

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	8 March 2018
<b>PANEL MEMBERS</b>	John Roseth (Chair), Louise Camenzuli, Stephen Bargwanna, Bill Gawne
<b>APOLOGIES</b>	Carl Scully
<b>DECLARATIONS OF INTEREST</b>	Sue Francis declared a conflict of interest, and subsequently chose not to participate as she works for the Applicant company - City Plan Services.

Public meeting held at Christie's Conference Centre, 3 Spring St, Sydney on 8 March 2018, opened at 12:35 pm and closed at 3:00 pm.

#### MATTER DETERMINED

2017SCL055 – Waverly - DA-245/2017 at 552-568 Oxford Street, Bondi Junction (AS DESCRIBED IN SCHEDULE 1)

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel did not accept the recommendation of the Council's supplementary assessment report to refuse the application.

The Council's determinative reasons for refusal were:

- Undesirable distribution of space between podium and tower resulting in a wider tower than desirable;
- Not enough commercial activation in Adelaide Street; and
- Inadequate arrangements for waste pickup within the site.

The Panel unanimously approved the application for the following reasons:

As regards the distribution of space between the podium and tower, the Panel notes that this is consistent with the Panel's decision on 30 November 2017, when the Panel instructed the applicant to proceed with the design referred to as Option C.

As regards the commercial activation of Adelaide Street, the Panel notes that, given the steep nature of the street and the need to accommodate plant equipment, the design provides as much commercial space as is practically possible.

As regards waste collection, the Panel accepts that the applicant has the intention to engage a commercial firm using small rigid vehicles to collect the waste, which can be accommodated within the building. In

case this should change to collection by the council in the future, either the collection can take place in Grafton Lane, or the council may use smaller vehicles.




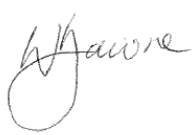
The Panel has also considered the views of the objector speaking at the meeting in relation to height exceedance. The Panel is satisfied that the small minor exceedance of the height control will have minimal impact on views from or solar excess to nearby buildings. For that reason, the Panel accepts that the applicant's submission under cl 4.6 of the LEP to vary the height control is justified.

#### **CONDITIONS**

The development application was approved subject to the conditions of consent as attached at Attachment A.

For clarity, please note the key changes to the draft conditions of consent provided in the supplementary Council assessment report are as follows:

- Amendment to Condition One, to reference the sustainability and accessibility report.
- Amendment of Condition Nine, relating to waste collection vehicles.
- Deletion of Condition 29, regarding energy efficiency.

PANEL MEMBERS	
 John Roseth (Chair)	 Louise Camenzuli
 Stephen Bargwanna	 Bill Gawne

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL055 – Waverly - DA-245/2017
2	PROPOSED DEVELOPMENT	Demolition of buildings and the construction of a 19 storey mixed use building with basement parking
3	STREET ADDRESS	552-568 Oxford Street, Bondi Junction
4	APPLICANT/OWNER	Honeykent Pty Limited, Denscen Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy 55 – Remediation of Land</li> <li>State Environmental Planning Policy 65 – Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li> <li>Waverly Local Environment Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Waverly Development Control Plan 2012</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Applicant submission – cover letter and suggested amendments to conditions dated 5 March 2018.</li> <li>Supplementary Council assessment report: 9 February 2018</li> <li>Council assessment report: 16 November 2017</li> <li>Written submissions during public exhibition: 34 to original plans, 8 to amended plans</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Object – Daniel Barber</li> <li>On behalf of the applicant – Stephen Kerr, Carl Reed, Simon Fleet</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing meeting 18 October 2017</li> <li>Public determination meeting 30 November 2018: deferred.</li> <li>Final briefing meeting to discuss council's recommendation, 8 March 2018 at 12pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: John Roseth (Chair), Louise Camenzuli, Stephen Bargwanna, Bill Gawne</li> <li><u>Council assessment staff</u>: Lee Kosnetter, Beth Matlawski, Geoff Garnsey</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report

**ATTACHMENT A**

CONDITIONS OF CONSENT AS APPROVED BY THE SYDNEY EASTERN CITY PLANNING PANEL

## APPENDIX A: DEFERRED COMMENCEMENT MATTERS:

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:

To satisfy the requirements of SEPP 55 Remediation of Contaminated Land, the following is to be provided to Council;

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.

Upon satisfying the consent authority as to the matters in Attachment A, the following conditions in Appendix B will apply.

## APPENDIX B: CONDITION OF CONSENT

### A. APPROVED DEVELOPMENT

#### 1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plans prepared by UP Architects and Kann Finch, received by Council on 14 December 2017;

Drawing description and No.	Revision No.	Dated
Basement Plan 4 - Drawing 101	Revision H	14.12.17
Basement Plan 3 – Drawing 102	Revision G	14.12.17
Basement Plan 2 – Drawing 103	Revision F	14.12.17
Basement Plan 1 – Drawing 104	Revision G	14.12.17
Lower Ground - Drawing 105	Revision J	14.12.17
Ground Floor - Drawing 106	Revision J	14.12.17
Floor L1 – Drawing 107	Revision F	14.12.17
Floor L02- 05 Drawing 108	Revision H	14.12.17
Floor L06 - Drawing 109	Revision G	14.12.17
Floor L07 –L11 - Drawing 120	Revision G	14.12.17
Floor L12 - 14 - Drawing 121	Revision A	14.12.17
Floor L15-16 - Drawing 122	Revision F	14.12.17
Floor Plan L17 – Drawing 123	Revision F	14.12.17
Roof Plan – Drawing 124	Revision E	14.12.17
Elevation North – Drawing 201	Revision F	14.12.17
Elevation East – Drawing 202	Revision E	14.12.17
Elevation South – Drawing 203	Revision E	14.12.17
Elevation West – Drawing 204	Revision E	14.12.17
Section AA – Drawing 301	Revision E	14.12.17
Section BB – Drawings 302	Revision E	14.12.17

- (b) BASIX Certificate;
- (c) Traffic Report prepared by Traffix, (reference: 16.552r03v02) dated 14 December 2017 and received by Council on 14 December 2017;
- (d) "Report on Site Investigation for Contamination" prepared by Douglas Partners, Project 85822.03, dated December 2017 and received by Council on 14 December 2017;
- (e) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.
- (f) Statement of Compliance Report - Access for People with a Disability, prepared by Accessible Building Solutions, dated 14.12.17 and received by Council on 5 March 2018;
- (g) Sustainability Design Report, prepared by Inhabit Australasia Pty Ltd, revision 4, dated 5.03.18 and received by Council on 5 March 2018;

Except where amended by the following conditions of consent.

## **2. 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 Apartment Development.

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

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

## **4. EXCAVATION TO BE LIMITED**

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

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

### **5. 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 81A(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.

### **5A. PRIOR TO DEMOLITION WORKS**

Prior to any demolition works commencing, a Construction Vehicle and Pedestrian Plan of Management as referenced in condition 23 and Noise Management Plan referenced in condition 36 for works associated with the demolition and remediation of the site must be submitted to the satisfaction and approval of Council's Executive Manager Creating Waverley and Development and Council's Executive Manager Health and Compliance.

#### FEES

### **6. 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.

**7. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$280,000 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.

**8. 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.

ADDITIONAL INFORMATION & PLAN AMENDMENTS

**9. SERVICE VEHICLE ACCESS TO THE SITE**

The head clearances at the basement entry/exit and within the loading bay shall comply with the relevant Australian Standards for a small rigid vehicle.

This will allow for the removal of residential waste and recyclables from within the site via private waste collection vehicles, as well as removalist trucks. In this regard, provision shall be made for small rigid vehicles to enter and exit the site in a forward direction at all times.

Details of how this is proposed to cater for the required for small rigid vehicle movements shall be submitted to the Principal Certifying Authority, with the plans for the relevant Construction Certificate.

**. 10. ARCHITECTURAL DETAILING**



Prior to the issue of the relevant Construction Certificate for works above the existing ground level to Grafton Lane (excluding any structural piling, shoring works or the like) further details are required to be submitted and reviewed by the Waverley Design Excellence Panel which address the following matters:

- (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.
- (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.
- (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

These details are to be submitted 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.

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

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

## **11. APARTMENT STORAGE**

The development is to provide general storage for each apartment in accordance with the Apartment Design Guide within each individual apartment and basement area. Storage areas are to be allocated to each unit in the development in accordance with the following requirements:

- (a) Studio apartments - 4m<sup>3</sup> of storage
- (b) 1 bedroom - 6m<sup>3</sup> of storage; and
- (c) 2 bedroom - 8m<sup>3</sup> of storage.
- (d) 3+ bedroom - 10m<sup>3</sup> of storage.

Note: 50% of the required storage must be located within the apartment.

Storage areas within the basement are to be nominated to each apartment, and a table provided indicating that each apartment has adequate storage both within the apartment and basement to satisfy this condition. This is to be submitted to the Principal Certifying Authority with the plans for the relevant Construction Certificate.

## **12. AWNING DETAILS**

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 Oxford Street..

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). Awnings are to step with the topography of the land to provide weather protection for pedestrians.

### **13. 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 relating to any works above the existing ground level at Grafton Lane.

### **14. 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.

### **15. 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 relating to any works above the existing ground level.

#### **16. 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 the relevant Construction Certificate.

#### **17. 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 Apartment Development.

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.

#### **18. HOARDING REQUIRED**

A hoarding designed and constructed in accordance with the requirements of the Work Cover Authority is to be 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 required to be erected over the footpath or any public place, the approval of Council must be obtained first.

#### **19. 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.

#### **20. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

Authority, Council and the owners of adjoining properties prior to the issue of the relevant Construction Certificate.

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

## **21. 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.

## **22. 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 issue of any Construction Certificate.

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

Prior to the issue of the relevant 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

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

- Make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (i) above.
- 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.

## **24. UNDERGROUND ANCHORS**

Prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Creating Waverley. Please note, a fee applied for each anchor approved to extend into a road reserve.

## **25. 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 the relevant 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.

**26. STORMWATER CERTIFICATION**

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 the relevant Construction Certificate.

**27. ENGINEERING DETAILS**

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

**28. BASIX**

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

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

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

**29. DELETED BY SYDNEY EASTERN CITY PLANNING PANEL**

**30. PLANS TO REFLECT THE SUSTAINABILITY DESIGN REPORT**

The construction certificate plans are to incorporate the recommendations of the approved Sustainability Design Report. Any modifications required to respond to the approved Sustainability Design Report which are not consistent with the approved plans will require the submission of a Section 96 Modification Application.

**31. 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 the relevant Construction Certificate.

**32. 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. The application of AS 1428.1 are limited to the requirements of the BCA. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

**33. ADAPTABLE HOUSING**

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. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards and the BCA.

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

**34. DISABLED CARPARKING**

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

**35. WASTE STORAGE AREAS**

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

- **Residential**

- 6 x 660L Mobile Garbage Bins (MGBs) for general waste that is compacted 2:1
- 3 x 660L MGBs for paper and cardboard recycling
- 3 x 66L MGBs for container recycling
- Extra bins for excess waste, garden organics etc.

- **Commercial**

Based on commercial space of 756m<sup>2</sup> and assuming the highest waste generation rates (Waverley Council's DCP 2012) to accommodate future change of use:

- 1 x 1100L MGB and 1 x 660L MGB collected daily for general waste
- 1 x 1100L MGB and 1 660L MGB collected daily for comingled recycling
- Extra storage for milk and bread crates, and excess cardboard and other packaging materials

- (a) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012 (Amendment 5). Waste and recycling storage rooms must be graded and drained to the sewer system and approved by Sydney Water.
- (b) There must be at least two separate centralised waste and recycling storage rooms or areas, one for commercial waste and one for residential waste. Storage rooms must be self-contained and have separate keys and locking systems.
- (c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (d) The development must have rooms or caged areas with a minimum volume 4m<sup>3</sup> available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.
- (e) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (f) All new developments are to provide adequate storage for waste to accommodate future change of uses.

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

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

A site specific noise management plan must be submitted to the Council's Executive Manager, Health and Compliance for approval and comment prior to the issue of any 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.

**37. AMENDED LANDSCAPE PLAN**

An amended landscaping plan is to be provided which reflects the amended plans approved in Condition 1 of this consent which includes landscaping treatments to the retail outdoor space at ground level. A qualified Landscape and/or Arboricultural Consultant shall be retained for the duration of the construction of the development.

The amended landscape plan is to be submitted to the Principal Certifying Authority with the plans for the relevant Construction Certificate.

**38. VERMIN AND RAT CONTROL**

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

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

**39. 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 National Construction Code to the roof for the ductwork and the flue of the system.

**40. 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.

**41. NOISE – ACOUSTIC REPORT FOR MECHANICAL PLANT**

All mechanical plant, refrigeration motors/units and other associated equipment are to be installed within the vehicle parking levels or within the building in an acoustically treated plant room except where specified on the approved plans at ground level, level 6 podium and at roof level. 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.

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.

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.

All recommendations made in the above report must be fully complied with.

#### **42. DILAPIDATION REPORTS**

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

Please note the following:

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

#### **43. TEMPORARY PUBLIC DOMAIN WORKS – OXFORD STREET & ADELAIDE STREET**

A detailed public domain plan for land adjoining the site shall be submitted to Council showing all temporary works required to be carried out 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 a future road widening along Oxford Street, fully detailed engineering drawings for the temporary public domain works (works to be undertaken prior to road widening) are to be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to any ground floor works commencing on site.

The detailed engineering drawing shall;

- (a) Show the new kerb alignment of the widened carriageway along Oxford Street

- (b) Include reduced levels (RL's) of the Oxford Street carriageway, the kerb and gutter, footpath and finished levels of paving at the property boundary.
- (c) Include existing and design levels.
- (d) Show the location and depth of all public utility authority services outside the site.
- (e) Include details of the existing, completed footpath and kerb and gutter in front of No.570-588 Oxford Street.
- (f) Show how it is proposed to transition works outside the site into the existing works at No.570-588 Oxford Street.
- (g) Show the footpath area being upgraded in accordance with Waverley Council's 'Public Domain Technical Manual'.
- (h) Note: All work associated with the temporary public domain works are to be carried out by the applicant at the applicant's expense.

#### **44. NEW KERB AND GUTTER AND PAVING IN GRAFTON LANE**

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.

The existing kerb and gutter and concrete paving in Grafton Lane adjacent to the subject site 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 *may* require a change of boundary to delineate Council infrastructure and private land. Any design should include mountable kerb to allow motorcycle parking in the north eastern corner of the property. Details engineering drawings of the works required in Grafton Lane shall;

- (a) Be prepared by a suitably qualified and experienced engineering consultant
- (b) Be prepared at the applicant's expense
- (c) Be submitted to Council for approval of the Executive Manager, Creating Waverley prior to the required works being undertaken in Grafton Lane.
- (d) Show the new kerb and gutter being on the same alignment and level as the existing or as described above.
- (e) Show the kerb proposed adjacent to the entry exit driveway on its eastern side draining runoff waters into the site being deleted.

The details are to be submitted to Council for approval of the Executive Manager, Creating Waverley prior to the required works being undertaken in Grafton Lane.

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

#### **45. 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.

**46. 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.

**47. 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.

**48. 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.

**49. 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.

**50. TOILET FACILITIES**

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

**51. 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.

**52. DELETED BY AGREEMENT**

**53. SITE AUDIT STATEMENT-(ONLY TO BE USED AFTER ADVICE FROM AUDITOR)**

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 for basement construction works (excluding excavation, shoring and the like).

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.

**54. 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).

**55. REMEDIATION REQUIREMENTS**

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

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.

- (b) Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.
- (c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.
- (d) A covenant being registered on the title of the land giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.
- (e) A covenant being registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from any contaminants or for any works required by the NSW Environment Protection Authority (EPA).

#### **56. 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.

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

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

- (a) hazard identification and control
- (b) site security
- (c) personal protective equipment
- (d) work zones and decontamination procedures
- (e) contingency plans and incident reporting
- (f) environmental monitoring

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

#### **58. 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.

#### **59. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

#### **60. 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.

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

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

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

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

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

**63. 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.

**64. 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.

**65. 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.

**66. 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.

**67. 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.

**68. 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 Environment Operations (Noise Control) Regulation 2000.

#### **69. 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.

#### **70. 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.

Council will take into account:

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

#### **71. NATIONAL CONSTRUCTION CODE**

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

#### **72. 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 National Construction Code 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 National Construction Code and standards of construction.

### **73. MECHANICAL VENTILATION SYSTEMS**

- (a) The premises are to be ventilated in accordance with the requirements of the National Construction Code & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
  - (i) Inspection, testing and commissioning details;
  - (ii) Date of inspection, testing and commissioning details;
  - (iii) The name and address of the individual who carried out the test; and
  - (iv) A statement that the service has been designed, installed and is capable of operating to the above standard.
- (c) All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system within the food preparation area is to be 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).

### **74. 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.

**75. 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.

**76. 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.

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

The installation of in-sink waste disposal systems are not permitted.

**78. WATER PROOFING**

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the National Construction Code. 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.

**79. 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.

**80. SERVICE PIPES**

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

**81. 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.

**82. 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.

**83. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS**

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

**84. NEW VEHICLE CROSSING**

The existing vehicle crossings in Grafton Lane are to be closed with a new vehicle crossing constructed to access the proposed basement car park. 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.

**85. ADJUSTMENTS TO STREET SIGNS**

Any changes to the type and location of street/parking control signs required as a result of the works shall be undertaken at the applicant's expense in accordance with Council's requirements.

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

### **86. OCCUPATION CERTIFICATE**

The Principal Certifying Authority prior to occupation or use of the development must issue an 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.

### **87. DEDICATION OF ROAD – OXFORD STREET**

A 3m wide strip of land on the Oxford Street frontage of the site, shall be dedicated as road to Council prior to the release of the final Occupation Certificate. All costs associated with dedicating the strip of land, including Council's legal fees shall be borne by the applicant.

### **87A. GRANT OF EASEMENT**

An easement for access to be granted in favour of the Council over any land between the approved building and property boundaries along the revised Oxford Street, Adelaide Street and Grafton Lane, prior to the issue of a Final Occupation Certificate.

### **88. 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.

### **89. 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.

### **90. NOISE ATTENUATION CERTIFICATE**

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

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

**91. 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.
- (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.

**92. 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.

**93. 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 relevant Occupation Certificate.

**94. 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.

**95. TELECOMMUNICATIONS**

Notification of arrangement for the provision of a telephone supply to each apartment of commercial/retail spaces is to be submitted to the satisfaction of the Principle Certifying Authority prior to the release of the Occupation Certificate.

**96. 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 the final Occupation Certificate.

## **97. WAVERLEY DIGITAL MODEL**

Prior to the issue of any 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.

## **98. WASTE AND RECYCLING STORAGE AND COLLECTION - USE**

- (a) A waste management plan is to be submitted to Council for approval outlining the procedures/processes for the ongoing management of both the residential and commercial waste for the building and is to include the requirements contained in this consent. The document, once approved by Council is to form an approved document to be complied with during the operation of the building.
- (b) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (c) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- (d) 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. Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (e) 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.
- (f) 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.

- (g) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (h) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (i) All waste and recycling must be inside Council approved bins/skips with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the approved manner will not be collected.
- (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) The storage of bins on the kerbside on public land and kerbside is not permitted at any time.

The waste management plan and evidence of compliance with the above matters are to be submitted to the satisfaction of the Council's Executive Manager, Sustainable Waverley prior to the issue of an Occupation Certificate.

#### **99. 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 floor space (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.

#### **100. LANDSCAPING**



The Landscaping Consultant engaged for the development 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.

#### **101. 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:

- No. 568 - primary address number
- Oxford Street - primary address location
- Adelaide street – alternative street entry point

The primary premises numbering for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary or at the primary entry point and clearly visible from Oxford 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 G1, Shop G2, Shop LG3, Office LG4.
  - Sub premises accessing from an alternative street address must display the sub premises number, primary address number and primary address location at alternative street address entry points to the building.

The address number for a sub-address site shall not consist of the primary address number on its own.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

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

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

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

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

#### **103. 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.

#### **104. 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 or the rates in the Apartment Design Guide. In this regard, no one apartment shall be allotted more than 2 car parking spaces.

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.

#### **105. LINE MARKING OF CAR, MOTORCYCLE AND BICYCLE SPACES**

The following number of car spaces are to be provided for each component of the development;

- 70 resident car parking spaces (no apartments, other than the 3 bedroom apartments are to be allocated more than 1 car parking space)
- 12 resident visitor car parking spaces
- 1 car share space
- 5 retail car parking spaces
- 2 commercial car parking spaces
- 17 Motorcycle spaces
- 96 Bicycle spaces (83 resident and 8 visitor, 5 commercial/retail spaces)

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.

#### **106. VEHICLE ACCESS**

All vehicles including service vehicles entering and exiting the basement garage to Grafton Lane shall do so in a forward direction at all times.

#### **107. PUBLIC ART**

The Public Art proposed in the development is to be in accordance with the guidance provided in the '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 the relevant Occupation Certificate.

## **108. LIGHTING**

- (a) Lighting is to be provided to the pedestrian entrance of the building and retail space to Adelaide Street, to provide safety for residents and employees of the building.
- (b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (c) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (e) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (f) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (g) All external area lights and carparks 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.

## **109. PEST CONTROL**

A Pest and Vermin Control Management Plan is to be implemented for the ongoing occupation of the uses within the development. Prior to the implementation of the plan, details are to be provided and be to the satisfaction of Council's Executive Manager Health and Compliance prior to the issue of the relevant occupation certificate.

## **110. SIGNAGE STRATEGY**

A Signage Plan, providing for consistent commercial signage for the retail tenancies is to be provided to ensure it is complimentary to the street and the approved building. The following principles apply to the Signage Plan:-

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

A signage strategy for the building is to be provide for the approval of the Council's Executive Manager, Building Waverley prior to the issue of an Occupation Certificate.

**DELETED BY AGREEMENT**