

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-192
DA Number	DA-421/2018/B
LGA	Waverley
Proposed Development	Modification to Court consent for a 11-storey hotel development, including modifications to roof plant, internal reconfiguration, landscaping and cafe and bar/terrace area and signage.
Street Address	5-11 Hollywood Avenue BONDI JUNCTION
Applicant/Owner	Iglu No 208 Pty Ltd
Date of DA lodgement	21/02/2022
Number of Submissions	Two objections
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.56 modification application to 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"> • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • Waverley Local Environmental Plan 2012 • Waverley Development Control Plan 2012
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural plans • Landscape plans • Statement of Environmental Effects
Clause 4.6 requests	Nil
Summary of key submissions	Inadequate information for signage
Report prepared by	Kylie Lucas, Senior Development Assessment Planner, Waverley Council
Report date	8 June 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

1. PREAMBLE

1.1. Executive Summary

The modification application seeks consent for modification to the Court consent for a 11-storey hotel development at 5-11 Hollywood Avenue, Bondi Junction, including extensions at the rear, expansion of the roof plant and changes to façade materials and internal layout.

The modification application will not increase the height or FSR of the approved development. The modifications are predominantly internal with only minor external changes that are considered acceptable. The modification application will continue to exhibit design excellence with an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape. The proposed modifications will not result in unreasonable amenity impacts upon surrounding properties.

The modification application was notified in accordance with the *Waverley Community Development Participation and Consultation Plan 2019* and two submissions were received.

The modification application has been assessed against the relevant matters for consideration under sections 4.15(1) and 4.56 of the *Environmental Planning and Assessment Act 1979*. The modification application is recommended for approval.

1.2. Site and Surrounding Locality

The site is identified as Lot 1 in DP 730203, known as 5-11 Hollywood Avenue, Bondi Junction. It is located on the western side of Hollywood Avenue and within the Bondi Junction commercial district, although opposite residential uses to the eastern side of Hollywood Avenue.

The site is rectangular in shape with an eastern frontage to Hollywood Avenue of 30.24m, rear western boundary of 30.24m and northern and southern side boundaries of 31.585m and 31.575m with a total area of 954.8 square metres.

The site is currently occupied by a two-storey commercial building with a basement level carpark accessed via a ramp at the northern edge of the building. The site is surrounded by the following:

- To the north (side) at 3 Waverley Street is a commercial building that appears as a 7-storey glass facade tower atop a 3-storey above-ground carpark podium that is predominantly masonry.
- To the south (side) is the driveway entrance/exit to the Westfield Shopping Centre carpark, and beyond the ramps to the south at 17 Hollywood Avenue is a three-storey commercial building.
- To the east (on the opposite side of Hollywood Avenue) at 2-8 Llandaff Street is an eight-storey residential flat building. Car parking is located below ground within a basement accessed from Llandaff Street.

To the west (rear) a narrow drainage reserve separates the subject site from 13-15 Hollywood Avenue (aka 217-229 Oxford Street), known as the Westfield Bondi Junction Shopping Centre. The above-ground

carpark portion of the Shopping Centre is immediately adjacent to the subject site, rising 4 storeys on the site's boundary and a further 3-4 storeys set back above.

The locality is characterised by commercial buildings on the same side of the street as the subject site, including the Westfield Shopping Centre, and residential flat buildings on the opposite side of the street. Buildings in the immediate vicinity range from three to ten storeys, whilst a block to the north, there are taller mixed use buildings ranging from 14 to 22 storeys in height.

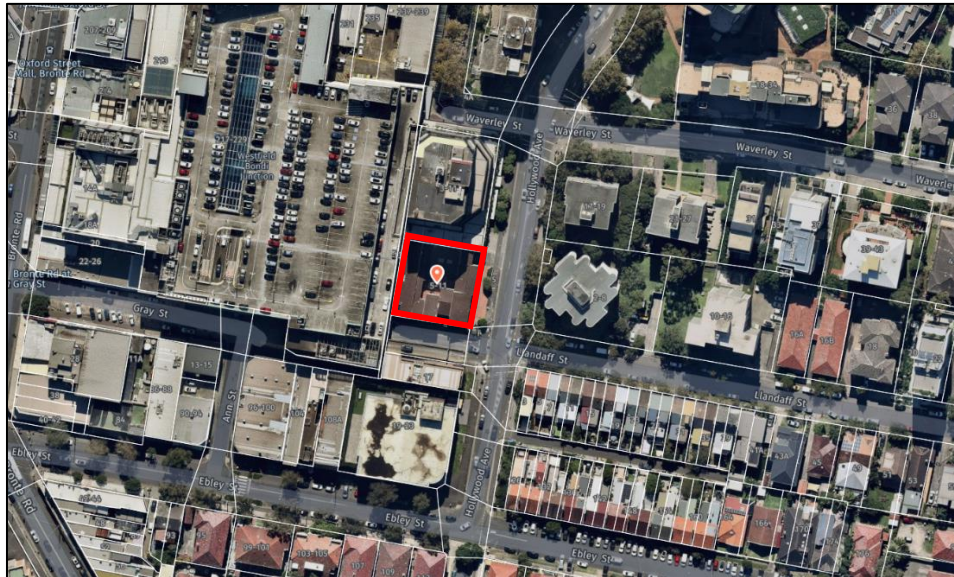


Figure 1: Aerial view of the subject site



Figure 2: Street view photo (Source: Google Maps)

1.3. Details of Approved Development

DA-421/2018 for the demolition of the existing commercial building and construction of an 11-storey hotel development with a total of 197 rooms and associated amenities (including a lobby, conference rooms, co-working spaces, gymnasium and café) and associated signage, above one basement level was approved in the Land and Environment Court on 24/07/2020.

DA-421/2018/A for modifications including expansion of the roof plant and changes to façade materials and internal layout under Section 4.56 was approved by the Sydney Eastern City Planning Panel (SECPP) on 08/07/2021.

1.4. Proposal

The modification application has been submitted under section 4.56 of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

Internal modifications:

- Changes to the bar, café and terrace areas at ground floor level for improved functionality, alteration of planter locations and re-arrangement of the admin/luggage areas.
- Modifications on level 1 including reduction in the size of the internal void by approximately 25m², to relocate the kitchen and private dining area and creation of a covered seating zone beneath the building overhang, change of a storage room to a prep kitchen and minor changes to planter locations.
- Modification of the housekeeping rooms on levels 3 – 9.
- Level 10 changes reduction in the size of the gymnasium to provide a new guest laundry and lounge. The accessible toilet relocated to allow internal access.

External modifications:

- Minor changes are proposed to the elevations including amending the façade on level 10 to increase glazing to northeast corner.
- The material/colour of blockwork wall and door at basement entry has been corrected, and planters at L01 extended to create covered circulation zone at ground in the rear terrace.
- Minor amendments are proposed to the configuration of the roof structures. Specifically, a small communications room is included in the plant area on the southern side of the plant room.
- New proposed signage zones at ground, level 9 and on the east, south and north elevations.

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 4.56 – Modification by consent authorities of consents granted by the Court

The application is made under section 4.56 of the Act as the original consent was granted by the Court. 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 application was publicly notified and two submissions were received. Reasonable attempts have been made to notify each person who made a submission in respect to the relevant development application of the proposed modification. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

The reasons given by the Court to give consent to the original development consent have also been considered in the assessment of this modification application.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with 4.56(1A) 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.

2.2.2. State Environmental Planning Policies (SEPPs)

SEPP Industry and Employment 2021

In accordance with section 3.6, Part 3.2, Chapter 3 of SEPP Industry and Employment 2021, Council must not grant development consent unless it is satisfied that the proposed signage is consistent with the objectives expressed in section 3.1 of the SEPP and the assessment criteria set out under Schedule 5 of the SEPP.

The modified proposal seeks new proposed signage zones at ground level and level 9 on the east, south and north elevations. Limited details regarding the signage have been provided with the application including the wording, colours and lighting etc. A condition of consent is recommended requiring that greater detail is provided post-consent for the approval of Council. It should be noted that signage was approved in the original consent generally in the same location (podium, ground entry and level 9) however with greater details including the business name/logo. The modified signage zones will be slightly increased beyond that approved with more zones included at ground level on the front façade. The following is an extract from the approved signage plan:



Figure 3: Extract from approved signage plan

An assessment against the criteria under Schedule 5 of the SEPP is provided in **Table 1** of this report.

Table 1: Schedule 5 of SEPP Industry and Employment 2021 Advertising and Signage Compliance Table

Assessment Criteria	Compliance	Comment
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes	The proposal simply shows the area where the signage will be located with no other details. Notwithstanding, the signage zones are appropriately located predominantly at the lower levels, including street level, with one signage zone at Level 9. The signage zones will not dominate the relevant facades of the building and are considered acceptable in regard to location. The signage zones are not out of character with surrounding buildings or the desired future character of the area.
Is the proposal consistent with a particular theme for outdoor	Yes	There is no obvious theme to signage in the immediate area however the DCP provides

Assessment Criteria	Compliance	Comment
advertising in the area or locality?		provisions for signage within the locality. The proposal, subject to a condition regarding greater detail, will be generally consistent with the controls and objectives of the DCP.
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Yes	The site is located opposite a heritage conservation area however given the appropriate size and location of the signage zones, is unlikely to detract from that area. Conditions requiring greater details, particularly in regard to lighting, will ensure that the signage zones, particularly those above street level, will have appropriate lighting to ensure the residential conservation area opposite the site is not unduly impacted (ie, no neon lighting).
3 Views and vistas		
<ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	Yes	<p>No views or vistas impacted.</p> <p>The proposed signage will not dominate the skyline being a proportionately appropriate size above ground level.</p> <p>There are no other tenants or advertisers for this building.</p>
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes	The scale, proportion and form of the signage zones are considered appropriate to the size of the building.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes	The signage zones are appropriately located and details regarding lighting will ensure they contribute to the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes	The signage is appropriate to the building use as a hotel, with only one tenant.
Does the proposal screen unsightliness?	N/A	The building itself will screen the Westfield car park however the signage zones are to the new building.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Yes	The signage zones will be contained at Level 9 and below, affixed to the building itself, not extending beyond the envelope.

Assessment Criteria	Compliance	Comment
Does the proposal require ongoing vegetation management?	Yes	No vegetation impacted by the signage zones.
5 Site and building		
<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	Yes	<p>The signage zones are appropriately sized and located to ensure they are compatible and relevant to the building.</p> <p>The signage zones respect the site and building.</p> <p>Details are required by condition therefore it is not clear if they show innovation and imagination. Notwithstanding, the signage zones are considered acceptable.</p>
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Condition	This detail has not been provided and a condition of consent is recommended.
7 Illumination		
<ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	Condition	<p>This detail has not been provided and a condition of consent is recommended.</p> <p>A condition is imposed that any illumination is not to cause a nuisance and that no flashing signage is permitted. Any illumination will be in accordance with the requirements for signage within the DCP.</p>
8 Safety		
<ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? 	Yes	The proposed signage will not reduce safety as it is located in a commercial area, which has a high prevalence of illuminated signage.

Assessment Criteria	Compliance	Comment
<ul style="list-style-type: none"> Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 		

Given the above assessment of the proposed signs, the proposal satisfies the assessment criteria specified in Schedule 5 of the SEPP and is consistent with the objectives set out in section 3.1 of the SEPP. The proposed signs are therefore acceptable subject to conditions.

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

The Draft Waverley Local Environmental Plan 2022 was exhibited from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

2.2.4. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The modified proposal continues to be consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table B3 Commercial Core Zone	Yes	The proposal is defined as a ' hotel or motel accommodation ', and also a ' food and drink premises ' both of which are permitted with consent in the zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> Control - 32m 	No	<p>The hotel was approved to a height already exceeding the development standard at 35.8m.</p> <p>The proposed modifications will not increase the overall height of the building previously approved. The modifications at roof level are contained to within the approved plant area.</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	Yes	The modified proposal will have an FSR of 5.96:1 complying with the development

Provision	Compliance	Comment
<ul style="list-style-type: none"> Control - 6:1 		standard. The proposed modifications result in a redistribution of approved floor space.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The site is not identified as having heritage significance nor is located in a heritage conservation area.</p> <p>The site is located opposite an Urban Conservation Area and heritage-listed properties under WLEP 2012 on the southern side of Llandaff Street.</p> <p>The proposed modifications are contained to the existing approved envelope and will not result in increased overshadowing of surrounding sites, including those within the conservation area opposite. The proposal continues to exhibit design excellence as detailed later and will not harm the character or significance of the surrounding conservation area.</p>
Part 6 Additional local provisions		
6.5 Active street frontages in the Bondi Junction Centre	Yes	<p>The site is identified as an 'active street frontage' by LEP 2012.</p> <p>The proposed modifications continue to provide an active street frontage at the ground level, generally consistent with the approved building for the site. The ground floor of the building facing Hollywood Avenue is used for 'retail premises' and is consistent with this clause of the LEP.</p>
6.9 Design Excellence	Yes	<p>The site is a 'key site' as defined by LEP 2012.</p> <p>Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</p> <p>The modifications to the external façade of the building are minor and will continue to provide a development that will improve the quality and amenity of the public domain with a high standard of architectural design, material and detailing.</p>

Provision	Compliance	Comment
		<p>The proposed modifications will not add to the bulk and scale of the building as viewed from the street. Environmental impacts, as discussed in further detail in subsequent sections of this report, will not be unreasonable.</p> <p>The proposal is considered to be consistent with the matters raised in this part of the LEP and as such exhibits design excellence.</p>

2.2.5. 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 3, 4** and **5** of this report.

Table 3: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
B15 Advertising and Signage		
15.1 Design and Location <ul style="list-style-type: none"> No fluorescent illumination or neon lighting – it should be illuminated by floodlighting. Signs are to be of a size and proportion that complement the scale of the existing façade, as well as surrounding buildings and signs. Signage must not have a combined area in excess of 20m². No third party advertising 	Yes (by condition)	<p>The signage zones are relevant to the building and although specific details have not been provided, a condition will ensure that the signage is relevant to the building and use (ie, no third party advertising).</p> <p>The signage zones are appropriately sized and located on the building and will not dominate the facades or surrounding streetscapes. A condition will require that the signage is to be floodlighted with no neon or fluorescent lighting and no flashing signs.</p> <p>The proposed signage zones will not exceed 20m².</p> <p>A condition of consent is recommended requiring further details including:</p> <ul style="list-style-type: none"> size wording illumination fixing.
15.2 Site Specific Controls		The building is unlikely to be visible from Sydney Harbour. Notwithstanding, the recommended

Development Control	Compliance	Comment
Bondi Junction: Illuminated signage on buildings exceeding eight storeys is visible from the Harbour. Notwithstanding its regional significance, it is not intended that Bondi Junction compete with the established illuminated skylines of the City of Sydney or North Sydney. Any corporate advertising on the Bondi Junction skyline should only be for the purpose of serving the immediate region.		condition will ensure that the building does not compete with the City and North Sydney skyline by limiting illumination to floodlighting only. This will also ensure limited impacts upon surrounding residential properties, noting that the site is located on the periphery of the commercial zone.
15.2.7 Development in excess of 15 metres in height		This has been previously discussed elsewhere in this report.
15.3 Sign Specific controls		Specific details of the signage have not been provided, simply the areas or zones where signage will be located. Although the signage zones are not considered unreasonably as discussed throughout this report, the specifics are required to be considered. In this regard, a condition is recommended requiring this detail post-consent, except where State Environmental Planning Policy (Exempt and Complying Development) 2008 (the Codes SEPP) applies to the individual signs.

Table 4: Waverley DCP 2012 - Part E1 Bondi Junction Compliance Table

Development Control	Compliance	Comment
1.7 Active street frontages		
Active street frontage to the provided	Yes	The modified proposal continues to provide an active street frontage to Hollywood Avenue.

Table 5: Waverley DCP 2012 - Part F2 Tourist and Visitor Accommodation Compliance Table

Development Control	Compliance	Comment
2.2 Hotels and Motels		
a) To ensure the design, development and	Yes	The proposed modifications continue to comply with the relevant provisions of this part of the

Development Control	Compliance	Comment
<p>management of hotel and motel accommodation provides a high standard of amenity for guests.</p> <p>b) To ensure that the amenity of the surrounding area is not unduly compromised.</p>		<p>DCP. The modifications do not change conditions regarding the minimum stay, the size or occupancy of the rooms and will not compromise the amenity of surrounding residential properties.</p>

2.3. 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.

2.4. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.5. Any Submissions

The application was notified for 14 days between 24/02/2022 and 14/03/2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- 19 Llandaff Street, Bondi Junction
- 5/10 Allens Parade, Bondi Junction

The issues raised in the submissions are summarised and discussed below.

Issue: Inadequate trees and landscaping. Landscape species should support local businesses.

Response: The amount of landscaping is not part of the modification application. These issues were part of the original consent and cannot be revisited as part of this modification.

Issue: Inadequate details regarding signage, particularly in regard to lighting of signage. Concerns regarding light spillage from neon, or similar, lighting.

Response: A condition is recommended that greater detail is provided of the signage, including lighting.

2.6. Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

Development and Building Unit (DBU) Decision:


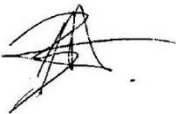
The application was reviewed by the DBU at the meeting on 10/05/2022 and the DBU determined:

(a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, B McNamara, B Magistrale and T Sneesby.*

5. 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	Ben Magistrale
Senior Development Assessment Planner	A/Executive Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 8 June 2022	Date: 10 June 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 Bates Smart of Project No: S12183 including the following:

Plan Number and Revision	Plan description	Plan Date
DA 01.00 [D E]	Site Plan	18/02/2021 28/01/2022
DA 01.01[B C]	Demolition plan	18/02/2021 28/01/2022
DA 03.001[C D]	L001 Basement plan	18/02/2021 28/01/2022
DA 03.100[D F]	L00 Ground Level	18/02/2021 28/01/2022
DA 03.101[C E]	Level 1	18/02/2021 28/01/2022
DA 03.102[D]	Level 2	18/02/2021
DA 03.103[D E]	Level 3	18/02/2021 28/01/2022
DA 03.104[C D]	Level 4	18/02/2021 28/01/2022
DA 03.105[B C]	Level 05	18/02/2021 28/01/2022
DA 03.106[B C]	Level 06	18/02/2021 28/01/2022
DA 03.107[B C]	Level 07	18/02/2021 28/01/2022
DA 03.108[B C]	Level 08	18/02/2021 28/01/2022
DA 03.109[B C]	Level 09	18/02/2021 28/01/2022
DA 03.110[D E]	Level 10	18/02/2021 28/01/2022
DA 03.111[D E]	Level 11 roof/plant Plan	18/02/2021 28/01/2022
DA 07.000[D E]	East elevation	18/02/2021 28/01/2022
DA 07.001[A B]	South elevation	18/02/2021 28/01/2022
DA 07.002[D E]	West elevation	18/02/2021 28/01/2022

DA 07.003[D E]	North elevation	18/02/2021 28/01/2022
DA 07.004 [D E]	Street Elevation	18/02/2021 28/01/2022
DA 08.000[D F]	Section AA	18/02/2021 28/01/2022
DA 11.00[B C]	Schedule of External Finishes	18/02/2021 28/01/2022

(AMENDED DA-421/2018/A)

(AMENDED DA-421/2018/B)

Landscape plans and documentation prepared by 360 Degrees Landscape Architects

Plan Number and Revision	Plan description	Plan Date
L-DA-04	Landscape Plan- Ground Floor, Issue C -E	09/03/2021 28/01/2022
L-DA-05	Landscape Plan - Level 01, Issue C -E	09/03/2021 28/01/2022
L-DA-06	Landscape Plan- Level 02, Issue C	09/03/2021
L-DA-07	Landscape Plan- Roof Terrace, Issue C E	09/03/2021 28/01/2022
L-DA-08	Landscape Section 1, Issue B	12/10/18
L-DA-09	Landscape Section 2, Issue B	12/10/18
L-DA-011	Planting Palette (Sheet 1), Issue C	09/03/2021
L-DA-012	Planting Palette (Sheet 2), Issue C	09/03/2021
L-DA-013	Irrigation + Maintenance Notes, Issue B	12/10/18
L-DA-014	Landscape Plan – Level 3, 5, 7, 9, Issue A	09/03/2021
L-DA-015	Landscape Plan – Level 4, 6, 8, Issue A	09/03/2021

(AMENDED DA-421/2018/A)

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- (b) The Stormwater Management Plans prepared by IGS project No. EN_N18_13, DWG No. SW100 (Rev 01), dated 29 July 2019 and TTW Civil Engineer, Job No. 181129, DWG No. C01, C02 (Rev P2, dated 10 October 2018), DWG No. C03 (Rev P3, dated 2 September 2019) & C10 (Rev P4, dated 2 September 2019).
- (c) The Access Report prepared by Architecture & Access, Revision A, dated 9 October 2018, received by Council on 16/11/18.

- (d) NCC Section J Assessment Report prepared by IGS, dated 28 September 2018, received by Council on 16/11/18.
- (e) BCA Assessment Report, prepared by Steve Watson & Partners, dated 31 October 2018, received by Council on 16/11/18.
- (f) Operational Management Plan prepared by Iglu Pty Limited, undated, received by Council on 16/11/18
- (g) Noise Impact Assessment prepared by Acoustic Logic, dated 17 September 2018, received by Council on 16/11/18.
- (h) Waste & Recycling Management Plan prepared by Iglu Pty Limited, dated 10 October 2018, received by Council on 16/11/18.
- (i) Energy Assessment Report prepared by Integrated Group Services, dated 17/07/19, stamped 'Land and Environment Court of NSW, filed on 23 July 2019'.
- (j) Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Limited, project ref: 18207, dated 19 July 2019.
- (k) Preliminary Site Investigation prepared by Aargus Pty Ltd dated 14 November 2018, received by Council on 16/11/18.
- (l) ~~Signage drawings prepared by Bates Smart dated 18/05/2020 drawing number DA-07.005 (A) (DELETED DA-421/2018/B).~~

Except where amended by the following conditions of consent.

B. New Conditions

1B. DETAILS OF SIGNAGE

Further details regarding the signage (including wording, illumination and method of fixing to the building) is to be submitted to and approved by Council prior to the issue of the relevant construction certificate. The signage is required to comply with the following:

- (a) The signage is only to be illuminated by flood lighting that illuminates the sign only. No fluorescent illumination, neon lighting or flashing signs are permitted. Any illumination shall be designed and located to ensure no nuisance to surrounding residential properties occurs.
- (b) There is to be no third party advertising.
- (c) Unless State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 applies, individual signs must comply with the applicable provisions of Part B15 *Advertising and Signage*, Section 15.3 *Sign Specific Controls* of Waverley Development Control Plan 2012.

Details complying with the above requirements are to be approved by the **Council's Manager Development Assessment (or delegate)** prior to the issue of the relevant Construction Certificate.

(ADDED DA-421/2018/B)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Bates Smart of Project No: S12183 including the following:

Plan Number and Revision	Plan description	Plan Date
DA 01.00 [E]	Site Plan	28/01/2022
DA 01.01[C]	Demolition plan	28/01/2022
DA 03.001[D]	L001 Basement plan	28/01/2022
DA 03.100[F]	L00 Ground Level	28/01/2022
DA 03.101[E]	Level 1	28/01/2022
DA 03.102[D]	Level 2	18/02/2021
DA 03.103[E]	Level 3	28/01/2022
DA 03.104[D]	Level 4	28/01/2022
DA 03.105[C]	Level 05	28/01/2022
DA 03.106[C]	Level 06	28/01/2022
DA 03.107[C]	Level 07	28/01/2022
DA 03.108[C]	Level 08	28/01/2022
DA 03.109[C]	Level 09	28/01/2022
DA 03.110[E]	Level 10	28/01/2022
DA 03.111[E]	Level 11 roof/plant Plan	28/01/2022
DA 07.000[E]	East elevation	28/01/2022
DA 07.001[B]	South elevation	28/01/2022
DA 07.002[E]	West elevation	28/01/2022
DA 07.003[E]	North elevation	28/01/2022
DA 07.004 [E]	Street Elevation	28/01/2022
DA 08.000[F]	Section AA	28/01/2022
DA 11.00[C]	Schedule of External Finishes	28/01/2022

(AMENDED DA-421/2018/A)

(AMENDED DA-421/2018/B)

Landscape plans and documentation prepared by 360 Degrees Landscape Architects

Plan Number and Revision	Plan description	Plan Date
L-DA-04	Landscape Plan- Ground Floor, Issue E	28/01/2022
L-DA-05	Landscape Plan - Level 01, Issue E	28/01/2022
L-DA-06	Landscape Plan- Level 02, Issue C	09/03/2021
L-DA-07	Landscape Plan- Roof Terrace, Issue E	28/01/2022
L-DA-08	Landscape Section 1, Issue B	12/10/18
L-DA-09	Landscape Section 2, Issue B	12/10/18
L-DA-011	Planting Palette (Sheet 1), Issue C	09/03/2021
L-DA-012	Planting Palette (Sheet 2), Issue C	09/03/2021
L-DA-013	Irrigation + Maintenance Notes, Issue B	12/10/18
L-DA-014	Landscape Plan – Level 3, 5, 7, 9, Issue A	09/03/2021
L-DA-015	Landscape Plan – Level 4, 6, 8, Issue A	09/03/2021

(AMENDED DA-421/2018/A)
(AMENDED DA-421/2018/B)

- (b) The Stormwater Management Plans prepared by IGS project No. EN_N18_13, DWG No. SW100 (Rev 01), dated 29 July 2019 and TTW Civil Engineer, Job No. 181129, DWG No. C01, C02 (Rev P2, dated 10 October 2018), DWG No. C03 (Rev P3, dated 2 September 2019) & C10 (Rev P4, dated 2 September 2019).
- (c) The Access Report prepared by Architecture & Access, Revision A, dated 9 October 2018, received by Council on 16/11/18.
- (d) NCC Section J Assessment Report prepared by IGS, dated 28 September 2018, received by Council on 16/11/18.
- (e) BCA Assessment Report, prepared by Steve Watson & Partners, dated 31 October 2018, received by Council on 16/11/18.
- (f) Operational Management Plan prepared by Iglu Pty Limited, undated, received by Council on 16/11/18
- (g) Noise Impact Assessment prepared by Acoustic Logic, dated 17 September 2018, received by Council on 16/11/18.
- (h) Waste & Recycling Management Plan prepared by Iglu Pty Limited, dated 10 October 2018, received by Council on 16/11/18.

- (i) Energy Assessment Report prepared by Integrated Group Services, dated 17/07/19, stamped 'Land and Environment Court of NSW, filed on 23 July 2019'.
- (j) Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Limited, project ref: 18207, dated 19 July 2019.
- (k) Preliminary Site Investigation prepared by Aargus Pty Ltd dated 14 November 2018, received by Council on 16/11/18.
- (l) *(DELETED DA-421/2018/B)*

Except where amended by the following conditions of consent.

1A. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The width of the landscaped planters within the rear courtyard are to be increased to ensure that sufficient planting and trees can be accommodated on site. The soil width (ie, internal width of the planter) shall be increased to at least 1m and the soil depth increased to at least 1m to ensure meaningful planting is provided within the courtyard.
- (b) The landscape plan shall be amended to provide species within the rear planter specified in sub clause (a) with a growth height above the height of the vergola/pergola.
- (c) The vergola/pergola shall be setback a minimum of 1m from the rear boundary to provide sufficient scope for plantings to grow along the rear.
- (d) The amended landscape plan, including species, shall be approved by Council prior to the issue of a Construction Certificate. Subject to these requirements the expectation is that the landscaping plan substantially delivers what was presented in the photomontage by the applicant to the Panel on 8 July 2021.

Reason: The purpose is to allow for a vegetative outlook above the pergola to reduce the visual dominance of the adjacent carpark.

The amendments are to be approved by the **Council's Manager Development Assessment (or delegate)** prior to the issue of any Construction Certificate.

(ADDED DA-421/2018/A)

1B. DETAILS OF SIGNAGE

Further details regarding the signage (including wording, illumination and method of fixing to the building) is to be submitted to and approved by Council prior to the issue of the relevant construction certificate. The signage is required to comply with the following:

- (d) The signage is only to be illuminated by flood lighting that illuminates the sign only. No fluorescent illumination, neon lighting or flashing signs are permitted. Any illumination shall be designed and located to ensure no nuisance to surrounding residential properties occurs.

(e) There is to be no third party advertising.

(f) Unless State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 applies, individual signs must comply with the applicable provisions of Part B15 *Advertising and Signage*, Section 15.3 *Sign Specific Controls* of Waverley Development Control Plan 2012.

Details complying with the above requirements are to be approved by the **Council's Manager Development Assessment (or delegate)** prior to the issue of the relevant Construction Certificate.

(ADDED DA-421/2018/B)

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

2. 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.

3. DEVELOPMENT CONTRIBUTION (SECTION 7.12)

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:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

Prior to the issue of any 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.

4. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$ 350,000 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be established prior to the issue of any 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 all of works associated with this consent (including the required public works) to the person who paid the deposit.

5. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

6. HOARDING

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. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

7. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

8. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical 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.

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.

9. ENGINEERING DETAILS

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

10. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate.

11. STORMWATER MANAGEMENT

- (a) Stormwater plans and details shall be prepared by a suitably qualified hydraulics engineer to ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system.
- (b) The development will require the installation of an On-Site Detention (OSD) system. Details of the tank are required (e.g. location, dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc). A completed checklist as set out in page 22 of Council's Water Management Technical Manual is required as part of the plan submission.
- (c) The plans and details shall be prepared in accordance with Council's *Water Management Technical Manual* and must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate), prior to the issue of any Construction Certificate.

All restoration work to be done as per Waverley Council Standard Drawings R1, D7 and Public Domain Technical Manual (PDTM).

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

12. ENERGY EFFICIENCY

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2012*, 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 (i.e. NCC, Section J compliant only).

The report is to be submitted and be to the satisfaction of Council's Co-ordinator Sustainable Energy prior to the issue of a Construction Certificate for any works above ground level.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

13. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

14. WASTE STORAGE AREAS

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

- **Commercial - Hotel**
 - 5 x 660L Mobile Garbage Bins (MGBs) for general waste.
 - 5 x 660L MGBs for comingled recycling.

- Extra space for the storage of excess waste, bulk cardboard, packaging, and milk and bread crates.
 - Collection frequencies must be adjusted to accommodate volumes of waste/recycling generated.
 - Should the property become a 'service apartment', the waste and recycling generation rates will be higher, and adjustments will be required for appropriate storage and servicing.
- **Commercial - Retail**
 - 1x 660L Mobile Garbage Bins (MGBs) for general waste.
 - 2 x 660L MGBs for comingled recycling.
 - Extra space for the storage of excess waste, bulk cardboard, packaging, and milk and bread crates.
 - Collection frequencies must be adjusted to accommodate volumes of waste/recycling generated.

15. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

16. DRIVEWAY CROSSING

Prior to issue of the Construction Certificate, a driveway application is to be lodged with Council's Executive Manager, Infrastructure Services for approval.

17. INSTALLATION OF PICK-UP / DROP-OFF BAY(S) ON HOLLYWOOD AVENUE

The development is required to construct 2 Parking Bays in Hollywood Avenue. Detail design of these parking bays are to be submitted to and approved by the Executive Manager, Infrastructure Services. Parking Controls are determined by Council's Traffic & Transport team and are subject to the approval of the Waverley Traffic Committee and Council.

18. 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 10.00pm 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

19. MECHANICAL VENTILATION SYSTEMS

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
 - (i) inspection, testing and commissioning details;
 - (ii) date of inspection, testing and commissioning details;
 - (iii) the name and address of the individual who carried out the test; and
 - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

20. 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.

21. 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) Sundays and public holidays;
- (b) 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 2017.

22. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be 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.

23. 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 location 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.

24. PUBLIC DOMAIN WORKS

The kerb and gutter and footpath on the Hollywood Avenue frontage are to be upgraded with all works to be completed in accordance with the Waverley Public Domain Technical Manual and Bondi Junction Complete Streets projects prior to the issue of any Occupation Certificate. Detailed Civil Engineering drawings prepared by a suitably qualified and experienced engineering professional and accompanying Public Domain landscape plans and details prepared by an *Australian Institute of Landscape Architects* registered Landscape Architect, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to works commencing on the public domain.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

25. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

26. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

27. CERTIFICATION OF ALL MECHANICAL PLANT

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

28. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

29. CERTIFICATION OF STORMWATER SYSTEM

Prior to the issue of an Occupation Certificate, a suitably qualified and practising Engineer must provide certification of the Work As Executed Drawing of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

(AMENDED DA-421/2018/A)

30. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE

Prior to the issue of an Occupation Certificate, Works-As-Executed Drawings prepared and signed by a registered surveyor for the new Council pits, pipes and stormwater connection works on Hollywood Avenue shall be submitted to and approved by Council's Executive Manager, Infrastructure Services (or

delegate). Where changes have occurred to the Council approved plans, these shall be marked-up in red ink and shall include levels and location for the drainage structures and works.

31. CERTIFICATION OF PUBLIC DOMAIN WORKS

Prior to the issue an Occupation Certificate, a final inspection of the completed public domain works is required from Council's Public Domain Engineer (Infrastructure Services), to ensure that the public domain works required under the consent have been completed to Council's satisfaction. If satisfactory, a compliance certificate will be issued. A fee is applicable for this final inspection under Council's Schedule of Fees & Charges which must be paid to obtain the compliance certificate.

32. CREATION OF POSITIVE COVENANT FOR OSD

A *"Restriction on the Use of Land"* and *"Positive Covenant"* shall be created for the On-Site Detention (OSD) system, under Section 88E of the Conveyancing Act 1919.

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

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

(AMENDED DA-421/2018/A)

33. BONDI JUNCTION FSR AND MAPPING MODEL

To update Council's live floor space model and mapping system, the information provided in the advisory note to this consent is to be provided to the satisfaction of Council's Strategic Planning Department.

34. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model.

35. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

E. OPERATIONAL MATTERS

36. USE OF HOTEL

The hotel, subject to this approval, must be used in accordance with the defined term in the LEP Standard Instrument, which states:

***hotel or motel accommodation** means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—*

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

The number of patrons/guests per hotel room is restricted to a maximum of two.

The premises is only to be advertised as providing **hotel accommodation**. No person will occupy a hotel room for more than six (6) months in any twelve (12) month period and no single period of occupation will exceed three (3) months.

37. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

The Plan of Management (PoM) referred to in condition 1(f) is to be revised and is to include the following:

- (a) How noise will be controlled from within the building and areas of open space on site;
- (b) How guests will be managed as they enter and leave the site, especially late at night;
- (c) The collection and disposal of waste arising from the use of the site;
- (d) Details of on-site management to provide 24/7 coverage;
- (e) The security of the premises;
- (f) Maintenance and cleaning of the premises;
- (g) Maintenance of essential fire safety services; and
- (h) Creation of a Resident Liaison Committee
- (i) The provision of access to responsible staff by patrons or members of the community 24 hours a day including access by mobile phone at all times.
- (j) The provision of a detailed procedure for the response to any complaints and the recording of any complaints.

The revised PoM shall be submitted to and approved by Council's Executive Manager, Compliance (or delegate) prior to the issue of any Occupation Certificate.

The PoM shall be reviewed every two years (at minimum) to determine whether any change to it should be made to address any incidents or complaints and/or improve the operations to eliminate anti-social behavior. The POM must not be amended except with the written consent of Council's Executive Manager, Compliance (or delegate).

The PoM must be complied with by all patrons/guests at all times.

38. COPIES OF CONSENTS AND MANAGEMENT PLANS

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

39. HOURS OF OPERATION OF COMMUNAL OPEN SPACE (ROOF TOP)

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

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

(Collectively, "**Base Hours**").

HOURS OF OPERATION OF COMMUNAL OPEN SPACE (ROOF TOP) WITH ONE YEAR TRIAL FOR EXTENDED HOURS

This consent allows for a one (1) year trial period as follows:

- | | | |
|-----|--|-------------|
| (a) | Monday to Friday (excluding public holidays) | 7am to 10pm |
| (b) | Weekends and public holidays | 8am to 10pm |

The applicant must give Council written notice of the commencement of the use of the roof top communal open space within 7 days of the date the use of the roof top communal open space commences.

The trial period starts on the date of the first use of the roof top communal open space and ceases on the anniversary of that date. Unless a further consent is granted for the extended hours, the operational hours will revert to the base hours.

In the event the applicant lodges an application to amend or delete this condition no less than 10 months after the commencement of the use of the roof top communal open space but before the first anniversary of that date, the use of the roof top communal open space may continue in accordance with the extended hours set out above until any such application is finally determined by Council or by the Land and Environment Court should an appeal be lodged against Council's determination of the application.

Appropriate signage must be displayed in the lobby of the building and in a prominent place on the roof terrace advising residents of the time restrictions for use of roof top terrace.

40. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Management must install and maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the requirements of Waverley Council and the Local Area Command.

41. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the building are to be carried out within the site.

42. GUEST REGISTER

The licensee / approved manager is to maintain a register of all guests, including name and the time and date of check in and check out. This register must be kept on the premises and subject to the provisions of the *Privacy Act 1988* (Cth) and *Privacy and Personal Information Protection Act 1998* (NSW), made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

43. WASTE COLLECTION VEHICLE

The maximum dimension of a waste vehicle servicing the site shall be 6.4 metres long, 2.3 metres wide, and 2.2 metres high with maximum operational height of 2.5 metres.

(ADDED DA-421/2018/A)

44. WASTE MANAGEMENT

All waste is to be collected on-site. Waste is not to be transferred to the street to be collected by a truck parked on street or within the public domain.

(ADDED DA-421/2018/A)

45. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

(ADDED DA-421/2018/A)

COUNCIL'S ADVISORY NOTES

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

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

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

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

- Make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (j) above.
- Make contact with the operators of bus and taxi services whose zones may be affected/require temporary relocation as a result of development works

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

For further information on what is required in the CTMP, please refer to Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

LONG SECTIONS OF DRIVEWAY

The long section drawings shall:

- Be drawn at a scale of 1:25
- Include reduced levels (RL's) of the Hollywood Avenue carriageway, the kerb and gutter, footpath and paving within the property and the basement floor.
- Include existing and design levels.
- 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.
- Show all paving on Council's land being sloped/ drained towards the roadway.

SWEPT WHEEL PATH DRAWINGS

The swept wheel path drawings shall:

- Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
- Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Hollywood Avenue to the immediate south of the proposed driveway in bays as per the Council's Complete Streets project drawings.
- Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed basement.

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.

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The 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.

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.

DRIVEWAY CROSSING APPLICATION

The Driveway application will need to be accompanied with, driveway long sections, drawn along both edges of the driveway and swept vehicle path drawings showing the swept wheel path of the largest proposed design vehicle entering and exiting the basement from Hollywood Avenue.

PUBLIC DOMAIN WORKS

The detailed drawings and written specifications shall include but not be limited to the following:

1. Include details and proposed locations of any street furniture and street trees
2. Display the RLs at each access point into the building
3. Include details and specifications of paving including the materials used, the paving pattern, and jointing plans
4. Show paving pattern and jointing plans being coordinated with the blinding slab
5. Showing all services and pit locations in the footpath area being orientated to align with the paving pattern and jointing. Including the provision of infill lids where appropriate.
6. Include cross-sections at set intervals from property boundary to property boundary which demonstrate a maximum 2% grade in the pedestrian pathway falling towards the road at all points across the Hollywood Avenue frontage of the site
7. Show the existing pavement structure of Hollywood Avenue and the proposed pavement structure including the technical specifications of materials in each pavement layer and the degree of compaction to be achieved
8. Indicate the design traffic used for calculation purposes of the road pavement design
9. Include long section of the footpath showing the existing and proposed RLs
10. Include a long section at gutter inverts along both sides of the road and along the centre line of the road
11. Show plan views accurately demonstrating the existing road alignment and the proposed road alignment
12. Show details of any transitions required beyond the boundaries of the site frontage

Note: Any landscaping features that are contrary to the Waverley Public Domain Technical Manual or Bondi Junction Complete Streets project, including any built in features for outdoor dining are not approved and are to be omitted from any plans. Footpath Seating will be subject to further approvals outside the DA process.

NOTE: PRIOR TO THE PREPARATION OF THE PUBLIC DOMAIN PLAN, the applicant or his or her representative shall:

- Make contact with Council's Professional Engineer – Traffic and Development to discuss information required at (1) to (12) above.

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.

SEPARATE APPLICATIONS FOR USE/FIT OUT

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.

WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

PUBLIC ART

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.

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.

GROUND ANCHORS

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate) and will be subject to fees.

DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority 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.

DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
 - (i) Landfill waste;
 - (ii) Recyclable waste;
 - (iii) Materials to be re-used on-site; and / or
 - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro 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.

WASTE STORAGE AREAS

All waste and recycling storage rooms must be built to meet all appropriate design requirements set of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.

Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas must be outlined in contracts with the building manager, cleaners and tenants.

The storage of bins on the kerbside on public land and kerbside is not permitted at any time.

CONTROL OF DUST ON CONSTRUCTION SITES

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 (e.g.: 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.

CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014.

EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land. The excavation is to be managed by a practising structural engineer.

PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

The plan shall include the following where relevant:

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) 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.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.

- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.
- (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (j) At no times shall bins be stored on the public domain (e.g. footpaths).

BONDI JUNCTION FSR AND MAPPING MODEL

The information is to be submitted in a table and include the following:

- (a) DP/Lot/Strata Plan
- (b) address
- (c) building footprint (m²)
- (d) gross Floor area (m²)
- (e) total residential floor space (m²)
- (f) total office space (m²)
- (g) total retail space (m²)
- (h) total no. of all levels (m²)
- (i) no. levels above ground
- (j) no. levels below ground
- (k) no. of residential levels
- (l) no. of dwellings
- (m) no. of commercial levels
- (n) no. of parking spaces
- (o) parking location (above or below ground)
- (p) ground floor use (commercial, retail or residential)

WAVERLEY DIGITAL MODEL

The Waverley Digital Model is to comply with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling