

# 57-75 Grafton Street, BONDI JUNCTION

## DA-482/2017/A

Should the Panel resolve to approve the application, the following conditions are recommended for imposition:

### APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

#### A. Amended/Deleted Conditions

##### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Cottee Parker JPRA including the following;

Drawing No.	Drawing Name	Drawing Revision & Date	Drawing (Plot) Date
<del>DA0000</del>	<del>COVERPAGE</del>	E – 10/02/2021	<del>26/10/18</del>
DA0001	TABLE OF CONTENTS		11/02/2021
DA1100	Site Plan	<del>B – 01/08/18</del> G – 10/02/2021	<del>07/12/18</del> 20/11/2020
DA2100	Lower Ground Floor Plan	<del>E – 01/04/19</del> M – 20/11/2020	<del>03/04/19</del> 20/11/2020
DA2101	Upper Ground Floor Plan	<del>E – 01/04/19</del> K – 20/11/2020	<del>03/04/19</del> 20/11/2020
DA2102	Level 1 Plan	<del>E – 01/04/19</del> J – 20/11/2020	<del>29/03/19</del> 20/11/2020
DA2103	Level 2 Plan	<del>E – 01/04/19</del> J – 20/11/2020	<del>29/03/19</del> 20/11/2020
DA2104	Level 3 Plan	<del>E – 01/04/19</del> J – 20/11/2020	<del>29/03/19</del> 20/11/2020
DA2105	Level 4 Plan	<del>E – 01/04/19</del> J – 20/11/2020	<del>29/03/19</del> 20/11/2020
DA2106	Level 5 Plan	<del>F – 02/04/19</del> K – 20/11/2020	<del>02/04/19</del> 20/11/2020
DA2107	Level 6 Plan	<del>D – 01/04/19</del> H – 10/02/2021	<del>29/03/19</del> 20/11/2020
<del>DA2108</del>	<del>Level 7 Plan</del>	<del>D – 01/04/19</del>	<del>29/03/19</del>
DA2109	<del>L8, L10, L12, L14, L16</del> L7, L9, L11, L13, L15, L17 Plans	<del>D – 01/04/19</del> K – 10/02/2021	<del>29/03/19</del> 20/11/2020
DA2110	<del>L8, L10, L12, L14, L16</del> <del>L9, L11, L13, L15</del> Plans	<del>D – 01/04/19</del> K – 10/02/2021	<del>29/03/19</del> 20/11/2020
<del>DA2111</del>	<del>Level 17 18 Plans</del>	<del>E – 29/04/19</del>	<del>29/04/19</del>
DA2110A		A – 10/02/2021	20/11/2020
DA2110B	Level 19 Plan	A – 10/02/2021	20/11/2020
DA21121	Roof Terrace Plan	<del>G – 29/04/19</del>	<del>29/04/19</del>

		G – 10/02/2021	20/11/2020
DA21132	Plant Level	<del>D – 22/11/18</del> O – 10/02/2021	<del>07/12/18</del> 20/11/2020
DA21143	Roof <del>Plan</del> Level	<del>B – 22/11/18</del> K – 10/02/2021	<del>07/12/18</del> 20/11/2020

DA2200	Section A	<del>C – 22/11/18</del> H – 10/02/2021	<del>07/12/18</del> 20/11/2020
DA2201	Section B	<del>D – 01/04/19</del> I – 10/02/2021	<del>29/03/19</del> 20/11/2020
DA2300	North Elevation	<del>E – 29/04/19</del> J – 20/02/2021	<del>29/04/19</del> 20/11/2020
DA2301	South Elevation	<del>F – 29/04/19</del> K – 10/02/2021	<del>29/04/19</del> 20/11/2020
DA2302	East Elevation	<del>D – 29/04/19</del> H – 10/02/2021	<del>29/04/19</del> 20/11/2020
DA2303	West Elevation	<del>D – 22/11/18</del> H – 10/02/2021	<del>07/12/18</del> 11/02/2021
DA2402	Unit Type Plans (Podium)	<del>E – 29/04/19</del> H – 13/08/2020	<del>29/04/19</del> 13/08/2020
DA2403	Unit Type Plans (Podium)	<del>D – 01/04/19</del> G – 20/11/2020	<del>29/03/19</del> 20/11/2020
DA2404	<del>Adaptable</del> Unit Type Plans (Podium)	<del>D – 01/04/19</del> G – 20/11/2020	<del>29/03/19</del> 20/11/2020
DA2405	<del>Adaptable Unit Type Plans</del> Unit Type Plans (Tower)	<del>D – 01/04/19</del> I – 10/02/2021	<del>29/03/19</del> 20/11/2020
DA2405A	Unit Type Plans (Tower)	A - 20/02/2021	20/11/2020
DA2406	Adaptable Unit Type Plans	<del>E – 29/04/19</del> G – 13/08/2020	<del>29/04/19</del> 13/08/2020
DA2407	Adaptable Unit Type Plans	<del>C – 01/04/19</del> H – 20/11/2020	<del>29/03/19</del> 20/11/2020
DA2408	Adaptable Unit Type Plans	<del>C – 01/04/19</del> H – 13/08/2020	<del>29/03/19</del> 13/08/2020
DA2409	Ventilation and Acoustic Slot Detail	<del>B – 01/04/19</del> F – 20/11/2020	<del>29/03/19</del> 20/11/2020
DA9003	Building Setback and Building Separation	<del>C – 22/11/18</del> F – 13/08/2020	<del>07/12/18</del> 13/08/2020
DA9004	<del>Building Setback and Building Separation</del>	<del>C – 22/11/18</del>	<del>07/12/18</del>
DA9006	External Finishes North	<del>C – 22/11/18</del> I – 10/02/2021	<del>07/12/18</del> 20/11/2020
DA9007	External Finishes South	<del>C – 22/11/18</del> H – 20/11/2020	<del>07/12/18</del> 20/11/2020
DA9008	External Finishes West	<del>C – 22/11/18</del> G – 20/11/2020	<del>07/12/18</del> 20/11/2020
DA9009	External Finishes East	<del>B – 22/11/18</del> H – 10/02/2021	<del>07/12/18</del> 20/11/2020
DA9010	<del>External Finishes Stencil Pre-Cast</del> L Finishes – Stencil Pre-cast Concrete Panels	<del>B – 22/11/18</del> E – 13/08/2020	<del>07/12/18</del> 13/08/2020

- (b) Landscape Plan **L05 and L06** prepared by Umbaco, Revision **F L**, dated ~~14.12.18~~ **11.02.2021** (**AMENDED DA-482/2017/A**);
- (c) BASIX and NatHERs Certificates prepared by Windtech;
- (d) Acoustic Report by Acoustic Logic [Reference No. 20161621.1/2607A/R3/JL] dated 7 December 2018;
- (e) Preliminary Soil Investigation Report prepared by CETEC Professional Scientific Solutions [Project no CN180814] dated August 2018;
- (f) Pedestrian Wind Environment Study prepared by Windtech - WC949-02F03(REV1)- WE REPORT dated 31.07.18 and WC949-04F01(rev0)- WS Memo dated 12.4.19;
  - (i) **As amended and/or supplemented by WC949-07F02(rev0) – WS Memo prepared by Windtech dated 16 July 2020**
- (g) Site Waste Management Plan (SWRMP) prepared by Senica;
- (h) Energy Efficient Report and Sustainability Initiatives, prepared by RENYI, dated August 2018 (to be updated by a condition within this consent);

Except where amended by the following conditions of consent. Note: References in this consent that refer to Council means 'Waverley Council' not the Principal Certifying Authority

**(AMENDED DA-482/2017/A)**

### **36. BICYCLE PARKING**

At least ~~89~~ **100** bicycle parking spaces are to be provided, allocated in the following manner:

- ~~78~~ **83** spaces for residents
- **A minimum of 8** spaces for visitors
- **A minimum of 3** spaces for commercial/retail

Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. This is to be detailed in the construction certificate plans prior to the issue of the relevant Construction Certificate.

**(AMENDED DA-482/2017/A)**

### **48. WASTE STORAGE AREAS**

The development must have a bin storage area for a minimum with enough space to accommodate the following minimum number of bins for the residential and commercial components of the development;

- **Residential** (weekly collection of general waste with compaction of 2:1 and fortnightly collection of recycling with no compaction)
  - ~~14~~ **16** x 240L Mobile garbage bins (MGB)

- **9 10** MGBs for container recycling
  - **9 10** MGBs for paper and cardboard recycling
  - At least 2 extra MGBs – 1 MGB for excess waste and 1 MGB for garden organics should this type of waste be generated at the property
  - Frequency of collection must be monitored to ensure that it is sufficient to meet the needs of the residential building. No overflowing bins or excess waste left on the ground is permitted. Increased frequency of collections may be required.
- **Commercial**
    - 5 x 240L Mobile garbage bins
    - 5 x 240L MGBs for co-mingled recycling
    - Extra space is required for the storage of milk and bread crates, cardboard and packaging.
    - Frequency of collections must be monitored to ensure that it is sufficient to meet the needs of the business. No overflowing bins or excess waste left on the ground is permitted. Increased frequency of collections may be required.
- (a) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012 (Amendment 5). Waste and recycling storage rooms must be graded and drained to the sewer system and approved by Sydney Water.
  - (b) There must be at least two separate centralised waste and recycling storage rooms or areas, one for commercial waste and one for residential waste. Storage rooms must be self-contained and have separate keys and locking systems.
  - (c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
  - (d) The development must have rooms or caged areas with a minimum volume 4m<sup>3</sup> available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.
  - (e) The waste storage area must be equipped with taps supplying hot and cold water, mixed through a centralised mixing valve with a hose cock and fitted with an aerator to increase water efficiency and;
  - (f) The bin storage area must be adequately ventilated in accordance with National Construction Code and AS 1668;
  - (g) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
  - (h) All new developments are to provide adequate storage for waste to accommodate future change of uses.

The above matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of Council's Executive Manager Sustainable Waverley prior to the issue of relevant Construction Certificate.

*(AMENDED DA-482/2017/A)*

**B. New Conditions**

**5A. PLANNING AGREEMENT**

- (a) The owner/applicant to:
- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in development application DA-482/2017/A; and
  - (ii) Pay a monetary contribution amount of \$3,814,200.00 prior to the issue of any Occupation certificate for the Development
  - (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner/applicant of the land the subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
  - (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
    - i. In a form acceptable to Council and from an institution acceptable to Council
    - ii. Irrevocable
    - iii. Unconditional
    - iv. With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

*(ADDED DA-482/2017/A)*

- 7.17** Prior to the issue of a Construction Certificate the Applicant shall provide certification from qualified Geotechnical and Structural Engineers stating that the proposed works will to have no negative impact on the rail corridor and associated rail infrastructure and that the proposed piers/piles have been designed to cater for any additional loads and that any additional loads have no increased impact on the rail tunnels. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

*(ADDED DA-482/2017/A)*

## APPENDIX B – FULL SET OF CONDITIONS

### A. APPROVED DEVELOPMENT

#### 1. APPROVED PLANS AND DOCUMENTATION

(a) Architectural Plans prepared by Cottee Parker JPRA including the following;

<b>Drawing No.</b>	<b>Drawing Name</b>	<b>Drawing Revision &amp; Date</b>	<b>Drawing (Plot) Date</b>
DA0001	TABLE OF CONTENTS	E – 10/02/2021	11/02/2021
DA1100	<i>Site Plan</i>	G – 10/02/2021	20/11/2020
DA2100	<i>Lower Ground Floor Plan</i>	M – 20/11/2020	20/11/2020
DA2101	<i>Upper Ground Floor Plan</i>	K – 20/11/2020	20/11/2020
DA2102	<i>Level 1 Plan</i>	J – 20/11/2020	20/11/2020
DA2103	<i>Level 2 Plan</i>	J – 20/11/2020	20/11/2020
DA2104	<i>Level 3 Plan</i>	J – 20/11/2020	20/11/2020
DA2105	<i>Level 4 Plan</i>	J – 20/11/2020	20/11/2020
DA2106	<i>Level 5 Plan</i>	K – 20/11/2020	20/11/2020
DA2107	<i>Level 6 Plan</i>	H – 10/02/2021	20/11/2020
DA2109	<i>L7, L9, L11, L13, L15, L17 Plans</i>	K – 10/02/2021	20/11/2020
DA2110	<i>L8, L10, L12, L14, L16 Plans</i>	K – 10/02/2021	20/11/2020
DA2110A	<i>Level 18 Plans</i>	A – 10/02/2021	20/11/2020
DA2110B	<i>Level 19 Plan</i>	A – 10/02/2021	20/11/2020
DA2111	<i>Roof Terrace Plan</i>	G – 10/02/2021	20/11/2020
DA2112	<i>Plant Level</i>	O – 10/02/2021	20/11/2020
DA2113	<i>Roof Level</i>	K – 10/02/2021	20/11/2020
DA2200	<i>Section A</i>	H – 10/02/2021	20/11/2020
DA2201	<i>Section B</i>	I – 10/02/2021	20/11/2020
DA2300	<i>North Elevation</i>	J – 20/02/2021	20/11/2020
DA2301	<i>South Elevation</i>	K – 10/02/2021	20/11/2020
DA2302	<i>East Elevation</i>	H – 10/02/2021	20/11/2020
DA2303	<i>West Elevation</i>	H – 10/02/2021	11/02/2021
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DA2407	<i>Adaptable Unit Type Plans</i>	H – 20/11/2020	20/11/2020
DA2408	<i>Adaptable Unit Type Plans</i>	H – 13/08/2020	13/08/2020
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DA9006	<i>External Finishes North</i>	I – 10/02/2021	20/11/2020
DA9007	<i>External Finishes South</i>	H – 20/11/2020	20/11/2020
DA9008	<i>External Finishes West</i>	G – 20/11/2020	20/11/2020
DA9009	<i>External Finishes East</i>	H – 10/02/2021	20/11/2020

DA9010	<i>L Finishes – Stencile Pre-cast Concrete Panels</i>	E – 13/08/2020	13/08/2020
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- (b) Landscape Plan L05 and L06 prepared by Umbaco, Revision L, dated 11.02.2021
- (c) BASIX and NatHERs Certificates prepared by Windtech;
- (d) Acoustic Report by Acoustic Logic [Reference No. 20161621.1/2607A/R3/JL] dated 7 December 2018;
- (e) Preliminary Soil Investigation Report prepared by CETEC Professional Scientific Solutions [Project no CN180814] dated August 2018;
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Except where amended by the following conditions of consent. Note: References in this consent that refer to Council means 'Waverley Council' not the Principal Certifying Authority

**(AMENDED DA-482/2017/A)**

## 2. GENERAL MODIFICATIONS

- (a) *DELETED BY SYDNEY EASTERN CITY PLANNING PANEL. 2/5/2019*  
 \*However drawings DA2113, DA2114 and DA1100 must be updated to reflect the amendments reflected in Level 17, drawing DA2111, Level 17, as endorsed by the Panel.
- (b) The architectural plans as amended are to be stamped by the Accredited NatHERS assessor.
- (c) The reference to the bin stand at the front of the site is to be deleted from the plans. All waste collection is to be from within the site.

The amendments are to be approved Council's Executive Manager, Building Waverley (or delegate); prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## 3. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

To ensure the integrity of the approved design of the building is maintained over time, the private open balconies attached are not to be enclosed at any time in the future, nor are air conditioning

systems permitted to be installed on the balconies to degrade the appearance of the building from the street.

#### **4. ARCHITECT TO SUPERVISE DESIGN**

A qualified designer must verify that the construction certificate plans submitted for the development achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles in SEPP 65 (Design Quality of Residential Apartment Development).

#### **5. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT**

The use, fit-out, signage or proposed hours of operation for the retail/commercial component of the development has not been proposed in this application, therefore these elements require the separate approval from Council, unless deemed Exempt Development under the SEPP (Exempt and Complying Development) 2008. The use shall be limited to either *retail premises* or *business premises* as defined under the *Waverley Local Environmental Plan 2012*, so as to ensure compliance with the approved permitted use as *shoptop housing*.

In this regard, compliance with the NCC in respect to the provision of sanitary facilities shall be provided for each retail tenancy. It is recommended that sufficient services for future sanitary facilities be provided to each tenancy to meet future requirements.

#### **5A. PLANNING AGREEMENT**

(a) The owner/applicant to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in development application DA-482/2017/A; and
- (ii) Pay a monetary contribution amount of \$3,814,200.00 prior to the issue of any Occupation certificate for the Development
- (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner/applicant of the land the subject of the Development and Council.

(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
- (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
  - i. In a form acceptable to Council and from an institution acceptable to Council
  - ii. Irrevocable
  - iii. Unconditional
  - iv. With no end date

- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

***(ADDED DA-482/2017/A)***

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **6. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principal Certifying Authority.

### **7. SYDNEY TRAINS CONDITIONS**

In accordance with the letter of concurrence provided by Sydney Trains on 14 August 2018, prior to the issuing of a Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- 7.1** Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements, as follows (but not limited to):
  - (a) Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
  - (b) Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor. These drawings shall also show the rain tunnel and the stratum lot located within Hegarty Lane.
  - (c) Drawings to include 1st and 2nd tunnel protection zones especially on all section drawings.
  - (d) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land, easements or stratum lots (including the stratum lot located within Hegarty Lane).
  - (e) Demolition plans including ground vibrations that are required to ensure that there are no adverse effects on rail tunnels, its operation and associated structures.
  - (f) Dilapidation survey report of the existing tunnel condition.
  - (g) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement/stratum lot and tunnel location.
  - (h) Clarification as to reasons why the analysis has been carried out using elastic parameters as elastic material will not fail and show yielding if occurring because of additional pressure due to ten storey building load.
  - (i) Provision of justification and reference of using 32.8 MPa modulus to simulate lining behaviour. Considering the age of rail tunnels that are about 45 years, Sydney Trains considers that long term modulus including creep effect should be used.

- (j) Clarification as to whether numerical modelling has accounted for existing conditions of tunnel lining including defects such as crack, drainage conditions and support conditions determined by dilapidation survey as per cl 8.2 of ASA standard T HR CI 12051 ST.
- (k) Provision of sensitivity analysis as per cl 8.3.2 of ASA standard T HR CI 12051 ST to ensure the predictions are not adversely affected by reasonable variations in input parameters and different conditions that can occur during all stages of construction activities.
- (l) Numerical modelling to be revised to include geological features like bedding plane and typical joints used for Sydney sandstone to verify if the estimated predictions are not under estimated.
- (m) The ESP drawings show rock bolts are present around the shoulder but have not been incorporated in the model as displacements are around 6mm. Clarification is required as to what happens if using lower bound parameters for sensitivity checks and displacements exceeds 10mm where rock bolts are present as per cl 9.1.3 of ASA standard T HR CL 12051 ST
- (n) Vibration monitoring plan is to be provided that includes instrumentation and monitoring drawings including trigger levels, action plans and remedial measures.
- (o) Details of all craneage and other aerial operations (and their anticipated loadings on the rail tunnels) for the development. These must comply with all Sydney Trains requirements.

Any conditions issued by Sydney Trains as part of the approval/certification by Sydney Trains of any of the above documents of this condition will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.

- 7.2** Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- 7.3** Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- 7.4** Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- 7.5** No rock anchors/bolts are to be installed into RailCorp's property or stratum lot within Hegarty Lane.
- 7.6** Extreme care is to be undertaken during excavation and construction to prevent water from collecting on or adjacent to tunnels and to ensure that the water proofing of the tunnels is not damaged.

- 7.7** Unless advised by Sydney Trains in writing, the effect of construction induced settlement due to groundwater drawdown (potentially leading to track settlement) is to be avoided at all times.
- 7.8** The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
- Machinery to be used during excavation/construction.
  - If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- 7.9** Prior to the issuing of a Construction Certificate or the commencement of works (whichever occurs first) the Applicant shall liaise with Sydney Trains to ascertain the need to enter into an Agreement for the proposed works with Sydney Trains and RailCorp. If deemed necessary by Sydney Trains the Applicant is to bear all Sydney Trains' and RailCorp's costs of entry into any Agreement required by these conditions. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 7.10** Sydney Trains, Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- 7.11** Prior to the commencement of works and prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- 7.12** Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement/stratum lot to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.
- 7.13** An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- 7.14** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- 7.15** Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 7.16** Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- 7.17** Prior to the issue of a Construction Certificate the Applicant shall provide certification from qualified Geotechnical and Structural Engineers stating that the proposed works will to have no negative impact on the rail corridor and associated rail infrastructure and that the proposed piers/piles have been designed to cater for any additional loads and that any additional loads have no increased impact on the rail tunnels. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required

**(AMENDED DA-482/2017/A)**

## **FEES**

### **8. SECTION 7.12 CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
- (1) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (2) Where the total development cost is \$500,000 or more:  
**"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".**

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
- (a) A development valued at \$100,000 or less will be exempt from the levy.
  - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

#### **9. TREE PRESERVATION BOND**

A tree protection plan for the protection of the Platanus and Koelreuteria street trees is to be submitted for the approval of Council's Tree Management Officer prior to the issue of any Construction Certificate for the development.

A bond of \$ 10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the Platanus acerifolia and smaller Koelreuteria paniculata street trees at the front of the property and newly planted street tree proposed towards the western boundary of the site.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

#### **10. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$180, 000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit

#### **11. LONG SERVICE LEVY**

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

#### **FIRE SAFETY MATTERS**

#### **12. ESSENTIAL SERVICES - NEW BUILDING**

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- (a) basis of design;

- (b) standard to which the system is to be installed; and
- (c) all relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) inspection, testing and commissioning details;
- (b) date of inspection, testing and commissioning;
- (c) the name and address of the individual who carried out the test; and
- (d) a statement that the service has been designed, installed and is capable of operating to the above standard.

## **NOISE**

### **13. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION**

A site specific noise management plan must be submitted to the Council for approval and comment prior to the issue of a construction certificate and complied with during any building works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) Identification of nearby residents and other sensitive locations near to the site;
- (b) Description of hours of work and what work practices will be applied to minimise noise.
- (c) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases and any private arrangements that may be made.
- (d) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria. Details of noise monitoring techniques and method of reporting results.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.
- (f) The methodology to be employed for handling and investigating any complaints should they arise, including documentation and feedback mechanisms;
- (g) Identification of a site contact person to follow up on complaints and site signage erected to advise of persons name and contact details.
- (h) Details of mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
  - (i) Details of work schedules for all construction phases;

#### **14. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES**

Where there is a strong community reaction to noise associated with demolition, excavation and/or construction, Council may require respite periods by restricting the hours that the specific noisy activity can occur.

NOTE: If this is imposed, Council will take into account:

- Times identified by the community when they are less sensitive to noise
- If the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

#### **15. ACOUSTIC REPORT**

A detailed acoustic report shall be prepared by a suitably qualified Acoustic consultant describing and assessing noise emissions from the mechanical plant and equipment associated with the development prior to the issue of the relevant Construction Certificate. The report must demonstrate compliance with Council's noise criteria and be submitted to Waverley Council for approval.

#### **16. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS**

Noise attenuation is to be achieved in all residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

#### **17. REFRIGERATION UNITS & MECHANICAL PLANT**

All refrigeration motors/units and other mechanical plant, including air conditioning are to be installed within the building in an acoustically treated plant room.

In this regard, the construction certificate plans are to make adequate provision within the confines of the building for any plant and equipment associated with the use of the building to ensure that noise from mechanical plant does not impact the amenity of the area.

## **18. MECHANICAL VENTILATION SYSTEMS**

- (a) The building is to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
  - (i) inspection, testing and commissioning details;
  - (ii) date of inspection, testing and commissioning details;
  - (iii) the name and address of the individual who carried out the test; and
  - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

### **CONSTRUCTION DETAILS**

## **19. ARCHITECTURAL DETAILING**

Prior to the issue of the relevant Construction Certificate which relates to any construction for the approved building (ie. permitting demolition works) further details are required to be submitted and reviewed by Council which address the following matters:

- (a) Details of the external materials and finishes and design details of all elements of the building façade, including materials for structures on the roof terrace.
- (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.
- (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

These details are to be submitted to the satisfaction of Council with a referral fee to be paid at the time of lodgement. Please contact Council's Duty Planner for a fee quote prior to submission. The Landscape Plan is also to be referred to Council for consolidated review.

Council is to approve the above details prior to the issue of a Construction Certificate for the works specified above, under the Environmental Planning and Assessment Act 1979.

For the purpose of this condition, the reference to Council is a reference to Waverley Council and does not include the Principal Certifying Authority for the development.

## **20. FLOOR TO CEILING HEIGHTS**

The construction certificate drawings must demonstrate 2.7m floor to ceiling heights for all habitable rooms in the residential components of the development.

## 21. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a qualified designer in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartments.

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

## 22. PUBLIC DOMAIN WORKS

The following public domain works, required by virtue of the scale of the development, are to be provided at the applicant's expense and are not a component of any Planning Agreement:

- (a) Upgrade of footpath, kerb and guttering to entire frontage of Grafton Street and Hegarty Lane,
- (b) Provision on 1 tree pit and the planting of 1 street tree in this pit, along the frontage of Grafton Street.

The footpath and kerb and gutter across both frontages of the site are to be upgraded in accordance with the Waverley Public Domain Technical Manual. Detailed drawings of the works shall be prepared by a suitably qualified and experienced engineering professional and accompany the Public Domain landscape plans. The Public Domain landscape plans shall be prepared by an *Australian Institute of Landscape Architects* registered Landscape Architect and be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to any works being carried out on the public domain.

The detailed drawings and written specifications shall at minimum:

- (a) Include details and proposed locations of any street furniture and street trees
- (b) Display the reduced levels (RL's) at each access point into the building
- (c) Include details and specifications of paving including the materials used, the paving pattern, and jointing plans.
- (d) Show paving pattern and jointing plans being coordinated with the blinding slab
- (e) Show how it is proposed to identify the interface between the footpath area and paving within the site at the front and rear property boundaries.
- (f) Show all services and pit locations in the footpath area being orientated to align with the paving pattern and jointing, including the provision of infill lids where appropriate.
- (g) Include cross-sections at set intervals which demonstrate a maximum 2% grade in the pedestrian pathway falling towards the road at all points across both frontages of the site
- (h) Include long section of the footpath showing the existing and proposed RLs
- (i) Show details of any transitions required beyond the boundaries of the site.
- (j) Show all stormwater gully pits on both street frontages being upgraded with new, precast lintels and galvanised steel grates.

The tree pit size, planting species and location are to be approved by the Council.

## 23. AWNING DETAILS

- (a) A continuous awning along the entire frontage of the site to Grafton Street and Hegarty Lane shall be provided for weather protection for pedestrians.
- (b) Awnings shall be a minimum of 4m above the footpath level and offset a minimum of 600mm behind the kerb.
- (c) Awning design shall match the building façade materials and finishes.
- (d) Awnings shall provide cut outs for to allow for existing and future tree growth for the street trees.
- (e) The support columns for the awning shall be constructed so as not to encroach forward of the property boundary.

Details to be submitted and approved by Council's Executive Manager, Building Waverley (or delegate) in consultation with the Executive Manager, Creating Waverley, prior to the issue of the relevant Construction certificate.

## **24. HOARDING REQUIRED**

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

## **25. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site if required.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

## **26. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during

construction. Copies of demolition and construction waste docket that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

## **27. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **28. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

## **29. UNDERGROUND ANCHORS**

If required, prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

Any ground anchors that are proposed to extend beyond the property boundary into adjoining land, must provide Council with written evidence of owners consent for such works.

Please note, a fee will be approved applied for each anchor approved to extend into a road reserve.

## **30. ACCESSIBILITY**

The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility, so that all people can enter and use the premises. This includes but not limited to toilets, parking and signage.

Access to the development must therefore meet the requirements of the DDA 1992, the relevant Australian Standards and the National Construction Code (NCC).

Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Accessible parking for people with a disability must be provided in accordance with the NCC and AS/NZS 2890.1: 2004 parking facilities – Off Street parking and AS 1428: 2003 – Design for Access and Mobility Set.

## **31. ADAPTABLE HOUSING**

At least 8 Adaptable dwellings are to be provided within the development. The number of adaptable dwellings provided is to comply with the requirements of accordance with the Waverley Development Control Plan 2012 and are to be certified to comply with the relevant Australian standards by an independent, suitably qualified person.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

### **32. UNIVERSAL HOUSING**

Universal housing is to be provided within the development to meet the changing need of occupant's over their lifetimes. A minimum of 20% of the units within the development are to incorporate the Liveable Housing Guideline's silver level universal design features and certified by a qualified professional. The details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

### **33. DILAPIDATION REPORTS**

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

### **TRAFFIC MANAGEMENT, PARKING AND VEHICULAR ACCESS**

### **34. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

Prior to the issue of a Construction Certificate, the applicant shall submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley.

The CVPPM shall provide, but not be limited to, details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- (b) The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
  - such vehicles cannot adequately and safely gain access to and from the site or
  - access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note:
  - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
  - It is illegal to:
    - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
    - ii. Barricade/reserve a section of roadway without the prior approval of Council
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
  - The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
  - Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
  - The type(s) of material on which pedestrians will be required to walk
  - The width of the pathway on the route
  - The location and type of proposed hoardings
  - The location of existing street lighting
- (j) Any bus zones, taxi zones etc., that may be affected/require temporary relocation as a result of development works.

**NOTE: PRIOR TO THE PREPATATION OF THE CVPPM**, the applicant or his or her representative shall:

- Make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (j) above.
- Make contact with the operators of bus and taxi services whose zones may be affected/require temporary relocation as a result of development works
- Be aware that the full length of Oxford Street may not be approved as a route for trucks when travelling to or from the site
- Be aware swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, may need to be submitted to Council for all truck movements that are to take place within the Council area prior to an approval being issued for the CVPPM.
- Be aware of and take into account the cumulative effect that truck movement from the development site and other development sites in the vicinity that are either under construction or have development approval will have on roads leading to and from the site.

### **35. WASTE AND ACCESS TO THE SITE**

The height clearance for vehicular access to the site at the lower ground floor level shall be at least 3.8m to allow Council's residential waste collection vehicle to enter the building to collect waste on-site.

This will allow for the removal of residential waste and recyclables from within the site as well as commercial waste collection vehicles and removalist trucks. These vehicles must enter and exit the site in a forward direction at all times.

Confirmation that the lower ground level clearance levels will meet the requirement for small rigid vehicle movements, as well as Council's Waste Collection Vehicle shall be submitted to Council's Manager, Traffic and Development for approval prior to the issue of the relevant Construction Certificate.

### **36. BICYCLE PARKING**

At least **100** bicycle parking spaces are to be provided, allocated in the following manner:

- 83 spaces for residents
- A minimum of 9 spaces for visitors
- A minimum of 3 spaces for commercial/retail

Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. This is to be detailed in the construction certificate plans prior to the issue of the relevant Construction Certificate.

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### **STORMWATER**

#### **37. ON-SITE STORMWATER DETENTION DETAILS**

The stormwater drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual.

- On-Site Stormwater Detention (OSD) tank and its details are required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.
- A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required to be submitted to Council for approval.

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

### **ENERGY EFFICIENCY AND SUSTAINABILITY**

### **38. WIND REPORT**

The recommendations of the Wind Report referenced in Condition 1 of this consent are to be incorporated into the landscaping and construction certificate plans for the development prior to the issue of the relevant construction certificate.

In particular, the trickle ventilation system proposed to provide natural fresh air into the residential apartments fronting Syd Enfield Drive to address wind and noise is to be verified, as recommended in the report, by a wind consultant using wind tunnel testing to ensure that those units facing Syd Enfield Drive can receive natural ventilation. The report should conclude that the system will satisfactorily ventilate the affected apartments within the development to comply with the National Construction Code. Should the testing require any amendments to the plans, a Section 4.15 modification application is to be submitted for assessment.

The results of the wind tunnel testing is to be provided to the satisfaction of Council's Environmental Health Officer prior to the issue of any Construction Certificate under the Environmental Planning and Assessment Act 1979.

### **39. BASIX**

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

### **40. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant service authorities (water, gas, electricity) regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

### **41. ENERGY AUSTRALIA**

The applicant to confer with Energy Australia to obtain that authority's needs for the provision and location of a kiosk type distribution centre on the subject land, and if deemed necessary, the applicant to make available land to that Authority for the siting of such kiosk/sub-station. Documentary evidence of compliance is to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

### **42. IMPACT ON EXISTING UTILITY INSTALLATIONS**

Should proposed or conditioned works located within Council's road reserve be located where it is likely to disturb or impact upon a utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. AusGrid/Telstra) that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority, prior to the release of the Construction Certificate.

#### **43. COST OF ADJUSTMENT TO PUBLIC UTILITIES TO BE BORNE BY APPLICANT/DEVELOPER**

The arrangements and costs associated with any adjustment to public utility services, including these in the footpath and road areas to suit new development levels shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding arrangements and costs are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

#### **44. ENERGY ASSESSMENT REPORT**

In accordance with Part B of the Waverley Development Control Plan 2012 (Amendment 5), any mixed use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. NCC, Section J compliant only).

An updated 'Energy Assessment Report' with the updated specific design, material and equipment efficiencies will need to match that of the Mechanical/Electrical and architectural documentation and must be provided to the satisfaction of Council's Co-ordinator, Sustainable Precinct prior to the issue of the relevant construction certificate. Further design and verification of energy and GHG emissions performance should be provided to verify the performance of the building to be delivered.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report. Any modifications required to respond to the approved Energy Assessment Report which are not consistent with the approved plans will require the submission of a Modification Application.

#### **45. REFLECTIVITY REPORT**

In accordance with Part E1 - Clause 1.23, a reflectivity report is to be submitted to which confirms that the development will comply with the following controls;

- (a) The development is to limit the use of large areas of glass in facades to a maximum of 60% of the façade surface area above ground level;
- (b) To minimise potential impact on pedestrians and occupants of neighbouring buildings all panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%. Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%;

- (c) Reflected solar glare on drivers should not exceed 500 candelas / m<sup>2</sup>. A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).

Recommendations are to be incorporated into the construction certificate plans where necessary. Should a modification to the building need to occur to address this condition, a modification application will need to be submitted and determined prior to this condition being satisfied.

The reflectivity report is to be submitted to the Principal Certifying Authority or the Council for approval prior to the issue of the relevant Construction Certificate.

#### **46. STREET PLANTINGS – GRAFTON STREET**

All work outside the property boundary are to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense. Such works shall comply with the following:

- (a) One street tree shall be planted in the footpath along the Grafton Street frontage of the site. The new street tree is to be *Koelreuteria paniculata* at a minimum pot size of 400 litres. A contract of supply of the tree is to be submitted to Council and planted prior to the issue of any Occupation Certificate.
- (b) The tree is to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip.
- (c) A consulting arborist is to submit specifications and design for tree pits for the street trees with the Construction Certificate for approval by Council's Strategic Tree Planning Officer. The design is to include measures to minimise tree root conflict with any adjacent services/infrastructure and the installation of a tree guard (Derwent - available from Arborgreen) installed to manufacturer's specifications.
- (d) The tree is to be planted at the location shown on landscape plan and be single trunked with a clean stem height of 1.5 metres and grown to Natspec standards. A qualified horticulturist, experienced in planting super advanced trees (minimum AQF Level 3) is to plant the tree in accordance with Waverley Council's Public Domain Technical Guidelines.
- (e) Any footpath restoration near the existing *Platanus* street tree is to incorporate porous paving for an area of 2.5 square metres around the base of the tree in accordance with Waverley Council's Public Domain Technical Manual.
- (f) Provide adequate drainage, with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm.

Details are to be submitted to Council for approval by Council's Strategic Tree Planning Officer prior to the issue of the relevant Construction Certificate.

#### **47. AMENDED LANDSCAPING PLAN**

An amended landscape plan is to be submitted to Council which incorporates the recommendations of the wind report and any other condition of this consent to ensure consistency.

The landscaping plan must address the following;

- (a) Screening planting to the balcony/courtyard area of unit 602 to level 4 is to be selected to grow to a mature height of 1.6m-2m to address privacy and overlooking to the adjoining site.
- (b) Comprise plants that are suitable for the site in relation to sun access, wind, views, overshadowing and other environmental conditions. Please refer to Annexure B2 – 1 for indigenous or local native plants to Waverley.
- (c) Utilise lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species. Seek suitable professional advice regarding appropriate soil depths and types.
- (d) The plants shall have a maximum maturity height of 200mm above the roof level, unless otherwise required by a wind report.
- (e) Plantings around the common open spaces and private open spaces must be irrigated and generally maintainable without requiring frequent access.
- (f) Provide adequate drainage and waterproofing for the species and volumes of plants and soil.
- (g) Provide appropriate methods for capturing, storing and treating run off from landscapes on structures for reuse on the site.
- (h) Consideration should be given to the strength of a waterproofing membrane through the following method:
  - a. Flood testing
  - b. Electrical filed vector mapping (EVFM)
  - c. Destructive testing.
- (i) The overall design of the must give regard to the approved wind report.
- (j) Sub-surface drip irrigators should be used to direct moisture to plant roots.
- (k) Irrigation should be provided from rainwater harvesting, treated grey water or treated black water is possible.
- (l) Proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

The above plan and relevant details are to be submitted and approved by Council's Executive Manager, Building Waverley (or delegate) in consultation with the Executive Manager, Open Space and Creating Waverley, prior to the issue of the relevant Construction certificate.

## **WASTE**

### **48. WASTE STORAGE AREAS**

The development must have a bin storage area for a minimum with enough space to accommodate the following minimum number of bins for the residential and commercial components of the development;

- **Residential** (weekly collection of general waste with compaction of 2:1 and fortnightly collection of recycling with no compaction)
  - 16 x 240L Mobile garbage bins (MGB)
  - 10 MGBs for container recycling
  - 10 MGBs for paper and cardboard recycling
  - At least 2 extra MGBs – 1 MGB for excess waste and 1 MGB for garden organics should this type of waste be generated at the property
  - Frequency of collection must be monitored to ensure that it is sufficient to meet the needs of the residential building. No overflowing bins or excess waste left on the ground is permitted. Increased frequency of collections may be required.
- **Commercial**

- 5 x 240L Mobile garbage bins
  - 5 x 240L MGBs for co-mingled recycling
  - Extra space is required for the storage of milk and bread crates, cardboard and packaging.
  - Frequency of collections must be monitored to ensure that it is sufficient to meet the needs of the business. No overflowing bins or excess waste left on the ground is permitted. Increased frequency of collections may be required.
- (i) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012 (Amendment 5). Waste and recycling storage rooms must be graded and drained to the sewer system and approved by Sydney Water.
- (j) There must be at least two separate centralised waste and recycling storage rooms or areas, one for commercial waste and one for residential waste. Storage rooms must be self-contained and have separate keys and locking systems.
- (k) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (l) The development must have rooms or caged areas with a minimum volume 4m<sup>3</sup> available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.
- (m) The waste storage area must be equipped with taps supplying hot and cold water, mixed through a centralised mixing valve with a hose cock and fitted with an aerator to increase water efficiency and;
- (n) The bin storage area must be adequately ventilated in accordance with National Construction Code and AS 1668;
- (o) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (p) All new developments are to provide adequate storage for waste to accommodate future change of uses.

The above matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of Council's Executive Manager Sustainable Waverley prior to the issue of relevant Construction Certificate.

***(AMENDED DA-482/2017/A)***

#### **49. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

#### **50. VERMIN AND RAT CONTROL**

Significant work has gone into reducing vermin and rat population in the Bondi Junction area, which is a historical problem. One of the main contributing factors is the demolition of premises that have been harbouring vermin. Therefore, it is necessary that a pest control management program be implemented prior to demolition as follows:

A Pest and Vermin Control Management Plan prepared by a suitable qualified person outlining and describing measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager of Health and Compliance prior to the issue of a Construction Certificate for the demolition of existing buildings.

#### **51. LOCATION OF GREASE TRAP**

Detail of the location of the required grease trap is to be provided on the construction certificate plans.

The grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room must have a piped connection to the boundary so that it can be emptied. Sydney Water also have requirements for grease arrestors that you need to comply with.

### **GENERAL MATTERS**

#### **52. TELECOMMUNICATIONS PROVISIONS**

Prior to the issue of the Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- (a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

#### **53. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES**

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that is designed to discharge

air in a vertical direction above roof level and complies with the requirements of the National Construction Code and Australian Standard 1668 - Part 2, 2012

#### **54. GENERAL SANITARY FACILITIES**

Sanitary facilities shall be provided to the premises in accordance with the requirements of the Building Code of Australia. The use of future commercial tenancies will be determined based on the information provided by Steve Watson and Partners (job no.2016/0369) and dated 31 July 2018 and where adequate sanitary facilities are not provided, future uses may not be approved.

#### **55. STORAGE**

Separate secure storage areas, allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc) which are not suited be stored within each individual apartment is required for the development.

Storage is to be allocated to individual units in accordance with the following requirements:

- a) 1 bedroom and studio units 6m<sup>3</sup> of storage; and
- b) 2 bedroom unit 8m<sup>3</sup> of storage.
- c) 3+ bedroom unit 10m<sup>3</sup> of storage.

This is to be shown on plans to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

#### **56. ADAPTABLE HOUSING**

Eight apartments are to be provided as adaptable housing within the development, with at least 1 car space is to be allocated to each of these apartments.

Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards and the BCA. 16 apartments (20%) are to have universal design features as detailed in the Apartment Design Guidelines.

Details are to be submitted to the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate.

## **c. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **57. PRIOR TO SITE WORKS**

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

### **58. HOME BUILDING ACT**

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

### **59. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

### **60. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

### **61. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

### **62. CONTAMINATED LAND**

The "recommendations" as outlined in Section 8 of the Preliminary Soil Investigation Report prepared by CETEC Professional Scientific Solutions [**Project no CN180814**] dated August 2018 shall be implemented.

In this regard, the report recommends that an unexpected finds procedure is implemented for proposed demolition/construction works. If suspected soil contamination is unexpectedly discovered at a later date the following procedure should be applied:

- Stop work and in the area where the suspected soil contamination has been found
- Consult a competent person to assess the risk and test the suspect material
- Remediate the soil if required.

### **63. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

### **64. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

The applicant must ensure that the waste generated during the demolition and construction phase complies with the following;

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or
  - (iv) Excavation materials.See the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Waverley DCP 2012.

- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (g) Records are to be retained on-site demonstrating lawful disposal of waste.
- (h) Easy vehicular access to waste and recycling material storage areas must be provided.
- (i) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (j) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

## **65. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements SafeWork NSW and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

## **66. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

## **67. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.

- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

#### **68. EXCAVATION TO BE LIMITED**

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

#### **69. EXCAVATION AND BACKFILLING**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

Bulk excavation is to be managed by a practising structural engineer, in accordance with the specification for shoring and support, as detailed in the approved Construction Certificate.

#### **70. EXCAVATION BELOW FOOTINGS**

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

#### **71. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

## **72. USE OF FILL ON SITE**

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

## **73. POTENTIAL DEWATERING OF THE SITE**

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;

- (i) Monitor, analyse, interpret and report on dewatering to Council. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

#### **74. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

#### **75. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

#### **76. TEMPORARY DIVERSION OF ROOF WATERS**

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

#### **77. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

#### **78. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the National Construction Code is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

**MANDATORY** Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections for a **RESIDENTIAL FLAT BUILDINGS & OTHER RESIDENTIAL (Class 2, 3 & 4)** are:

In the case of a Class 2, 3 and 4 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The specified **MANDATORY** inspections for a **COMMERCIAL BUILDING, including (Class 5, 6, 7, 8 or 9 buildings)** are:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the National Construction Code and standards of construction.

## **79. CERTIFICATE OF SURVEY - LEVELS**

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

## **80. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

## **81. FIRE SAFETY – MAINTENANCE AND EXITS**

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

Exits and paths of travel to exits are to be kept clear and at all times to provide clear access to exits and provide a safe passage for occupants to open space in accordance with Section D of the National Construction Code.

## **82. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES**

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that is designed to discharge air in a vertical direction above roof level and complies with the requirements of the National Construction Code and Australian Standard 1668 - Part 2, 2012

## **83. TREE PROTECTION**

Precautions shall be taken when working near trees, shrubs or vegetation on the subject or neighbouring properties to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter

## **84. STREET TREES TO BE RETAINED**

The existing trees are to be protected for the duration of the construction works:

- (i) 1 x mature Plane tree (*Platanus x acerifolia*) - Situated at the front of the building on the footpath on the eastern boundary on the footpath.
- (ii) 2 x *Koelreuteria paniculata* trees - located on the footpath in front of the building.

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;

- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

No existing street trees shall be removed without Council approval. A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

#### **PARKING AND VEHICULAR ACCESS**

##### **85. VEHICLE CROSSING WORKS**

The existing vehicle crossings on Grafton Street and Hegarty Lane are to be demolished and a new crossing constructed on Grafton Street to provide access to the proposed **basement area**. A separate application is required for the vehicle crossing with all work to be carried out with the approval of and in accordance with the requirements of Council.

##### **86. ADJUSTMENTS TO STREET SIGNS**

Any street signs to be removed as a result of the works shall be relocated at the applicant's expense in accordance with Council's requirements.

##### **87. INTERNAL RAMP - SPEED HUMP AND STOP SIGN**

A speed hump and STOP sign to slow exiting vehicles exiting the site onto Council's footpath area shall be installed inside the site in accordance with relevant Australian Standards.

##### **88. CONVEX MIRRORS**

Convex mirrors, to improve the sighting by exiting drivers of pedestrians travelling in both directions on the Grafton Street footpath shall be installed immediately inside the site.

##### **89. VEHICULAR ACCESS - FINISHED LEVEL**

The finished level at the property boundary on **both** sides of the vehicle crossing is to match the level of the existing concrete footpath.

##### **90. CAR SPACE DELINEATION**

All resident, resident visitor, retail and commercial car parking spaces shall be clearly marked, delineated and numbered.

##### **91. DISABLED CARPARKING**

All disabled car parking space dimensions and head clearances are to be in accordance with Australian Standards AS2890.6:2009 Off-street Parking for People with Disabilities.

**92. FINISHED LEVEL OF PAVING**

Paving at the property boundary on the driveway and at pedestrian/tenancy entry points shall be finished level with Council's footpath.

**93. WORK OUTSIDE PROPERTY BOUNDARY**

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

**94. ALL BUILDING MATERIALS STORED ON SITE**

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **95. FINAL OCCUPATION CERTIFICATE**

Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied.

### **96. SYDNEY TRAINS**

Prior to the issue of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property, easements or stratum lot. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

### **97. SYDNEY WATER**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

### **98. ACOUSTIC REPORT RECOMMENDATIONS**

The "recommendations" as outlined throughout the acoustic report prepared by Acoustic Report by Acoustic Logic [Reference No. 20161621.1/2607A/R3/JL] dated 7 December 2018 shall be implemented.

A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to Council's Environmental Health Officer certifying that the recommendations made in the above report have been satisfied and Council's noise criteria has been met prior to the issue of an Occupation Certificate.

### **99. NOISE ATTENUATION CERTIFICATE**

On completion of any building containing residential units and prior to the issue of the Occupation Certificate the applicant shall:

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with all noise related conditions of this consent.
- (b) Lodge with Council for public record, the noise attenuation star rating results.

## **100. CERTIFICATION OF ALL MECHANICAL PLANT**

All mechanical plant systems within the building are to comply with the National Construction Code and the relevant Australian Standards.

A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and provided to the satisfaction of the Principal Certifying Authority and the Council prior to the issue of the relevant Occupation Certificate. The certification shall include:

- (i) inspection, testing and commissioning details;
- (ii) date of inspection, testing and commissioning details;
- (iii) the name and address of the individual who carried out the test; and
- (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

## **101. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION**

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

## **102. STRATA SUBDIVISION**

This consent does not approved the strata subdivision of the development and separate development consent is required in this regard.

In respect to the allocation of car parking, bicycle spaces and storage spaces for any future strata subdivision, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

The disabled parking spaces are to be allocated to adaptable units as a first preference. If there are surplus disabled spaces, they are to be allocated to the lower level units as a preference.

## **103. STORMWATER MANAGEMENT**

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

## **104. SLIP TESTS OF COMMON AREAS**

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions.

## 105. BONDI JUNCTION FSR AND MAPPING MODEL

In order to update Council's live floor space model and mapping system, prior the issue of a Final Occupation Certificate the following information is to be provided to the satisfaction of Council's Strategic Planning (Waverley Futures Department) reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (i) DP/Lot/Strata Plan,
- (ii) Address,
- (iii) Building footprint (m2)
- (iv) Gross Floor area (m2)
- (v) total residential floorspace (m2)
- (vi) total office space (m2)
- (vii) total retail space (m2)
- (viii) total no. of levels (m2)
- (ix) No. levels above ground
- (x) No. levels below ground
- (xi) No. of residential levels
- (xii) No. of dwellings
- (xiii) No. of commercial levels
- (xiv) No. of parking spaces
- (xv) Parking location (above or below ground)
- (xvi) Ground floor use (commercial, retail or residential)

This information is required for any development consent within Bondi Junction Centre (as defined in Part E1 of the Waverley DCP 2012) that results in a change in gross floor area.

## 106. WAVERLEY DIGITAL MODEL

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Planning and Environmental Services Department for use in the Waverley Digital Model.

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
  - (i) a building envelope which includes all elements affecting shadow analysis;
  - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
  - (iii) a ground level terrain showing accurate RLs extending to site boundaries.
- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Planning and Environmental Services Department.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 96 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

## 107. PUBLIC DOMAIN WORKS COMPLETED

All footpath upgrades and public domain works (inclusive of the areas on the property adjacent to the ground floor setback areas) are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

If any defects are found in the public domain works completed by the applicant/developer within 12 months from the date of the any occupation certificate, these must be rectified by the applicant/developer to Council's satisfaction.

#### **108. PUBLIC ART**

Public Art shall be incorporated into the new development to Hegarty Lane. Specific details and design of the proposed public art feature shall comply with 'Public Art in the Private Domain Guidelines' which can be viewed on Council's website and by liaising with Council's Cultural Development Officer.

Details to be provided to the satisfaction of Waverley Council's Cultural Development Officer and works carried out prior to the issue of any Occupation Certificate for the development.

#### **109. WASTE AND RECYCLING STORAGE, MANAGEMENT AND COLLECTION - USE**

A waste management plan must be submitted to the satisfaction of the Council's Executive Manager, Sustainable Waverley and is to include all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises and demonstrate compliance with the following where relevant;

- (a) The waste storage area is to be designed to prevent the spread of odour, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.
- (b) For commercial premises, a suitable storage area affectively bunded for chemicals, pesticides and cleaning products is to be provided and a separate storage area for used and unused cooking oils suitably covered, bunded and drained to the sewer.
- (c) For food premises, dry basket arresters are to be provided for floor wastes in the food preparation and waste storage areas.
- (d) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
- (e) For development including residential apartments, composting facilities onsite must be provided meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan. The management of the composting is the responsibility of the Body Corporate.
- (f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (g) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (h) The path for bins between the waste and recycling storage area and the vehicle collection point must be free of steps and kerbs.

- (i) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (j) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (k) The storage of bins on the kerbside on public land and kerbside (including temporarily for pick up purposes) is not permitted at any time.
- (l) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.
- (m) The operator of the business shall ensure that waste paper is recycled. In this regard, the operator shall make arrangements with the owner to transfer paper for recycling to the recycling room for removal by a recycling agent.

#### **110. PEST CONTROL**

A Pest and Vermin Control Management Plan is to be implemented. Details of which are to be submitted to Council prior to the issue of an occupation certificate for any of the commercial/retail premises.

#### **111. CAR PARKING ALLOCATIONS**

It is noted that the car stacker accommodates 79 car parking spaces. The following spaces are to be provided to reflect compliance;

- (a) 60 residential parking spaces
- (b) 16 residential visitor parking spaces
- (c) 3 retail parking spaces
- (d) 1 loading bay
- (e) 1 car share space

Prior to the issue of any occupation certificate, a management plan is to be submitted to the satisfaction of Council's Manager Transport and Development which details how these spaces will be managed between the various users in the car stacker.

#### **112. VEHICLE ACCESS**

All vehicles entering and exiting the site shall do so in a forward direction at all times.

#### **113. PARKING**

- (a) Ownership of car park lot spaces shall be limited to parties owning a lot within the buildings on-site.

- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) Despite subclause (b) above, a maximum of two (2) residential units/dwellings shall be permitted to have no allocated car space.
- (d) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans or otherwise be common property.

#### **114. PARKING PERMITS**

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

#### **115. LANDSCAPE PLAN**

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

If a Landscape Consultant was required to be engaged by these conditions of consent, they shall submit to the Principal Certifying Authority a Certificate of Practical Completion stating the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

The Certificate shall be lodged upon satisfactory completion of the landscaping works and prior to the issue of the Occupation Certificate.

#### **116. SIGNAGE PLAN**

A comprehensive signage plan, providing for consistent commercial and directional signage for the building is to be provided to the satisfaction of Waverley Council prior to the issue of the relevant Occupation Certificate for the development. The following principles apply to the Signage Plan:-

- (a) Above awning signage other than building identification signage, particularly on [street address], will not be supported. A consistent suite of signs is to be provided to each commercial tenancy. The plan is to have a style guide outlining a colour palette, design, and dimensions of signage.
- (b) The signage should have a high-quality and consistent design and allow for the identification needs of individual tenants.
- (c) Third party advertising is prohibited on the building.

#### **117. LIGHTING**

- (a) Sufficient lighting shall be installed to the underside of each street awning to adequately illuminate the footpath areas of Oxford Street and Spring Street directly in front of the subject site.

The lights are to be installed prior to the issue of an occupation certificate for the development.

- (b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the

surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

- (c) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (e) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (f) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (g) All external area lights and lighting to the car stacker shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

#### **118. PUBLIC THROUGH-SITE LINK WITHIN THE DEVELOPMENT**

Prior to the issue of an Occupation Certificate for the use of the through site link the following shall apply;

- (a) The purpose of the link shall be public pedestrian access through the site during day light hours. The link shall be accessible to the public at least between the hours of **7.00am to 9.00pm**, seven days and at all times the retail premises are permitted to operate.
- (b) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to each entry.
- (c) Any future strata plan for the site shall be modified to identify a right of carriageway in respect to (a) prior to the issue of an Occupation Certificate or Subdivision Certificate for the development.
- (d) The link is to be maintained in a clean and safe condition by the Body Corporate of the building at all times.
- (e) The link shall be designed so as to allow for fire egress from the building in accordance with the provision of the Building Code of Australia.
- (f) Closure of the link to the public, other than allowed for by (a), requires Council's consent.
- (g) Dedicated areas for outdoor seating or the like within the through site link shall not be indicated on any future subdivision plan. Any proposal to utilise the through site link for outdoor seating shall be subject to development applications being submitted individually for the various commercial/retail tenancies.
- (h) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.
- (i) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

- (j) The gates of the through site link are to remain open during the commercial operating hours associated with the retail areas on the ground floor. Outside of these hours the gates may be locked and provided with secure access (e.g. code/swipe access) to the occupants of the building.

#### **119. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES**

The Body Corporate responsible for the retail component and through site link must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

- (a) It must record continuously from opening time until one hour after the through site link closes (that is, at least between the hours of **7.00am to 9.00pm**, seven days and at all times the retail premises are permitted to operate).
- (b) It must record in digital format and at a minimum of 15 frames per second,
- (c) Any recorded image must specify the time and date of the image;
- (d) The system's cameras must cover:
  - i. all entry and exit points of the through site link,
  - ii. the footpath immediately adjacent to the through site link, and
  - iii. all publicly accessible areas (other than toilets) of the through site link.
- (e) CCTV recordings must be retained for at least 30 days.
- (f) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the through site link that CCTV is in operation.
- (g) Ensure that at least one member of staff or Body Corporate is on the premises at all times the through site link is open who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage.
- (h) Provide any recordings made by the system to an Authorised Council or Police Officer within 24 hours of any request by an Authorised Council or Police Officer to provide such recordings

#### **120. STREET NUMBERING**

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering for multiple street frontages:

- No. 59 - primary address site number
- Grafton Street - primary address location.
  - alternative street entry point via Hegarty Lane

Premises with multiple street frontages and access points shall display the 'primary address number' on the site boundary of the primary address location and display both the primary address number and primary address location at alternative street address entry points to the building.

The address numbering for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Grafton Street and the alternative street entry point Hegarty Lane.

- As the redevelopment has multi-level sub addressing the following sub addressing will apply;

- All sub premises numbers must be unique,
- The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
- For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
- Commercial premises will be identified with an address identifier ie Shop LG01, Shop G01, Shop G02, Office G03.

The primary and sub premises numbers are to be positioned on the site and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate/Subdivision Certificate.

Any variation to the above premises numbering requires a new application to be lodged with Council.

#### **121. MAIL BOXES**

Mail boxes are to be provided within a secure area within the development prior to the issue of any Occupation Certificate.

## **E. OPERATIONAL CONDITIONS DURING OCCUPATION**

### **122. NOISE - MECHANICAL PLANT**

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

### **123. NOISE EMISSIONS**

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

### **124. ROLLER SHUTTERS**

Roller Shutters are not to be installed over the glazing of the retail and commercial tenancies to ensure casual surveillance to the street.

### **125. CAR STACKER MAINTENANCE**

The car stacker including all plant and equipment shall be regularly maintained by a suitably qualified expert to ensure that it remains effective.

### **126. DELIVERY OF GOODS**

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The loading vehicles are to utilise the loading bay accessed from Grafton Street. The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose.

### **127. AIR-CONDITIONING**

At no time are air-conditioning units permitted to be installed on the balconies.

### **128. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS**

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

**129. HOURS OF OPERATION OF COMMUNAL OPEN SPACE OF THE DEVELOPMENT**

The use of the communal open space on the roof and level 5 of the development shall be restricted to the following hours:

- (a) Monday to Friday (excluding public holidays) 7am to 9pm
- (b) Weekends and public holidays 8am to 9pm
- (c) New Year's Eve 9am to 12:30am.