

SUGGESTED AMENDMENTS TO CONDITIONS

No.	Draft Condition	Proposed Condition Wording	Justification
DCC	<p>APPENDIX A: DEFERRED COMMENCMENT MATTERS:</p> <p>The consent is not to operate until the applicant satisfies the Council's Executive Manager, Health and Compliance, within 12 months of the date of this consent, that:</p> <p>To satisfy the requirements of SEPP 55 Remediation of Contaminated Land, the following is to be provided to Council;</p> <ol style="list-style-type: none">1. A site Audit statement prepared by an accredited NSW EPA auditor clearly stating that the site is/or will be suitable for the intended use OR;2. A letter/interim advice from an accredited NSW EPA Auditor stating that the RAP is practical and will result in the site being made suitable for the intended use. <p>Upon satisfying the consent authority as to the matters in Attachment A, the following conditions in Appendix B will apply.</p>	<p>APPENDIX A: DEFERRED COMMENCMENT MATTERS:</p> <p>The consent is not to operate until the applicant satisfies the Council's Executive Manager, Health and Compliance, within 12 months of the date of this consent, that:</p> <p>To satisfy the requirements of SEPP 55 Remediation of Contaminated Land, the following is to be provided to Council;</p> <ol style="list-style-type: none">1. A site Audit statement prepared by an accredited NSW EPA auditor clearly stating that the site is/or will be suitable for the intended use OR;2. A letter/interim advice from an accredited NSW EPA Auditor stating that the RAP is practical and will result in the site being made suitable for the intended use. <p>Upon satisfying the consent authority as to the matters in Attachment A, the following conditions in Appendix B will apply.</p>	<p>Delete deferred commencement condition entirely.</p> <p>A revised contamination assessment was submitted on 14 Dec 2017 as per the Panel request that included evidence that demonstrates that the site can be made suitable for the proposed use.</p> <p>Council is now seeking new information in the form of a RAP and site auditor review and deferring commencement until satisfied.</p> <p>As noted earlier, the proponent submits a site-specific RAP from Douglas Partners and letter from Marc Salmon of Easterly Point Environmental being an accredited NSW EPA Auditor, stating that the RAP is practical and will result in the site being made suitable for the intended use.</p> <p>Therefore option 2 of this proposed condition is satisfied. There is no reason to unnecessarily defer the commencement of the consent further.</p> <p>Operational consent to be issued.</p>
1	<p>1. APPROVED DEVELOPMENT</p> <p>The development must be in accordance with:</p> <p>Architectural Plans prepared by UP Architects and Kann Finch, received by Council on 14 December 2017;</p> <p>(a)...</p> <p>(b)...</p> <p>(c)...</p> <p>(d)...</p> <p>(e)</p>	<p>1. APPROVED DEVELOPMENT</p> <p>The development must be in accordance with:</p> <p>Architectural Plans prepared by UP Architects and Kann Finch, received by Council on 14 December 2017;</p> <p>(a)...</p> <p>(b)...</p> <p>(c)...</p> <p>(d)...</p> <p>(e)</p> <p><u>(f) The Accessibility Report prepared by Accessible Building Solutions, Issue A, dated 14 December 2017.</u></p>	<p>To assist with the issuing and implementation of any Construction Certificate, it is requested that the accessibility report is also referenced in condition 1.</p>

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5	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(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</p> <p>(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</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>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.</p>	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(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</p> <p>(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</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>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.</p>	<p>To allow demolition of existing buildings to implement protocols of the RAP prior to excavation.</p>
9	<p>SERVICE VEHICLE ACCESS TO THE SITE</p> <p>The head clearances at the basement entry/exit and within the loading bay shall comply with the relevant Australian Standards for a medium rigid vehicle.</p> <p>This will allow for the removal of residential waste and recyclables from within the site via Council's waste collection vehicles, as well as removalist trucks. In this regard, provision shall be made for waste collection vehicles to enter and exit the site in a forward direction at all times.</p> <p>Details of how this is proposed to cater for the required waste collection vehicle movements shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the release of any Construction Certificate.</p>	<p>SERVICE VEHICLE ACCESS TO THE SITE</p> <p>The head clearances at the basement entry/exit and within the loading bay shall comply with the relevant Australian Standards for a medium small rigid vehicle.</p> <p>This will allow for the removal of residential waste and recyclables from within the site via Council's private waste collection vehicles, as well as removalist trucks. In this regard, provision shall be made for waste collection vehicles small rigid vehicle to enter and exit the site in a forward direction at all times.</p> <p>Details of how this is proposed to cater for the required waste collection small rigid vehicle movements shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the release of any the Principal Certifying Authority with the plans for the relevant Construction Certificate.</p>	<p>As mentioned earlier in this correspondence, there is no requirement in the WDCP 2012 or WLEP 2012 for onsite waste collection, for collection by a Council vehicle, or to accommodate a medium rigid removalist vehicle on site.</p> <p>The proponent is proposing a private contractor, with a SRV, to collect waste from within the site. The site can accommodate such a vehicle, and this is a better operational outcome compared to larger vehicles entering the laneway. Similarly, a small rigid removalist vehicle would also be able to enter the site.</p>

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10	<p>ARCHITECTURAL DETAILING</p> <p>Prior to the issue of any Construction Certificate for works above existing ground level, further details are required to be submitted and reviewed by the Waverley Design Excellence Panel which address the following matters:</p> <p>(a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace.</p> <p>(b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.</p> <p>(c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.</p> <p>These details are to be submitted for the review of Council's Design Excellence Panel with a referral fee to be paid at the time of lodgement. Please contact Council's Duty Planner for a fee quote prior to submission. The Landscape Plan is also to be referred to the Panel for consolidated review.</p> <p>Council's Executive Manager, Building Waverley is to approve the above details prior to the issue of a Construction Certificate for works above existing ground level under the Environmental Planning and Assessment Act 1979</p>	<p>ARCHITECTURAL DETAILING</p> <p>Prior to the issue of any the relevant Construction Certificate for works above existing ground level to Oxford Street, further details are required to be submitted and reviewed by Council the Waverley Design Excellence Panel which address the following matters:</p> <p>(a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace.</p> <p>(b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.</p> <p>(c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.</p> <p>These details are to be submitted to the satisfaction of Council for the review of Council's Design Excellence Panel with a referral fee to be paid at the time of lodgment. Please contact Council's Duty Planner for a fee quote prior to submission. The Landscape Plan is also to be referred to the Panel for consolidated review.</p> <p>Council's Executive Manager, Building Waverley Council is to approve the above details prior to the issue of a the relevant Construction Certificate for works above existing ground level to Oxford Street under the Environmental Planning and Assessment Act 1979</p>	<p>Throughout the proposed consent drafting, certain conditions restrict works progressing 'above existing ground level' or 'above existing ground level to Grafton Lane'.</p> <p>Because of the sloping site with Oxford St higher than Grafton Lane, works such as shoring and excavation must be done along and up to Oxford St existing ground level for the project to progress. These are building works and must be sequenced first. However, such works cannot be done if current wording remains.</p> <p>For the sake of clarity and due to practical reality, any condition that restricts works to 'existing ground level' must be amended to 'existing ground level to Oxford St'.</p>
12	<p>AWNING DETAILS</p> <p>Details of the proposed awnings and the alignment with the adjoining development at 570 Oxford Street is to be provided for the approval of Council's Manager Urban Design prior to the issue of a Construction Certificate for works above the existing ground level to Grafton Lane.</p> <p>In accordance with the DCP, awnings should have consistent heights above the footpath with a minimum height between the footpath level and underside of awning of 3.1m and offset a minimum of 600mm behind the kerb (as proposed for the widened portion of Oxford Street). Awning are to step with the topography of the land to provide weather protection for pedestrians.</p>	<p>AWNING DETAILS</p> <p>Details of the proposed awnings and the alignment with the adjoining development at 570 Oxford Street is to be provided for the approval of Council's Manager Urban Design prior to the issue of a Construction Certificate for works above the existing ground level to Grafton Lane Oxford Street.</p> <p>In accordance with the DCP, awnings should have consistent heights above the footpath with a minimum height between the footpath level and underside of awning of 3.1m and offset a minimum of 600mm behind the kerb (as proposed for the widened portion of Oxford Street). Awning are to step with the topography of the land to provide weather protection for pedestrians.</p>	<p>Throughout the proposed consent drafting, certain conditions restrict works progressing 'above existing ground level' or 'above existing ground level to Grafton Lane'.</p> <p>Because of the sloping site with Oxford St higher than Grafton Lane, works such as shoring and excavation must be done along and up to Oxford St existing ground level for the project to progress. These are building works and must be sequenced first. However, such works cannot be done if current wording remains.</p> <p>For the sake of clarity and due to practical reality, any condition that restricts works to 'existing ground level' must be amended to 'existing ground level to Oxford St'.</p>

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13	<p>REFLECTIVITY REPORT</p> <p>In accordance with Part E1 - Clause 1.23, a reflectivity report is to be submitted to which addresses the following controls;</p> <p>(a) The development is to limit the use of large areas of glass in facades to a maximum of 60% of the façade surface area above ground level</p> <p>(b) To minimise potential impact on pedestrians and occupants of neighbouring buildings all panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%. Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%</p> <p>(c) Reflected solar glare on drivers should not exceed 500 candelas / m2. A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).</p> <p>The reflectivity report is to be submitted to Council for approval prior to the issue of a Construction Certificate relating to any works above the existing ground level at Grafton Lane.</p>	<p>REFLECTIVITY REPORT</p> <p>In accordance with Part E1 - Clause 1.23, a reflectivity report is to be submitted to which addresses the following controls;</p> <p>(a) The development is to limit the use of large areas of glass in facades to a maximum of 60% of the façade surface area above ground level</p> <p>(b) To minimise potential impact on pedestrians and occupants of neighbouring buildings all panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%. Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%</p> <p>(c) Reflected solar glare on drivers should not exceed 500 candelas / m2. A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).</p> <p>The reflectivity report is to be submitted to Council for approval prior to the issue of a Construction Certificate relating to any works above the existing ground level at Grafton Lane to Oxford Street.</p>	<p>Item (a) to be deleted.</p> <p>Almost 100% of all the proposed facades are glazed. This formed part of the original submission. We suspect this is an oversight by Council.</p>
16	<p>SERVICES AUTHORITIES</p> <p>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 any Construction Certificate.</p>	<p>SERVICES AUTHORITIES</p> <p>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 any the relevant Construction Certificate.</p>	
20	<p>DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION</p> <p>A report shall be prepared by a suitably qualified and practicing 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 any Construction Certificate.</p> <p>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.</p>	<p>DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION</p> <p>A report shall be prepared by a suitably qualified and practicing 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 any the relevant Construction Certificate.</p> <p>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.</p>	<p>This is to allow demolition works to commence as a separate works package to shoring & excavation. The information required will not be available at the time demolition is to commence.</p>
21	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible. The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p>	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the relevant Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible. The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p>	

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23	<p>CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT</p> <p>Prior to the issue of any Construction Certificate, the applicant shall submit a “Construction Vehicle and Pedestrian Plan of Management” (CVPPM) for the approval of the Executive Manager, Creating Waverley....</p>	<p>CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT</p> <p>Prior to the issue of any <u>the relevant</u> Construction Certificate, the applicant shall submit a “Construction Vehicle and Pedestrian Plan of Management” (CVPPM) for the approval of the Executive Manager, Creating Waverley....</p>	<p>In practice works may be let by way of separate early works contract for demolition, shoring and excavation. This will also be separate to the main works construction.</p> <p>Current wording would require a Demolition Contractor to have a CVPPM done to include the main building works – this is not reasonable or practical.</p> <p>Each stage of works should have a CVPPM in relation to the relevant Construction Certificate. The proposed amendment seeks to achieve this.</p>
25	<p>ON-SITE STORMWATER DETENTION DETAILS On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council's Executive Manager, Creating Waverley prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc. In this regard, the OSD tank and its details are required in drawing format, which includes storage volume, plan, cross & long sections of OSD tanks, invert level, orifice centreline level, top water level, orifice plate details, overflow system etc. If the site discharge is more than 25 l/s then the stormwater disposal system to be connected to the council's underground drainage system and the connection details are required before assessment could be made. Mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.</p>	<p>ON-SITE STORMWATER DETENTION DETAILS On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council's Executive Manager, Creating Waverley prior to the issue of <u>the relevant</u> a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc. In this regard, the OSD tank and its details are required in drawing format, which includes storage volume, plan, cross & long sections of OSD tanks, invert level, orifice centreline level, top water level, orifice plate details, overflow system etc. If the site discharge is more than 25 l/s then the stormwater disposal system to be connected to the council's underground drainage system and the connection details are required before assessment could be made. Mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.</p>	
29	<p>29. ENERGY EFFICIENCY</p> <p>In accordance with Part B2 - Clause 2.6 of the Waverley Development Control Plan 2012 (Amendment 5), any mixed-use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. BCA, Section J compliant only). An amended report which successfully demonstrates that the development reduces the emissions in accordance with the DCP is required to be submitted and be to the satisfaction of Council's Coordinator Sustainable Energy prior to the issue of a Construction Certificate of any works above ground level at Grafton Lane. This enables demolition and excavation works to commence whilst the design development of the building is finalised.</p>	<p>29. ENERGY EFFICIENCY</p> <p>In accordance with Part B2 – Clause 2.6 of the Waverley Development Control Plan 2012 (Amendment 5), any mixed-use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. BCA, Section J compliant only). An amended report which successfully demonstrates that the development reduces the emissions in accordance with the DCP is required to be submitted and be to the satisfaction of Council's Coordinator Sustainable Energy prior to the issue of a Construction Certificate of any works above ground level at Grafton Lane. This enables demolition and excavation works to commence whilst the design development of the building is finalised.</p>	<p>Request deletion of this condition.</p> <p>As indicated earlier in this correspondence, the condition is more onerous than the BASIX SEPP, which is inconsistent with Clause 9(1) of the SEPP. Further, BCA compliance is a prescribed consent condition and it will, therefore, be enforced by the relevant PCA.</p> <p>This aside, it has been documented that the proposal achieves a high standard of energy efficiency.</p>
30	<p>PLANS TO REFLECT THE ENERGY ASSESSMENT REPORT</p> <p>The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report. Any modifications required to respond to the approved Energy Assessment Report which are not consistent with the approved plans will require the submission of a Section 96 Modification Application.</p>	<p>30 PLANS TO REFLECT THE ENERGY ASSESSMENT REPORT</p> <p>The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report. Any modifications required to respond to the approved Energy Assessment Report which are not consistent with the approved plans will require the submission of a Section 96 Modification Application.</p>	<p>Request deletion of this condition for the reason provided immediately above.</p>

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32	<p>ACCESS TO MAIN ENTRY</p> <p>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 relevant Construction Certificate.</p>	<p>ACCESS TO MAIN ENTRY</p> <p>Access in accordance with AS1428.1 shall be provided to and within the main entrance and exit points of the development. <u>The application of AS 1428.1 are limited to the requirements of the BCA.</u> Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.</p>	<p>The condition is currently worded such that access is to be provided in accordance with AS 1428.1 to entry and exit points. It is the exit points which is needing clarification. Obviously, the exit out of a fire stair is not going to be accessible. The application of AS 1428.1 should be limited to the requirements of the BCA.</p>
33	<p>ADAPTABLE HOUSING</p> <p>At least 8 apartments are to be provided as adaptable housing within the development, with at least 1 car space is to be allocated to each of these apartments, with a range of studio, 1 and 2 and 3-bedroom apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant the relevant Australian Standards and the BCA Details are to be submitted to the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate.</p>	<p>ADAPTABLE HOUSING</p> <p>At least 8 apartments are to be provided as adaptable housing within the development, with at least 1 car space is to be allocated to each of these apartments, with a range of studio, 1 and 2 and 3-bedroom apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant the relevant Australian Standards and the BCA Details are to be submitted to the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate.</p>	<p>The range selection and assessment of compliant adaptable apartments are as noted in the <i>Statement of Compliance – Access for People with a Disability</i> prepared by Accessible Building Solutions, Issue A, revised on 14 December 2017.</p> <p>In order to ensure this condition maintains compliance consistency with the relevant Australian Standard and BCA details, the Access Statement of Compliance report must be referenced in the consent as shown above in modified condition 1 item (f).</p>
41	<p>NOISE – ACOUSTIC REPORT FOR MECHANICAL PLANT</p> <p>All mechanical plant, refrigeration motors/units and other associated equipment 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.</p> <p>A detailed acoustic assessment for the proposed mechanical plant and associated equipment shall be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the proposal is to be submitted to Council for approval.</p> <p>The above acoustic assessment must be accompanied by a statement prepared by the acoustic consultant confirming that the mechanical plant and equipment will comply with the relevant noise criteria together with details of acoustic control measures that will be incorporated into the development. This is to be submitted and approved by Council prior to the issue of the relevant construction certificate.</p> <p>All recommendations made in the above report must be fully complied with.</p>	<p>NOISE – ACOUSTIC REPORT FOR MECHANICAL PLANT</p> <p>All mechanical plant, refrigeration motors/units and other associated equipment are to be installed <u>within vehicle parking levels and</u> within the building in an acoustically treated plant room <u>except where noted otherwise on the approved plans at ground level, Level 6 podium and at Roof Level.</u> 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.</p> <p>A detailed acoustic assessment for the proposed mechanical plant and associated equipment shall be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the proposal is to be submitted to Council for approval.</p> <p>The above acoustic assessment must be accompanied by a statement prepared by the acoustic consultant confirming that the mechanical plant and equipment will comply with the relevant noise criteria together with details of acoustic control measures that will be incorporated into the development. This is to be submitted and approved by Council prior to the issue of the relevant construction certificate.</p> <p>All recommendations made in the above report must be fully complied with.</p>	<p>The approved plans also show condenser plant location on ground level, level 6 podium and on the roof. It is also common practice to locate condensers in vehicle basement and parking levels. This needs to be acknowledged by Council.</p> <p>Alternatively, Council reference the acoustic report submitted with the DA as an approved document in condition 1 and adopt the recommendations included in that report.</p>
43	<p>PUBLIC DOMAIN WORK – OXFORD STREET & ADELAIDE STREET</p> <p>A detailed public domain plan shall be submitted showing all works required to the public domain area in accordance with Council's 'Bondi Junction Public Domain Technical Manual'. Details should include (but not limited to) street furniture, paving, garbage, bins, street lighting, bicycle parking. In order to cater for the future road widening along Oxford Street, fully detailed engineering drawings for both the temporary public domain works (works to be undertaken prior to road widening) and final widening design are to be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the issue of the relevant Construction Certificate.</p>	<p>PUBLIC DOMAIN WORK – OXFORD STREET & ADELAIDE STREET</p> <p>A detailed public domain plan shall be submitted showing all works required to the public domain area in accordance with Council's 'Bondi Junction Public Domain Technical Manual'. Details should include (but not limited to) street furniture, paving, garbage, bins, street lighting, bicycle parking. In order to cater for the future road widening along Oxford Street, fully detailed engineering drawings for both the temporary public domain works (works to be undertaken prior to road widening) <u>and final widening design</u> are to be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the issue of the relevant Construction Certificate. <u>In addition to the 3m land dedication along Oxford street, The proponent will be required to contribute towards footpath related</u></p>	<p>The proponent is willing to contribute towards the repair and/or upgrade of any footpath. The proponent is also willing to integrate with the design of any road widening. It would be unreasonable, however, that the proponent contributes any funds or similar, to the road widening which is a road reservation for which the RMS has to pay for. This is largely because Oxford Street is a regional thoroughfare. Local residents should</p>

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	<p>Final Works</p> <p>The detailed engineering drawing of the final widening works shall;</p> <p>(e) Show the new kerb alignment of the widened carriageway along Oxford Street</p> <p>(f) Include reduced levels (RL's) of the Oxford Street carriageway, the kerb and gutter, footpath and finished levels of paving at the property boundary.</p> <p>(g) Show full details of the widened carriageway</p> <p>(h) Include existing and design levels.</p> <p>(i) Show the relocation of any services and light poles required to accommodate the road widening.</p> <p>(j) Include a detailed of the existing, completed footpath and kerb and gutter in front of No.570-588 Oxford Street.</p> <p>(k) Show how it is proposed to transition works outside the site into the existing works at No.570-588 Oxford Street for both the temporary and final works.</p> <p>(l) Show the footpath area being upgraded in accordance with Waverley Council's 'Public Domain Technical Manual'.</p> <p>(m) Include a report from a suitably qualified and experienced Quantity Surveyor detailing the costs of the public domain works proposed. This is to include, but not limited to; all civil works, electrical works, landscaping, other furnishings and associated project management costs.</p> <p>(n) Note: All work associated with the road widening and final public domain works is to be carried out by Council at the applicant's expense. Payment for all this work is to be received by Council prior to the issue of any Occupation Certificate for the development.</p>	<p><u>repairs and/or improvements by way of works in kind or Developer Contributions in accordance with the relevant Developer Contributions Plan. The proponent is not required to contribute towards the widening of the road.</u></p> <p>Final Works</p> <p>The detailed engineering drawing of the final widening works shall;</p> <p>(e) Show the new kerb alignment of the widened carriageway along Oxford Street</p> <p>(f) Include reduced levels (RL's) of the Oxford Street carriageway, the kerb and gutter, footpath and finished levels of paving at the property boundary.</p> <p>(g) Show full details of the widened carriageway</p> <p>(h) Include existing and design levels.</p> <p>(i) Show the relocation of any services and light poles required to accommodate the road widening.</p> <p>(j) Include a detailed of the existing, completed footpath and kerb and gutter in front of No.570-588 Oxford Street.</p> <p>(k) Show how it is proposed to transition works outside the site into the existing works at No.570-588 Oxford Street for both the temporary and final works.</p> <p>(l) Show the footpath area being upgraded in accordance with Waverley Council's 'Public Domain Technical Manual'.</p> <p>(m) Include a report from a suitably qualified and experienced Quantity Surveyor detailing the costs of the public domain works proposed. This is to include, but not limited to; all civil works, electrical works, landscaping, other furnishings and associated project management costs.</p> <p>(n) Note: All work associated with the road widening and final public domain works is to be carried out by Council at the applicant's expense. Payment for all this work is to be received by Council prior to the issue of any Occupation Certificate for the development.</p>	<p>not be burdened with the cost of widening the road.</p>
44	<p>NEW KERB AND GUTTER AND PAVING IN GRAFTON LANE</p> <p>Council does not support the proposed realignment of the kerb adjacent to the entry/exit driveway on its eastern side and is to be removed from the plans.</p> <p>The existing kerb and gutter and concrete paving in Grafton Lane is to be demolished and new kerb and gutter and paving installed in accordance with Council's standards and specifications on the same alignment and level as the existing OR in consultation with and approval by Council's Executive Manager Creating Waverley (engineers) noting any realignment <i>may</i> require a change of boundary to delineate Council infrastructure and private land. Details engineering drawings of the works required in Grafton Lane shall;</p> <p>...</p>	<p>NEW KERB AND GUTTER AND PAVING IN GRAFTON LANE</p> <p>Council does not support the proposed realignment of the kerb adjacent to the entry/exit driveway on its eastern side and is to be removed from the plans.</p> <p>The existing kerb and gutter and concrete paving in Grafton Lane, <u>adjacent the subject site</u>, is to be demolished and new kerb and gutter and paving installed in accordance with Council's standards and specifications on the same alignment and level as the existing OR in consultation with and approval by Council's Executive Manager Creating Waverley (engineers) noting any realignment <i>may</i> require a change of boundary to delineate Council infrastructure and private land. <u>Any design should include mountable kerb to allow motorcycle parking in the north eastern corner of the property.</u> Details engineering drawings of the works required in Grafton Lane shall;</p>	<p>To provide additional motorcycle parking in areas that aren't likely to be highly used by the public. Given such space is public, and not highly trafficable, it is considered practical to facilitate further bicycle parking. Making provisions for a mountable kerb is also likely to minimise damage.</p>

No.	Draft Condition	Proposed Condition Wording	Justification
52	<p>SITE CONTAMINATION - VALIDATION REPORT</p> <p>(a) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Construction Certificate for any construction works associated with the construction of the approved development shall not be issued until Council approves this Validation Report.</p> <p>The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:</p> <p>(b) Description and documentation of all works performed;</p> <p>(c) Results of validation testing and monitoring;</p> <p>(d) Validation results of any fill imported on to the site;</p> <p>(e) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and</p> <p>(f) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.</p>	<p>SITE CONTAMINATION - VALIDATION REPORT</p> <p>(a) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Construction Certificate for any construction works associated with the construction of the approved development shall not be issued until Council approves this Validation Report.</p> <p>The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:</p> <p>(b) Description and documentation of all works performed;</p> <p>(c) Results of validation testing and monitoring;</p> <p>(d) Validation results of any fill imported on to the site;</p> <p>(e) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and</p> <p>(f) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.</p>	<p>Delete entirely. If Site Auditor is to be engaged on the project to issue SAS as per proposed condition 53, validation reports are audited as a requirement of the SAS and hence not for council to approve.</p>
53	<p>SITE AUDIT STATEMENT- (ONLY TO BE USED AFTER ADVICE FROM AUDITOR)</p> <p>A Site Audit Statement (SAS) prepared by a NSW Environment Protection Authority (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use prior to the issuing of a construction certificate. Conditions on the SAS shall form part of the consent.</p> <p>Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.</p>	<p>SITE AUDIT STATEMENT- (ONLY TO BE USED AFTER ADVICE FROM AUDITOR)</p> <p>A Site Audit Statement (SAS) prepared by a NSW Environment Protection Authority (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use prior to the issuing of a construction occupation certificate. Conditions on the SAS shall form part of the consent.</p> <p>Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.</p>	<p>It is not practical to link a site audit statement to a construction certificate. A construction certificate is needed to do the works to satisfy the RAP, validation report and the SAS.</p> <p>Furthermore, although the data necessary has been collated and provided to issue an approved Validation Report and the SAS, it takes some time after completion of the excavation works to prepare these reports. It is not practical to hold up future works for these reports to be completed. Therefore, it is practical to link this requirement to a condition of OC.</p>
86	<p>FINAL OCCUPATION CERTIFICATE</p> <p>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.</p>	<p>FINAL OCCUPATION CERTIFICATE</p> <p>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.</p>	<p>The OC conditions throughout the proposed consent reads differently and include a mixture of “any”, “the” and “the relevant” Occupation Certificate.</p> <p>However, this condition prohibits the issue of any Interim Occupation Certificate and is in contrary to the other conditions.</p> <p>This condition should be deleted to avoid confusion. Further, it simply states the requirements of the Act.</p>

No.	Draft Condition	Proposed Condition Wording	Justification
87	<p>DEDICATION OF ROAD AND LAND – OXFORD STREET, ADELAIDE STREET AND GRAFTON LANE</p> <p>A 3m wide strip of land on the Oxford Street frontage of the site, as well as any land between the approved building and property boundary shall be dedicated as road to Council prior to the release of any Occupation Certificate. All costs associated with dedicating the strip of land, including Council's legal fees shall be borne by the applicant.</p>	<p>87A DEDICATION OF ROAD AND LAND – OXFORD STREET ADELAIDE STREET AND GRAFTON LANE</p> <p>A 3m wide strip of land on the Oxford Street frontage of the site, as well as any land between the approved building and property boundary shall be dedicated as road to Council prior to the release of any the final Occupation Certificate. All costs associated with dedicating the strip of land, including Council's legal fees shall be borne by the applicant. <u>Any developer contributions should be offset by such costs borne by the applicant.</u></p> <p><u>87B GRANT OF EASEMENT</u></p> <p><u>An easement for access to be granted in favour of the Council over any land between the approved building and property boundaries along Oxford Street, Adelaide Street and Grafton Lane prior to the issue of the Final Occupation Certificate.</u></p>	<p>The 3m wide Oxford Street reservation is to be acquired by the relevant authority. If it is to be dedicated, any developer contributions should be offset by the value of the land to be dedicated.</p> <p>The land between the building and the property boundary may have an easement for access and this can be delivered through an easement. It is not feasible to dedicate this land as basements are located below.</p>
93	<p>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.</p>	<p>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 <u>relevant</u> Occupation Certificate.</p>	
96	<p>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.</p>	<p>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 Council the Executive Manager, Creating Waverley prior to the issue of the final an Occupation Certificate.</p>	
98 (f)	<p>Responsibilities for transporting bins from the storage points to the nominated collection area,</p> <p>cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky</p> <p>waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.</p>	<p>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</p>	<p>Proposal relies on a private contractor</p>
101	<p>ALLOCATION OF STREET NUMBERS</p> <p>The redevelopment of the property has led to the following allocation of primary and sub-premises numbering for a multi-level mixed use strata subdivision:</p> <ul style="list-style-type: none"> - No. 522 - primary address number - Oxford Street - primary address location - Adelaide street – alternative street entry point 	<p>ALLOCATION OF STREET NUMBERS The redevelopment of the property has led to the following allocation of primary and sub-premises numbering for a multi-level mixed use strata subdivision:</p> <ul style="list-style-type: none"> - No. 522 <u>568</u> - primary address number - Oxford Street - primary address location - Adelaide street – alternative street entry point 	<p>It appears 522 was referenced in error as the site's street address is 552-568 Oxford St. The project is to adopt 568 Oxford St as the primary address number.</p>

No.	Draft Condition	Proposed Condition Wording	Justification
105	<p>LINE MARKING OF CAR, MOTORCYCLE AND BICYCLE SPACES</p> <p>The following number of car spaces are to be provided for each component of the development;</p> <ul style="list-style-type: none">70 resident car parking spaces (no apartments are to be allocated more than 1 car parking space)12 resident visitor car parking spaces1 car share space5 retail car parking spaces2 commercial car parking spaces17 Motorcycle spaces96 Bicycle spaces (83 resident and 8 visitor, 5 commercial/retail spaces) <p>The resident, resident visitor, retail, commercial/office, disabled parking spaces, bicycle and motorcycle parking spaces are to be clearly line marked, numbered and signposted prior to the issue of an Occupation Certificate for use of those relevant areas.</p>	<p>LINE MARKING OF CAR, MOTORCYCLE AND BICYCLE SPACES</p> <p>The following number of car spaces are to be provided for each component of the development;</p> <ul style="list-style-type: none">70 resident car parking spaces (no apartments are to be allocated more than 1 car parking space)12 resident visitor car parking spaces1 car share space5 retail car parking spaces2 commercial car parking spaces17 Motorcycle spaces96 Bicycle spaces (83 resident and 8 visitor, 5 commercial/retail spaces) <p>The resident, resident visitor, retail, commercial/office, disabled parking spaces, bicycle and motorcycle parking spaces are to be clearly line marked, numbered and signposted prior to the issue of an Occupation Certificate for use of those relevant areas.</p>	<p>3 bedroom and penthouse apartments may be allocated 2 parking spaces.</p>
111	<p>BALCONIES NOT TO BE ENCLOSED</p> <p>The private open balconies attached to the proposed building are not to be enclosed at any future time.</p> <p>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.</p>	<p>BALCONIES NOT TO BE ENCLOSED</p> <p>The private open balconies attached to the proposed building are not to be enclosed at any future time.</p> <p>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.</p>	<p>Delete Condition.</p> <p>This condition is unlawful since it attempts to prejudge what might be a reasonable proposal the subject of a future DA.</p>