

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-175
DA Number	DA-155/2018/A
LGA	Waverley Council
Proposed Development	Modification to the approved development including a reduction in the number of apartments from 106 to 95, internal reconfiguration of units and increase in floor space
Street Address	55 Grafton Street BONDI JUNCTION
Applicant/Owner	Coonara Development Pty Ltd
Date of DA lodgement	7 October 2021
Total number of Submissions Number of Unique Objections	Three
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Schedule 7 - Clause 5 of SEPP (State and Regional Development) 2011 – General development that has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP (Building Sustainability Index – BASIX) 2004 • SEPP 65 (Design Quality of Residential Apartment Development) 2002 • SEPP (Transport and Infrastructure) 2021 • SEPP (Biodiversity and Conservation) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP (Planning Systems) 2021 • Waverley Local Environmental Plan 2012 • Waverley Development Control Plan 2012 • Offer to enter into a Planning Agreement under section 7.4
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Landscape Plan • Statement of Environmental Effects • Response to RFI • Updated Shadow Study • View Sharing Report • View Sharing Addendum Advice
Clause 4.6 requests	NA
Summary of key submissions	<ul style="list-style-type: none"> • Overshadowing • View impacts • FSR • Overdevelopment of the Bondi Junction area
Report prepared by	Kylie Lucas
Report date	15 August 2022

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 summarized, 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

Special Infrastructure Contributions

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

No

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

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. PREAMBLE

1.1. Executive Summary

DA-155/2018 for the demolition of the existing building and construction of a new 19-20 storey mixed use building and basement parking, was granted deferred commencement consent on 19/12/2019 by the Sydney Eastern City Planning Panel (SECPP).

Council is now in receipt of a modification application made under section 4.55(2) of the Act for modifications to the approved development including a reduction in the number of apartments from 106 to 95, internal reconfiguration of units and an increase in floor space by 12% with an offer to enter into a planning agreement.

The proposed modifications have been assessed against the principles of the SEPP 65 (Design Quality of Residential Apartment Development) and has been amended where appropriate to address feedback from Council's Design Excellence Advisory Panel (DEAP). The building has been designed to meet the requirements of the Apartment Design Guide (ADG), meeting the key guidelines relating to solar access, cross ventilation and private open space requirements.

The site is zoned B4 Mixed Use and shop top housing is a permitted use in the zone. The site has the highest development standards in the Local Government Area, with a height limit of 60m and floor space ratio (FSR) of 6:1.

The proposed modifications do not result in a net increase of building height, maintaining the approved height of 69.05m to the plant on the roof. The proposal includes the extension of the building further toward Grafton Street to the north. The Grafton Street side of the building is the lowest point of the site, and as such, the existing variation to the height development standard will be further exacerbated by the extension within the front setback zone. The height variation of the approved development is approximately 1.4m on the Grafton Street elevation and the proposed modification will increase this to approximately 1.7m. The leading edge of the Grafton Street elevation will continue to be at RL 128.125 in accordance with the approved building as the increased height variation due to the modification is attributable to the slope of the land.

The modification seeks to increase the approved FSR of 6:1 to 6.7:1 exceeding the development standard by 1,496m² or 12%. The subject modification has been designed to contain the additional floor space to the northern section of the building by varying the front setback to Grafton Street and decreasing the side setbacks marginally for the front portion of the building only. The result is that the number of approved storeys is maintained, the bulk and scale of the proposal is commensurate with surrounding development and the impacts upon the amenity of surrounding properties is substantially reduced.

The applicant has submitted an undertaking to Council regarding their commitment to enter into a planning agreement (PA) for the additional gross floor area (GFA) above the existing building on the site in accordance with the *Waverley Council Planning Agreement Policy 2014* (the Policy). A suitable public purpose or benefit is considered to be provided in the form of the forthcoming execution of a PA, which would contribute to public works or a similar public benefit within the catchment of the site.

A letter of concurrence from Sydney Trains for the works which are over the rail lane (train line) was provided to Council, which included conditions of consent.

Three submissions were received to the modification application when notified during the assessment process. The matters raised are discussed in this report and can be summarised to relate to overdevelopment of the Bondi Junction area, FSR, overshadowing and views.

The application has been assessed against the relevant matters for consideration under section 4.55(2) of the Environmental Planning and Assessment Act 1979 and is recommended for approval.

1.2. Site and Surrounding Locality

The site is identified as Lot 2 in DP 1073908, known as 55 Grafton Street, Bondi Junction. It is located on the southern side of Grafton Street with rear lane frontage to Hegarty Lane.

The site is rectangular in shape with a primary northern frontage to Grafton Street of approximately 61.05m and a secondary southern frontage to Hegarty Lane of approximately 59.65m. The site has an area of 2,070m². The site has a slope from Hegarty Lane to Grafton Street, with a difference of three storeys (approximately 7m).

The site is presently occupied by a nine-storey building containing commercial offices and a café at ground level fronting Grafton Street. Vehicular access to the site is from both Grafton Street and Hegarty Lane to three levels of basement parking containing 128 car spaces.

Directly beneath the site, runs the train line (between Edgecliff and Bondi Junction train stations) and its associated zone of influence. This has a direct impact on the design of the building, in particular the carpark and basement. Accordingly, the application requires concurrence from Sydney Trains.

Across the road to the north of the site is Syd Einfeld Drive (a classified road - freeway) at an elevated height above Grafton Street. To the west of the site is an eight-storey commercial building (35-43 Grafton Street). While, to the east (59-75 Grafton Street) is a nine-storey commercial building which has recently been granted consent for the construction of a 19-storey shop top housing development (refer to Section 2.2 – *Relevant History*). To the south of the site, separated by Hegarty Lane, is a shop top housing development fronting Oxford Street (310-330 Oxford Street) with retail at ground, both on Oxford Street and Hegarty Lane, with residential apartments above.

The site is located within the Bondi Junction Commercial Precinct. The Bondi Junction area has an evolving character as smaller buildings are being replaced with mixed use developments with ground and first floor commercial uses and residential apartments above in response to the zoning uplift in the 2010 and 2012 Local Environmental Plans.

Figures 1 to 3 are photos of the site and its context.

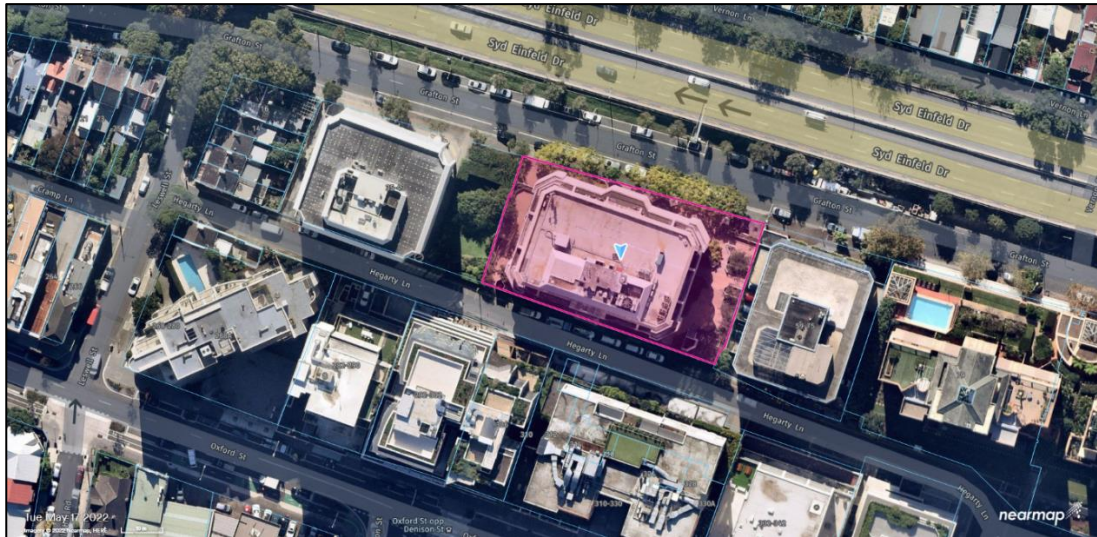


Figure 1: Aerial view of the site



Figure 2: Aerial view of the site viewed from the south-west

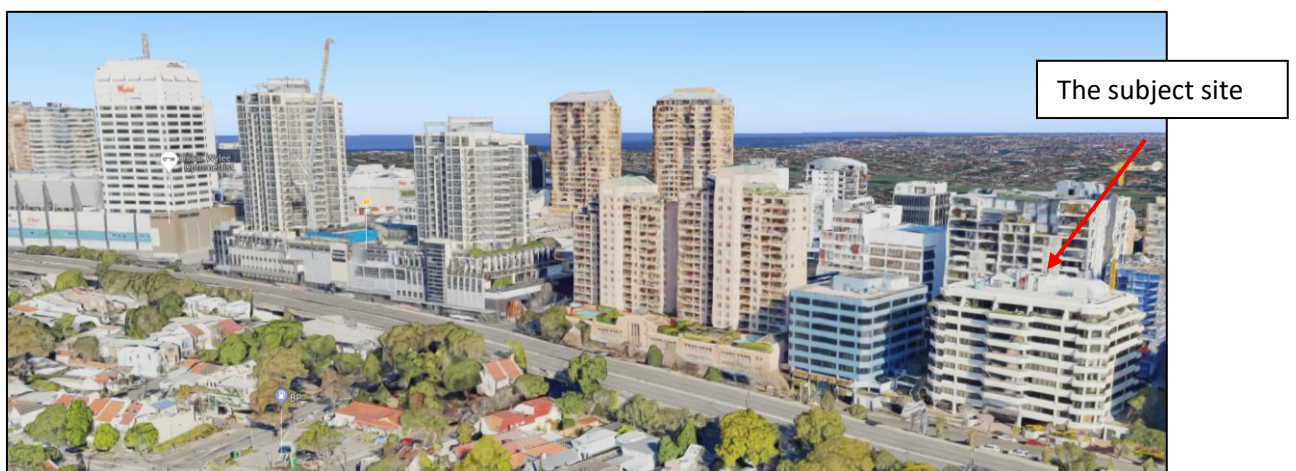


Figure 3: Aerial view of buildings fronting Grafton Street on the edge of Bondi Junction (source: Google Maps)

1.3. Details of Approved Development

The original development application, **DA-155/2018** for the demolition of the existing building and construction of a new 19-20 storey mixed use building and basement parking, was granted deferred commencement consent on 19 December 2019 by the Sydney Eastern City Planning Panel (SECPP).

Pre-application advice (**PD-19/2020**) for an additional three-storeys under a planning agreement was provided on 5 July 2020. Pre-application advice (**PD-51/2020**) for an additional two floors under a planning agreement was also provided on 22 January 2021. In both Pre-DA applications, the advice provided was that the additional height and FSR proposed would not be supported due to the increased and undesirable additional height and bulk and the impacts upon the amenity of surrounding properties and the locality, particularly in regard to overshadowing.

The following applications for the adjoining site to the east at **59-75 Grafton Street** are of relevance to the subject application for comparison purposes:

- **DA-482/2017** for the demolition of an existing nine-storey commercial building and the construction of a 19-storey mixed use building was approved by the SECPP on 2 May 2019.
- **DA-482/2017/A** for modification to construct two additional residential levels providing seven additional apartments with an offer to enter into a PA was refused by the SECPP on 27/04/2021 due to height, overshadowing, view and streetscape impacts.

1.4. Proposal

The modification application has been submitted under section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

- Extension of the building toward the north (Grafton Street) and marginally to the east and west to provide 12% additional GFA which consists of:
 - 1,493m² increase to residential GFA due to the extension to the floor plate of the tower to the north, east and west;
 - 3m² increase in commercial GFA due to re-organisation of the building core; and
 - 0.7:1 increase in FSR (6:1 approved, 6.7:1 proposed).
- Revision of the apartment mix, resulting in a reduced number of two-bedroom apartments and an increased number of three-bedroom and four-bedroom apartments. This will result in a reduction in the number of apartments from 106 to 95.
- Refinement to the internal tower layout from Level 05 to Level 19.
- Building lift core, fire stair layout and location updated with relocation of services within the lift core.
- Removal of external louvres to plant room on all residential levels (south façade) and replacement with a linear pre-cast concrete finish.



Figure 4: Photomontage of approved development from the south



Figure 5: Photomontage of proposed modified development from the south



Figure 6: Photomontage of approved development from the south-east (Grafton Street)



Figure 7: Photomontage of proposed modified development from the south-east (Grafton Street)

1.5. Background

The modification application was lodged on 7 October 2021 and a request for further information was provided to the Applicant for the following:

1. Shadow diagrams in plan, elevation and 'view from the sun' form clearly indicating the additional overshadowing as a result of the proposed modifications.
2. An analysis of the shadow impacts; this should include an analysis of whether the additional overshadowing will result in non-compliances with the ADG provisions for the affected apartments (ie, less than 2 hours to living rooms and private open spaces at mid-winter).
3. The architectural plans are required to clearly indicate the approved building outline on each level to demonstrate where the building is being modified/extended. This has been shown on elevations and sections however it should be shown on all plans.
4. The applicant must provide an updated Nationwide House Energy Rating Scheme (NatHERS) certificate from an accredited assessor.
5. The architectural plans are marked with the correct NatHERS stamps (including QR code and AAO stamp) and NatHERS specification block, as per the BASIX Thermal Comfort protocol.
6. The applicant must provide an updated BASIX certificate and mark the architectural plans with the required BASIX commitments.

The above information was provided to Council on 1 December 2021.

The proposal was referred to the Waverley Design Excellence Advisory Panel (DEAP) on 22 March 2022 and issues were raised in regard to further refinement of the materials and finishes, electric car charging, ceiling fans, and changes to the communal areas (refer to Table 1 of this report for full comments and discussion).

A briefing with the SECPP was held on 28 April 2022 raising issues in relation to increased width, intrusion into setbacks, justification for control non-compliances, use of conditions, loss of sculptural quality and distinctive verticality. The application was subsequently deferred on 11 May 2022 for the following reasons:

1. Key issues relate to increased width, intrusion into setbacks, justification for Waverley Development Control Plan 2012 (Waverley DCP 2012) and ADG control non compliances, loss of sculptural quality and distinctive verticality.
2. Provide additional detail as required by the Design Excellence Advisory Panel (DEAP):
 - a. The changes produce an increased building mass and are more material in appearance. This is particularly evident on the Grafton Street frontage where projections into the setback zone create a supportable articulation but a large increase in visible soffit. This increase should be addressed by finishing the tower and its soffits and the podium in quality natural finishes to

provide articulation and reinforce the noted desire for a high quality 'sculptural' architectural form. Expressly, painted concrete is not supported.

- b. Due to the modifications to the building form, it is recommended that the proposal's materiality be further considered due to its increased mass and visibility. With the increase in bulk and scale, material finishes become increasingly important. The following aspects of the amended proposal should be reconsidered and are to be composed of high quality, natural, architectural finishes:
 - The Grafton Street tower edges and form;
 - The large increase on soffits particularly to Grafton Street; and
 - The Hegarty Lane tower façade, where there is limited articulation and large expanses of concrete. This must be textured and natural in finish and not flat, painted concrete.
- c. Electric car charging in the garage areas can be allowed for with the provision of separate cabling and charging points, that are linked to the electrical system for the strata component related to each car space. Alternatively, the minimum acceptable approach would be the inclusion of ducting that allows for future cabling and charging systems to be added.
- d. Provision of ceiling fans to living and bedrooms is strongly recommended by the Panel.

The amended plans and information were provided to Council on 29 August 2022 and form the subject of the assessment within this report.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

The application is made under section 4.55(2) of the Act.

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The relevant Minister, public authority or approval body have been consulted about this modification application, where necessary.

The application was publicly notified and three submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.55(3) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

The following SEPPs apply from 1 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Planning Systems) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Transport and Infrastructure)

Division 15 *Railways* of the Transport and Infrastructure SEPP applies as the development site is located within the Bondi Junction rail corridor. Accordingly, the modification application was referred to the rail authority, Sydney Trains, requesting that concurrence be granted as required by Clause 2.98 of the Transport and Infrastructure SEPP. A letter of concurrence from Sydney Trains, which includes conditions of consent, was subsequently provided to Council. These conditions are provided as an attachment and included in the draft conditions.

Division 17 *Roads and Traffic* of the Transport and Infrastructure SEPP also applies as the site is located adjacent to a classified road (Syd Enfield Drive).

The proposed modification does not alter the mechanisms proposed in the original consent in relation to Clause 2.100 *Impact of rail noise or vibration on non-rail development* and Clause 2.120 - *Impact of Road Noise or Vibration on Non-Road Development* and as such continues to satisfy the requirements of the SEPP in this regard.

SEPP 65 (Design Quality of Residential Apartment Development)

The following table contains the comments of the Waverley Design Excellence Advisory Panel (DEAP) with regard to the nine design quality principles under SEPP 65 from the meeting of the 22 March 2022.

The amended plans were not referred again to the DEAP. A planning response is provided below each principle, with particular reference to the amended plans.

The Panel review was limited to the modifications to the existing approval. These largely pertained to an increase in the building bulk and scale and the change to the architectural expression which resulted in additional GFA. The various principles that are normally assessed by the Panel have been assessed under previous applications and are not all applicable under this assessment.

Table 1: Assessment against the Nine Design Quality Principles under SEPP 65

Principle
Principle 1: Context and Neighbourhood
No comments provided.
Principle 2: Built Form and Scale
<p><i>The changes produce an increased building mass and more material in appearance. This is particularly evident on the Grafton Street frontage where projections into the setback zone do create a supportable articulation but a large increase in visible soffit. This increase should be addressed by finishing the tower and its soffits and the podium in quality natural finishes to provide articulation and reinforce the noted desire for a high quality 'sculptural' architectural form. Expressly, painted concrete is not supported.</i></p> <p><i>Due to the modifications to the building form, it is recommended that the proposal's materiality be further considered due to its increased mass and visibility. With the increase in bulk and scale material finishes become increasingly important. The following aspects of the amended proposal should be reconsidered to be composed of high quality, natural, architectural finishes.</i></p> <ul style="list-style-type: none"> <i>The Grafton Street tower edges and form</i> <i>The large increase on soffits particularly to Grafton Street</i> <i>The Hegarty lane tower façade where there is limited articulation and large expanses of concrete. This must be textured and natural in finish and not flat, painted concrete.</i> <p>Planning comment: The amended plans provide greater detail and improved finishes to the building including the soffit and the Hegarty Lane circulation core façade. This has been reviewed by Council's Urban Design Manager who advised that the amended design provides a more fluid and sculptural form and is supported over previous schemes.</p>
Principle 3: Density
No comments provided.
Principle 4: Sustainability
<p><i>As a method of minimising the carbon footprint of the building, the Panel strongly encourages the following items:</i></p> <ul style="list-style-type: none"> <i>Exclusion of the use of natural gas in the building for cooktops, spatial heating, and water heating. Instead, the building should use electricity for these items, and the future occupants therefore have the option of purchasing fully sustainable electricity.</i>

Principle
<ul style="list-style-type: none"> • <i>Electric car charging in the garage areas can be allowed for with the provision of separate cabling and charging points, that are linked to the electrical system for the strata component related to each carspace. Alternatively, the minimum acceptable approach would be the inclusion of ducting that allows for future cabling and charging systems to be added.</i> • <i>Provision of ceiling fans to living and bedrooms is strongly recommended by the panel</i> <p>Planning comment: There is no policy support for excluding gas in new buildings. The car charging and ceiling fans are included as a condition of consent.</p>
Principle 5: Landscape
No comments provided.
Principle 6: Amenity
<p><i>The panel notes the relationship between the increase in GFA and an increased need for quality communal amenity. The communal pool on level 5 is located very close to private open space and likely to create conflict between private and communal uses. Further there should be adequate open space provided adjacent to the pool for communal use. The panel would further recommend that a communal room located in the vicinity of the pool would enable community use in all weather and be a useful addition to the current open roof and confined pool area.</i></p> <p>Planning comment: The proposal provides the communal pool at Level 5 and another communal area on the roof that satisfy the requirements of the ADG that 25% of the site be communal open space. There are no changes proposed to the pool on Level 5 as part of this modification application.</p>
Principle 7: Safety
No comments provided.
Principle 8: Housing Diversity and Social Interaction
No comments provided.
Principle 9: Aesthetics
No comments provided.

Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide

Clause 6A of SEPP 65 requires that DCP's cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. DCP 2012 contains provisions in relation to the above criteria and as such, these provisions of the DCP no longer have effect.

An assessment against the provisions within the ADG is provided in the table below and these controls have been deleted from **Table 5** relating to the DCP as they are no longer relevant.

Table 2 provides a discussion of the modifications against the design criteria of the ADG. Only those sections of the ADG relevant to the proposed amendments are discussed and those sections not relevant or unchanged from the original assessment are not included.

Table 2: ADG

Design Criteria	Compliance	Comment
Part 3 Siting the development		
3B Orientation	Yes	<p>The proposed additional floor space is to be concentrated on the northern side of the building and has been designed to result in limited additional overshadowing of adjoining buildings and those to the south.</p> <p>The proposed building has been orientated and designed to relate to the shape of the site, location of neighbouring buildings and public domain.</p>
3D Communal and public open space ADG control: Minimum of 25% of site Minimum of 50% direct sunlight to the principal usable part on winter solstice	Yes	<p>The modifications marginally increase the size of the roof top communal open space from 195m² approved to 200m².</p> <p>The proposed modifications continue to provide sufficient areas of communal open space to meet the requirements of the ADG.</p>
3F Visual privacy Min separation distances from buildings (windows and balconies) to side and rear boundaries: <ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable & 3m non-habitable Over 25m (9+ storeys) – 12m habitable & 6m non-habitable 	No	<p>The podium remains generally as approved in relation to separation distances.</p> <p>The tower is discussed in detail following this table.</p>
3J Bicycle and car parking	Yes	The proposed development falls within the design criteria of Objective 3J-1 and as such the

Design Criteria	Compliance	Comment
NB: No control for bicycle parking under the ADG		<p>ADG requires that the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Development or the car parking requirement prescribed by the relevant council, whichever is less. DCP 2012 sets rates for car parking with a minimum of nil (in relation to the residential component). In this regard, the DCP applies to the car parking for this site. Refer to Table 4 for discussion regarding car parking in accordance with the DCP requirements.</p> <p>The proposal provides 124 dedicated bicycle spaces located within a secure room within the basement. This is discussed in Table 4 of this report.</p>
Part 4 – Designing the building		
4A Solar and daylight access <ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	<ul style="list-style-type: none"> 100% of units receive at least 2 hours mid-winter. The modified plans provide all living areas on the northern façade of the building. <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
4B Natural ventilation <ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated in the first 9 storeys of the development. 	Yes	<ul style="list-style-type: none"> All habitable rooms within the development are provided with at least one window for natural ventilation. 73% of units in the first nine storeys are naturally cross-ventilated. The majority of the units have dual aspects.
4D Apartment size and layout <p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> Studio = 35 m² 1 Bed = 50 m² 	Yes	All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed unit sizes and layout are acceptable.

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> • 2 Bed = 70 m² • 3 Bed = 90 m² • Add 5m² for each additional bathroom (above 1) <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Maximum depth of open plan living layouts is 8m.</p>		<p>The glazed area to each habitable room is of an acceptable size in relation to the dimensions of the room.</p> <p>The bedrooms have a satisfactory size to meet the intent of the design criteria. All kitchens are separate to the circulation spaces.</p> <p>All of the living areas in each apartment are open plan and do not exceed the 8m criteria.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
<p>4E Private open space and balconies</p> <p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • Studio – 4m², no min depth • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth 	Yes	<p>All apartments are provided with a balcony or courtyard accessed from the main living areas which meets the minimum requirements of the ADG in terms of area and depth.</p> <p>The design of the balconies and courtyards integrated into the architectural form, providing articulation to the building, as well as casual surveillance of Grafton Street. The finishes of the balconies are consistent with the palette of materials in the building overall. Screens or solid side walls are provided to enhance privacy where appropriate.</p>
<p>4F Common circulation and spaces</p> <ul style="list-style-type: none"> • Max of 8 units accessed off a circulation core on a single level 	Yes	<p>Within the podium the units are accessed via external covered walkways with no more than 2 units being accessed via each walkway.</p> <p>Within the tower, the modified proposal provides entry to a maximum of four apartments per floor.</p>
<p>4G Storage</p> <p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> • 1-bed – 6m³ • 2-bed – 8m³ • 3+bed – 10m³ 	Yes	<p>The proposal provides separate storage within each apartment and storage cages associated with parking spaces within the basement car park. The storage provided meets the requirements and objectives of the ADG.</p>
<p>4K Apartment mix</p>	Yes	<p>The modified proposal is comprised of:</p> <ul style="list-style-type: none"> • 8 x studio apartments (8%) • 37 x 1-bedroom apartments (39%)

Design Criteria	Compliance	Comment
		<ul style="list-style-type: none"> 17 x 2-bedroom apartments (18%) 33 x 3-bedroom (35%) <p>The modified proposal will continue to support a wide variety of household types and sizes. The apartment mix is considered appropriate taking into consideration the proximity of the site to public transport options and the high density urban environment.</p>
4M Facades	Yes	The proposed building provides an interesting architectural design with each façade contributing to the visual interest of the building and character of the local area.
4N Roof design	Yes	The roof incorporates a common open space area and services areas and has a cohesive relationship with the overall building design, streetscape and Bondi Junction centre.
4O Landscape design	N/A	No changes to the landscaping of the site.

Separation distances

The proposed modifications seek to extend the tower portion of the development toward the Grafton Street frontage of the site with the footprint of the rear portion of the building on Hegarty Lane remaining as approved. Although the setback of the tower from the northern boundary is reduced, there is not an applicable separation distance control from this boundary as the building fronts Grafton Street and Syd Enfield Drive to the north. Setbacks are discussed in detail later in this report.

The modified proposal seeks to reduce the side boundary separation distances to the front (Grafton Street frontage) portion of the building as follows:

- Reduction of 900mm on the western side to a separation distance of 9.7m to the balcony (inside edge). The approved scheme provided 10.6m to the window (no side balcony).
- Reduction of 300mm on the eastern side to a separation distance of 11.7m to the balcony (inside edge). The approved scheme provided 12m to the window (no side balcony).

The modified proposal provides side balconies wrapping around the front elevation to each side elevation for the front portion of the building. These wrap around balconies are only approximately 580mm wide, extending out from the windows and enhance the sculptural form of the building. Given the minimal width of these balconies, they are too narrow to hold any furniture and will not contribute to any unreasonable increased privacy impacts. These balconies will simply serve as an extension of the room beyond when doors are open.

It should be noted that the side boundaries are stepped in areas, and the non-compliance is taken from the worst case, with the maximum 12m setback from both sides at the southern portion of the building being retained.

The balconies and windows are located opposite pop-out windows orientated away from the subject site on the approved development to the east and a through-site link (used as a park) to the west with the main commercial building on this site being set back 15m from the shared boundary. Although the balconies will be within the 12m separation 'zone' this is a minor encroachment that is unlikely to detrimentally impact upon the amenity of any future residential redevelopment upon this site.

Given the above analysis, it is considered that the proposal provides sufficient separation distances from adjoining properties to ensure that visual and acoustic privacy impacts are not unreasonable.

SEPP (Biodiversity and Conservation) 2021

Chapter 10 - Sydney Harbour Catchment

The Bondi Junction Centre is captured by the former Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, which has been repealed and incorporated in Chapter 10 of SEPP (Biodiversity and Conservation) 2021, as it is part of land identified on the Sydney Harbour Catchment Map referred to in section 10.2 of the SEPP. Therefore, the matters for consideration under Division 2 of the SEPP apply to the assessment of the modification application.

Given the site is separated by a substantial distance from the immediate foreshores and waterways of Sydney Harbour, the proposed development has no effect on the following matters set out in sections 10.19 to 10.22 and 10.24 to 10.27 of the SEPP:

- 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;
- floating boat platforms; and
- mooring pens.

The proposed development will be partially visible from the immediate foreshores and waterways of Sydney Harbour and therefore section 10.23 of the SEPP is to be taken into consideration in the assessment of the application.

The proposed development will contribute to the tower form of the Bondi Junction skyline providing an appropriate transition in height to the larger buildings on Oxford Street. The proposed development is expected to have a negligible impact on the visual and scenic qualities of Sydney Harbour, including its islands, foreshores and tributaries. The proposed development is considered acceptable with regards to the relevant matters for consideration under the SEPP.

Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 was on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as *shop top housing* remains unchanged and continues to be permitted development in the B4 zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 3** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant for the reasons discussed below.

Table 3: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none">60m	69.05m (RL 134.7 to plant)	The modification maintains the approved height to RL 134.7. Notwithstanding the proposed extensions toward the front will exceed the 60m height limit	No
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">6:1	6:1	6.7:1 (additional 1496m ² or 12%)	No

The following is a detailed discussion of exceedances of particular development standards under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

Height of Buildings

The proposed modifications do not result in a net increase of building height, maintaining the approved height of 69.05m to the plant on the roof. The proposal includes the extension of the building further toward Grafton Street to the north. The Grafton Street side of the building is the lowest point of the site and as such the existing variation to the height development standard will be further exacerbated by the extension within the front setback zone. The height variation of the approved development is approximately 1.4m on the Grafton Street elevation and the proposed modifications will increase this to approximately 1.7m. The leading edge of the Grafton Street elevation will continue to be at RL 128.125 in accordance with the approved building as the increased height variation due to the modification is attributable to the slope of the land.

The objectives of the height of buildings development standard are:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The increased height variation is contained to the northern side of the building and has been designed to minimise additional amenity impacts upon surrounding properties and the streetscape. The height variation is not attributable to increased unreasonable overshadowing, view or privacy impacts. The building will not present with any greater height within the streetscape at the approved maximum RL of 128.125 is to be maintained. The increased variation is due to the slope of the land rather than to an increase in overall height of the building. The proposed building will continue to provide a building compatible with the height, bulk and scale of the desired future character of the locality. The interesting and highly articulated sculptural form of the building will positively complement the surrounding area.

The modified proposal will continue to be consistent with the objectives of the zone.

The modified proposal will achieve and be consistent with the relevant objectives of the height of buildings development standard and the objectives of the zone. Therefore, the variation is deemed acceptable and is supported.

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 1496m², resulting in an overall FSR of 6.7:1. This culminates in an overall exceedance of the FSR development standard by 1496m² or 12%.

The applicant has provided some written justification for the non-compliance with the FSR development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the development standard are as follows:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*

(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.

The justification provided by the applicant to support the increased exceedance of the FSR development standard is summarised as follows:

- The proposal seeks to deliver additional floorspace within the Bondi Junction Centre in order to provide greater choice for larger size residential accommodation in close proximity to strong amenities.*
- The proposal remains appropriate for the site and location within the Bondi Junction Centre which in this area is characterised by a mix of medium to large scale development close to a major public transport hub.*
- The proposal delivers an outcome that remains consistent with Council's desired vision for Bondi Junction as a vibrant and attractive centre with a diverse skyline. Through skilful design, the proposed development delivers a highly articulated form and a compatible bulk and scale that is contributory to its location on the fringe of Bondi Junction Centre.*
- The proposed building modifications have been sensitively designed so that the revised development does not result in adverse amenity impacts to surrounding residents and other land uses.*
- The proposal, as modified, remains consistent with the maximum building height approved under DA-155/2018.*
- The distribution of GFA across the site as proposed in the modification is compatible with the scale and character of the approved development and likely future development in the vicinity of the site*
- The architectural plans demonstrate that the additional GFA is distributed across the site and building in a manner that continues to deliver design excellence.*
- The additional GFA does not result in adverse wind or overshadowing impacts and will have only minor and acceptable impacts on views to neighbouring residences.*
- The number of the apartments in the development is proposed to be reduced from 106 to 95 apartments proposed. The increase in GFA is therefore not associated with an intensification of the approved use, or associated impacts such as traffic generation.*

The LEP sets the strategic framework for the Local Government Area and the site has been designated one of the highest FSR and the highest height development standards in the LEP. The Bondi Junction Centre is identified for high density development located close to the Bondi Junction bus/rail interchange to achieve the housing targets set by the State Government. The current planning controls are considered to adequately address criteria (a) by way of ensuring sufficient floor space in Bondi Junction Centre for the foreseeable future. The additional FSR provided by way of a planning agreement will contribute further to this providing quality accommodation close to services and transport. The proposal is consistent with objective (a) of the FSR development standard.

The current planning controls stipulate a maximum FSR of 6:1 for this site and others along Grafton Street being one of the highest FSR controls within the Bondi Junction Centre. Those properties on the

opposite side of Hegarty Lane to the immediate south of the site, have a much lower FSR control of 5:1 and height of 38m. The majority of properties to the south of the site were granted approval for two additional levels subject to a planning agreement, as these properties had minimal impacts upon adjoining properties given the lower height control (view impacts) and the lack of unreasonable overshadowing, largely given the greater width of Oxford Street. The subject site adjoins Hegarty Lane to the south, whose narrow width results in greater overshadowing impacts to the properties than those on Oxford Street.

In April 2021 an application for two additional levels at the adjoining site to the east, 59-79 Grafton Street, was refused by the SECPP due to height, overshadowing, view and streetscape impacts. Part of the reason for this refusal was that additional levels on this site, and those within the row of buildings on Grafton Street, would not provide an appropriate correlation between maximum building heights and density controls, and would not be compatible with the bulk and scale of the desired future character of the locality.

The subject modification at 55 Grafton Street has been designed to overcome issues faced by 59-79 Grafton Street by providing the additional floor space within the height already approved within the northern section of the building. The result is that the number of approved storeys is maintained and the impacts upon the amenity of surrounding properties is substantially reduced (discussed later).

The applicant provides the following response regarding the amended plans modified in response to concerns raised at the SECPP briefing dated 28/04/2022 regarding bulk, mass and materiality:

The overall tower form has been reduced in width creating a slimmer appearance and enhancing verticality. The tower is finished in a textured concrete with white patina finish, soffits have been finished with a linear batten acoustic treatment to provide visual detail, texture and improve acoustic performance. The addition of this material enhances the sculptural quality of the tower form. The edges of the tower are expressed with a dark aluminium frame surrounding each balcony opening. The southern elevation's solid walls have been treated with a vertical relief pattern providing detail and texture creating a shadowed effect throughout the day. Joint lines in the concrete panels break down the visual mass of the southern elevation.

The proposed modifications maintain the sculptural form of the development with varied setbacks across the front façade to provide an undulating or 'twisting' effect to the tower. This provides a building with a unique appearance within the Bondi Junction streetscape with a high level of design excellence. The amended plans (received 22 August 2022) continue to include wrapping of the balconies around the side elevation as this is essential to the sculptural form and undulating design. The amended design includes linear acoustic cladding soffit treatment to improve the material appearance of the balcony soffits fronting Grafton Street and a linear pre-cast concrete finish to the southern tower façade on Hegarty Lane to incorporate more texture to this façade.

Objective (d) is 'to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality'. The relevant amenity impacts that result from the proposal are privacy, overshadowing and views. Privacy has been discussed previously in this report

(refer to separation distances discussion under the ADG table). Overshadowing and view impacts are discussed in turn below.

Overshadowing

The ADG provides design guidance to minimise overshadowing of adjoining properties at mid-winter with the following being of relevance to this modification:

- Living areas, private open space and communal open space should receive at least 2 hours.
- Where an adjoining property does not currently receive the required hours of solar access, the proposed building does ensures solar access to neighbouring properties is not reduced by more than 20%.

The Applicant has provided a solar study which indicates that there will be minor additional overshadowing throughout the day falling over the northern facades of the buildings to the south. The solar study also provides details regarding compliance with the required 2 hours of solar access to living areas and private open space of the affected apartments at buildings to the south. The data indicates that all affected apartments will continue to retain the same solar access as the approved development or otherwise will retain at least 2 hours.

View impacts

The Applicant provided computer generated images (CGIs) to compare the approved building massing with that proposed under the modification application. Four perspectives were identified from upper level apartments within neighbouring residential developments, such as 304-308 and 310 Oxford Street and approved but not yet constructed apartments at 59-75 Grafton Street, that may be potentially affected by the proposed modification. The locations selected provide a representative range of view compositions that could be potentially affected by the additional built form proposed. The CGIs are shown below in **Figures 8 to 11**.

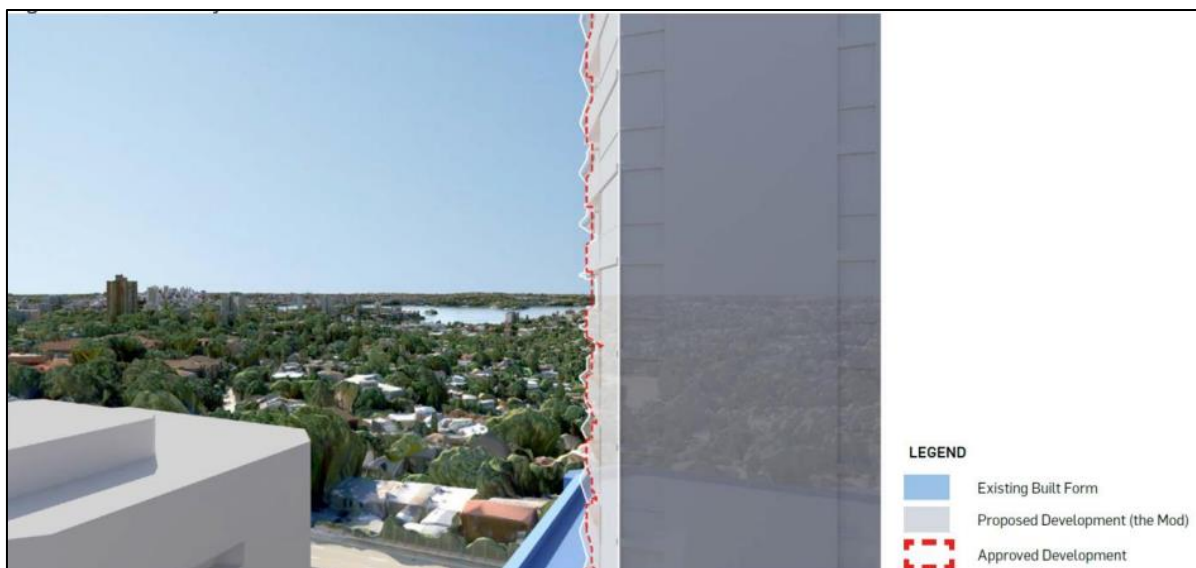


Figure 8: 304-308 Oxford Street – North-East view (level 11 RL 111.7)



Figure 9: 310 Oxford Street North to North-East view (level 10 RL 108.5)



Figure 10: 310 Oxford Street – North to North-West view (level 10 – RL108.5)

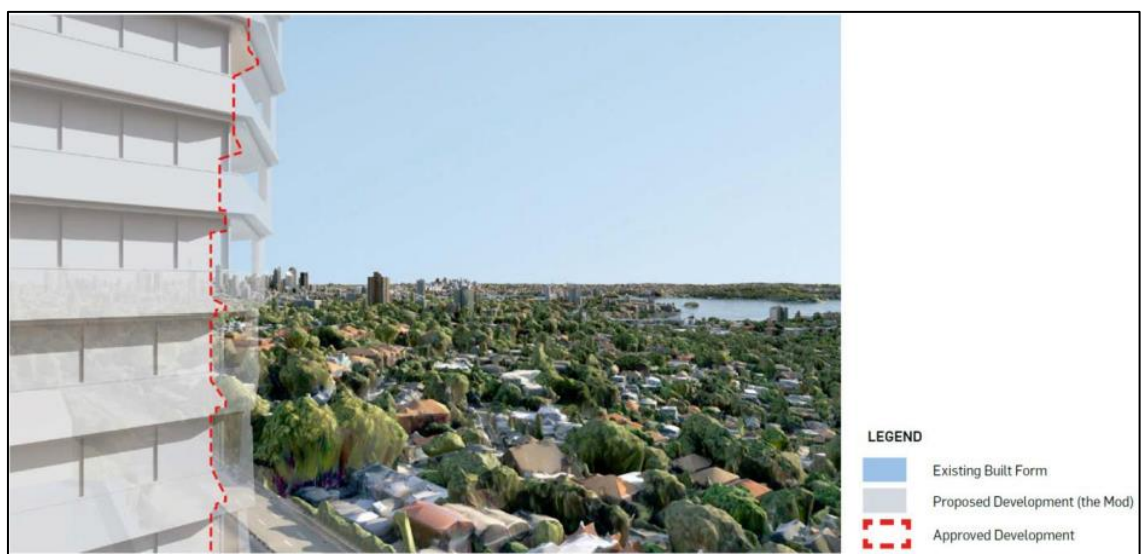


Figure 11: 59-75 Grafton Street – North-West view (level 14 – RL116.6)

Each of the above view diagrams demonstrates the negligible impact of the modified proposal upon significant views from surrounding properties. The most affected views would be those from the yet to be constructed building at 59-75 Grafton Street as shown in **Figure 11** with the part affected being of the edges of the City skyline with no impact upon views containing icons (ie, Sydney Harbour Bridge or Opera House). Expansive views of Sydney Harbour from the north-west to north-east will be retained.

The applicant has submitted an undertaking to Council regarding their commitment to enter into a planning agreement (PA) for the additional GFA above the existing building on the site in accordance with the *Waverley Council Planning Agreement Policy 2014* (the Policy).

The Policy provides a mechanism to address the public benefit offset of additional reasonable impacts from developments exceeding development standards. The offer to enter into a PA addresses the public benefit aspect of maintaining the FSR development standard when Council considers a variation with the standard by way of assessing and determining a development application.

The fundamental principle of the Policy is that any benefit that arises from agreement to vary development standards is shared between developer and the community and must be acceptable on environmental impact grounds. The reasonableness of impacts associated with the additional floor space of the proposed development has been considered against the likely public interest (ie, public domain improvements in the area), which has been found to be acceptable in this instance. The reasonableness relates to the merits of this case only as discussed in the body of this assessment report.

The proposal is in accordance with other variations which have been permitted in conjunction with public benefits or purpose, such as affordable housing, public domain works or the like. The proposed development is not against the public interest as it complies with the limitations set in the Policy.

A suitable public purpose or benefit is considered to be provided in the form of the forthcoming execution of a planning agreement, which would contribute to public works or a similar public benefit within the catchment of the site. Appropriate conditions are included in Appendix A in relation to the PA.

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the FSR development standard. Therefore, the net exceedance is deemed acceptable and is supported.

Design Excellence

The site is identified on the key sites map in the LEP and involves a building which has a height greater than 15m.

Clause (3) states that development consent must not be granted unless the consent authority considers that the development exhibits design excellence subject to consideration against a number of criteria outlined within the LEP.

The proposed modifications include extending to within the front setback of the building on Grafton Street with an increase to the width of the building to provide an enhanced curvilinear form to the Grafton Street elevation. The width of the tower is to be increased by approximately 2.3m to 40m wide on the Grafton Street elevation, predominantly comprised of balconies wrapping around the side elevations to enhance the sculptural form of the building.

There is no convincing evidence to suggest that the Bondi Junction Centre must be constructed of rectilinear buildings with no curved forms, rather the design excellence control in the LEP seeks to encourage innovative and original design to create visual interest in the Bondi Junction centre.

Recent development within Bondi Junction has moved away from the rectilinear building form, incorporating variety through curved elements particularly expressed through balconies. Examples include the recently constructed buildings at 292-302 Oxford Street and 304-308 Oxford Street to the rear of the site, which both provide curvilinear balconies on the front and rear façades.

Additionally, the increased width of the building on Grafton Street is not out of character with surrounding development. Through use of aerial and 3D data (source NearMap, acknowledging that these distances are general only), it is demonstrated that a number of surrounding buildings have widths generally in accordance with the width of the modified proposal. In fact, the larger, taller buildings within the Bondi Junction skyline located along the periphery of the Bondi Junction centre are wider buildings generally 35m-45m in width (refer to **Figure 12**).

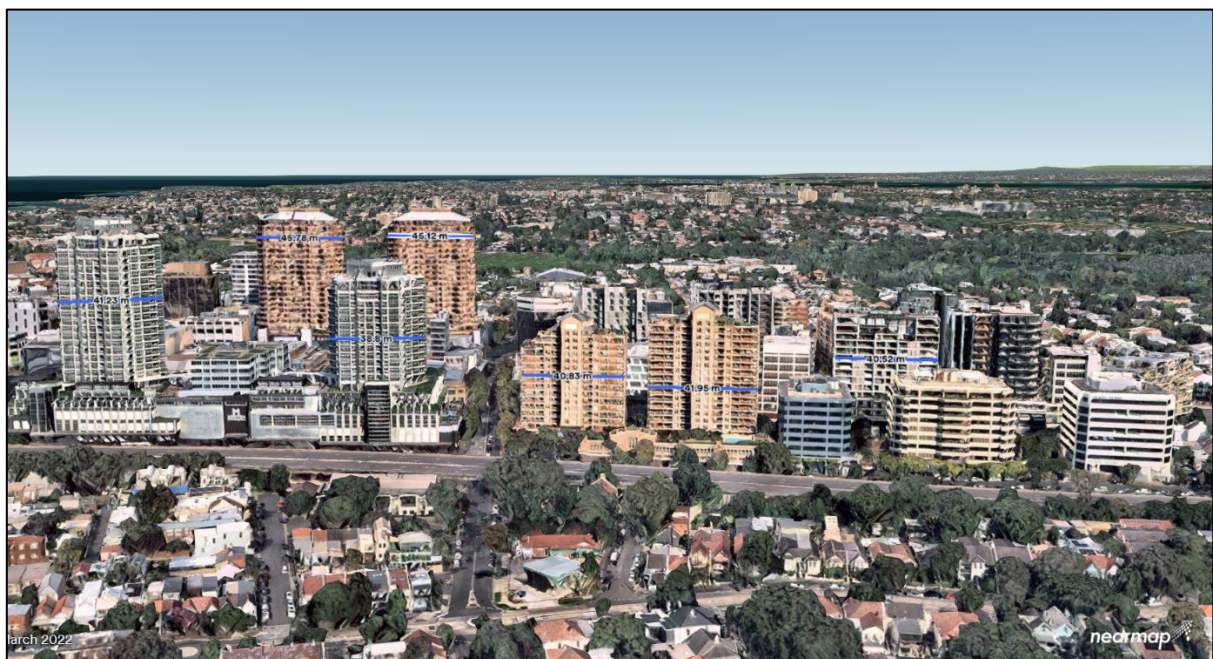


Figure 12: Indicative widths of surrounding building in the Bondi Junction skyline

The proposal has been amended since it was initially submitted to address concerns raised by the SECPP at the briefing meeting and the DEAP (as previously discussed). The amended proposal is considered to provide improved materials and finishes with an enhanced and appropriate sculptural form which is consistent with the desired future character and the surrounding context. In this regard, the modified proposal is considered to exhibit design excellence.

Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Tables 4, 5 and 6** of this report and detailed discussion below these tables, where relevant.

Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
7. Accessibility and Adaptability	Yes	<p>An access review was provided to Council, prepared by ABE Consulting.</p> <p>Condition 25 of the consent requires the provision of 11 apartments as adaptable housing. The proposal is consistent with this requirement.</p> <p>Condition 26 of the consent requires a minimum of 20% liveable housing apartments. This condition will remain in effect as part of the modification.</p> <p>The proposal retains 11 accessible car spaces within the basement car park, complying with the control.</p>
<p>8. Transport</p> <p>Zone 1</p> <p>Maximum parking for 95 apartments:</p> <ul style="list-style-type: none"> • 8 studio = 0 • 37 x 1-bed = 15 • 17 x 2-bed = 12 • 33 x 3+-bed = 40 <p>Commercial</p> <p>Maximum parking rate:</p>	No	<p>The total number of parking spaces provided within the development is unchanged at 111. However, given that the number of apartments is proposed to be reduced from 106 to 95, the maximum parking rate will vary from the original consent. Additionally, at the time of approval of the original application, DCP 2012 (Amendment 5) applied which set a higher maximum parking rate than the current DCP 2012 (Amendment 9). This means that the subject proposal by retaining the approved number of parking spaces, provides substantially more parking than the maximum under the current DCP.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Business and office premises: 3 Retail premises: 6 <p>Bicycle spaces:</p> <ul style="list-style-type: none"> Resident: 96 Visitor: 9 Retail: 2 Commercial: 2 		<p>The proposal maintains the approved number of parking spaces, which under the DCP version applicable at the time complied with the maximum provision; however, would now provide substantially more than the maximum:</p> <ul style="list-style-type: none"> 96 resident spaces (including 11 accessible) 15 visitor spaces Total of 111 car spaces proposed <p>Council's Traffic Manager has reviewed the approved building and the modified proposal against the provisions of the current DCP and determined that the modification results in the provision of an additional five spaces. The recommendation is that those five spaces should be allocated to other uses.</p> <p>The original consent did not provide any parking for the commercial component of the mixed use building. The DCP allows a maximum of six spaces for the retail shops and three spaces for the business uses (minimum of nil). In this regard, the additional five spaces can be allocated to the commercial uses and a condition to that effect is included in the consent.</p> <p>The motorcycle requirements remain the same as approved as is based on the number of parking spaces, not apartments.</p> <p>The bicycle space requirement is reduced due the decreased number of apartments.</p> <p>Notwithstanding, the proposal continues to provide the previously approved amount equating to more than the minimum required by the DCP which is considered satisfactory.</p>
12. Design Excellence	Yes	Satisfactory as previously discussed.

Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.3 Setbacks - Superseded by Urban Design Controls in Part E1 (Table 6)		
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated 	No	The lower levels of the building (the podium) are required to occupy the whole frontage of the site in accordance with the controls in Part E1 of the DCP.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum unit depth: 18m 		<p>The approved tower form has a maximum width of 40m exceeding the maximum building length of 24m which was considered acceptable at the time of approval. The maximum width for the approved tower is contained to the southern (rear) part of the building. The modifications continue the 40m width to the northern (front) portion of the tower. This increases the width of the building at the Grafton Street frontage.</p> <p>Notwithstanding, the proposal provides almost double the side setback controls of the DCP. The bulk of the building has been reduced through design and appropriate articulation to the façade.</p> <p>Additionally, the proposal is consistent with the streetscape and pattern of development in Grafton Street whereby buildings have significant width, exceeding the DCP control. Figure 3 demonstrates that the buildings fronting Grafton Street, which is the northern end of the Bondi Junction centre, have a wider built form with greater horizontality. This is in opposition to the buildings within the centre of Bondi Junction with a much lower height control and slim tower forms with verticality emphasised.</p> <p>Given the above analysis, the width of the tower is considered appropriate.</p>
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	As previously discussed throughout this report, the modified development will be consistent with the desired future character and the surrounding context.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid-winter. Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June. 	Yes	Refer to previous discussion within this report.

Development Control	Compliance	Comment
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Views from public spaces to be maintained. 	Yes	<p>Refer to previous discussion within this report.</p> <p>No known significant views from the public domain will be impacted.</p>

Table 6: Waverley DCP 2012 - Part E1 Bondi Junction Compliance Table

Development Control	Compliance	Comment
1.2 Urban form		
<ul style="list-style-type: none"> Development must be sensitive to the streetscape character and views. 	Yes	As previously discussed throughout this report, it is considered that the proposed modifications are sensitive to the streetscape character and surrounding properties. The development is adequately cross ventilated in accordance with the ADG, will provide high quality amenity to occupants, retains view corridors and reasonable solar access and provides a clear tower form above the podium base. The modified development continues to exhibit design excellence.
1.9 Street alignment		
<p>Grafton Street:</p> <ul style="list-style-type: none"> Buildings to be aligned to street boundary 6 storey street wall with 6m setback to tower 	No	Refer to discussion following this table.
1.10 Separation distances		
	Yes	Refer to previous discussion in regard to the ADG.
1.11 Side and Rear boundary setbacks		
<p>Where existing neighbouring buildings have windows or balconies at podium levels facing a side boundary, the following side setback distances apply:</p> <ul style="list-style-type: none"> 12m to primary windows of living area and balconies 6m to all other windows 	Yes	<p>The matter of separation between the buildings to the side and rear and associated privacy impacts is discussed in the consideration of the ADG earlier in this report.</p> <p>The proposal amends the approved side setbacks as follows:</p> <ul style="list-style-type: none"> Reduction of 1.4m on the western side to a setback of 9.2m to the balcony. The approved scheme provided 10.6m to the window (no side balcony). Reduction of a maximum of 1m on the eastern side to a setback of 11m to the balcony. The approved scheme provided 12m to the window (no side balcony).

Development Control	Compliance	Comment
		It should be noted that the primary living area windows and balconies are located on the northern elevation. In this regard, the reduced setback is acceptable as these are not the primary windows.
1.14 View, vista and tree preservation		
	Yes	The proposal will not impact upon any known view or vista from the public domain.
1.16 Building Elevations		
	Yes	The proposal is sufficiently articulated and reflects the modulation and rhythm of the approved building, as discussed previously in this report.
1.19 External Living Areas		
<ul style="list-style-type: none"> External living area is to be screened to achieve visual privacy if located less than 4m from a side boundary The rooftops of developments can be used to provide external living areas. Detail and design balconies or terraces in response to the local climate and context 	Yes	<p>The development provides sufficient external living areas to adequately address the ADG in terms of size.</p> <p>Privacy is considered adequate by virtue of generous separation distances and screening where appropriate.</p> <p>The balcony soffits have been finished with a linear batten acoustic treatment to provide visual detail, texture and improve acoustic performance.</p>
1.20 Wind Mitigation		
<ul style="list-style-type: none"> Buildings > 9 storeys, wind tunnel study is required 	Yes	<p>A wind tunnel study was submitted with the original application. An addendum was submitted with the subject application specifically addressing the proposed modifications to the approved development. The addendum concluded that the <i>'treatments which were suggested in the earlier wind tunnel study report have been reviewed against the new design scheme of the development, and it is noted that these are almost all incorporated into the design scheme now, either in the form of wind screens, impermeable balustrades, strategically placed densely foliating vegetation, etc. However, it is recommended to install a screen on the northern</i></p>

Development Control	Compliance	Comment
		<p><i>end of the smaller balconies on the eastern and western ends of the tower on Levels 06 to 18'.</i></p> <p>It is noted that this recommendation would result in potential further view impacts as the screen would be at least 1.8m high. The impact of these screens has not been adequately demonstrated in the modification application. In this regard, a condition is recommended ensuring that any treatment to these balconies be positioned to ensure no further loss of view or comprised of transparent material to allow views through.</p>

The following is a detailed discussion of the issues identified in the compliance tables above in relation to Waverley DCP 2012.

Street alignment

The subject proposal seeks to extend the tower within the front setback zone of the approved development with curvilinear balconies extending to the Grafton Street boundary with a minimum setback of 2.1m to a maximum of 5.5m. The approved tower is set back 4m-6m from Grafton Street.

The recently constructed building at 292-302 Oxford Street to the rear of the site, provides curvilinear balconies on the front and rear façade set back from the podium below by 4m – 5m on the Oxford Street frontage and 3.5m – 4.5m on the Hegarty Lane frontage. A similar situation arises at the recently completed building at 304-308 Oxford Street with curved balconies extending to within 3.5m of the boundary on Hegarty Lane.

As previously discussed in this report, the proposed extension into the setback zone on Grafton Street has minimal impact upon the amenity of surrounding properties or the streetscape and is considered acceptable.

2.2.2. Other Impacts of the Development

The proposal is considered to have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 21 days between 15 November and 6 December 2021 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The side boundary setbacks were marginally increased.
- The materials were further refined.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

A total of three unique submissions were received from the following properties:

Table 7: Number of and where submissions were received from.

Count	Property Address
1.	801/306 Oxford Street, Bondi Junction
2.	1201/306 Oxford Street, Bondi Junction
3.	254 Edgecliff Road, Woollahra

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Overshadowing/loss of light
- Loss of views
- FSR

All other issues raised in the submissions are summarised and discussed below.

Issue: Lack of servicing and infrastructure for all the recent developments approved in the area.

Response: The objector has noted that Bondi Junction has too much development which impacts on existing infrastructure. The Waverley Local Environmental Plan sets the strategic framework for the Local Government Area and the site has been designated the highest FSR and height development standards in the LEP. The Bondi Junction Centre is identified for high density development located close to the Bondi Junction bus/rail interchange to achieve the housing targets set by the State Government. This is not a matter which warrants refusal of this application.

2.2.5. Public Interest

The proposal is considered to have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Strategic Planning

A condition was provided in relation to entering into a planning agreement which is included in Appendix A.

3.2. Traffic and Development

As noted previously Council's Traffic Manager carried out an assessment of the parking requirement in relation to the current DCP amendment and recommended that the proposed modification of the development requires a reduction of 5 residential car parking space. This is addressed in the conditions as outlined in Appendix A.

3.3. Urban Design

Council's Urban Design Manager has reviewed the application and previous amendments submitted for comment prior to the formal set of amended plans. The amendments made to the design of the building are supported.

3.4. Waste Management

No issues were raised in regard to waste management.

3.5. Land Information (GIS)

An amended condition was provided which is included in the Recommendation.

3.6. Stormwater Management



No objections were raised and no further conditions.

3.7. Sustainable Development

BASIX stamped plans were requested which were provided by the Applicant. Modified conditions were recommended as shown in the recommendation.

4. RECOMMENDATION TO SYDNEY EASTERN CITY PLANNING PANEL

That the modification application be APPROVED by the Sydney Eastern City Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Kylie Lucas	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 15/08/2022	Date: 24/08/2022

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- a) Architectural Plans prepared by ~~Cottree Parker JPRA~~ Koichi Takada Architects including the following;

Drawing No.	Drawing Name	Revision	Drawing Date	Date Received by Council
A-0098	BASEMENT 03	G	06/11/2019	05/12/2019
A-0099	GROUND FLOOR – BASEMENT 02	G	06/11/2019	05/12/2019
A-0100	BASEMENT 01	G N	06/11/2019 29/06/2022	05/12/2019 29/08/2022
A-0101	LEVEL 01	F L	24/09/2019 29/06/2022	05/12/2019 29/08/2022
A-0102	LEVEL 02	F K	24/09/2019 29/06/2022	05/12/2019 29/08/2022
A-0103	LEVEL 03	F K	24/09/2019 29/06/2022	05/12/2019 29/08/2022
A-0104	LEVEL 04	F L	24/09/2019 29/06/2022	05/12/2019 29/08/2022
A-0105	LEVEL 05	F N	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0106	LEVEL 06	F N	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0107	LEVEL 07	F M	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0108	LEVEL 08	F M	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0109	LEVEL 09	F M	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0110	LEVEL 10	F N	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0111	LEVEL 11	F M	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0112	LEVEL 12	F M	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0113	LEVEL 13	F M	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0114	LEVEL 14	F M	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0115	LEVEL 15	F N	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0116	LEVEL 16	F M	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0117	LEVEL 17	F M	24/09/2019 09/08/2022	05/12/2019 29/08/2022
A-0118	LEVEL 18	F N	24/09/2019 09/08/2022	05/12/2019 29/08/2022

A-0119	LEVEL 19	G N	04/12/2019 29/06/2022	05/12/2019 29/08/2022
A-0120	LEVEL 20 (PLANT)	G M	04/12/2019 29/06/2022	05/12/2019 29/08/2022
A-0121	ROOF PLAN	G N	04/12/2019 29/06/2022	05/12/2019 29/08/2022
A-0150	ADAPTABLE APARTMENTS – SILVER LEVEL (SHEET 1)	E	24/09/2019	05/12/2019
A-0151	ADAPTABLE APARTMENTS – SILVER LEVEL (SHEET 2)	E	24/09/2019	05/12/2019
A-0152	ADAPTABLE APARTMENTS – SILVER LEVEL (SHEET 3)	E	24/09/2019	05/12/2019
A-0200	ELEVATION 1 - NORTH	F M	24/09/2019 05/08/2022	05/12/2019 29/08/2022
A-0201	ELEVATION 2 - SOUTH	F L	24/09/2019 29/06/2022	05/12/2019 29/08/2022
A-0202	ELEVATION 3 - EAST	G M	04/12/2019 29/06/2022	05/12/2019 29/08/2022
A-0203	ELEVATION 4 - WEST	G M	04/12/2019 29/06/2022	05/12/2019 29/08/2022
A-0205	PODIUM NORTH ELEVATION	F	24/09/2019	05/12/2019
A-0206	PODIUM SOUTH ELEVATION	F	24/09/2019	05/12/2019
A-0207	PODIUM EAST ELEVATION	F	24/09/2019	05/12/2019
A-0208	PODIUM WEST ELEVATION	F	24/09/2019	05/12/2019
A-0300	SECTIONS	G L	04/12/2019 29/06/2022	05/12/2019 29/08/2022
A-0310	RETAIL SECTIONS	A	24/09/2019	05/12/2019
A-0311	TYPICAL TOWER FLOOR TO FLOOR	A	24/09/2019	05/12/2019
A-0312	COMMERCIAL SECTIONS	A	24/09/2019	05/12/2019
A-0320	BASEMENT SECTIONS 01	A	24/09/2019	05/12/2019
A-0321	BASEMENT SECTIONS 02	A	24/09/2019	05/12/2019
A-0322	BASEMENT SECTIONS 03	A	24/09/2019	05/12/2019
A-0500	EXTERNAL FINISHES	E	24/09/2019	05/12/2019
A-0510	EXTERNAL FINISHES	A C	24/09/2019 29/06/2022	05/12/2019 29/08/2022
A-0511	BALCONY SOFFIT TREATMENT	A	29/06/2022	29/08/2022
A-0512	TYPICAL TOWER FLOOR TO FLOOR	B	29/06/2022	29/08/2022

- b) Landscape Plan numbered LA LP 01/068, 02/057, 03/057, 04/068, 05/057, 06/057, 07/057, 08/056, 09/068 prepared by Black Beetle Landscape Architecture and Design, dated ~~06.09.19~~ 24/09/2021 and received by Council on ~~27/09/2019~~ 01/10/2021;
- c) BASIX and NatHERs Certificates;
- d) Acoustic Report by Renzo Tonin [Reference No. TK113-01F02] dated 5 April 2019 and received by Council on 26/04/2019 and 'Addendum to DA Acoustic Report' prepared by Renzo Tonin dated 20 September 2019 and received by Council on 27/09/2019;
- e) Geotechnical Desktop Study by Douglas Partners (Project 85447.01) dated April 2018 and received by Council on 08/05/2018;

- f) Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting dated 19 April 2018 and received by Council on 08/05/2018;
- g) Direct Solar Access Report prepared by Windtech dated 4 May 2018 and received by Council on 08/05/2019 and addendum as listed below in 1(k) **and (n)**;
- h) Natural Ventilation Statement prepared by Windtech dated 17 April 2018 and received by Council on 08/05/2019 and addendum as listed below in 1(k) **and (n)**;
- i) Pedestrian Wind Environment Statement prepared by Windtech dated 4 May 2018 and received by Council on 08/05/2019 and addendum as listed below in 1(k) **and (n)**;
- j) Solar Light Reflectivity Analysis prepared by Windtech dated 4 May 2018 and received by Council on 08/05/2019 and addendum as listed below in 1(k) **and (n)**;
- k) Addendum titled 'EFFECT OF DESIGN CHANGES ON SOLAR ACCESS, REFLECTIVITY, NATURAL VENTILATION AND PEDESTRIAN WIND AMENITY STUDIES' prepared by Windtech dated 19 September 2019 and received by Council on 27/09/2019
- l) Energy Assessment Report Issue A prepared by EMF Griffiths dated 28 September 2018 and received by Council on 26/4/2019;
- m) Waste Management Plan prepared by Elephants Foot Recycling Solutions dated 18/09/2019 and received by Council on 27/09/2019;
- n) **Addendum titled 'EFFECT OF DESIGN CHANGES ON SOLAR ACCESS, REFLECTIVITY, NATURAL VENTILATION AND PEDESTRIAN WIND AMENITY STUDIES' prepared by Windtech dated 25/08/2021 and received by Council on 01/10/2021;**

(AMENDED DA-115/2018/A)

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The solar panels at Level 05 shall be relocated to the roof of the building, to form an extension of the 'PV solar farm'.
- (b) The main pedestrian foyer off Grafton Street shall be provided with furniture and spaces to encourage social interaction.
- (c) The accessible toilets located on the ground floor behind Retail 1 (along Grafton St) and Retail 3 on Level 1 (Hegarty Lane) shall be redesigned to enable direct and internal access to the respective retail tenancy (rather than be a public accessible toilet accessed from the public domain). In this regard, the doorways shall be shifted to avoid communal use, but rather be allocated to this adjacent tenancy.
- (d) All service door/s at street level fronting a roadway shall be finished in a material to match the building design and façade. This includes though not limited to the fire hydrant booster door, GM, substation and FCR.
- (e) The architectural plans are to be stamped by the Accredited NatHERS assessor and include relevant commitments.
- (f) Electric car charging in the garage areas can be allowed for with the provision of separate cabling and charging points, that are linked to the electrical system for the strata component related to**

each carspace. Alternatively, the minimum acceptable approach would be the inclusion of ducting that allows for future cabling and charging systems to be added.

- (g) Provision of ceiling fans to living and bedrooms is required.
- (h) Any treatment of balconies to satisfy the recommendations of the Wind Report or any subsequent addendum/revision shall be positioned to ensure no further loss of view or shall be comprised of transparent material to allow views through.

The amendments are to be approved by Council's Director, Planning, Environment and Regulatory (or delegate) prior to the issue of the relevant Construction Certificate under the Environmental Planning and Assessment Act 1979.

(AMENDED DA-115/2018/A)

3. SYDNEY TRAINS APPROVAL/CERTIFICATION

Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

A1. The Applicant/Developer shall provide an updated version all documents mentioned in Sydney Trains Deferred Commencement conditions and prior to Construction Certificate conditions of DA 155/2018 based on the development as modified, confirming there will be no impact to the rail corridor. This information is to be provided to Sydney Trains for review, comment and written endorsement. The Principal Certifying Authority is not to issue any Construction Certificate or modified Construction Certificate, and is not to permit the commencement of works, (whichever occurs first) until confirmation has been received from Sydney Trains that these documents are satisfactory and whether these documents prevail over any previously issued Sydney Trains written endorsements.

A2. The Applicant/Developer is to ensure that Sydney Trains is provided with the final version of approved plans and documentation in accordance the issued Development Consent (including where modified), to base its compliance check on, to which it will review, comment and provide written endorsement on where compliance has been satisfactorily met.

(AMENDED DA-115/2018/A)

32. CAR PARKING ALLOCATIONS

A total of 111 car vehicle parking spaces are to be provided, allocated in the following manner:

- (a) ~~95~~ **90** residential parking spaces;
- (b) 15 visitor parking spaces
- (c) 1 car share space;
- (d) **5 commercial/retail spaces.**

At least 10% of these spaces shall be accessible, allocated in an equitable manner.

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

134. STREET NUMBERING

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

- No. 55 - primary address site number
- Grafton Street- primary address location.
 - ~~Pedestrian entry point via Grafton Street~~
 - ~~Vehicle entry point Hegarty Lane.~~
- **Alternative address site number and location 6 Hegarty Lane (for retail facing lots only).**

Premises with multiple street frontages and access points shall display the 'primary address number' on the site boundary of the primary address location and display both the primary address number and primary address location at alternative street address entry points to the building.

The primary premises numbering for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and clearly visible from Grafton Street.

As the redevelopment has multi-level sub-addressing the following sub-addressing will apply;

- As the redevelopment has multi-level sub addressing the following sub addressing will apply;
 - All sub premises numbers must be unique,
 - The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
 - For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,
 - Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
 - Commercial premises will be identified with an address identifier ie Shop G01, Office G02, Retail G03.

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

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

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

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

137. WASTE STORAGE AREAS

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

- Residential (~~106~~ 95 residential units)
 - 7 x 660L Mobile Garbage Bins (MGBs) for general waste compacted at 2:1

- 5 x 660L MGB for container recycling collected fortnightly
- 5 x 660L MGB for paper and cardboard recycling collected fortnightly
- **Residential bulky waste storage of 11m² in addition to 2m² for additional problem waste (13m² total)**
- Commercial – (Restaurant and Office space)
 - 5 x 1100L Mobile Garbage Bins (MGBs) for general waste collected 3 x weekly
 - 1 x 1100L MGB for comingled recycling collected 3 x weekly

The frequency of collection should be monitored and adjusted accordingly as required

- (b) Details of ongoing waste management strategy are to be documented within a Site Waste & Recycling Management Plan (SWRMP).
- (c) A waste and recycling storage area for each dwelling must be located on the relevant lot in a position convenient for both users and waste collection personnel. This area must be marked on the site plan.
- (d) Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment.
- (e) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains unless otherwise approved by Council under Section 68 of the Local Government Act 1993.
- (f) All new developments are to provide adequate storage for waste to accommodate future change of uses including grease traps is to be provided.
- (g) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (h) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (i) Organic waste should be either treated in a composting or worm farming system or stored in a Council approved bin or skip (refer to Annexure B1-5).
- (j) Waste and recycling storage areas must be visually and physically integrated into the design of the development.
- (k) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (l) The presentation of bins on the kerbside for collection at any time is not permitted.

(AMENDED DA-115/2018/A)

B. New Conditions

42. PLANNING AGREEMENT

The owner/applicant is to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in **DA-155/2018/A**; and
- (ii) Pay a monetary contribution amount of **\$5,535,200.00** prior to the issue of any Occupation certificate for the Development

- (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.

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

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
- (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
- In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date

The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

(ADDED DA-115/2018/A)

***PLEASE NOTE THAT A NUMBER OF CONDITIONS WERE OMITTED FROM THE NOTICE OF DETERMINATION AND TO ENSURE SEQUENTIAL NUMBERING THESE HAVE BEEN ADDED AS 'INTENTIONALLY OMITTED'.**

APPENDIX B – FULL SET OF CONDITIONS

DEFERRED COMMENCEMENT CONDITIONS

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that approval/certification from Sydney Trains has been obtained as to the following matters and the approval/certification has been forwarded to the Council:

- A1.** Prior to the commencement of works the Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with the Asset Standard Authority (ASA) Development Near Rail Tunnels - T HR CI 12051 ST (can be obtained at <https://www.transport.nsw.gov.au/industry/asset-standards-authority>):
1. Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor. Drawings shall also include the updated raft design.
 2. Final Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 3. Revised drawings clearly showing first and second reserve for the tunnel profile in the immediate proximity of eastern site boundary. All measurements are to be verified by a Registered Surveyor.
 4. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
 5. Revised numerical analysis report which addresses the following, but not limited to, items
 - a. Detailed advice as to whether the loads on the tunnel are modelled with existing foundation layout or UDL at the demolition stage.
 - b. Due to the change to the column layout and raft slab thickness the report needs to demonstrate that the outcome is still valid.
 6. A Monitoring Plan prepared in accordance with the TfNSW standard SPC 207 "Track Monitoring Requirements for Undertrack Excavation" containing trigger levels.
 7. Revised Tunnel Lining Assessment to include information with respect to the maximum displacement occurring at node 11 (as per Douglas Partners Report).
 8. Impact assessment report on the on ESR tunnel.
 9. The development is required to comply with the imposed load limits outlined in Table 5 of the ASA standard T HR CI 12051 ST "Development Near Rail Tunnels". Any exceedance of the load limits specified for ESR tunnels require an independent verification of the engineering analysis and impact assessment to be carried out in accordance with the following (as required by Clause 8.4 T HR CI 12051 ST "Development Near Rail Tunnels"):
 - a. The independent verification shall be arranged by the Applicant.
 - b. The independent verification shall be carried out by an organisation that is independent of the organisation that prepared the engineering analysis (AEO).

- c. The independent verification organisation shall be subject to the approval of TfNSW.
- d. Independent verification shall include a detailed engineering proof check of all aspects of the engineering analysis and impact assessment including any proposed temporary works.
- e. The independent verification organisation shall prepare a report that describes its verification activities and includes certification that the proposed development will produce no adverse effects on the tunnel and associated rail infrastructure.
- f. The independent assessment report shall be submitted to TfNSW with the engineering assessment report.

10. All relevant documentation to comply with Section 9 of the above stated ASA Standard.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

This development consent does not operate until the applicant satisfies Waverley Council, in accordance with the regulations, as to the matters specified in the above conditions and Waverley Council confirms such satisfaction in writing.

ATTACHMENT B: CONDITIONS OF CONSENT

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

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

a) Architectural Plans prepared by Koichi Takada Architects including the following;

Drawing No.	Drawing Name	Revision	Drawing Date	Date Received by Council
A-0098	BASEMENT 03	G	06/11/2019	05/12/2019
A-0099	GROUND FLOOR – BASEMENT 02	G	06/11/2019	05/12/2019
A-0100	BASEMENT 01	N	29/06/2022	29/08/2022
A-0101	LEVEL 01	L	29/06/2022	29/08/2022
A-0102	LEVEL 02	K	29/06/2022	29/08/2022
A-0103	LEVEL 03	K	29/06/2022	29/08/2022
A-0104	LEVEL 04	L	29/06/2022	29/08/2022
A-0105	LEVEL 05	N	09/08/2022	29/08/2022
A-0106	LEVEL 06	N	09/08/2022	29/08/2022
A-0107	LEVEL 07	M	09/08/2022	29/08/2022
A-0108	LEVEL 08	M	09/08/2022	29/08/2022
A-0109	LEVEL 09	M	09/08/2022	29/08/2022
A-0110	LEVEL 10	N	09/08/2022	29/08/2022
A-0111	LEVEL 11	M	09/08/2022	29/08/2022
A-0112	LEVEL 12	M	09/08/2022	29/08/2022
A-0113	LEVEL 13	M	09/08/2022	29/08/2022
A-0114	LEVEL 14	M	09/08/2022	29/08/2022
A-0115	LEVEL 15	N	09/08/2022	29/08/2022
A-0116	LEVEL 16	M	09/08/2022	29/08/2022
A-0117	LEVEL 17	M	09/08/2022	29/08/2022
A-0118	LEVEL 18	N	09/08/2022	29/08/2022
A-0119	LEVEL 19	N	29/06/2022	29/08/2022
A-0120	LEVEL 20 (PLANT)	M	29/06/2022	29/08/2022
A-0121	ROOF PLAN	N	29/06/2022	29/08/2022
A-0150	ADAPTABLE APARTMENTS – SILVER LEVEL (SHEET 1)	E	24/09/2019	05/12/2019
A-0151	ADAPTABLE APARTMENTS – SILVER LEVEL (SHEET 2)	E	24/09/2019	05/12/2019
A-0152	ADAPTABLE APARTMENTS – SILVER LEVEL (SHEET 3)	E	24/09/2019	05/12/2019
A-0200	ELEVATION 1 - NORTH	M	05/08/2022	29/08/2022
A-0201	ELEVATION 2 - SOUTH	L	29/06/2022	29/08/2022
A-0202	ELEVATION 3 - EAST	M	29/06/2022	29/08/2022
A-0203	ELEVATION 4 - WEST	M	29/06/2022	29/08/2022

A-0205	PODIUM NORTH ELEVATION	F	24/09/2019	05/12/2019
A-0206	PODIUM SOUTH ELEVATION	F	24/09/2019	05/12/2019
A-0207	PODIUM EAST ELEVATION	F	24/09/2019	05/12/2019
A-0208	PODIUM WEST ELEVATION	F	24/09/2019	05/12/2019
A-0300	SECTIONS	L	29/06/2022	29/08/2022
A-0310	RETAIL SECTIONS	A	24/09/2019	05/12/2019
A-0312	COMMERCIAL SECTIONS	A	24/09/2019	05/12/2019
A-0320	BASEMENT SECTIONS 01	A	24/09/2019	05/12/2019
A-0321	BASEMENT SECTIONS 02	A	24/09/2019	05/12/2019
A-0322	BASEMENT SECTIONS 03	A	24/09/2019	05/12/2019
A-0500	EXTERNAL FINISHES	E	24/09/2019	05/12/2019
A-0510	EXTERNAL FINISHES	C	29/06/2022	29/08/2022
A-0511	BALCONY SOFFIT TREATMENT	A	29/06/2022	29/08/2022
A-0512	TYPICAL TOWER FLOOR TO FLOOR	B	29/06/2022	29/08/2022

- b) Landscape Plan numbered LA LP 01/08, 02/07, 03/07, 04/08, 05/07, 06/07, 07/07, 08/06, 09/08 prepared by Black Beetle Landscape Architecture and Design, dated 24/09/2021 and received by Council on 01/10/2021
- c) BASIX and NatHERs Certificates;
- d) Acoustic Report by Renzo Tonin [Reference No. TK113-01F02] dated 5 April 2019 and received by Council on 26/04/2019 and 'Addendum to DA Acoustic Report' prepared by Renzo Tonin dated 20 September 2019 and received by Council on 27/09/2019;
- e) Geotechnical Desktop Study by Douglas Partners (Project 85447.01) dated April 2018 and received by Council on 08/05/2018;
- f) Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting dated 19 April 2018 and received by Council on 08/05/2018;
- g) Direct Solar Access Report prepared by Windtech dated 4 May 2018 and received by Council on 08/05/2019 and addendum as listed below in 1(k) and (n);
- h) Natural Ventilation Statement prepared by Windtech dated 17 April 2018 and received by Council on 08/05/2019 and addendum as listed below in 1(k) and (n);
- i) Pedestrian Wind Environment Statement prepared by Windtech dated 4 May 2018 and received by Council on 08/05/2019 and addendum as listed below in 1(k) and (n);
- j) Solar Light Reflectivity Analysis prepared by Windtech dated 4 May 2018 and received by Council on 08/05/2019 and addendum as listed below in 1(k) and (n);
- k) Addendum titled 'EFFECT OF DESIGN CHANGES ON SOLAR ACCESS, REFLECTIVITY, NATURAL VENTILATION AND PEDESTRIAN WIND AMENITY STUDIES' prepared by Windtech dated 19 September 2019 and received by Council on 27/09/2019
- l) Energy Assessment Report Issue A prepared by EMF Griffiths dated 28 September 2018 and received by Council on 26/4/2019;

- m) Waste Management Plan prepared by Elephants Foot Recycling Solutions dated 18/09/2019 and received by Council on 27/09/2019;
- n) Addendum titled 'EFFECT OF DESIGN CHANGES ON SOLAR ACCESS, REFLECTIVITY, NATURAL VENTILATION AND PEDESTRIAN WIND AMENITY STUDIES' prepared by Windtech dated 25/08/2021 and received by Council on 01/10/2021;

Except where amended by the following conditions of consent.

(AMENDED DA-115/2018/A)

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The solar panels at Level 05 shall be relocated to the roof of the building, to form an extension of the 'PV solar farm'.
- (b) The main pedestrian foyer off Grafton Street shall be provided with furniture and spaces to encourage social interaction.
- (c) The accessible toilets located on the ground floor behind Retail 1 (along Grafton St) and Retail 3 on Level 1 (Hegarty Lane) shall be redesigned to enable direct and internal access to the respective retail tenancy (rather than be a public accessible toilet accessed from the public domain). In this regard, the doorways shall be shifted to avoid communal use, but rather be allocated to this adjacent tenancy.
- (d) All service door/s at street level fronting a roadway shall be finished in a material to match the building design and façade. This includes though not limited to the fire hydrant booster door, GM, substation and FCR.
- (e) The architectural plans are to be stamped by the Accredited NatHERS assessor and include relevant commitments.
- (f) Electric car charging in the garage areas can be allowed for with the provision of separate cabling and charging points, that are linked to the electrical system for the strata component related to each carspace. Alternatively, the minimum acceptable approach would be the inclusion of ducting that allows for future cabling and charging systems to be added.
- (g) Provision of ceiling fans to living and bedrooms is required.
- (h) Any treatment of balconies to satisfy the recommendations of the Wind Report or any subsequent addendum/revision shall be positioned to ensure no further loss of view or shall be comprised of transparent material to allow views through.

The amendments are to be approved by Council's Director, Planning, Environment and Regulatory (or delegate) prior to the issue of the relevant Construction Certificate under the Environmental Planning and Assessment Act 1979.

(AMENDED DA-115/2018/A)

3. SYDNEY TRAINS APPROVAL/CERTIFICATION

Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

A1. The Applicant/Developer shall provide an updated version all documents mentioned in Sydney Trains Deferred Commencement conditions and prior to Construction Certificate conditions of DA 155/2018 based on the development as modified, confirming there will be no impact to the rail corridor. This information is to be provided to Sydney Trains for review, comment and written endorsement. The Principal Certifying Authority is not to issue any Construction Certificate or modified Construction Certificate, and is not to permit the commencement of works, (whichever occurs first) until confirmation has been received from Sydney Trains that these documents are satisfactory and whether these documents prevail over any previously issued Sydney Trains written endorsements.

A2. The Applicant/Developer is to ensure that Sydney Trains is provided with the final version of approved plans and documentation in accordance the issued Development Consent (including where modified), to base its compliance check on, to which it will review, comment and provide written endorsement on where compliance has been satisfactorily met.

(AMENDED DA-115/2018/A)

4. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

To ensure the integrity of the approved design of the building is maintained over time, the private open balconies attached are not to be enclosed at any time in the future, nor are air conditioning systems permitted to be installed on the balconies to degrade the appearance of the building from the street.

5. ARCHITECT TO SUPERVISE DESIGN

A registered architect must verify that the construction certificate plans submitted for the development achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles in SEPP 65 (Design Quality of Residential Apartment Development).

6. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT

The use, fit-out, signage or proposed hours of operation for the retail/commercial component of the development has not been proposed in this application, therefore these elements require the separate approval from Council, unless deemed Exempt Development under the SEPP (Exempt and Complying Development) 2008. The use shall be limited to either retail premises or business premises as defined under the Waverley Local Environmental Plan 2012, so as to ensure compliance with the approved permitted use as shoptop housing.

In this regard, compliance with the NCC in respect to the provision of sanitary facilities shall be provided for each retail tenancy.

Any door / window opening for B1 (Hegarty Lane) Retail 3 tenancy, along the south-east boundary adjacent to 57 Grafton Street requires the written consent of the owner/s of 57 Grafton Street.

7. 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, 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. 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.

9. SYDNEY TRAINS CONDITIONS

In accordance with the letter of concurrence provided by Sydney Trains on 4 December 2019, prior to the issuing of a Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- a) Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. The survey should identify the first reserve and the second reserve outlined in ASA standard T HR CI 12051 ST in relation to the existing tunnels. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.
- b) Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- c) The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- d) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations

of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

- e) No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- f) Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
 - a. Machinery to be used during excavation/construction.
 - b. Demolition, excavation and construction methodology and staging

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- g) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- h) Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- i) No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- j) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering & Maintenance Interface to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- k) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined

by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

10. 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:

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

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

- b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
 - a. A development valued at \$100,000 or less will be exempt from the levy.
 - b. A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
 - c. 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.

- c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

11. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$1,100,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

12. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

13. ESSENTIAL SERVICES - NEW BUILDING

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

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

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

- a) inspection, testing and commissioning details;
- b) date of inspection, testing and commissioning;
- c) the name and address of the individual who carried out the test; and
- d) a statement that the service has been designed, installed and is capable of operating to the above standard.

14. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

- a) Identification of nearby residents and other sensitive locations near to the site;
- b) Description of hours of work and what work practices will be applied to minimise noise.
- c) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases and any private arrangements that may be made.
- d) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria. Details of noise monitoring techniques and method of reporting results.
- e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

- f) The methodology to be employed for handling and investigating any complaints should they arise, including documentation and feedback mechanisms;
- g) Identification of a site contact person to follow up on complaints and site signage erected to advise of persons name and contact details.
- h) Details of mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- i) Details of work schedules for all construction phases.

15. REFRIGERATION UNITS & MECHANICAL PLANT

All refrigeration motors/units and other mechanical plant, including air conditioning are to be installed within the building in an acoustically treated plant room.

In this regard, the relevant construction certificate plans are to make adequate provision within the confines of the building for any plant and equipment associated with the use of the building to ensure that noise from mechanical plant does not impact the amenity of the area.

16. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

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

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

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

17. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

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 registered architect, being a statement in which the registered architect verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

18. HOARDING REQUIRED

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

19. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site if required.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

20. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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.

21. ENGINEERING DETAILS

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

22. GEOTECHNICAL ENGINEERS REPORT

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

23. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

24. ACCESSIBILITY

The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility, so that all people can enter and use the premises. This includes but not limited to toilets, parking and signage.

Access to the development must therefore meet the requirements of the DDA 1992, the relevant Australian Standards and the National Construction Code (NCC).

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

Accessible parking for people with a disability must be provided in accordance with the NCC and AS/NZS 2890.1: 2004 parking facilities – Off Street parking and AS 1428: 2003 – Design for Access and Mobility Set.

25. ADAPTABLE HOUSING

Eleven (11) apartments are to be provided as adaptable housing within the development, with at least 1 car space to be allocated to each of these apartments.

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

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

26. UNIVERSAL HOUSING

Universal housing is to be provided within the development to meet the changing need of occupant's over their lifetimes. A minimum of 20% of the units within the development are to incorporate the Liveable Housing Guideline's silver level universal design features and certified by a qualified

professional. The details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

27. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with, or prior to, the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

28. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

Prior to the issue of a Construction Certificate, the applicant shall submit a “Construction Vehicle and Pedestrian Plan of Management” (CVPPM) for the approval of the Executive Manager, Infrastructure Services

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

- a) The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- b) The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
 - such vehicles cannot adequately and safely gain access to and from the site or
 - access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.

- d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- e) The location and materials of construction of temporary driveways providing access into and out of the site.
- f) The location and length of any proposed Works/Construction Zones. Note:
 - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - It is illegal to:
 - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
 - ii. Barricade/reserve a section of roadway without the prior approval of Council
- g) The hours of operation of demolition/construction vehicles.
- h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
 - The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
 - Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
 - The type(s) of material on which pedestrians will be required to walk
 - The width of the pathway on the route
 - The location and type of proposed hoardings
 - The location of existing street lighting.

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

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

29. BICYCLE PARKING

At least 122 bicycle parking spaces are to be provided, allocated in the following manner as a minimum:

- 106 spaces for residents
- 11 spaces for visitors
- 5 spaces for commercial/retail

Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area.

The visitor's spaces and 50% of the retail/commercial spaces shall be at grade near the entries to the building.

This is to be detailed in the construction certificate plans prior to the issue of the relevant Construction Certificate.

30. LONG SECTIONS OF DRIVEWAY

Long sections drawn along both edges of each driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to issue of the Construction Certificate.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the Grafton Street carriageway, the kerb and gutter, footpath, paving within the property and the garage floor.
- (c) Include existing and design levels.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Include head clearances in the complying with the height requirements of the loading facility.
- (f) Show all paving on Council's land being sloped/ drained towards the roadway.

31. SWEPT WHEEL PATH DRAWINGS

Prior to issue of the relevant Construction Certificate, 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/exiting the site from Grafton Street shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services.

The swept wheel path drawings shall:

- (a) Be drawn for the MRV, as described in AS/NZS 2890.2: 2004 Part 2 Off Street Commercial Vehicle Facilities.
- (b) Accurately show the kerb and gutter, driveways and vehicles parked kerbside to the immediate east and west of the proposed driveway.
- (c) Show the minimum length of driveway laybacks considered necessary to gain satisfactory access to and from the proposed basement garage.

32. CAR PARKING ALLOCATIONS

A total of 111 car vehicle parking spaces are to be provided, allocated in the following manner:

- (a) **90** residential parking spaces;
- (b) 15 visitor parking spaces
- (c) 1 car share space;
- (d) 5 commercial/retail spaces.

At least 10% of these spaces shall be accessible, allocated in an equitable manner.

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

33. MOTOR CYCLE PARKING

A total of 23 spaces shall be provided within the site for the parking of motorcycles.

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

34. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. 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 prior to the issue of the Construction Certificate.

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

- a) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in Grafton Street and Hegarty Lane. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Footpath, Kerb and Gutter: The existing footpath, kerb and gutter traversing both 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 street furniture details traversing the development site to be advised by Council.

Any stormwater infrastructure within the extent of public domain works, inclusive of the kerb inlet pit located at the eastern boundary of site shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.

All redundant driveway laybacks must be removed and resinated as kerb and gutter along both street frontages.

The kerb shall be realigned along Hegarty Lane to maintain a continuous grade and the existing kerb blister and layback to be removed.

- c) Street Trees: Landscape and update of the street plantings on both street frontages. Remove and replace all existing trees from the Grafton Street frontage. All new trees proposed within the Council verge will require the installation of suitable tree pits, surrounds and root cell barriers as per the Waverley Council Public Domain Technical Manual. All proposed tree locations and tree sizes to be approved by Council Officer prior to commencement of public domain works.

Provide a minimum of 8 *Harpullia pendula* Planch (Tulip Lancewood) replacement street trees on the Grafton Street frontage, with a minimum pot size of 400 litres, certified and grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip. The

chosen tree species and location shall not interfere with the wheel swept path or obstruct the proposed vehicular crossing.

Council shall be contacted at the time of installing the root cell barriers prior planting the new trees. The location and design of the root cells shall be submitted to Council's public domain engineer prior to commencing public domain construction.

- d) Street Lights: 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 and components 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.

- e) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- f) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.
- g) Communicate 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 design plans submission. All the requirements of the relevant Public Authority shall be complied with.

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.
- 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.
- Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

35. COST OF ADJUSTMENT TO PUBLIC UTILITIES TO BE BORNE BY APPLICANT/DEVELOPER

The arrangements and costs associated with any adjustment to public utility services, including these in the footpath and road areas to suit new development levels shall be borne by the applicant/developer.

Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding

36. ON-SITE STORMWATER DETENTION DETAILS

- (a) The stormwater drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual.
- i. The OSD storage volume requirement must allow for the detention of stormwater runoff resulting from a storm with an ARI of 20 years. Design stormwater system for a 1 in 20 year ARI storm event (Refer to section 5.2 of Waverley Council's Water Management Technical Manual).
 - ii. Connection details are also required as per section 2.2.1 of Waverley Council's Water Management Technical Manual.
 - iii. Contractor to apply for relevant Footpath and Road Opening Permit prior to commencement of drainage works.
 - iv. Any Seepage Water discharged from the property must be connected to the Council's Underground Stormwater System.
 - v. An updated Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details (e.g. levels, details of orifice, cross & long sections, sizing of pipes) along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

Details addressing the above shall be submitted to Council for the approval of Council's Design Engineer (or delegate) prior to the issue of the relevant Construction Certificate.

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

37. WIND REPORT

The recommendations of the Wind Report referenced in Condition 1 of this consent are to be incorporated into the landscaping and construction certificate plans for the development prior to the issue of the relevant construction certificate.

38. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the relevant Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the Environmental Planning and Assessment Act 1979.

39. SERVICE AUTHORITIES

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

40. ENERGY AUSTRALIA

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

41. IMPACT ON EXISTING UTILITY INSTALLATIONS

Should proposed or conditioned works located within Council's road reserve be located where it is likely to disturb or impact upon a utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. AusGrid/Telstra) that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority, prior to the release of the relevant Construction Certificate.

42. PLANNING AGREEMENT

The owner/applicant is to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in **DA-155/2018/A**; and
- (ii) Pay a monetary contribution amount of **\$5,535,200.00** prior to the issue of any Occupation certificate for the Development
- (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.

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

- (iii) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
- (iv) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:

- In a form acceptable to Council and from an institution acceptable to Council
- Irrevocable
- Unconditional
- With no end date

The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

(ADDED DA-115/2018/A)

43. ENERGY ASSESSMENT REPORT

In accordance with Part B of the Waverley Development Control Plan 2012, any mixed use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. NCC, Section J compliant only).

An updated 'Energy Assessment Report' with the updated specific design, material and equipment efficiencies will need to match that of the Mechanical/Electrical and architectural documentation and must be provided to the satisfaction of Council's Co-ordinator, Sustainable Precinct prior to the issue of the relevant construction certificate. Further design and verification of energy and GHG emissions performance should be provided to verify the performance of the building to be delivered.

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

44. REFLECTIVITY REPORT

The recommendations of the Reflectivity Report referenced in Condition 1 of this consent are to be incorporated into the construction certificate plans for the development prior to the issue of the relevant construction certificate.

Should a modification to the building need to occur to address this condition, a modification application will need to be submitted and determined prior to this condition being satisfied.

The reflectivity report is to be submitted to the Principal Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

45. INTENTIONALLY OMITTED

46. LANDSCAPED SLABS

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

47. TREE PRUNING ON ADJOINING PROPERTIES

Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building will require consent under a separate Tree Preservation Order (TPO) application for works to the trees. No works can occur to these trees without a valid TPO.

The TPO application shall be supported by an Arborist report prepared by an Arborist with AQF level 5 qualification or above, certifying that the affected trees will be maintained in a healthy manner after the pruning works, to the satisfaction of Council's Tree Management Officer.

A valid TPO for the works to the above listed trees is to be presented to the Certifying Authority prior to the issue of the relevant Construction Certificate and prior to any pruning of trees.

48. VERMIN AND RAT CONTROL

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

49. LOCATION OF GREASE TRAP

Detail of the location of the required grease trap is to be provided on the construction certificate plans.

The grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room must have a piped connection to the boundary so that it can be emptied. Sydney Water also have requirements for grease arrestors that you need to comply with.

50. INTENTIONALLY OMITTED

51. 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 is designed to discharge air in a vertical direction above roof level and complies with the requirements of the National Construction Code and Australian Standard 1668 - Part 2, 2012. Details are to be provided to the Principal Certifying Authority prior to the issue of the relevant construction certificate.

52. STORAGE

Separate secure storage areas, allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc) which are not suited to be stored within each individual apartment is required for the development.

Storage is to be allocated to individual units in accordance with the following requirements:

- (a) 1 bedroom and studio units 6m³ of storage; and
- (b) 2 bedroom unit 8m³ of storage.
- (c) 3+ bedroom unit 10m³ of storage.

This is to be shown on plans to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

- 53. INTENTIONALLY OMITTED**
- 54. INTENTIONALLY OMITTED**
- 55. INTENTIONALLY OMITTED**
- 56. INTENTIONALLY OMITTED**
- 57. INTENTIONALLY OMITTED**
- 58. INTENTIONALLY OMITTED**

59. BUILDING TO BE WRAPPED

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.

Any advertising on the hoarding requires Council's written approval.

60. TELECOMMUNICATIONS PROVISIONS

Prior to the issue of the relevant Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- (a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

61. 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.

62. CONSULTATION WITH SYDNEY TRAINS

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- (b) acts as the authorised representative of the Applicant; and
- (c) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the Sydney Trains interface team via email on Central_Interface@transport.nsw.gov.au.

63. INSPECTIONS – SYDNEY TRAINS

If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been, or are being, constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:

- site investigations;
- foundation, pile and anchor set out;
- set out of any other structures below ground surface level or structures which will transfer any load or bearing;
- foundation, pile and anchor excavation;
- other excavation;
- surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
- other concreting; or
- any other event that Sydney Trains has notified to the Applicant.

64. HOME BUILDING ACT

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

65. 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.

66. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

67. COMPLIANCE WITH SAFE WORK NSW

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

68. UNDERGROUND ANCHORS

If required, prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

Any ground anchors that are proposed to extend beyond the property boundary into adjoining land, must provide Council with written evidence of owners consent for such works.

Please note, a fee will be approved applied for each anchor approved to extend into a road reserve.

69. 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).

70. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
 - (i) Landfill waste;
 - (ii) Recyclable waste;
 - (iii) Materials to be re-used on-site; and / or
 - (iv) Excavation materials.

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

- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.

- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012 (amendment 6).
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

71. DEMOLITION & SITE PREPARATION

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

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

72. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

73. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of

Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.

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

74. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

75. USE OF FILL ON SITE

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

The only waste derived fill material that may be received at the development site is:

- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997), or
- b) Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environmental Operations (Waste) Regulations 2005 that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

76. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

77. EXCAVATION SUPERVISION – SYDNEY TRAINS

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

78. 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.

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

79. EXCAVATION BELOW FOOTINGS

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

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

80. HYDROLOGICAL ASSESSMENT REPORT – SYDNEY TRAINS

Prior to the commencement of works, the applicant is to prepare and provide to Sydney Trains for review and endorsement a Hydrologic Assessment report demonstrating that the dewatering during construction will not have any adverse settlement impacts on the rail corridor. No works are to commence until this report has been endorsed by Sydney Trains.

81. INTENTIONALLY OMITTED

82. INTENTIONALLY OMITTED

83. POTENTIAL DEWATERING OF THE SITE

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

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

84. 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.

85. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

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

All building materials and any other items associated with the development are to be stored within the the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

86. NATIONAL CONSTRUCTION CODE (NCC)

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

87. CONSTRUCTION INSPECTIONS

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

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 for a **RESIDENTIAL FLAT BUILDINGS & OTHER RESIDENTIAL (Class 2, 3 & 4)** 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 specified **MANDATORY** inspections for a **COMMERICAL BUILDING, including (Class 5, 6, 7, 8 or 9 buildings)** are:

- (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 (if relevant to the development) to be undertaken by the PCA:

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

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

88. 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.

89. 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.

90. TREE PROTECTION

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

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

91. VEHICLE CROSSING WORKS

The existing vehicle crossings on Grafton Street and Hegarty Lane are to be demolished and a new crossing constructed on Grafton Street to provide access to the proposed basement area. 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.

92. ADJUSTMENTS TO STREET SIGNS

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

93. INTERNAL RAMP - SPEED HUMP AND STOP SIGN

A speed hump and STOP sign to slow exiting vehicles exiting the site onto Council's footpath area shall be installed inside the site in accordance with relevant Australian Standards.

94. CONVEX MIRRORS

Convex mirrors, to improve the sighting by exiting drivers of pedestrians travelling in both directions on the Grafton Street footpath shall be installed immediately inside the site.

95. VEHICLE ACCESS

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

96. CAR SPACE DELINEATION

All resident, resident visitor, retail and commercial car parking spaces shall be clearly marked, delineated and numbered.

97. DISABLED CARPARKING

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

98. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath.

99. WORK OUTSIDE PROPERTY BOUNDARY

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

100. ALL BUILDING MATERIALS STORED ON SITE

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

101. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS

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

102. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.

- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

103. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on both Grafton Street and Hegarty Lane frontages for 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. A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Infrastructure Services during construction and prior to the issue of the Occupation Certificate.

- Pedestrian footpath
- Vehicular Crossings
- Road pavement
- Kerb & gutter
- Stormwater infrastructure located within the Council kerb and/or footpath
- Street furniture
- Landscape and street tree plantings

104. 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.

105. 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.

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 and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

107. 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.

108. PRE-CONSTRUCTION DILAPIDATION REPORT

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. 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
- 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.

109. 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.

110. 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.

111. 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, Stormwater Infrastructure & Footpath Paving

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

Road Pavement

- Subgrade trim & compacted

- Binder course spread & consolidated
- After Wearing course laid and full completion

Landscape

- After the excavation and installation of root cells
- After full completion and restoration

All applicable engineering inspection fees 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 site inspections.

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.

112. PUBLIC ART

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

Details to be provided to the satisfaction of Waverley Council's Cultural Development Officer and works carried out prior to the issue of any Occupation Certificate for the development.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

113. FINAL OCCUPATION CERTIFICATE

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

114. SYDNEY TRAINS

Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easements, unless agreed to be RailCorp. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

115. ACOUSTICS – SYDNEY TRAINS

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

116. INTENTIONALLY OMITTED

117. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in **Section 6.3** of the acoustic report prepared by Renzo Tonin & Associates [Reference No.TK113-01F02] dated **5 April 2019** shall be implemented in full.

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.

118. NOISE ATTENUATION CERTIFICATE

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

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

119. MECHANICAL VENTILATION SYSTEMS

- (a) The building is to be ventilated in accordance with the requirements of the Building Code of Australia and relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
 - (i) inspection, testing and commissioning details;
 - (ii) date of inspection, testing and commissioning details;
 - (iii) the name and address of the individual who carried out the test; and
 - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

120. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

In accordance with 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 registered architect, 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.

121. 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.**

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.

122. STRATA SUBDIVISION

This consent does not approved the strata subdivision of the development and separate development consent is required in this regard.

In respect to the allocation of car parking, bicycle spaces and storage spaces for any future strata subdivision, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts

allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

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

123. STORMWATER MANAGEMENT

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.

124. INTENTIONALLY OMITTED

125. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

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

- (a) The swimming pool/outdoor spa 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/outdoor spa 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/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool 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) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (g) 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.

126. SLIP TESTS OF COMMON AREAS

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

127. BONDI JUNCTION FSR AND MAPPING MODEL

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

- (i) DP/Lot/Strata Plan,
- (ii) Address,
- (iii) Building footprint (m2)
- (iv) Gross Floor area (m2)
- (v) total residential floorspace (m2)
- (vi) total office space (m2)
- (vii) total retail space (m2)
- (viii) total no. of levels (m2)
- (ix) No. levels above ground
- (x) No. levels below ground
- (xi) No. of residential levels
- (xii) No. of dwellings
- (xiii) No. of commercial levels
- (xiv) No. of parking spaces
- (xv) Parking location (above or below ground)
- (xvi) Ground floor use (commercial, retail or residential)

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

128. WAVERLEY DIGITAL MODEL

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

- a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
 - (i) a building envelope which includes all elements affecting shadow analysis;
 - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
 - (iii) a ground level terrain showing accurate RLs extending to site boundaries.
- b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Planning and Environmental Services Department.

Notes:

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

129. INTENTIONALLY OMITTED

130. PARKING

- (a) Ownership of car park lot spaces shall be limited to parties owning a lot within the buildings on-site.
- (b) No more than two car spaces shall be allocated to any lot, residential unit/dwelling to ensure equitable allocation overall.

- (c) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans or otherwise be common property.

131. PARKING PERMITS

In accordance with Council's Policy, Residents Preferred Parking permits will not be issued for this development when completed.

132. LANDSCAPE PLAN

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

If a Landscape Consultant was required to be engaged by these conditions of consent, they 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.

133. LIGHTING

- (a) Sufficient lighting shall be installed to the underside of each street awning to adequately illuminate the footpath areas of Grafton Street and Hegarty Lane directly in front of the subject site.
- (b) The lights are to be installed prior to the issue of an occupation certificate for the development.
- (c) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (d) All external lighting fixtures should be vandal resistant.
- (e) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (f) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (g) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (h) All external area lights and lighting to the car stacker shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

134. STREET NUMBERING

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

- No. 55 - primary address site number
- Grafton Street- primary address location.
 - Alternative address site number and location 6 Hegarty Lane (for retail facing lots only).

Premises with multiple street frontages and access points shall display the 'primary address number' on the site boundary of the primary address location and display both the primary address number and primary address location at alternative street address entry points to the building.

The primary premises numbering for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and clearly visible from Grafton Street.

As the redevelopment has multi-level sub-addressing the following sub-addressing will apply;

- As the redevelopment has multi-level sub addressing the following sub addressing will apply;
 - All sub premises numbers must be unique,
 - The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
 - For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,
 - Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
 - Commercial premises will be identified with an address identifier ie Shop G01, Office G02, Retail G03.

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

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

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

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

(AMENDED DA-115/2018/A)

135. MAIL BOXES

Mail boxes are to be provided within a secure area within the development prior to the issue of any Occupation Certificate, that comply with provisions specified by Australia Post.

136. SIGNAGE PLAN

A comprehensive signage plan, providing for consistent commercial and directional signage for the building is to be provided to the satisfaction of Waverley Council prior to the issue of the relevant Occupation Certificate for the development. The following principles apply to the Signage Plan:-

- (a) Above awning signage other than building identification signage, particularly on [street address], will not be supported. A consistent suite of signs is to be provided to each commercial tenancy. The plan is to have a style guide outlining a colour palette, design, and dimensions of signage.
- (b) The signage should have a high-quality and consistent design and allow for the identification needs of individual tenants.
- (c) Third party advertising is prohibited on the building.

137. WASTE STORAGE AREAS

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

- Residential (95 residential units)
 - 7 x 660L Mobile Garbage Bins (MGBs) for general waste compacted at 2:1
 - 5 x 660L MGB for container recycling collected fortnightly
 - 5 x 660L MGB for paper and cardboard recycling collected fortnightly
- Residential bulky waste storage of 11m² in addition to 2m² for additional problem waste (13m² total)
- Commercial – (Restaurant and Office space)
 - 5 x 1100L Mobile Garbage Bins (MGBs) for general waste collected 3 x weekly
 - 1 x 1100L MGB for comingled recycling collected 3 x weekly

The frequency of collection should be monitored and adjusted accordingly as required

- (b) Details of ongoing waste management strategy are to be documented within a Site Waste & Recycling Management Plan (SWRMP).
- (c) A waste and recycling storage area for each dwelling must be located on the relevant lot in a position convenient for both users and waste collection personnel. This area must be marked on the site plan.
- (d) Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment.
- (e) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains unless otherwise approved by Council under Section 68 of the Local Government Act 1993.
- (f) All new developments are to provide adequate storage for waste to accommodate future change of uses including grease traps is to be provided.
- (g) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (h) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (i) Organic waste should be either treated in a composting or worm farming system or stored in a Council approved bin or skip (refer to Annexure B1-5).
- (j) Waste and recycling storage areas must be visually and physically integrated into the design of the development.
- (k) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (l) The presentation of bins on the kerbside for collection at any time is not permitted.

(AMENDED DA-115/2018/A)

138. WASTE STORAGE

The following requirements apply to waste management:

- (a) A waste management plan must be submitted to Council to include all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises.
- (b) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.

- (c) Provide a suitable storage area affectively banded for chemicals, pesticides and cleaning products.
- (d) Provide a separate storage area for used and unused cooking oils suitably covered, banded and drained to the sewer.
- (e) Provide dry basket arresters to the floor wastes in the food preparation and waste storage areas.
- (f) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.

139. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMIAN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

140. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's engineer. 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.

Notes:

- The issue of a Compliance Certificate from the Council officer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

141. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Body Corporate responsible for the retail component 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 retail premises are permitted to operate.
- (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:
 - (i) all entry and exit points;

- (ii) the footpath immediately adjacent, and
 - (iii) all publicly accessible areas (other than toilets).
- (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 that CCTV is in operation.
- (g) Ensure that at least one member of staff or Body Corporate is on the premises at all times the 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

E. OPERATIONAL CONDITIONS DURING OCCUPATION

142. 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.

143. 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.

144. ROLLER SHUTTERS

Roller Shutters are not to be installed over the glazing of the retail and commercial tenancies to ensure casual surveillance to the street.

145. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The loading vehicles are to utilise the loading bay accessed from Grafton 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.

146. AIR-CONDITIONING

At no time are air-conditioning units permitted to be installed on the balconies.

147. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install

any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

148. HOURS OF OPERATION OF COMMUNAL OPEN SPACE OF THE DEVELOPMENT

The use of the communal open space on the roof and level 5 of the development shall be restricted to the following hours:

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

Signage shall be clearly displayed adjacent to the entry of these areas, alerting persons.

149. NON TRAFFICABLE ROOF

The following areas shall be non trafficable and accessed for maintenance purposes only:

- (a) 'hard surface landscaping' adjacent to the plant enclosure on level 05 along the southern portion of the building
- (b) 'maintenance access zone' including the 'PV Solar farm' on building roof.

150. FIRE SAFETY – MAINTENANCE AND EXITS

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.

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

151. BUILDING IDENTIFICATION ZONES

No advertising signs or notices are to be affixed to the windows of the premises.

152. SEPARATE APPLICATION FOR SIGNAGE

Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council.

153. NO SIGNS OR GOODS ON PUBLIC AREA

Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

ADVICE TO APPLICANT

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

A. Post consent satisfaction of conditions:

Any condition that requires additional information or documentation to be submitted and/or approved by Council shall be submitted in the following manner:

- (a) Include a cover letter detailing what condition you are seeking to address and the relevant officer to which the information must be referred to.
- (b) 1 x hard copy and 1 digital copy of all documents to be submitted to the Planning counter located at Council's Customer Service Centre.
- (c) Digital files should be labelled in the correct manner to avoid delays (refer to Council's website for naming convention).
- (d) Where possible, please submit all information addressing all relevant conditions in one bundle.

B. Suitably qualified acoustic consultant

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants. (Reason: To ensure the amenity of surrounding land uses)

C. Sydney Water Requirements

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

D. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

E. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.