

AMENDED CONDITIONS: DA 203/2014 FOR JRPP MEETING, 29 JANUARY 2015

SCHEDULE A: DEFERRED COMMENCEMENT CONSENT

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That the Joint Regional Planning Panel grant deferred commencement consent in accordance with the provision of section 80(2) of the Environmental Planning and Assessment Act 1979.

The consent is not to operate until the applicant has satisfied Council as to the following matters:

1. SITE AUDIT STATEMENT

A Site Audit Statement (SAS) prepared by a NSW Environment Protection Authority (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use. Conditions on the SAS shall form part of the consent.

Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued prior to the commencement of construction.

2.1. SUBSTATION LOCATION

The substation on Ocean Street shall be relocated to within the front setback of Building A (Ocean Street). The substation shall be suitably screened from the street through landscaping and/or built screening and details shall be provided.

Note: Should the JRPP resolve to support the substation in the proposed location, then concurrence is required of the electricity supply authority for the area (Ausgrid).

3. ARCHITECTURAL RESOLUTION, MATERIALS AND FINISHES

Improved architectural resolution, character and design resolution is required. In this regard, an overall strategy in the design of the form, facades and detail shall be provided that includes:

(a) Large scale part elevations/part sections will need to be provided, detailing the intended façade design, providing indicative construction details and representing proposed materials and colours. In this regard, 1:50 scale sections and elevations are required.

(b) The materials and finishes proposed shall be indicated on the architectural plans, and not rely on a separate schedule/sample board. Details shall include the proposed external walls and roofing materials, window fenestration, window frame colour details, privacy treatment, fencing, paving and balustrading details and guttering colour and profile.

(c) The architectural plans (not solely site plan) are to be updated to include dimensions (including setbacks from boundaries and/or adjacent building forms, building heights measured from 'new' ground level to top of building and top of plant), existing ground levels.

(d) The two storey void in the centre of Building D (ground floor and Level 01 on plan) shall remain open and not be enclosed by any material including glazing or screening.

(e) Window and door operation needs to be clearly marked on all the elevations.

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~~Upon satisfying the consent authority as to the matters in Schedule A, the following conditions will apply:~~

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SCHEDULE ~~AB~~: CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos. ~~A001, A002, A003, —A004 (inclusive), —A100, A101, A102, A103, A104, A105, A106, A107 —A107 (inclusive),~~ A110, A300, ~~A301, A302, A303, —A304 (inclusive),~~ all Revision ~~8C, and A910, A911, both Revision A and~~ tables and documentation prepared by Smart Design Studio, dated ~~20/10/2014~~ 21/01/2015, and received by Council on date ~~21 October 2014~~ 22 January 2015;
- (b) Landscape Plan Nos. 13072-DA01 – DA06 (inclusive) Revision K and documentation, including the DA Landscape Report prepared by Aspect Studios, dated October 2014, and received by Council on 21 October 2014;
- (c) Landscape Management Plan prepared by CAB Consulting Pty Ltd dated March 2014 received by Council on 16 May 2014;
- (d) BASIX Certificate;
- (e) Stormwater Details and documentation prepared by AECOM, Job No. 60317384, Drawing No. H5900 to H5906, dated 13 June 2014, and DP CONSULTING GROUP Pty Ltd, Drawing No. SWD-DA 5014 & 5015, dated 17.10.14, and received by Council on 21 October 2014;
- (f) Operational Waste Management Plan prepared by SLR Consulting dated 15 October 2014, and received by Council on 21 October 2014;
- (g) Traffic and Parking Assessment prepared by Parking and Traffic Consultants dated October 2014, and received by Council on 21 October 2014;
- (h) Demolition Management Plan prepared by Mirvac Constructions received by Council on 16 May 2014;
- (i) Construction and Environmental Management Plan prepared by Mirvac Constructions received by Council on 16 May 2014;
- (j) Green Travel Plan prepared by Parking and Traffic Consultants dated May 2014 received by Council on 16 May 2014;

(k) Statement of Heritage Impacts prepared by Graham Brooks and Associates dated May 2014, and received by Council on 16 May 2014 and addendum dated 20 October 2014 and received by Council on 21 October 2014;

(l) Schedule of external finishes and colours received by Council on 16 May 2014; and

(m) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

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 two Consultant Reports, the development's Principle Certifying Authority may determine which is to apply.

3. SITE CONTAMINATION - REMEDIATION WORKS

(a) All requirements of the Site Audit Statement No KJL117 by Zoic Environmental Pty Ltd dated 21 January 2015 must be followed in full. Special attention must be given to the requirements by the auditor that:

(i) the SAQP for the proposed Data gap investigation must be provided to the Auditor for review. The outcome of this review must be provided to Council in writing. This review may find that there is a requirement for a risk assessment, additional works and/or an Environmental Management Plan to be undertaken. All new documentation must be provided to Council as a result of the review and any additional works to be approved by the Accredited site auditor and Council prior to the commencement of work, and

(ii) the comments on the proposed validation works must be considered prior to commencement of the remediation works. This review of the comments should be in writing and provided to Council and the Accredited Site Auditor prior to commencement of remediation work.

(b) Remediation and validation works shall be carried out in accordance with the Remedial Action Plan (Report Ref: 50119/58735 (Rev 2) by JBS&G dated ~~17 October 2014~~ 16 January 2015.

(a) ~~Any~~

(c) ~~(b) Any~~ variation to the Remedial Action Plan shall be approved by the Accredited Site Auditor and Council in writing prior to the commencement of any work. The applicant must inform the Private Certifying Authority (PCA) in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.

~~(c) Prior to the commencement of any work, other than demolition or excavation in association with remediation of the site, a Site Audit Statement is to be submitted to and approved by Council clearly stating that the site is suitable for the proposed use.~~

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4. SUBSTATION LOCATION

The substation on Ocean Street shall be relocated to within the front setback of Building A (Ocean Street). The substation shall be suitably screened from the street through landscaping and/or built screening and details shall be provided.

Note: Should the JRPP resolve to support the substation in the proposed location, then concurrence is required of the electricity supply authority for the area (Ausgrid).

5. DESIGN RESOLUTION MODIFICATIONS - ARCHITECTURAL DETAIL

The proposal shall be amended as follows:

- (a) The screening/enclosures around the roof plant on the roofs of Buildings A, D and E shall be deleted.
- (b) Parapets to roofs shall be limited to a maximum height of 300mm above finished floor level of each building.
- (c) All rooms without windows or natural ventilation shall not be used for habitable purposes in accordance with the BCA. In particular, this applies to the units AG.03, A1.01, A2.04, A3.04 that provide rooms without windows.

~~(d) Ceiling fans shall be provided throughout each of the units and indicated on the plans.~~

~~(e) An improved roof design with clerestory windows shall be used to capture winter sun and provide added light and ventilation, particularly to service rooms and at entries. Drawings should indicate roof thicknesses for falls, surface treatment and insulation.~~

~~(f)(d)~~ Ventilation should be able to be maintained at night without compromising security. Sliding doors alone to balconies will not provide this and consideration needs to be given to fanlights, windows or other ventilation options. Details of the ventilation methods and window operation shall be indicated on the elevations.

~~(g)(e)~~ Natural light to the foyers needs to be provided through windows, which should be open-able for natural ventilation.

~~(h) The roof plant of Building A shall be restricted to RL102.3 (to correct a discrepancy in the plans).~~

~~(i) The roof plant of Building D shall be restricted to RL96.2 (to correct a discrepancy in the plans).~~

~~(j) The roof plant of Building E shall be restricted to RL96.2 (to correct a discrepancy in the plans).~~

~~(k)(f)~~ The two-storey void in the centre of Building D (ground floor and Level 01 on plan) shall remain open and not be enclosed by any material including glazing or screening.

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.

6. FRONT FENCING TO WELLINGTON STREET

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The proposal shall be amended as follows:

- (a) The Wellington Street gates shall be retained and restored.
- (b) There continues a need for a clear reading of the historic entry to the site and its retention as a principle entry to the site. New entry points should remain visually separate to the original gates and reflect the form and scale of the original entry.
- ~~(c) No approval is granted for an opening in the sandstone wall for Building C access directly from Wellington Street. In this regard, the sandstone wall shall be retained as existing (and restored) and the opening deleted from the plans. The plans shall be amended to setback 'B1 Basement Plan level' of Building C a minimum of 1.5m from the eastern boundary of the site. Accessible entry/exit shall occur at ground level.~~
- ~~(d)~~(c) Boundary fencing shall be limited to 1.2m above the sandstone wall (tapering with the gradient) on Wellington Street, as measured from the upper most point of the existing sandstone wall, and consist of a 50% open design for visibility into and out of the site. Arched gates, piers and the like can exceed 1.2 metres.

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.

7. FRONT FENCING TO OCEAN STREET (INCLUDING THROUGH SITE LINKS)

The front fencing to Ocean Street including gates to the through site links (including the 'allee') shall be no higher than 1.6 metres above street level. In this regard the solid element of the fence shall not exceed 1.2 metres in height and above 1.2 metres the fence shall have a 50% open design for visibility into and out of the site. Arched gates, piers and the like can exceed 1.2 metres.

8. SIDE FENCE HEIGHT

The proposed fence abutting the side boundaries to adjoining sites [located](#) to the north (including Dickson Park) and south of the site shall not to exceed a maximum height of 1.8metres above the existing ground level of the adjoining property.

9. DICKSON PARK

- (a) Established tree planting in Dickson Park is to be maintained and enhanced by boundary planting to the northern boundary of the site. Trimming of trees for view enhancement is not permitted.
- (b) No tree work is permitted on any tree in Dickson Park or any street tree without prior approval from council.

10. WORKS TO SCARBA HOUSE

As there were no specific details provided regarding works to Scarba House, all works to this property are not approved by this development consent, with the exception being only the demolition of later additions as detailed within the application. The works to Scarba House shall be the subject of separate development consent, including future use, details of restoration works and the external finishes and colours.

The renovation and restoration of Scarba House shall be completed prior to the release of any Occupation Certificate for the development.

11. PRIVACY MEASURES AND DETAILS

To mitigate privacy impacts within the development and upon surrounding properties, the proposal shall be amended as follows:

- (a) Building A: The living area and kitchen windows on the northern elevation of the front part of this building from levels 1-3 (units A1.09, A2.01, A3.01) shall implement additional privacy measures to reduce impacts upon No. 16 Ocean Street to the north. To mitigate privacy impacts, one of the following measures shall be implemented:
 - (i) Sill heights shall be raised to 1.6 metres above finished floor level.
 - (ii) Privacy screening (such as fixed louvres) to a height of 1.6 metres above finished floor level; or
 - (iii) Fixed obscure glazing to the lower panes of the windows to a height of 1.6 metres above finished floor level.
- (b) Building B: Windows on the western elevation shall be obscure glazed.

- (c) Building C: The bedroom windows to Unit C1.03 on the western elevation shall be obscure glazed or fitted with a privacy screen to a height of 1.6 metres above finished floor level to mitigate privacy impacts to Scarba House.

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

12. PARKING

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a residential unit within the buildings on-site.
- (b) A maximum of two car spaces shall be allocated to any residential unit/dwelling (including Scarba House) to ensure equitable allocation overall.
- (c) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.
- (d) The allocation of the 221 parking spaces shall be as follows:
- (i) Residential units: 171 spaces (of which minimum 10% accessible)
 - (ii) Scarba House: 2 spaces
 - (iii) Visitors: 45 spaces (of which minimum 10% accessible)
 - (iv) Car Share: 3 spaces.

13. AMENDED LANDSCAPE PLAN

The Landscape Plan is to be amended by the following changes:

~~(a) The removal of the three trees detailed in the table below are not approved for removal and they shall be retained. The landscape plan shall be amended to indicate the retention of these trees.~~

T29 Platanus x hybrida	Within Site	retain and protected
T30 Platanus x hybrida	Within Site	retain and protected
T31 Platanus x hybrida	Within Site	retain and protected

~~(b)~~(a) There is to be a minimum representation of 50% native species used across the site (represented in each category of trees, shrubs, ground covers). The Landscape Plan needs to outline the number of plants to be implemented. There is scope to increase the Landscape Plan so that planting beds are exclusively made up of local native plants.

~~(c)~~(b) The landscape plan is to be updated to more closely reflect the approved architectural drawings.

The amended landscape plan is to be submitted to Council for approval by the Council's Tree Management Officer prior to the issue of the relevant Construction Certificate.

14. STREET TREES REMOVAL/REPLACEMENT

- (a) The street trees as indicated on the Development Impact Assessment Report from Earthscape Services dated 7 May 2014 may be removed by a qualified and experienced arborist or tree surgeon [Australian Qualification Framework Level 3] in accordance with the NSW WorkCover Code of Practice for the Amenity Tree Industry (1998).
- (b) The additional street trees as indicated on the amended landscape plans to be planted in Ocean Street are to be Brushbox (*Lophostemon confertus*). The street trees as indicated in Wellington Street are to be Tulipwood (*Harpullia pendula*) or Paperbark (*Melaleuca quinquenervia*).
- (c) The new street trees to be planted must:
 - (i) be a minimum pot size of 200 litres and grown to Natspec specifications
 - (ii) be planted by a qualified horticulturist (AQF Level 3)
 - (iii) have a minimum planting hole width of 1200 mm.
 - (iv) use a quality soil mix similar to ANL Landscapes 'Native Low P Mix'.
 - (v) have a root barrier installed to a depth of 500mm along both sides of each planting hole parallel to the kerb.
- (d) A hold point to be established prior to the installation of the street trees. Council's Strategic Tree Planning Officer must be notified 48 hours in advance to arrange inspection prior to the installation of the trees.
- (e) All street trees are to be sourced in advance prior to the commencement of demolition and a copy of the invoice is to be submitted to Council's Strategic Tree Planning Officer prior to the issue of the relevant Construction Certificate.
- (f) Existing street trees to be protected in accordance with recommended methods as outlined in the Development Impact Assessment Report dated 7 May 2014 from Earthscape Services and guidelines from Australian Standard AS 4970 - Protection of Trees on Development Sites.

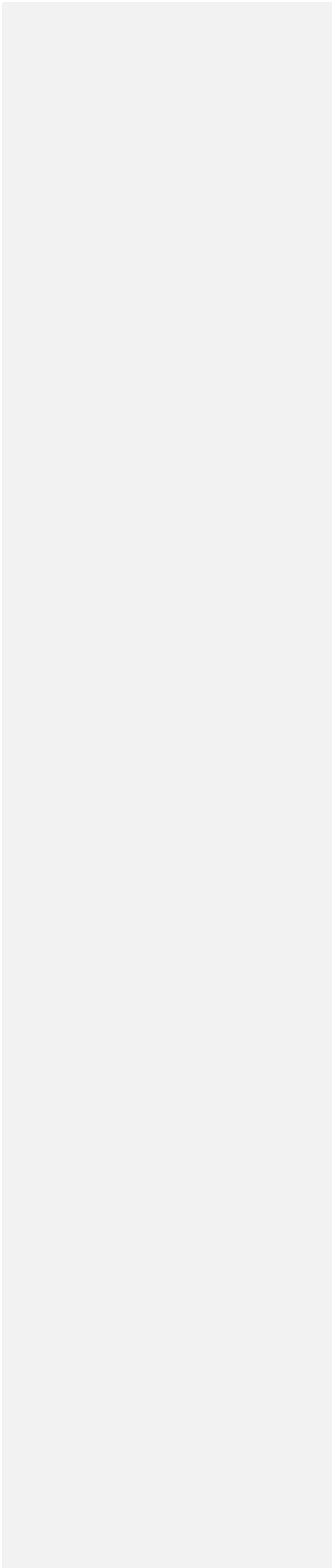
15. LIGHTING

- (a) 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.
- (b) Signage and area lighting throughout the site should be set apart from existing boundary fencing and the fabric of Scarba House.
- (c) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (e) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (f) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

16. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

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17. 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.

18. THROUGH-SITE LINK

The following requirements apply to all through-site links within the development:-

- (a) The purpose of the link shall be public pedestrian access through the site during day light /evening hours. The link shall be accessible to the public at least between the hours of 7.00am to 10.00pm, seven days.
- (b) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to each entry.
- (c) Any future strata plan for the site shall be modified to identify a right of carriageway in respect to (a) prior to the issue of an Occupation Certificate or Subdivision Certificate for the development.
- (d) The link is to be maintained in a clean and safe condition by the Body Corporate of the site at all times.
- (e) The link shall be designed so as to allow for fire egress from the buildings in accordance with the provision of the Building Code of Australia.
- (f) Closure of the link to the public, other than allowed for by (a), requires Council's consent.
- (g) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.
- (h) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

A Through Site Link Management Plan shall be submitted and approved by Council prior to the issue of an Occupation Certificate that includes details on access hours, security measures and how/who will ensure gates are opened/closed at required times.

19. ROOFS SHALL BE NON TRAFFICABLE

The roofs of each building shall be non trafficable and accessed for maintenance purposes only.

20. 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.

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21. 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.

22. 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.

23. 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.

24. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitably screened and located in an appropriate location.

- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

25. MAINTENANCE OF WATER TREATMENT DEVICES

All waste water and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act, 1997.

26. SEPARATE APPLICATION FOR STRATA SUBDIVISION

The strata subdivision of the development will require a separate development application to Council.

27. 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 and 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.

28. 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

29. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* and the '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:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".
- (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.

Waverley Council Development Contributions Plan 2006 may be inspected at Waverley Council Customer Service Centre, 55 Spring Street, Bondi Junction.

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.

30. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$190,000 must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work.

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

31. 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.

32. LANDSCAPING BOND

The owner/applicant is to lodge with Council a bond of \$20,000 either as cash or by way of an unconditional bank guarantee to ensure the maintenance and protection of the protection and maintenance of all street trees in Ocean and Wellington Streets and Dickson Park.

The bond is to be lodged prior to the issue of a Construction Certificate. The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve months from the issue of the Occupation Certificate subject to the satisfaction of Council.

Any trees that require replacing must be replaced within two weeks of notification from Council. In the event that any of the specified trees are found damaged, dying or dead at any time during the construction and bond period, the bond may be forfeited to Council. Any replacement of dead or defective trees shall re-start the twelve month maintenance from the date of replacement.

33. 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 the relevant Construction Certificate and to be the Principle Certifying Authority.

34. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES

A Noise Management Plan must be submitted to Council for approval prior to the issue of the relevant 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, schools 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
 - (i) It is recommended that the applicant utilise website content or social media to inform the community of construction phases, in particular those that will cause noise and/or traffic disruptions.
- (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.

35. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Council for approval and comment prior to the issue of the relevant 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.

36. 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 relevant Construction Certificate.

37. ESSENTIAL SERVICES - NEW BUILDING

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for the relevant 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.

38. HOARDING REQUIRED

~~A standard B~~ The relevant C 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 relevant 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.

39. DILAPIDATION REPORT

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) 16, 24, 26, 30, 32 and 34 Ocean Street and 22-28 Wellington Street and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and 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.

40. 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 the relevant Construction Certificate and commencement of any such works on the site.

Should ground anchors be required for construction, a separate application shall be submitted to Council in the form of a development application.

41. 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 the relevant 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 relevant Construction Certificate.

42. ENGINEERING DETAILS

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

43. GENERAL MODIFICATIONS – SAFETY AND SECURITY

Safety and security measures are to be achieved within the development by a minimum of the following standards:

- (a) Signage should be displayed on each level of the building to assist visitors and emergency services to identify their location within the building. Signage should also be displayed on the main entry doors to each unit within the building again to assist visitors and emergency services to identify the location within the building.
- (b) Lighting which complies with the Australian Standard should be installed in and around the development to increase surveillance opportunities during the hours of darkness. The emphasis should be on installing low glare/high uniformity lighting levels over all areas. The luminaires (light covers) should be designed to reduce opportunities for malicious damage (vandalism).
- (c) Blank surfaces from the ground to the bottom of level 1 of the building should be constructed of either non porous materials or the surfaces treated with graffiti resistant materials to reduce opportunities for malicious damage (graffiti).
- (d) The power board should be housed within a cupboard or metal cabinet and secured with an approved electricity authority lock to restrict un-authorised tampering with the power supply.

- (e) Theft of mail poses a considerable risk particularly to large developments. With this in mind letterboxes should be located in an area with increased surveillance opportunities and be secured with quality lock sets to restrict unlawful access to mail.
- (f) The storage areas within the basement car parks should be of solid construction. The doors to these storage areas should also be of solid construction and secured with a lock set which complies with the *Australian Standard – Mechanical Locksets for doors in buildings, AS:4145:1993* <http://www.standards.org.au> to restrict unauthorised access and the National Building Code (fire regulations).

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

44. SITE WASTE AND RECYCLING MANAGEMENT PLAN

An updated Site Waste and Recycling Management Plan (SWRMP) is to be submitted to the Principal Certifying Authority for approval in accordance with Part B of Waverley DCP 2012 prior to the issue of the relevant 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.

45. 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 the relevant Construction Certificate.

46. STORMWATER MANAGEMENT

Stormwater drawings are to be submitted in accordance with the Waverley Development Control Plan 2012, Part B and the Waverley Council Water Management Technical Guidelines to the satisfaction and approval of Council's Executive Manager, Creating Waverley prior to the issue of the relevant Construction Certificate.

To accompany the drawings, certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Waverley Council Water Management Technical Guidelines.

Please note: Under the current design, the orifice diameter must be 350mm. Additionally, as a sewer main runs through the property, the plans must also be presented to a Sydney Water Quick Check Agent for their approval.

47. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

A "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) being submitted to Council for the approval of the Executive Manager- Creating Waverley prior to the issue of any Construction Certificate.

The CVPPM shall:

- (a) Show the proposed route to be taken by demolition, excavation and construction vehicles in the Waverley Council area when accessing and exiting the site.
- (b) Provide details of the largest articulated and rigid vehicles that are likely to be associated with the various stages of the development.
- (c) Include swept wheel path drawings for those vehicles in (b) above when entering and exiting the site and entering and exiting Bondi Road.
- (d) Indicate the type, size and number of trucks expected to be at the site at any one time during the various stages of development. Trucks with dog trailers and semi trailers will not be approved for use if it is considered with the information submitted that such vehicles:
 - (i) cannot adequately and safely gain access to and from the site
 - (ii) are unable to gain access to and from the site without the need to remove an unsatisfactory number of vehicles parked on public roads.
 - (iii) are likely to travel over a kerb or traffic control device or onto the footpath area.
- (e) Show the location of truck holding areas remote from the site to cater for times when trucks are unable to enter into the site on arrival or unable to access an approved works/construction zone. Trucks shall not be double parked or parked illegally in any street.
- (f) Detail 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.
- (g) Show 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 and shall only operate during the consent approved hours of construction.
- (h) Include the hours of operation of demolition/construction vehicles.
- (i) Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (j) Show how it is proposed to cater for the safe passage of pedestrians past the site. Information shall include:
 - (i) 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;
 - (ii) any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
 - (iii) the type(s) of material on which pedestrians will be required to walk;
 - (iv) the width of the pathway on the route;
 - (v) the location and type of proposed hoardings;
 - (vi) the location of existing street lighting.
- (k) Provide evidence that justifies the proposed length of the work zones and indicate the number of on street car parking spaces that will be lost to the public during the work zone's hours of operation.

48. BICYCLE PARKING

A total of 209 bicycle parking spaces are to be provided and shall be physically separated and signposted into 191 residential and 18 visitor spaces. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the car parking area. Details and locations of bicycle parking for residents and visitors shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the issue of the [relevant](#) Construction Certificate.

49. VISITOR CAR PARKING SPACES

Provision shall be made for the parking of a minimum of 45 visitor vehicles in the basement car parking area. The visitor spaces shall be signposted and linemarked to Council's satisfaction.

50. CAR SHARE SPACES

The three car share spaces on basement level B1 shall be signposted and linemarked to Council's satisfaction and not used for the storage of goods or parking of other vehicles at any time.

51. SMALL VEHICLE LOADING SPACE

The small vehicle loading space on basement level B1 shall be signposted and linemarked to Council's satisfaction and not used for the storage of goods or parking of other, non delivery related vehicles at any time.

52. SERVICE VEHICLE ACCESS

All service vehicles shall enter and exit the site in a forward direction at all times.

53. 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. In this regard, a minimum of 10% of the residential allocated parking and a minimum 10% of visitor allocated parking shall be dedicated 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.

54. 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.

55. ADAPTABLE HOUSING

Access in accordance with AS4299 - Adaptable Housing shall be provided to at least nineteen (19) units in the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

56. 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.

57. SANDSTONE WALL

The existing sandstone wall to Wellington Street shall be retained and or reinstated (ie stone salvaged and reused on site). Any replacement stone shall be of a suitable quality to match the existing and adjoining walls. The wall is to be a block work wall and not a clad wall. The wall shall be constructed using appropriate tradesmen skilled in traditional block work construction. Details of the works, including provision for storage of stone if required and grade of matching stone, shall be provided for in the relevant Construction Certificate plans to the satisfaction of the Principal Certifying Authority.

58. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

59. 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 relevant 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*.

60. ENERGY AUSTRALIA

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

61. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a bin storage point for a minimum;

Building A

- (i) 10 x 660L Mobile Garbage Bins (MGB) for general waste,
- (ii) 8 x 660L MGBs for recyclables,
- (iii) 6 x 660L MGBs for paper and cardboard,

Building B

- (i) 2 x 240L Mobile Garbage Bins (MGB) for general waste collected weekly,
- (ii) 2 x 140L MGBs for recyclables collected fortnightly,
- (iii) 2 x 140L MGBs for paper and cardboard collected fortnightly and
- (iv) Additional space is to be made available for an extra 1 x 240L MGBs for paper/cardboard and 1 x 240L MGBs for recyclables

Building C

- (i) 5 x 240L Mobile Garbage Bins (MGB) for general waste collected weekly,
- (ii) 2 x 140L MGBs for recyclables collected fortnightly,
- (iii) 3 x 140L MGBs for paper and cardboard collected fortnightly and
- (iv) Additional space is to be made available for an extra 1 x 240L MGBs for paper/cardboard and 1 x 240L MGBs for recyclables

Building D

- (i) 8 x 660L Mobile Garbage Bins (MGB) for general waste,
- (ii) 4 x 660L MGBs for recyclables,
- (iii) 2 x 660L MGBs for paper and cardboard,

Building E

- (i) 6 x 660L Mobile Garbage Bins (MGB) for general waste,
- (ii) 3 x 660L MGBs for recyclables,
- (iii) 4 x 660L MGBs for paper and cardboard

- (b) All garbage collection for the entire site shall occur wholly on-site at the waste collection point located within Building A. In this regard, waste from all buildings (including Buildings A - E and Scarba House) shall be transported to the waste collection point within Building A for pickup. No garbage collection shall occur from Wellington Street.
- (c) The waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (d) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).

- (e) A paper/cardboard MGB or crate should be situated in the waste compartment/areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.
- (f) The development must have rooms or caged areas with a minimum volume 4m³ available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.
- (g) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (h) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (i) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (j) Should a collection vehicle be required to drive onto the property to collect waste and recycling bins, the site must be designed to allow collection vehicles to enter and exit the property in a forward direction and have adequate vehicle clearance. In addition, all access roads and driveways must comply with BCA, AS and Annexure B1-3 in the Waverley Development Control Plan 2012.
- (k) All waste and recycling receptacles must be removed from the kerbside as soon as possible on the same day as the collection service.

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

62. 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.

63. ARBORICULTURE CONSULTANT

A qualified Arboricultural Consultant with a minimum Level 5 qualification (AQF) or the equivalent shall be retained for the duration of the demolition and construction of the development.

The consultant shall be engaged to ensure that tree protection measures on the site are as per detailed in Section 10 of the Development Impact Assessment Report, prepared by Earthscape

Horticultural Services, author Andrew Morton, dated May 2014 and received by Council on 25 Jun, 2014. Appendix 2 is to be complied with.

In addition, the Consulting Arborist is to identify key stages where monitoring and certification will be required as outlined in AS 4970 – 2009, Section 5. A schedule outlining these stages is to be submitted to and approved by Waverley Council's Tree Management Officer prior to the issue of the relevant Construction Certificate. A written account of the satisfactory completion of each of these stages as assessed by the consulting Arborist is to be reported to Council.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

64. 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.

65. REMEDIATION REQUIREMENTS

The following requirements apply to the remediation works required on-site:

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.
- ~~(b)~~ Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, ~~where works affecting the tree require Council approval unless prior Council approval is obtained~~
- ~~(b)~~
- (c) Remediation work shall not be undertaken on land containing an item of environmental heritage ~~where the consent of Council is required unless prior Council approval is obtained.~~
- (d) ~~If contaminated material is required to be encapsulated on site a~~ covenant ~~must be~~ registered on the title of the land giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.
- (e) ~~A~~ If a covenant is needed to be registered on the title of the land in response to the above condition, covenant being registered on the title of the land binding it must bind the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from any contaminants or for any works required by the NSW Environment Protection Authority (EPA).

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66. REMEDIATION WORKS REQUIRED

All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works. Remediation work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am and 1pm on Saturdays with no work to be carried out on Sundays or public holidays.

67. HOME BUILDING ACT

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

68. 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.

69. EXCAVATION AND BACKFILLING

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

70. EXCAVATION BELOW FOOTINGS

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

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

71. 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.

72. POTENTIAL DEWATERING OF THE SITE

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

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering to Council. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

73. TOILET FACILITIES

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

74. 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 Environment 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.

75. 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).

76. 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 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 Council and the Principal Certifying Authority immediately.

77. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five 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.

78. 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 DECC, and with the provisions of:

- (a) New South Wales Occupational Health and Safety Act, 2000;
- (b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- (c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- (d) Protection of the Environment Operations Act 1997 (NSW) and
- (e) DECC's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

79. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

80. 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".

81. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

(a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:

- (i) Landfill waste;
- (ii) Recyclable waste;
- (iii) Materials to be re-used on-site; and/or
- (iv) Excavation materials.

See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

(b) A 100% re-use of sandstone is required.

(c) All storage areas/containers are to be located within the property boundary and indicated on the site plans/drawings as part of the SWRMP.

(d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.

(e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.

(f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.

(g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.

(h) Records are to be retained on-site demonstrating lawful disposal of waste.

(i) Easy vehicular access to waste and recycling material storage areas must be provided.

(j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.

(k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

82. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

All site works complying with the occupational health and safety requirements of WorkCover NSW.

83. 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 DECC's Managing Urban Stormwater: Construction Activities. 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.

84. STOCKPILES

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

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

91. BUILDING CODE OF AUSTRALIA

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

92. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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 building:

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

The 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).

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.

93. CERTIFICATE OF SURVEY - LEVELS

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

94. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

95. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

96. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

97. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

98. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

99. SERVICE PIPES

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

100. HERITAGE ARCHITECT

The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

101. CARE TO BE TAKEN DURING CONSTRUCTION

The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building known as 'Scarba House', which is listed as a Heritage Item.

102. NEW VEHICLE CROSSINGS

New vehicle crossings shall be provided at all access points to the site. A separate application seeking approval for the crossings will be required to be submitted to Council prior to installation. The vehicle crossings shall be constructed in accordance with Council's requirements.

103. WELLINGTON STREET CROSSINGS

The driveways on Wellington Street being constructed with a distance between them to cater for the parking of not less than one B85 standard design vehicle.
The vehicle crossings on Wellington Street shall be designed and constructed to allow for a clear kerb length of 11m between the crossings to cater for the parking of two B85 standard vehicles.

104. VEHICULAR ACCESS - FINISHED LEVEL

The finished level of paving at the property boundary on the Ocean Street North and Wellington Street frontages at vehicle crossings and gates shall be finished 20mm above the back edge of the Council's existing concrete footpath.

105. OCEAN STREET NORTH DRIVEWAY

The island proposed inside the site separating ingress and egress vehicles at Ocean Street North shall be either a painted island or constructed of materials so as to be fully mountable and capable of taking wheel loadings of service vehicles.

106. MEDIAN ISLAND ON WELLINGTON STREET

A median island, limiting vehicles to left in/left out at Wellington Street shall be constructed at the applicant's expense prior to the issue of an Occupation Certificate. Details of the proposed median island shall:

- (i) Be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to installation.
- (ii) Be prepared by a suitably qualified and experienced engineering consultant.
- (iii) Include signs and linemarking in accordance with RMS standards and specifications.
- (iv) Include the location of and any changes proposed to the existing traffic calming device /speed hump and linemarking to the north of the egress driveway.

107. RAMP GRADIENT AT BUILDING “A”

The two way ramp proposed between the turntable and the garbage room and lift in the basement B1 car parking area under building “A” shall be constructed with reduced gradients in order to allow for the improved movement of heavy and bulky goods and waste material bins.

108. CONVEX MIRRORS

Convex mirrors shall be installed within the site on both sides of the egress driveway on Wellington Street to provide drivers with an improved sighting of pedestrians on the Council’s footpath area. The convex mirrors shall be maintained and be in a serviceable condition at all times.

109. SIGNAGE TO EXITS

Suitable signage shall be installed in the basement car parking areas to direct drivers to the Ocean Street North and Wellington Street exits.

110. SEDIMENT REMOVAL FROM VEHICLE WHEELS

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Soil and Water Management Plan for the site prior to the commencement of any site works or activities.

111. WORK OUTSIDE PROPERTY BOUNDARY

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

112. TREE PROTECTION MEASURES PRIOR TO ANY WORK (INCLUDING DEMOLITION)

Trees to be retained and protected (including the size of the structural root zone and the Tree Protection zone) shall be clearly shown on any construction plans, or a copy of a Tree Protection Plan for the site shall be included with the construction plans.

Tree protection measures are to be installed prior to any work (including demolition). This shall be a key stage of the development and Council’s Tree Management Officer shall be notified that this has occurred.

113. STREET TREES

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

114. TREE PLAN

All trees to be retained on the subject site and neighbouring properties are to be protected by AS 4970 – 2009 Protection of trees on development sites and by any other imposed conditions.

All trees, shrubs or vegetation on the subject or neighbouring sites identified for retention and within 7.5m of the building work are to be provided with tree protection measures as described in the Development Impact Assessment Report, prepared by Earthscape Horticultural Services, author Andrew Morton, dated May 2014 and received by Council on 25 Jun, 2014. Appendix 2 is to be complied with.

- **Trees to be retained and protected;**

The trees to be protected are as specified in the "Tree Retention and Removal Diagram Dwg no 13072-DA06".

Species	Location	Action
T 3 Lophostemon confertus	Within Site	retained and protected
T 4 Ficus macrophylla	Within Site	retained and protected
T 5 Ficus macrophylla	Within Site	retained and protected
T 6 Araucaria heterophylla	Within Site	retained and protected
T 7 Ficus macrophylla	Within Site	retained and protected
T 8 Ficus macrophylla	Within Site	retained and protected
T 9 Ficus macrophylla	Within Site	retained and protected
T 15 Ficus microcarpa var. hillii	Ocean Street North	retained and protected
T 17 Eucalyptus elata	Within Site	retained and protected
T 19 Araucaria heterophylla	Within Site	retained and protected
T 20 Populus deltoides	24 Ocean Street	retained and protected
T 27a Lagunaria patersonia	Within Site	retained and protected
T 27b Lagunaria patersonia	Within Site	retained and protected
T 36a Corymbia maculata	26-30 Ocean Street	retained and protected
T 36b Casuarina cunninghamiana	26-30 Ocean Street	retained and protected
T 37 Populus deltoides	24 Ocean Street	retained and protected
T 37a Phoenix canariensis	24 Ocean Street	retained and protected
T 38 Populus deltoides	Within Site	retained and protected
T 54 Pittosporum undulatum	22-28 Wellington Street	retained and protected
T 55 Pinus pinaster	34a Ocean Street/22-28 Wellington Street	retained and protected
T 56 Corymbia gummifera	34a Ocean Street/22-28 Wellington Street	retained and protected
T 57 Pinus pinaster	34a Ocean Street/22-28 Wellington Street	retained and protected
T 58 Pinus pinaster	34a Ocean Street/22-28 Wellington Street	retained and protected
T 59 Podocarpus elatus	34a Ocean Street/22-28 Wellington Street	retained and protected
T 60 Melaleuca quinquenervia	34a Ocean Street/22-28 Wellington Street	retained and protected
T 62 Quercus robur	32 Ocean Street	retained and protected
T 63 Ficus rubiginosa	Boundary with 32 Ocean Street	retained and protected
T 64 Quercus robur	32 Ocean Street	retained and protected
T 65 Ficus microcarpa var. hillii	Dickson Park	retained and protected
T 66 Ficus microcarpa var. hillii	Dickson Park	retained and protected
T 67 Ficus microcarpa var. hillii	Dickson Park	retained and protected
T 29 Platanus x hybrida	Within Site	retained and protected

T30 Platanus x hybrida	Within Site	retained and protected
T31 Platanus x hybrida	Within Site	retained and protected

***TPZ- Tree Protection Zone**

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above. All tree protection fencing shall comply with AS 4970 – 2009 Protection of trees on development sites.

The maintenance of this TPZ shall be maintained as per AS4970 – 2009, Section 4.6.

Established boundary fences or site boundary fences are to remain in place at all times to physically protect any existing trees or vegetation on neighbouring sites. If fences are to be removed and replaced this process shall be undertaken in the most minimal time possible.

If tree roots are exposed during this process and they are to be exposed for any more than 24 hours then a protective absorbent covering is to run the length of the exposed boundary. This covering is to be kept moist to prevent the drying out of roots.

Any backfilling material required due to excavation shall meet the requirements of AS 4419-2003 Soils for landscaping and garden use. Any backfilling material shall also be conducive to promoting root development and growth.

Soil levels are not to be changed around any trees on the subject or neighbouring properties.

No mechanical excavation shall be undertaken within the tree canopy spread (within the dripline) or within 2.0m from the middle of the trunk (whichever is greater) of any tree, shrub or vegetation that is protected under Waverley Council's Tree Preservation Order.

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If any trees or vegetation on the subject property require pruning and are covered by Waverley Council's Tree Preservation Order an Application to Prune or Remove Trees on Private Property is must be presented to Council for processing.

If any trees on neighbouring properties require pruning and are covered by Waverley Council's Tree Preservation Order then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

There are to be no underground services installed within 2.0 metres from the middle of the trunk of any trees to be planted, or 1.0 metres from the edge of any proposed garden bed.

115. TREE PROTECTION

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.
- (h) If any trees are damaged through the construction or demolition process, they must be replaced with a tree(s) of comparable size as approved by Council.

- **Trees to be removed from on site;**

In accordance with "Tree Retention and Removal Diagram Dwg no 13072-DA06":

Species	Location	Action
T 1 Lophostemon confertus	Within Site	Remove
T 2 Juniperus sp. Juniper	Within Site	Remove
T 10 Liquidambar styraciflua	Within Site	Remove
T 10a Agonis flexuosa	Within Site	Remove
T 11 Morus nigra	Within Site	Remove
T 11a Banksia integrifolia	Ocean Street North	Remove
T 12 Lophostemon confertus	Within Site	Remove
T 12a Casuarina glauca	Ocean Street North	Remove
T 13 Melaleuca styphelioides	Ocean Street North	Remove
T 13a Casuarina glauca	Ocean Street North	Remove
T 14 Lophostemon confertus	Within Site	Remove
T 16 Lophostemon confertus	Within Site	Remove
T 16a Corymbia maculata	Within Site	Remove
<u>T 17 Eucalyptus elata</u>	<u>Within Site</u>	retained and protected <u>Remove</u>
T 18 Cinnamomum camphora	Within Site	Remove
T 21 Eucalyptus botryoides	Within Site	Remove
T 21a Populus nigra 'Italica'	Within Site	Remove
T 21b Populus nigra 'Italica'	Within Site	Remove
T 22 Eucalyptus botryoides	Within Site	Remove
T 23 Eucalyptus botryoides	Within Site	Remove
T 24 Eucalyptus botryoides	Within Site	Remove
T 25 Eucalyptus botryoides	Within Site	Remove
T 25a Olea africana	Within Site	Remove
T 26 Eucalyptus botryoides	Within Site	Remove
T 27 Eucalyptus botryoides	Within Site	Remove
<u>T 27a Lagunaria patersonia</u>	<u>Within Site</u>	retained and protected <u>Remove</u>

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T 27b <u>Lagunaria patersonia</u>	<u>Within Site</u>	retained and protected Remove
T 28 Lophostemon confertus	Within Site	Remove
T 29 <u>Platanus x hybrida</u>	<u>Within Site</u>	retained and protected Remove
T30 <u>Platanus x hybrida</u>	<u>Within Site</u>	retained and protected Remove
T31 <u>Platanus x hybrida</u>	<u>Within Site</u>	retained and protected Remove
T 32 Olea africana	Within Site	Remove
T 33 Magnolia grandiflora	Within Site	Remove
T 34 Juniperus sp	Within Site	Remove
T 35 Magnolia grandiflora	Within Site	Remove
T 36 Cinnamomum camphora	Within Site	Remove
T 39 Lophostemon confertus	Within Site	Remove
T 39a Jacaranda mimosifolia	Within Site	Remove
T 39b Melaleuca leucadendra	Within Site	Remove
T 40 Juniperus sp	Within Site	Remove
T 41 Juniperus sp	Within Site	Remove
T4 2 Juniperus sp	Within Site	Remove
T 43 Juniperus sp	Within Site	Remove
T 44 Juniperus sp	Within Site	Remove
T 45 Juniperus sp	Within Site	Remove
T 46 Juniperus sp	Within Site	Remove
T 47 Juniperus sp	Within Site	Remove
T 48 Syzygium paniculatum	Within Site	Remove
T 49 Cupressus sempervirens	Within Site	Remove
T 50 Melaleuca quinquenervia	Wellington Street	Remove

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In line with Council's policy to maintain and increase tree cover in the Council area, all trees where consent has been given to remove are to be replaced with a local native tree of minimum container size of 75 litres and shall be maintained until they attain a mature height of at least five (5) metres, or whereby they will be protected by Council's Tree Preservation Order. The Landscape plan prepared by Ocean Street North, Bondi DA Landscape Report 13072-DA-LR Mirvac May 2014 satisfies the above requirement.

Any replacement tree is to be planted a minimum of 1.0 metres from any boundary, structure or underground services, and should be located in a similar location to the specimen approved for removal.

Trees shall not be tied to stakes unless support is essential. In lawn areas, grass is to be kept back for a radius of at least 450mm from stems and trunks, a depression should be formed for the collection of water and the area mulched.

Woodchip mulch is to be installed to a depth of 75-90mm to all mass planted garden areas and around the base of trees in lawn areas. The mulch should be kept at least 50mm away from plant stems to reduce the risk of collar rot.

The replacement local native trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 4.0 metres whereby they will be protected by Council's Tree Preservation Order.

If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Council's Tree Preservation Order the tree/s shall be replaced with the same species at no cost to Council.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

116. 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 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 linen plan/occupation of the development.

117. 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.

118. MEDIAN ISLAND – WELLINGTON STREET

Prior to the issuing of an Occupation Certificate, the median island/strip on Wellington Street near the vehicular entrance to the development required by Council being dedicated to Council with all costs associated being borne by the applicant.

119. REDUNDANT VEHICLE CROSSINGS

Redundant vehicle crossings/ ramps are to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense, prior to the issue of an Occupation Certificate.

120. PARKING PERMITS

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

121. WAVERLEY DIGITAL MODEL

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

- a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
 - i. a building envelope which includes all elements affecting shadow analysis;

- ii. accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
- iii. a ground level terrain showing accurate RLs extending to site boundaries.

- b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Planning and Environmental Services Department.

Notes:

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

122. CERTIFICATION OF MECHANICAL EXHAUST

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 parts 1 and 2, 2002. A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principle Certifying Authority prior to the issue of the Occupation Certificate.

123. MECHANICAL VENTILATION SYSTEMS

- (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 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
 - (i) inspection, testing and commissioning details;
 - (ii) date of inspection, testing and commissioning details;
 - (iii) the name and address of the individual who carried out the test; and
 - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

124. LANDSCAPE PLAN

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

125. TELECOMMUNICATIONS

Notification of arrangement with Telstra and/or Optus for the provision of a telephone supply to each lot is to be submitted to the satisfaction of the Principle Certifying Authority prior to the release of the Occupation Certificate.

126. ALLOCATION OF STREET NUMBER

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

- No. 30 for the site;

With each building being identified individually as follows:

- (i) Building A for the building marked A on the plan;
- (ii) Building B for the building marked B on the plan;
- (iii) Building C for the building marked C on the plan;
- (iv) Building D for the building marked D on the plan;
- (v) Building E for the building marked E on the plan;
- (vi) Building F Scarba House for the building marked Scarba House on the plan;

The street and building numbers for each premise shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street.

As the proposed development has multi level sub addresses the following shall apply when the sub addresses are numbered:

- (i) The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level.
- (ii) For clarity, a zero will be interposed in the number of the first nine sub address levels eg level 3 unit 4 =304
- (iii) Unit numbers must not be repeated throughout the complex so the building letter must prefix the unit number eg Building A unit 304 = A 304

The street, building and unit numbers are 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.

127. 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.