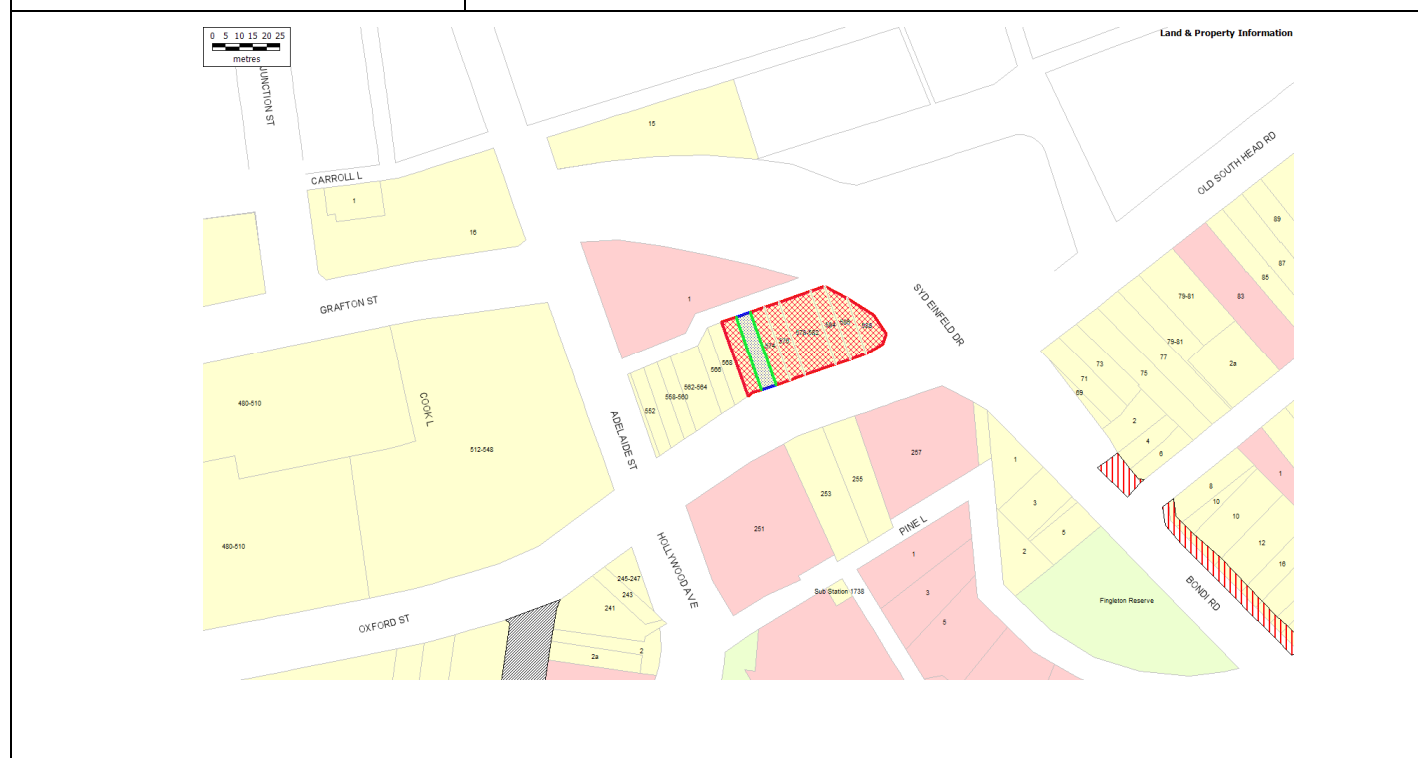




## Report to the Joint Regional Planning Panel (Sydney East)

(DA-501/2012/A) - 570-588 Oxford Street, Bondi Junction	
<b>Proposal</b>	Section 96 modification to remove to basement levels, reconfigure internal layout, external modifications and modifications to conditions.
<b>Approved development description</b>	Demolition of existing buildings, construction of a 19 storey residential tower (133 apartments), ground level retail and basement level parking
<b>Date of lodgement</b>	26 February 2014
<b>Owner</b>	Lindsay Bennelong Developments Pty Ltd
<b>Applicant</b>	Mrs P Malanos, Bolside Pt Ltd & Peat Cheon Nominees Pty Ltd, Mrs N Giacco, Hollywood Investments Pty Ltd
<b>Submissions</b>	None
<b>Issues</b>	Car parking, conditions relating to noise restrictions
<b>Recommendation</b>	Approve subject to amended conditions



## 1.1 EXECUTIVE SUMMARY

The application seeks permission for modifications to the approved mixed use building.

This Section 96 application proposes to remove basement levels 7 and 8 as well as internal modifications to the building, resulting in external modifications to the facade of the building. The application also seeks to modify conditions of consent relating to noise, car parking, and access.

Despite the modifications, the following key factors of the approved building remain the same;

- 133 residential units (including 1,2 and 3 bedroom units)
- 14 affordable housing units in accordance with Clause 4.4B of the LEP
- Floor Space and Height of the building remain as approved
- 19 storeys
- 127 car parking spaces (although greater 'provision' for parking is proposed)

The internal modifications to the building are accepted, as they rationalise basement, plant and residential areas. Whilst the modifications result in a reduction in retail floor space and increase in residential space, the floor space of the development in totality remains the same and retains the provision of affordable housing.

Most conditions sought to be modified were accepted on merit, apart from conditions 49 '*Noise from Building Works*' and 80 '*Use of Heavy Earth Moving Equipment*' which relate to noise from construction activities and are consistently applied to all developments providing respite to nearby residents. The applicant also seeks to 'provide for' an increase to the number of car parking spaces in the basement in anticipation of approval of an amending DA submitted to Council 18 June 2014 seeking additional residential accommodation. However it is considered inappropriate to endorse that additional car parking in this application. Some other conditions sought for modification are housekeeping type amendments which are sensible and agreed.

This type of Section 96 application is not unusual during the development process, as detailed plans and specifications are realised in the preparation of Construction Certificate documents. The Section 96 modification application is recommended for approval, however not all the requests of the applicant regarding conditions are agreed or endorsed in this report.

## 1.2 SITE AND SURROUNDING LOCALITY

The site is known as 570-588 Oxford Street, Bondi Junction and consists of eight (8) properties between Oxford Street and Grafton Lane, Bondi Junction. The site is legally described as Lots D, E, F & G DP 407377, Lot 1 DP 73839, Lot A DP 440268, Lot 4 DP 262918 and Lot 50 DP 788523).

The land has an area of 1,515.8m<sup>2</sup>. The area comprises a mix of commercial, retail and residential uses. Adjoining buildings are diverse, ranging from low scale single storey terraces through to large towers. To the north west of the site is a 16 storey apartment building called "The Eclipse". To the west, is a row of two storey shops and the Westfield Shopping centre. To the east is the major intersection of Bondi Road, Oxford Street, Syd Einfeld Drive and Old South Head Road. Four properties are located on the opposite side of Oxford Street to the south:

- 257 Oxford Street, a mixed use (predominantly residential) tower;
- 253-255 Oxford Street, a construction site with recent approval for a mixed use (predominantly residential) tower; and
- 251 Oxford Street, a mixed use (predominantly residential) tower.



Figure 1: Subject site frontage

### 1.3 DETAILS OF APPROVED DEVELOPMENT

The Development Application for the demolition of existing buildings, construction of a 19 storey residential tower (133 apartments), ground level retail and basement level parking including affordable housing was approved by the Joint Regional Planning Panel at the meeting on 4 December 2014.

A Section 96 (2) application (DA-501/2012/A) was submitted to Council on 26 February 2014 and is the subject of this report.

A further (less substantive) Section 96 (1A) application (DA-501/2012/B) was submitted to Council on 18 March 2014 to modify the wording of Condition 4 - Architectural Detailing. The modification to the wording of this condition allowed for a construction certificate to be issued for works below ground, prior to finalising the architectural detailing required under Condition 4. That modification application was approved on 4 June 2014 under the delegated authority of Council.

### 1.4 AMENDING DA LODGED

An amending Development Application (DA-263/2014) was submitted to Council on 18 June 2014 proposing two additional levels to the approved building under development consent DA-501/2012 and includes a Voluntary Planning Agreement. This application has yet to be determined at the time of publishing this report. This application has a cost of works under the threshold of 'State Significance' and will therefore be determined by the Waverley Development Assessment Panel, not the JRPP.

## 1.5 PROPOSAL

The application has been lodged as a Section 96 (2) application and provides for the following modifications to the approved development:

- Deletion of 2 basement levels (Basement level 7 and 8);
- Reconfigure internal layout (including adjusting the angled orientation of units on all floors);
- External modifications to facade to correspond with the internal modifications;
- Changes to car parking relating to condition 19 (General Modifications - Parking);
- Modification to condition 5(c) (Traffic Access and Parking), condition 7 (Syd Enfield Drive Pedestrian Link), condition 80 (Use of Heavy Earth Moving Equipment), condition 102 (Mechanical Ventilation Systems), condition 5(c) (Traffic Access and Parking), condition 26(c) (Affordable Housing Incentive) to reflect the amended plans;
- Deletion of condition 49 (Noise from Building Works- Restricted Activities).

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under Section 79C and 96 of the Environmental Planning and Assessment Act, 1979.

### 2.1 SECTION 96 CONSIDERATIONS

**Section 96 (2) applications** - the modification(s) if approved is substantially the same development as the original consent. Council notified the application no submissions were received. The application is to be determined by the Joint Regional Planning Panel.

### 2.2 SECTION 79C (1)(A) PLANNING INSTRUMENTS AND DCP

#### **SEPP (Building Sustainability Index – BASIX) 2004**

An amended BASIX Certificate has been submitted with the Section 96 application to correspond with the amended plans. A standard condition was imposed on the original consent to ensure the measures detailed in the BASIX Certificate are implemented.

#### **SEPP 65 Design Quality of Residential Flat Development**

The modified proposal was referred to the Waverley Design Review Panel to assess the building against the 10 design principles of the SEPP. The panel reviewed the proposal and provided similar commentary to the original scheme which was approved by the Joint Regional Planning Panel. These issues therefore will not be revisited as a part of this assessment. A condition remains to be imposed to resolve the architectural detailing of the building, a prominent concern of the panel.

#### **SEPP (Infrastructure) 2007**

The original development application was referred to the Roads and Maritime Services (RMS) pursuant to clause 104 of the Infrastructure SEPP. The comments received by the RMS were considered and incorporated into the approved conditions of consent where appropriate. The proposed modifications do not require consultation with the RMS prior to determination.

## Waverley Local Environmental Plan (LEP) 2012

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Waverley LEP 2012 – Compliance Table		
Development Control	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposed modifications to the development do not contravene the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B4 Mixed Use Zone	Yes	The approved building is permissible within the zone.
<b>Part 4 Principle development standards</b>		
4.3 Height of Buildings 60m	As approved	No change proposed to approved height, with an Roof RL- 144.050
4.4 Floor space ratio <u>7:1</u> Site Area = 1,515.8m <sup>2</sup> Permissible Floor Space = 10,610.6m <sup>2</sup>	As approved	Residential floor space = 11,670.87m <sup>2</sup> (+136.67m <sup>2</sup> from approval) Retail floor space = 531.10m <sup>2</sup> (-136.67m <sup>2</sup> from approval)  Total floor space = 12,201.97m <sup>2</sup> FSR= 8.05:1  (1,591.37m <sup>2</sup> over permissible floor space or 15% - see below.)
4.4B - Incentives for providing affordable housing	As approved	An additional 15% of floor space was granted pursuant to Clause 4.4B, and a minimum of 795.685m <sup>2</sup> of floor space was dedicated for affordable housing. The condition (No.26) shall remain, however it will be amended to reflect the modified unit numbering.
<b>Part 5 Miscellaneous provisions</b>		
5.1 Relevant Consent Authority	Yes	Pursuant to Clause 5.1A, part of the land on the Oxford Street road frontage is to be dedicated for Road, pursuant to the Land Reservation Acquisition Map. This matter was addressed via condition in the original approval.
5.6 Architectural roof features	Yes	The application was approved with a sculptural roof over the plant equipment on the roof. This feature does exceed the height limit, however is acceptable, as it complies with the objectives of this clause.

Development Control	Compliance	Comment
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The extent of earthworks is reduced under this application, removing basement levels 7 and 8 for the proposal. The conditions relating to earthworks continue to satisfy this Clause of LEP.
6.5 Active street frontages in the Bondi Junction Centre	Yes	The proposal remains to have an active street frontage to Oxford Street.

### Waverley Development Control Plan (DCP) 2012

The following assessment relates only to the parts of Waverley DCP 2012 affected by the proposed modification.

Waverley DCP 2012 – Part B General design provisions		
Development Control	Compliance	Comment
1. Waste	Yes	Conditions of consent have been imposed regarding waste management in the original consent. Modifications to conditions are to be made where appropriate.
2. Energy and water conservation	Yes	An amended BASIX certificate has been submitted with the S96 modification application to satisfy this section of the DCP.
6. Stormwater management and Flooding	Yes	Conditions imposed on the original consent in relation to stormwater shall remain.
7. Accessibility and adaptability	Yes	Conditions imposed on the original consent in relation to access and adaptability shall remain.
8. Transport	Yes	The application modifies the configuration of the basement levels, including removing the 2 levels of the basement (levels 7 and 8). The number of approved parking spaces remains. The basement levels do however accommodate for additional car spaces for a future DA for additional accommodation/floor space. This matter is discussed in the Issues section of this report.
10. Safety	Yes	The proposed modifications do not significantly alter the safety and security conditions of the building.

Assessment of Modifications		
Proposed modification	Relevant Controls/Conditions	Comment
Deletion of two levels of basement car parking (levels 7 and 8)	Clause 6.2 of WLEP 2012- Earthworks	The removal of 2 basement levels reduces the environmental impact of the building. Conditions regarding earthworks remain. Parking rates still apply, and are addressed in the table below. The amendment is acceptable.
Reconfiguration of plant rooms and reduction of retail 3 floor space	Part E1 - Clause 1.6 - Active Street Frontages	The amount of 'retail space' at ground level has been reduced from 667.77m <sup>2</sup> to 531.10m <sup>2</sup> in this amendment. The DCP does not specify a minimum amount of retail space, rather it seeks to provide active frontages. The reduction of retail space at ground floor retains this objective. The modification is acceptable.
Internal floor plans of apartments modified	Part C2 - Clause 2.18- Apartment size / layout 1 bed - 50m <sup>2</sup> , 2 bed - 80 m <sup>2</sup> , 3 bed -100 m <sup>2</sup>	All apartments continue to meet the minimum area requirements depending on whether they are 1, 2 or 3 bedroom units. The modification is acceptable.
Plant room reconfiguration	Part C2 - Clause 2.24- Building Services	The plant rooms are integrated into the design of the building. The relocation of plant rooms within the building continues to meet the objectives of the control. The modification is acceptable.
Change to car parking numbers and modification to Condition 19(a)- <i>General Modifications - Parking</i>	Part B - Clause 8.1- Parking Rates  Condition 19(a) - General Modifications - Parking  <i>"Car parking shall be provided at maximum rate of: (i) 17 residential visitor spaces; (ii) 10 retail spaces; (iii) 100 residential spaces; (iv) Maximum 127 spaces overall"</i>	The loss of 2 basement levels, resulted in the reconfiguration of the car parking to accommodate the required number of spaces. The development was approved with a maximum number of 127 car parking spaces.  The development proposes to keep the approved 127 car spaces, however wishes to modify the condition to allow for 140 car parking spaces to accommodate parking for a separate 'amending DA' which is currently under consideration of the Council. This matter is discussed in the Issues section below.



Proposed modification	Relevant Controls/Conditions	Comment
Modification to Condition 5(c) Traffic Access and Parking	The condition reads:  <i>"The clearance height in the loading bay area and at the roller shutter at Grafton Lane be not less than 4m".</i>	The applicant has sought to modify the height to 3.5m. This was accepted by engineers in Council's Creating Waverley Program.
Adjustments to ground floor level and awning to suit future footpath alignment	Condition 31 "Dedication of Land for Road Widening"	Condition 31 requires the applicant to dedicate a 3m wide strip of land on the Oxford Street frontage to Council. The design of this has required modifications to the levels of the ground floor of the building in relation to the required footpath level. This matter has been reviewed by engineers in Council's Creating Waverley Program (previously known as Technical Services Department) and the level proposed is acceptable.
Amendment to Condition 7: <i>"Syd Einfield Drive Pedestrian Link"</i>  "The Syd Enfield Drive pedestrian link is to be maintained during construction of the project, in this regard approved hoardings may intrude into this area but the design must allow for pedestrian and cycle access throughout construction"	The applicant's proposed modified condition reads:  <i>"The Syd Einfield Drive pedestrian link is to remain open during construction where possible allowing access for pedestrians and cyclists when deemed suitable under Work, Health and Safety policies and procedures. If and when the link is needed to be closed, appropriate traffic and pedestrian control measures shall be implemented with the link reopened as early as possible. The traffic control plan associated with the closure of the link shall be submitted to Council for the approval of the Divisional Manager, Technical Services prior to the closure being implemented on the first occasion".</i>	The applicant wishes to amend the wording of the condition to allow the closure of the pedestrian link during excavation and shoring works due to the proximity of the boundary and safety concerns to the public. The applicant has noted that B-Class hoardings do not physically fit between the excavation and the roadway retaining wall.  The matter was referred to engineers in Council's Creating Waverley Program who raised no objection the applicant's proposed modified condition which allows for closure of the pedestrian link where required for safety reasons.



Proposed modification	Relevant Controls/Conditions	Comment
<p>Deletion of Condition 49:  <i>"Noise from Building Works"</i></p> <p>(between condition 67 and 68 in the consent)</p>	<p>The condition reads:–</p> <p><i>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.</i></p>	<p>The applicant seeks to delete this condition, as it is argued that the noise management plan required under Condition 50 will cover noise complaints which include an appropriate solution strategy. The condition is considered superfluous by the applicant. This condition has been consistently applied to all similar developments within the area. For the purposes of consistency, this condition shall remain. The condition allows for appropriate restrictions to be imposed where the noise management plan fails. It is recommended however that the condition be re-numbered to 67A, as the numbering of the condition is out of sequence and an administrative error (there were 2 'Condition No.49s').</p>
<p>Amendment to Condition 80:  <i>"Use of Heavy Earth Moving Equipment"</i></p>	<p>The condition reads:</p> <p>"Excavation works involving the use of heavy earth moving equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays and Fridays with no such work to be carried out on Saturday, Sunday or a public holiday".</p>	<p>The applicant seeks to modify this condition to works to allow for work to be carried out on 7am to 1pm on Saturdays.</p> <p>This is a standard condition which is imposed on all consents involving excavation works in the LGA. This condition is consistently applied and it offers respite to surrounding properties.</p> <p>Eg – Construction currently underway for a tower development with basement levels directly across the road at 253 Oxford Street also has this condition (approved by the JRPP), as does the approved tower opposite at 241 Oxford Street (also approved by the JRPP)</p> <p>The request to vary this condition is therefore is not accepted.</p>

Proposed modification	Relevant Controls/Conditions	Comment
Amendment to Condition 102(b)  <i>"Mechanical Ventilation Systems"</i>	The applicant seeks to modify the condition to refer to the current version of the National Construction Code – BCA.	This modification is accepted.  The condition will be changed to reflect the Australian Standard AS 1668 - 1991 ( <i>Parts 1-1998 and 2-2012</i> requirements).
Modification to Condition 26(c) to reflect the amended plans <i>"Affordable Housing Incentive"</i>	The approved DA and S96 application proposes 14 residential units equating to 800.48m <sup>2</sup> of floor space to be dedicated for affordable housing.	Reference to the dwelling/unit numbers to be modified to reflect the proposed plans.  The condition previously stated that there was to be an area of a minimum 795.685m <sup>2</sup> dedicated to affordable housing. The condition will now specify that the area is made up of dwelling(s) numbered 105, 106, 107, 208, 209, 210, 211, 308, 310, 311, 408, 410, 411, and 507.

## ISSUES

### *External facade alterations*

The modifications to the internal configuration of the building have resulted in modifications to the facade including minor adjustments to the positioning/location of windows and balconies. As a whole, the building will appear similar to that approved, albeit slightly modified. The architectural detailing of the facade has yet to be resolved, which was a matter of contention for the SEPP 65 Design Review Panel, and this matter is to be addressed as a condition of consent (condition 6) prior to any construction commencing for works above ground level.

### *Parking rates*

The applicant has made *provision* within the basement levels for an additional 13 car parking spaces above the approved 127 car parking spaces, totalling 140 car parking spaces. The applicant has indicated that this is to accommodate the additional parking associated with the amending DA that has been submitted to Council on 18 June 2014 (but not determined) for an additional 2 levels and 14 units. Given that this application has yet to be determined, it is considered inappropriate to modify the condition to allow for additional car spaces for additional units that have yet to be approved. It is recognised that there is adequate space in the basement levels to accommodate the additional car spaces, however the condition shall remain, to ensure that the number of space for this approval remains within the maximum limits.

Condition 19(a) is to remain. It can be simply and administratively modified via a section 96(1a) if required after the determination of the amending DA.

## **Public works**

Road widening for the site is required along Oxford Street, as identified in the Waverley LEP 2012 and included in the conditions of consent.

After the determination of the original development application, the applicant questioned the responsibility of the road widening works. Condition 83 of the development consent states:

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.

Public works outside the property boundary which are required as a result of the approved development are specified in Condition 5 - *Traffic, Access and Parking*. In order to provide further clarification for the applicant, it is recommended that the conditions 5(h) and 5(l) and 83 be amended to emphasis the responsibility of those public works required for this development (amendments identified in **bold**).

### Condition 5(h)

All works proposed on Oxford Street and at the intersection of Oxford Street, Bondi Road, and Syd Einfield Drive, in relation to the new footpath and road alignment shall be designed in negotiation with the Council, with the works to be completed **at the applicant's expense** before the occupation of the building.

### Condition 5(l)

The closure of Grafton Lane at the rear of the property shall be carried out in accordance with the requirements of Council's **Executive Manager, Creating Waverley, at the applicant's expense**. Full engineering details of adjustments to the kerb and gutter and roadway to affect the closure shall be submitted to Council for the approval of the Divisional Manager Technical Services prior to works commencing.

### Condition 83

All work outside the property boundary **including but not limited to the widening of the road carriageway on Oxford Street and associated adjustments to traffic signals and services and works in Grafton Lane** are to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

In connection with the above public works, Council recommends that condition 33 *Bond Required*, is also modified, from \$180,000 to \$750,000 to more accurately cover the cost of works required to be carried out by the applicant to Oxford Street, Grafton Lane and traffic signals. The amended condition is to read:

### Condition 33

A deposit of guarantee satisfactory to Council for the amount of **\$750,000** must be provided as security for the payment of the cost of any one or more of the following:

- a) making good any damage caused to any property of Council as a consequence of the doing of anything which the consent relates;

- b) completing any public works (such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent; and/or
- c) remediating any defects in such public work that arise within six months after the work is completed.

The bond shall be lodged with Council prior to issue of the Construction Certificate.

### ***Loading Bay***

The applicant sought to modify condition 5(c) relating to the clearance height of the loading bay area from 4m to 3.5m. No objection was raised to this modification. Engineers in Council's Creating Waverley Program, however have concerns in relation to the unknown future tenants of those commercial/retail spaces in relation to the size and capacity future vehicles for that loading area and retail use.

In recognition that a modification occurred in February 2014 to the SEPP (Exempt and Complying Development Codes) 2008, specifically, Division 1, Subdivision 3, Clause 5.5 and Clause 5.6, *First Use of Premises* which now allows the first fit out of a new premises under a Complying Development Certificate, it is appropriate that Condition 15- *Development Applications for non-residential use*" be modified to the following:

#### **Condition 15 – DEVELOPMENT APPLICATIONS FOR NON-RESIDENTIAL USE**

The future use of any retail or commercial areas within the development are to seek appropriate consent by either a complying development certificate under the provision of the SEPP (Exempt and Complying Development Codes) 2008 , or alternatively submit a specific separate development application (whichever is appropriate) prior to the occupation of the premises. ***In this regard, the onus is on the applicant to ensure that any large vehicles serving the proposed use can be accommodated in the approved loading bay area.***

In light of the modifications to the basement and loading areas, it is also recommended that the following new conditions be added to the consent:

#### **Condition 105 - LOADING FACILITY**

The loading facility area is to be line marked and signposted to the satisfaction of the Principle Certifying Authority.

#### **Condition 106 - TRUCK HOLDING BAY – GRAFTON LANE**

The truck holding bay at the eastern end of Grafton Lane being signposted and marked for its intended use to Council's satisfaction. Details of the signage to be submitted to Council with the Construction Certificate.

#### **Condition 107 - NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided in Grafton Lane to access the proposed basement car park/ loading facility. A separate application is required for the vehicle crossing with all work to be carried out with the approval of Council.

#### **Condition 108 - CRANE PERMITS**

If any materials are to be lifted over Council land, a permit is to be obtained from Council's engineers in Council's Creating Waverley Program, prior to the placement of any crane.

### **2.3 SECTION 79C(1)(B) – OTHER IMPACTS OF THE DEVELOPMENT**

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

### **2.4 SECTION 79C(1)(C) – SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The site is considered to be suitable for the proposed development.

### **2.5 SECTION 79C(1)(D) – ANY SUBMISSIONS**

The modification application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. No letters of objection were received during this time.

### **2.6 SECTION 79C(1)(E) – PUBLIC INTEREST**

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

## **3. REFERRALS**

The application was referred to engineers in Council's Creating Waverley Program for comment given the proposal involves modifications to the basement and seeks to modify conditions of consent relating to public works outside the property boundary which are required as a result of the development. In this regard, it was agreed that the modifications proposed by the applicant with regard to the Syd Einfeld Drive Pedestrian Link (Condition 7), clearance height of the loading bay area (Condition 5c) were acceptable. Other points of contention with regard to conditions have been discussed in the Issues section of this report.

## **4. SUMMARY**

As per the discussion of this report, it is recommended that the application be approved, subject to the amended conditions detailed below.

## **5. RECOMMENDATION TO THE JOINT REGIONAL PLANNING PANEL**

That the Development Application be **APPROVED** by the Sydney East Joint Regional Planning Panel subject to the Conditions in Appendix A.

#### **Report Prepared by:**

Beth Matlawski – Senior Development Assessment Planner

#### **Report Reviewed by:**

Lee Kosnetter – Manager, Development Assessment

Mitchell Reid – Executive Manager, Building Waverley

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. AMENDED CONDITIONS**

#### **1. APPROVED DEVELOPMENT (MODIFIED DA-501/2012/A)**

The development must be in accordance with:

- (a) Architectural Plan Nos (Project No. 07 437) prepared by Daryl Jackson Robin Dyke, with Lacoste and Stevenson including the following;

DA 1001, Revision 15, dated 20.02.14 and received by Council on 26.02.14  
DA1002A, Revision 14, dated 20.02.14 and received by Council on 10.07.14  
DA1002, Revision 14, dated 20.02.14 and received by Council on 10.07.14  
DA1003, Revision 13, dated 20.02.14 and received by Council on 26.02.14  
DA1004, Revision 6, dated 20.02.14 and received by Council on 26.02.14  
DA1005, Revision 14, dated 20.02.14 and received by Council on 26.02.14  
DA1006, Revision 13, dated 20.02.14 and received by Council on 26.02.14  
DA1007, Revision 13, dated 20.02.14 and received by Council on 26.02.14  
DA1008, Revision 13, dated 20.02.14 and received by Council on 26.02.14  
DA1009, Revision 14, dated 20.02.14 and received by Council on 26.02.14  
DA1010, Revision 12, dated 20.02.14 and received by Council on 26.02.14  
DA1011, Revision 11, dated 20.02.14 and received by Council on 26.02.14  
DA1012, Revision 12, dated 20.02.14 and received by Council on 26.02.14  
DA1100, Revision 7, dated 20.02.14 and received by Council on 26.02.14  
DA2001, Revision 17, dated 20.02.14 and received by Council on 10.07.14  
DA2002, Revision 17 dated 20.02.14 and received by Council on 10.07.14  
DA2003, Revision 17, dated 20.02.14 and received by Council on 10.07.14  
DA2501, Revision 16, dated 20.02.14 and received by Council on 26.02.14  
DA2601, Revision 7, dated 20.02.14 and received by Council on 26.02.14  
DA9500, Revision 4, dated 20.02.14 and received by Council on 26.02.14

- (b) Landscape Plan No. LBE08-000-600 and documentation prepared by Place Planning and Design, dated June 2013;
- (c) BASIX Certificate and Thermal Comfort Report dated 27 June 2013 and received by Council on 3 July 2013 and 26 February 2014;
- (d) Building Code of Australia Capability Report dated 21 November 2012, report No. J120567 and prepared by Vic Lilli and Partners and received by Council on 23 November 2012;
- (e) Reflectivity Assessment dated June 2013 prepared by SLR consultants and received by Council on 3 July 2013;
- (f) Environmental Wind Updates dated June 2013 prepared by SLR consultants and received by Council on 3 July 2013;
- (g) Plan of Proposed Land Dedication prepared by Tasy Moraitis dated 01 July 2013 and received by Council on 3 July 2013;

- (h) Preliminary Environmental Site Assessment prepared by Environmental Investigation Services dated December 2011 and received by Council on 23 November 2012;
- (i) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010 received by Council on 3 July 2013;

except where amended by the following conditions of consent.

## 5. TRAFFIC, ACCESS AND PARKING (MODIFIED DA-501/2012/A)

The proposal shall be amended as follows:

- (a) The on-site car parking provision is to be reduced to a maximum of 127 spaces.
- (b) A total of 17 car parking spaces be provided within the basement car park area for the parking of resident visitor cars. Details of the location of the resident visitor parking be submitted to Council prior to the release of the Construction Certificate.
- (c) The clearance height in the loading bay area and at the roller shutter at Grafton Lane be not less than **3.5m**.
- (d) Waste collection and other vehicles accessing the site not to exceed 8.8m in length.
- (e) All loading and unloading to take place within the loading bay area at all times for both the residential and retail components of the development. Loading and unloading not to take place from Oxford Street or Grafton Lane.
- (f) A boom gate or other barrier be installed to separate the resident parking from the resident visitor parking.
- (g) Details of the proposed bicycle storage cages in the basement car parks and the bike parking facilities proposed at the western end of the Oxford Street footpath be submitted to Council for the approval of the Divisional Manager, Technical Services prior to the release of the Construction Certificate.
- (h) All works proposed on Oxford Street and at the intersection of Oxford Street, Bondi Road, and Syd Einfeld Drive, in relation to the new footpath and road alignment shall be designed in negotiation with the Council, with the works to be completed **at the applicant's expense** before the occupation of the building.
- (i) Full engineering drawings and specifications for all works proposed outside the site on Oxford Street and the cycleway adjacent to the eastern boundary of the site to be submitted to Council for the approval of the Divisional Manager, Technical Services prior to works commencing.
- (j) A staging plan / schedule for the works being undertaken on the road reserve to be submitted to Council for the approval of the Divisional Manager, Technical Services prior to demolition or other works commencing on the development site.



- (k) All costs associated with dedicating the strip of land on the Oxford Street frontage for road widening purposes to be borne by the applicant.
- (l) The closure of Grafton Lane at the rear of the property shall be carried out in accordance with the requirements of Council's ***Executive Manager, Creating Waverley, at the applicant's expense***. Full engineering details of adjustments to the kerb and gutter and roadway to affect the closure shall be submitted to Council for the approval of the Divisional Manager Technical Services prior to works commencing.

The amendments shall be submitted for the approval of the Principal Certifying Authority or Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**7. SYD EINFELD DRIVE PEDESTRIAN LINK (MODIFIED DA-501/2012/A)**

The Syd Einfeld Drive pedestrian link is to remain open during construction where possible allowing access for pedestrians and cyclists when deemed suitable under Work, Health and Safety policies and procedures. If and when the link is needed to be closed, appropriate traffic and pedestrian control measures shall be implemented with the link reopened as early as possible. The traffic control plan associated with the closure of the link shall be submitted to Council for the approval of the ***Executive Manager, Creating Waverley*** prior to the closure being implemented on the first occasion.

**15. DEVELOPMENT APPLICATIONS FOR NON-RESIDENTIAL USE (MODIFIED DA-501/2012/A)**

The future use of any retail or commercial areas within the development are to seek appropriate consent by either a complying development certificate under the provision of the SEPP (Exempt and Complying Development Codes) 2008 , or alternatively Submit a specific separate development application (whichever is appropriate) prior to the occupation of the premises. ***In this regard, the onus is on the applicant to ensure that any large vehicles serving the proposed use can be accommodated in the approved loading bay area.***

**26. AFFORDABLE HOUSING INCENTIVE (MODIFIED DA-501/2012/A)**

- (a) For the purposes of this condition:

“affordable housing” has the same meaning that it has in the Environmental Planning and Assessment Act 1979; and

a “household” as referred to in the definition of “affordable housing” is taken to be a very low income household, low income household or moderate income household if the household:

- i. has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
- ii. is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

- (b) Pursuant to clause 4.4B(3) of the Waverley Local Environmental Plan 2012 the gross floor area of the development must not exceed 12,202.19sqm which includes an affordable housing incentive of 1,591.59sqm.
- (c) Pursuant to clause 4.4B(4) of the Waverley Local Environmental Plan 2012 the dwelling(s) numbered **105, 106, 107, 208, 209, 210, 211, 308, 310, 311, 408, 410, 411, 507** on the approved plans (which have a gross floor area of at least 795.8 sqm being 50% of the affordable housing incentive of 1,591.59 sqm) must be used for the purpose of providing affordable Housing in the development and for 3 years from the date of commencement of ease(s) of the nominated dwellings with Council's registered community housing provider. On the date of commencement of the above lease(s) the subject dwellings will be made available for rent as affordable housing and will be managed by a registered Community housing provider endorsed by Waverley Council. The subject units are to be made available to Council's registered community housing provider.
- (d) In accordance with clause 4.4B(4)(c) of Waverley Local Environmental Plan 2012 a restriction will be registered, before the date of the issue of any occupation certificate, against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements in condition 3(c) are met.

### **33. BOND REQUIRED (MODIFIED DA-501/2012/A)**

A deposit of guarantee satisfactory to Council for the amount of **\$750,000** must be provided as security for the payment of the cost of any one or more of the following:

- (a) making good any damage caused to any property of Council as a consequence of the doing of anything which the consent relates;
- (b) completing any public works (such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent; and/or
- (c) remediating any defects in such public work that arise within six months after the work is completed.

The bond shall be lodged with Council prior to issue of the Construction Certificate.

### **67A. 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.

**Notes:** If this is imposed, Council will take into account:

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

**83. WORK OUTSIDE PROPERTY BOUNDARY (MODIFIED DA-501/2012/A)**

All work outside the property boundary *including but not limited to the widening of the road carriageway on Oxford Street and associated adjustments to traffic signals and services and works in Grafton Lane* are to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

**102. MECHANICAL VENTILATION SYSTEMS (MODIFIED DA-501/2012/A)**

- (a) The premises are 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 - 1991 (Parts 1-1998 and 2-2012). 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.

**B. NEW CONDITIONS**

**105. LOADING FACILITY (ADDED DA-501/2012/A)**

The loading facility area is to be line marked and signposted to the satisfaction of the Principle Certifying Authority.

**106. TRUCK HOLDING BAY – GRAFTON LANE (ADDED DA-501/2012/A)**

The truck holding bay at the eastern end of Grafton Lane being signposted and marked for its intended use to Council's satisfaction. Details of the signage to be submitted to Council with the Construction Certificate.

**107. NEW VEHICLE CROSSING (ADDED DA-501/2012/A)**

A new vehicle crossing is to be provided in Grafton Lane to access the proposed basement car park/ loading facility. A separate application is required for the vehicle crossing with all work to be carried out with the approval of Council.

**108. CRANE PERMITS (ADDED DA-501/2012/A)**

If any materials are to be lifted over Council land, a permit is to be obtained from Council's engineers in Council's Creating Waverley Program, prior to the placement of any crane.

**A. APPROVED DEVELOPMENT**

**1. APPROVED DEVELOPMENT (MODIFIED DA-501/2012/A)**

The development must be in accordance with:

- (a) Architectural Plan Nos (Project No. 07 437) prepared by Daryl Jackson Robin Dyke, with Lacoste and Stevenson including the following;

DA 1001 Revision 15, dated 20.02.14 & received by Council on 26.02.14  
DA1002A Revision 14 dated 20.02.14 & received by Council on 10.07.14  
DA1002, Revision 14, dated 20.02.14 & received by Council on 10.07.14  
DA1003, Revision 13, dated 20.02.14 & received by Council on 26.02.14  
DA1004, Revision 6, dated 20.02.14 & received by Council on 26.02.14  
DA1005, Revision 14, dated 20.02.14 & received by Council on 26.02.14  
DA1006, Revision 13, dated 20.02.14 & received by Council on 26.02.14  
DA1007, Revision 13, dated 20.02.14 & received by Council on 26.02.14  
DA1008, Revision 13, dated 20.02.14 & received by Council on 26.02.14  
DA1009, Revision 14, dated 20.02.14 & received by Council on 26.02.14  
DA1010, Revision 12, dated 20.02.14 & received by Council on 26.02.14  
DA1011, Revision 11, dated 20.02.14 & received by Council on 26.02.14  
DA1012, Revision 12, dated 20.02.14 & received by Council on 26.02.14  
DA1100, Revision 7, dated 20.02.14 & received by Council on 26.02.14  
DA2001, Revision 17, dated 20.02.14 & received by Council on 10.07.14  
DA2002, Revision 17 dated 20.02.14 & received by Council on 10.07.14  
DA2003, Revision 17, dated 20.02.14 & received by Council on 10.07.14  
DA2501, Revision 16, dated 20.02.14 & received by Council on 26.02.14  
DA2601, Revision 7, dated 20.02.14 & received by Council on 26.02.14  
DA9500, Revision 4, dated 20.02.14 & received by Council on 26.02.14

- (b) Landscape Plan No. LBE08-000-600 and documentation prepared by Place Planning and Design, dated June 2013;
- (c) BASIX Certificate and Thermal Comfort Report dated 27 June 2013 and received by Council on 3 July 2013 and 26 February 2014;
- (d) Building Code of Australia Capability Report dated 21 November 2012, report No. J120567 and prepared by Vic Lilli and Partners and received by Council on 23 November 2012;
- (e) Reflectivity Assessment dated June 2013 prepared by SLR consultants and received by Council on 3 July 2013;
- (f) Environmental Wind Updates dated June 2013 prepared by SLR consultants and received by Council on 3 July 2013;
- (g) Plan of Proposed Land Dedication prepared by Tasy Moraitis dated 01 July 2013 and received by Council on 3 July 2013;

- (h) Preliminary Environmental Site Assessment prepared by Environmental Investigation Services dated December 2011 and received by Council on 23 November 2012;
- (i) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010 received by Council on 3 July 2013;

## **2. CONSULTANT REPORTS**

The recommendations contained in the various specialist consultant reports outlined in Condition 1 shall be adhered to. Where any conflict arises between a condition of consent, the development's Principle Certifying Authority may determine which is to apply.

## **3. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) The BASIX certificate is to be modified to reflect the approved development.
- (b) The elevations of the building fronting the Syd Einfeld Drive pedestrian link are to be better articulated and suitable windows provided to the adjoining bike store / changing rooms to improve the amenity of these places and better modulate this elevation of the building.
- (c) The public domain plans for the development are to provide a dedicated pedestrian link from the Syd Einfeld Drive pedestrian link to Grafton Lane over the closed portion of Grafton Lane. This link is to be a minimum of 1.5m wide and recognized on the title of the site via an easement, right of way or dedication in favour of public pedestrian access.

The amendments shall be submitted for the approval of the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## **4. ARCHITECTURAL DETAILING (MODIFIED DA-501/2012/B)**

Prior to the issue of any Construction Certificate further detail and modification of the design is to be submitted and endorsed by the Waverley Design Review Panel which address the following matters:

- (a) A schedule of external materials and finishes and design details of the building's facade. (There is a need for a durable and 'raw' material in the external façade that are not dependant on too frequent maintenance / painted finishes.)
- (b) The above details to include detailed drawings of the shop fronts, entry foyers, awnings, window and balcony details and major junctions between materials.
- (c) Detailed drawings of the method of resolution of shading, wind protection and suitable ventilation to single aspect units.

- (d) A signage strategy for the building, specifying locations and external colours of signage.
- (e) The material and method of fixing the external shading / privacy blades.
- (f) The Oxford Street portion of the ground floor and podium is to be redesigned to align with the northern boundary of the road acquisition area particularly at the western end so it matches any future street wall on future development at 568 Oxford Street to avoid a blank wall to the street.

The amendments shall be submitted to the approval of Council's SEPP 65 Design Review Panel with a referral fee of \$800. The Panel is to approve the above details prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, for any works above existing ground level.

## **5. TRAFFIC, ACCESS AND PARKING (MODIFIED DA-501/2012/A)**

The proposal shall be amended as follows:

- (a) The on-site car parking provision is to be reduced to a maximum of 127 spaces.
- (b) A total of 17 car parking spaces be provided within the basement car park area for the parking of resident visitor cars. Details of the location of the resident visitor parking be submitted to Council prior to the release of the Construction Certificate.
- (c) The clearance height in the loading bay area and at the roller shutter at Grafton Lane be not less than 3.5m.
- (d) Waste collection and other vehicles accessing the site not to exceed 8.8m in length.
- (e) All loading and unloading to take place within the loading bay area at all times for both the residential and retail components of the development. Loading and unloading not to take place from Oxford Street or Grafton Lane.
- (f) A boom gate or other barrier be installed to separate the resident parking from the resident visitor parking.
- (g) Details of the proposed bicycle storage cages in the basement car parks and the bike parking facilities proposed at the western end of the Oxford Street footpath be submitted to Council for the approval of the Divisional Manager, Technical Services prior to the release of the Construction Certificate.
- (h) All works proposed on Oxford Street and at the intersection of Oxford Street, Bondi Road, and Syd Einfeld Drive, in relation to the new footpath and road alignment shall be designed in negotiation with the Council, with the works to be completed at the applicant's expense before the occupation of the building.
- (i) Full engineering drawings and specifications for all works proposed outside the site on Oxford Street and the cycleway adjacent to the eastern boundary of the site to be submitted to Council for the approval of the Divisional Manager, Technical Services prior to works commencing.

- (j) A staging plan / schedule for the works being undertaken on the road reserve to be submitted to Council for the approval of the Divisional Manager, Technical Services prior to demolition or other works commencing on the development site.
- (k) All costs associated with dedicating the strip of land on the Oxford Street frontage for road widening purposes to be borne by the applicant.
- (l) The closure of Grafton Lane at the rear of the property shall be carried out in accordance with the requirements of Council's Executive Manager, Creating Waverley, at the applicant's expense. Full engineering details of adjustments to the kerb and gutter and roadway to affect the closure shall be submitted to Council for the approval of the Divisional Manager Technical Services prior to works commencing.

The amendments shall be submitted for the approval of the Principal Certifying Authority or Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

## **6. SITE CONTAMINATION**

Site contamination is to be managed in accordance with the recommendations of the Preliminary Environmental Site Assessment prepared by Environmental Investigation Services dated December 2011 and received by Council on 23 November 2012.

Prior to the issue of the any Construction Certificate, an EPA Accredited Site Auditor (a list of auditors can be found on the NSW EPA website) shall certify that:-

- the site is suitable or will be suitable, after remediation, for the proposed use;
- a suitable site specific OH&S plan is prepared and adopted for the site for the contamination likely to be encountered on site; and,
- a suitable location has been identified for any contaminated fill or materials to be removed from the site.

The 'site specific OH&S plan' is to be included in the project's Construction Certificate documentation and a copy available on site throughout demolition and construction works.

## **7. SYD EINFELD DRIVE PEDESTRIAN LINK (MODIFIED DA-501/2012/A)**

The Syd Einfeld Drive pedestrian link is to remain open during construction where possible allowing access for pedestrians and cyclists when deemed suitable under Work, Health and Safety policies and procedures. If and when the link is needed to be closed, appropriate traffic and pedestrian control measures shall be implemented with the link reopened as early as possible. The traffic control plan associated with the closure of the link shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the closure being implemented on the first occasion.

## **8. APPROVED DESIGN - RESIDENTIAL 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.



## **9. ARCHITECT TO SUPERVISE DESIGN**

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 Flats.

## **10. BONDI JUNCTION 3D CAD MODEL REQUIRED**

Prior to a Construction Certificate being issued, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic Bondi Junction Model.

The data required to be submitted must include and identify:

- (i) building design above and below ground in accordance with the development consent;
- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) property boundaries and the kerb lines adjacent to the site.

Further information and technical requirements should be obtained from Council's E-Planning (3D Modelling) Officer, in the Planning and Environmental Services Department of Council.

Prior to an Occupation Certificate being issued, a second and updated 'as built' 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic Bondi Junction Model.

**Note:** The submitted model/data must be amended to reflect any modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the location of any of the underground services or structures and/or external configuration of building above ground.

## **11. ROLLER SHUTTERS**

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop fronts is prohibited. Council Policy requires the retention of a glass shop front for window display purposes

## **12. TERMS OF RESTRICTIONS, COVENANTS AND EASEMENT**

All covenants, restrictions and easements required to be registered by these conditions of consent must provide that they cannot be varied, modified or removed without the consent of the Council.

## **13. DETAILED PUBLIC DOMAIN PLAN**

A detailed public domain plan shall be submitted indicating all works sought to the public domain area in accordance with Council's 'Bondi Junction Public Domain Technical Manual'. Details should include (though not limited to) furniture, pavement, garbage bins, lighting, bicycle parking etc.

The amendments shall be submitted for the approval and satisfaction of Council prior to the lodgement of the relevant Construction Certificate under the Environmental Planning and Assessment Act 1979.

**14. SIGNAGE PLAN**

No signage is approved. A Signage Plan, providing for consistent commercial signage for the retail tenancies is to be provided to the satisfaction of Waverley Council prior to the issue of a Construction Certificate for the development.

The following principles apply to the Signage Plan:-

- (a) Above awning signage other than building identification signage will not be supported.
- (b) A consistent suite of signs is to be provided to each commercial tenancy and allow for change in tenancies.
- (c) The signage should have a high-quality and consistent design and allow for the identification needs of the individual tenants.
- (d) Third party advertising is prohibited on the building.

**15. DEVELOPMENT APPLICATIONS FOR NON-RESIDENTIAL USE (MODIFIED DA-501/2012/A)**

The future use of any retail or commercial areas within the development are to seek appropriate consent by either a complying development certificate under the provision of the SEPP (Exempt and Complying Development Codes) 2008, or alternatively submit a specific separate development application (whichever is appropriate) prior to the occupation of the premises. In this regard, the onus is on the applicant to ensure that any large vehicles serving the proposed use can be accommodated in the approved loading bay area.

**16. 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.

**17. 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 Section 96 application to modify the approved development. 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.

**18. USE OF COMMON PROPERTY**

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council. In this regard the applicant is to register a restriction as to user that prohibits the separate occupation, use or disposition of the land by way of agreement, instrument or dealing including an agreement, instrument or dealing evidenced by a

company's constitution or articles of association. The restriction as to user is to be registered prior to the issue of the Occupation Certificate.

#### **19. GENERAL MODIFICATIONS – PARKING**

The proposal shall be amended as follows:

- (a) Car parking shall be provided at a maximum rate of:
  - i. 17 residential visitor spaces;
  - ii. 10 retail spaces;
  - iii. 100 residential spaces;
  - iv. Maximum of 127 spaces overall.
- (b) A minimum of 10% of all vehicle spaces are to be accessible.
- (c) Ownership of car park lot spaces within the basement shall be limited to parties owning a unit (commercial/residential) within the building and limited to 2 car spaces to any one residential unit.

The amendments shall be submitted for the approval of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **20. GENERAL MODIFICATIONS – DISABLED ACCESS**

The proposal shall be amended as follows:

- (a) At least 10% of all residential units are to be 'adaptable dwelling' (note an adaptable dwelling is housing that is designed and built to accommodate the needs of occupants with mobility impairment to Australian Standard 1428: Design for Access and Mobility Services).
- (b) The adaptable dwellings should not be clustered together but rather spread throughout the development and should include both one and two bedroom units.
- (c) A fully accessible sanitary facility is to be provided for public use on ground level.

The amendments shall be submitted for the approval of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **21. BICYCLE PARKING**

Bicycle parking shall be provided in accordance with the layout, design and security requirements of AS 2890.3 – 1993 Parking Facilities- Bicycle parking Facilities including:

- (i) Security Class 1 bike lockers for occupants of residential buildings
- (ii) Security Class 2 bike enclosures for staff/employees and
- (iii) Security Class 3 bike rails/racks for visitors.

Details of the bicycle parking facilities shall be submitted to Council for approval prior to the release of the Construction Certificate.

## **22. LAND TITLE ARRANGEMENTS**

Prior to issue of the Construction Certificate, the portion of Grafton Lane nominated as part of the site is to be closed (as a road) and the land's conveyance to the applicant completed.

The subject site is to be consolidated into one allotment, reflecting proposed road widening, covenants, restrictions, easements and dedications, prior to issue of an Occupation Certificate for the development.

## **23. STRATA SUBDIVISION**

Consent is required for strata subdivision of the development.

In respect to the allocation of car parking and storage spaces, 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.

## **24. PROVISION OF PUBLIC ART**

Public art is to be provided within the development to a minimum value of \$40,000. In this regard, the applicant is to refer to Council's 'Public Art in the Private Domain' manual and Public Art Committee.

The nominated public art proposal is to be to the satisfaction of Council's public art committee and incorporated into the proposal's construction certificate documentation.

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

### **25. SECTION 94A CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 94A 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 may be obtained from Waverley Council Customer Service Centre or downloaded from:  
[www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)

- (b) 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 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

Waverley Council Development Contributions Plans 2006 may be inspected at Waverley Council Customer Service Centre.

**Advisory Note**

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

**26. AFFORDABLE HOUSING INCENTIVE (MODIFIED DA-501/2012/A)**

- (a) For the purposes of this condition:

“affordable housing” has the same meaning that it has in the Environmental Planning and Assessment Act 1979; and

a “household” as referred to in the definition of “affordable housing” is taken to be a very low income household, low income household or moderate income household if the household:

- i. has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
  - ii. is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.
- (b) Pursuant to clause 4.4B(3) of the Waverley Local Environmental Plan 2012 the gross floor area of the development must not exceed 12,202.19sqm which includes an affordable housing incentive of 1,591.59sqm.
- (c) Pursuant to clause 4.4B(4) of the Waverley Local Environmental Plan 2012 the dwelling(s) numbered **105, 106, 107, 208, 209, 210, 211, 308, 310, 311, 408, 410, 411, 507** on the approved plans (which have a gross floor area of at least 795.8 sqm being 50% of the affordable housing incentive of 1,591.59 sqm) must be used for the purpose of providing affordable Housing in the development and for 3 years from the date of commencement of lease(s) of the nominated dwellings with Council’s registered community housing provider. On the date of commencement of the above lease(s) the subject dwellings will be made available for rent as affordable housing

and will be managed by a registered Community housing provider endorsed by Waverley Council. The subject units are to be made available to Council's registered community housing provider.

- (d) In accordance with clause 4.4B(4)(c) of Waverley Local Environmental Plan 2012 a restriction will be registered, before the date of the issue of any occupation certificate, against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements in condition 3(c) are met.

## **27. PUBLIC DOMAIN IMPROVEMENTS**

The footpaths surrounding the site are to be upgraded in accordance with Council's Local Village Centres Public Domain Technical Manual. In this regard, the applicant is to confer with Council's Divisional Manager, Technical Services prior to commencement of those works

## **28. GROUND ANCHORS**

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 Divisional Manager, Technical Services. Please note, a fee applies for each anchor approved to extend into a road reserve.

## **29. HEAD CLEARANCES**

The loading facility and roller shutter off Grafton Lane shall have a clearance height that will allow access by the 8.8m long rigid vehicle and 10.2m long refuse vehicles described in the "Assessment of Traffic and Parking Implications" report prepared by Transport and Traffic Planning Associates dated July, 2013. Details of the head clearance and the dimensions of the design vehicles shall be submitted to Council for the approval of the Divisional Manager, Technical Services prior to the release of the Construction Certificate.

## **30. STAGING PLAN OF WORKS OUTSIDE THE SITE**

A staging plan / schedule for the works to be undertaken on the road reserve shall be submitted to Council for the approval of the Divisional Manager, Technical Services prior to demolition or other works commencing on the site.

## **31. DEDICATION OF LAND FOR ROAD WIDENING**

The 3m wide strip of land on the Oxford Street frontage of the site shall be dedicated as road to Council prior to the release of the Occupation Certificate. All costs associated with dedicating the strip of land shall be borne by the applicant.

## **32. CLOSURE OF GRAFTON LANE**

The closure of Grafton Lane at the rear of the property shall be carried out in accordance with the requirements of Council's Divisional Manager, Technical Services. Full engineering details of adjustments to the kerb and gutter and roadway to affect the closure and provide the truck holding bay shall be submitted to Council for the approval of the Divisional Manager, Technical Services prior to works commencing.

**33. BOND REQUIRED (MODIFIED DA-501/2012/A)**

A deposit of guarantee satisfactory to Council for the amount of \$ 750,000 must be provided as security for the payment of the cost of any one or more of the following:

- (a) making good any damage caused to any property of Council as a consequence of the doing of anything which the consent relates;
- (b) completing any public works (such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent; and/or
- (c) remediating any defects in such public work that arise within six months after the work is completed.

The bond shall be lodged with Council prior to issue of the Construction Certificate.

**34. 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.

**35. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of 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 Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; 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 Principle Certifying Authority.



### **36. RESIDENTIAL STORAGE**

A Storage Allocation Plan is to be provided to Council for approval prior to the issue of a Construction Certificate demonstrating that the following storage volumes have been allocated to each apartment:

- 1 Bedroom Unit: 5m<sup>3</sup>
- 2 Bedroom Unit: 8m<sup>3</sup>
- 3 Bedroom Unit: 10m<sup>3</sup>

**Note:** The above storage can be provided within each apartment.

### **37. 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.

### **38. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant services authority regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

### **39. 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 Flats.

In accordance with clause 143a of 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.

**40. HOARDING REQUIRED**

A standard B-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council 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.

**41. GEOTECHNICAL ENGINEERS REPORT**

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

**42. DETAILS OF BULK 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.

**43. 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 Part G1, Waverley DCP 2010 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.

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

A "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) is to be approved by Council prior to the issue of a Construction Certificate and the undertaking of any demolition, excavation, remediation or construction on the site.

The CVPPM shall provide details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.
- (b) The type and size of demolition/construction vehicles. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where 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: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (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.

**45. STORMWATER MANAGEMENT**

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 prior to the issue of a Construction Certificate.

**46. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer being furnished to the Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

**47. BASIX**

The undertakings provided in the BASIX Certificate 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 Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

**48. AUSGRID SUBSTATION**

An Ausgrid substation is to be provided within the development. Documentary evidence of compliance is to be provided to the satisfaction of the Principle Certifying Authority prior to the issue of the Construction Certificate that Ausgrid's requirements for the location and size of a kiosk type distribution centre on the subject land has been provided within the development (Ausgrid contact CBD and Eastern Suburbs network ph 9663 9326).

**49. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES**

A Noise Management Plan must be submitted to The Principal Certifying Authority for approval prior to the issue of a construction certificate and complied with during any construction 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 will be undertaken

- (c) Description of what work practices will be applied to minimise noise
- (d) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (e) Selection criteria for plant and equipment;
- (f) Community consultation;
- (g) Details of work schedules for all construction phases;
- (h) Selection of traffic routes to minimise residential noise intrusion;
- (i) Schedule of plant and equipment use and maintenance programs;
- (j) Noise monitoring techniques and method of reporting results;
- (k) The methodology to be employed for handling and investigating any complaints should they arise, including documentation and feedback mechanisms;
- (l) Identification of a site contact person to follow up on complaints and site signage erected to advise of persons name and contact details.
- (m) Site induction details for employees and contractors, and;
- (n) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

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

A site specific noise management plan must be submitted to the Principal Certifying Authority 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) 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.
- (b) 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.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?

- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (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.

#### **51. NOISE - ACOUSTIC REPORT**

An acoustic investigation of the proposal shall be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the proposal and is to be submitted with the Construction Certificate. The investigation shall include, but not be limited to:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and the NSW Environment Protection Authority (EPA) requirements);
- (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;
- (d) The identification of operational noise producing facets of the development and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;
- (e) A statement indicating that the development/use will comply with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

#### **52. 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 complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system.

#### **53. SITE HEALTH & SAFETY PLAN**

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

- (a) hazard identification and control
- (b) site security
- (c) personal protective equipment

- (d) work zones and decontamination procedures
- (e) contingency plans and incident reporting
- (f) environmental monitoring

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the and the Principal Certifying Authority immediately.

#### **54. SOIL AND WATER MANAGEMENT PLAN**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

#### **55. BUILDING CODE OF AUSTRALIA**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

#### **56. DILAPIDATION REPORTS**

A Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) 1 Adelaide Street, 590-594 Oxford Street and adjoining road infrastructure, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

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 condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which 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 Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

## **57. NSW ROADS AND MARITIME SERVICES REQUIREMENTS**

The following NSW Roads and Maritime Services (RMS) requirements apply to the development:-

1. RMS has previously dedicated a strip of land as road along the generally eastern boundary of the subject property. RMS has no approved proposal that requires any part of the subject property for road purposes. Therefore there are no objections to the development proposal on property grounds provided all buildings and structures are clear of the Syd Einfeld Drive road reserve (unlimited in height or depth) and clear of the above land other than footpath pedestrian awning.
2. The developer is to comply with the requirements of the Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment. The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of the Syd Einfeld Drive and detailing how the carriageway would be monitored for settlement.
  - b. The impact of the excavation on the structural stability of the Syd Einfeld Drive.
  - c. Any other issues that may need to be addressed. (Contact: Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).
3. The proposed development should be designed such that road traffic noise from Syd Einfeld Drive is mitigated by durable materials to satisfy requirements under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007. The RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
  4. A detailed Construction Traffic Management Plan and associated Traffic Control Plan shall be prepared and submitted to Council/RMS/TMC prior to the issue of a Construction Certificate.

5. The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, grades, turn paths, lifts, sight distance requirements, aisle widths and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
6. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a swept path plan shall be submitted to Council for approval, which illustrates that the proposed development complies with this requirement.
7. A Road Occupancy Licence should be obtained from the RMS/TMC for any works that may impact on traffic flows on Syd Einfeld Drive during construction activities.
8. The proposed development will generate additional pedestrian movements in the area. Consideration should be given to ensuring pedestrian safety.
9. All vehicles shall enter and exit the site in a forward direction.
10. All works associated with the development are to be at no cost to the RMS.

Any inquiries in relation to the above matters can be directed to the nominated Assistant Transport Planner, Xi Lin, on telephone (02) 8849 2076 or email [xi.lin@rms.nsw.gov.au](mailto:xi.lin@rms.nsw.gov.au).

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

Details of the proposed essential fire safety measures/services shall be submitted to the Principal Certifying Authority 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.

**C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

**59. 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.

**60. 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.

**61. CONSTRUCTION OF NEW DRAINAGE INFRASTRUCTURE**

The following requirements apply to the construction of new stormwater infrastructure associated with the development:-

- Under current design, orifice size to be 125mm diameter.
- All drainage and road works in Grafton Lane to be carried out as per attached Waverley Council Standard Drainage Drawing D1, D2, D7 and Standard Road Drawing R1.
- Upgrade 8m of existing 225mm diameter pipe at the corner of Grafton Lane (point A1 shown on drawing 1116/C04B) and connect to stormwater mains in Adelaide Street
- All pipes in Grafton Lane to be either concrete encased in 300mm minimum surrounding concrete or Class 4 pipes
- Mill and fill 40mm AC10 Asphalt in Grafton Lane to be carried out once stormwater works are completed

In respect to any queries in respect to the above requirements contact Council's Senior Design Team Leader (Stormwater) on 9369 8026.

**62. FINISHED LEVELS**

The finished level of the retail floors at the Oxford Street boundary shall match the Council's approved footpath level.

**63. 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.

**64. 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.

**65. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER**

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.

**66. 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) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

**67. TOILET FACILITIES**

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

#### **67A. 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.

**Notes:** If this is imposed, Council will take into account:

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

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

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.

#### **69. EROSION, SEDIMENT AND POLLUTION CONTROL**

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

#### **70. SOIL AND WATER MANAGEMENT PLAN**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

#### **71. 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.

## **72. 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).

## **73. DEMOLITION & SITE PREPARATION**

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

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

#### **74. DEMOLITION REQUIREMENTS**

Following demolition activities the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. The soil investigation being carried out in accordance with the NSW Environment Protection Authority (EPA) "Guidelines for Consultants Reporting on Contaminated Sites". An approved NSW Environment Protection Authority (EPA) Auditor, in accordance with the NSW EPA's "Guidelines" shall issue a Site Audit Statement at the completion of the investigation, for the NSW Site Auditor Scheme.

#### **75. 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 AS260-2001, Demolition of Structure and a Hazardous Materials Assessment 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 for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (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.

#### **76. ASBESTOS REMOVAL**

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current Work Cover Asbestos or "Demolition Licence" and a current Work Cover Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC): "Code of Practice for the Safe Removal of Asbestos".

#### **77. LOCATION OF BUILDING OPERATIONS**

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.

#### **78. 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.

## **79. 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;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

## **80. USE OF HEAVY EARTH MOVEMENT EQUIPMENT**

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.

## **81. QUALITY OF CONSTRUCTION ACT - INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (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 Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

**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 are:

In the case of a Class 2, 3 and 4 portions of the 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.

In the case of a Class 5, 6, 7, 8 or 9 portions of the building:

- (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 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
- (g) swimming pool fencing prior to filling pool.

**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 Building Code of Australia and standards of construction.

## **82. BONDJ JUNCTION STREET TREES**

The provision of planting in Oxford Street is to be in accordance with Council's reviewed Bondi Junction Technical Manual and Bondi Junction Commercial Centre Design Framework and in discussion with Council.

## **83. WORK OUTSIDE PROPERTY BOUNDARY (MODIFIED DA-501/2012/A)**

All work outside the property boundary including but not being limited to the widening of the road carriageway on Oxford Street and associated adjustments to traffic signals and services and works in Grafton Lane are to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

## **84. AWNINGS**

Awnings shall be a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb (as proposed for the widened portion of Oxford Street).

## **85. CONVEX MIRRORS**

Convex mirrors shall be installed within the site at the driveway on Grafton Lane to allow drivers exiting the site to view pedestrians and vehicles approaching along the Lane from both directions.

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

## **86. VISITOR AND RETAIL CAR PARKING**

Visitor, retail and resident car parking spaces are to be signposted to Council's satisfaction.

**87. ACCESSIBLE CAR SPACE**

A minimum of 10% of all car parking are to be provided as car spaces for the vehicles of people with disabilities.

The car spaces shall be identified and reserved at all times and be in the vicinity of a lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions of 3.2m x 5.5m and minimum headroom clearance of 2.5m for vehicles fitted with a roof mounted wheelchair rack.

A notice shall be displayed at the entrance to the car park and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles.

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

**88. ACCESS**

The development shall be provided with access and facilities for people with disabilities in accordance with AS1428.2 Design for Access and Mobility Part 2: Enhanced and Additional Requirements. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

**89. ADAPTABLE HOUSING**

Access in accordance with AS4299 - Adaptable Housing shall be provided to at least twelve units in the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

**90. ACCESSIBLE SIGNAGE**

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided in the building. Such signage shall have regard to the provisions of AS1428.2.

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

**91. 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 [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.**

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.

**92. 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 Condition Nos 39 and 53; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

**93. FINAL OCCUPATION CERTIFICATE**

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

**94. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION**

In accordance with clause 154A of 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.

**95. WASTE STORAGE**

The following requirements apply to waste management:

- (a) Provide 10 x 660L MGB for residential garbage, 4 x 660L MGB for paper recycling and 6 x 660L MGB for commingled recycling collected each week. Should garbage compaction be utilised in the storage room, these numbers may reduce.
- (b) Provide 10 x 240L MGB for commercial garbage and 3 x 240L MGB for commercial recycling collected at least twice per week. The applicant must enter into a commercial waste agreement for the removal of this waste.
- (c) The commercial and residential waste storage areas must be separated at all times.
- (d) The waste and recycling storage areas must be banded to the sewer and be equipped with a supply of hot and cold water mixed through a centralised mixing valve with a hose cock.
- (e) The waste and recycling storage areas must be able to accommodate all bins, with all bins simultaneously accessible.

- (f) A waste management plan must be submitted to Council 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.
- (g) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.
- (h) Provide a suitable storage area affectively bunded for chemicals, pesticides and cleaning products.
- (i) Provide a separate storage area for used and unused cooking oils suitably covered, bunded and drained to the sewer.
- (j) Provide dry basket arresters to the floor wastes in the food preparation and waste storage areas.
- (k) 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.

#### **96. LIGHTING**

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*.

#### **97. ALLOCATION OF STREET NUMBER**

The subdivision of the property has lead to the following allocation of street numbers:

- No.570-588 for the consolidated allotments;

The street number for each property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. The street number is to be positioned on the site prior to the issue of the Occupation Certificate.

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

#### **98. PARKING PERMITS**

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

#### **99. 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.

#### **100. 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.

#### **101. AIR EMISSIONS**

The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act, 1997*. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

#### **102. MECHANICAL VENTILATION SYSTEMS (MODIFIED DA-501/2012/A)**

- (a) The premises are 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 - 1991 (Parts 1-1998 and 2-2012). 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.

**103. CONTROL OF LEGIONNAIRES DISEASE**

- (a) All cooling towers and warm water systems must be operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.
- (b) The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

**104. 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 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.

**105. LOADING FACILITY (ADDED DA-501/2012/A)**

The loading facility area is to be line marked and signposted to the satisfaction of the Principle Certifying Authority.

**106. TRUCK HOLDING BAY – GRAFTON LANE (ADDED DA-501/2012/A)**

The truck holding bay at the eastern end of Grafton Lane being signposted and marked for its intended use to Council's satisfaction. Details of the signage to be submitted to Council with the Construction Certificate.

**107. NEW VEHICLE CROSSING (ADDED DA-501/2012/A)**

A new vehicle crossing is to be provided in Grafton Lane to access the proposed basement car park/ loading facility. A separate application is required for the vehicle crossing with all work to be carried out with the approval of Council.

**108. CRANE PERMITS (ADDED DA-501/2012/A)**

If any materials are to be lifted over Council land, a permit is to be obtained from Council's engineers in Council's Creating Waverley Program, prior to the placement of any crane.

**ADVICE TO APPLICANT**

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

**SYDNEY WATER REQUIREMENTS**

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

## **DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

## **TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact :Telstra's Network Integrity Team on Phone Number 1800810443.