



## Report to the Sydney Eastern City Planning Panel

### COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSSEC- 144</b>
<b>DA Number</b>	DA-533/2017/1/B
<b>LGA</b>	Waverley Council
<b>Approved Development</b>	Demolition of buildings and the construction of a 10 storey mixed use building including 78 residential apartments, ground level retail, a registered club at ground and first floor levels and three levels of basement parking
<b>Proposed Modification</b>	Section 4.56 modification to approved layout and façade, decrease in the number of apartments from 81 to 80, alterations to unit configuration and other minor amendments
<b>Street Address</b>	28-42 Bronte Road and 84 Ebley Street, Bondi Junction
<b>Applicant/Owner</b>	Darren Beasley, C/- Capital Corporation Bondi Pty Ltd
<b>Date of DA lodgement</b>	29 July 2021
<b>Number of Submissions</b>	2 submissions
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Section 4.56 modification application of development consent granted by the Land and Environment Court for a development with a CIV of more than \$30 million
<b>List of all relevant s4.15(1)(a) matters</b>	<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 (BASIX) 2004</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Waverley Local Environmental Plan 2012</li> <li>• Waverley Development Control Plan 2012</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Final SECPP Architectural Plans Set</li> <li>• Statement of Environmental Effects</li> <li>• Copy of submissions</li> </ul>
<b>Clause 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Height</li> <li>• Visual and Acoustic Privacy</li> <li>• Traffic and parking</li> <li>• Overshadowing</li> <li>• Anti-social behaviour</li> <li>• Reduced size of Club RSL for its members</li> </ul>
<b>Report prepared by</b>	<b>Jo Zancanaro, Senior Development Assessment Planner, Waverley Council</b>
<b>Report date</b>	<b>28 September 2021</b>

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?

Yes

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Not Applicable

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

Yes

## 1. EXECUTIVE SUMMARY

Council is in receipt of a Section 4.56 modification application DA-533/2017/1/B from Capital Corporation Bondi Pty Ltd for modifications to the approved redevelopment of 28-42 Bronte Road and 84 Ebley Street, Bondi Junction known as Club Bondi Junction RSL.

DA-533/2017/1 for partial demolition of buildings and the construction of a 10 storey mixed use building including 78 residential apartments, ground level retail, a registered club at ground and first floor levels and three levels of basement parking was approved on 27 November 2019 via a s34 Agreement in the Land and Environment Court, subject to conditions.

Modification application DA-533/2017/1/A was approved by the Sydney Eastern City Planning Panel on 22 April 2021. This modification enabled an increase in the number of apartments from 78 to 81, amendments to apartment layouts, changes to the rooftop communal area, design resolution of the roof plant area and updated car parking and storage.

Due to continued design development and refinement, a series of design updates have been made as part of the subject modification application DA-533/2017/1/B and are broadly summarised as follows:

- A reduction in the number of apartments from 81 to 80, with two of the proposed apartments amalgamated into one on both Levels 7 and 8.
- One x 3 bedroom apartment and one x 2 bedroom apartment is to be modified to two x 2 bedroom apartments and one x 1 bedroom adaptable apartment on Level 2.
- An updated bulky waste location (on level B1) to ensure compliance with spatial requirements set out in the existing consent conditions.
- Corresponding updates to the detailed parking and bicycle parking layouts in the basement, arising from the new bulky waste location.
- A new staircase door location, as required by the existing conditions of consent, in order to avoid direct access from the residential lobby to the gaming area on Ground floor level.
- Minor internal layout changes to a number of the apartments.
- The inclusion of a number of additional external louvres, consistent with that already proposed with the development, in order to maximise visual privacy.

The Section 4.56 application also proposes to modify Condition 1 of the development consent, which relates to the plan identification table which is required to be updated should the modification application be approved.

The site is zoned B4 - Mixed Use under the Waverley Local Environmental Plan 2012.

Two (2) submissions were received to the application when notified during the assessment process. The matters raised are discussed in this report and can be summarised as relating mainly to the original development consent including the height, traffic and parking, visual and acoustic privacy impacts, overshadowing, safety and the loss of club floor area for its members.

The proposal has been considered against Section 4.15 and 4.56 of the *Environmental Planning and Assessment Act 1979* and based on the assessment below is recommended for approval.

## 2. PREAMBLE

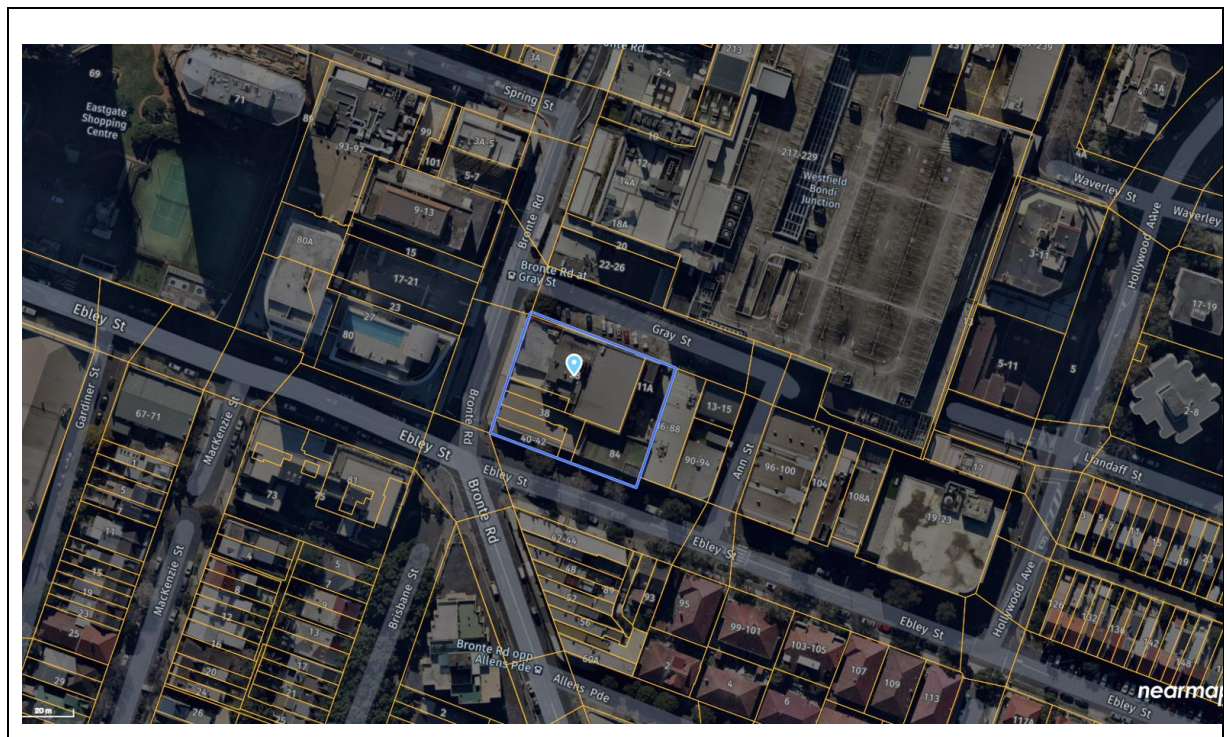
### 2.1 Site and Surrounding Locality

The site includes 28--42 Bronte Road and 84 Ebley Street, Bondi Junction which comprises six (6) properties containing two storey shop top houses to Bronte Road and three storey RSL building with frontage to Gray Street and through to Ebley Street. The site has a total combined area of 2,180m<sup>2</sup> and has frontages to Bronte Road (west), Gray Street (north) and Ebley Street (south). The site is affected by a 3.66m wide site covenant to Ebley Street for road widening benefitting Waverley Council. The site slopes gently down from east to west.

The lots known as 28-42 Bronte Road, Bondi Junction are listed as local heritage items (No. I171), for their façade significance according to the Waverley Local Environmental Plan Waverley (LEP) 2012.

Adjoining the site to the east is a two storey commercial development, to the south on the opposite side of Ebley Street is a range of mixed use commercial and residential land uses. Diagonally opposite is the Grand Hotel redevelopment being a mixed use commercial and residential building. To the west of the site on the opposite side of Bronte Road is predominantly a mix of retail and residential premises. The mixed use Genoa commercial/ residential development is located at the corner of Ebley Street and Bronte Road which presents as 2-6 storeys to the Bronte Road corner and 16 storeys to Ebley Street. To the north on the opposite side of Gray Street is a number of small two storey retail premises and the existing Westfield development. The site is zoned B4 – Mixed Use under the Waverley LEP 2012.

Works have commenced on site.



**Figure 1:** Location of the subject site





**Figure 2:** Subject site frontage at the corner of Bronte Road and Gray Street



**Figure 3:** Subject site frontage at the corner of Bronte Road and Ebley Street

## 2.2 Details of Approved Development

On 12 December 2017, development application DA-533/2017 was lodged with Waverley Council to redevelop the site occupied by the Club Bondi Junction RSL. This DA proposed the redevelopment of the site for partial demolition of buildings and the construction of a 13 storey mixed use building including 124 residential apartments, 200m<sup>2</sup> of retail floor space, a registered club at ground and first floor levels and four levels of basement parking. On 19 July 2018, DA-533/2017 was refused by the Sydney Eastern City Planning Panel.

On 19 October 2018, a Section 8.2 review application was lodged with Council with an amended scheme reducing the height of the building to ten (10) storeys, a reduction in floor space and the number of apartments down to 80.

On 19 December 2018, the applicant lodged an appeal with the Land and Environmental Court (LEC) against the Council's deemed refusal of the review application.

Council entered into a Section 34 agreement with the applicant on 20 November 2019 subject to amended plans and conditions. DA-533/2017/1 for partial demolition of buildings and the construction of a ten (10) storey mixed use development containing a club premises, 78 residential apartments, basement parking with associated excavation and landscaping works was approved on 27 November 2019 subject to conditions. Details of the approved development are summarised as follows:

- Demolition of existing buildings and structures on a portion of the site, and retention of the existing heritage façade along part of the Bronte Road and Gray Street frontage of the site.
- A 10-storey mixed-use development
- New club premises for Club Bondi Junction RSL on the ground and first floors.
- Relocated ground floor retail tenancies.
- 78 new residential apartments over eight levels, with associated private open space areas.
- Activated street frontages to Gray Street, Bronte Road and Ebley Street.
- Car parking for a total of 117 cars within three levels of basement parking, with associated excavation to approximately 10m.
- Landscape works including communal open spaces at Level 9, planting along the façade of private terraces, and landscaping.
- The deletion of an existing driveway/crossover to Ebley Street.

On 22 April 2021, modification application DA-533/2017/1/A was approved by the Sydney Eastern City Planning Panel. This modification enabled an increase in the number of apartments from 78 to 81, amendments to apartment layouts, changes to the rooftop communal area, design resolution of the roof plant area and updated car parking and storage areas.

## 2.3 The Proposal

The subject modification application seeks amendment to the approved mixed use development including modification to reduce the number of apartments from 81 to 80, increase in floor space, updates to waste storage, internal reconfigurations and additional external louvre screens to maximise privacy. A summary of the modifications are provided below with a detailed schedule of all changes attached to the architectural plans and in **Table 1** below:

- A reduction in the number of apartments from 81 to 80, with two of the proposed apartments amalgamated into one on both Levels 7 and 8.
- One x 3 bedroom apartment and one x 2 bedroom apartment is to be modified to two x 2 bedroom apartments and one x 1 bedroom adaptable apartment on Level 2.
- An updated bulky waste location (on level B1) to ensure compliance with spatial requirements set out in the existing consent conditions.
- Corresponding updates to the detailed parking and bicycle parking layouts in the basement, arising from the new waste bulky waste location.
- A new staircase door location, as required by the existing conditions of consent, in order to avoid direct access to the gaming area at Ground floor level.
- Minor internal layout changes to a number of the apartments.
- The inclusion of a number of additional external louvres, consistent with that already proposed with the development, in order to maximise visual privacy.

The following conditions of consent relate to the subject modification:

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

*The development must be in accordance with:*

*(a) Architectural Plans prepared by Group GSA identified as follows:*

<b>Drawing description and No.</b>	<b>Revision No. and Date</b>
DA2001 Basement 3 Plan	Issue K – 19/11/2019
DA2002 Basement 2 Plan	Issue K – 19/11/2019
DA2003 Basement 1 Plan	Issue J – 19/11/2019
DA2010 Ground Level Plan	Issue I – 11/09/2019
DA2011 Level 1 Plan	Issue I – 11/09/2019
DA2012 Level 2 Plan	Issue K – 11/09/2019
DA2013 Level 3-5 Plan	Issue L – 11/09/2019
DA2014 Level 6-7 plan	Issue E – 10/10/2019
DA2015 Level 8 Plan	Issue K – 11/09/2019
DA2016 Level 9 Plan	Issue H – 16/09/2019
DA2017 Roof Plan	Issue I – 16/09/2019
DA3000 Elevation North – Gray Street	Issue J – 8/11/2019
DA3001 Elevation West – Bronte Road	Issue JH – 8/11/2019
DA3002 Elevation South – Ebley Street	Issue J – 8/11/2019
DA3003 Elevation East	Issue J – 8/11/2019
DA3100 Building Sections	Issue H – 8/11/2019

*(i) As amended by Architectural Plans titled 'S4.55 submission' project number 191010 prepared by Group GSA 29 January 2021 and received by Council on 1 October 2020 and 10 February 2021 identified as follows:*

<b>Drawing description and No.</b>	<b>Revision No. and Date</b>
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<i>DA2001 Basement 3 Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2002 Basement 2 Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2003 Basement 1 Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2010 Ground Level Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2011 Level 1 Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2012 Level 2 Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2013 Level 3-5 Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2014 Level 6 plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2015 Level 7-8 Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2016 Level 9 Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA2017 Roof Plan</i>	<i>Issue B – 29/01/2021</i>
<i>DA3000 Elevation North – Gray Street</i>	<i>Issue B – 29/01/2021</i>
<i>DA3001 Elevation West – Bronte Road</i>	<i>Issue B – 29/01/2021</i>
<i>DA3002 Elevation South – Ebley Street</i>	<i>Issue B – 29/01/2021</i>
<i>DA3003 Elevation East</i>	<i>Issue B – 29/01/2021</i>
<i>DA3100 Building Sections</i>	<i>Issue A – 28/08/2020</i>
<i>DA-3210 Adaptable + Universal Units</i>	<i>Issue A – 28/08/2020</i>
<i>DA-3211 Adaptable + Universal Units</i>	<i>Issue A – 28/08/2020</i>
<i>DA-3220 Universal Unit Layouts</i>	<i>Issue A – 28/08/2020</i>
<i>DA-3221 Universal Unit Layouts</i>	<i>Issue A – 28/08/2020</i>
<i>DA-3222 Universal Unit Layouts</i>	<i>Issue A – 28/08/2020</i>
<i>DA8005 Storage Schedule</i>	<i>Issue A – 28/08/2020</i>

- (b) *BASIX Certificate and NatHERS certificate;*
- (c) *Traffic Impact Assessment Report prepared by ASON Group dated 18 October 2018 and date stamp received by Council on 19 October 2018 as amended by supplement letter from ASON Group dated 19 August 2020 and received by Council on 1 October 2020 as amended by the architectural plans identified in Condition 1(a) above and conditions stipulated below;*
- (d) *Geotechnical Investigation Report prepared by Aargus report No.GS7062-1B dated 23 November 2017 and date stamp received by Council on 19 October 2018, as amended by the architectural plans identified in Condition 1(a) above;*
- (e) *Solar Light Reflectivity Study prepared by Windtech dated 4 October 2018 and received by Council on 19 October 2018 as amended by Solar Light Reflectivity Study prepared by Windtech dated 10 September 2020 and received by Council on 1 October 2020, as amended by the architectural plans identified in Condition 1(a) above;*
- (f) *Revised Acoustic Assessment prepared by Acoustic Logic dated 4 October 2018 and received by Council on 19 October 2018, updated by letter from Acoustic Logic dated 4 February 2021 and received by Council on 10 February 2021, as amended by the architectural plans identified in Condition 1(a) above;*
- (g) *Hydraulic Services Concept Design Report prepared by Insync Services Pty Ltd dated 3 November 2017 and date stamp received by Council on 19 October 2019, as amended by the architectural plans identified in Condition 1(a) above;*
- (h) *Stormwater Drainage Development Application Report prepared by Insync services Pty Ltd dated 16 October 2018 and date stamp received by Council on 19 October 2019, as amended by Stormwater Drainage Report prepared by Intrax Projects dated 16 July 2020 and received by*



*Council on 1 October 2020, as amended by the architectural plans identified in Condition 1(a) above;*

- (i) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.*
- (j) Mechanical Services Concept Design Report prepared by Intrax Projects dated 22 July 2020 and received by Council on 1 October 2020 and additional information prepared by Intrax Projects dated 3 February 2021 and received by Council on 10 February 2021.*
- (k) Landscape plans drawing nos.L000, L010, L220 and L290 Revision C dated 08/09/2020 and L800 revision B dated 08/09/2020 and received by Council on 1 October 2020.*

*Except where amended by the following conditions of consent.*

Condition 1 is to be updated to reflect the amended plans.



**Figure 4: Photomontage from Bronte Road looking south-east towards the site**



**Figure 5: Photomontage from corner Ebley Street and Bronte Road looking north-east towards the site**

### 3. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.56 of the *Environmental Planning and Assessment Act 1979* (the Act).

#### 3.1 Section 4.56 Considerations

**Section 4.56 applications - Modification by consent authorities of consents granted by the Court** - the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and each person who made a submission in respect of the relevant development application has been notified of the proposed modification by sending written notice and submissions considered as discussed further in the report.

The following provides a summary table of the modifications proposed under this Section 4.56 application. Detailed assessment of components of modifications are provided under Section 3.2 of this Report (a detailed schedule of all changes is attached to the architectural plans).

**Table 1: Summary list of proposed modifications**

LEVEL	AMENDMENT TO LEC APPROVED PLAN	SATISFACTORY
BASEMENT 03	Parking spaces amended from disabled to regular and regular to disabled	Yes
	Amendment of motorcycle parking layout	Yes
BASEMENT 02	Storage unit arrangement amended	Yes
	7 bike spaces relocated from Basement 1 to Basement 2	Yes

<b>BASEMENT 01</b>	Bikes relocated to Basement 2. Bulky waste room added.	Yes
<b>GROUND</b>	Extension of stair corridor and change in position of door to not enter straight from residential lobby into the gaming room	Yes
<b>LEVEL 2</b>	Cavity slider in lieu of swing door	Yes
	Window size reduced, creating solid nib next to bed head	Yes
	Redundant service cupboard converted to a storage unit	Yes
	Apartment amended to a 1 bed adaptable/universal	Yes
	Apartment amended to two 2 bed units	Yes
<b>LEVELS 3-5</b>	Bedroom door and robe amended	Yes
	Louvres added to 03 type units	Yes
	Storage added in lieu of services	Yes
	Apartment internal layout amended – unit type 10	Yes
<b>LEVEL 6</b>	Bathroom orientation change	Yes
	Louvres added to 03 type unit	Yes
	Kitchen bench mirrored	Yes
	Bedroom door location moved	Yes
	Apartment internal layout modification to 09 and 10 type units	Yes
<b>LEVEL 7</b>	Louvres added	Yes
	Cavity door added	Yes
	Kitchen layout amended	Yes
	Internal layout amended	Yes
	1 bedroom unit removed and apartment layout changed to a 4 bedroom apartment	Yes
	Louvres added to 03 type unit	Yes
<b>LEVEL 8</b>	Louvres added to 03 type unit	Yes
	806 bedroom door replaced with cavity sider	Yes
	1 bedroom unit removed and 809 floor plan amended to include study	Yes
<b>LEVEL 9</b>	902 floor plan amended. Bathroom orientation changed	Yes
	Risers amended	Yes
	905 floor plan amended	Yes
	Annotation for Skylight location shown in level 9 plan. No change to approved skylight location.	Yes
<b>SOUTH ELEVATION</b>	Window size reduced, creating solid nib next to bed head	Yes

### 3.2 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

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

An amended BASIX Certificate has been submitted with this application.

### 3.2.2 SEPP 55 Remediation of Land

Site contamination was considered in the original application.

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

The application was not referred to the Waverley Design Excellence Advisory Panel (DEAP) given the nature of the works proposed however, an assessment has been undertaken with regard to the nine design quality principles under SEPP 65 which are set out in **Table 2**:

**Table 2: Assessment against the Nine Design Quality Principles under SEPP 65**

Principle
<b>Principle 1: Context and Neighbourhood</b>
The proposed changes will not add to the building height, bulk and scale of the approved development when viewed in its streetscape context or from neighbouring buildings.
<b>Principle 2: Built Form and Scale</b>
The proposal is consistent with the built form and scale of the approved development and does not result in unreasonable impacts on the amenity of neighbouring properties or the locality.
<b>Principle 3: Density</b>
The proposed modified units maintain an acceptable level of amenity.
<b>Principle 4: Sustainability</b>
The proposed modifications do not seek to alter the approved sustainability measures on site.
<b>Principle 5: Landscape</b>
Satisfactory
<b>Principle 6: Amenity</b>
The proposed modifications will not result in unreasonable amenity impacts.
<b>Principle 7: Safety</b>
The proposal does not affect the safety and security of the approved development.
<b>Principle 8: Housing Diversity and Social Interaction</b>
The proposal maintains an appropriate apartment mix and the apartments meet the minimum size and area for apartments outlined in the Apartment Design Guide.
<b>Principle 9: Aesthetics</b>
The proposed modifications maintain the overall aesthetic of the building.

#### Apartment Design Guide (ADG)

SEPP 65 requires the proposed development to consider Parts 3 and 4 of the ADG. The application involves changes to internal configuration of some of the apartments due to design resolution following the marketing of the development. These modifications are minor, however an assessment against the relevant provisions within the ADG is provided in **Table 3**.





Design Criteria	Consistency	Planning assessment
<b>4D Apartment size and layout</b> <ul style="list-style-type: none"> <li>• 1 bedroom - 50m<sup>2</sup></li> <li>• 2 bedroom - 70m<sup>2</sup></li> <li>• 3 bedroom - 90m<sup>2</sup></li> <li>• open plan living max depth 8m from a window</li> <li>• master bedrooms min 10m<sup>2</sup></li> <li>• bedrooms min 9m<sup>2</sup></li> <li>• bedroom dimension – min 3m</li> <li>• living rooms min width - 3.6m for 1 bed, 4m for 2 and 3 bed</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>All of the proposed reconfigured apartments comply with the minimum internal area requirements with many units exceeding the requirements.</p>
<b>Configuration</b>		
<b>4K Apartment mix</b>	Yes	The approved development, as proposed to be modified, maintains a mix of one, two, three and four bedroom apartments.

### 3.2.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Bondi Junction Centre is captured by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP) as it is part of land identified within the edged heavy black borders on the Sydney Harbour Catchment Map referred to in clause 3(1) of the SREP. The SREP is a deemed SEPP, and therefore, the matters for consideration under Division 2 of Part 3 of the SREP apply to the assessment of the application.

Given the site is separated by a substantial distance from the immediate foreshores and waterways of Sydney Harbour, the proposed development, as proposed to be modified, has no effect on the following matters set out in clauses 21 to 24 and 26 and 27 of the SREP:

- biodiversity, ecology and environment protection
- public access to, and use of, foreshores and waterways
- maintenance of a working harbour
- interrelationship of waterway and foreshore uses
- maintenance, protection and enhancement of views
- boat storage facilities.

The majority of the proposed modified development is obscured by the existing towers at the northern side of the Bondi Junction Centre including the Westfield Towers. In this regard, the proposed modified development is expected to have a negligible impact on the visual and scenic qualities of Sydney Harbour, including its islands, foreshores and tributaries.

### 3.2.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 4: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposed modifications to the development address the provisions of clause 1.2 of Waverley LEP 2012.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B4 Mixed Use Zone	Yes	The approved mixed-use development as proposed to be modified, remains permitted with development consent in the B4 Mixed Use Zone. The development remains consistent with the zone objectives.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>32m</li> </ul>	No change	
4.4 Floor space ratio (FSR) <ul style="list-style-type: none"> <li>6:1</li> <li>Site Area:2,180m<sup>2</sup></li> <li>Permissible GFA: 13,080m<sup>2</sup></li> </ul>	Yes	Approved GFA: 9,756m <sup>2</sup> Approved FSR: 4.47:1  The development as proposed to be modified includes some minor changes to GFA calculations over each floor level due to changes to apartment configurations, however, the applicant has confirmed that there is no change to the overall approved FSR on site.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage Conservation	Yes	The subject sites at 28-42 Bronte Road contain listed heritage items under Waverley LEP 2012 for their façade significance. Accordingly, the provisions of clause 5.10 are applicable to the proposed modified development. This matter was assessed as part of the original application and no changes are sought under this modification application that would result in significant impacts on the heritage facades to be retained.
<b>Part 6 Additional local provisions</b>		
6.5 Active Street frontages in the Bondi Junction Centre	Yes	The development, as proposed to be modified, remains consistent with this Clause of the Waverley LEP 2012.

### 3.2.6 Waverley Development Control Plan 2012 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposal are outlined below:

**Table 5: Waverley DCP 2012 – Part B General Design Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory. See further discussion below under the Referrals section of this report.
2. Ecologically Sustainable Development	Yes	Satisfactory
7. Accessibility and adaptability	Yes	The proposal does not change the overall accessibility of the development.
<p>8. Transport</p> <p>The applicable maximum car parking rates are as follows:</p> <ul style="list-style-type: none"> <li>• 0.4 resident spaces per one bedroom unit</li> <li>• 0.7 resident spaces per two bedroom unit</li> <li>• 1.2 resident spaces per three bedroom unit</li> <li>• Total maximum resident spaces = 51</li> </ul>	<p>No</p> <p>No</p>	<p>Whilst the modified proposal seeks to decrease the number of units on site from 81 to 80, the applicant advises in their submission that it is not proposed to alter the car parking on site.</p> <p>Waverley DCP 2012 has a maximum parking provision in place. Conditions 2(a) and 87 of the development consent DA-533/2017/1 limited resident car parking to 78 spaces only based on the 78 apartments proposed which exceeds the maximum permitted under the DCP, but were approved nonetheless. DA-533/2017/1/A, which approved an increase in the number of apartments from 78 to 81, did not propose any increase to car parking on site. The modified plans under this subject application show that there are 78 resident car spaces proposed which is in compliance with the conditions originally stipulated.</p> <p>The reduction in one apartment would result in the need for a reduction of one car parking space on site in accordance with Waverley DCP 2012. Notwithstanding, the original development consent proposed 78 units only with 78 resident car spaces as conditioned. With 80 units now proposed, it is considered that a further reduction of one car space under the modified proposal is not warranted.</p>
10. Safety	Yes	The building has been designed to provide casual surveillance over the street. The building entrances are visible and the modified development satisfies this section of the Waverley DCP 2012.
12. Design Excellence	Yes	The modified proposal is accompanied by a Design Verification statement and Design Excellence statement provided by Group GSA Architects. The development, as proposed to be modified is considered to exhibit a high level of design excellence.
16 Public Domain	Yes	Satisfactory

**Table 6: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table**

This part applies to development that is subject to State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development. The relevant controls as they apply to the subject modification application are provided in **Table 6**.

Development Control	Compliance	Comment
<b>3.2 Height</b>		
<ul style="list-style-type: none"> <li>Refer to the Waverley LEP 2012</li> </ul>	No change	
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Scale and appearance in keeping with the street</li> </ul>	Yes	No change is proposed to the building envelope. The streetscape presentation remains as approved.

**Table 7: Waverley DCP 2012 - Part E1 Bondi Junction Compliance Table**

Development Control	Compliance	Comment
<b>1.4 Access and movement</b>		
1.4.4 On-site parking	No	See discussion above under Table 5
<b>1.16 Building Elevations</b>		
<ul style="list-style-type: none"> <li>All elevations architecturally designed and contribute to the character of the street</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Provide openable windows</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Facades to have relief modelling</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Balconies recessed</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Use solar protection elements</li> </ul>	Yes	

### 3.3 Other Impacts of the Development

The approved development, as proposed to be modified, is capable of complying with the National Construction Code. It is considered that the development as proposed to be modified will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

### 3.4 Suitability of the Site for the Development

The site remains suitable for the approved development, as proposed to be modified.

### 3.5 Any Submissions

The application was notified for 21 days in accordance with the *Waverley Community Development Participation and Consultation Plan*. Submissions from two (2) properties were received. The issues raised in the submissions are summarised and discussed below.

**Table 8: Summary of property addresses that lodged a submission**

Property
8 Mackenzie Street, Bondi Junction
Address Withheld

The following issues raised in submissions have been discussed previously in this report or addressed under the original development application. The issues raised relate primarily to the original development that has been approved.

- *Height*
- *Visual privacy*
- *Traffic and parking*
- *Overshadowing*
- *Noise*
- *Anti-social behaviour*
- *Loss of RSL floor space*

### **3.6 Public Interest**

The proposal is not considered to be contrary to the public interest.

### **3.7 Referrals**

#### **3.7.1 Waste**

The modified application was referred to Council's Waste Management Officer who raised no objections subject to an upgrade to Condition 56 relating to waste management on site to bring it into line with current practices under the Waverley DCP 2012 (Amendment 9).

#### **3.7.2 Traffic**

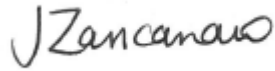
The modified application was referred to Council's Traffic Engineer who raised no objections subject to the reduction in car parking by one car space. As noted under **Table 5** above, the reduction in one apartment would result in the need for a reduction of one car parking space on site in accordance with Waverley DCP 2012. Notwithstanding, the original development consent proposed 78 units only with 78 resident car spaces as conditioned. With 80 units now proposed and 78 car parking spaces, it is considered that a further reduction of one car space under the modified proposal is not warranted.



**4. RECOMMENDATION TO SYDNEY EASTERN CITY PLANNING PANEL**

That the Section 4.56 Modification Application be **APPROVED** by the Sydney Eastern City Planning Panel subject to the modified conditions in Appendix A and full list of conditions in Appendix B.

**Report prepared by:**



Jo Zancanaro  
**Senior Development Assessment Planner**

**Date:** 28/09/2021

**Application reviewed and agreed on behalf  
of Waverley Council's Development and  
Building Unit by:**



Angela Rossi  
**Manager, Development Assessment  
(Central)**

**Date:** 01/10/2021

## **APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED – DA-533/2017/1/B**

*Should the Sydney Eastern City Planning Panel resolve to support (approve) the application, the following conditions of consent are recommended for imposition:*

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

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

The development must be in accordance with:

(a) Architectural Plans prepared by Group GSA identified as follows:

<b>Drawing description and No.</b>	<b>Revision No. and Date</b>
DA2001 Basement 3 Plan	Issue K – 19/11/2019
DA2002 Basement 2 Plan	Issue K – 19/11/2019
DA2003 Basement 1 Plan	Issue J – 19/11/2019
DA2010 Ground Level Plan	Issue I – 11/09/2019
DA2011 Level 1 Plan	Issue I – 11/09/2019
DA2012 Level 2 Plan	Issue K – 11/09/2019
DA2013 Level 3-5 Plan	Issue L – 11/09/2019
DA2014 Level 6-7 plan	Issue E – 10/10/2019
DA2015 Level 8 Plan	Issue K – 11/09/2019
DA2016 Level 9 Plan	Issue H – 16/09/2019
DA2017 Roof Plan	Issue I – 16/09/2019
DA3000 Elevation North – Gray Street	Issue J – 8/11/2019
DA3001 Elevation West – Bronte Road	Issue JH – 8/11/2019
DA3002 Elevation South – Ebley Street	Issue J – 8/11/2019
DA3003 Elevation East	Issue J – 8/11/2019
DA3100 Building Sections	Issue H – 8/11/2019

(i) As amended by Architectural Plans titled 'S4.55 submission' project number 191010 prepared by Group GSA 29 January 2021 and received by Council on 1 October 2020 and 10 February 2021 identified as follows:

<b>Drawing description and No.</b>	<b>Revision No. and Date</b>
DA2001 Basement 3 Plan	Issue B – 29/01/2021
DA2002 Basement 2 Plan	Issue B – 29/01/2021
DA2003 Basement 1 Plan	Issue B – 29/01/2021
DA2010 Ground Level Plan	Issue B – 29/01/2021
DA2011 Level 1 Plan	Issue B – 29/01/2021
DA2012 Level 2 Plan	Issue B – 29/01/2021
DA2013 Level 3-5 Plan	Issue B – 29/01/2021
DA2014 Level 6 plan	Issue B – 29/01/2021
DA2015 Level 7-8 Plan	Issue B – 29/01/2021
DA2016 Level 9 Plan	Issue B – 29/01/2021
DA2017 Roof Plan	Issue B – 29/01/2021
DA3000 Elevation North – Gray Street	Issue B – 29/01/2021

DA3001 Elevation West – Bronte Road	Issue B – 29/01/2021
DA3002 Elevation South – Ebley Street	Issue B – 29/01/2021
DA3003 Elevation East	Issue B – 29/01/2021
DA3100 Building Sections	Issue A – 28/08/2020
DA-3210 Adaptable + Universal Units	Issue A – 28/08/2020
DA-3211 Adaptable + Universal Units	Issue A – 28/08/2020
DA-3220 Universal Unit Layouts	Issue A – 28/08/2020
DA-3221 Universal Unit Layouts	Issue A – 28/08/2020
DA-3222 Universal Unit Layouts	Issue A – 28/08/2020
DA8005 Storage Schedule	Issue A – 28/08/2020

- (ii) ***As amended by Architectural Plans titled ‘S4.56 submission’ project number 191010 prepared by Group GSA 7 May 2021 and received by Council on 29 July 2021 and identified as follows:***

<b><i>Drawing description and No.</i></b>	<b><i>Revision No. and Date</i></b>
<b><i>DA2001 Basement 3 Plan</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA2002 Basement 2 Plan</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA2003 Basement 1 Plan</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA2010 Ground Level Plan</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA2012 Level 2 Plan</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA2013 Level 3-5 Plan</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA2014 Level 6 plan</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA2015 Level 7 Plan</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA2015A Level 8 Plan</i></b>	<b><i>Issue A – 07/05/2021</i></b>
<b><i>DA2016 Level 9 Plan</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA3002 Elevation South – Ebley Street</i></b>	<b><i>Issue C – 07/05/2021</i></b>
<b><i>DA3100 Building Sections</i></b>	<b><i>Issue B – 07/05/2021</i></b>
<b><i>DA-3210 Adaptable + Universal Units</i></b>	<b><i>Issue B – 07/05/2021</i></b>
<b><i>DA-3211 Adaptable + Universal Units</i></b>	<b><i>Issue B – 07/05/2021</i></b>
<b><i>DA-3212 Adaptable + Universal Units</i></b>	<b><i>Issue B – 07/05/2021</i></b>
<b><i>DA-3220 Universal Unit Layouts</i></b>	<b><i>Issue B – 07/05/2021</i></b>
<b><i>DA-3221 Universal Unit Layouts</i></b>	<b><i>Issue B – 07/05/2021</i></b>
<b><i>DA-3222 Universal Unit Layouts</i></b>	<b><i>Issue B – 07/05/2021</i></b>

- (b) BASIX Certificate and NatHERS certificate;
- (c) Traffic Impact Assessment Report prepared by ASON Group dated 18 October 2018 and date stamp received by Council on 19 October 2018 as amended by supplement letter from ASON Group dated 19 August 2020 and received by Council on 1 October 2020 as amended by the architectural plans identified in Condition 1(a) above and conditions stipulated below;
- (d) Geotechnical Investigation Report prepared by Aargus report No.GS7062-1B dated 23 November 2017 and date stamp received by Council on 19 October 2018, as amended by the architectural plans identified in Condition 1(a) above;
- (e) Solar Light Reflectivity Study prepared by Windtech dated 4 October 2018 and received by Council on 19 October 2018 as amended by Solar Light Reflectivity Study prepared by Windtech dated 10 September 2020 and received by Council on 1 October 2020, as amended by the architectural plans identified in Condition 1(a) above;

- (f) Revised Acoustic Assessment prepared by Acoustic Logic dated 4 October 2018 and received by Council on 19 October 2018, updated by letter from Acoustic Logic dated 4 February 2021 and received by Council on 10 February 2021, as amended by the architectural plans identified in Condition 1(a) above;
- (g) Hydraulic Services Concept Design Report prepared by Insync Services Pty Ltd dated 3 November 2017 and date stamp received by Council on 19 October 2019, as amended by the architectural plans identified in Condition 1(a) above;
- (h) Stormwater Drainage Development Application Report prepared by Insync services Pty Ltd dated 16 October 2018 and date stamp received by Council on 19 October 2019, as amended by Stormwater Drainage Report prepared by Intrax Projects dated 16 July 2020 and received by Council on 1 October 2020, as amended by the architectural plans identified in Condition 1(a) above;
- (i) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.
- (j) Mechanical Services Concept Design Report prepared by Intrax Projects dated 22 July 2020 and received by Council on 1 October 2020 and additional information prepared by Intrax Projects dated 3 February 2021 and received by Council on 10 February 2021.
- (k) Landscape plans drawing nos.L000, L010, L220 and L290 Revision C dated 08/09/2020 and L800 revision B dated 08/09/2020 and received by Council on 1 October 2020.

Except where amended by the following conditions of consent.

**(AMENDED DA-533/2017/1/B)**

## **56. WASTE AND RECYCLING STORAGE AND COLLECTION**

(a) The proposal must have a waste storage space as a minimum:

- **Residential**
  - 14 x 240L Mobile Garbage Bins (MGBs) for general waste compacted at 2:1
  - 10 x 240L MGBs for container recycling
  - 10 x 240L MGBs for paper recycling
  - 1 x 240L MGB for excess waste, and 1 x 240L MGB for garden organic waste should this be generated on the property.
  - ***A bulky storage area with a minimum of 13m<sup>2</sup> floor space is required to store unwanted household items (that don't fit in a bin). An additional 2m<sup>2</sup> floor space is required to store unwanted problem wastes such as electronic or textile waste, which can be collected and recycled separately.***
- **Commercial - Club**
  - 6 ~~10~~ x 660L MGB for general waste (collected 5 times per week)
  - ***4 x 660L MGB for cardboard/paper) collected 4 times per week)***
  - 3 x 660L MGB for comingled recycling (collected 3 times per week)
  - Extra space is required to store bulky cardboard, packaging, milk/bread carts, etc  
***\*collection frequency may need to be adjusted to account for heightened waste/recycling generation, for example during summer***

- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012 (amendment 5). All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (d) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/ areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.
- (e) The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.
- (f) ***This development must have onsite waste and recycling collection.*** Onsite collection must meet the criteria set out in the Waverley Council Development Control Plan, annexure B1-3.
- (g) ***Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.***
- (h) ***Noise and odour generated from the commercial component of the development must not impact on adjoining properties.***
- (i) ***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.***
- (j) ***All new developments are to provide adequate storage for waste to accommodate future change of uses.***
- (k) ***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.***
- (l) ***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.***
- (m) ***Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.***
- (n) ***The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for the transfer of bins within the property, to the collection point and back to the storage areas.***

**(AMENDED DA-533/2017/1/B)**



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

### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

(a) Architectural Plans prepared by Group GSA identified as follows:

<b>Drawing description and No.</b>	<b>Revision No. and Date</b>
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DA3100 Building Sections	Issue H – 8/11/2019

(i) As amended by Architectural Plans titled 'S4.55 submission' project number 191010 prepared by Group GSA 29 January 2021 and received by Council on 1 October 2020 and 10 February 2021 identified as follows:

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DA2015 Level 7-8 Plan	Issue B – 29/01/2021
DA2016 Level 9 Plan	Issue B – 29/01/2021
DA2017 Roof Plan	Issue B – 29/01/2021
DA3000 Elevation North – Gray Street	Issue B – 29/01/2021
DA3001 Elevation West – Bronte Road	Issue B – 29/01/2021
DA3002 Elevation South – Ebley Street	Issue B – 29/01/2021
DA3003 Elevation East	Issue B – 29/01/2021
DA3100 Building Sections	Issue A – 28/08/2020
DA-3210 Adaptable + Universal Units	Issue A – 28/08/2020
DA-3211 Adaptable + Universal Units	Issue A – 28/08/2020
DA-3220 Universal Unit Layouts	Issue A – 28/08/2020

DA-3221 Universal Unit Layouts	Issue A – 28/08/2020
DA-3222 Universal Unit Layouts	Issue A – 28/08/2020
DA8005 Storage Schedule	Issue A – 28/08/2020

- (ii) As amended by Architectural Plans titled 'S4.56 submission' project number 191010 prepared by Group GSA 7 May 2021 and received by Council on 29 July 2021 and identified as follows:

Drawing description and No.	Revision No. and Date
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DA2003 Basement 1 Plan	Issue C – 07/05/2021
DA2010 Ground Level Plan	Issue C – 07/05/2021
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DA2014 Level 6 plan	Issue C – 07/05/2021
DA2015 Level 7 Plan	Issue C – 07/05/2021
DA2015A Level 8 Plan	Issue A – 07/05/2021
DA2016 Level 9 Plan	Issue C – 07/05/2021
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DA-3211 Adaptable + Universal Units	Issue B – 07/05/2021
DA-3212 Adaptable + Universal Units	Issue B – 07/05/2021
DA-3220 Universal Unit Layouts	Issue B – 07/05/2021
DA-3221 Universal Unit Layouts	Issue B – 07/05/2021
DA-3222 Universal Unit Layouts	Issue B – 07/05/2021

- (b) BASIX Certificate and NatHERS certificate;
- (c) Traffic Impact Assessment Report prepared by ASON Group dated 18 October 2018 and date stamp received by Council on 19 October 2018 as amended by supplement letter from ASON Group dated 19 August 2020 and received by Council on 1 October 2020 as amended by the architectural plans identified in Condition 1(a) above and conditions stipulated below;
- (d) Geotechnical Investigation Report prepared by Aargus report No.GS7062-1B dated 23 November 2017 and date stamp received by Council on 19 October 2018, as amended by the architectural plans identified in Condition 1(a) above;
- (e) Solar Light Reflectivity Study prepared by Windtech dated 4 October 2018 and received by Council on 19 October 2018 as amended by Solar Light Reflectivity Study prepared by Windtech dated 10 September 2020 and received by Council on 1 October 2020, as amended by the architectural plans identified in Condition 1(a) above;
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- (i) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.
- (j) Mechanical Services Concept Design Report prepared by Intrax Projects dated 22 July 2020 and received by Council on 1 October 2020 and additional information prepared by Intrax Projects dated 3 February 2021 and received by Council on 10 February 2021.
- (k) Landscape plans drawing nos.L000, L010, L220 and L290 Revision C dated 08/09/2020 and L800 revision B dated 08/09/2020 and received by Council on 1 October 2020.

Except where amended by the following conditions of consent.

**(AMENDED DA-533/2017/1/B)**

## **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) Carparking within the building shall be limited to a maximum of 78 residential car parking spaces, 16 residential visitor car spaces, 22 RSL car parking spaces, 1 car share space and a loading dock. Eight of the residential car parking spaces are designed to allow future adaption to facilitate ageing in place.
- (b) Four (4) bicycle racks are to be provided at street level for visitors to the residential part of the building. In accordance with the Waverley DCP 2012, the spaces are to be provided at the residential lobby entrance of the building.
- (c) A minimum of 35 motorcycle parking spaces are to be provided within the Basement Parking levels.
- (d) The proposed external finish/ method of screening the outdoor gaming area to the Ebley Street frontage of the property is not approved. The applicant is to provide alternate design options that integrate with street level the façade treatment of the building.
- (e) Awning details to all street frontages are to be provided to ensure that the awnings between the building and adjoining development to the east have an appropriate relationship and height clearance from the footpath. The awning shall:
  - Be minimum 3m in width (extending out from building façade);
  - Have a height between 3.1 – 4.2m measured above footpath level, that steps/tapers with the topography of the site;
  - Be offset a minimum of 600mm behind the kerb.
- (f) An amended Landscape Plan is to be submitted to Council which reflects the amended plans/ documents listed in Condition 1 of Appendix B. In addition, the Landscape Plan shall:
  - i. Be fitted with automatic irrigation systems to the communal terrace.

- ii. Provide a planter along the street frontage perimeter to provide a green edge to the communal space when viewed from the streetscape. The planter shall be 1m in width, with a minimum soil depth of 600mm.
- (g) The public domain works on Gray Street shown on the submitted architectural/ landscape plans are not approved and are to be deleted from the plans. The architectural plans are to be amended to reflect the requirements for public domain works as contained in the conditions of this consent.
- (h) The car parking position 50 set out on Drawing No DA2001 – Basement Plan 3, Issue K shall not be used as a parking space and shall only be used as a service bay.
- (i) No approval is granted or implied for internal access from the residential lobby/ service area to the indoor gaming area associated with the Club RSL at ground floor level. As such, the doorway and associated stairs are to be deleted from the plans.
- (j) A suitable privacy screen is to be provided to the western side of Unit type 03 (that is, units 303, 403, 503) on Levels 3-5 to prevent overlooking into the adjoining bedroom of Unit type 02 (that is, units 302, 402, 502) on Levels 3-5.
- (k) The drafting error on Level 7-8 floor plan is to be corrected, whereby the unit configuration, size and apartment number for unit type 9 and 10 (that is, units 709, 710, 809, 810) is to be clearly shown on the plan.

The amendments are to be approved by Council's Executive Manager, Development Assessment (or delegate) prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**(AMENDED DA-533/2017/1/A)**

## **2A LEVEL 9 COMMUNAL OPEN SPACE AREA**

- (a) The use of the communal open space area on Level 9 is to be limited to between 7.00am and 10.00pm, 7 days (except New Years Eve which may extend to 12.30am on 1 January), in order to ensure the amenity of the adjoining neighbours and neighbours within the building are not adversely impacted. Appropriate signage must be displayed in the foyer advising residents of the time restrictions for use of communal open space on Level 9.
- (b) The use of the Level 9 communal open space area is restricted to residents of the apartments within the subject building on site and their guests only.
- (c) To limit the impacts of acoustic impacts, light spill and flicker to neighbouring residents, the proposed outdoor cinema located within the communal open space area on Level 9 is restricted to use between the hours of 10am and 10pm Thursday to Saturday only. The cinema is to be operated with audio provided through individual headsets only, per individual patron and not through a projected sound system. No amplified sound is approved.
- (d) The use of the outdoor cinema area is not to be open to the public and limited to 20 patrons only who are to be associated with the residential apartments within the subject residential building on site only.
- (e) The provision of solid fuel heating is prohibited.

Details of the operational use of this communal area as outlined in this condition are to be included in the Strata By-laws for the building in any future subdivision / Strata Plan arrangement.

**(ADDED DA-533/2017/1/A)**

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

### **3. 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 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 the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; 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.**

### **4. PATRON NUMBERS - RSL CLUB**

- a. The patron capacity (inclusive of staff, security, entertainers and patrons) for the whole of the RSL Club premises is not to exceed the patron capacity calculated for the relevant areas in accordance with the requirements of the Building Code of Australia.
- b. The proposed uses of rooms and areas within the Club are to be nominated and details of maximum patron numbers for each room/area are to be provided in accordance with the following:
  - i. **Plans** – Prepare and submit plans for Club Bondi Junction RSL to a scale of not less than 1:100. The plans are to show partitioning within the building, the location of all rooms/areas and also include the dimensions of all rooms, exits and paths of travel to exits. These plans must also include floor areas and proposed maximum population numbers.
  - ii. **BCA Compliance Statement** – The proposed population numbers must be calculated and certified as being in accordance with the provisions of the Building Code of Australia. The required Compliance Statement must be prepared by an A1 Accredited Certifier and must consider sanitary facilities, floor areas, fire safety measures and exit widths when calculating population numbers.

**The information in (a) and (b) must be provided to and approved by Council's Executive Manager, Development Assessment (or delegate) prior to the issue of any Construction Certificate under the Environmental Planning and Assessment Act 1979.**

### **5. SCHEDULE OF HERITAGE RESTORATION WORKS**

- a. To maintain the significance of the heritage listed facades at 28-32 and 34-36 Bronte Road, Bondi Junction and associated building fabric, a full schedule of heritage restoration works prepared by an appropriately qualified professional is to be provided to Council including the following:
  - i. The works are to include restoration of the street frontages including reinstatement of missing joinery and glazing stabilization, restoration of all original face brick, rendered fabric, metal work within the retained fabric.



- ii. The finishes and colours of the restored facades are to be based upon original finishes with investigation of remaining paint finishes provided as a basis for colour selection.
- iii. The proposed treatment of openings to the retained façade.
- iv. The treatment of the inner face to the retained facades particularly at deck level.

**The schedule of restoration works is to be submitted to and approved by the Council's Heritage Architect (or delegate) prior to the issue of any Construction Certificate.**

## **6. MATERIALS AND SAMPLES BOARD**

- a. A physical material sample board which specifies all proposed materials, finishes and colours, keyed to each building elevation is to be provided. The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.
- b. The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications approved under (a) above.

**The materials and sample board must be submitted to and approved by Council's Executive Manager, Development Assessment (or delegate) prior to the issue of any Construction Certificate.**

## **7. SECTION 7.12 CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- 2. As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following:
  - I. A development valued at \$100,000 or less will be exempt from the levy.
  - II. A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - III. A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

**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.**

#### **8. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of **\$650,000** 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.

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.

**This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate.**

#### **9. 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

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.

**The levy is to be paid prior to the issue of any Construction Certificate.**

#### **10. LOSS OF CAR SPACES - CONTRIBUTION**

The construction of the vehicle crossing results in the loss of parking meter spaces. A contribution of \$42,025 (indexed for 2019/20) per parking space being lost (as determined by the approved swept wheel path drawings) is to be paid to compensate Council for the loss of spaces in accordance with Council's Plan of Management.

**This amount is to be paid prior to the issue of any Construction Certificate.**

#### **11. PUBLIC DOMAIN IMPROVEMENTS**

The public domain is to be upgraded across the entire 3 frontages of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. Works include:

- (a) Pedestrian footpath
- (b) Road pavement
- (c) Kerb & gutter
- (d) Stormwater infrastructure located on the Council kerb
- (e) Street light poles
- (f) Street furniture
- (g) Landscape and street tree plantings

The public domain works are to be provided at the applicant's expense (excluded from any contribution /Planning Agreement) and in accordance with Council's 'Bondi Junction Complete Streets Program', the 'Public Domain Improvements Plan' and 'Public Domain Technical Manual'.

Detailed engineering drawings, including specifications and materials of construction for all works approved to be carried out on the public domain shall be submitted to Council for the Executive Manager, Infrastructure Services prior to the commencement of works. All costs associated with the preparation and submission of the Public Domain drawings shall be at the applicant's expense.

**The public domain plan shall be submitted to, and approved by the Executive Manager, Creating Waverley (or delegate) prior to the issue of any Construction Certificate for above ground works.**

## **12. PUBLIC ART**

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

**Details to be provided to the satisfaction of Council's Executive Manager Development Assessment (or delegate) prior to the issue of any Construction Certificate for the development.**

## **13. ARCHIVAL RECORDING OF EXISTING BUILDINGS**

An archival record shall be prepared of the existing buildings for deposit in Waverley Council's Archive (1 x digital copy and 2 x printed copies to be submitted). This record must be carried out prior to the removal of any significant building fabric or furnishings from the site. The record shall comprise photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate.

**Details to be provided to the satisfaction of Council's Executive Manager Development Assessment (or delegate) prior to the issue of any Construction Certificate for the development.**

## **14. PUBLIC INFRASTRUCTURE WORKS**

Public infrastructure works shall be designed and constructed as outlined in this condition of consent.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Domain Engineer:

- a) The full renewal and reconstruction of road pavement for full road width on Gray Street, for the full frontage of the site. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) The existing pavement, footpath, kerb and gutter traversing all 3 street frontages to be reconstructed and upgraded to comply with the 'Bondi Junction' precinct masterplan, in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath material, profile and details traversing the development site to be advised by Council.
- c) Any stormwater infrastructure within the extent of public domain works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.
- d) Street trees shall be planted along the street frontages of the site. The trees are to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum

height of 2500mm from the top of the container to the apical tip. The tree species and planting location to be approved by Council. The chosen tree species and location shall not interfere with wheel swept path or obstruct the proposed vehicular crossing.

- e) All trees existing and proposed within the Council verge will require the installation of suitable tree pits, surrounds and root barriers as per the Waverley Council Public Domain Technical Manual. All proposed tree species, locations and tree sizes to be approved by Council Officer.
- f) Make provision for new street lights serviced by metered underground power and on multifunction poles (MFPs). The consultant shall liaise with Council in obtaining Councils requirements and specifications for the street columns and components, including the appropriate LED luminaire. LED luminaire columns shall be supplied and installed to meet pedestrian compliance standards.

New lighting shall be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces. Plans shall be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Councils Public Domain Engineer for approval prior to lodgement of the scheme with Ausgrid for their approval.

- g) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.
- h) Any existing or proposed utility pillars, columns and/or poles must be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant utility provider/s for their approval and communicate to Council with written confirmation, before executing any works.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks. Approval of the Waverley Traffic Committee may also be required should there be any traffic implications.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions; however, Council's title block shall not be replicated.
- Any landscaping features that are contrary to the Waverley Public Domain Technical Manual including any built-in features for outdoor dining are not approved and are to be omitted from the plans. Footpath Seating will be subject to further approvals outside the DA process for each tenancy.

The approved works must be completed to Council's satisfaction at no cost to Council.

**Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate for above ground works.**

## 15. SWEEP WHEEL PATH DRAWINGS

Swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of the largest expected vehicle entering and exiting the basement garage/loading dock from Gray Street are to be prepared.

The swept wheel path drawings shall:

- (a) Be drawn for the MRV, as described in AS/NZS 2890.2: 2004 Part 1 Off Street Car Parking.
- (b) Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Gray Street both opposite and to the immediate east and west of the proposed driveway.
- (c) Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed loading dock.
- (d) Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.
- (e) Show the number of parking spaces being lost due to the construction of the driveway

**Details shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to issue of any Construction Certificate.**

## 16. 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 minimum 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.

**Details satisfying this condition are to be submitted to the satisfaction of Council's Executive Manager Development Assessment (or delegate) prior to the issuing of any Construction Certificate.**

## 17. 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 Certifying Authority prior to the issue of any Construction Certificate.**

#### **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's Executive Manager Compliance (or delegate) prior to issue of any Construction Certificate.**

#### **19. GEOTECHNICAL AND STRUCTURAL ENGINEERS REPORT**

Reports shall be prepared by qualified and practicing Geotechnical and Structural Engineers that outlines the methods of undertaking demolition, excavation, piling and shoring works as well as any required temporary methods of support for retained heritage facades. All of these operations are to be undertaken in a manner that ensures no damage to any adjoining or surrounding property.

All demolition, excavation and any works involving vibration that may cause damage are to be supervised by the engineer(s) to ensure damage does not occur.

Any practices or procedures specified in the reports are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

**The Report shall be submitted to the Certifying Authority and Council prior to the issue of any Construction Certificate.**

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

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be prepared in accordance with Waverley DCP 2012. 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.

**The plan shall be approved by the Certifying Authority and submitted to Council prior to the issue of any Construction Certificate.**

## **21. 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 approved by the Certifying Authority prior to the issue of any Construction Certificate and records are to be retained on-site for inspection by Council officers.**

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

A "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) is to be prepared and utilised during all works on the site.

The CVPPM shall provide details of the following:

- a. The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- b. The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
  - such vehicles cannot adequately and safely gain access to and from the site or
  - access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- c. The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- d. Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- e. The location and materials of construction of temporary driveways providing access into and out of the site.
- f. The location and length of any proposed Works/Construction Zones. Note:
  - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
  - It is illegal to:
    - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
    - ii. Barricade/reserve a section of roadway without the prior approval of Council
- g. The hours of operation of demolition/construction vehicles.



- h. The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- i. How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
  - The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
  - Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
  - The type(s) of material on which pedestrians will be required to walk
  - The width of the pathway on the route
  - The location and type of proposed hoardings
  - The location of existing street lighting
- j. Any bus zones, taxi zones etc., that may be affected/require temporary relocation as a result of development works.

NOTE: Prior to the preparation of the CVMP: the applicant or his or her representative shall:

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

**The CVMP shall be submitted for approval of Councils Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate.**

## **23. ON-SITE STORMWATER DETENTION DETAILS**

An on-Site Stormwater Detention (OSD) tank is required to be installed within the development in accordance with Council's Water Management Technical Guidelines.

Details of the OSD system are required in drawing format and must 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, storage volume, overflow system.

**Details are required to be submitted and approval by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate.**

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

A site specific noise management 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) A noise measuring and attenuation methodology that ensures noise emitted from the site does not cause unreasonable impacts on neighbouring properties. 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.
- b) The course of action that will be undertaken following receipt of a complaint concerning site noise emissions.

**Details of these measures are to be approved by the Certifying Authority prior to the issue of any Construction Certificate and records are to be retained on-site for inspection by Council officers.**

## **25. WASTE AND ACCESS TO THE SITE**

The height clearance for vehicular access to the site shall be at least 4.5m to allow Council's residential waste collection vehicle to enter the building to collect waste on-site.

This will allow for the removal of residential waste and recyclables from within the site as well as commercial waste collection vehicles and removalist trucks. These vehicles must enter and exit the site in a forward direction at all times.

**Details shall be submitted to Council's Manager, Traffic and Development (or delegate) for approval prior to the issue of any Construction Certificate.**

## **25A. TREE MANAGEMENT**

- (a) Ebley Street: The Casuarina tree at the front of the site is to be removed by the applicant and a new tree planted midway between the two existing street furniture items. All roots above and below ground are to be ground out/removed to accommodate a new tree pit to the dimensions of Council's Technical Manual and be subject to the following:
  - i. The replacement tree is to be an Oriental Plane tree (Platanus orientalis cv. Digitata) and must be a minimum pot size of 400 litres and grown to Natspec specifications.
  - ii. The tree is to be planted in accordance with specifications for tree planting in commercial zones as per Council's Technical Manual and to include porous paving to the new and existing trees in Ebley Street.
  - iii. Garden beds between the trees is to be deleted and porous paving installed consistent in colour with the adjacent paving.
- (b) Gray Street: The three trees between the existing and proposed Brushbox trees (*Lophostemon confertus*) are to be Watergum trees (*Tristaniaopsis laurina* 'Luscious').

- i. All trees including the new Brushbox tree (*Lophostemon confertus*) must be a minimum of 400 litres in pot size and grown to Natspec specifications.
  - ii. The trees are to be planted in accordance with specifications for tree planting in commercial zones as per Council's Technical Manual.
- (c) A bill of sale showing the pre-purchase of the above trees is to be submitted to Council for approval prior to the issue of the relevant construction certificate.
- (d) A bond of \$10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the new street trees at the Ebley Street and Gray Street frontages. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

In the event this tree is found damaged, dying or dead because of works at any time during the construction period or due to negligence/damage by the applicant/agent/contractor, the full bond amount or part thereof will be forfeited.

***(ADDED DA-533/2017/1/A)***

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

### **26. 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.

### **27. SITE REMEDIATION**

To satisfy the requirements of SEPP 55 Remediation of Contaminated Land, the following is to be provided to Council after demolition and prior to the commencement of above ground works. This should include documentation that demonstrates the requirements of State Environmental Planning Policy No 55 have been fulfilled. To address this, the hierarchy of assessment may include but not be limited to the following:

- a) Detailed Environmental Site assessment (DESA) (also known as stage 2)
- b) Remediation Action Plan (RAP)
- c) Validation Assessment
- d) Site Audit Statement (SAS)

The documentation must be prepared by a suitably qualified consultant clearly stating that the land is suitable for the intended use prior to the commencement of above ground works. The documentation is to be submitted and approved by Council's Executive Manager, Health and Compliance.

### **28. 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.

#### **28A. 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.

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) 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.

## **29. 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).

## **30. 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) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

## **31. 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) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

### **32. 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.

### **33. 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.

### **34. BUILDING AND MATERIALS**

All building operations are to be contained within the 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.

### **35. 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
- c) 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.

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

### 36. 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.

### 37. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

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

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

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

### 38. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION ACT) - INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the

Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

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

The specified **MANDATORY** inspections are:

In the case of a Class 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).

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

### **39. 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 approved 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:
  - a) Inspection, testing and commissioning details;
  - b) Date of inspection, testing and commissioning details;
  - c) The name and address of the individual who carried out the test; and
  - d) A statement that the service has been designed, installed and is capable of operating to the above standard.
- c) 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).



#### **40. 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.

#### **41. 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.

#### **42. HERITAGE ARCHITECT**

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

The name and contact details of the heritage architect are to be provided to Council prior to commencement of works.

#### **43. 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.

In accordance with 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.

#### **44. USE OF COMMON PROPERTY**

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

#### **45. OVERALL BUILDING HEIGHT**

The height of the building must not exceed RL115.30 (AHD) to the top of the lift overrun, RL115.56 (AHD) to the top of the plant and RL113 (AHD) to the roof of level of the building. A survey certifying these heights is to be provided prior to issuing any occupation certificate.

#### **46. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

#### **47. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided 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.

#### **48. VEHICLE ACCESS**

All vehicles entering and exiting the basement garage shall do so in a forward direction at all times.

#### **49. 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 (Council issued) or be attached to the Construction Certificate (private certifier), 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.

## **50. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

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

- (a) Separate collection bins or areas for the storage of waste is to be provided including:
  - i. Landfill waste;
  - ii. Recyclable waste;
  - iii. Materials to be re-used on-site; and / or
  - iv. Excavation materials.
- (b) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (c) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (d) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (e) Records are to be retained on-site demonstrating lawful disposal of waste.

## **51. STORMWATER CERTIFICATION**

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with Council's Water Management Technical Guidelines.

## **52. 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.

The Principal Certifying Authority shall certify that all the undertakings are satisfied prior to the issue of any Occupation Certificate.

## **53. 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. 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.

## **54. ADAPTABLE HOUSING**

At least eight (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

## **55. DESIGNATED CARPARKING FOR DISABLED**

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. This condition does not apply to the eight car parking spaces described in condition 2(a).

## **56. WASTE AND RECYCLING STORAGE AND COLLECTION**

(a) The proposal must have a waste storage space as a minimum;

- **Residential**

- 14 x 240L Mobile Garbage Bins (MGBs) for general waste compacted at 2:1
- 10 x 240L MGBs for container recycling
- 10 x 240L MGBs for paper recycling
- 1 x 240L MGB for excess waste, and 1 x 240L MGB for garden organic waste should this be generated on the property.
- A bulky storage area with a minimum of 13 m<sup>2</sup> floor space is required to store unwanted household items (that don't fit in a bin). An additional 2 m<sup>2</sup> floor space is required to store unwanted problem wastes such as electronic or textile waste, which can be collected and recycled separately.

- **Commercial - Club**

- 6 x 660L MGB for general waste (collected 5 times per week)
- 4 x 660L MGB for cardboard/paper) collected 4 times per week)
- 3 x 660L MGB for comingled recycling (collected 3 times per week)
- Extra space is required to store bulky cardboard, packaging, milk/bread carts, etc  
\*collection frequency may need to be adjusted to account for heightened waste/recycling generation, for example during summer

(b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012 (amendment 5). All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.

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

(d) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/ areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.

(e) The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

(f) This development must have onsite waste and recycling collection. Onsite collection must meet the criteria set out in the Waverley Council Development Control Plan, annexure B1-3.

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

- (h) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (i) 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.
- (j) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (k) 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.
- (l) 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.
- (m) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (n) The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for the transfer of bins within the property, to the collection point and back to the storage areas.

***(AMENDED DA-533/2017/1/B)***

#### **57. 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.

#### **58. BASEMENT STORAGE**

The basement level is to provide storage areas, allocated to each unit in the development as indicated on the approved plans. Each individual residential unit is to be allocated at least one storage area.

#### **59. 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.

#### **60. RESIDENT AND VISITOR PARKING SPACES**

All resident and visitor car parking spaces shall be clearly delineated and numbered.

#### **61. CONVEX MIRRORS**

Convex mirrors shall be installed inside the site on both sides of the car park entry/exit driveway to improve driver sightlines of both approaching vehicles and pedestrians in Gray Street.

**62. INTERNAL RAMP - SPEED HUMP**

A speed hump shall be installed inside the site on the exit portion of the internal driveway.

**63. EXISTING VEHICLE CROSSING IS TO BE CLOSED**

The existing vehicle crossing is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council

**64. PRE-CONSTRUCTION DILAPIDATION REPORT – PUBLIC DOMIAN**

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council's Public Domain Engineer. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- Adjacent property facades and awnings
- Any other relevant infrastructure.

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site.

All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

**65. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING**

To ensure all public infrastructure works approved under this consent will be completed to Council's satisfaction and a program of required inspections is established, a preconstruction meeting shall be arranged with Council's engineering inspector/s prior to works commencing on site.

**66. PUBLIC DOMAIN ENGINEERING INSPECTIONS**

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's engineer for the following hold points:

Kerb and Gutter & Footpath Paving

- After preparation of subgrade
- After completion of formwork and prior to casting of concrete
- After full completion and restoration

Road Pavement

- Subgrade trim and compacted
- Sub-base spread and compacted

- Base course spread and compacted
- Intermediate course spread and compacted
- Binder course spread and consolidated
- Wearing course laid

#### Landscape

- After full completion and restoration

#### Street Lighting

- After full completion

All applicable engineering inspections fee in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the final inspection.

The Principal Certifying Authority shall not issue any Occupation Certificate until Council has conducted a final inspection of the completed works and has issued a final compliance certificate certifying satisfactory completion of the works.

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

### **67. HERITAGE DEED OF AGREEMENT & PUBLIC POSITIVE COVENANT**

The owner(s) of the premises shall enter into and execute a Deed of Agreement and Public Positive Covenant with Council to ensure that the 'approved Schedule of Heritage Conservation Works' required in this consent for restoration works to the Heritage Listed facades at 28-40 Bronte Road, Bondi Junction are completed before or concurrently with any other approved work on the site. The Deed of Agreement and Public Positive Covenant shall ensure that:

- (a) Any Occupancy Certificate (or Strata or Subdivision Plan if applicable) for the site is not released prior to the completion of the '*approved heritage works*';
- (b) Future owner(s) of the site will be bound by the terms Agreement and Covenant;
- (c) The owner(s) of the land must prepare and execute the Deed of Agreement to the satisfaction of Council's solicitors prior to the issue of a Construction Certificate for any part of the development.
- (d) The owner(s) of the land must prepare and execute a Public Positive Covenant to the satisfaction of Council's solicitors, ensuring the obligations of the Schedule of Works are completed and to be maintained, to the satisfaction of Council, prior to the issue of a Construction Certificate for any part of the development.
- (e) The costs (including for Council) of the preparation and registration of all legal and associated expenses associated with this deed and any future amendments to the deed is to be met by the owner(s) or applicant.
- (f) Other than as contemplated by this condition the terms of the Heritage Deed of Agreement are not further amended unless agreed in writing by Council and the Owners of the Development Site.

### **68. LOADING DOCK MANAGEMENT PLAN**

- a) Prior to the issue of any Occupation Certificate, a Loading Dock Management Plan is to be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate). The Plan is to include:
  - I. A parking plan for the management of service vehicles;
  - II. Details of the management and use of the loading bay by all building tenants. Management measures should include a schedule to of delivery times to ensure deliveries do not occur at night or in peak morning school hours;
  - III. Wayfinding information and signage.

### **69. 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.



## **70. 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.

## **71. NOISE - MECHANICAL PLANT**

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

## **72. 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.

## **73. ACOUSTIC REPORT RECOMMENDATIONS**

The recommendations as outlined in the acoustic report prepared by Acoustic Logic [project No 20171386.2] dated 4 October 2018 shall be implemented.

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

## **74. KITCHEN EXHAUST DISCHARGE POINT**

The kitchen exhaust vent shall be designed to discharge the effluent air in a vertical direction one metre above the pitched roof and at least six metres from any fresh air intake vent or natural ventilation device in a position where no nuisance will be created.

#### **75. 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.

#### **76. 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.

#### **76A. CREATION OF POSITIVE COVENANT FOR OSD**

A positive covenant shall be created for the On-Site Detention (OSD) system, under Section 88E of the Conveyancing Act 1919.

This is to place a restriction on the title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owners/occupants shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Council's Public Domain Engineer prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All legal costs associated with the registration of the restriction is to be borne by the applicant and/or owner.

For more information on how to satisfy this condition of consent, please contact Council's Infrastructure Department via email [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

***(ADDED DA-533/2017/1/A)***

#### **77. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS**

To ensure public infrastructure works required under the consent are completed to Council's satisfaction, the Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction.

#### **78. 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 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:

- a. a building envelope which includes all elements affecting shadow analysis;
  - b. accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
  - c. 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.

## **79. 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.

## **80. CONSOLIDATION**

Consolidation of existing parcels 1/621398, A/161158, 1, 2, 3/226425, 1/735713 prior to the issue of an occupation certificate.

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

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

- 78 resident car parking spaces
- 16 resident visitor car parking spaces
- 1 car share space
- 22 RSL car parking spaces
- 35 Motorcycle spaces
- 99 Bicycle spaces

The resident, resident visitor, retail, commercial/retail, RSL parking, 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.

***(AMENDED DA-533/2017/1/A  
previously Condition 87 amended due to housekeeping amendment)***

## **82. 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.

## **83. SWIMMING POOL CERTIFICATION**

The following must be provided to the Principal Certifying Authority prior to the swimming pool being filled with water and prior to use;

- (a) The swimming pool is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool, prior it being filling with water. Signs are available from Council.
- (d) Swimming pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

#### **84. AIR CONDITIONING**

The operation of any air conditioning equipment serving the residential component of the development is to comply with the Regulations to the Protection of the Environment Operations Act and is not to be audible in any habitable room of any residential premises (including those in the subject development).

## **OPERATIONAL CONDITIONS – REGISTERED CLUB**

### **85. HOURS OF OPERATION – RSL CLUB**

- (a) The hours of operation of the indoor areas of the Club RSL are restricted to between 7:00am to 11:00pm Mondays to Saturdays and 7.00am to 10.00pm on Sundays.
- (b) The hours of operation of the outdoor terrace and outdoor gaming of the Club RSL are restricted to between 7:00am to 9:00pm Mondays to Sundays.
- (c) Notwithstanding (a) above, the indoor use may operate to 12.00am Thursdays, Fridays and Saturdays for a trial period of one year from the date of issue of an Occupation Certificate.
- (d) A further application may be lodged to continue the trading hours outlined in (c) above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.
- (e) Liquor sales must cease at the premises half an hour before the required closing time.

### **86. LIQUOR LICENSE PREMISES (LAB CRITERIA)**

Noise emissions from the licensed premises shall comply with the following:

- (a) The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- (b) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises

Notwithstanding compliance with the above clauses, the noise from licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

NOTE: Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court, the more stringent conditions shall prevail.

### **87. SIGNAGE TO BE DISPLAYED**

- (a) Prior to the issue of any Occupation Certificate for the Club, signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position near the various entries to the Club frontage. The signage shall indicate the approved hours of operation for Indoor and Outdoor Terrace areas and Outdoor Gaming area and the approved patron capacity.

- (b) Any amendments to hours of operation or patron numbers shall be reflected in the signage required in subclause (a) above.

#### **88. GLASS CRUSHING, NOISE AND SORTING**

- (a) All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located within the premises) prior to the removal of such waste from the premises.
- (b) Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred within the premises and removed in containers.
- (c) No bottle or glass sorting, recycling or collection shall take place between 8.00pm on any day and 8am Monday to Friday, 9am Saturday and 10am Sundays and Public Holidays.

#### **89. PLAN OF MANAGEMENT - CLUB RSL**

- (a) The Plan of Management (POM) submitted with the application has not been approved by this consent.
- (b) The POM shall be amended/updated to include details of all operational and management procedures of the licensed premises club.
- (c) The POM shall include, but is not limited to, its amenity within the neighbourhood of the premises, compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints), the behaviour of patrons, liquor practices (including the responsible service of alcohol), staffing roles and responsibilities (including security personnel numbers and static points), management of patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements.
- (d) The POM shall also include:
  - i. The amendments/updates required to be included in the POM as per any conditions of this consent to the extent not already included in the POM (and any other relevant conditions);
  - ii. Alcohol Management Plan (relating to the behaviour of patrons, liquor practices, including the responsible service of alcohol);
  - iii. Details to satisfy conditions relating to the Smoking Areas and Community Liaison Committee;
  - iv. Management operations for exit of patrons;
  - v. Any other such operational matters to ensure compliance with relevant regulatory requirements.
- (e) The POM shall be submitted to Council for approval and must be approved prior to the issue of an Occupation Certificate for the Club licensed Premises.
- (f) The approved POM shall be filed with Council and the Licensing Police of the Eastern Suburbs Police Area Command.

- (g) An independent review of the POM may be undertaken by the Council or the Licensing Police of the Eastern Suburbs Police Area Command upon providing the applicant with written notice.
- (h) The approved POM shall not be amended except with the written consent of Council's Executive Manager, Development Assessment (or delegate).

**90. COPIES OF CONSENTS AND MANAGEMENT PLANS**

A full copy of all current development consents (including approved plans) for the operation of the licensed premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers

**91. COMMUNITY LIASION**

- (a) The licensee or senior management nominee of the Licensed Club is to attend any Precinct meetings when invited in writing by the convenor of the relevant committee. Any such notice is to be given at least 7 days prior to the committee meeting.
- (b) The Plan of Management is to reflect this condition.

**92. LIQUOR LICENSING ACCORD**

The Licensee is encouraged to join and adopt the principles and terms of the local Liquor Licensing Accord (For information visit the Eastern Suburbs Liquor Accord website: [www.esla.net.au/](http://www.esla.net.au/)).

**93. NO ENTERTAINMENT EXTERNAL TO THE PREMISES**

- (a) No sound reproduction device nor any form of entertainment is to be operated in the external areas or outdoor areas of the premises.
- (b) Loudspeakers located within the premises shall not be placed so as to direct the amplified sound towards the outdoor areas or public domain.

**94. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES**

The Management must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

- (a) It must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- (b) It must record in digital format and at a minimum of 15 frames per second,
- (c) Any recorded image must specify the time and date of the image;
- (d) The system's cameras must cover:
  - a. all entry and exit points of the premises,
  - b. the footpath immediately adjacent to the premises,

- c. all publicly accessible areas (other than toilets) on the premises.
- (e) CCTV recordings must be retained for at least 30 days.
- (f) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.
- (g) Ensure that at least one member of staff is on the premises at all times the premises is trading who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage.
- (h) Provide any recordings made by the system to an Authorised Council or Police Officer within 24 hours of any request by an Authorised Council or Police Officer to provide such recordings.
- (i) An internal monitor shall be positioned within the premises in such a position that patrons attending the premises will be alerted to the images depicted. The monitor will stream respective images from the CCTV system making it clear that patrons on the premises are under CCTV surveillance. Appropriate signage will further advise that patrons actions are being recorded.

#### **95. DELIVERY OF GOODS**

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the loading dock. The loading vehicles are to utilise the loading bay accessed from Gray Street. The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose.

#### **96. CLOSURE OF WINDOW / DOOR OPENINGS –CLUB**

To minimise any transmission of noise from the premises to nearby residential buildings:

- (a) All external perimeter window / door openings to the Licensed Club shall be locked closed by 11.00pm to 7.00am Monday to Wednesday and Sunday, and 12.00am to 7.00am Thursday, Friday and Saturday. The exclusion to this is:
  - a. the front reception area may be opened when being utilised for entry and exit purposes and cases of emergency;
  - b. Doorway to the ground level bar area to Ebley Street shall only be used between 8.00am to 10.00pm Monday to Sunday, except in cases of an emergency.
- (b) Between 10.00pm to 7.00am on any given day, all access from internal areas to outdoor areas of the licensed premises shall be confined to a single entry / exit door with all other openings closed. In such circumstances where patron safety would be compromised by restrained movement, additional openings may be utilised for only as long as is reasonably necessary to secure patron safety or in cases of emergency.
- (c) The doors and windows leading to and from internal areas of the premises shall be acoustically sealed.



## **ADVISORY NOTES AND INFORMATION**

### **97. SEPARATE APPLICATIONS FOR COMMERCIAL/RETAIL/RESTAURANT TENANCIES**

Separate development consent or CDC is required for the individual commercial/retail/restaurant tenancies in connection with the initial usage prior to the occupation of the premises.

### **98. SIGNAGE**

- (a) A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the buildings.
- (b) Any signage /signage boards are to be located as to not visually obscure or conceal any original fabric of the heritage listed facades. No advertising signs or notices are to be affixed to the windows of the premises. The use of flashing lights, flashing illuminated signs and the like is prohibited.

### **99. BUILDING WRAP**

- (a) The applicant is encouraged to investigate possibilities of extracting an image of the completed building onto the hoarding and mesh surrounding the site during the demolition and construction stages of the development to minimise the visual intrusion of what is otherwise a large single coloured mesh 'block' during this time.
- (b) No advertising is permitted on the hoarding.

### **100. 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.

### **101. 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.

### **102. PUBLIC UTILITIES AND SERVICE ALTERATIONS**

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council's Executive Manager, Creating Waverley, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

### **103. PUBLIC AREAS AND RESTORATION WORKS**

Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but not limited to works performed for the purpose of connection/s to public utilities, including repairs of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.

### **104. WORKS ON PUBLIC ROADS**

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

### **105. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

- (a) The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.
- (b) An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

### **106. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS**

Prior to commencement of the public domain works, notice shall be submitted to Council's Public Domain Engineer. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the contact details of the managing site supervisor/engineer.

Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

### **107. NOTIFICATION OF ADJOINING OWNERS & OCCUPIERS**

The Applicant shall provide the adjoining owners and occupiers' written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

### **108. 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.

#### **109. ALLOCATION OF STREET NUMBERS**

The redevelopment of the property has led to the following allocation of premises numbering and sub-premises numbering for a subdivision with multiple street frontages:

- No. 28 Bronte Road - primary address site number and location (commercial)
- No. 3 Gray Street- alternative address number and location. (residential)

The primary and alternative premises numbers for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and clearly visible on the site boundaries that front Bronte Road and Gray street respectively.

- 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/Retail premises in 28 Bronte Road will be identified with an address identifier ie Shop G01, Shop G02 Office G03, Shop 101, Office 102 Etc.

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

The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

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 Occupation/Subdivision Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation/Subdivision Certificate.

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

#### **110. 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.

### **111. STRATA SUBDIVISION**

Separate 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.

### **112. APPROVED DESIGN**

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

### **113. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

***(ADDED DA-533/2017/1/A)***