



## Section 96 Modification



## Report to the Sydney Central Planning Panel

Panel Reference: 2017SCL011

DA Number: DA-569/2015/A

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

#### **A. Amended/Deleted Conditions**

##### **1. APPROVED DEVELOPMENT**

The development must be in accordance with the following documents:

(a) Architectural Plans;

<b>Drawing No.</b>	<b>Drawing Title</b>	<b>Revision</b>	<b>Author of Drawing</b>	<b>Drawing date</b>	<b>Council received date</b>
DA0.100	COVER SHEET	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.101	BASEMENT 5 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.102	BASEMENT 4 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.103	BASEMENT 3 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.104	BASEMENT 2 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.105	BASEMENT 1 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.106	GROUND FLOOR PLAN	4	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.107	LEVEL 1 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.108	LEVEL 2 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.109	LEVEL 3 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.110	LEVEL 4 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.111	LEVEL 5 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.112	LEVEL 6 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.113	LEVEL 7 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016

DA1.114	LEVEL 8 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.115	LEVEL 9 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.116	LEVEL 10 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.117	LEVEL 11 PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA1.118	ROOF PLAN	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA2.010	NORTH ELEVATION	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA2.020	SOUTH ELEVATION	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA2.021	WEST ELEVATION	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA2.200	SECTION 1	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA2.201	SECTION 2	3	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA2.202	SECTION 3	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA2.500	BALCONY FACADE DETAIL	4	DARYL JACKSON ROBIN DYKE	06/09/2016	21/10/2016
DA2.501	BREEZEWAY SECTION	4	DARYL JACKSON ROBIN DYKE	06/09/2016	21/10/2016
DA2.502	EAST/WEST FACADE OF OXFORD STREET WING	4	DARYL JACKSON ROBIN DYKE	06/09/2016	21/10/2016
DA2.503	EAST/WEST FACADE OF SPRING STREET WING	4	DARYL JACKSON ROBIN DYKE	06/09/2016	21/10/2016
DA2.504	OXFORD STREET SHOPFRONT DETAIL	4	DARYL JACKSON ROBIN DYKE	06/09/2016	21/10/2016
DA8.100	AREA CALCULATIONS	5	DARYL JACKSON ROBIN DYKE	07/10/2016	21/10/2016
DA8.150	SEPP 65 STUDIES	4	DARYL JACKSON ROBIN DYKE	06/09/2016	21/10/2016
DA8.160	ADAPTABLE DWELLINGS	4	DARYL JACKSON ROBIN DYKE	06/09/2016	21/10/2016
DA9.103	3D STREET VIEWS	5	DARYL JACKSON ROBIN DYKE	06/09/2016	21/10/2016
DA9.200	SCHEDULE OF EXTERNAL FINISHES	4	DARYL JACKSON ROBIN DYKE	06/09/2016	21/10/2016
DA9.300	PHOTOMONTAGE OXFORD ST	2	DARYLE JACKSON ROBIN DYKE	12/05/2016	21/05/2016

*The following architectural plans prepared by Daryl Jackson Robin Dyke Architects and received by Council on 29 May 2017:*

Drawing No.	Drawing Title	Revision	Drawing date
DA0.100	COVER SHEET	8	06/12/2016
DA1.100	BASEMENT 6 PLAN	3	06/12/2016
DA1.101	BASEMENT 5 PLAN	7	06/12/2016
DA1.102	BASEMENT 4 PLAN	7	06/12/2016
DA1.103	BASEMENT 3 PLAN	7	06/12/2016
DA1.104	BASEMENT 2 PLAN	7	06/12/2016
DA1.105	BASEMENT 1 PLAN	8	06/12/2016
DA1.106	GROUND FLOOR PLAN	7	06/12/2016
DA1.107	LEVEL 1 PLAN	9	06/12/2016
DA1.108	LEVEL 2 PLAN	7	06/12/2016
DA1.109	LEVEL 3 PLAN	7	06/12/2016
DA1.110	LEVEL 4 PLAN	7	06/12/2016
DA1.111	LEVEL 5 PLAN	7	06/12/2016
DA1.112	LEVEL 6 PLAN	7	06/12/2016
DA1.113	LEVEL 7 PLAN	7	06/12/2016
DA1.114	LEVEL 8 PLAN	7	06/12/2016
DA1.115	LEVEL 9 PLAN	7	06/12/2016
DA1.116	LEVEL 10 PLAN	7	06/12/2016
DA1.117	LEVEL 11 PLAN	7	06/12/2016
DA1.118	LEVEL 12 PLAN	3	06/12/2016
DA1.119	LEVEL 13 PLAN	3	06/12/2016
DA1.120	ROOF PLAN	7	06/12/2016
DA2.010	NORTH ELEVATION – OXFORD STREET	7	06/12/2016
DA2.020	SOUTH ELEVATION – SPRING STREET	8	06/12/2016
DA2.021	WEST ELEVATION	7	06/12/2016
DA2.022	EAST ELEVATION	8	06/12/2016
DA2.200	SECTION 1	8	06/12/2016
DA2.201	SECTION 2	7	06/12/2016
DA2.202	SECTION 3	7	06/12/2016
DA2.500	BALCONY FACADE DETAIL	6	06/12/2016
DA2.501	BREEZEWAY SECTION	6	06/12/2016
DA2.502	EAST/WEST FACADE OF OXFORD STREET WING	6	06/12/2016
DA2.503	EAST/WEST FACADE OF SPRING STREET WING	6	06/12/2016
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DA9.103	3D STREET VIEWS	7	06/12/2016
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DA9.300	PHOTOMONTAGE OXFORD ST	3	06/12/2016
DA9.301	PHOTOMONTAGE SPRING ST	3	06/12/2016

**MODIFIED BY DA-569/2015/A**

- (b) DA Landscape report and plans Project Ref No. 2515042, Issue [B], dated May 2016, prepared by Place Design Group and received by Council on 6 June 2016;
- (c) BASIX Certificates;
- (d) ViPAC Engineers and Scientists BASIX report, dated 3 June 2016, Ref No. 20E-16-0044-TRP-398282-0 and received by Council on 6 June 2016;
- (e) ViPAC Engineers and Scientists Energy Assessment report, dated 3 June 2016, Ref No. 20E-0044-TRP-398286-1-draft and received by Council on 6 June 2016;
- (f) Class 2 Building – Individual Building Assessment Declaration, Assessment No. 286716, Assessor Don Fleming CPP41212 Cert IV NatHERS, dated 12/05/2016 and received by Council on 6 June 2016;
- (g) Class 2 Building – Assessment Declaration, Assessment No. 2867160001, Assessor Don Fleming CPP41212 Cert IV NatHERS, dated 12/05/2016 and received by Council on 6 June 2016;
- (h) Green Star Design & As Built Green House Gas Emissions Calculator received by Council on 6 June 2016;
- (i) ViPAC NCC Section J Assessment Report, dated 3 June 2016, Ref No. 20E-16-0044-TRP-398290-0 and received by Council on 6 June 2016 **and addendum to the report prepared by ViPAC Engineers and Scientists, dated 8 December 2016 and received by Council on 16 December 2016**

**MODIFIED BY DA-569/2015/A**

- (j) ViPAC Acoustic Assessment – DA Submission, dated 30 May 2016, Ref No. 20E-15-0099-DRP-455100-4 and received by Council on 6 June 2016 **and addendum to the report prepared by ViPAC Engineers and Scientists, dated 14 December 2016 and received by Council on 16 December 2016;**

**MODIFIED BY DA-569/2015/A**

- (k) ViPAC Pedestrian Level Winds – Wind Tunnel Test, dated 21 June 2016, Ref No. 30N-16-0057-TRP-398888-0 and received by Council on 22 June 2016
  - (i) **As amended by Pedestrian Levels Winds – Wind Tunnel Test, Ref No. 30N-16-0057-TRP-398888-3, prepared by ViPAC Engineers and Scientists Ltd, dated 8 December 2016 and received by Council on 16 December 2016 and addendum to the report prepared by ViPAC Engineers and Scientists Limited, dated 24 May 2017 and received by Council on 29 May 2017;**

**MODIFIED BY DA-569/2015/A**

- (l) ViPAC Wind Impact Assessment, dated 27 May 2016, Ref No. 20E-15-0101-TNT-390350-2 and received by Council on 6 June 2016 **and addendum to the report prepared by ViPAC Engineers and Scientists Limited, dated 24 May 2017 and received by Council on 29 May 2017;**

**MODIFIED BY DA-569/2015/A**

(m) Waste Management Plan, Revision F I, dated ~~12/10/2016 13 December 2016~~, prepared by Elephants Foot Recycling Solutions and received by Council on ~~17 October 2016 16 December 2016~~;

**MODIFIED BY DA-569/2015/A**

(n) High Level Building Code of Australia Review of DA Design, Revision No. 6289-REV00, dated 13.05.16, prepared by AED Group and received by Council on 13 May 2016;

(o) Geotechnical Desktop Study, Report No.E22764 GA\_Rev 1, dated 12 November 2015, prepared by Environmental Investigations Australia and received by Council on 10 December 2015

(i) *As amended by Geotechnical Investigation, Reference No. 4089-R1, prepared by Asset Geo, dated 8 December 2016 and received by Council on 16 December 2016*

**MODIFIED BY DA-569/2015/A**

(p) Preliminary Site Investigation, Report No. E22764 AA, dated 9 November 2015, prepared by Environmental Investigators Australia and received by Council on 10 December 2015;

(q) Sediment Control Plan, Drawing No H-14, Revision A, Project Number 215-1452, dated 27.11.2015, prepared by Green Arrow and received by Council on 10 December 2015; and

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

(s) *Design Verification Statement prepared by Daryl Jackson Robin Dyke Architects, dated 5 December 2016 and received by Council on 16 December 2016.*

**ADDED BY DA-569/2015/A**

Except where amended by the following conditions of consent.

## **59. WASTE STORAGE AREAS**

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

**Residential**

- 335x 240L or 123 x 660L Mobile Garbage Bins (MGBs) for general waste,
- 13 x 240L or 56 x 660L MGBs for recyclables, and
- 13 x 240L or 5 x 660L MGBs for paper and cardboard.

**Commercial**

- As per the submitted Waste Management Plan
- Space will need to be available to accommodate the additional waste and recycling needs of commercial premises.

(b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.

(c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).

- (d) MGBs or crates for paper/cardboard and recyclables 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.
- (e) The development must have rooms or caged areas with a minimum volume 4m<sup>3</sup> available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.
- (f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (g) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (h) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (i) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (j) 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.
- (k) 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.
- (l) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (m) All waste and recycling receptacles are to be collected onsite. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.
- (n) 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.

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

**MODIFIED BY DA-569/2015/A**

**B. New Conditions**

**26A. PLANNING AGREEMENT**

- (a) The applicant to:
  - (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in (the Development Application number); and
  - (ii) Pay a monetary contribution amount of **\$2,844,438** prior to the issue of any Occupation certificate for the Development

- (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
  - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
  - (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
    - In a form acceptable to Council and from an institution acceptable to Council
    - Irrevocable
    - Unconditional
    - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

***ADDED BY DA-569/2015/A***

**All other conditions in Development Consent DA-569/2015 dated 23 November 2016 remain unchanged and are reaffirmed.**

## **APPENDIX B – FULL SET OF CONDITIONS**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with the following documents:

(a) The following architectural plans prepared by Daryl Jackson Robin Dyke Architects and received by Council on 29 May 2017:

<b>Drawing No.</b>	<b>Drawing Title</b>	<b>Revision</b>	<b>Drawing date</b>
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- (e) ViPAC Engineers and Scientists Energy Assessment report, dated 3 June 2016, Ref No. 20E-0044-TRP-398286-1-draft and received by Council on 6 June 2016;
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- (j) ViPAC Acoustic Assessment – DA Submission, dated 30 May 2016, Ref No. 20E-15-0099-DRP-455100-4 and received by Council on 6 June 2016 and addendum to the report prepared by ViPAC Engineers and Scientists, dated 14 December 2016 and received by Council on 16 December 2016;

**MODIFIED BY DA-569/2015/A**

- (k) ViPAC Pedestrian Level Winds – Wind Tunnel Test, dated 21 June 2016, Ref No. 30N-16-0057-TRP-398888-0 and received by Council on 22 June 2016
  - (i) As amended by Pedestrian Levels Winds – Wind Tunnel Test, Ref No. 30N-16-0057-TRP-398888-3, prepared by ViPAC Engineers and Scientists Ltd, dated 8 December 2016 and received by Council on 16 December 2016 and addendum to the report prepared by ViPAC Engineers and Scientists Limited, dated 24 May 2017 and received by Council on 29 May 2017;

**MODIFIED BY DA-569/2015/A**

- (l) ViPAC Wind Impact Assessment, dated 27 May 2016, Ref No. 20E-15-0101-TNT-390350-2 and received by Council on 6 June 2016 and addendum to the report prepared by ViPAC Engineers and Scientists Limited, dated 24 May 2017 and received by Council on 29 May 2017;

**MODIFIED BY DA-569/2015/A**

- (m) Waste Management Plan, Revision I, dated 13 December 2016, prepared by Elephants Foot Recycling Solutions and received by Council on 16 December 2016;

**MODIFIED BY DA-569/2015/A**

- (n) High Level Building Code of Australia Review of DA Design, Revision No. 6289-REV00, dated 13.05.16, prepared by AED Group and received by Council on 13 May 2016;

- (o) Geotechnical Desktop Study, Report No.E22764 GA\_Rev 1, dated 12 November 2015, prepared by Environmental Investigations Australia and received by Council on 10 December 2015

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

- (s) Design Verification Statement prepared by Daryl Jackson Robin Dyke Architects, dated 5 December 2016 and received by Council on 16 December 2016.

**ADDED BY DA-569/2015/A**

Except where amended by the following conditions of consent.

## **2. GENERAL MODIFICATIONS – BUILDING DESIGN AND FAÇADE DETAILS**

The proposal shall be amended as follows:

- (a) The Oxford and Spring Streets 2 storey podium requires amendments to improve the overall relationship with the proposed building and the historic Oxford Street character. The 2 storey Oxford Street podium must present as strong building form that is easily distinguished from the 4 storey podium above.
- (b) The proposed facade treatments are suitably articulated however the colours and materials are only generically described. Actual materials and colour samples must be detailed on all relevant plans and elevations.

The amendments shall be submitted to the approval of Council's SEPP 65 Design Review Panel and the appropriate referral fees paid. Following the review of the proposal by the SEPP 65 Design Review Panel satisfaction and signoff for this condition will be determined by the Executive Manager of Building Waverley.

### **3. REDEVELOPMENT OF NO. 32 SPRING STREET ACCESS COVERNANT**

To facilitate the eventual redevelopment of No 32 Spring Street, a covenant is to be imposed upon the property to allow access to the rear of No 32 Spring Street via the public arcade between Oxford and Spring Streets.

### **4. BICYCLE PARKING**

Provision shall be made within the site for the parking of resident and resident visitor bicycles with the design being in accordance with AS 2890.3: 1993- Parking Facilities- Bicycle Parking Facilities.

The quantum of bicycle parking shall be provided as follows:

No. of Resident Bicycles: **86**

No. of resident visitor Bicycles: **9**

No. of Commercial/retail Bicycle: **6**

Prior to the issue of the Construction Certificate, details of the required bicycle parking facilities and their location in the basement areas shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

**Note:** Complying with the bicycle parking requirements may result in a reduction to the amount of car parking provided within the basement levels. In the event car parking is reduced to comply with the bicycle parking requirements only a reduction to the number of residential car parking spaces will be supported.

### **5. CAR PARKING, CARWASH AND CAR SHARE**

The allocation of car parking spaces within the basement levels of the building are to be amended to comply with the following requirements:

- (a) Residential visitor car parking spaces are to be increased to 17 spaces.
- (b) Two (2) resident visitor parking spaces shall be allocated as visitor/car wash bays.
- (c) One (1) car share parking spaces is to be allocated within the basement level 1 of the building. The car share parking spaces is to be allocated to allow public access to the space.

Prior to the issue of the Construction Certificate, the basement level plans are to be amended to comply with the above requirements. The amended plans are to be submitted to Council for the approval of the Executive Manager, Creating Waverley.

**Note:** Complying with this condition may result in a reduction to the amount of car parking provided within the basement levels. In the event car parking is reduced only a reduction to the number of residential car parking spaces will be supported.

## **6. RESIDENTIAL STORAGE FACILITIES**

The residential storage facilities (cages or rooms) within the basement levels are to be amended and increased to comply with the Design Criteria in 4G Storage of the Apartment Design Guide and outlined below:

- 1 bedroom apartments: 6m<sup>2</sup> of storage
- 2 bedroom apartments: 8m of storage
- 3 bedroom apartments 10m<sup>2</sup> of storage

**Note:** Complying with the residential storage requirements outlined above may result in a reduction to the amount of car parking provided within the basement levels. In the event car parking only a reduction to the number of residential car parking spaces will be supported. In addition storage cages/boxes over car bonnets will not be supported.

## **7. AMENDED STORMWATER PLANS REQUIRED**

The submitted stormwater plans prepared by Green arrow Hydraulics PTY LTD, project number 215-1452, drawing no H-01 to H14, dated 26 November 2015, have been checked and considered not satisfactory with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual with respect to:

- An engineering design of the proposed stormwater lines is required including a Hydraulic Grade Line (HGL) analysis of pipes from boundary control pit to existing Council's Stormwater Drainage pit via new proposed kerb inlet pit. The long section information to include existing services crossing, existing surface levels, pipe invert and obvert levels etc.
- The location, depth, invert levels and diameter of the existing council stormwater line details are required.
- A plan for reinstatement work of the road and Kerb & Gutter is required as per council standard drawings R1 & D8 is required (drawing available on request).
- Details of backfilling and road restoration works is required as per Waverley Council's Standard Drawing D7 (drawing available on request).
- Contractor to apply for relevant Footpath and Road Opening Permit prior to commencement of drainage works.
- Checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required

**Note:** Since a sewer and water main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

## **8. BOUNDARY WINDOWS AND OPENINGS**

**All side boundary openings are to be fixed and translucent glazing.**

All windows adjacent to the sites east and west side boundaries must be sealed, covered or otherwise enclosed, prior to the construction of any building immediately abutting, adjoining or adjacent to such windows. The owner and future owner(s) are to acknowledge that these

windows are approved on the basis that the future development of adjoining sites may fully or partially obscure these windows. A covenant to the approval of Council is to be placed on the title of the property to this effect and acknowledging the basis potential enclosure of these windows, and must note that there is no reliance on solar access or ventilation, nor a right to a view, from these openings,. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate for any work above the Oxford Street level under the Environmental Planning and Assessment Act 1979.

## **9. REFLECTIVITY REPORT**

In accordance with Part E1 - Clause 1.23, a reflectivity report is to be submitted to which addresses the following controls;

- (a) To minimise potential impact on pedestrians and occupants of neighbouring buildings all panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%. Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%
- (b) Reflected solar glare on drivers should not exceed 500 candelas / m<sup>2</sup> . A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).

The reflectivity report is to be submitted to Council for approval prior to the issue of a Construction Certificate.

## **10. COMPLIANCE WITH ENERGY ASSESSMENT – SUSTAINABLE WAVERLEY**

The review concluded that compliance with the Energy Assessment can be achieved. The predicted energy consumption reduction is estimated to meet the desired 30% greenhouse gas emissions reduction. Key considerations that need to be addressed prior to Construction Certificate stage include:

- (a) Supporting evidence is based on idealised modelling of likely energy consumption and GHG emissions using the BASIX system for the majority of the proposed new build developed floor area.
- (b) Quoted GHG emissions improvement is exactly 30%. Any deviation in assumed design principles may impact the final As-Built product achieving the required reductions.
- (c) The report appears to be very generic in nature, reference a lot of good practice principles, but project DA supporting documentation is too immature to demonstrate referenced principles are included in the design.
- (d) Mechanical/Electrical and architectural documentation is to include the specific energy efficiency inputs identified in the Energy Assessment report.
- (e) Resubmission of the Energy Assessment Report with the updated specific design, material and equipment efficiencies as per the Mechanical/Electrical and architectural documentation.

The above information is to be provided to the relevant Council Officer within the Green Infrastructure of the Sustainable Waverley Program for consideration and approval prior to the issue of a Construction Certificate.

## **11. 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.

**12. 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.

**13. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT**

The use, fit-out, signage or proposed hours of operation for the pub, retail or commercial/office area has not been proposed in this application, therefore these elements require the separate approval from Council, unless deemed Exempt Development under the SEPP (Exempt and Complying Development) 2008.

**14. 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.

**15. SIGNAGE**

The following shall apply to any future signage for the site;

- (a) All external signage to the terraced shops is to closely follow the locations and style of Federation precedents.
- (b) The use of flashing lights, flashing illuminated signs and the like is prohibited.
- (c) No advertising signs or notices are to be affixed to the windows of the premises.
- (a) Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.
- (b) Signage is to be erected/supported in a secure manner for safety purposes;
- (c) Signage, must not be installed in a manner which would cause irreversible damage to the building; and,
- (d) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

**16. ROLLER SHUTTERS**

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

Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

**17. KITCHEN EXHAUST SYSTEM FOR FOOD PREMISES**

This approval does not permit cooking to be undertaken on the premises. Any proposal to utilise cooking equipment/appliances will be subject to a separate development application to Council and if approved will require an air handling system designed in accordance with AS 1668.1-1998 and AS 1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

**18. 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 a Construction Certificate.

**19. DELIVERY OF GOODS**

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

**20. 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.

**21. REFRIGERATION UNITS & MECHANICAL PLANT**

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

**22. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION**

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

- (a) 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.

## **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. USE OF COMMON PROPERTY**

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

## **25. THROUGH-SITE ARCADE**

The following requirements apply to the through-site link:-

- (a) The purpose of the link shall be public pedestrian access through the site during day light hours. The link shall be accessible to the public at least between the hours of **7.00am to 10.00pm**, seven days and at all times the retail premises are permitted to operate.
- (b) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to each entry.
- (c) Any future strata plan for the site shall be modified to identify a right of carriageway in respect to (a) prior to the issue of an Occupation Certificate or Subdivision Certificate for the development.
- (d) The link is to be maintained in a clean and safe condition by the Body Corporate of the building at all times.
- (e) The link shall be designed so as to allow for fire egress from the building in accordance with the provision of the Building Code of Australia.
- (f) Closure of the link to the public, other than allowed for by (a), requires Council's consent.
- (g) Dedicated areas for outdoor seating or the like within the through site link shall not be indicated on any future subdivision plan. Any proposal to utilise the through site link for outdoor seating shall be subject to development applications being submitted individually for the various commercial/retail tenancies.

- (h) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.
- (i) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

## B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### 26. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from:  
[www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

#### Advisory Note

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

### 26A. PLANNING AGREEMENT

- (a) The applicant to:
  - (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in (the Development Application number); and
  - (ii) Pay a monetary contribution amount of **\$2,844,438** prior to the issue of any Occupation certificate for the Development

(iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.

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

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
- (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
  - In a form acceptable to Council and from an institution acceptable to Council
  - Irrevocable
  - Unconditional
  - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

**ADDED BY DA-569/2015/A**

## **27. SECURITY DEPOSIT**

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

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

## **28. 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.

## **29. LOSS OF CAR SPACE CONTRIBUTION**

The construction of the vehicle crossing results in the loss of metered car parking space/s. The applicant/owner is to compensate Council for the loss of this space in accordance with Council's Plan of Management. A contribution of **\$39,000** is to be paid prior to the issue of the Construction Certificate.

## **30. MODIFYING PARKING SPACE CONTRIBUTION**

The construction of the vehicle crossing requires the modification to existing parking meter spaces. The applicant/owner is to compensate Council for the cost of modifying the parking meters and its infrastructure in accordance with Council's Plan of Management. A contribution of **\$3,000** is to be paid prior to the issue of the Construction Certificate.

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

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

- (a) A Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) A Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

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

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

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

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

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

- (a) Inspection, testing and commissioning details;
- (b) Date of inspection, testing and commissioning;

- (c) The name and address of the individual who carried out the test; and
- (d) A statement that the service has been designed, installed and is capable of operating to the above standard.

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

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

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

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

### **34. 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 (part 1, 1998 and part 2, 2012). 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.

### **35. EXTERNAL FINISHES**

A detailed schedule of external finishes shall be submitted for Council's consideration and approval prior to the issue of the Construction Certificate. The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. Where specified, the schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

### **36. PUBLIC ART**

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

Details to be provided to the satisfaction of Waverley Council prior to the issue of a Construction Certificate for the development.

**37. SERVICE AUTHORITIES**

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

**38. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES**

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system.

**39. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION**

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

In accordance with clause 143a of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

**40. HOARDING REQUIRED**

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

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

**41. GEOTECHNICAL ENGINEERS REPORT**

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

**42. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

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

#### **43. UNDERGROUND ANCHORS**

Any underground anchors required for structural support into adjoining properties would require appropriate owners consent from all affected parties. Subsequently, evidence of the registration of easement is required for the anchors proposed to support the basement retaining wall prior to the issue of a Construction Certificate is required.

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

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

The builder and all subcontractors shall comply with the approved SWRMP at all times during demolition and construction. At least one copy of the SWRMP is to be available on site at all times during demolition and 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 a Construction Certificate.

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

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

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

- (a) The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- (b) The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
  - Such vehicles cannot adequately and safely gain access to and from the site or

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

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

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

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

**48. BASIX**

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and can not be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

**49. USE OF RENEWABLE TIMBERS**

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

**50. 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.

**51. 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.

**52. 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.

**53. ACCESSIBLE CAR SPACE**

Car spaces for the vehicles of people with disabilities shall be provided in accordance with the approved architectural drawings specified in condition 1.

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 Construction Certificate.

**54. LANDSCAPED SLABS**

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

**55. ACCESS**

The development shall be provided with access and facilities for people with disabilities in accordance with AS1428.1-2009 Design for Access and Mobility Part 1: General Requirements for Access. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Access to and within retail and commercial tenancies and associated common areas must comply with the requirements of Part D3 of the BCA and AS 1428.1. Details verifying compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate.

**56. ACCESS TO MAIN ENTRY**

Access in accordance with AS1428.1 shall be provided to and within the main entrance and exit points of the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**57. ADAPTABLE HOUSING**

10% of all residential apartments are to be Adaptable apartments are to be provided within the development, those nominated on the approved architectural drawing. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

## **58. 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 AS1428.1.

## **59. WASTE STORAGE AREAS**

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

**Residential**

- 35 x 240L or 13 x 660L Mobile Garbage Bins (MGBs) for general waste,
- 13 x 240L or 6 x 660L MGBs for recyclables, and
- 13 x 240L or 5 x 660L MGBs for paper and cardboard.

**Commercial**

- As per the submitted Waste Management Plan
- Space will need to be available to accommodate the additional waste and recycling needs of commercial premises.

(b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.

(c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).

(d) MGBs or crates for paper/cardboard and recyclables 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.

(e) The development must have rooms or caged areas with a minimum volume 4m<sup>3</sup> available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.

(f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.

(g) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.

(h) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.

(i) All new developments are to provide adequate storage for waste to accommodate future change of uses.

(j) 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.

(k) 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.

(l) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

- (m) All waste and recycling receptacles are to be collected onsite. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.
- (n) 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.

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

***MODIFIED BY DA-569/2015/A***

**60. AWNINGS OVER THE PUBLIC DOMAIN**

The Construction Certificate drawings are to demonstrate that the awnings over handing from public domain/footpath are a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.

**61. REFRIGERATION UNITS & MECHANICAL PLANT**

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

**62. INSTALLATION OF AIR CONDITIONING**

Air conditioning unit(s) installed within the building shall:

- (a) Be located inside approved plant rooms.
- (b) 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.
- (c) 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).

**63. LOCATION OF GREASE TRAP**

The grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room must have a piped connection to the boundary so that it can be emptied. The location of the grease trap is to be considered and included in the construction certificate drawings for the development.

**Note:** Sydney Water also have requirements for grease arrestors that you need to comply with.

#### **64. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES**

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

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

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

### **65. 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.

### **66. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

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

### **67. TOILET FACILITIES**

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

### **68. NO USE OF ORGANOCHLORIN PESTICIDES**

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

### **69. DILAPIDATION REPORTS**

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'.

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.'

## **70. 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).

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

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

and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

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

## **72. DEMOLITION & SITE PREPARATION**

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

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

## **73. DEMOLITION REQUIREMENTS**

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

## **74. 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](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://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.

## **75. 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.

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

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

## **77. CONFIRMATION THAT SITE IS SUITABLE FOR PROPOSED USE**

Following demolition activities the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. The soil investigation being carried out in accordance with the NSW Environment Protection Authority (EPA) "Guidelines for Consultants Reporting on Contaminated Sites".

The findings are to be submitted to Council **prior to the issue of the construction certificate.**

**78. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

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.

**79. GROUND WATER SAMPLING**

Once demolition of the existing building has been completed a ground water investigation shall be undertaken by a suitably qualified person with a report to be submitted to Council with the findings.

**80. 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, DPI Office of Water throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

**81. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

**82. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

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

**83. FOOTPATH PROTECTION**

The footpaths in front of the site must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to be installed prior to the commencement of any works on the site.

**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. 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.

**87. 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.

**88. CONSTRUCTION HOURS**

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays

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

**89. 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.

**90. BUILDING CODE OF AUSTRALIA**

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

**91. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS**

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2 building:

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

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

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

The following additional inspections are required to be undertaken by the PCA:

- (a) Sediment control measures prior to the commencement of building work;
- (b) Foundation material prior to undertaking building work;
- (c) Shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) Steel reinforcement, prior to pouring concrete;

- (e) Prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and

**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.

## **92. 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 2012). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
  - (i) Inspection, testing and commissioning details;
  - (ii) Date of inspection, testing and commissioning details;
  - (iii) The name and address of the individual who carried out the test; and
  - (iv) A statement that the service has been designed, installed and is capable of operating to the above standard.

## **93. CONTROL OF LEGIONNAIRES DISEASE**

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

## **94. 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.

## **95. 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.

**96. IN-SINK WASTE DISPOSAL SYSTEMS**

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

**97. 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.

**98. 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.

**99. 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.

**100. EXCAVATION TO BE MANAGED BY STRUCTURAL AND GEOTECHNICAL ENGINEER**

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

**101. SERVICE PIPES**

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building.

**102. FIRE SAFETY - EXITS**

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

**103. FIRE SAFETY MAINTENANCE**

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

**104. SANITARY FACILITIES – COMMERCIAL/RETAIL SHOPS AND TENNACIES**

Adequate provision for sanitary facilities in accordance with Part F of the Building Code of Australia must be made for the future use of commercial tenancies. Where adequate sanitary facilities are not provided, future uses may not be approved.

**105. TREE PROTECTION**

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

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

**106. ADJUSTMENTS TO STREET SIGNS AND PARKING METERS**

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

**107. SPEED HUMP ON ACCESS RAMP**

A speed hump shall be installed at the applicant's expense in the vicinity of the Denison Street property boundary on the exit lane of the access ramp.

**108. CONVEX MIRROR**

A convex mirror shall be installed inside the site at the car park entry/exit ramp for exiting drivers to have improved sighting of pedestrians westbound on the Spring Street footpath.

**109. SPRING STREET FRONTAGE- FINISHED LEVELS**

Paving within the site on the Spring Street frontage at pedestrian access points shall be finished level with the Council's footpath.

**110. OXFORD STREET FRONTAGE - FINISHED LEVELS**

Paving within the site on the Oxford Street frontage at pedestrian access points shall be finished level with the Council's footpath.

**111. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided to access the proposed **basement garage**. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

**112. VEHICLE CROSSING WORKS**

All work associated with the vehicle crossing works are to be carried out with the approval of, and in accordance with, the requirements of Council. A separate application is required for the vehicle crossing works.

**113. MARKING OF PARKING SPACES**

The resident, resident visitor, retail and disabled parking spaces being clearly marked, numbered and signposted to Council's satisfaction.

**114. DISABLED CARPARKING**

All disabled car parking spaces are to be provided in accordance with Australian Standards AS2890.6:2009 Off-street parking for people with disabilities.

**115. SERVICE VEHICLES DIMENSIONS**

Vehicles, other than waste collection vehicles, servicing any approved use in the retail /commercial components of the development shall be no larger than a small rigid vehicle (SRV) as described in AS2890.2 Part 2: Off-street Commercial Vehicle Facilities.

## D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

### 116. FINAL OCCUPATION CERTIFICATE

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

### 117. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website [www.sydneywater.com.au\customer\urban\index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.**

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

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

### 118. 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.

### 119. NOISE ATTENUATION CERTIFICATE

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

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

### 120. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in Section 5 of the acoustic report prepared by **Vipac Engineers 20E-15-0099DRP-455100-4** dated **30 May 2016** shall be implemented

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

## **121. NOISE – PLANT AND EQUIPMENT**

A Certificate is to be submitted to Council 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 including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

## **122. PLANT**

All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system being capable of being operated in accordance with the requirements of The Protection of the Environment Operations Act 1997 (POEO Act) and The Protection of the Environment Operations (Noise Control) Regulation 2000 (Noise Control Regulation). In this regard, details of the proposed mechanical exhaust ventilation system within the food preparation area to be submitted to and approved by Council or an Accredited Certifier prior to occupation.

## **123. 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 (part 1 and part 2, 2012). 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 Principal Certifying Authority prior to the issue of the Occupation Certificate.

## **124. STORMWATER**

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

## **125. STRATA SUBDIVISION**

Consent is required for strata subdivision of the development.

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

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

## **126. 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 Subdivision Certificate.

**127. FOOTPATH UPGRADE**

The footpaths, kerb and gutter surrounding the site are to be upgraded at the applicant's expense in accordance with Council's "Public Domain Technical Manual" prior to the issue of any Occupation Certificate.

Details of the design of the planting, planter boxes and selection of species is in accordance with Council's Public Domain Technical Manual and is to be reviewed by Council's Project Manager, Bondi Junction.

A detailed plan of the works required on Council's road reserve/footpath area are to be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to those works commencing.

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

**128. PUBLIC DOMAIN WORKS COMPLETED**

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

**129. 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.

**130. WASTE AND RECYCLING STORAGE AND COLLECTION - USE**

- (a) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (b) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- (c) Should any of the commercial premises be utilised as a food premises a separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, bunded and drained to a grease trap.
- (d) Should any of the commercial premises be utilised as a food premises, liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (e) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (f) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (g) 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.
- (h) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

The above matters are to be detailed and submitted to the satisfaction of the Principal Certifying Authority prior to the occupation of the development.

**131. UNDERAWNING LIGHTS**

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

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

**132. BONDI JUNCTION FSR AND MAPPING MODEL**

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

- (i) DP/Lot/Strata Plan,
- (ii) Address,
- (iii) Building footprint (m<sup>2</sup>)

- (iv) Gross Floor area (m<sup>2</sup>)
- (v) Total residential floorspace (m<sup>2</sup>)
- (vi) Total office space (m<sup>2</sup>)
- (vii) Total retail space (m<sup>2</sup>)
- (viii) Total no. of levels (m<sup>2</sup>)
- (ix) No. levels above ground
- (x) No. levels below ground
- (xi) No. of residential levels
- (xii) No. of dwellings
- (xiii) No. of commercial levels
- (xiv) No. of parking spaces
- (xv) Parking location (above or below ground)
- (xvi) Ground floor use (commercial, retail or residential)

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

### **133. 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.

### **134. LANDSCAPE CONSULTANT**

A qualified Landscape and/or Arboricultural Consultant shall be retained for the duration of the construction of the development. The Consultant shall submit to the Principal Certifying Authority a Certificate of Practical Completion stating the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. The Certificate shall be lodged upon satisfactory completion of the landscaping works and prior to the issue of the Occupation Certificate.

### **135. ALLOCATION OF STREET NUMBER**

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

- No. 109 Oxford Street for the building (primary premises);
- No. 36 Spring Street for the building (alternative primary premises);

The premises numbers for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts Oxford Street and the Secondary frontage Spring Street.

- As the redevelopment has multi level sub-addressing the following sub-addressing will apply;
  - All sub-premises numbers must be unique,
  - The floor/level number will represent the first number of the sub address and the last two digits in the sub-address shall be unique on each level,
  - For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,

- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
- Commercial premises will be identified with an address identifier ie Shop 101, Office 102 ,

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

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

**136. SLIP TESTS OF COMMON AREAS**

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

**137. TACTILE NUMBER IN LIFT**

The applicant is advised that with regard to the provision of the lift in the building, it will be necessary for tactile numbers to be placed on each level of the building and within the lift to assist visually impaired people.

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

### **138. DELIVERY OF GOODS**

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. As required by the condition above, the loading vehicles are to utilise the approved retail spaces on the ground floor. The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose.

### **139. ROLLER SHUTTERS**

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

Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

### **140. HOURS OF OPERATION OF COMMUNAL OPEN SPACE OF THE DEVELOPMENT**

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

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

### **141. 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.

## **142. NOISE EMISSIONS**

- (a) No sound reproduction device nor any forms of entertainment (or general noise) within the premises are to exceed a noise level of 5dBA above background noise levels measured from any public place or other parts of the premises or adjoining premises. The background noise level must be measured in absence of noise emitted from the use in accordance with AS 1055.
- (b) No sound reproduction device shall be installed external to the building, but rather shall be confined to internal areas of the subject premises only. Such devices must not be placed so as to direct the sound towards the outdoor areas associated with the premises.
- (c) Sound reproduction devices (including music live or otherwise) shall be restricted to between 9am and 10pm, Monday to Saturday and from 9am to 9.30pm Sundays due to residential premises being located above and nearby.
- (d) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver (any place of different occupancy)

## **143. 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, 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.

## **144. DISPLAY OF WASTE MANAGEMENT PLAN**

The occupant/individual owner/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

## **145. FIRE SAFETY MAINTENANCE**

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

## **146. 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) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) 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.

- (f) All external area lights and car parks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

#### **147. NOISE COMPLAINTS**

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Safe Waverley sub-program within 60 days of written request. The investigation shall include, but not be limited to:

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