

**COMPLYING DEVELOPMENT CERTIFICATE No. 19/124610-5**

Issued under the Environmental Planning and Assessment Act 1979 Sections 4.27, 4.28

## Owner

Name: Health Administration Corporation  
Address: Level 14, 77 Pacific Highway, North Sydney NSW 2060

## Property details

Address 3 Westbourne Street, St Leonards NSW 2065  
Lot/Portion No: Lot 41 West  
DP No: 1172133  
Municipality: Willoughby Council

### Description and value of development

Description:	Internal fitout to Levels 01 to Level 09
Value of work:	\$35,387,379.00

### Determination

Approved/Refused:	Approved	Deferred Commencement	No
Date of Determination:	1 August 2019		

## Plans and specifications approved

- MGC Approved Plans prepared by BVN numbered: IN-B1-00-01[C], IN-B1-01-01[B], IN-B1-02-01[A], IN-B1-03-01[B], IN-B1-04-01[B], IN-B1-05-01[B], IN-B1-06-01[10], IN-B1-07-01[B], IN-B1-08-01[B], IN-B1-09-01[A], IN-B3-00-01[B], IN-B3-01-01[A], IN-B3-02-01[B], IN-B3-03-01[B], IN-B3-04-01[B], IN-B3-05-01[B], IN-B3-06-01[10], IN-B3-07-01[B], IN-B3-08-01[B], IN-B3-09-01[B], IN-M1-00-01[B], IN-M1-01-01[A], IN-M1-02-01[A], IN-M1-03-01[A], IN-M1-04-01[A], IN-M1-05-01[A], IN-M1-06-01[5], IN-M1-07-01[A], IN-M1-08-01[A], and IN-M1-09-01[A].

## Attachments

1. Schedule of essential fire safety measures.
2. Conditions of approval (includes any deferred commencement conditions and conditions prescribed, or required to be attached by the Regulation or relevant EPI or DCP including any condition relation to the payment of a s 7.11 contribution or other monetary contributions).
3. Application form for Complying Development Certificate.
4. Record of Site Inspection made by Accredited Certifier in accordance with Clause 129B (EP&A Regulation's 2000) prior to issue of Complying Development Certificate.
5. Building Certificate for Crown Building Work referenced 19/124610-4 prepared by McKenzie Group Consulting (NSW) dated 29 May 2019
6. Plans for Heritage Map Works prepared by Willoughby City Council numbered: 8250\_COM\_HER\_005\_010\_20121112
7. Plans for Land Zoning Map Works prepared by Willoughby City Council numbered: 8250\_COM\_LZN\_005\_010\_20170524
8. Long Service Levy Receipt prepared by Long Service Corporation dated 15 July 2019
9. Email correspondence regarding S94A Contributions Query prepared by Willoughby City Council dated 4 July 2019
10. Search for NSW Heritage prepared by NSW Environment & Heritage dated 20 April 2019
11. Willoughby Local Environmental Plan 2012 for Schedule 5 Environmental Heritage prepared by NSW Legislation dated 20 March 2019
12. Design Review Accessibility Compliance Statement prepared by McKenzie Group Consulting (QLD) dated 23 July 2019

---

**Environmental planning instrument decision made under**  
SEPP (Exempt & Complying Development Codes) 2008 Part 5 Subdivision 1

The land use zone within which the land is situated is SP2.

---

**Complying Development Certificate**

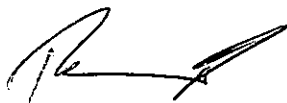
Certificate no.: 19/124610-5  
Date of Determination: 1 August 2019

---

**Certificate / Certifying Authority**

McKenzie Group Consulting (NSW) Pty Ltd, certify that the proposed development is complying development and that if carried out in accordance with the plans and specifications will comply with all development standards, any standards in a DCP and all requirements of the Regulation under the Environmental Planning and Assessment Act 1979; and will upon completion be a class 5, 6, 7a, 7b, 9b building.

**Signature**



Signed on behalf of the Company, McKenzie Group Consulting (NSW) Pty Ltd  
(ACN 093 211 995), BPB Corporate Accreditation No. ABC 6  
Signed by: Paul Curjak.  
Accredited Certifier Grade: 1.  
BPB Registration No.: 2773.

Date of this Certificate: 1 August 2019  
Certificate Number: 19/124610-5

Date this Certificate will lapse: 1 August 2024

**Note:** Prior to commencement of work sections 6.6 of the Environmental Planning and Assessment Act 1979 must be satisfied (see form 7).

**ATTACHMENT 1**  
**Existing Fire Safety Schedule**

(Pursuant to Clause 168 of the Environmental Planning and Assessment Regulation 2000)

NIL – building is under construction

## Proposed Fire Safety Schedule

(Pursuant to Clause 168 of the Environmental Planning and Assessment Regulation 2000)

All fire services are proposed to be carried out under the base building Crown Certification approval.

Essential Fire Safety Measures	Standard of Performance
1. Access Panels, Doors and Hoppers	BCA2016(1) Clause C3.13
2. Automatic Fail Safe Devices	BCA2016(1) Clause D2.19 & D2.21
3. Automatic Fire Detection and Alarm System (Smoke Detection System)	BCA2016(1) Spec. E2.2a & AS 1670.1 – 2015, AS/NZS 1668.1 – 2015 Performance Solution Report SY160491 Revision R1.1 prepared by Defire dated 7 November 2018
4. Automatic Fire Suppression System	BCA2016(1) Spec. E1.5 & AS 2118.1 – 2017 Performance Solution Report SY160491 Revision R1.1 prepared by Defire dated 7 November 2018
5. Emergency Lifts	BCA2016(1) Clause E3.4 & AS 1735.2 – 2001
6. Emergency Lighting	BCA2016(1) Clause E4.2, E4.4 & AS/NZS 2293.1 – 2005 Amdt 1 & 2
7. EWIS (Sound Systems and Intercom Systems for Emergency Purpose)	BCA2016(1) Clause E4.9 & AS 1670.4 - 2015
8. Emergency Evacuation Plan	AS 3745 – 2002
9. Exit Signs	BCA2016(1) Clauses E4.5, NSW E4.6 & E4.8 and AS/NZS 2293.1 – 2005 Amdt 1 & 2
10. Fire Control Centres	BCA2016(1) Spec. E1.8
11. Fire Blankets	AS 2444 – 2001
12. Fire Dampers	BCA2016(1) Clause C3.15, AS/NZS 1668.1 – 2015 & AS 1682.1&2 - 1990
13. Fire Doors	BCA2016(1) Clause C3.2, C3.4, C3.5, C3.6, C3.7 & C3.8, Spec C3.4 and AS 1905.1 – 2015
14. Fire Hose Reels	BCA2016(1) Clause E1.4 & AS 2441 – 2005 Amdt 1
15. Fire Hydrant System	BCA2016(1) Clause E1.3 & AS 2419.1 – 2017 Performance Solution Report SY160491 Revision R1.1 prepared by Defire dated 7 November 2018
16. Fire Seals, Collars	BCA2016(1) Clause C3.15, C3.16 & AS 1530.4 – 2014
17. Paths of Travel	EP&A Reg 2000 Clause 186
18. Portable Fire Extinguishers	BCA2016(1) Clause E1.6 & AS 2444 – 2001
19. Pressurising Systems	BCA2016(1) Clause E2.2 & AS/NZS 1668.1 – 2015
20. Smoke Hazard Management System (Zone Smoke Control)	BCA2016(1) Part E2 & AS/NZS 1668.1 – 2015
21. Smoke Hazard Management System (Automatic Shutdown of Air-Handling System)	BCA2016(1) Clause E2.2, AS/NZS 1668.1 – 2015

Essential Fire Safety Measures	Standard of Performance
22. Smoke Hazard Management System (Automatic pressurisation to fire-isolated exits)	BCA2016(1) Part E2 & AS/NZS 1668.1 – 2015
23. Smoke Hazard Management System (Carpark ventilation system)	BCA2016(1) Part E2 & AS/NZS 1668.1 – 2015 Performance Solution Report SY160491 Revision R1.1 prepared by Defire dated 7 November 2018
24. Warning and Operational Signs	EP&A Reg 2000 Clause 183, BCA2016(1) Clause C3.6, D2.23, E3.3
25. Vertical fire curtains	Performance Solution Report SY160491 Revision R1.1 prepared by Defire dated 7 November 2018
26. Fire Engineered Alternative Solution	Performance Solution Report SY160491 Revision R1.1 prepared by Defire dated 7 November 2018

## **ATTACHMENT 2**

### **Conditions of Approval**

(Pursuant to Clause 4.28 of the Environmental Planning and Assessment Act 1979 and 136AA of the Environmental Planning and Assessment Regulation 2000)

#### **CONDITIONS OF APPROVAL**

The building work involving the installation, modification or extension of the relevant fire safety system cannot commence unless:

- a) plans have been submitted to the principal certifier that show:
  - i. in the case of building work involving the installation of the relevant fire safety system—the layout, extent and location of key components of the relevant fire safety system, or
  - ii. in the case of building work involving the modification or extension of the relevant fire safety system—the layout, extent and location of any new or modified components of the relevant fire safety system, and
- b) specifications have been submitted to the principal certifier that:
  - i. describe the basis for design, installation and construction of the relevant fire safety system, and
  - ii. identify the provisions of the Building Code of Australia upon which the design of the system is based, and
- c) those plans and specifications:
  - i. have been certified by a compliance certificate referred to in section 109C (1) (a) of the Act as complying with the relevant provisions of the Building Code of Australia, or
  - ii. unless they are subject to an exemption under clause 164B, have been endorsed by a competent fire safety practitioner as complying with the relevant provisions of the Building Code of Australia, and
- d) if those plans and specifications were submitted before the complying development certificate was issued—each of them was endorsed by the certifying authority with a statement that the certifying authority is satisfied that it correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the Building Code of Australia, and
- e) if those plans and specifications were not submitted before the complying development certificate was issued—each of them was endorsed by the principal certifier with a statement that the principal certifier is satisfied that it correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the Building Code of Australia.

# State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Current version for 1 July 2019 to date (accessed 1 August 2019 at 16:14)

## Schedule 8

### Schedule 8 Conditions applying to complying development certificates under the Commercial and Industrial Alterations Code, the Commercial and Industrial (New Buildings and Additions) Code and the Container Recycling Facilities Code

(Clauses 5.25 and 5A.31)

#### Note 1.

Complying development under the Commercial and Industrial Alterations Code, the Commercial and Industrial (New Buildings and Additions) Code and the Container Recycling Facilities Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

#### Note 2.

Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

#### Note 3.

In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

#### Note 4.

If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

#### Note 5.

Under section 4.29 of the *Environmental Planning and Assessment Act 1979*, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

#### Part 1 Conditions applying before works commence

##### 1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

#### Note.

Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

##### 2 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

- (2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

##### 3 Waste management

- (1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site
- (2) The waste management plan must:
  - (a) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
  - (b) identify the quantity of waste material in tonnes and cubic metres to be:
    - (i) reused on-site, and
    - (ii) recycled on-site and off-site, and
    - (iii) disposed of off-site, and
  - (c) if waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
  - (d) if waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

##### 4 Adjoining wall dilapidation report

- (1) Before commencing any demolition or excavation works, the person having the benefit of the complying development certificate must obtain a dilapidation report on any part of a building that is within 2m of the works.
- (2) If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.

##### 5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

#### Part 2 Conditions applying during the works

#### Note.

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

##### 6 Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

## 7 Works outside standard hours for construction

- (1) Work may be carried out outside the standard hours for construction if the work only generates noise that is:
  - (a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the *Interim Construction Noise Guideline* (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
  - (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- (2) Work may be carried out outside the standard hours for construction:
  - (a) for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
  - (b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

## 8 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

## 9 Demolition

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

## 10 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority:
  - (a) the place to which waste materials were transported,
  - (b) the name of the contractor transporting the materials,
  - (c) the quantity of materials transported off-site and recycled or disposed of.
- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (5) During construction:
  - (a) all vehicles entering or leaving the site must have their loads covered, and
  - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

## 11 Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development):
  - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
  - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.

## 12 Drainage connections

- (1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.

## 13 Archaeology discovered during excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

### Note.

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

## 14 Aboriginal objects discovered during excavation

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- (a) all excavation or disturbance of the area must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

### Note.

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

## 15 When a survey certificate is required

- (1) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 3m from the lot boundary, a survey certificate must be given to the principal certifying authority:
  - (a) before any form work below the ground floor slab is completed, or
  - (b) if there is no such form work—before the concrete is poured for the ground floor slab.
- (2) The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

## Part 3 Conditions applying before the issue of an occupation certificate

### 16 Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

### 17 Utility services

- (1) If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
- (2) If the work is the subject of a notice of requirements for water supply or sewerage services (or both) by a water utility or an entity authorised by the utility, the work must be satisfactorily completed and any monetary contributions required to be paid to the relevant water supply authority must be paid before the occupation certificate is issued.
- (3) If the work is the subject of a compliance certificate under section 73 of the *Sydney Water Act 1994*, the work must be satisfactorily completed and any monetary contributions required to be paid to the Sydney Water Corporation must be paid before the occupation certificate is issued.

### 18 Mechanical ventilation systems



If the work includes a mechanical ventilation system that is a *regulated system* within the meaning of the *Public Health Act 2010*, the system must be notified as required by the *Public Health Regulation 2012*, before an occupation certificate (whether interim or final) for the work is issued.

#### **19 Food businesses**

If the work relates to a *food business* within the meaning of the *Food Act 2003*, the food business must be notified as required by that Act, or licensed as required by the *Food Regulation 2010*, before an occupation certificate (whether interim or final) for the work is issued.

#### **20 Premises where skin penetration procedures are carried out**

If the work relates to premises at which a *skin penetration procedure*, within the meaning of the *Public Health Act 2010*, will be carried out, the premises must be notified as required by Part 4 of the *Public Health Regulation 2012* before an occupation certificate (whether interim or final) for the work is issued.

### **Part 4 Operational requirements**

#### **21 Hours of operation**

- (1) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.
- (2) If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours:
  - (a) if the development involves a new use as specialised retail premises or other commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,
  - (b) if the development involves a new use as something other than a specialised retail premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village—7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,
  - (c) in any other case not referred to in paragraph (a) or (b)—7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.

#### **22 Noise**

- (1) The development must comply with the requirements for industrial premises contained in the Noise Policy.
- (2) Noise emitted by the development:
  - (a) must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out, and
  - (b) must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.
- (3) In this clause, *the Noise Policy* means the document entitled *NSW Industrial Noise Policy* (ISBN 0 7313 2715 2) published in January 2000 by the Environment Protection Authority.

#### **23 Lighting**

- (1) All new external lighting must:
  - (a) comply with AS 4282–1997 *Control of the obtrusive effects of outdoor lighting*, and
  - (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- (2) Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces* Set.

#### **24 Use of driveways and parking areas**

- (1) All driveways and parking areas must be unobstructed at all times.
- (2) Except as otherwise permitted by an existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises, driveways and car spaces:
  - (a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and
  - (b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

#### **25 Landscaped area (planting and maintenance)**

- (1) Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.
- (2) All landscaped areas on the site must be maintained on an on-going basis.