

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-340
DA Number	DA-2022/305
LGA	Willoughby City Council
Proposed Development	Refurbishment of existing retail areas at chatswood chase shopping centre, installation of new retail facades and awnings on victoria avenue, havilah street and archer street, a new commercial/office space on level 3, construction of two additional levels of car parking, amended trading hours, signage zone, external landscaping works and associated works.
Street Address	345 Victoria Avenue & 5-7 Havilah Street, CHATSWOOD
Applicant/Owner	Vicinity Centres Pty Ltd
Date of DA lodgement	26 September 2022
Number of Submissions	One (1)
Recommendation	APPROVAL
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value (CIV) over \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> - Environmental Planning and Assessment Act - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> - <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> - <i>State Environmental Planning Policy (Industry and Employment) 2021</i> - SREP (Sydney Harbour Catchment) 2005 - <i>Willoughby Local Environmental Plan 2012</i> - <i>Willoughby Development Control Plan (WDGP)</i> - Chatswood CBD Planning and Urban Design Strategy to 2036
List all documents submitted with this report for the Panel's consideration	<p>i.e. any:</p> <ul style="list-style-type: none"> • Architectural Plans dated 31/05/2023 • Statement of Environmental Effects dated 24/03/2023 • SEE addendum dated 24/03/2023 • Landscape Plans dated 21/03/2023 • Landscape response dated 23/05/2023 • Flood Modelling Report dated 1/08/2022 • Addendum to Flood Modelling Report 23/03/2023 • Flood risk management report dated 27/07/2020 • Operational Waste Management Plan
Report prepared by	Patrick Williams
Report date	21 June 2023

Summary of s4.15 matters	Yes
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards	Not Applicable
If a written request for a contravention to a development standard (clause 4.6 of the <i>LEP</i>) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	Not Applicable
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	Yes
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	

SNPP NO: PPSSNH-340
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 345 VICTORIA AVENUE & 5 HAVILAH STREET, CHATSWOOD
DA NO: DA-2022/305
PROPOSAL: REFURBISHMENT OF EXISTING RETAIL AREAS AT CHATSWOOD CHASE SHOPPING CENTRE, INSTALLATION OF NEW RETAIL FACADES AND AWNINGS ON VICTORIA AVENUE, HAVILAH STREET AND ARCHER STREET, A NEW COMMERCIAL/OFFICE SPACE ON LEVEL 3, CONSTRUCTION OF TWO ADDITIONAL LEVELS OF CAR PARKING, AMENDED TRADING HOURS, SIGNAGE ZONE, EXTERNAL LANDSCAPING WORKS AND ASSOCIATED WORKS.
RECOMMENDATION: APPROVAL
ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. SECTION 4.15 (79C) ASSESSMENT
5. SCHEDULE OF CONDITIONS
6. NOTIFICATION MAP

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER
AUTHOR: PATRICK WILLIAMS - DEVELOPMENT ASSESSMENT OFFICER
DATE OF MEETING: 21-JUN-2023

1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 7 of the *State Environmental Planning Policy* (State and Regional Development) 2011. It has a capital investment value (CIV) of over \$30 million and therefore Sydney North Planning Panel is the determination authority.

2. OFFICER'S RECOMMENDATION

That the Sydney North Planning Panel (SNPP) Approve the development subject to the attached conditions for the application DA-2022/305 for refurbishment of existing retail areas at Chatswood Chase shopping centre, installation of new retail facades and awnings on Victoria avenue, Havilah street and Archer street, a new commercial/office space on level 3, construction of two additional levels of car parking, amended trading hours, signage zone, external landscaping works and associated works at 345 Victoria Avenue & 5 Havilah Street, Chatswood.

2.1 Approve Development Application DA-2022/305 for *refurbishment of existing retail areas at chatswood chase shopping centre, installation of new retail facades and awnings on victoria avenue, havilah street and archer street, a new commercial/office space on level 3, construction of two additional levels of car parking, amended trading hours, signage zone, external landscaping works and*

associated works at 345 victoria avenue & 5 havilah street, Chatswood, subject to conditions contained in Attachment 8, for the following reasons:

- 2.1.1 The proposal is consistent with the objectives of the B3- Commercial Core Zone and considered to be consistent with the objectives of the *Willoughby DCP*.**
- 2.1.2 The alterations and additions result in a better active street frontage design consistent with the desired character of the area.**
- 2.1.3 The development provides significant social benefits that are aligned with the Willoughby Council's strategic objectives for the Chatswood CBD area.**
- 2.1.4 It is considered that the proposed development meets the desired outcomes and objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012 (WLEP)* and objectives of the *Willoughby Development Control Plan (WDCP)*.**

3. BACKGROUND

Chatswood Chase Shopping Centre is a major four level regional shopping centre located at the eastern edge of the Chatswood CBD in the Willoughby Local Government Area (LGA). Chatswood Chase forms a major part of the Chatswood CBD and is well serviced by public transport services with Chatswood Railway Station and the bus interchange located approximately 380m from the site.

The site currently accommodates the Chatswood Chase Shopping Centre, which is anchored by David Jones, Kmart and Coles and contains more than 145 specialty stores and includes restaurants and food court uses, set across four levels. It accommodates 2,441 car parking spaces with access from Malvern Avenue, Victoria Avenue and an access ramp to the rooftop car parking from Archer Street.

The Chatswood Chase Shopping Centre has operated on the site since 1983. In 2007, the owner obtained development consent (Major Project No 06 0301) for a major upgrade and this was carried out in 2009. The applicant then acquired the properties at 12-14 Malvern Avenue and 5-7 Havilah Street in order to carry out a further major upgrade and expansion of the shopping centre.

Willoughby LEP 2012 amendment

A Planning Proposal was lodged by Urbis (on behalf of Vicinity Centres, the applicant of the current DA) in July 2016 (the Planning Proposal) in order to align the height and FSR controls of 12-14 Malvern Avenue and 5-7 Havilah Street with those currently applying to the Chatswood Chase site and increase the building height applying to the northern portion of the greater site area of Chatswood Chase (fronting Malvern Avenue and part of Havilah Street).

On 22 September 2017 the Planning Proposal resulted in an amendment to the *Willoughby Local Environmental Plan 2012 (WLEP 2012)*. Subsequent to the amendment, in January 2018 Council approved the commencement of the Chatswood CBD *Planning and Urban Design Strategy to 2036*. The Strategy envisages a further uplift in the density controls applicable to the site to 90m.

DA 2017/503

Consent for DA 2017/503 for *Demolition of 2 commercial buildings, reconstruction and expansion of Chatswood Chase shopping centre* at 345 Victoria Road, 12-14 Malvern Avenue, 5-7 Havilah Street, Chatswood was granted approval on 7 June 2019 by Sydney North Planning Panel (SNPP).

DA 2017/503 was originally considered at the SNPP public meeting on 19 December 2018. SNPP ordered the parties to:

- Seek agreement regarding outstanding issues of disagreement; and
- Engage an independent hydraulic expert to undertake peer review of flood conditions and to assist the parties toward agreement.

As such, under this application, the flooding considerations were assessed by independent engineering consultants (Rhelm), as per SNPP recommendation. The flood report by CJ Arms was assessed by Council's external flood consultant (Lyll and Associates). The approval by SNPP was granted based on the independent engineer's report and recommendation which includes a flood management plan with a maximum water depth in the basement in the 1% AEP flood depth of 0.2m and a PMF depth of 0.6m.

DA 2018/368

The applicant has lodged DA 2018/368 in support of DA 2017/503. The purpose of DA 2018/368 was to facilitate continued customer access to the existing David Jones tenancy during the construction process resulting from DA 2017/503. DA 2018/368 was later withdrawn by the applicant.

DA 2019/200

The DA was submitted to Willoughby City Council seeking development consent to amend approved DA 2017/503 to refine the design and layout of Chatswood Chase Shopping Centre. This included a reduction in bulk and scale, parking amendments, layout changes, reduction in car parking and amend hours of operation. The application presented a number of flooding complications like the previous iteration under DA-2017/503. The flooding was reviewed by externally on Council's behalf by Cardno, the applicant retaining CJ Arms. The application was approved by the Sydney North Planning Panel on 19 February 2020 with a series of additional flooding related conditions relating to the complex flooding situation.

Other

Given the nature of the use and the size, the site is subject to a number of applications each year which relate to maintenance and upgrade. This report will not attempt to capture all of these but will not the main applications from recent years as below:

- DA-2012/185 – Alterations and additions to loading dock and internal rearrangements.
- DA-2012/24 – Car Wash facility on Level GA
- DA-2012/4 – Relocation of disabled parking spaces and internal amendments.
- DA-2012/439 – Alterations to car parking throughout Chatswood Chase
- DA-2014/184 – Reduction of free parking from 3 hours to 2 hours

- DA-2014/517 – Construct colorbond plant room enclosure
- DA-2015/152 – Changes to car parking
- DA-2015/244 – New business signage
- DA-2017/338 – Change of use and tenancy fitout
- DA-2017/503 – Demolition of 2 commercial tenancies and tenancy fitout
- DA-2017/57 – Alterations to shop frontage, outdoor seating and change of use
- DA-2018/368 – Alts and adds to existing shopfronts, signage, awning, footpath works
- DA-2020/351 – Replace signage
- DA-2022/70 - Expand lower ground level tenancy, alterations to storage and loading bay facilities, and installation of a new substation.
- DA-2022/289 – Installation of plant enclosure above car park
- DA-2022/290 – Infill of 2 Voids

4. DISCUSSION

The proposed works are summarised as below:

- Partial demolition
 - Minor works to Level B1, 00A, 01A, 02A to facilitate the reconfiguration of car parking and establishment end of trip facilities;
 - Level LG to Level 02 to facilitate the internal reconfiguration of the shopping centre;
 - Level 03 roof structure to facilitate the proposed commercial/office space;
 - Elements of the Victoria Avenue, Havilah Street and Archer Street facades;
- New retail facades and awnings on the ground floor fronting Victoria Avenue, Havilah Street and Archer Street.
 - The proposal reinterprets the existing facades facing Victoria Avenue. New retail facades and awnings meet the ground on the streetscape, with additional openings in the façade above to activate the street further;
 - Facades retaining where possible and adding textured precast concrete, glazing, textured steel and steel frames around shop windows.
 - Victoria Ave frontage will include an awning 6m in height and 2.75m projection to offer similar amenity and weather protection.
 - Additional façade openings provided on the upper levels fronting Victoria Ave.
- Amendments to car parking
 - An additional two levels of parking provided on Malvern Avenue, by way of a 2-level car park deck addition to the existing car park
 - Reduction in overall car parking spaces from 2,441 to 2,349. New parking includes 60 accessible spaces and 200 Small car spaces.
 - Construction of end of trip facilities on Lvl 00A car parking area
 - Car Wash business on level B2 & 00A.
 - Valet car parking service/drop off level 01.

- Alterations and additions
 - o Construction of a new commercial/office space at Level 3.
 - o Internal reconfiguration and refurbishment of the Ground floor to Level 2 retail floors
 - o Increase in GFA from 69,995m² to 90,106m²
 - o Victoria Avenue entrance has been amended to improve DDA access
 - o New roof form and rooftop supporting plant and solar panels
- Signage
 - o New business identification signage zone on the Victoria Avenue frontage (15000mm x 6000mm) and a building identification signage zone on the Archer Street frontage (16000mm x 4500mm). No illumination. Individual designs/advertisements in these area is subject to further approval.
- Flood mitigation works
 - o Flooding mitigation measures including a 1.2m high flood retaining wall along an approximately 37m long portion of the south-eastern boundary of 345 Victoria Avenue (at the rear of 1-3 and part 5-7 Havilah Street).
 - o Replacement of existing garage roller shutter door with a sliding garage door with a 1m high solid panel for flood amelioration at 5-7 Havilah Street.
- Hours of operation
 - o Amended retail centre trading hours with proposed operation 6am – midnight 7 days per week.
 - o Commercial / office trading hours between 8am and 6pm.
 - o Restricted 24/7 access for tenants
- Landscape and public domain works
 - o Additional landscape and urban design work to improve the surrounding public domain.
 - o 34 Trees to be removed
 - o 41 new trees planted throughout the site, including two additional street trees along Victoria Ave.
 - o Introduction of new landscaping throughout the development.
 - o Upgrades to public footpaths, introduction of new public furniture, planters, bins and relocation of services to increase amenity.
- 5-7 Havilah Street
 - o No works apart from flood mitigation are proposed here.

Attachment 1 contains a description of the site and surrounding area, including an aerial photograph.

Attachment 2 contains the controls, development statistics and referrals that apply to the subject land. Including an assessment of the development application in accordance with the relevant controls of the *Willoughby Development Control Plan (WDCP)*.

Attachment 3 contains the submissions table.

Attachment 4 contains a table addressing matters for consideration under s4.15 of the EP&A Act.

5. CONCLUSION

This proposal represents the third DA for the redevelopment of the Chatswood Chase development, significantly reducing the scale of the development from what was originally approved. As a summary to provide context, the below table provides a brief approved numerical compliance table:

Parameter	DA2017/503	DA2019/200	Proposed Development
Gross Floor Area	131,647m ²	115,173m ²	90,106m ²
Floor Space Ratio	3.37:1	2.97:1	2.56:1
Height	39.35m (for the northern portion of the site) and 33.8m (for the southern portion of the site)	40m (for the northern portion of the site) and 34m (35m for the lift overrun) (for the southern portion of the site).	34m in the part facing Victoria Avenue and 40m in the part facing Malvern Avenue.
Car parking	3,224 spaces	2,809 spaces	2,349 spaces
Hours of operation	<p>to 6am to midnight, 7 days per week</p> <p>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</p> <p>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.</p> <p>Deliveries are to be restricted to 7am to 10pm, 7 days per week.</p>	<p>6am to midnight, 7 days per week</p> <p>24-hour access to the commercial office / co-working component, noting that vehicle access to the car park between 10pm and 6am is to take place via Archer Street and Victoria Avenue only.</p> <p>Deliveries are to be restricted to 7am to 10pm, 7 days per week.</p>	<p>6am to midnight, 7 days per week</p> <p>Commercial / office trading hours between 8am and 6pm.</p> <p>Restricted 24/7 access for tenants</p> <p>Deliveries are to be restricted to 7am to 10pm, 7 days per week.</p>

The proposal is a further refined and reduced development from what was originally approved, with the previous issues regarding flooding, bulk, scale and impacts to the surrounding

residential amenity adequately addressed. This conclusion is of course subject to compliance with the recommend conditions of consent.

Overall, the development enhances Willoughby's vision for the CBD area by introducing additional commercial office floor space which will also allow for the provision of additional office jobs. In addition, the development improves the public domain and character in the eastern end of the Chatswood CBD, setting the high quality development standard desired. This is in line with Willoughby Local Planning Statement and the supporting Chatswood CBD Planning and Urban Design Strategy to 2036.

The Development Application PPSSNH-340/DA-2022/305 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDGP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 5**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The Chatswood Chase as a whole consists of the properties at 345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street Chatswood. The area subject to the application is limited to 345 Victoria Avenue and 5 Havilah Street Chatswood (The Site) as shown in figure 1.

The site is an irregular, created by amalgamating two lots with a total site area of 36,509m². The site is addressing four street frontages, Malvern Avenue to the north, Havilah Street to the east, Victoria Avenue to the south and Archer Street to the west.

The legal property description of the site is Lot 10 DP 1143909 (345 Victoria Avenue, existing Chatswood Chase Shopping Centre) & Lot 2 DP 785149 (5-7 Havilah Street, 2 storey strata titled).



Figure 1: Aerial photograph of subject site

The site drops by approximately 4m in the eastern part of the site (at Havilah Street) and rises toward the western, northern and southern boundaries.

Address	Description of Existing Structures
345 Victoria Avenue	Currently occupying the property at 345 Victoria Avenue is CCSC, a major regional shopping centre. The shopping centre consists of four levels of mixed retail, including three major retail tenants. Approximately 2,500 car spaces are provided over nine parking levels (both underground and above ground). Pedestrian access is situated at the Victoria, Havilah and Archer Street frontages.

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<i>5-7 Havilah Street</i>	The property at 5-7 Havilah Street is occupied by a low rise commercial building with a landscaped front setback area.
<i>12-14 Malvern Avenue</i>	The property at 12-14 Malvern Avenue is occupied by a low rise commercial building with a large, open, lightly landscaped front setback area.

The site is located on the eastern edge of the B3 Commercial Core zone and within Chatswood CBD. Chatswood Chase is one of the largest individual shopping centres in the Chatswood CBD. The majority of the area consists of retail and commercial buildings, being predominantly zoned B3 Commercial Core. The office developments located on the western side of Havilah Street are zoned B4 mixed use, including the subject site 5-7 Havilah. The properties on the eastern side of Havilah Street and the northern side of Malvern Avenue are zoned R2 Low Density Residential and consist of detached, one and two storey dwelling houses in a landscaped setting.



Figure 2: Zoning Map

Neighbouring Properties	Description of Existing Structures
<i>365 Victoria Avenue</i>	This property is occupied by a small, one to two storey brick church building, known as Chatswood Church of Christ. The building abuts the western edge of the existing Chatswood Chase Shopping Centre.
<i>369- 379 Victoria Avenue</i>	These properties, which comprise the remainder of the properties between the Chatswood Church of Christ and the intersection with Archer Street, are occupied by two to three commercial buildings, with a variety of retail, food outlet and business services. This includes Chatswood Plaza, a small shopping centre containing a variety of small retail outlets.

<i>Mills Lane</i>	This laneway services the rear of the properties at 365 to 379 Victoria Avenue and also provides access for service vehicles from Archer Street to Chatswood Chase Shopping Centre delivery bays.
<i>99-101 Archer Street</i>	This property is situated adjacent to the north-western corner of CCSC, at the intersection of Archer Street and Malvern Avenue. This property is occupied by Mercy Catholic College. The College is comprised of a variety of one to three storey brick buildings and open recreational space.
<i>16-18 Malvern Avenue</i>	This property is occupied by a two storey commercial building with a large, open, lightly landscaped front setback area.
<i>341 Victoria Avenue</i>	This property is occupied by a two storey, brick building with a pitched, tiled roof. The building is being used for commercial and health services facilities.
<i>339 Victoria Avenue</i>	This property, situated on the corner of Victoria Avenue and Havilah Street, is occupied by a three storey brick, residential apartment building with a flat roof. Garages are located at ground level. The building is surrounded by hard stand and landscaped areas.
<i>1-3 Havilah Street</i>	This property is occupied by a three storey, masonry, residential building with a flat roof. Car parking is provided underground with vehicle access from Havilah Street via two large garage doors. The front setback contains some modest landscaping.

The subject site is located in the central business district of Chatswood. The subject site comprises of two separate allotments with a street address of 5-7 Havilah Street (Lot 2 DP 785149) and 345 Victoria Road, Chatswood (Lot 10 DP 1143909). The subject site is not a heritage listed item and is not located within a Heritage Conservation Area (HCA). However, the site is located in proximity to a number of heritage items, and in proximity to the North Chatswood (C10) Heritage Conservation Area (HCA).

Heritage Item No	Address	Heritage details
58	105 Archer Street	<i>House (including original interiors)</i>
59	107 Archer Street	<i>House (including original interiors)</i>
133	256 Victoria Avenue	<i>Community Hospital.</i>

Heritage items in the vicinity of the site

The site is vulnerable to flooding. The site is located within the upper part of the Scotts Creek Catchment. The Catchment area at the site is approximately 1.5km² and is bound by Pacific Highway to the west, Mowbray Road to the south and Ashley Street to the north. The Catchment generally falls to the east, with much of the upstream stormwater converging on the site and Havilah Street. A stormwater culvert runs from Victoria Avenue, then north-east under 5-7 Havilah Street where it meets a pipe alignment in Havilah Street before combining into a closed concrete box culvert that continues downstream.

ATTACHMENT 2: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

Controls and Classification

WLEP 2012 Zoning:	B3 Commercial Core & B4 Mixed Use
Existing Use Rights	NO
Additional Permitted Use	NO
Conservation area	NO
Aboriginal Heritage	NO
Heritage Item	NO
Vicinity of Heritage Item	YES- Item 133 at 256-260 Victoria Avenue
Natural Heritage Register	NO
Bushfire Prone Area	NO
Flood related planning control	YES
Foreshore Building Line	NO
Adjacent to classified road	NO
Road/lane widening	NO
BASIX SEPP	NO
Infrastructure SEPP - Rail	NO
Infrastructure SEPP - Road	YES
Coastal Management SEPP	NO
Acid Sulphate Soil Category	NO
Development near Lane Cove Tunnel	NO
Contaminated Land	Considered
Adjacent / above Metro	NO
Other relevant SEPPS	<ul style="list-style-type: none"> - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Industry and Employment) 2021
Other relevant REPS	Sydney Regional Environmental Plan (Sydney Regional Harbour catchment)
Relevant DCPs policies and resolutions	WDCP

Developer's Contribution Plans:

S7.12:	Yes
a. Applicable rate (%):	3%
b. The cost of development (Part A Cl 25J) (\$)	\$193,145,168
c. The total contribution payable (\$)	\$5,794,355

ASSESSMENT

Development Statistics

Relevant development controls that should apply to the proposed development are included in the following table:

Control	Existing	Proposed	Standard	Numerical Compliance
Site Area	35,330m ² (Havilah property not included)			
Willoughby Local Environmental Plan 2012 (WLEP 2012)				
Zone Objectives: B3 – Commercial Core	To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.			Yes
	To encourage appropriate employment opportunities in accessible locations.			Yes
	To maximise public transport patronage and encourage walking and cycling.			Yes
	To support the role of St Leonards as a specialised centre providing health, research and education facilities.			N/A
	To strengthen the role of Chatswood as a major centre for the inner north sub-region and to improve its public domain and pedestrian links.			Yes
	To protect and encourage safe and accessible city blocks by providing active land uses on street and pedestrian frontages.			Yes
	<p>Comment: The development increases the capability of the chase to provide further commercial and retail spaces to support the Chatswood CBD. The proposed additional retail, business and office floor space in Chatswood will generate approx. 1,018 direct employment opportunities. In addition, the project will also generate 207 jobs during the construction process.</p> <p>Chatswood Chase is located within 500 metres walking distance to Chatswood rail station and bus interchange. The proposal will provide for additional cycling parking and end of trip facilities which encourage public transport patronage and cycling.</p> <p>The proposal to refurbish Chatswood Chase will strengthen the role of Chatswood as a major regional activity centre and improve the surrounding public domain and pedestrian links</p>			
Zone Objectives: B4 – Mixed Use	To provide a mixture of compatible land uses.			Yes
	To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.			Yes
	To allow for city living on the edges of the city centre of Chatswood, which supports public transport use, shopping,			Yes

		<i>business and recreational services that contribute to the vitality of the centre, without undermining its commercial role.</i>			
		Comment: B4 only applies to the property at 5-7 Havilah. Given there are minimal changes for flood mitigation only, its considered the development is consistent with the zone objectives.			
Permissibility		The proposal is best defined as 'commercial premises' which permissible with consent and will comprise retail shops, food and drink premises, commercial offices and business premises			Yes
Height	Cl.4.3	36.8m to 40m	25.5m to 30m	34m-40m	Yes
GFA	Cl.4.4 & Cl. 4.4A	69,995m ²	90,106m ² Retail (including F&B) – 79,799m ² Commercial – 10,307m ²	158,985m ²	Yes
FSR	Cl.4.4 & Cl. 4.4A	1.97:1	2.56:1	4.5 :1	
Heritage	Cl 5.10		The proposed amendments will have a negligible impact on the heritage of the surrounding heritage items and heritage conservation area.	Consider the impact that development will have if it is on land on which a heritage item is located, within a heritage conservation area or within the vicinity of a heritage item or heritage conservation area.	Yes
Flood	Cl 5.21	NIL	Subject to conditions the application satisfies Council.	satisfied that the development does not adversely effect the flood function and behaviour of the land and surrounding area.	Yes
Signage	Cl 6.5		The proposed signage zones are consistent with the use of the development and provide no adverse impacts to the surrounding. The further detail and design of the individual business identification is subject to further approval. An assessment against SEPP (Industry and Employment) – Signage has been undertaken below and is satisfactory.	Consent authority must be satisfied that the signage is associated with the development and will not have a visual amenity impact. Schedule 3 of the State Environmental Planning Policy (Industry and Employment) 2021	Yes

Active street frontage	CI 6.7		The proposal ensure the frontages to Victoria Ave and Archer improve the active street frontage by introducing more surveillance at ground and opening up further business frontages with appropriate weather protection.	A building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.	Yes
Willoughby Development Control Plan 2006 (WDCP)					
Parking	C.4	Car - 2,441 Motorbike – 104 Bicycle - 322	Car - 2,349 Motorbike – 45 Bicycle - 217	Car: Calculation to be 85 percent of the net lettable area. Given the scale of works, the overall centre area is used, not additional area. Total NLA areas as follows: Retail – 60,949m ² Commercial – 9,063m ² As below: 1 Space per 25m ² Retail = 2,072 1 Space per 60m ² Commercial = 151 Total: 2,223 Motorbike: 1 space per 25 retail car parks = 82 Bicycle lockers – 1 per 600m ² office = 15 1 per 450m ² Retail - 151	Appropriate. A condition will be imposed to increase motorbike parking spaces to compliance.
Access, Mobility and Adaptability	C.6		The application supplied an access and mobility report which was further refined after an	Location of accessible services/parking appropriately located.	Yes

			additional information request. The development as proposed provides an improved DDA compliance and suitable services to accommodate adaptability and mobility required by the BCA.	Compliance with DDA and BCA requirements.	
Awnings	C17		The awning has been designed to complement the architectural design whilst extending the depth from existing to provide better weather protection of pedestrians.	<p>Awnings will provide weather protection to pedestrians.</p> <p>Provision of awnings shall have regard to the awnings provided on adjacent buildings to achieve consistency of style and form.</p> <p>Awnings will have a high quality of architectural design that complements the architecture</p>	Yes
Advertisements	G.5.4.4	Two existing business identification signs along Victoria Ave.	<p>An additional two signage zones are proposed as part of the development.</p> <p>The proposed zones are subject to further approval for specific signage but the nominated areas are considered to be secondary in the scale of the development and fit in the character of the development.</p> <p>An assessment showing compliance with the State Environmental Planning Policy (Industry and Employment) 2021 - Schedule 5 is further below</p>	<p>Major identification advertising will be limited to the name</p> <p>Smaller identification signs of major tenants may be considered as part of an overall advertising scheme for the property.</p> <p>demonstrate compliance with State Environmental Planning Policy No. 64 - Advertising and Signage.</p>	Yes

Hours of operation	<p>Chase – 7 days a week and is open at the following hours:</p> <p>Monday to Wednesday and Friday: 9:30am – 5:30pm</p> <p>Thursday: 9:30am – 9pm</p> <p>Saturday: 9am – 5pm</p> <p>Sunday: 10am – 5pm.</p> <p>Coles - 6am-10pm 7 days.</p>	<p>6am to midnight, 7 days per week</p> <p>Commercial / office trading hours between 8am and 6pm.</p> <p>Restricted 24/7 access for tenants</p> <p>Deliveries are to be restricted to 7am to 10pm, 7 days per week.</p>	Hours of operation are considerate to the neighbouring amenity and operational practicality of the use and its surrounds.	Yes
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State Environmental Planning Policy (Industry and Employment) 2021 - Schedule 5 Assessment criteria

Criterion	Comment	Compliance
<p>CI3.17 - Advertising display area greater than 45 square metres</p> <ul style="list-style-type: none"> - The consent authority must not grant consent to the display of an advertisement with an advertising display area greater than 45 square metres unless— <ul style="list-style-type: none"> o a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct 	<p>Proposal is for two signage zones flush against the building facade, similar to the existing one along Victoria Ave.</p> <p>Signage zone 1 - Victoria Avenue frontage (15000mm x 6000mm)</p> <p>Signage zone 2 - Archer Street frontage (16000mm x 4500mm)</p> <p>The proposed zones are consistent with the existing signage on the development and are consistent with the controls of the <i>WDCP</i>.</p>	Complies
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The proposed signage zones are consistent with the character and controls of the <i>WDCP</i> . Further approval for the specific sign inserts will require further approval and assessment.	Complies
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes	Complies
2 Special areas		
Does the proposal detract from the amenity or visual quality of any	No. The proposal matches the existing design.	Complies

environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?		
3 Views and vistas		
Does the proposal obscure or compromise important views?	No. Signage areas flush on the wall of the existing structure.	Complies
Does the proposal dominate the skyline and reduce the quality of vistas?	No.	Complies
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate and complements the streetscape.	Complies
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal contributes to the visual interest of the streetscape through the appropriate design and scale. Plus, breaks up the unarticulated wall.	Complies
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage relates to the size and designs of existing signs along Victoria Ave.	Complies
Does the proposal screen unsightliness?	The proposed sign would aid in reducing unarticulated wall.	Complies
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	Complies
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes – the proposed signage is appropriately located and does not dominate the streetscape.	Complies
Does the proposal respect important features of the site or building, or both?	Yes	Complies
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	N/A	
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No	Complies
7 Illumination		
Illumination?	No. Further detailed advertisements subject to separate assessment and approval.	Complies
Would illumination result in unacceptable glare?	N/A	
Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A	
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A	

Can the intensity of the illumination be adjusted, if necessary?	N/A	
Is the illumination subject to a curfew?	N/A	
8 Safety		
Would the proposal reduce the safety for any public road?	No	Complies
Would the proposal reduce the safety for pedestrians or bicyclists?	No	Complies
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No	Complies

Referrals

Internal	
Building	No objections to the proposal subject to conditions.
Traffic	No objections to the proposal subject to conditions.
Development Engineering	<p>The site is impacted by a major overland flow path. As part of a previous application for the site, works have been proposed to upgrade the existing culvert through the site and undertake other works to mitigate the impacts of flooding and reduce the risk of flooding in the existing basement. These works are no longer proposed as part of this development.</p> <p>As the mitigation works have changed, revised flood reports have been provide, to detail the impact. The reports and proposals have been reviewed by Stantec, as part of a peer review. A summary of the works associated with flooding is:</p> <ul style="list-style-type: none"> - Automatic flood gates provided on the Victoria Avenue entrance. Gates are to activate when the water depth in the basement reaches 200mm maximum depth. - Flood gate or new door to be provided on vehicle entrance / exit of 5-7 Havilah Street, to retain 1.2m of water depth on the site and mitigate impacts of the main flood gate on the site. - Flood gates to be provided at various locations throughout the site. <p>The flood gates throughout the site are proposed to limit inflow to the basement areas and minimise the risk to the public using the basement, significantly reducing the current risk, as there is no limit to the depth of water that is currently able to pond in the basement. A detailed evacuation plan has been provided to detail how this can be managed. This plan does need further detail, particularly with regards out of hours operation of the flood gates. However, it has demonstrated that the works can be installed and that there are sufficient staff available to manage access to basement areas.</p> <p>In the existing site, floodwaters do drain to the basement parking areas, with no limit on the depth of ponding. As the proposed development limits the depth of water in the basement to 200mm, mitigation works are required to prevent increased flood levels adjacent to the site. 5-7 Havilah Street is owned by Vicinity, and in order to mitigate the impact of limiting water depths in the basement to 200mm, the applicant proposes providing a flood gate</p>

	<p>/ new door on 5-7 Havilah Street, to retain water on the site. This requires water to pond to a depth of 1.2m on 5-7 Havilah Street within the ground level parking area, which forms part of the existing overland flow path. Concerns have been raised regarding this ponding depth and the impact on 5-7 Havilah Street. However, the site is owned by Vicinty and installation of flood gates and evacuation of the basement parking area can be managed by the Centre staff. The evacuation plan for the site does need to be updated to include 5-7 Havilah Street, including out of hours use of the site.</p> <p>While the mitigation works do have a negative impact on 5-7 Havilah Street, it does form part of the development site and it has been demonstrated that the impact can be managed.</p> <p>In reviewing the depth of ponding on 5-7 Havilah Street, the following aspects were considered:</p> <ul style="list-style-type: none"> - Not restricting flows to the basement potentially results in unlimited depth of water in the parking area, which is open to the general public. - Restricting the water depth in the basement to 200mm maintains a depth where pedestrians can walk through the water and which decreases the risk to the general public. However, without mitigation works, this change potentially increases flood levels upstream or downstream of the site, which does not comply with the requirements of Technical Standard 3. - In order to mitigate flows, a barrier is required at 5-7 Havilah Street, to contain flows within the site. This results in a ponding depth of up to 1.2m in the parking area under the building. While this increases the risk to people at 5-7 Havilah Street, the risk can be managed, as the parking area is only used by the building and not by the general public. The size of the parking area is also relatively small, such that vehicles can be moved out. <p>As ponding is required on 5-7 Havilah Street to mitigate the impact of the development, we recommend that the sites are amalgamated, to ensure that the overall flood impact is within the site and not within a separate lot. This also allows a floodway restriction to be placed over the one lot and for the centre to manage flood evacuation and the installation of flood barriers at 5-7 Havilah Street. In particular, it allows centre management to be responsible to alert 5-7 Havilah Street that a flood event is possible and to implement their flood evacuation plan, including evacuation of ground level parking area.</p> <p>An OSD system is proposed for the site. Part is located on the parking area, with the main OSD system located in a tank above the flood path. Sufficient details have been provided to confirm that a compliant system can be provided.</p> <p>The vehicle access arrangements to the site are proposed to remain the same. Modifications are proposed to some parking areas and new parking areas proposed to replace those lost to other works on site. The majority of altered and new spaces comply with the requirements of AS/NZS2890.1. There are a number of spaces that are shown as "small" car spaces under the</p>
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	standard. In most of these locations, we believe that it is possible to provide standard spaces, through either redistribution of widths or a narrowing of the aisle, which will still provide compliant space and aisle width. We have added conditions to amend plans to modify these spaces.
Environmental Health	No objections to the proposal subject to conditions.
Landscaping/Open Space	No objections to the proposal subject to conditions.
Urban Design	No objections to the proposal subject to conditions.
Waste	No objections to the proposal subject to conditions.
External	
TfNSW	TfNSW has reviewed the documentation and has no requirements as the proposed development will have a negligible impact on the classified road network.
Ausgrid	Ausgrid does not have any objections for the proposed development.
NSW Police	The application was reviewed by Chatswood police who raised no objection.

ATTACHMENT 3: SUBMISSIONS TABLE

Neighbour Notification

Owners of adjoining properties were notified twice:

- First round of notification was from 14 October 2022 to 4 November with one submission received.
- Second round of notification was from 5 April 2023 to 1 May 2023. No further submissions were received.

The officer contacted the author of the original submission to ensure the second round of notification letters and documents were received. The submitter confirmed receipt and was satisfied that the amendments and suitable conditions would resolve his concerns.

Summary of submission below:

Property	Issues raised	Response
50 Nicholson St, CHATSWOOD	Safety – Area for undesirable activity.	The development has supplied a CEPTED assessment and a review by Chatswood police has been undertaken, both raising no concern and compliance. Undesirable activity to be managed internally by the Chase personnel.
	Trees along Havilah and Malvern	The landscape to accommodate 29 new trees along these frontages whilst marinating the existing street trees. It's considered an appropriate landscaped opportunity.
	Noise from air conditioning equipment	The supplied acoustic report was reviewed by Council's environmental health team and considered appropriate. However, further conditions have been imposed to ensure compliance with relevant nuisance legislation, manufacturer details and AS.
	Light pollution of carpark lights	Impacts of light pollution were received by Council's Environmental health team and considered to be of negligible impact.
	Construction noise	Standard conditions will apply to ensure construction is within the legislated time frames.

ATTACHMENT 4: SECTION 4.15 ASSESSMENT

Matters for Consideration Under S.4.15 EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<i>State Environmental Planning Policies (SEPP)</i>	✓
	<i>Regional Environmental Plans (REP)</i>	✓
	<i>Local Environmental Plans (LEP)</i>	✓
	Comment: The application does not contravene any relevant matters for consideration under the provisions of any <i>SEPPs</i> , <i>REPs</i> or development standards under <i>WLEP 2012</i> .	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<i>Draft State Environmental Planning Policies (SEPP)</i>	N/A
	<i>Draft Regional Environmental Plans (REP)</i>	N/A
	<i>Draft Local Environmental Plans (LEP)</i>	✓
	Comment: There are no draft <i>SEPPs</i> . The Draft <i>WLEP</i> and <i>WDGP</i> have been considered as part of the assessment but play no role in the recommendation for approval or would otherwise restrict the development as proposed.	
(a)(iii)	Any development control plans	
	<i>Development control plans (DCPs)</i>	✓
	Comment: The development is consistent with the objectives of the <i>DCP</i> controls.	
(a)(iii)(a)	Planning Agreements	
	Any planning agreements including drafts that have been entered into or offered to enter into under section 7.4	N/A
	Comment: No Planning agreements affect the site	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 92 EP&A Regulation-Demolition	✓
	Clause 93 EP&A Regulation-Fire Safety Considerations	✓
	Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	✓
	Comment: Nil	
(b)	The likely impacts of the development	
	Context & setting	✓
	Access, transport & traffic, parking	✓
	Servicing, loading/unloading	✓
	Public domain	✓
	Utilities	✓
	Heritage	✓
	Privacy	✓
	Views	✓
	Solar Access	✓
	Water and draining	✓
	Soils	✓
	Air & microclimate	✓
	Flora & fauna	✓
	Waste	✓
	Energy	✓
	Noise & vibration	✓
	Natural hazards	✓
	Safety, security crime prevention	✓
	Social impact in the locality	✓
	Economic impact in the locality	✓

Matters for Consideration Under S.4.15 EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✖ Not Relevant N/A

	Site design and internal design	✓
	Construction	✓
	Cumulative impacts	✓
	Comment: The proposal will not result in any unreasonable adverse impacts on adjoining or nearby properties.	
(c)	The suitability of the site for the development	
	Does the proposal fit in the locality?	✓
	Are the site attributes conducive to this development?	✓
	Comment: The proposal does not adversely alter the character of the locality or impact on the streetscape .	
(d)	Any submissions made in accordance with this Act or the regulations	
	Public submissions	✓
	Submissions from public authorities	✓
	Comment: Referrals were received by the required public authorities, being TfNSW and Ausgrid. One submission was received and addressed in this report.	
(e)	The public interest	
	Federal, State and Local Government interests and Community interests	✓
	Comment The proposal will not compromise the character of the locality and therefore approval of the application is in the public interest.	

ATTACHMENT 5: SCHEDULE OF CONDITIONS

SCHEDULE

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 Amend-ed)	Prepared by
Architecture	AR-MAK-DRG-DA001	Cover Sheet	20	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1147	Demolition Plan Level B2	5	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1148	Demolition Plan Level B1	5	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1149	Demolition Plan Level LG	6	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1150	Demolition Plan Level LGA	4	22/03/2023	Make Architects
Architecture	AR-MAK-DRG-DA1151	Demolition Plan Level 00	6	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1152	Demolition Plan Level 00A	5	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1153	Demolition Plan Level 01	6	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1154	Demolition Plan Level 01A	3	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1155	Demolition Plan Level 02	4	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1156	Demolition Plan Level 02A	4	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA1157	Demolition Plan Level 03	4	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2000	Site Plan	0	3/09/2022	Make Architects
Architecture	AR-MAK-DRG-DA2007	Level B2	12	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2008	Level B1	14	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2009	Level LG	11	22/03/2023	Make Architects
Architecture	AR-MAK-DRG-DA2009A	Level LGA	9	22/03/2023	Make Architects
Architecture	AR-MAK-DRG-DA2010	Level 00	14	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2010A	Level 00A	11	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2011	Level 01	12	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2011A	Level 01A	11	19/05/2023	Make Architects

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Type	Plan No.	Description	Revision /Issue No	Plan Date (as Amend-ed)	Prepared by
Architecture	AR-MAK-DRG-DA2012	Level 02	12	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2012A	Level 02A	12	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2013	Level 03	13	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2013A	Level 03A	12	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA2014	Level 04 Roof	13	22/03/2023	Make Architects
Architecture	AR-MAK-DRG-DA2200	Proposed Elevation – East	9	3/09/2022	Make Architects
Architecture	AR-MAK-DRG-DA2201	Proposed Elevation – West	10	3/09/2022	Make Architects
Architecture	AR-MAK-DRG-DA2202	Proposed Elevation – South	13	17/02/2023	Make Architects
Architecture	AR-MAK-DRG-DA2203	Proposed Elevation – North	12	17/02/2023	Make Architects
Architecture	AR-MAK-DRG-DA2260	Wall Sections	4	1/08/2022	Make Architects
Architecture	AR-MAK-DRG-DA2261	Wall Sections	6	12/08/2022	Make Architects
Architecture	AR-MAK-DRG-DA2262	Wall Sections	7	12/08/2022	Make Architects
Architecture	AR-MAK-DRG-DA2263	Wall Sections	4	12/08/2022	Make Architects
Architecture	AR-MAK-DRG-DA2300	Proposed Sections	6	3/09/2022	Make Architects
Architecture	AR-MAK-DRG-DA2301	Proposed Sections	8	3/09/2022	Make Architects
Architecture	AR-MAK-DRG-DA2302	Proposed Sections	6	3/09/2022	Make Architects
Architecture	AR-MAK-DRG-DA2303	Proposed Sections	5	3/09/2022	Make Architects
Architecture	AR-MAK-DRG-DA2304	Proposed Sections	6	3/09/2022	Make Architects
Architecture	AR-MAK-DRG-DA2305	Proposed Sections	6	3/09/2022	Make Architects
Architecture	AR-MAK-DRG-DA3801	Carpark Level 01	1	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA3802	Carpark Level 01A	1	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA3803	Carpark Level 02	1	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA3804	Carpark Level 02A	1	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA3805	Carpark Level 03	1	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA3806	Carpark Level 03A	1	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA9001	Victoria Ave Awning Extent	9	19/05/2023	Make Architects
Architecture	AR-MAK-DRG-DA9002	Archer Street Awning Extent	8	17/02/2023	Make Architects
Architecture	AR-MAK-DRG-DA9003	Havilah Street Awning Extents	5	17/02/2023	Make Architects

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Type	Plan No.	Description	Revision /Issue No	Plan Date (as Amend-ed)	Prepared by
Architecture	AR-MAK-DRG-DA9050	Awning Types Section	7	19/05/2023	Make Architects
Architecture	36405A01.DWG	Details of 5-7 Havilah Street, Chatswood	A	1/06/2023	DS&P Surveying
Landscape	DA-0001	Level Lower Ground – Overall Plan	E	21/03/2023	Lat Studios
Landscape	DA-0002	Level Ground – Overall Plan	E	21/03/2023	Lat Studios
Landscape	DA-0003	Level One – Overall Plan	E	21/03/2023	Lat Studios
Landscape	DA-0004	Level Two – Overall Plan	E	21/03/2023	Lat Studios
Landscape	DA-0005	Level Three – Overall Plan	E	21/03/2023	Lat Studios
Landscape	DA-0006	Level Four – Overall Plan	E	21/03/2023	Lat Studios
Landscape	DA-1000	Elevation 01	E	21/03/2023	Lat Studios
Landscape	DA-1001	Elevation 02	E	21/03/2023	Lat Studios
Landscape	DA-2000	Section – Archer Street Mall Entry	E	21/03/2023	Lat Studios
Landscape	DA-2001	Section – Victoria Avenue Mall Entry	E	21/03/2023	Lat Studios
Landscape	DA-2002	Section – Havilah Street Mall Entry	E	21/03/2023	Lat Studios
Landscape	DA-2003	Sections – Car Park Façade Planters	E	21/03/2023	Lat Studios
Landscape	DA-2004	Sections – Level 03 Terrace 01	E	21/03/2023	Lat Studios
Landscape	DA-2005	Sections – Level 03 Terrace 02	E	21/03/2023	Lat Studios
Landscape	DA-2006	Sections – Level 03 Sky Street	E	21/03/2023	Lat Studios
Landscape	DA-3000	Archer Street – Detail Plan	E	21/03/2023	Lat Studios
Landscape	DA-3001	Victoria Avenue – Detail Plan	E	21/03/2023	Lat Studios
Landscape	DA-3002	Havilah Street – Detail Plan	E	21/03/2023	Lat Studios
Landscape	DA-3003	Level 03 Terrace – Detail Plan	E	21/03/2023	Lat Studios
Landscape	DA-3004	Level 03 Sky Street 01 – Detail Plan	E	21/03/2023	Lat Studios
Landscape	DA-3005	Level 03 Sky Street 02 – Detail Plan	E	21/03/2023	Lat Studios
Landscape	DA-4000	Material Palette	E	21/03/2023	Lat Studios
Landscape	DA-4001	Planting Palette	E	21/03/2023	Lat Studios
Landscape	DA-4002	Planting Schedule	E	21/03/2023	Lat Studios
	LS000213	Expanded Species List	B	24/03/2023	Lat Studios
Landscape	DA-5000	Soil Volume Plans – Level Lower Ground	E	21/03/2023	Lat Studios
Landscape	DA-5001	Soil Volume Plans – Level Ground	E	21/03/2023	Lat Studios

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Type	Plan No.	Description	Revision /Issue No	Plan Date (as Amend-ed)	Prepared by
Landscape	DA-5002	Soil Volume Plans – Level One	E	21/03/2023	Lat Studios
Landscape	DA-5003	Soil Volume Plans – Level Two	E	21/03/2023	Lat Studios
Landscape	DA-5004	Soil Volume Plans – Level Three	E	21/03/2023	Lat Studios
Landscape	DA-5005	Soil Volume Plans – Level Four	E	21/03/2023	Lat Studios
Landscape	DA-6000	Planning Parameters	E	21/03/2023	Lat Studios
Landscape	1	Extent of Footpath Upgrade extent	1	23/05/2023	Lat Studios
Landscape	2	Victoria Avenue	1	23/05/2023	Lat Studios
Landscape	3	Victoria Avenue	1	23/05/2023	Lat Studios
Landscape	4	Archer Street	1	23/05/2023	Lat Studios
Landscape	5	Havilah Street	1	23/05/2023	Lat Studios
Landscape	6	Streetscape Assets	1	23/05/2023	Lat Studios
Landscape	7	Streetscape Assets	1	23/05/2023	Lat Studios
Landscape	8	Victoria Avenue Street Tree Planting	1	23/05/2023	Lat Studios
Landscape	9	Tree Planting Offset	1	23/05/2023	Lat Studios

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)

PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with before any Construction Certificate Application is made to the Certifying Authority.

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)

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 and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

a) Flood Study Report

Submit an updated Flood Study Report prepared by a qualified and suitably experienced Civil Engineer. Council may require the report to be independently reviewed. The Report shall:

- i. 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 CJ Arms & Associates Flood Report dated 1/8/2022 and the CJ Arms & Associates Flood Modelling Report Addendum dated 23/3/2023. The assessment is to be based on the actual levels in the flood path, including in the basement of 5-7 Havilah Street and the access driveways from Victoria Avenue.
- ii. Provide details of the location of all proposed flood gates and the method of installation during a flood event. Issues to be addressed include key trigger levels, the nature of flooding bordering the Centre at the time of installation (e.g. depth, velocity and rate of rise), potential for the influx of floodwater to the basement prior to the installation of the manual flood gates, duration of installation from the time the key trigger level is reached, the route which would be taken by Centre Management staff from the proposed storage area to the nominated flood gate location and adherence to work health and safety requirements during installation.
- iii. Provide evidence that there is sufficient time to evacuate patrons in a safe and orderly manner from Levels B1 and B2 once key trigger levels are reached. Issues to be addressed include the potential for the influx of floodwater to the basement prior to the installation of the manual flood gates, overtopping of the automatic flood gates during very rare and extreme flood events, and work health and safety requirements.
- iv. Provide detail of how many staff / personnel are allocated to the flood barrier installation in each alert type, to ensure meeting the required timeframe.

- v. Provide details of the water quality system for the post-flood basement pump-out and water treatment system.

b) Flood Risk Management

Submit an updated Flood Risk Management Strategy and Emergency Response Plan prepared by a qualified and suitably experienced Civil Engineer. Council may require the report to be independently reviewed. The report shall include plans and details of the location and installation of the flood gate at 5-7 Havilah Street, in addition to details of the flood gates proposed for the main Centre. The plan shall also include details of when the parking area of 5-7 Havilah Street is to be evacuated and who is responsible for organising the evacuation, both during normal opening hours and after hours.
(Reason: Ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

4. S7.12 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$5,794,355.00** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 3% of the estimated cost of development, being \$193,145,168 and the adopted *Willoughby Local Infrastructure Contributions Plan*.

Indexation

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 monetary contribution is set out below:

$$\frac{\$C_o \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

- $\$C_o$ = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan
- Current CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter immediately prior to the date of payment
- Base CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter ending immediately prior to the date of imposition

of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.

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

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au

(Reason: Statutory requirement)

5. Surrender of Consent

In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this consent, the Applicant shall, prior to issue of Construction Certificate for the approved works, surrender Development Consent/s DA-2017/503 & DA-2019/200 to the relevant planning authority in the manner prescribed by Clause 67 or 68 of the *Environmental Planning and Assessment Regulation 2021*.

(Reason: Orderly development)

6. Local Infrastructure Contributions

For development that involves subdivision and/or building work, any contribution required under Council's Local Infrastructure Plan must be paid to Council prior to the issue of the subdivision certificate or first construction certificate, whichever occurs first.

(Reason: Statutory requirement)

7. Amendments

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

(a) Architectural Plans are to be amended to ensure consistency with the supplied Operational Waste Management Plan, these amendments as follows:

- i. Showing all waste equipment and layouts of each Dock;
- ii. Spaces to be provided within each tenancy for source-separation of waste and recycling aligning with at least 1 day's generation as outlined in the Operational WMP (Final June 2023) and based on NSW EPA Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (2012, p16).

Plans detailing these amendments are required to be supplied to Council's Resource Recovery team for approval and then shown on the Construction Certificate plans.

(Reason: Ensure compliance)

8. Sydney Water 'Tap In'

Prior to the issue of the Construction Certificate, the approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.

(Reason: Ensure compliance)

9. Parking

The total number of car parking spaces approved within the development is 2,349 spaces including a minimum 60 accessible spaces. Parking rates for the development as follows:

Parking	Number
Car	2,349
Bicycle Lockers	217
Motorbike	80

Details on compliance with the above shall form part of the relevant Construction Certificate plans and documentation.

(Reason: Compliance with the WDCP and amenity)

10. External Finishes

All external building material shall be in colours and textures which are compatible with the surrounding heritage character of the locality, as indicated on the plans provided. Highly reflective materials and extensive areas of glazing are to be avoided to minimise visual impacts on the HCA. In this regard the Schedule of Colours and Finishes submitted with the application satisfies this requirement, and is to be provided to the Registered Certifier.

(Reason: Visual amenity)

11. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$800,000** (GST Exempt) 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 **\$182** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$800,000 + \$182 = \$800,182

(Reason: Protection of public asset)

12. 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 any proposed temporary ground anchors prior to issue of the Construction Certificate. Copies of the permission shall be sent to Council. A Temporary Ground Anchor Permit is to be obtained from Council for any ground anchors proposed to be installed in Council's Road Reserve. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

13. CCTV Report of Existing Council / Sydney Water Pipe System

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 existing condition of the Council and / or Sydney Water drainage pipeline

system located within the site. No person is to enter any Council / Sydney Water stormwater conduit without written approval from Council and / or Sydney Water. 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.
- (f) Recorded CCTV footage & reports are to use Council asset pit numbers to identify the start and finish location of the CCTV. A plan can be obtained from Council with these asset numbers at request.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier prior to the issue of the Construction Certificate.
(Reason: Protection of public asset)

14. 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 of minimum 900mm x 900mm shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP, Technical Standards and AS 3500.3. 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 Construction Certificate plans.

(Reason: Stormwater control)

15. Analysis of Outlet Condition

The capacity of the outlet pipe to the Council system shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that the outlet from the OSD system is above the downstream water level for the 1%AEP storm event. 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 Construction Certificate.

(Reason: Prevent property damage)

16. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to Council 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 shall include an on-site stormwater detention system and water quality improvement system in accordance with the requirements of Technical Standard 1. All drawings shall

comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code. The plans shall generally comply with:

- CJ Arms Civil Design Report Revision G dated 1/8/2022
- Arup drawings 254810 SE-ARP-DRG-002004/B, SE-ARP-DRG-010504/B, SE-ARP-DRG-010604/B, SE-ARP-DRG-209921/B

The OSD system shall comply with the following requirements:

- The system must be located in a position where it can be readily accessed for maintenance purposes. An access grate must be located directly over the outlet and at the opposite corner of the tank. Other access points are to be provided as required to comply with Safety in Design requirements and Confined Space requirements.
- Storage volumes and the permissible site discharge (PSD) shall be in accordance with the requirements of Technical Standard 1. Outflow from the system shall be reduced by the 1%AEP flow bypassing the system. The maximum area bypassing the tank is 5% of the total impervious area. The maximum ponding depth on the Level 03A parking area is to be 200mm.
- Overflow routes from the system shall be shown. Overflow shall be via overland flow and not via a pipe system. Overflow shall be located in a position where it is visible.
- Details are to be provided of the overland flow path from the Level 03A detention system to the street. Details are to demonstrate that the flow path is contained and does not impact adjacent properties or buildings.
- Freeboard to floor levels adjacent to the OSD system shall be a minimum of 300mm. The top water level in the OSD system for calculation of freeboard shall be the overflow water level.
- A minimum of 2 sections are required for the OSD system, which are to include the orifice, the trash rack and step irons for tanks deeper than 1.2m.

Council's standard OSD Design Checklist as detailed in Technical Standard 1 shall be completed by a suitably qualified and experienced civil engineer.

(Reason: Ensure compliance)

17. Basement Pumpout Drainage System

Prior to the issue of the Construction Certificate, the applicant shall submit, for approval by the Certifier, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications shall be generally in accordance with the approved stormwater management plans with the following requirements:

- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1% Annual Exceedance Probability storm event 5-minutes duration of the area draining into the system, whichever is greater.
- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1% Annual Exceedance Probability storm event for 2-hours duration.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS/NZS 3500.3 – *Plumbing and Drainage Code* and the National Construction Code.
(Reason: Prevent nuisance flooding)

18. Engineer's Certification – Flooding

Prior to the issue of any Construction Certificate, a suitably qualified and experienced engineer (typically CPEng NER) must certify that:

- (a) The flood measures proposed provide 300mm freeboard from the 1%AEP flood level to habitable floor areas.
- (b) The existing boundary fences within the extent of the overland flow path will be replaced with open type fencing to allow unimpeded passage of overland flow
- (c) No structures, walls, fill or other items will be constructed to impede the 1% AEP overland flow path within the identified flood zone, other than works detailed in the approved flood report.
- (d) Minimum 3m spacing will be provided for the isolated piers to support the suspended structures which encroach into the flood extent as identified in the approved flood study report.
- (e) Warning signs regarding the potential hazards relating to overland flow have been documented at all the entry points to the high hazard areas.
- (f) The documented works are in accordance with recommended works in the approved flood report.

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 Construction Certificate.
(Reason: Prevent property damage)

19. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, 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)

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

Prior to issue of any 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 a full width footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Victoria Avenue and Archer Street, a 1.5m wide footpath for the full frontage of the development site in Malvern Avenue and a 1.5m wide footpath for the full frontage of the development site in Havilah Street in accordance with Council's requirements and specifications. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided. Footpath pavement types are to be as advised by Council's Urban Designer, with pavers required for Victoria Avenue, Archer Street and from 5 Havilah Street to the pedestrian entry to the centre. The path in Malvern Avenue may be narrowed to 1.2m at existing trees, subject to approval from Council.
- (b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Archer Street, Malvern Avenue, Victoria Avenue and Havilah Street in accordance with Council's specifications and Standard Drawing SD105. All existing kerb ramps shall be reconstructed in accordance with current standards.
- (c) Reconstruction of the existing road pavement 3.0m wide for the full frontage of the development site in Malvern Avenue in accordance with Council's specifications.
Mill and resheet with 50mm minimum depth asphalt a 3.0m wide pavement for the full frontage of the development site in Havilah Street in accordance with Council's specifications.
- (d) Reconstruction of the existing vehicle crossing in Malvern Avenue in accordance with Council's requirements.
- (e) Reconstruction of the existing vehicle crossing, including raised threshold, at the Archer Street entry to the parking area.
- (f) Reconstruction of the footpath through the traffic island at the Victoria Avenue vehicle entry to the site.

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 any Construction Certificate.

(Reason: Ensure compliance)

21. OSD/Rainwater Tank Design

The design of all rainwater/OSD tanks shall comply with the requirements of the NSW Work Health and Safety Regulation 2017, to minimise risks associated with confined spaces. The design shall also consider "Safety in Design" requirements. Prior to issue of a Construction Certificate, a suitably qualified person shall certify that the design meets these requirements.

(Reason: Safe access to tanks)

22. Vehicle Access and Manoeuvring – Engineer’s Certification

Prior to the issue of the Construction Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the design of vehicular access and manoeuvring for the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to 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 driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed new or altered vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces. Any new spaces must be standard spaces and must not be “small vehicle” spaces
- (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/NZS 2890.1 and Section 2.7 of AS/NZS 2890.6.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS/NZS 2890.6.
- (f) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all new disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6. A bollard shall be located in the shared zone in accordance with Section 2.4 of AS/NZS 2890.6.
- (g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (h) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines 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 clearance in accordance with AS2890.1 and AS2890.2, is provided.

(Reason: Ensure compliance)

23. Awning Location

Prior to the issue of a Construction Certificate, submit plans to the Certifying Authority, which show the edge of any new awnings set back 600mm from the kerb line.

(Reason: Ensure compliance)

24. 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.
- Provision of flood gates or other works to detain water on 5-7 Havilah Street, as per the recommendations of the flood report for the site.
- The overland flow path be reshaped to convey the flows greater than the 1%AEP flood event through the site and to Havilah Street. This overland flow path 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 up to and including the 0.05%AEP, a parapet wall along the overland flow path be provided to allow a wider cross-section, accommodating great flow. In the PMF event, the parapet wall can overtop and flood flows in excess of the diversion may enter the carpark up to a depth of maximum 1.2m on Level B2.
- Other modifications to related facilities including:
 - Energy dissipation works on the outlet of the flood diversion conduit to Havilah Street
 - Tenancies along the Victoria Avenue frontage at street level to be protected by construction of a low height parapet wall. The loading dock ramp and road is to be designed to cater for the overland flow from events greater than the 1%AEP 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 0.2m.
- 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 1.2m.
- No hazardous materials are to be stored below the 1% AEP flood level.

(Reason: Flood protection)

25. Encroachment Over Private Property and Public Roads

Prior to the issue of the relevant Construction Certificate, written permission shall be obtained from all private property owners affected by any encroachment into the air space above as a result of the installation of suspended scaffold and associated temporary structures installed along property boundaries. Copies of these permissions shall be provided to Council. Permanent encroachment following completion of building works is prohibited.

All other 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: Encroachment of works in the airspace above adjoining property boundaries)

26. Flood Emergency Response Plan

Prior to issue of any 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 wording and location of flood warning signs to be installed at 5-7 Havilah Street to increase flood awareness and provide direction as to the safest path to evacuate to higher ground for all tenants and visitors to the site.

- 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 all the proposed flood gates, including those at the car park entry, and how they are to be operated (including specifying trigger levels for their operation)
- Details of the number of people required to install flood gates and the time at which the installation is to occur. The plan is to specifically address the requirements when the Centre is not open and if installation needs to occur at an earlier stage due to staffing levels overnight.
- Details of when flood gates need to be installed at 5-7 Havilah Street, who is responsible for installation and what is to occur out of hours.
- Details of when the parking area at 5-7 Havilah Street is to be evacuated and who is responsible for ensuring the evacuation occurs, both during normal operating hours and out of hours.
- 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)

27. Structural Certification – Flood Impacts

Prior to issue of any 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, related flood-control facilities and the structure and works on 5 Havilah Street 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)

28. 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)

29. Basement Flooding - Engineer's Certification

Prior to the issue of any 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 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 in the 1%AEP flood event and that Basement B2 is allowed to fill to a maximum depth of 1.2m in the PMF event to maintain flow conditions downstream of Havilah Street.

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)

30. Amended Plans

Prior to the issue of a Construction Certificate, submit to the Certifying Authority for approval amended plans with the following changes:

- At Carpark Level 01A, the 5.0m long spaces at the new structure are to be increased to 5.4m long and the adjacent aisle width reduced to 6.2m wide (as required for Class 3A spaces with a width of 2.7m)
- At Carpark Level 02, the 5.0m long spaces at the new structure are to be increased to 5.4m long and the adjacent aisle width reduced to 6.2m wide (as required for Class 3A spaces with a width of 2.7m)
- At Carpark Level 02A, the 2.3m wide space is to be increased to 2.6m wide, with the adjacent spaces reduced to 2.6m.
- At Carpark Level 03, the 2.3m wide space is to be increased to 2.6m wide, with the adjacent spaces reduced to 2.6m.
- At Carpark Level 03A, the 2.3m wide space is to be increased to 2.6m wide, with the adjacent spaces reduced to 2.6m.

(Reason: Ensure compliance)

31. Tree Protection Plan

- (a) Submit to the registered certifier a Tree Protection Plan for approval prior to issue of a construction certificate.
- (b) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.
- (c) Tree Protection Plan 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)

32. 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 Certifier prior to the issue of the Construction Certificate.

(Reason: Health and compliance)

33. Internal Noise Levels Commercial

To minimise noise intrusion from any external noise source on the commercial component of the development, the building shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2016 – 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 Certifier prior to issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

34. Noise Mechanical Services

To minimise the impact of noise onto receivers on surrounding land, all mechanical services shall be designed to ensure ambient noise levels are maintained. A detailed review of mechanical plant and equipment shall be conducted by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society (MAAS) during the detailed design stage when plant selection has occurred and equipment noise level information is available.

A Mechanical Plant Acoustic Report prepared by the consultant, positioning of the plant and equipment, and any attenuation required to achieve the noise criteria contained in the report by Norman Disney Young, Ref. rp220712s0023 Rev. 2.2, dated 25 August 2022, shall be submitted with the application for the relevant Construction Certificate.

(Reason: Amenity, environmental compliance and health)

35. Dewatering of Construction Site

Appropriate pollution control methods shall be adopted to ensure any water discharged into Council's stormwater system from dewatering activity on the development site complies with relevant environmental criteria.

A Construction Site Dewatering Plan (CSDP) shall be prepared by a suitably qualified environmental consultant and submitted to Council for approval prior to the commencement of any work. The CSDP can be incorporated into any Construction Management Plan covering the entirety of site works to be carried out on the site, or can be a stand-alone document. It shall contain details on the water treatment method, equipment to be used, water testing regime and a written statement that the

water to be discharged will meet the Council-approved design water quality criteria as follows:

Analyte	Unit	Measurement	Criteria
Total nitrogen	µg/L	< than	900
Total phosphorous	µg/L	< than	63.5
Dissolved oxygen	%sat	Btn 80 - 120%	
pH	pH units	Btn 6.5 - 8.5	
Conductivity	µS/cm	< than	778
Suspended solids	mg/L	< than	50
Turbidity	NTU	< than	50
Zinc	µg/L	< than	43
Lead	µg/L	< than	0.6
Copper (& any other heavy metals)	µg/L	< than	6.5

(Reason: Environmental protection, compliance)

36. Loading and Unloading of Goods – Operation

The loading dock operating times and movement of delivery and service vehicles entering and exiting the Development will comply with the Management Plan.

All loading and unloading of goods is to be conducted wholly within the site from the loading facility, internal dock and goods handling areas. These areas are to be maintained free of obstruction for the sole use of delivery vehicles.

Under no circumstances are loading/unloading activities of goods to be conducted from vehicles standing in the kerbside lane in the adjoining and adjacent streets to the development.

Delivery trucks are not permitted to leave the site between 10.00pm and 7.00am the following day.

(Reason: Access and amenity)

37. Traffic Control Signal Management –Operation and Maintenance

The applicant shall ensure that all measures installed to support the operation of traffic control signals such as intelligent transport system devices, infrastructure and communications links are maintained and operation to the satisfaction of Transport for New South Wales.

The applicant will undertake maintenance of the traffic control signals to the satisfaction of, and no cost to, Transport for New South Wales.

(Reason: Ensure Compliance)

38. Car Parking Access

Vehicle access to the car park between 10pm and 6am is to take place via Archer Street and Victoria Avenue only.

(Reason: Maintain amenity to neighbouring residential areas.)

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.

39. 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 Certifier 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 Certifier, 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)

40. 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 Certifier advised of the submission prior to commencement of work.

(Reason: Protection of Council's infrastructure)

41. 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 TfNSW (RMS). 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. (Minimum one (1) weeks' notice required.)
- (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.
- (h) Permit to install temporary ground anchors under public roads, including footpaths and naturestrip. (Minimum two (2) weeks' notice required.)

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)

42. 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)

43. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan, AS4970-2009 *Protection of trees on development sites* and relevant conditions of consent;

- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.

(Reason: Safety, environmental protection, landscape amenity)

44. Noise & Vibration Management Plan

Prior to commencement of work, the Applicant must prepare a Demolition, Excavation and Construction Noise and Vibration Management Plan (NVMP) and submit it to the Principal Certifying Authority for approval. The NVMP must:

- a) be prepared by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society (MAAS) and be found to be satisfactory by the Principal Certifying Authority;
- b) be prepared in consultation with all noise sensitive receivers where noise levels exceed the construction noise management level contained with the acoustic report prepared by Norman Disney & Young, Ref. 6686545 v.1, dated 27/09/2022, and in accordance with NSW 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 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 activities identified as highly 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 demonstrate compliance with the recommendations contained in Section 6 of the acoustic report by Norman Disney & Young, dated 25 August 2022, Ref. rp220712s0023 Rev. 2.2;
- k) include a complaints management system in accordance with Section 6.6 of acoustic report by Norman Disney & Young, dated 25 August 2022, Ref. rp220712s0023 Rev. 2.2, that would be implemented for the duration of the project.

A copy of the NVMP is to be submitted to Council's Head of Planning prior to the commencement of any work. The NVMP (as revised from time to time) must be kept on site and implemented by the Principal Contractor at all times for the duration of the demolition, excavation and construction of the project.

(Reason: Environmental protection, amenity)

45. Hazardous Building Material Assessment

A Hazardous Building Material Assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifier for approval prior to work commencing. 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)

46. 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.

47. 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)

48. Demolition Work AS 2601-2001

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

(Reason: Safety)

49. Temporary Ground Anchors – Supervision

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of any 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)

50. 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)

51. 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. If there is no pipe within the easement, a 1.8 metres depth is to be assumed for the future pipe.

(Reason: Protection of public asset)

52. 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 Certifier 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)

53. 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)

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

The connection of the site stormwater drainage system to the existing Council pipeline shall be inspected by Council's Engineer when the pipes are exposed, prior to backfill, and it is possible to confirm that the connection complies with Council's requirements and the new connection pipe does not protrude into the Council pipe system. The inspection must be booked via telephone with Council's Engineer and a minimum of 48hours notice provided. 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)

55. Public Tree Protection

- (a) Unless identified by the development consent, no tree roots over 25mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

- (b) Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the Project Arborist is to immediately Contact Council's Public Trees section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

56. 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 (c) above are to be certified by the Project Arborist prior to commencement of works.
- (e) Tree roots greater than 25mm 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)

57. 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 Certifier. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

58. 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)

59. 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 and activities 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. Activities could include, but are not limited to, rock-breaking, excavation, earth moving, drilling, and angle grinding, cutting, jack hammering and chiselling of concrete or masonry.
- (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 and environmental protection)

60. Noise and Vibration from Demolition, Excavation and Construction

All noise and vibration from work, including demolition, excavation and construction, shall not exceed the noise and vibration criteria contained in Section 3.3.1 of the acoustic report by Norman Disney & Young, Ref. rp220712s0023 Rev. 2.2, dated 25 August 2022.

A noise and vibration monitoring plan shall be implemented for the duration of the project in accordance with the approved Noise and Vibration Management Plan referred to previously in this development consent. Where noise or vibration criteria are exceeded, appropriate measures to control it shall be implemented immediately.

(Reason: Environmental compliance, Amenity)

61. Testing to Verify Water Quality Prior to Pump-out

- (a) On the occasion that any rainfall or other event necessitates dewatering or pumping-out of accumulated water on the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.
- (b) A copy of the up-to-date Council-approved Construction Site Dewatering Plan (or other document detailing the water pollution control method), the written approval from Council for the method, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.

(Reason: Environmental protection, compliance)

62. 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.

63. Section 73 Compliance Certificate

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 a Sydney Water accredited Water Service Coordinator. For details go to www.sydneywater.com.au/section73 or call 1300 082 746.

The Section 73 Certificate must be submitted to the Certifier.
(Reason: Ensure statutory compliance)

64. Certification of Gross Floor Area - Post Construction

Prior to the issue of an Occupation Certificate, a Registered Surveyor shall provide certification, for approval by the Principal Certifier, that the gross floor area of the development does not exceed 90,106m² in area.
(Reason: Bulk and scale control/compliance)

65. Access for the Disabled - Disability Discrimination Act

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

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)

66. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Prior to the issue of any Occupation Certificate and upon completion of the building work, a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause

172 of the *Environmental Planning and Assessment Regulation 2000* in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.

(Reason: Safety)

67. Sustainability Scorecard and Report

Prior to the issue of any Occupation Certificate, written evidence is to be supplied to the PCA showing that the development has been constructed in accordance with the *Sustainability Report by Norman Disney & Young dated 15 July 2022* and relevant information supplied to support the Green Star and NABERS ratings as required.

(Reason: Sustainability)

68. Registration of Plan of Consolidation

Prior to the issue of any 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)

69. Safer by Design

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

- (a) 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.

- (b) 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.
- (c) 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.
- (d) 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.
- (e) Walls/screens between balconies shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
- (f) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

- (g) A small portion of each storage area shall be of solid construction (i.e. Cupboard.

(Reason: Safety and surveillance, energy efficiency, amenity)

70. Services - Electricity Supply and Telecommunication Mains

Prior to the issue of a Whole Occupation Certificate, all existing and proposed electricity supplies and telecommunication mains and services around the perimeter of Victoria Avenue and Archer Street 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)

71. External Paving

Prior to the issue of the relevant occupation certificate, construct a full width footpath in granite paving as detailed in approved plans or as otherwise instructed by specific conditions of consent.

Specification and design of the new paving is to be approved by Willoughby Council's Urban Design specialist prior to construction.

(Reason: Urban Design)

72. External Furniture

Prior to the issue of the relevant occupation certificate, the proposed external furniture as proposed shall be from 'Street Furniture Australia – Aria Range'. Specifically:

- Frame Colour: Textura Monument
- Batten Type: Jarrah Timber Slats

Specification and design of the new external furniture is to be approved by Willoughby Council's Urban Design specialist prior to installation.

(Reason: Urban Design)

73. State Survey Marks

Prior to the issue of a Whole Occupation Certificate, the Applicant shall reinstate any existing State/Permanent Survey Marks damaged by the works to the specification of the Land and Property Management Authority. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the NSW Land Registry Services.

(Reason: Public amenity)

74. Temporary Ground Anchors – Destressing

Prior to the issue of any Occupation Certificate, all damages to Council's infrastructures due to the works associated with the piling and installation of any 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)

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

Prior to the issue of any 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 located xx 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.
- (f) Recorded CCTV footage & reports are to use Council asset pit numbers to identify the start and finish location of the CCTV. A plan can be obtained from Council with these asset numbers at request.

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 and / or Sydney Water at no cost to Council or Sydney Water, which may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier.

(Reason: Ensure compliance and protection of public asset)

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

Prior to the issue of any Occupation Certificate, inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier. 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. Any new connections to the Sydney Water drainage system shall be in accordance with Sydney Water's requirements.

(Reason: Ensure compliance)

77. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council drainage system via an approved OSD system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed

stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

78. Sign for On-site Stormwater Detention System

Prior to the issue of any Occupation Certificate pertaining to any works requiring an On-Site Detention System (OSD), an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD tank or basin.

The wording for the plaque shall state *"This is the on-site stormwater 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)

79. Confined Space Sign

Prior to the issue of any Occupation Certificate, securely install standard confined space danger signs in a prominent location within the immediate vicinity of access points to on site stormwater detention systems, rainwater tanks and confined spaces in accordance with the requirements of NSW Work Health and Safety Regulation 2017.

(Reason: Safe access to tank)

80. Certification of OSD

Prior to the issue of any 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. 1.

(Reason: Legal requirement)

81. Certification of the Basement Pumpout Drainage System

Prior to the issue of any Occupation Certificate and upon completion of the pump-out system, the following shall be submitted to the Certifier.

- (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 AS/NZS3500.3.

(Reason: Ensure compliance)

82. Works-As-Executed Plans - OSD

Prior to the issue of any Occupation Certificate and upon completion of the OSD System, the following shall be submitted to the Certifier:

- (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)

83. 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 on-site stormwater detention (OSD) system and stormwater treatment system. 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 OSD system and stormwater treatment system, 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. Council's costs, including legal fees associated with reviewing, approving and executing the Positive Covenant and Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing.

Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifier and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

84. Documentary Evidence of Positive Covenant, Engineers Certificate

Prior to the issue of any Occupation Certificate, the following documentary evidence of the completed drainage works shall be submitted to Certifier 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.
- (c) Work-as-Executed plans highlighting in red any variations based on the approved stormwater management plans from a registered surveyor for the as-built OSD system.

(Reason: Public record)

85. Creation of a Floodway Restriction

Prior to the issue of any 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 1%AEP flood path within the site identified in the approved Flood Report. The extent of the identified overland floodpath within the subject site, shall be shown on a scale sketch, attached as an annexure to the request forms. The extent shall include the flood path located in 5-7 Havilah Street, as well as that located within the Centre.

The wording for the restriction shall state *"No placement of any structures, walls, fences, fill or other items which may impede the 1% Annual Exceedance Probability flood path within the identified flood zone 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 Certifier. Council's costs, including legal fees associated with reviewing, approving and executing the Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing.
(Reason: Ensure unimpeded floodwater conveyance)

86. Create Positive Covenant – Flood Maintenance

Prior to the issue of any Occupation Certificate, 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 NSW Land Registry in the form of a request using form 13PC.

Documentary evidence of registration of the instrument with the NSW Land Registry Services shall be submitted to Council and the Certifier. Council's costs, including legal fees associated with reviewing, approving and executing the Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing

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)

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

Prior to the issue of any Occupation Certificate for structures adjacent to the drainage easement or Council's stormwater drainage system within the site, 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 Certifier, and a copy provided to Council, prior to issue of any Occupation Certificate.
(Reason: Protection of public asset)

88. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Havilah Street, Archer St, Victoria Avenue and Malvern Avenue.
(Reason: Public amenity)

89. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, undertake the following works

- Reconstruct a 3m wide pavement adjoining the full frontage of the development site in Malvern Avenue.
- Mill and resheet with 50mm minimum thickness of asphalt a 3m width of pavement fronting the development site in Havilah Street.

The works shall be 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)

90. Footpath

Prior to the issue of any Occupation Certificate, construct a:

- (a) full width paver footpath for the full frontage of the development site in Victoria Avenue. Pavers are to be as detailed by Council's Urban Designer
- (b) full width paver footpath for the full frontage of the development site in Archer Street. Pavers are to be as detailed by Council's Urban Designer
- (c) 1.5m wide concrete footpath for the full frontage of the development site in Malvern Avenue. Width may be narrowed to 1.2m at trees, subject to approval from Council.
- (d) 1.5m wide footpath for the full frontage of the development site in Havilah Street, with pavers required from 5 Havilah Street to the pedestrian entry and concrete for the remainder of the footpath.

All works shall be carried out in accordance with Council's standard specifications and drawings.
(Reason: Public amenity)

91. Vehicular Crossing

The existing vehicle crossings in Malvern Avenue and Archer street shall be reconstructed, including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All 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 crossings are to match the existing width and be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council.

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – Match exiting levels.

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

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

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 Certifier prior to issue of any Occupation Certificate.
(Reason: Public amenity)

92. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the 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 Certifier prior to the issue of any Occupation Certificate.
(Reason: Ensure compliance)

93. Performance Bond

Prior to the issue of any 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)

94. Turfing of Nature Strip

Prior to the issue of a Whole 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)

95. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, prior to the issue of any Occupation Certificate, the proposed vehicle access, including any parking spaces, shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification. Any columns shall be located in positions that comply with AS/NZS 2890.1.

(Reason: Vehicular access)

96. 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)

97. Vehicle Access and Manoeuvring – Construction & Certification

Prior to the issue of any Occupation Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the construction of vehicular access and manoeuvring for the development. This certification must be based on a site inspection of the constructed vehicle access, manoeuvring and vehicle accommodation areas, with dimensions and measurements as necessary, and must make specific reference to the following:

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.

- (c) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS/NZS 2890.1 and AS 2890.2.
- (d) Aisle widths throughout basements comply with AS/NZS 2890.1.
- (e) That the constructed new or altered vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (f) That 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/NZS 2890.1 and Section 2.7 of AS/NZS 2890.6.
- (g) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS/NZS 2890.6.
- (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (i) That a shared area with minimum dimensions of 2.4 x 5.4m is provided adjacent to all disabled parking spaces and a shared area with minimum dimensions of 2.4m x 2.4m is provided at the end of all disabled parking spaces to comply with AS/NZS 2890.6, and that a bollard is located in the shared zone in accordance with the requirements of Section 2.4 of AS/NZS 2890.6.
- (j) Simultaneous manoeuvring of B99 and B85 at all ramps and ramp ends including clearances for each vehicle as per AS/NZS 2890.1 is achieved.
- (k) Access and manoeuvrability of the largest vehicle accessing the site and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved.

(Reason: Ensure compliance)

98. Stormwater Maintenance Plan

Prior to the issue of an Occupation Certificate, submit to the certifying authority approval a Maintenance Plan for the stormwater management system. The plan is to be in accordance with recommendations of "Guidelines for the Maintenance of Stormwater Treatment Measures" published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure operation of system complies)

99. Certification of Water Quality Improvement System

Prior to the issue of an Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as built water quality improvement system is in accordance with the approved plans and complies with the requirements of Technical Standard 1.

(Reason: Legal requirement)

100. Overland Flow Path – Engineers Certification

Prior to the issue of any Occupation Certificate, submit to Council written certification, prepared by a suitably qualified and experienced civil engineer (generally CPEng), that:

- (a) The gate / garage door / flood gate at 5-7 Havilah Street complies with the requirements of the CJ Arms Flood Report
- (b) The flood measures provided provide 300mm freeboard from the 1%AEP flood level to habitable areas including retail spaces.

- (c) The existing boundary fences within the extent of the overland flow path have been replaced with open type fencing to allow unimpeded passage of overland flow
- (d) No structures, walls, fill or other items have been constructed to impede the 1% AEP overland flow path within the identified flood zone, other than piers detailed in the approved flood report.
- (e) Minimum 3m spacing have been provided for the isolated piers to support the suspended structures which encroach into the flood extent as identified in the flood study report.
- (f) Warning signs have regarding the potential hazards relating to overland flow have been provided at all the entry points to the high hazard areas, including at 5-7 Havilah Street.
- (g) All works recommended in the approved flood report have been constructed.
(Reason: Ensure compliance)

101. Flood Mitigation Works – Work As Executed Plans

Prior to issue of any Occupation Certificate and on 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 prepared by a registered surveyor to verify that the as-built details which are constructed in accordance with the design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved plans.
- b) Civil / Hydraulic Engineer's certification that the works have been constructed in accordance with the requirements of the approved flood report.
(Reason: Record of works)

102. 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)

103. Overland Flow Path – Boundary Fencing

Open type fencing shall be provided within the extent of the 1%AEP flood zone to allow for passage of floodwaters, unless modelled as an obstruction in the approved flood report. The open style fencing shall extend from ground level to a minimum of 500mm above the 1%AEP flood level.
(Reason: Passage of overland flow)

104. 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)

105. Certification of Flood Mitigation Works

Prior to the issue of any 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, approved flood report and complies with Council's DCP and Technical Standards
(Reason: Ensure compliance)

106. Construction of Flood Mitigation Works

Prior to the issue of any Occupation Certificate, all Flood Mitigation Measures works required by the approved flood report which are to be incorporated into the redevelopment of Chatswood Chase shall be completed in accordance with the approved drawings.
(Reason: Ensure compliance)

107. Public Tree Maintenance

Prior to the issue of any relevant Occupation Certificate, the Project Arborist 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)

108. Completion of Landscape Works

Prior to the issue of a Whole Occupation Certificate, any and all approved landscape works including hard landscape elements and tree, shrub and groundcover planting shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards, and certified in writing by a qualified horticulturalist, landscape architect or landscape designer.
(Reason: Landscape amenity)

109. Public Tree Planting

Prior to the issue of a Whole Occupation Certificate, plant the following trees on Council land forward of the property:

Minimum 2 x *Platanus orientalis*

The trees shall:

- (a) Have a minimum container size of 200 litres and grown to NATSPEC 2 "Guide Specifying Trees", (2003). (Note: Trees may require forward ordering to ensure provision of trees to the size as specified).
- (b) Be planted in accordance with WCC Landscape Specification 08/2007 "Street Tree Planting".

- (c) Be planted generally in alignment with other street trees.
(Reason: Landscape amenity, tree canopy recruitment)

110. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Project Arborist is to certify in writing that all tree protection measures and remediation works have been complied with as per conditions of consent.
(Reason: Protection of trees required to be retained)

111. Replacement Tree Planting

Replacement trees are to be planted in accordance with the Tree Planting Offset plan dated 23.05.23 prepared by Latstudios.

112. Certification – Ventilation

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.
(Reason: Amenity, environmental compliance and health)

113. Certification – Ventilation

Prior to the issue of any relevant Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.
(Reason: Amenity, environmental compliance and health)

114. Car Wash Bays Construction Trade Waste Permit / Consent

The car wash bays shall be bunded, graded and drained to a wastewater collection system that is connected to the sewer. No wastewater is permitted to escape the bunded area where it can enter Council's stormwater system.

Prior to the issue of any relevant Occupation Certificate, evidence of a Sydney Water permit or consent for the discharge of wastewater to the sewer shall be submitted to the Certifier. 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 protection)

115. General Easement/ROW Provision and Certification

The creation of drainage easements, service easements and/or rights-of carriageway shall be carried out as required. A registered surveyor is to certify prior to the release of the subdivision certificate that all interallotment drainage lines, services or driveways are fully contained within the proposed allotment and/or that future provisions of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no easements and/or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.
(Reason: Ensure compliance)

116. Location of On-Site Detention System

The locations of the as-built on-site stormwater detention system(s) shall be shown on the final plan of subdivision/strata plan. Access to the system, including access points to any underground tank, shall be located in common areas.

(Reason: Ensure compliance)

117. Section 88B Instrument

A Section 88B Instrument is to be submitted with the Linen Plan for subdivision in respect to any proposed easements, rights-of-way and positive covenants.

(Reason: Ensure compliance)

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.

118. 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)

119. Hours of Operation

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

- a) Commercial / Office trading hours between 8am and 6pm;
- b) Outdoor areas of any premises are to be restricted to 7am to 10pm. Windows and doors of any such premises must be closed between 10pm and 7am.
- c) 24/7 Restricted access only for tenants;
- d) Deliveries are to be restricted to 7am to 10pm, 7 days per week.

Any extension to these hours is to be subject to the prior consent of Council.

(Reason: Amenity)

120. Illumination of Building or Car Park

Illumination of any part of the building or car parking areas is to be designed so as to avoid glare adversely affecting nearby residents.

(Reason: Amenity)

121. 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))

122. External Furniture Maintenance

Any external furniture approved as part of this consent is to be managed and maintained by the Chatswood Chase.

(Reason: Public Amenity)

123. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1% Annual Exceedance Probability (AEP) event water level.

(Reason: Maintain designed discharge)

124. Road Closure

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

(Reason: Public protection)

125. Overland Flow

The applicant's attention is drawn to potential overland flow from the upstream catchment. Appropriate measures where required shall be implemented to ensure overland flow does not enter the building and no additional flow is directed onto adjoining property. Information regarding overland flows from upstream catchments may be obtained by contacting Councils Design/Flood Engineer.

(Reason: Protection of building)

126. Stormwater Treatment System – Ongoing Maintenance

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Stormwater Treatment System constructed on the land. The maintenance of the system is to be undertaken in accordance with the recommendations of "Guidelines for the Maintenance of Stormwater Treatment Measures" published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure compliance)

127. Maintenance of structures on public land

The owner of the premises is to maintain the awning approved by this consent and located over Council's road reserve, directly adjacent to the property. This awning must be maintained at all times to a structurally sound condition in order to provide an acceptable level of public safety. Any approval granted for the awning under section 138 of the *Roads Act 1993* must include provision for an appropriate indemnity in favour of Council regarding the awning.

(Reason: To ensure pedestrian and public safety and to ensure that structures located on public land for private benefit are maintained to an acceptable standard.)

128. Flood Evacuation Plan

The flood evacuation plan for the site is to be reviewed and amended on a regular basis, as a minimum once a year. During the review, items to be consider are to include, but not be restricted to, the following:

- Staffing requirements to implement measures
- Contact details are current

- Flood gate locations and equipment
 - Times required to deploy flood measures are unchanged
 - Stages at which flood evacuation measures are to occur are current.
- (Reason: Flood protection)

129. Road Reserve Planting

Any new or replacement planting proposed within the road reserve may be undertaken subject to the following conditions:

- (a) The cost of all works being borne by the applicant.
- (b) All service location checks and liability being the responsibility of the applicant.
- (c) Ongoing maintenance and replacement planting will not be provided by Council.
- (d) Council retains the right to prune or remove the planting as may be required for road or service maintenance and safety.

(Reason: Management of public assets)

130. 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)

131. Landscape maintenance

- a) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.
- b) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.
- c) A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.
- d) The approved landscape area shall in perpetuity remain as planting under the development consent.

Reason: To maintain local environmental amenity.

132. Noise Control – Offensive Noise and Vibration

To minimise the noise and vibration 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)

133. Mechanical Ventilation Systems with Regulated Air Handling and Water Systems

Mechanical ventilation systems comprising regulated air handling and water systems (cooling towers, warm-water systems and the like) 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)

134. 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)

135. 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)

136. Walls – Solid Construction – Food Premises

All food business tenancy perimeter walls and internal walls including partition walls shall be of 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)

137. Car Wash Spill Prevention and Control

All chemicals used for car washing shall be stored in a suitably lockable container inside the bunded washbay areas. In order to ensure spill prevention and control, a ready supply of spill control and clean-up materials must be maintained and easily accessible at all times at the premise. Any spills shall be cleaned up promptly to prevent pollution or other dangerous incidents.

(Reason: Environmental protection)

138. Waste Management Plan (WMP) Implementation

The ongoing use of the development is to be in accordance with the Waste Management Plan by Waste Audit & Consultancy Services dated June 2023.

(Reason: Environmental protection/waste reduction/public health and safety)

139. Ongoing Waste Control

Tenancies within the development are to comply with the approved Operational Waste Management Plan as well as the following:

- a) Tenancy waste taken directly from the tenancies to the Docks (i.e. Docks 2, 3 and 4) instead of to intermediary Waste Hubs.
 - b) Spaces to be provided within each tenancy for source-separation of waste and recycling aligning with at least 1 day's generation
 - c) Fresh food tenancies (and associated loading dock capacity) to be provided with waste storage capacity of at least 480L/100m²/day with a minimum of 50% capacity for Recycling (i.e. not General Waste as identified in the Operational WMP (June 2023), including paper, cardboard, containers, organics, soft plastics and cooking oil).
 - d) Waste and recycling to be only transported by tenancies and/or cleaning staff to the Docks through a service lift.
- (Reason: Environmental protection/waste reduction/public health and safety)

PRESCRIBED CONDITIONS

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

140. 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)

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

141. Construction Certificate

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)

142. 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 Certifier 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)

143. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

ATTACHMENT 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2022/305

At: 345 Victoria Avenue & 5 Havilah Street CHATSWOOD NSW 2067

