of works)

94. Section 73 Compliance Certificate - Sydney Water

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of a Final Occupation Certificate. An application must be made either directly to Sydney Water or through Sydney Water accredited Water Service Coordinator.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time.

For details go to [visit www.sydneypwater.com.au](http://www.sydneypwater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92._

The Section 73 Certificate must be submitted to the Certifying Authority.

(Reason: Ensure statutory compliance)

95. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act Access to Premises Standard 2010.

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

(Reason: Access and egress)

96. Registration of Plan of Consolidation

Prior to the issue of the relevant occupation certificate, all individual allotments involved in the development site shall be consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.
(Reason: Ensure compliance)

97. Safer by Design

Prior to the issue of the relevant occupation certificate and to minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

- A. New constructions or buildings should not create opportunities or spaces where groups can congregate in concealed areas underneath or outside. Pedestrian exit and entry points encourage more pedestrian traffic and will bring natural surveillance to that area.
- B. Surrounding shrubs and gardens should be maintained to reduce opportunity for concealment. 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.
- C. Appropriate signage should be erected inside and around the location to warn of security treatments in place e.g. "This site is under 24 hour video surveillance"
- D. An electronic surveillance system should be included to provide maximum surveillance of the area including entry/exit points. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. Monitors should be placed in the store/office areas to allow staff to view all areas under camera surveillance.
- E. All CCTV cameras installed should be of a good resolution and accompanied with good lighting.
- F. All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.
- G. The CCTV footage should also cover any car parking spaces. "Park Smarter" sign age should be displayed within this area to warn/educate motorists to secure their vehicles and not leave valuable items visible in their cars. The car park will also need to have adequate lighting.
- H. 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.

Lighting in and around the area should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage. Internal after-hours security lighting should provide adequate illumination to allow inspection by security patrols.

- I. Lighting around the building should be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
- J. Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards- Lock Sets AS:4145.
- K. Windows should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
- L. An emergency control and evacuation plan should be implemented within the building. Management and staff should be trained in the execution of the plan in emergency situations.
- M. Any wheelchair access points should at no time be blocked nor impede access to anyone with a disability.
- N. Fire exits should be monitored to ensure they are not left ajar outside business hours and become access points for break and enter offences.
- O. The ceiling and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- P. 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.
- Q. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

(Reason: NSW Police recommendations, safety and surveillance, amenity)

98. Services - Electricity Supply and Telecommunication Mains

All existing and proposed overhead electricity supply and telecommunication mains and other overhead services around the perimeter of the site and servicing the development shall be relocated underground to the satisfaction of the relevant utility provider and Willoughby City Council at the full cost of the applicant.

(Reason: Compliance)

99. Temporary Ground Anchors – Destressing

Prior to the issue of the relevant occupation certificate, all damages to 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.

(Reason: Destressing of ground anchors)

100. CCTV Report of Council/Sydney Water Pipe System After Work

Prior to the issue of the relevant occupation certificate, a qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council and/or Sydney Water drainage pipeline system after the completion of all works. No person is to enter any Council stormwater conduit without written approval from Council. 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 and displayed on the video.
- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) 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. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority.

(Reason: Ensure compliance and protection of public asset)

101. Inspection of Drainage Connection to Council's Drainage Line

Prior to the issue of the relevant occupation certificate, inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

102. On-site Water Management System

Prior to the issue of the relevant occupation certificate, the stormwater runoff from the site shall be collected and disposed of via a 1400m³ on-site stormwater detention system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

103. Rainwater Re-use – Major

Prior to the issue of the relevant occupation certificate, the applicant shall provide rainwater re-use tanks with a minimum storage volume of 200m³ in accordance with the stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to laundry, toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and conserve natural resources)

104. Sign for Rainwater Retention and Reuse System

Prior to the issue of the relevant occupation certificate, an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the rainwater tank.

The wording for the plaque shall state "*This is the Rainwater Retention and Reuse System 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*".

(Reason: Prevent unlawful alteration)

105. Sign for On-site Detention System

Prior to the issue of the relevant occupation certificate, an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the On-site Detention System.

The wording for the plaque shall state *“This is the On-site Detention System 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”*.

(Reason: Prevent unlawful alteration)

106. Confined Space Sign

Prior to the issue of the relevant occupation certificate, securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the on-site detention tank and rainwater retention tank.

(Reason: Safe access to tank)

107. Certification of OSD

Prior to the issue of the relevant occupation certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system 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.2.

(Reason: Legal requirement)

108. Certification of Rainwater Reuse System

Prior to the issue of the relevant occupation certificate and upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, laundry and landscape irrigation. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.

(Reason: Record of works)

109. Certification of the Basement Pumpout Drainage System

Prior to the issue of the relevant occupation certificate and upon completion of the pump-out system, the following shall be submitted to the Certifying Authority.

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.
- (b) Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- (c) Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Ensure compliance)

110. Works-As-Executed Plans - OSD

Prior to the issue of the relevant occupation certificate and upon completion of the OSD System, the following shall be submitted to the Certifying Authority:

- (a) Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, 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 OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

111. Works-As-Executed Plans – Rainwater Reuse

Prior to the issue of the relevant occupation certificate and upon completion of the Rainwater Re-use System, the following shall be submitted to the Certifying Authority:

- (a) Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet 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) Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, laundry and landscape irrigation. The Certificate shall detail the number and type of fixtures connected to the tank. All works completed shall comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.

(Reason: Record of works)

112. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built stormwater management system (OSD and Rainwater Reuse Tanks). 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 size and relative location of the on-site detention tank and rainwater retention tank, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifying Authority and Council prior to issue of the final occupation certificate.
(Reason: Maintenance requirement)

113. Creation of a Floodway Restriction

Prior to the issue of the relevant Occupation Certificate, create a Restriction on the Use of the Land on the title of the subject property under Section 88E(3) of the Conveyancing Act 1919 by using Form 13RPA obtainable from the NSW Department of Lands. The restriction is to be placed over the overland flood path within the subject site identified in the approved updated Flood Report. The flood extent shall be shown on a scale sketch, attached as an annexure to the request forms.

The wording for the restriction shall state *"No placement of any other structures, walls, fences, fill or other items which may impede the flood path within the identified flood zone as per the approved updated Flood Report, shall be permitted"*.

Willoughby City Council shall be the authority empowered to release, carry or modify the restriction. Documentary evidence of registration of the instrument with the NSW Land Registry Services shall be submitted to Council and the Certifying Authority.
(Reason: Ensure unimpeded floodwater conveyance)

114. Create Positive Covenant – Indemnifying Council

The applicant shall create a Positive Covenant under Section 88E of the Conveyancing Act 1919. The Positive Covenant is to be created through an application to the Land and property Information (LPI) NSW in the form of a request using form 13PC.

Title documents showing the registered covenant shall be submitted and approved by Council prior to issue of the relevant Occupation Certificate.

The terms of the instruments are to be in accordance with the following:

1.1. The Registered Proprietor covenants as follows with the Prescribed Authority in respect of the construction and ongoing maintenance and repair of the Flood Emergency Management Measures in their entirety including flood warning system, depth trigger system, alarm systems, basement pump out systems, flood gates, overland flood channel and back- up power system to ensure continued and uninterrupted operation of all measures and systems required for flood management, constructed on the Burdened Lot in the location shown in the annexed scale plan marked Annexure **"A"**.

1.2. The Registered Proprietor agrees to:

1.2.1. ensure that the Flood Emergency Management Plan in its entirety including all systems and measures remain in a good working order;

1.2.2. accept full responsibility for the maintenance and upkeep of these systems and measures in their entirety including flood warning system, depth trigger system, alarm systems, basement pump out systems, flood gates, overland flood channel and back- up power system to ensure continued and uninterrupted operation of all measures and systems required for flood

management as indicated in the approved updated flood report, constructed on the subject site;

- 1.2.3. accept full responsibility for any and all damages that may be caused by any overland floodwater.
- 1.2.4. indemnify and keep indemnified the Prescribed Authority from and against all claims, demands, actions, suits, causes of action, for damages, costs and expenses which the Prescribed Authority or any other person may suffer as a result of any overland floodwater entering the property and/or any failure of the Registered Proprietor to comply with the terms of this Positive Covenant.
- 1.3. Nothing in this clause 1 operates in any way to fetter the Prescribed Authority's discretion to impose any condition of consent when acting as a consent authority pursuant to the Environmental Planning and Assessment Act 1979.
- 1.4. The Registered Proprietor will:
 - 1.4.1. carry out the matters referred to in paragraphs 1.2.1 to 1.2.4 at the Registered Proprietor's expense;
 - 1.4.2. permit the Prescribed Authority or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the Burdened Lot for compliance with the requirements of this clause;
 - 1.4.3. comply with the terms of any written reasonable notice issued by the Prescribed Authority in respect to the requirements of this clause within the time stated in the notice.
- 1.5. This Covenant shall bind all persons who are, or claim under, the Registered Proprietor(s) as stipulated in Section 88E (5) of the Act.
- 1.6. Name of Authority having the power to release, vary or modify the Positive Covenant referred to is Willoughby City Council.

In this Positive Covenant unless inconsistent with the context:

Act means the *Conveyancing Act 1919 (NSW)* as amended or replaced.

Burdened Lot means the whole of the land in folio identifier Lot 10 DP1143909 and Lot2 DP785149.

Prescribed Authority means the Willoughby City Council and its assigns and successors.

Registered Proprietor means the registered proprietor of the Burdened Lot from time to time and all of his/her heirs, assigns and successors in title of the Burdened Lot and where there are two or more Registered Proprietors of the Burdened Lot the terms of this Positive Covenant shall bind all those registered proprietors jointly and severally.

(Reason: Floodwater conveyance)

115. Documentary Evidence of Positive Covenant, Engineers Certificate

Prior to the issue of the relevant occupation certificate, the following documentary evidence of the completed drainage works shall be submitted to Certifying Authority and Council: -

- (a) Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- (b) Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- (c) 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.

(Reason: Public record)

116. Certification – Structures / Excavations near Council's Easements

A Structural Engineer with Chartered status shall certify that all footings and structures adjacent to Council's pipeline and/or easement have been constructed at least 100mm below the invert of the Council's pipe unless the footings are placed on competent bedrock. All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement.

Certification is to be provided to the Certifying Authority, and a copy provided to Council, prior to issue of the relevant occupation certificate.

(Reason: Protection of public asset)

117. Construction of Kerb & Gutter

Prior to the issue of the relevant occupation certificate, construct new kerb and gutter together with associated road pavement reconstruction in accordance with Council's specification for the full frontage of the development site in Havilah Street, Archer Street, Victoria Avenue and Malvern Avenue.

(Reason: Public amenity)

118. Reconstruct Pavement

Prior to the issue of the relevant occupation certificate, half road pavement including any necessary associated works adjoining to the full frontage of the development site in Havilah Street, Archer Street, Victoria Avenue and Malvern Avenue shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 5 x 10⁶ ESA.

(Reason: Ensure compliance)

119. Paving Bricks

Prior to the issue of the relevant occupation certificate, construct a full width footpath in approved paving bricks for the full frontage of the streets, Archer Street and Victoria Avenue, adjoining to the site in accordance with Willoughby City Council's

Segmental Footpath Paving Code. 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.
(Reason: Public amenity)

120. Concrete Footpath

Prior to the issue of the relevant occupation certificate, construct a:

- (a) 1.5m wide concrete footpath (maximum 2.5% crossfall) for the full frontage of the development site in Havilah Street and Malvern Avenue.

All works shall be carried out in accordance with Council's standard specifications and drawings. All grass verges within the nature strip must be adjusted so that a maximum crossfall of 5% is provided.

(Reason: Public amenity)

121. Vehicular Crossing

The construction of vehicular crossings as part of the traffic management works to the satisfaction of Council's Engineers. All new works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The footpath section which forms part of the proposed crossing shall have a maximum crossfall of 2.5%.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to issue of the relevant occupation certificate.

(Reason: Public amenity)

122. Removal of Redundant Crossings

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

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to issue of the relevant occupation certificate.

(Reason: Public amenity)

123. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, traffic management works, drainage works and/or any necessary associated works on the road reserve shall be

completed in accordance with the 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) and submitted to the Certifying Authority prior to the issue of the relevant occupation certificate.

(Reason: Ensure compliance)

124. Performance Bond

Prior to the issue of the final Occupation Certificate, the Applicant shall lodge with the Council a performance bond of **\$400,000** 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 Applicant 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.

(Reason: Ensure compliance and specification)

125. Turfing of Nature Strip

Prior to the issue of the final occupation certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

(Reason: Public amenity)

126. Flood Risk Management Plan

Prior to issue of the relevant occupation certificate and upon completion of all flood mitigation works, the applicant must submit to the Principal Certifying Authority, a copy of flood risk management plan for future implementation.

(Reason: Managing flood risk)

127. Inspection of Drainage Works outside of Property and Connection to Council's Drainage Line

Prior to the issue of the relevant occupation certificate, inspection of drainage works within the easement, and connection to the existing Council's pipeline/pit shall be carried out by Council's Engineer.

A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

128. Sight Triangles

As per AS 2890.1 - 2004 and in order to ensure adequate sight distances for pedestrians and traffic in the frontage road, sight triangles of 2m x 2.5m shall be provided on each side of all proposed vehicular crossings.

(Reason: Pedestrian safety)

129. Vehicle Access - Construction & Certification

The Applicant shall submit, for approval by the Principal Certifying Authority, certification of all new works from a suitably qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access car park and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed car park complies with the approved Construction Certificate plans for all new works,
- b) That a maximum gradient of 5% has been provided for the first 6 metres from the property boundary to the basement.
- c) All driveway grades comply with AS 2890.1, AS 2890.2 and AS 2890.6
- d) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- e) All parking spaces are open type with no partitions.
- f) That the as-constructed vehicular path and parking arrangements for all new works comply in full with AS2890.1 – 2004, AS 2890.2 – 2004 and AS 2890.6 in terms of minimum dimensions provided,
- g) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with AS 2890.1 and Section 2.4 of AS2890.6.
- h) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.
- i) Aisle widths throughout basements complies with AS2890.1
- j) That the headroom clearance has been provided for the access and loading area for the largest vehicle accessing the site and complies with AS2890.2.
- k) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.
- l) Simultaneous manoeuvring of the B99 and B85 vehicles at ramps and ramp ends including clearance for each vehicle as per AS 2890 is catered for.
- m) Access and manoeuvrability of the largest vehicle accessing the site and compliance with AS 2890 and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS 2890.1 and AS 2890.2 is achieved.

(Reason: Ensure Compliance)

130. Construction of Traffic Management Works

Prior to the issue of the relevant occupation certificate, all Traffic Management Works shall be completed in accordance with the drawings approved under Section 138 of the Roads Act, Council's standard drawings, consent conditions and specification (AUS-SPEC). All road and traffic management works must be constructed at no cost to Willoughby City Council.

(Reason: Ensure compliance)

131. Public Tree Maintenance

Prior to the issue of the relevant occupation certificate, the applicants arborist or landscape designer is to certify that:

- (a) All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- (b) All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide, "Specifying Trees", 2003.

(Reason: Tree management, public asset management)

132. Completion of Landscape Works

Prior to the issue of the relevant occupation certificate, the approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

133. Contamination/Remediation – Site Validation Report

Prior to the issue of the relevant occupation certificate, a Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- (a) Environment Protection Authority (EPA) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites'; and
- (b) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Certifying Authority and a copy to Council for its records for review and concurrence after the completion of all remediation works.

(Reason: Environmental protection, public health and safety)

134. Sound Level Output Certification

The sound level output from the equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level measured at the boundaries of the property in accordance with the current Environment Protection

Authority (EPA) 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 prior to issue of the Final Occupation Certificate.
(Reason: Amenity)

135. Acoustic Treatment – Certification

Prior to the issue of the relevant occupation certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment for the new work complies with the construction details approved and the relevant design noise criteria.
(Reason: Amenity, environmental compliance and health)

136. Acoustic Works – Report

Prior to the issue of the relevant occupation certificate, certification shall be provided upon completion of the relevant new works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report by Norman Disney & Young dated 2 August 2018.

This includes but is not limited to;

- (a) Restriction of vehicle delivery hours between 22:00 and 7:00 to avoid sleep disturbance to residential receivers along Victoria Avenue, Malvern Avenue and Archer Streets Chatswood.
- (b) Maintain existing barriers around Coles condenser (roof) and replacing existing louvres of the Coles plant room (Lower Ground Level)) with acoustic louvres with a higher sound isolation performance. A detailed assessment will need to be carried out during detailed design stage to determine the minimum mitigation measures required to reduce noise emissions to the boundary.
- (c) Maximum allowable sound power levels for each of the new car park exhaust fans shall be limited to $L_{eq}85$ dB(A).
- (d) Maximum allowable sound power levels for the two new cooling towers cooling fans shall be limited to $L_{eq}85$ dB(A) for the cooling fan on top of the tower and to $L_{eq}75$ dB(A) for the cooling fan on the sides at the bottom of the tower.
- (e) Where additional mechanical equipment is required to be added on site, it should be reviewed by a qualified acoustic consultant to ensure noise compliance is achieved.
- (f) Installation of acoustic screening on the façade facing Havilah Street & Malvern Avenue, Chatswood which is to extend up to the underside of the Level 3A floor.
- (g) Speakers playing amplified music on Level 4 should be located away from the edges of the building or directional speakers facing away from the edge of the building should be used. The number of speakers is limited to maximum 2 speakers per Level 4 outdoor area. The maximum noise emissions from speakers is to be a maximum of 85dBA at 1m.
- (h) Minimum 2.4m high solid barriers are to surround all outdoor areas except for the southern side of Levels 3 and 4 located within 30m of Victoria Avenue (unless outdoor areas are not to be used during evening and night time periods).

- (i) The noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria contained in the acoustic report.

(Reason: Amenity, environmental compliance and health)

137. Noise Emission – Equipment

Prior to the issue of the relevant occupation certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all new sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria.

(Reason: Amenity, environmental compliance and health)

138. Certification – Ventilation

Prior to the issue of the relevant occupation certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of all new mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.

(Reason: Amenity, environmental compliance and health)

139. Trade Waste Permit / Consent

Prior to the issue of the relevant occupation certificate, evidence of a Sydney Water permit or consent for the discharge of wastewater to the sewer shall be submitted to the Certifying Authority. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

(Reason: Environmental compliance and health)

140. Parking Management Guidance and Information System – construction, commissioning and operation

Prior to final occupation, the Parking Management Guidance and Information System (PMGIS) must be implemented and operational.

The applicant shall provide Council, free of charge, the car parking occupancy data. This data will be used by Council as part of its Travel Demand Strategy.

(Reason: Safe and efficient movement of drivers entering, circulating within and leaving the development car parking areas).

141. Load Dock Management Guidance and Information System – construction, commissioning and operation

Prior to final occupation, the Loading Dock Management Guidance and Information System (PMGIS) must be implemented and operational.

(Reason: Safe and efficient movement of drivers entering, circulating within and leaving the development loading dock areas)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

142. Annual Testing and Certification of Flood Emergency Measures

The Flood Emergency Management Systems and Measures in their entirety including flood warning system, depth trigger system, alarm systems, basement pump out systems, flood gates, back- up power system etc. to ensure continued and uninterrupted operation of all measures and systems required for flood management, as indicated in the approved updated flood report shall be tested annually by suitably qualified consultants to ensure they are in good working order. A suitably qualified emergency management specialist, experienced in emergency flooding response shall certify that the Flood Emergency Response Plan in its entirety including the Flood Emergency Management Measures prepared in accordance with the approved Report and conditions of this consent is operating in a good working order. This certification shall be submitted to Council annually on 31 January of every year.

(Reason: Flood Management Safety)

143. Flood Emergency management Plan and Measures

The Flood Emergency Management Plan including all systems and measures shall be retained and maintained at all times.

(Reason: Flood Management)

144. Separate Development Consent - Various

The fit out, use and occupation of the commercial tenancies shall be the subject of separate applications, in accordance with applicable legislation, zoning permissibility and this consent.

(Reason: Ensure compliance)

145. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the *Roads Act 1993*) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

146. Annual Fire Safety Statement

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 building or on the land on which the building is situated.

(Reason: Safety)

147. Loading and Unloading

In perpetuity, 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 adjoining streets or from any appurtenant right of way.
(Reason: Access and amenity)

148. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1 in 100 year ARI level.
(Reason: Maintain designed discharge)

149. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B99 vehicles. All new vehicle access and/or parking spaces other than those impacted by existing structural requirements shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and AS2890.2 and Council's standard specification.
(Reason: Vehicular access)

150. Underground Utility Services

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.
(Reason: Protection of utilities)

151. Road Closure

Any closure (full or partial) of a public road is strictly prohibited without the approval of Council.
(Reason: Public protection)

152. Public Infrastructure Restoration

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 Council's specification and AUS-SPEC at no cost to Council.
(Reason: Protection of public assets)

153. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.
(Reason: Environmental protection)

154. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give

rise to an “offensive noise” as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

(Reason: Amenity)

155. Collection/Delivery Services

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials from and to the premises shall not take place between the hours of 22:00 – 7:00.

(Reason: Amenity)

156. Public Spa/Splash Pools

The spa/splash pool shall be installed maintained and operated in accordance with the provisions of AS 2610, Part 1 - Spa Pools Part 1 Public Spas including the provision of all safety notices, signs, rules and markings contained in Clause 2.19 of the standard and in accordance with NSW Health Public Swimming Pool and Spa Pool Advisory Document.

(Reason: Health and amenity)

157. Mechanical Ventilation Systems Comprising Water Cooling

Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Council on completion of the installation in accordance with the requirements of the *Public Health Act 2010* and *Public Health Regulation 2012*.

(Reason: Health protection)

158. Stormwater Drainage Management

Upon commencement of the use and in perpetuity, the site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the *Protection of the Environment Operations Act 1997* and any current Environment Protection Authority (EPA) requirements or guidelines.

Ensure that stormwater drains in or near the property carry clean rainwater only. Any other liquids or solids are considered a pollutant. Do not allow any wash water, food stuffs, grease, litter or other pollutants from business operations to get into the stormwater drains. Drains must be free of litter, leaves or any other foreign matter at all times.

(Reason: Environmental protection)

159. Mechanical Ventilation – Provisions for Future Use of Commercial/Retail Tenancy

The base building design shall include provisions for the installation of mechanical ventilation to any commercial/retail tenancy where it may be approved to be used as a food premises or any other use which requires mechanical ventilation. The provisions shall allow any mechanical ventilation system installed to discharge vertically and comply with the requirements of the National Construction Code and any relevant Australian Standard.

(Reason: Amenity/Ensure compliance)

160. Hand Wash Basin/s – Food Premises

A dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and must be within 5m from any place where food handlers are handling food. The hand wash basin shall be of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times. The basin shall be supplied with hot and cold water under pressure through an approved hands free mixing device which can be adjusted to enable the hands to be washed under hot water. A supply of liquid soap and paper towels is to be provided adjacent to the hand wash basin.

(Reason: Health & Compliance)

161. Walls – Solid Construction – Food Premises

All tenancy perimeter walls and internal walls including partition walls shall be solid construction. The walls are to be constructed in masonry, brickwork or other approved method with all voids filled with a suitable material.

(Reason: Health & Compliance)

162. Floor, Wall & Ceiling Finishes – Food Premises

All finishes shall comply with AS4674-2004 *Table 3.1, Table 3.2 and Table 3.3*. All finishes must be able to be effectively cleaned, be unable to absorb grease, food particles or water and must be unable to provide harbourage for pests.

(Reason: Health & Compliance)

163. Waste Materials

In perpetuity, no waste materials are to be stored outside the approved waste storage area at any time. The garbage receptacles are not to be used for the disposal of any type of liquid waste.

(Reason: Health and amenity)

164. Refuse Collection Point

A suitable refuse collection point, adjacent to the garbage room(s), must be provided within the building envelope. The loading operation, including the movement of garbage receptacle must take place on a level surface away from gradients and vehicle ramps. No waste/recycling is to be placed on the public footpaths, roadways, plazas, reserves or building colonnade areas, at any time. All garbage receptacles must be returned to the garbage storage area within the property after the bins are serviced.

(Reason: Health and amenity)

165. Removal of Trade Waste

The building/business owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage shall be placed on the public footpaths, roadways, plazas, reserves at any time.

(Reason: Health and amenity)

166. Operating Hours

The operating hours of the proposed development are to be restricted to 6am to midnight, 7 days per week, except for the following:

- (a) The operating hours of any premises facing Havilah Street at Level 00 are to be restricted to 7am to 6pm. Windows and doors of any such premises must be closed between 6pm and 7am.
- (b) The operating hours of outdoor areas of any other premises are to be restricted to 7am to 10pm. Windows and doors of any such premises must be closed between 10pm and 7am.
- (c) Deliveries are to be restricted to 7am to 10pm, 7 days per week.

PRESCRIBED CONDITIONS

The following conditions are prescribed by Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.

167. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.
(Reason: Compliance)

168. Support for Neighbouring Buildings

- (a) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the building, structure or work from possible damage from the excavation, and
 - (ii) if necessary, underpin and support the building, structure or work to prevent any such damage, and
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (c) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

169. Construction Certificate Required

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

170. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifying Authority and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

171. Occupation Certificate

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.

(Reason: Safety)