

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-275
DA Number	DA-482/2017/B
LGA	Waverley
Proposed Development	Modification to alter internal apartment layouts, reduction in units from 78 to 63, modified facade design, increase in floor space and various other alterations.
Street Address	59-75 Grafton Street, BONDI JUNCTION
Applicant/Owner	Clygen Pty Ltd
Date of DA lodgement	15 June 2023
Total number of Submissions	One
Number of Unique Objections	
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Schedule 6 - Clause 2 of SEPP (Planning Systems) 2021 – 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 (Sustainable Buildings) 2022 • 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 2022 • 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 • Copy of submissions • Letter of Concurrence – Sydney Trains
Summary of key submissions	<ul style="list-style-type: none"> • View impacts • Façade/elevation design • Character of the area • Loss of property value
Report prepared by	Kylie Lucas, Senior Assessment Planner, Waverley Council
Report date	1 November 2023

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)?

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

No

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

1. PREAMBLE

1.1. Executive Summary

DA-482/2017 for the demolition of an existing commercial building and construction of a 19-storey mixed use building comprising ground level retail and residential apartments above was approved by the Sydney Eastern City Planning Panel (SECPP) on 2 May 2019.

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 78 to 63, internal reconfiguration of units, modified façade design, increase in gross floor area (GFA) by 14% and various other alterations.

The proposed modifications have been assessed against the principles of the SEPP 65 (Design Quality of Residential Apartment Development). 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 MU1 *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 an increase to the approved height of the building to the top of the plant, which remains as approved at 67m (RL 132.09), although there are slight variations in sections including increases in plant in some parts offset by reductions in other sections of the roof. The proposed modifications are also generally contained within the approved envelope of the building maintaining the parapet heights on the front (Grafton Street) and rear (Hegarty Lane) elevations.

The proposed modifications result in a net increase of GFA of 1084m², resulting in an overall FSR of 6.84:1. This culminates in an overall exceedance of the FSR development standard by 1082m² or 14%. The proposed modifications generally maintain the approved envelope of the development; however, provide additional floor space by infilling recesses within the built form and extending within approved balconies. The modified building is a highly articulated, contemporary building which is considered to provide an improved architectural response than the original consent. The bulk and scale of the building is consistent with the original consent and surrounding development maintaining the approved height and number of storeys.

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). 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 is included in the conditions of consent.

One submission was 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 view impacts; façade/elevation design; character of the area; and loss of property value.

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 1073913, known as 59-75 Grafton Street, Bondi Junction and faces Grafton Street with secondary access to Hegarty Lane at the rear. The site has a frontage of 32.5m and a depth of 41m, with an overall area of 1281m². The site has a slope from the rear lane to Grafton Street, a difference of approximately 3m.

Currently on site is a nine-storey commercial building and the Bondi Junction Rail corridor is located beneath the site. Vehicular access is provided from Grafton Street and Hegarty Lane to three levels of car parking located predominantly above ground level.

The site is burdened by a right of way and easement for electricity and transit. A substation is located on Grafton Street at the front of the site within the front property boundary and a street tree on the footpath. Across the road to the north of the site is Syd Einfeld Drive (expressway) at an elevated height above Grafton Street. To the west of the site is an eight-storey commercial building (55 Grafton Street, where development consent [DA-155/2018] has recently been granted for a 20-storey mixed use building). While, to the east (79-81 Grafton Street) is a mixed use development including two residential towers atop a podium, respectively 18 and 20-storeys in height with a Wilson public parking garage located above ground in the lower podium levels the building.



Figure 1: Aerial view of the site, circled in red (Source: Exponare mapping).



Figure 2: 3D image of the site, sourced from Google Maps

1.3. Details of Approved Development

DA-482/2017: Demolition of existing commercial building and construction of 19 storey mixed use building comprising ground level retail and residential apartments above was approved by the Sydney Eastern City Planning Panel (SECPP) on 2 May 2019.

PD-24/2020: Pre-DA advice in relation to modifications to approved DA-482/2017 proposing an additional three residential storeys adding 15% GFA was provided on 28 July 2020. The formal letter advised that any additional floor space over the development standards will be heavily scrutinised. The additional impacts upon both the adjoining properties and the streetscape are to be thoroughly addressed in any development application seeking to exceed the development standards.

DA-482/2017/A: Modification to construct two additional residential levels, provide seven additional apartments, internal alterations and changes to bicycle parking spaces, roof design and façade was refused by the SECPP on 29 April 2021 for reasons relating to exceeding the FSR and height development standards with associated impacts upon view sharing, solar access and overshadowing, design excellence and undesirable and unacceptable impact on the streetscape.

PD-8/2023: Pre-DA advice in relation to modifications to approved DA-482/2017 proposing a reduction in the number of apartments from 78 to 59, internal reconfiguration and an increase in floor space (12.8%) was provided by Council on 19 April 2023. The formal letter provided advice in relation to FSR, privacy treatments of windows on side elevations, separation distances to Hegarty Lane and urban design matters.

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:

- Refinement of the façade design and external materials.
- A 14% increase in GFA and FSR equating to:
 - (a) An additional GFA of 1,077m² (7,684m² in the original consent increasing to 8,761m²)
 - (b) An FSR increase of 0.84:1 (6:1 in the original consent increasing to 6.84:1).
- Modifications to the internal apartment layout including a reduction (-15) in the total number of apartments (78 apartments in the original consent to 63 apartments proposed). The reduction of 15 apartments arises from the provision of larger apartments. The apartment mix is to be modified as follows:
 - 3 x studio (5%)
 - 25 x 1 bed (40%)
 - 9 x 2 bed (14%)
 - 26 x 3+ bed (20%)
- Modification of the arrangement of non-residential uses (fully commercial) and the through-site link at the lower ground floor and upper ground floor levels with 165m² of additional non-residential GFA.
- Modification of the communal open space to increase the area (25% of the site area in the original consent increasing to 27% proposed). The podium roof communal open space is to be moved from the north-west corner facing Grafton Street to the south-eastern corner facing Hegarty Lane. A communal gym and outdoor space are proposed in this area.
- Modification to the number of parking spaces:
 - (a) Cars: A reduction of seven car parking spaces within the car stacker to reflect the modified mix of apartments (79 spaces in the original consent reduced to 72 spaces proposed).
 - (b) Motorcycles: No change (six spaces in the original consent).
 - (c) Bicycles: A reduction of eight bicycle spaces to reflect the modified mix of apartments (92 spaces in the original consent reduced to 84 spaces proposed).

1.5. Background

The development application was lodged on **15 June 2023**. A chronology of the development application since lodgement is outlined in **Table 1**.

Table 1: Chronology of the DA

Date	Event
22 June 2023	DA referred to external agencies (Sydney Trains).
22 June 2023	Request for Information from Council to applicant.
13 July 2023	Additional information received from applicant.
18 July 2023	Notification of the application.

8 August 2023	Kick off briefing.
9 August 2023	Referred to Waverley Design Excellence Advisory Panel (DEAP).
22 August 2023	Concurrence from Sydney Trains received.
4 September 2023	Request for Information from Council to applicant in relation to the following (summarised): <ul style="list-style-type: none"> • waste collection • comments from the DEAP • Planning agreement template • further details and clarification in relation to landscaping, ADG, view analysis and corrections to plans.
25 September 2023	Additional information and amended plans received from applicant.
12 October 2023	Briefing with SECPP with the following key issues discussed: <ul style="list-style-type: none"> • Communal open space relocated to the roof top, providing larger, covered area. • Orientation of communal open space changed. • 14% increase in FSR with VPA contribution for FSR exceedance. • Onsite waste collection and waste holding area accessibility to be resolved. • EV charging included. • Advisory note proposed in relation to the gas connection. • Revised mix of apartment, noting reduced number of studio and two-bedroom units and request for larger units. • Car parking requirements to be confirmed and allocation of spaces to uses to be outlined. • Communal open space within the development (at a lower level) to be considered.
23 October 2023	Council request for further amendment to the waste collection arrangements within the basement.
30 October 2023	Amended plans and documentation received.

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 one submission was received. The issues and matters raised in public submission 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 and have been considered acceptable in the assessment of this development application:

- SEPP (Sustainable Buildings) 2022
- 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 2.99 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 included in **Appendix A**.

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).

In accordance with both Division 15 and Division 17, an acoustic report was provided to address 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*. The Acoustic Report makes a number of recommendations in order to achieve compliance and concludes that:

Traffic and train noise intrusion onto the future occupants of the development have been assessed in accordance with the Waverley Council DCP and the SEPP Infrastructure 2007. Provided the acoustic treatments in Section 4 are adhered to, the internal noise levels will satisfy the requirements of the criteria.

An assessment of rail induced vibration on the proposed development site has been presented in Section 5 of this report. The results of the assessment indicate that vibration isolation treatment will not be required for the proposed development in order to mitigate structure borne noise impacts from train bypass in the rail tunnel located beneath the site.

The Acoustic Report also makes recommendations for addressing noise generated by the development itself. The Acoustic Report is referenced in the conditions contained in **Appendix A**.

It is considered that the requirements of the SEPP (Traffic and Infrastructure) 2021 have been appropriately considered and addressed.

SEPP 65 (Design Quality of Residential Apartment Development)

The following table contains the comments of the Waverley DEAP with regard to the nine design quality principles under SEPP 65 from the meeting of the 12 July 2023. The amended plans were not referred again to the DEAP. A planning response is provided where relevant, with particular reference to the amended plans.

The Panel review was limited to the modifications to the existing approval. 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 2: Assessment against the Nine Design Quality Principles under SEPP 65

Principle
Principle 1: Context and Neighbourhood
<ul style="list-style-type: none"> • <i>Responds well to the local context including existing buildings and the current plan for the neighbouring development of 55 Grafton St</i> • <i>Considers the role of the through-site connection and the potential of Hegarty Lane to become both a gathering space, and patronised access point for residents.</i>
Principle 2: Built Form and Scale
<i>No major issues in terms of scale and built form, given the modifications are within the approved building envelope. Additional analysis of potential view and solar impacts were included in the documentation, which highlight this point.</i>

Principle
Principle 3: Density
<i>No major issues in terms of density, given the slight reduction in overall yield to accommodate larger units with improved amenity.</i>
Principle 4: Sustainability
<p><i>The panel encourages the inclusion of the following:</i></p> <ul style="list-style-type: none"> • <i>Electric car charging in the car stacking system.</i> • <i>Inclusion of ceiling fans in bedrooms and living areas as a low energy option when AC is not needed.</i> • <i>Excluding gas for cooking and water heating will improve the environmental performance of the building.</i> • <i>Another row of 8 PV panels could be added on the plantroom roof, increasing the number of panels to 32 and improving the power generation for common areas.</i> <p><i>The large number of bicycle parking spots shown on the plans is very good, however, part of the bicycle storage space on the upper ground floor could be relocated and changed to retail, to help activate Hegarty Lane.</i></p> <p>Planning comment: The applicant states that the manufacturer of the mechanical car stacker has confirmed that it is EV compatible and a notation to this effect has been included in the amended plans. In response to the remaining issues raised by the panel above, the following is noted:</p> <ul style="list-style-type: none"> • Ceiling fans are shown in habitable rooms on the amended plans. • Notations have been added to the amended plans to exclude gas for cooking and water heating. • The amended plans have added 8 additional PV panels to the roof. • The amended plans have relocated the bicycle store area and converted part of this space to retail floor space addressing Hegarty Lane and the through-site link.
Principle 5: Landscape
<i>No comments in relation to landscaping.</i>
Principle 6: Amenity
<ul style="list-style-type: none"> • <i>The proposed angled fixed vertical blades on the side wall windows will enhance privacy to and from the neighbouring towers, while maintaining a degree of outlook to the north.</i> • <i>Given the site's location and orientation, the building performs well in terms of amenity.</i>
Principle 7: Safety
<i>No comments in relation to safety.</i>
Principle 8: Housing Diversity and Social Interaction
<ul style="list-style-type: none"> • <i>The proposal includes a range of 1, 2, and 4 bedroom apartments. It also includes a gym space and communal open spaces.</i> • <i>No other comments in relation to social interaction</i>

Principle
Principle 9: Aesthetics
<ul style="list-style-type: none"> <i>The proposed mix of green materials throughout the building creates a distinct and attractive outcome that helps mediate the relationship between neighbouring buildings.</i> <i>The introduction of scalloped balconies and façade expression is supported by the Panel and an improvement from the approved scheme, which is overly complex and busy.</i>

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 3** relating to the DCP as they are no longer relevant.

Table 3 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 3: ADG

Design Criteria	Compliance	Comment
Part 3 Siting the development		
3A Site analysis	Yes	The application and proposed building considers the site, local and wider context.
3B Orientation	Yes	The proposed building has been orientated and designed to relate to the shape of the site, location of neighbouring buildings and public domain.
3C Public domain interface	Yes	The proposed modifications continue to provide a successful interface with the public domain and

Design Criteria	Compliance	Comment
		will improve the character and quality of the streetscape, particularly to the rear lane.
3D Communal and public open space <ul style="list-style-type: none"> • <i>Minimum of 25% of the site</i> • <i>Minimum of 50% direct sunlight to the principal usable part for a minimum of 2 hours between 9am and 3pm at mid-winter</i> 	Yes	<p>The roof top area provides 190m² of active communal open space. The level 04 area provides 101m² of communal open space with an additional 48m² of internal communal space to be used as a gym. The modified proposal also provides areas of passive communal space in the form of perimeter landscaping at the roof and podium levels. In all, the modified proposal will provide a total of 355m², equating to 27% of the site.</p> <p>The communal open spaces at roof level are located on the northern side of the building and will receive a minimum of 2 hours of sunlight to comply with the ADG.</p> <p>Both spaces are accessible.</p> <p>The proposal also provides public open space in the form of a courtyard area on Hegarty Lane connected to the through-site link. This area is part of the original approval; however, modified to be contained on the western boundary of the site with a more direct route from Grafton Street to Hegarty Lane.</p> <p>The proposed modifications continue to provide sufficient areas of communal open space to meet the requirements of the ADG. The increased communal space at the roof level results in a greater proportion of the communal open space being in full solar access on the winter solstice. The podium level open space on Hegarty Lane continues to provide alternative communal space which is shaded and removed from the noise generated by Syd Enfield Drive.</p>
3F Visual privacy <p><i>Min separation distances from buildings to side and rear boundaries:</i></p> <ul style="list-style-type: none"> • <i>Over 25m (9+ storeys) – 12m habitable & 6m non-habitable</i> • <i>Increased separation of 3m where adjoins a lower density zone</i> 	Yes	Refer to detailed discussion following this table.

Design Criteria	Compliance	Comment
3G Pedestrian access and entries	Yes	All pedestrian access entries continue to be connected to, and address, the public domain, are easily identifiable and provide a strong connection with the streetscape.
3H Vehicle access	Yes	The vehicle access point has been relocated along the Grafton Street frontage to enable the through-site link to be contained along the western boundary. The amended plans have addressed issues raised regarding access for waste collection vehicles. The amended design of the vehicular access is considered acceptable.
3J Bicycle and car parking	Yes	<p>The proposed development falls within the design criteria of Objective 3J-1 and as such the 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, <i>whichever is less</i>.</p> <p>DCP 2022 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 5 for discussion regarding car parking in accordance with the DCP requirements.</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. 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> 76% of apartments (48 of 63) receive at least 2 hours mid-winter. The majority of the apartments have a north orientation to maximise sunlight with living areas featured on these aspects. Bedrooms are located to the south of the dual aspect apartments. 11% of the apartments (7 of 63) receive no direct sunlight. <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 	Yes	<ul style="list-style-type: none"> All habitable rooms within the development are provided with at least one window for natural ventilation. 63% of the apartments (24 of 38) within the first nine storeys of the building are naturally cross-ventilated.

Design Criteria	Compliance	Comment
<p>ventilation is maximised:</p> <ul style="list-style-type: none"> At least 60% of units naturally ventilated in the first 9 storeys of the development. 		<ul style="list-style-type: none"> 78% of apartments (49 of 63) in the whole building are cross ventilated within the building. A trickle ventilation system is part of the original approval for those units facing Syd Einfeld drive to provide natural ventilation into those affected units if there is a need to address road noise.
<p>4C Ceiling heights</p> <ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area 4m for commercial spaces 	N/A	No change to ceiling height proposed.
<p>4D Apartment size and layout</p> <p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <i>Studio = 35 m²</i> <i>1 Bed = 50 m²</i> <i>2 Bed = 70 m²</i> <i>3 Bed = 90 m²</i> <i>Add 5m² for each additional bathroom (above 1)</i> <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>	Yes	<p>All units have internal areas that comply with the minimum ADG requirements. In this regard, the proposed unit sizes and layout are acceptable.</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>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 	No	<p>The studio apartments do not have private open space (no balconies); however, this is improved from the original approval (3 studios without balconies whereas the approval had 7).</p> <p>Most of the units are provided with a balcony or courtyard accessed from the main living areas</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> 1-bed – 8m² & 2m depth 2-bed - 10m² & 2m depth 3+bed - 12m² & 2.4m depth Ground level, min 15m² & 3m depth 		which meets the minimum requirements of the ADG in terms of area and depth. The design of the balconies and courtyards is integrated into the architectural form, providing articulation to the building, as well as providing casual surveillance to the 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.
4F Common circulation and spaces <ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level. 	Yes	No floor contains more than seven apartments; therefore, the development complies with this guideline.
4G Storage In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> 1-bed – 6m³ 2-bed – 8m³ 3+bed – 10m³ 	Yes	The proposal provides separate storage within each apartment and bulk storage areas at each level of the building. The storage provided meets the requirements and objectives of the ADG. Conditions are to be imposed to ensure compliance in this respect.
4H Acoustic privacy	Yes	The amended proposal has considered the constraints of the site, conditions and relationship to surrounding buildings and local context. The amended proposal has adequately considered and addressed the design guidance requirements in 4H of the ADG.
Configuration		
4K Apartment mix	Yes	The proposal includes a mixture of apartment sizes that that will support a wide variety of household types and sizes. The proposal also provides dual key apartments, with separate studios or one-bedroom apartments within, to allow multi-generational living or carer's accommodation. The apartment mix is considered appropriate taking into consideration the sites proximity to public transport options and the high density urban environment.
4M Facades	Yes	The proposed building incorporates a simple 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

Design Criteria	Compliance	Comment
		relationship with the overall building design, streetscape and Bondi Junction centre.
4O Landscape design	Yes	The proposed landscaping to the site is diverse with street trees proposed to Grafton Street, trees within the forecourt area to the lane, as well as around the podium level of the building and the roof. The proposed landscaping responds to the conditions of the site and is appropriate in a high density area.
4P Planting on structures	Yes	The landscape plans address the objectives and design criteria in 4P of the ADG. A condition of the original consent ensures that the planting on structures has sufficient depth and structure.
4Q Universal Design	Yes	The existing condition in relation to silver level universal design features is retained.
4S Mixed Use	Yes	This building is mixed use and incorporates active frontages to both streets and first floor commercial uses.
Performance		
4U Energy	Yes	All apartments within the building incorporate passive environmental design, continuing to meet the cross-ventilation requirements in the ADG. Natural ventilation is incorporated in all apartments reducing the need for mechanical ventilation and climate control. Existing condition 44 requires the submission of an Energy Assessment Report to reduce greenhouse gas reductions by 30% as compared to a Section J compliant building, further promoting compliance with this guideline. This condition is retained as part of this modification.
4V Water management and conservation	Yes	A BASIX Certificate has been provided with the application which indicates that the proposal will meet the required water target.
4W Waste management	Yes	The application proposes waste collection within the site in the lower ground floor of the building. A detailed waste management plan is required as a condition of consent.
4X Building maintenance	Yes	The guideline suggests that building design should provide protection from weathering, systems and access for maintenance and materials which reduce ongoing maintenance costs. There is no evidence to suggest that the proposed building could not achieve this through

Design Criteria	Compliance	Comment
		the detailed construction certificate documentation process.

Visual privacy

For a building over 25m, the ADG requires a separation distance of 12m between habitable rooms and balconies and 6m between non-habitable rooms. The design guidance also states that direct lines of sight should be avoided for windows and balconies across corners and no separation is required for blank walls.

The proposed modifications to the podium levels do not result in any greater impact upon the privacy of buildings on Hegarty Lane opposite the site, than the existing approved development. The proposal generally maintains the existing setbacks from Hegarty Lane to the podium level to residential dwellings and balconies. Most balconies and windows of the modified proposal will have a greater separation distance from the laneway than the approved development. The rear studio apartments will extend further toward the laneway than the approved development; however, these are located opposite a commercial building and have sufficient separation from surrounding residential dwellings fronting the laneway.

The modifications relocate the communal open space from the northern side of the building fronting Grafton Street to Level 04 on the Hegarty Lane side of the building. This relocation moves the communal area away from the noise of Grafton Street. The communal open space provides an internal gym and external terrace that extends up to the Hegarty Lane boundary. The communal space is located opposite a commercial building and 16m-17m from the nearest residential apartments which is sufficient to ensure no unreasonable privacy impacts. The modified proposal has been amended to provide a planter along the rear boundary of the communal space to enhance privacy from, and to, this area.

Where the approved tower provides varied separation distances from side boundaries, the modified proposal provides consistent side boundary setbacks for the length of the tower. Notwithstanding, the modified proposal is consistent with the minimum separation distance originally approved of approximately 6m. The proposal also includes vertical blade privacy screening along all windows on the side elevations. These blades are fixed at a 45-degree angle directing outlook toward the northern views and minimising overlooking to adjoining properties.

The separation distances of the tower from Hegarty Lane are generally consistent with the approved building. The balconies on the rear elevation of the tower extend slightly further toward the Hegarty Lane boundary however are small in width and area ensuring limited use. In this regard, these balconies are not considered to generate unreasonable additional privacy impacts upon surrounding properties.

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
- 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. 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.

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 MU1 *Mixed Use* zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified have changed as outlined in **Table 4** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 4: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings • 60m	67m	67m	No change
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 6:1 (7686m ²)	6:1 (GFA 7683m ²)	6.84:1 (exceeds the development standard by 1,082m ² or 14%)	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 an increase to the approved height of the building to the top of the plant which remains as approved at 67m (RL 132.09). The proposed modifications are also generally contained within the approved envelope of the building maintaining the parapet heights on the front (Grafton Street) and rear (Hegarty Lane) elevations. There are slight variations in sections including with increases in plant in some parts offset by reductions in other sections of the roof.

The relevant objectives of the development standard are as follows:

- (a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to accommodate taller buildings on land in Zone E2 Commercial Centre in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity,*
- (c) to maintain satisfactory solar access to existing buildings and public areas,*
- (d) to establish building heights that are consistent with the desired future character of the locality.*

The increased height variation 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 proposed building will continue to present appropriately within the streetscape providing a building maintaining the approved number of storeys. 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 approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the height of buildings development standard. Therefore, the modifications to the height variation are deemed acceptable and is supported.

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of GFA of 1084m², resulting in an overall FSR of 6.84:1. This culminates in an overall exceedance of the FSR development standard by 1082m² or 14%.

The net increase of FSR due to the proposed modifications represents 100% of the overall exceedance of the standard.

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 modification application (MA) would deliver additional floor space by way of a planning agreement within the Bondi Junction Centre in order to provide a greater choice of apartments sizes (including larger accommodation and dual key apartments to promote aging in place) close to services and transport. The MA like the original consent remains appropriate for the site and its location within the Bondi Junction Centre which is characterised by a mix of medium to large scale developments close to a major public transport interchange (consistent with objective (a)).*
- The MA positions the additional GFA within approved recesses/balconies and it remains consistent with the maximum building height of the original consent (consistent with objective (b)).*
- The MA 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 MA delivers a highly articulated form and a compatible bulk and scale that would positively contribute to its location within the Bondi Junction Centre. The MA has been designed to overcome the reasons for refusal of DA-482/2017/A (see Section 3.1) by providing the additional floor space within the approved building height, retaining the number of approved storeys and the impacts upon the amenity of surrounding properties. The MA retains the scale and character of the original consent and has a height and scale which is comparable with (in fact smaller than) the approved development to the west at 55 Grafton Street (DA-155/2018/A) (consistent with objective (c)).*
- The MA has been sensitively designed so that the modified development does not result in adverse amenity impacts for surrounding residents and other land uses. The MA reduces the number of the apartments and the number of car parking spaces. The increase in GFA is therefore not associated with an intensification of the approved use or associated impacts such as traffic*

generation. The relevant amenity impacts that result from the MA being privacy, overshadowing and views are consistent with the original consent as detailed below (consistent with objective (d)).

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 site 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 is a second attempt at additional FSR under a planning agreement and has been designed to overcome the previous issues faced by providing the additional floor space within the height already approved. 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 proposed modifications generally maintain the approved envelope of the development however provides additional floor space by infilling recesses within the built form and extending within balconies. The modified building is a highly articulated, contemporary building which is considered to provide an improved architectural response than the original consent. The bulk and scale of the building is consistent with the original consent and surrounding development maintaining the approved height and number of storeys.

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 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.

View impacts

The Applicant provided computer generated images (CGIs) to compare the approved building massing with that proposed under the modification application. The following view analysis diagram demonstrate the impact of the proposed modifications upon the view from 71-73 Spring Street Bondi Junction which is located to the south-east of the subject site and would have been adversely affected by the previous modification application for this site refused by the SECPP. **Figure 3** below demonstrates that the proposal will not result in loss of significant views from this property as the works are contained below the approved height.



Figure 3: Example of view impact from 71-73 Spring Street

A number of perspectives from surrounding buildings to the south, south-west and south-east of the site on the opposite side of Hegarty Lane were also provided which are shown in Drawing No. DA840 titled 'View Impacts – Hegarty Ln' (not repeated in this report). These images demonstrate that the modifications will not result in any greater impact upon views from surrounding properties than the approved development.

The building most likely to be impacted by the increased FSR and subsequent extension of the building toward the north is at the lower levels of 310-330 Oxford Street. As such greater detail was requested by Council which is shown in **Figures 4** and **5** below. These images demonstrate that although the envelope of the building extends to the north, this will not impact any further than the existing approval upon significant views.



Figure 4: 310-330 Oxford Street – North-East view (level 5 Unit 5)

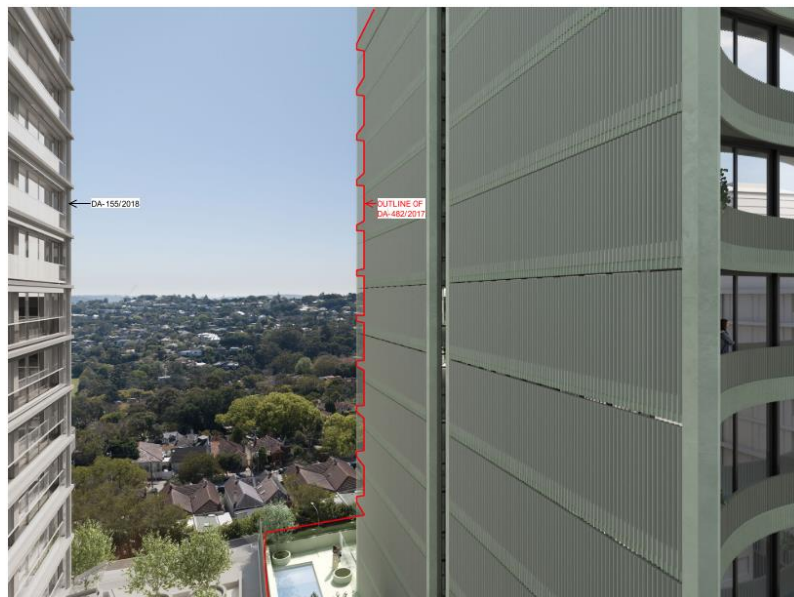


Figure 5: 310-330 Oxford Street - North to North-East view (level 11 Unit 1)

Privacy

The proposed modifications will not result in any greater impact than the approved building as outlined in detail in this report.

Given the above detailed analysis in regard to amenity impacts, the proposal is considered to be consistent with objective (d) and will not result in unreasonable additional amenity impacts upon surrounding properties.

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.

The following is a detailed discussion on any other provision of Waverley LEP 2012.

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 modified proposal has a high standard of architectural design with a mixture of materials and finishes which will contribute to the streetscape and the Bondi Junction area in general, given the prominence of the site. The proposed building continues to have an acceptable relationship with surrounding properties in terms of height, bulk, separation, setbacks, modulation, amenity and urban form.

The modified proposal has been considered against the matters outlined in clause (4) of the design excellence clauses of the LEP and is considered to exhibit design excellence.

Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022. Only the following parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 5, 6 and 7** of this report and detailed discussion below these tables.

Table 5: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none">Garbage bins are to be stored in an appropriate location.	Yes	The proposal has been amended twice since lodgement to address issues raised by Council's Waste, Cleansing and Fleet Manager in relation to the on-site pick up of garbage bins. Council's Waste Manager raised a number of issues regarding waste collection, location of the waste holding areas and recommended that the plans be amended to allow trucks to reverse into the site and leave in a forward direction due to manoeuvrability issues. The amended plans largely address the issues raised and allow the garbage trucks to reverse into the site and leave in a forward direction. Refer to Section 3 <i>REFERRALS</i> for discussion regarding the recommended conditions.
2. Ecologically Sustainable Development		The applicant states that the manufacturer of the mechanical car stacker has confirmed that it is EV

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes	<p>compatible and a notation to this effect has been included in the amended plans. Additionally, the following is noted:</p> <ul style="list-style-type: none"> Ceiling fans are shown in habitable rooms on the amended plans. Notations have been added to the amended plans to exclude gas for cooking and water heating. The amended plans have added 8 additional PV panels to the roof.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	There is currently very little vegetation on the site. As previously discussed, the proposal will increase trees on the site, with new trees on Grafton Street, on the podiums and at roof level as well as within the through-site link on the Hegarty Lane frontage. Landscaping is also proposed throughout the development.
5. Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
6. Accessibility and Adaptability	Yes	No request to alter existing conditions relating to accessibility is included in the proposed modifications.
7. Transport 7.2.2 Parking Rates 7.2.5 Motorcycle Parking <ul style="list-style-type: none"> <i>Resident: 26</i> 7.2.6 Bicycle Parking <i>Residential</i> <ul style="list-style-type: none"> <i>Resident: 63</i> <i>Visitor: 6</i> <i>Commercial</i> <ul style="list-style-type: none"> <i>Employees: 1</i> <i>Visitors: 3</i> <i>TOTAL: 73 bicycle spaces</i> 7.3 Loading Facilities 7.7 Car Share 7.8 Electric Vehicle Charging Points	Yes Yes Yes Yes Yes Yes	<p>Refer to detailed discussion regarding the vehicular parking rates and allocation following the tables in this report.</p> <p>The proposal provides six motorcycle spaces which is consistent with the original consent.</p> <p>The proposal provides 84 bicycle spaces which is more than the minimum requirement of DCP 2022 of 73 spaces. The bicycles are stored within two separate storage areas within the basement, one being for residential and one for commercial. Existing condition 36 is recommended to be amended to reflect the required rates of DCP 2022.</p> <p>The proposal retains the single loading space approved in the original consent.</p> <p>The proposal retains the single car share space approved in the original consent.</p> <p>The car stacker is capable of accommodating electric car charging.</p>
9. Safety	Yes	Satisfactory

Development Control	Compliance	Comment
10. Public Art	Yes	The modified proposal includes a public art zone for a freestanding sculpture adjacent to the through-site link on the Hegarty Lane frontage.
11. Design Excellence	Yes	Satisfactory
15. Public Domain	Yes	Satisfactory

Table 6: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.5 Building design and streetscape		
<ul style="list-style-type: none"> <i>Respond to streetscape</i> <i>Sympathetic external finishes</i> 	Yes	The proposal incorporates an articulated façade with balconies and a mix of solid and non-reflective surfaces. Landscaping is proposed around the podium level and will contribute to the streetscape. As previously discussed throughout this report, the modified development will be consistent with the desired future character and the surrounding context.
2.8 Pedestrian access and entry		
<ul style="list-style-type: none"> <i>Entry at street level and respond to pattern within the street</i> <i>Accessible entry</i> <i>Separate to vehicular entry</i> <i>Legible, safe, well-lit</i> 	Yes	The pedestrian entry to the residential apartments is from Grafton Street and from Hegarty Lane. Both entries are at street level, accessible, separate to the vehicular entry, legible and safe.
2.9 Landscaping		
<ul style="list-style-type: none"> <i>Comply with part B3-Landscaping and Biodiversity</i> <i>Minimum of 30% of site area landscaped</i> <i>50% of the above is to be deep soil</i> 	N/A	<p>The proposal cannot comply with the control as the building footprint controls in part E1 of the DCP do not support the requirements for deep soil planting.</p> <p>The modified proposal provides 135m² of landscaped planters at the roof level. Deep soil is provided to the through-site link on Hegarty Lane however given this will be largely paved for public use, only a small portion would be considered landscaping. Notwithstanding, eight trees are to be provided within this area contributing to the appearance of the through-site link and the laneway streetscape.</p> <p>The podium levels on Grafton Street and Hegarty Lane also include perimeter planters for landscaping amounting to 22m².</p>

Development Control	Compliance	Comment
2.12 Vehicular access and parking		
<ul style="list-style-type: none"> • <i>Car parking to be integrated into the design of the development</i> • <i>Max 1 x 2 way vehicle access point</i> • <i>Provided from secondary street or lane</i> • <i>Pedestrian safety considered</i> 	Yes	The vehicular entrance continues to be provided from Grafton Street, consistent with the approved development, however it has been relocated within this frontage. The access point is separate to the pedestrian access to the building and is two-way.
2.14 Views and view sharing		
<ul style="list-style-type: none"> • <i>Minimise view loss through design</i> • <i>Views from public spaces to be maintained</i> 	Yes	<p>A View Analysis taken from various surrounding buildings has been provided with the application which indicates that the additional view impacts will not be unreasonable. The views achieved from properties to the rear of the site are already impacted by the existing compliant development. The additional floor space will not result in any greater impact upon significant views from surrounding properties than the approved development. The proposed modifications extend slightly further toward the front of the site (Grafton Street) however the view analysis diagrams indicate that only views of sky will be impacted.</p> <p>Views have been discussed previously in this report.</p> <p>No known significant views from the public domain will be impacted.</p>
2.15 Visual privacy and security		
<ul style="list-style-type: none"> • <i>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</i> • <i>Privacy be considered in relation to context density, separation use and design</i> • <i>Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development</i> 	Yes	<p>Visual privacy has been discussed previously in this report.</p> <p>The apartments within the development have been designed to face away from the properties either side of the site with privacy screening inhibiting privacy impacts.</p> <p>As previously discussed, at the rear there are sufficient separation distances to ensure no unreasonable privacy impacts given the density of the area.</p> <p>The communal roof terrace is located on the northern side of the building and is separated by adjoining residential towers by a sufficient distance to ensure no unreasonable visual and acoustic privacy impacts.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Roof tops a may be used to meet communal open space requirements 		
2.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	<p>The proposal has been designed to achieve a reasonable level of acoustic privacy within the development.</p> <p>The Acoustic Report also makes recommendations for addressing noise generated by the development itself. The Acoustic Report is referenced in the conditions contained in Appendix A.</p>
2.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures Outdoor Communal clothes drying area to be provided Plant rooms away from entry communal and private open spaces and bedrooms. Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge. 	Yes	<p>The services are largely contained within the basement carpark. The service areas are integrated into the design. The building services on the roof are set back from the edges of the building to reduce visibility from the public domain.</p>

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

Development Control	Compliance	Comment
1.2 Urban form		
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

Development Control	Compliance	Comment
		<p>above the podium base. The modified development continues to exhibit design excellence.</p> <p>The proposal retains the approved podium heights to both Grafton Street and Hegarty Lane.</p>
1.3 Building Use		
<ul style="list-style-type: none"> Grafton Street is a secondary street Retail and commercial frontages are encouraged along laneways where possible 	Yes	The modified proposal retains the commercial uses on Grafton Street at the ground and first floor levels. Commercial uses are also retained addressing the through-site link and on Hegarty Lane to activate the laneway.
1.4 Access and movement		
1.4.1 Arcades, through-site links and squares	Yes	The proposal continues to provide a through-site link from Grafton Street to Hegarty Lane.
1.4.2 Vehicular and service access to lots	Yes	The approved vehicular access from Grafton Street has been relocated to the east along this frontage. This is considered acceptable.
1.4.4 On-site parking	Yes	The modification application retains the approved car stacker. The approved development makes a feature of the stacker on the Hegarty Lane frontage; however, the proposed modifications seek to conceal the stacker behind aluminium louvres integrating the parking into the design of the building. This is considered to be an improved outcome for Hegarty Lane.
1.7 Active street frontages		
	Yes	The modified proposal retains active street frontages on Grafton Street and to the through-site link on Hegarty Lane.
1.8 Building Orientation		
<ul style="list-style-type: none"> <i>Podiums to address the street</i> <i>Tower forms to front and rear</i> <i>Bathroom, laundry & ancillary windows to side boundaries</i> 	Yes	The orientation of the modified building is consistent with the approved development. The podiums continue to address both Hegarty Lane and Grafton Street, maintaining a generally similar height as the approved development. The main living area windows are orientated toward the front and rear with non-habitable and bedroom windows generally contained on the side elevations.

Development Control	Compliance	Comment
1.9 Street alignment		
<ul style="list-style-type: none"> <i>A continuous street frontage is to be provided.</i> <i>Developments are to have front building elevations built to the street alignment to 6 storeys.</i> <i>Towers are to be setback a minimum of 6m from the street wall and parallel to the street boundary</i> 	Yes	<p>The proposal maintains a continuous street frontage on Grafton Street up to six storeys.</p> <p>The tower is generally consistent with the front alignment of the approved building with only minor variation to the 6m front setback control at the outer edges of the scalloped balconies.</p>
1.10 Separation distances		
<p><i>To residential buildings</i></p> <ul style="list-style-type: none"> <i>Level 1-5 – 12m</i> <i>Level 6 and above – 24m</i> <p><i>To commercial buildings</i></p> <ul style="list-style-type: none"> <i>Level 1-5 – 9m</i> <i>Level 6 and above – 18m</i> 	No	<p>The ADG specifies separation distances from side and rear boundaries and this has been discussed previously in this report.</p> <p>The proposal marginally encroaches on the minimum 12m separation from podium windows/balconies to the properties opposite on Hegarty Lane at 11.142m. However, this encroachment is contained to the eastern side of the podium opposite the commercial building at 332-342 Oxford Street where the DCP requires only 9m separation from commercial premises. The encroachment is only for one window to a single studio apartment on each of the three levels with the remainder being to the car stacker. The western half of the Hegarty Lane frontage achieves separation distances greater than the minimum requirement.</p> <p>The DCP requires that the tower achieve a separation distance of 18m to commercial buildings and 24m to residential. The majority of the Hegarty Lane frontage is located opposite a commercial building at 332-342 Oxford Street and the eastern corner of the mixed use building at 310-330 Oxford Street. Given the boundary straddles two properties with different uses and different separation distance requirements, the proposed modification seeks separation distances ranging from 18.699m to 19.221m. Given that the tower adjoins only the outer edge of the corner of the residential tower at 310-330 Oxford Street, 18m is considered acceptable. It is</p>

Development Control	Compliance	Comment
		<p>also noted that the proposal provides only narrow balconies accessed via bedrooms to the rear elevation opposite 310-330 Oxford Street.</p> <p>Bedrooms are low use rooms with fewer privacy impacts than high use areas such as living rooms and as such the variation is considered acceptable.</p>
1.11 Side and Rear boundary setbacks		
<ul style="list-style-type: none"> • <i>Side boundaries: Avoid orienting living areas to the side boundaries where possible.</i> • <i>The block edge building form is to be orientated generally to the front and the rear boundaries.</i> • <i>Rear boundary – distance separation controls to be met</i> 	Yes	<p>The ADG specifies separation distances from side and rear boundaries and this has been discussed previously in this report.</p> <p>Also as previously discussed, the modified proposal generally aligns with the approved in terms of front, rear and side setbacks. There are minor encroachments in some part on the approved footprint of the both the podium and the tower however, as discussed, these variations are considered to be appropriate and unlikely to unreasonably impact upon the privacy of surrounding properties.</p>
1.12 Building footprint		
	Yes	<p>The proposal retains the commercial uses to the ground and first floor levels of the podium fronting Grafton Street.</p> <p>The modified proposal achieves access to daylight and cross ventilation through the use of setbacks and recesses. The division of the tower into two slender towers separated by the residential lobby at the rear results in light and ventilation to the internal lobby areas on each floor.</p>
1.16 Building Elevations		
<ul style="list-style-type: none"> • <i>Architecturally designed and contribute to the street in which they are located.</i> • <i>Incorporate principles of passive design</i> 	Yes	<p>The facades of the building are articulated with openings and screening to respond to the context. Unlike other buildings in Bondi Junction, the site is exposed to road noise as well as the tunnel underneath. Recommendations are in the noise report to address these issues and this condition is retained as part of the modification application.</p>

Development Control	Compliance	Comment
1.19 External Living Areas		
<ul style="list-style-type: none"> • <i>External living area is to be screened to achieve visual privacy if located less than 4m from a side boundary</i> • <i>The rooftops of developments can be used to provide external living areas.</i> • <i>Detail and design balconies or terraces in response to the local climate and context</i> 	Yes	The development provides sufficient external living areas to adequately address the Apartment Design Guide which supersedes this DCP.
1.20 Wind Mitigation		
<ul style="list-style-type: none"> • <i>Wind study required for over 5 storeys UNLESS a wind tunnel study is required</i> • <i>Buildings > 9 storeys, wind tunnel study is required</i> 	Yes	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. A condition is recommended to reference the addendum.

The following is a detailed discussion of the issues identified in the compliance tables above in relation to Waverley DCP 2022.

Parking

The total number of parking spaces provided within the development is to be reduced from 78 (approved) to 72 spaces. However, given that the number of apartments is proposed to be reduced from 78 to 63, the maximum parking rate will vary from the original consent.

At the time of approval of the original application, the *RMS Guide to Traffic Generating Development* (RMS Guide) applied. The RMS rates are a **minimum** requirement however the approved development provided more than the minimum required spaces and the additional three spaces were allocated to the commercial uses. It should be noted that the original consent erroneously applied the incorrect rates within the RMS Guide, instead applying the higher rate of *Metropolitan Sub-Regional Centres* rather than the *Metropolitan Regional (CBD) Centres*. Notwithstanding this error, those rates are now approved and are retained for the approved apartments unchanged by this modification.

Waverley DCP 2022 now applies maximum rates which are less with the minimum rates of the *RMS Guide to Traffic Generating Development* that applied at the time of the original consent. Given that the ADG design criteria for parking requires that the minimum car parking requirement for residents and visitors is set out in the *Guide to Traffic Generating Developments*, or the car parking requirement

prescribed by the relevant council, whichever is less, Waverley DCP 2022 applies to the modifications. In this regard, the rates contained in Waverley DCP 2022 have been applied only to the modifications to the apartment mix and the original rate under the RMS guide applied to the originally approved apartments as set out in the table below:

Table 8: Parking rate comparison

Original consent	RMS rate applied to retained apartments	WDCP 2022 rates applied to modified apartments
<u>Residential spaces:</u> Studio - 10 x 0 units = 0 1 bed - 0.6 x 25 units = 15 2 bed - 0.9 x 30 units = 27 3 bed - 1.4 x 13 units = 18 TOTAL = 60 spaces	<u>Residential spaces:</u> Studio – 0 x 3 units = 0 1-bed – 0.6 x 25 units = 15 2-bed – 0.9 x 9 units = 8 3-bed – 1.4 x 13 units = 18 TOTAL = 41 spaces	<u>Residential spaces:</u> Studios – nil parking/no change 1-bed – no change 2-bed – 21 less units 3-bed – 1.2 x 13 units = 16 TOTAL = 16 spaces
<u>Visitor spaces:</u> (1 per 5 units) 78/5 = 16 spaces		<u>Visitor spaces:</u> (1 per 7 units) 63/7 = 9 spaces
<u>Commercial spaces (475m²):</u> (Min: Nil; Max: 9 spaces) Consent requires 3 spaces	<u>Commercial spaces (475m²):</u> 3 spaces	<u>Commercial spaces (641m²):</u> Applying the DCP 2022 rate to the additional 166m ² results in the following additional spaces: Min: 0 Max: 3

As outlined in **Table 8**, the maximum parking rate for the existing apartments is 41 spaces and the modified apartments is 16 spaces, therefore the total residential spaces is 57. As such, condition 111 relating to car parking allocation is recommended to be amended as follows:

- maximum of 57 residential spaces
- minimum of 9 visitor spaces
- maximum of 6 commercial/retail spaces
- it is noted that the proposal also provides a car share space and a loading space located outside of the stacker which are to remain.

The applicant has sought consent for a reallocation of parking spaces to provide only 5 visitor spaces rather than the DCP requirement of 9 with the remainder being allocated to residential apartments. This is not considered acceptable given that the proposal is compliant with the maximum applicable parking rates of the DCP and there is no justifiable reason to support this variation.

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 18 July to 10 August 2023 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 amendments were predominantly internal and related to the basement.
- The amendments related to documentation for Council's assessment.

One unique submission was received from 803W, 310 Oxford Street BONDI JUNCTION.

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

- view impacts
- façade/elevation design
- character of the area.

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

Issue: Loss of property value.

Response: This is not a planning matter.

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 referral comments were sought:

3.1. Waste Management

The basement level has been amended twice during the assessment to address concerns raised by Council's Waste Manager. The following comments were provided in regard to the final amended plans:

Additional access to the waste holding room is required to manoeuvre bins for servicing and exchanging bins to the chute. Ideally a ramp or lift to the air lock where a line of empty bins could be accessed for the chute. Full bins could then be wheeled to the rear of the room near an access point near the water meter. As bins are double stacked no room has been allowed for manoeuvring of bins.

The bulky waste room should be relocated to the loading dock also for ease of servicing.

A bulky/problem waste storage for the commercial premises has not been provided.

Conditions have been included in **Appendix A** in relation to the number of bins and the required bulky storage under the provisions of the DCP. Additionally, the approved Waste Management Plan specifies details of the waste caretaker role in regard to transporting bins. A further condition requires the submission of a Waste Plan of Management to address waste management. The waste storage and collection proposed is considered appropriate for this site given that the site is contained over railway tunnels with limited opportunities for further excavation.

3.2. Traffic and Development

Amendments to the existing conditions were recommended which are included in **Appendix A** where consistent with the discussion regarding allocation of parking/bicycles within Section 2.2.1 of this report.

3.3. Stormwater

Recommended changes to existing conditions are included in **Appendix A**.

3.4. Strategic Planning

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

3.5. Tree Management

No changes to the existing conditions were recommended.

3.6. Urban Design

No comments were provided.

3.7. Public Domain



Comments were provided in regard to the overhanging awnings to the podium on the Grafton Street elevation. These were deemed minor encroachments that do not result in any loss of public amenity or safety. The awnings are consistent with the public domain provisions of the DCP.

3.8. Land Information (GIS)

No change to the existing street numbering condition is recommended.

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 by:
	
Kylie Lucas	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment
Date: 01/11/2023	Date: 1 November 2023

Reason for SECPP referral:

The consent authority for the original development application was the WLPP, this modification is made under section 4.55(2) of the Act and relates to:

1. Departure from any development standard in an EPI by more than 10%

OFFICE USE ONLY

Affordable Rental Housing Units? *This is a planning portal reporting requirement	No
Secondary Dwelling *This is a planning portal reporting requirement	No
Boarding House *This is a planning portal reporting requirement	No
Group Home *This is a planning portal reporting requirement	No
Trial Period database entry required	No
PA submitted – follow up actions required	Yes
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

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 ~~Cottee Parker JPRA~~ **Smart Design Studio** including the following;

Drawing No.	Drawing Name	Drawing Revision & Date	Drawing (Plot) Date received by Council
DA0000	COVERPAGE		26/10/18
DA1100	Site Plan	B 01/08/18	07/12/18
DA2100	Lower Ground Floor Plan	E 01/04/19	03/04/19
DA2101	Upper Ground Floor Plan	E 01/04/19	03/04/19
DA2102	Level 1 Plan	E 01/04/19	29/03/19
DA2103	Level 2 Plan	E 01/04/19	29/03/19
DA2104	Level 3 Plan	E 01/04/19	29/03/19
DA2105	Level 4 Plan	E 01/04/19	29/03/19
DA2106	Level 5 Plan	F 02/04/19	02/04/19
DA2107	Level 6 Plan	D 01/04/19	29/03/19
DA2108	Level 7 Plan	D 01/04/19	29/03/19
DA2109	L8, L10, L12, L14, L16 Plans	D 01/04/19	29/03/19
DA2110	L9, L11, L13, L15 Plans	D 01/04/19	29/03/19
DA2111	Level 17 Plans	E 29/04/19	29/04/19
DA2112	Roof Terrace Plan	G 29/04/19	29/04/19
DA2113	Plant Level	D 22/11/18	07/12/18
DA2114	Roof Plan	B 22/11/18	07/12/18
DA2200	Section A	C 22/11/18	07/12/18
DA2201	Section B	D 01/04/19	29/03/19
DA2300	North Elevation	E 29/04/19	29/04/19
DA2301	South Elevation	F 29/04/19	29/04/19
DA2302	East Elevation	D 29/04/19	29/04/19
DA2303	West Elevation	D 22/11/18	07/12/18
DA2402	Unit Type Plans	E 29/04/19	29/04/19
DA2403	Unit Type Plans	D 01/04/19	29/03/19
DA2404	Adaptable Unit Type Plans	D 01/04/19	29/03/19
DA2405	Adaptable Unit Type Plans	D 01/04/19	29/03/19
DA2406	Adaptable Unit Type Plans	E 29/04/19	29/04/19
DA2407	Unit Type Plans	C 01/04/19	29/03/19
DA2408	Unit Type Plans	C 01/04/19	29/03/19
DA2409	Ventilation and Acoustic Slot Detail	B 01/04/19	29/03/19
DA9003	Building Setback and Building Separation	C 22/11/18	07/12/18
DA9004	Building Setback and Building Separation	C 22/11/18	07/12/18

DA9006	External Finishes North	C – 22/11/18	07/12/18
DA9007	External Finishes South	C – 22/11/18	07/12/18
DA9008	External Finishes West	C – 22/11/18	07/12/18
DA9009	External Finishes East	B – 22/11/18	07/12/18
DA9010	External Finishes Stencil Pre-Cast	B – 22/11/18	07/12/18
DA000	LEGEND, DRAWING LIST, SITE MAP	C – 22/09/2023	25/09/2023
DA001	SITE PLAN	B – 22/09/2023	25/09/2023
DA100	LG PLAN	D – 27/10/2023	30/10/2023
DA101	UG PLAN	D – 27/10/2023	30/10/2023
DA102	L01 PLAN	C – 22/09/2023	25/09/2023
DA103	L02-03 PLAN	C – 22/09/2023	25/09/2023
DA105	L04 PLAN	C – 22/09/2023	25/09/2023
DA106	L05 PLAN	C – 22/09/2023	25/09/2023
DA107	L06-16 PLAN	C – 22/09/2023	25/09/2023
DA118	L17 PLAN	C – 22/09/2023	25/09/2023
DA119	ROOF TERRACE	C – 22/09/2023	25/09/2023
DA120	PLANT LEVEL	C – 22/09/2023	25/09/2023
DA121	ROOF PLAN	C – 22/09/2023	25/09/2023
DA400	NORTH ELEV	D – 27/10/2023	30/10/2023
DA401	SOUTH ELEV	C – 22/09/2023	25/09/2023
DA402	EAST ELEV	C – 22/09/2023	25/09/2023
DA403	WEST ELEV	C – 22/09/2023	25/09/2023
DA404	MATERIALS BOARD	A – 18/05/2023	14/06/2023
DA450	SECT A	D – 27/10/2023	30/10/2023
DA451	SECT B	D – 27/10/2023	30/10/2023
DA460	BALUSTRADE SKETCH DETAILS	A – 18/05/2023	12/07/2023
DA461	SCREEN SKETCH DETAILS	A – 18/05/2023	12/07/2023
DA801	PROPOSED BLOCK PLANS	D – 27/10/2023	30/10/2023

AMENDED BY SYDNEY EASTERN CITY PLANNING PANEL 2/5/2019

- (b) Landscape Plans **L0X, L01, L02, L03 and L04, all Issue Q**, prepared by Umbaco, ~~Revision F~~, dated ~~14.12.18~~ **20/09/2023** and received by Council on **25/09/2023**;
- (c) BASIX and NatHERs Certificates ~~prepared by Windtech~~;
- (d) Acoustic Report by Acoustic Logic [Reference No. ~~20161621.1/2607A/R3/JL~~ **20230470.1/1205A/R0/AW**] dated ~~7 December 2018~~ **12/05/2023** and received by Council on **25/09/2023**;
- (e) Preliminary Soil Investigation Report prepared by CETEC Professional Scientific Solutions [Project no CN180814) dated August 2018;
- (f) Pedestrian Wind Environment Study prepared by Windtech - WC949-02F03(REV1)- WE REPORT dated 31.07.18 and WC949-04F01(rev0)- WS Memo dated 12.4.19; and **Wind Environment Memo [Doc Ref: WC949-10F02(rev0)-WS Memo] dated 09/05/2023 received by Council on 14/06/2023**;
- (g) ~~Site~~ **Waste Management Plan Report (SWRMP Ref: 23050182)** prepared by Senica ~~dated 26/10/2023~~ **dated 26/10/2023 and received by Council on 30/10/2023**;

- (h) Energy Efficient Report and Sustainability Initiatives, prepared by RENYI, dated August 2018 (to be updated by a condition within this consent);
- (i) **Traffic Assessment prepared by JMT Consulting dated 12/05/2023 and received by Council on 14/06/2023;**

Except where amended by the following conditions of consent. Note: References in this consent that refer to Council means 'Waverley Council' not the Principal Certifying Authority

AMENDED DA-482/2017/B

2. GENERAL MODIFICATIONS

~~(a) DELETED BY SYDNEY EASTERN CITY PLANNING PANEL 2/5/2019~~

~~*However drawings DA2113, DA2114 and DA1100 must be updated to reflect the amendments reflected in Level 17, drawing DA2111, Level 17, as endorsed by the Panel.~~

~~(b) The architectural plans as amended are to be stamped by the Accredited NatHERS assessor.~~

~~(c) The reference to the bin stand at the front of the site is to be deleted from the plans. All waste collection is to be from within the site.~~

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

DELETED DA-482/2017/B

35. WASTE AND ACCESS TO THE SITE

The height clearance for vehicular access to the site at the lower ground floor level shall be at least 3.8m to allow Council's residential waste collection vehicle to enter the building to collect waste on-site.

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

Confirmation that the lower ground level clearance levels will meet the requirement for ~~small~~ **heavy** rigid vehicle movements, as well as Council's Waste Collection Vehicle shall be submitted to Council's Manager, ~~Traffic and Development~~ **Waste, Cleansing & Fleet** for approval prior to the issue of the relevant Construction Certificate.

AMENDED DA-482/2017/B

36. BICYCLE PARKING

A minimum of At least 89 73 bicycle parking spaces are to be provided, allocated in the following manner:

- ~~78~~ **63** spaces for residents
- ~~8~~ **6** spaces for visitors
- ~~3~~ **4** 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.

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

AMENDED DA-482/2017/B

37. ON-SITE STORMWATER DETENTION DETAILS

The stormwater drawings do not comply with the Waverley Development Control Plan ~~2012~~ **2022** in reference to Waverley Council's Water Management Technical Manual (**October 2021**).

- On-Site Stormwater Detention (OSD) tank and its details are required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.
- A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in pages ~~22~~ **68-76** of Waverley Council's Water Management Technical Manual is required to be submitted to ~~Council~~ **the Executive Manager, Infrastructure Services (or delegate)** for approval.

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 **and approved** in accordance with the Waverley Development Control Plan ~~2012~~ **2022** - Part B prior to the issue of a Construction Certificate.

AMENDED DA-482/2017/B

48. WASTE STORAGE AREAS

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

- ~~Residential (weekly collection of general waste with compaction of 2:1 and fortnightly collection of recycling with no compaction)~~
 - ~~14 x 240L Mobile garbage bins (MGB)~~
 - ~~9 MGBs for container recycling~~
 - ~~9 MGBs for paper and cardboard recycling~~
 - ~~At least 2 extra MGBs – 1 MGB for excess waste and 1 MGB for garden organics should this type of waste be generated at the property~~
 - ~~Frequency of collection must be monitored to ensure that it is sufficient to meet the needs of the residential building. No overflowing bins or excess waste left on the ground is permitted. Increased frequency of collections may be required.~~
- ~~Commercial~~
 - ~~5 x 240L Mobile garbage bins~~
 - ~~5 x 240L MGBs for co-mingled recycling~~
 - ~~Extra space is required for the storage of milk and bread crates, cardboard and packaging.~~

- ~~○ Frequency of collections must be monitored to ensure that it is sufficient to meet the needs of the business. No overflowing bins or excess waste left on the ground is permitted. Increased frequency of collections may be required.~~
- ~~(a) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012 (Amendment 5). Waste and recycling storage rooms must be graded and drained to the sewer system and approved by Sydney Water.~~
- ~~(b) There must be at least two separate centralised waste and recycling storage rooms or areas, one for commercial waste and one for residential waste. Storage rooms must be self-contained and have separate keys and locking systems.~~
- ~~(c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).~~
- ~~(d) The development must have rooms or caged areas with a minimum volume 4m³ available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.~~
- ~~(e) The waste storage area must be equipped with taps supplying hot and cold water, mixed through a centralised mixing valve with a hose cock and fitted with an aerator to increase water efficiency and;~~
- ~~(f) The bin storage area must be adequately ventilated in accordance with National Construction Code and AS 1668;~~
- ~~(g) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.~~
- ~~(h) All new developments are to provide adequate storage for waste to accommodate future change of uses.~~

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

Residential:

- 10 x 660L MGB of waste (or 6 x 660L MGB if up to 2:1 compaction occurs)
- 26 x 240L MGBs (or 10x 660L) of paper and recycling and
- 26X 240L MGBS (or 10X660L) of plastics and containers would be required.
- A minimum of 11m² for on-site storage of bulky waste awaiting collection.
- All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

Commercial:

- 1 x 660L MGBs for general waste collected weekly or additional bins if commercial area is occupied by separate tenancies
- 1 x 660L MGBs for comingled recycling collected weekly additional bins if commercial area is occupied by separate tenancies

- Extra space for the storage of excess waste, bulk cardboard, and packaging.

AMENDED DA-482/2017/B

109. ~~WASTE AND RECYCLING STORAGE, MANAGEMENT AND COLLECTION—USE PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE~~

~~A waste management plan must be submitted to the satisfaction of the Council's Executive Manager, Sustainable Waverley and is 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 and demonstrate compliance with the following where relevant;~~

- ~~(a) The waste storage area is to be designed to prevent the spread of odour, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.~~
- ~~(b) For commercial premises, a suitable storage area affectively bunded for chemicals, pesticides and cleaning products is to be provided and a separate storage area for used and unused cooking oils suitably covered, bunded and drained to the sewer.~~
- ~~(c) For food premises, dry basket arresters are to be provided for floor wastes in the food preparation and waste storage areas.~~
- ~~(d) 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.~~
- ~~(e) For development including residential apartments, composting facilities onsite must be provided meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan. The management of the composting is the responsibility of the Body Corporate.~~
- ~~(f) Sufficient space must be allocated on site for the storage of reusable items such as crates and pallets.~~
- ~~(g) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.~~
- ~~(h) The path for bins between the waste and recycling storage area and the vehicle collection point must be free of steps and kerbs.~~
- ~~(i) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.~~
- ~~(j) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.~~
- ~~(k) The storage of bins on the kerbside on public land and kerbside (including temporarily for pick up purposes) is not permitted at any time.~~
- ~~(l) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.~~

~~(m) The operator of the business shall ensure that waste paper is recycled. In this regard, the operator shall make arrangements with the owner to transfer paper for recycling to the recycling room for removal by a recycling agent.~~

A Waste Management Plan must be submitted to Council's Executive Manager, Waste, Cleansing & Fleet (or delegate) and include including the following where relevant:

- (a) Updated information to reflect the approved plans.
- (b) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (c) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (d) The role and responsibility of managing composting facilities (if provided).
- (e) Clear signage identifying the different bin types and storage area for 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.
- (j) At no times shall bins be stored on the public domain (e.g. footpaths).

AMENDED DA-482/2017/B

111. CAR PARKING ALLOCATIONS

It is noted that the car stacker accommodates ~~79~~ **72** car parking spaces. The ~~following~~ spaces are to be ~~provided to reflect compliance~~ allocated as follows:

- (a) ~~maximum of 60~~ **57** residential parking spaces
- (b) ~~minimum of 16~~ **9** residential visitor parking spaces
- (c) ~~maximum of 3~~ **6** retail parking spaces
- (d) 1 loading bay
- (e) 1 car share space.

Prior to the issue of any occupation certificate, a management plan is to be submitted to the satisfaction of Council's Manager Transport and Development which details how these spaces will be managed between the various users in the car stacker.

AMENDED DA-482/2017/B

112. VEHICLE ACCESS

All vehicles entering and exiting the site shall do so in a forward direction at all times, **other than waste collection vehicles and removalist trucks.**

AMENDED DA-482/2017/B

B. New Conditions

6A. PLANNING AGREEMENT

- (a) 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-482/2017/B; and
 - (ii) Pay a monetary contribution amount of \$4,191,038 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.
- (b) 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
- (c) 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-482/2017/B

7. SYDNEY TRAINS CONDITIONS

- 7.17** Any documents submitted to Sydney Trains pertaining to compliance with Sydney Trains conditions imposed on previous iterations of this consent must be updated to reflect the development as modified under this consent identified as DA 482/2017/B. This information must be submitted to Sydney Trains for approval prior to the issue of a Construction Certificate or Modified Construction Certificate associated with this consent. (ADDED DA-482/2017/B)

37A. FLOODING REQUIREMENTS

A flood impact report shall be undertaken to demonstrate that the proposed development will not alter the existing overland flow behaviour in the event of the capacity of Council's stormwater infrastructure in Hegarty Lane being exceeded. The flood impact report shall be prepared by a suitably qualified and practicing engineer with experience in floodplain risk management (FRM) and two-dimensional flood modelling (using TUFLOW). The flood impact report should show critical information such as flood depths, flood velocities, flood hazards and flood extents. The flood impact report must include modelling and mapping of pre and post development conditions, an analysis of the results and recommendations to mitigate flood impacts if required, including supporting modelling of the proposed mitigation measures. The flood impact report must be submitted to the Executive

Manager, Infrastructure Services (or delegate) for approval prior to the issue of the Construction Certificate.

ADDED DA-482/2017/B

103A. CREATION OF POSTIVE COVENTANT FOR OSD

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater 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 Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

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 or use of the building. All associated costs shall be borne by the applicant.

ADDED DA-482/2017/B

103B. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, detention facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.
- (b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works, and basement pump-out facility 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. A copy of the aforementioned letter of certification must be submitted to Council.

ADDED DA-482/2017/B

130. WASTE CONTRACT

Commercial tenants must have a waste contract or waste agreement in place for the collection and management of waste.

ADDED DA-482/2017/B

131. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

ADDED DA-482/2017/B

132. ONGOING MAINTENANCE – STORMWATER DRAINAGE

Council will need to be provided with an OSD Maintenance Schedule that supports the routine maintenance activities. At a minimum, the detention facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

ADDED DA-482/2017/B

B. New Advisory Conditions

ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, 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 subject development.

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

(a) Architectural Plans prepared by Smart Design Studio including the following;

Drawing No.	Drawing Name	Drawing Revision & Date	Date received by Council
DA000	LEGEND, DRAWING LIST, SITE MAP	C – 22/09/2023	25/09/2023
DA001	SITE PLAN	B – 22/09/2023	25/09/2023
DA100	LG PLAN	D – 27/10/2023	30/10/2023
DA101	UG PLAN	D – 27/10/2023	30/10/2023
DA102	L01 PLAN	C – 22/09/2023	25/09/2023
DA103	L02-03 PLAN	C – 22/09/2023	25/09/2023
DA105	L04 PLAN	C – 22/09/2023	25/09/2023
DA106	L05 PLAN	C – 22/09/2023	25/09/2023
DA107	L06-16 PLAN	C – 22/09/2023	25/09/2023
DA118	L17 PLAN	C – 22/09/2023	25/09/2023
DA119	ROOF TERRACE	C – 22/09/2023	25/09/2023
DA120	PLANT LEVEL	C – 22/09/2023	25/09/2023
DA121	ROOF PLAN	C – 22/09/2023	25/09/2023
DA400	NORTH ELEV	D – 27/10/2023	30/10/2023
DA401	SOUTH ELEV	C – 22/09/2023	25/09/2023
DA402	EAST ELEV	C – 22/09/2023	25/09/2023
DA403	WEST ELEV	C – 22/09/2023	25/09/2023
DA404	MATERIALS BOARD	A – 18/05/2023	14/06/2023
DA450	SECT A	D – 27/10/2023	30/10/2023
DA451	SECT B	D – 27/10/2023	30/10/2023
DA460	BALUSTRADE SKETCH DETAILS	A – 18/05/2023	12/07/2023
DA461	SCREEN SKETCH DETAILS	A – 18/05/2023	12/07/2023
DA801	PROPOSED BLOCK PLANS	D – 27/10/2023	30/10/2023

AMENDED BY SYDNEY EASTERN CITY PLANNING PANEL 2/5/2019

(b) Landscape Plans L0X, L01, L02, L03 and L04, all Issue Q, prepared by Umbaco, dated 20/09/2023 and received by Council on 25/09/2023;

(c) BASIX and NatHERs Certificates;

(d) Acoustic Report by Acoustic Logic [Reference No. 20230470.1/1205A/R0/AW] dated 12/05/2023 and received by Council on 25/09/2023;

(e) Preliminary Soil Investigation Report prepared by CETEC Professional Scientific Solutions [Project no CN180814] dated August 2018;

(f) Pedestrian Wind Environment Study prepared by Windtech - WC949-02F03(REV1)- WE REPORT dated 31.07.18 and WC949-04F01(rev0)- WS Memo dated 12.4.19; and Wind Environment Memo [Doc Ref: WC949-10F02(rev0)-WS Memo] dated 09/05/2023 received by Council on 14/06/2023;

- (g) Waste Management Report (Ref: 23050182) prepared by Senica dated 26/10/2023 and received by Council on 30/10/2023;
- (h) Energy Efficient Report and Sustainability Initiatives, prepared by RENYI, dated August 2018 (to be updated by a condition within this consent);
- (i) Traffic Assessment prepared by JMT Consulting dated 12/05/2023 and received by Council on 14/06/2023;

Except where amended by the following conditions of consent. Note: References in this consent that refer to Council means 'Waverley Council' not the Principal Certifying Authority

AMENDED DA-482/2017/B

2. GENERAL MODIFICATIONS

DELETED BY DA-482/2017/B

3. 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.

4. ARCHITECT TO SUPERVISE DESIGN

A qualified designer 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).

5. 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. It is recommended that sufficient services for future sanitary facilities be provided to each tenancy to meet future requirements.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. 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.

6A. PLANNING AGREEMENT

- (d) The owner/applicant is to:
 - (iv) 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-482/2017/B; and
 - (v) Pay a monetary contribution amount of **\$4,191,038** prior to the issue of any Occupation certificate for the Development;
 - (vi) 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.
- (e) 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
- (f) 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-482/2017/B)

7. SYDNEY TRAINS CONDITIONS

In accordance with the letter of concurrence provided by Sydney Trains on 14 August 2018, prior to the issuing of a Construction Certificate the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- 7.1** Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements, as follows (but not limited to):
- (a) Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 - (b) Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor. These drawings shall also show the rain tunnel and the stratum lot located within Hegarty Lane.
 - (c) Drawings to include 1st and 2nd tunnel protection zones especially on all section drawings.
 - (d) 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, easements or stratum lots (including the stratum lot located within Hegarty Lane).
 - (e) Demolition plans including ground vibrations that are required to ensure that there are no adverse effects on rail tunnels, its operation and associated structures.
 - (f) Dilapidation survey report of the existing tunnel condition.
 - (g) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement/stratum lot and tunnel location.
 - (h) Clarification as to reasons why the analysis has been carried out using elastic parameters as elastic material will not fail and show yielding if occurring because of additional pressure due to ten storey building load.
 - (i) Provision of justification and reference of using 32.8 MPa modulus to simulate lining behaviour. Considering the age of rail tunnels that are about 45 years, Sydney Trains considers that long term modulus including creep effect should be used.
 - (j) Clarification as to whether numerical modelling has accounted for existing conditions of tunnel lining including defects such as crack, drainage conditions and support conditions determined by dilapidation survey as per cl 8.2 of ASA standard T HR CI 12051 ST.
 - (k) Provision of sensitivity analysis as per cl 8.3.2 of ASA standard T HR CI 12051 ST to ensure the predictions are not adversely affected by reasonable variations in input parameters and different conditions that can occur during all stages of construction activities.
 - (l) Numerical modelling to be revised to include geological features like bedding plane and typical joints used for Sydney sandstone to verify if the estimated predictions are not under estimated.
 - (m) The ESP drawings show rock bolts are present around the shoulder but have not been incorporated in the model as displacements are around 6mm. Clarification is required as to what happens if using lower bound parameters for sensitivity checks and displacements exceeds 10mm where rock bolts are present as per cl 9.1.3 of ASA standard T HR CL 12051 ST
 - (n) Vibration monitoring plan is to be provided that includes instrumentation and monitoring drawings including trigger levels, action plans and remedial measures.
 - (o) Details of all craneage and other aerial operations (and their anticipated loadings on the rail tunnels) for the development. These must comply with all Sydney Trains requirements.

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

- 7.2** Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group 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.
- 7.3** Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group 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.
- 7.4** 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.
- 7.5** No rock anchors/bolts are to be installed into RailCorp's property or stratum lot within Hegarty Lane.
- 7.6** Extreme care is to be undertaken during excavation and construction to prevent water from collecting on or adjacent to tunnels and to ensure that the water proofing of the tunnels is not damaged.
- 7.7** Unless advised by Sydney Trains in writing, the effect of construction induced settlement due to groundwater drawdown (potentially leading to track settlement) is to be avoided at all times.
- 7.8** The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
- Machinery to be used during excavation/construction.
 - If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.

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.

- 7.9** Prior to the issuing of a Construction Certificate or the commencement of works (whichever occurs first) the Applicant shall liaise with Sydney Trains to ascertain the need to enter into an Agreement for the proposed works with Sydney Trains and RailCorp. If deemed necessary by Sydney Trains the Applicant is to bear all Sydney Trains' and RailCorp's costs of entry into any Agreement required by these conditions. 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.
- 7.10** Sydney Trains, Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled 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 these conditions of 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.

- 7.11** Prior to the commencement of works and 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 submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- 7.12** Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement/stratum lot to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.
- 7.13** An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate 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 with the application for a Construction Certificate.
- 7.14** 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.
- 7.15** 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.
- 7.16** Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- 7.17** Any documents submitted to Sydney Trains pertaining to compliance with Sydney Trains conditions imposed on previous iterations of this consent must be updated to reflect the development as modified under this consent identified as DA 482/2017/B. This information must be submitted to Sydney Trains for approval prior to the issue of a Construction Certificate or Modified Construction Certificate associated with this consent. (ADDED DA-482/2017/B)

FEES

8. 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.

9. TREE PRESERVATION BOND

A tree protection plan for the protection of the Platanus and Koelreuteria street trees is to be submitted for the approval of Council's Tree Management Officer prior to the issue of any Construction Certificate for the development.

A bond of \$ 10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the Platanus acerifolia and smaller Koelreuteria paniculata street trees at the front of the property and newly planted street tree proposed towards the western boundary of the site.

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

10. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$180,000 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

11. 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.

FIRE SAFETY MATTERS

12. 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.

NOISE

13. 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.

14. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

Where there is a strong community reaction to noise associated with demolition, excavation and/or construction, Council may require respite periods by restricting the hours that the specific noisy activity can occur.

NOTE: If this is imposed, Council will take into account:

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

15. ACOUSTIC REPORT

A detailed acoustic report shall be prepared by a suitably qualified Acoustic consultant describing and assessing noise emissions from the mechanical plant and equipment associated with the development prior to the issue of the relevant Construction Certificate. The report must demonstrate compliance with Council's noise criteria and be submitted to Waverley Council for approval.

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 Construction Certificate.

17. 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 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.

18. MECHANICAL VENTILATION SYSTEMS

- (a) The building is 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 (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
 - (v) a statement that the service has been designed, installed and is capable of operating to the above standard.

CONSTRUCTION DETAILS

19. ARCHITECTURAL DETAILING

Prior to the issue of the relevant Construction Certificate which relates to any construction for the approved building (ie. permitting demolition works) further details are required to be submitted and reviewed by Council which address the following matters:

- (a) Details of the external materials and finishes and design details of all elements of the building façade, including materials for structures on the roof terrace.
- (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.
- (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

These details are to be submitted to the satisfaction of Council with a referral fee to be paid at the time of lodgement. Please contact Council's Duty Planner for a fee quote prior to submission. The Landscape Plan is also to be referred to Council for consolidated review.

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

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

20. FLOOR TO CEILING HEIGHTS

The construction certificate drawings must demonstrate 2.7m floor to ceiling heights for all habitable rooms in the residential components of the development.

21. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a qualified designer in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential 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 qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

22. PUBLIC DOMAIN WORKS

The following public domain works, required by virtue of the scale of the development, are to be provided at the applicant's expense and are not a component of any Planning Agreement:

- (a) Upgrade of footpath, kerb and guttering to entire frontage of Grafton Street and Hegarty Lane,

- (b) Provision on 1 tree pit and the planting of 1 street tree in this pit, along the frontage of Grafton Street.

The footpath and kerb and gutter across both frontages of the site are to be upgraded in accordance with the Waverley Public Domain Technical Manual. Detailed drawings of the works shall be prepared by a suitably qualified and experienced engineering professional and accompany the Public Domain landscape plans. The Public Domain landscape plans shall be prepared by an *Australian Institute of Landscape Architects* registered Landscape Architect and be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to any works being carried out on the public domain.

The detailed drawings and written specifications shall at minimum:

- (a) Include details and proposed locations of any street furniture and street trees
- (b) Display the reduced levels (RL's) at each access point into the building
- (c) Include details and specifications of paving including the materials used, the paving pattern, and jointing plans.
- (d) Show paving pattern and jointing plans being coordinated with the blinding slab
- (e) Show how it is proposed to identify the interface between the footpath area and paving within the site at the front and rear property boundaries.
- (f) Show 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.
- (g) Include cross-sections at set intervals which demonstrate a maximum 2% grade in the pedestrian pathway falling towards the road at all points across both frontages of the site
- (h) Include long section of the footpath showing the existing and proposed RLs
- (i) Show details of any transitions required beyond the boundaries of the site.
- (j) Show all stormwater gully pits on both street frontages being upgraded with new, precast lintels and galvanised steel grates.

The tree pit size, planting species and location are to be approved by the Council.

23. AWNING DETAILS

- (a) A continuous awning along the entire frontage of the site to Grafton Street and Hegarty Lane shall be provided for weather protection for pedestrians.
- (b) Awnings shall be a minimum of 4m above the footpath level and offset a minimum of 600mm behind the kerb.
- (c) Awning design shall match the building façade materials and finishes.
- (d) Awnings shall provide cut outs for to allow for existing and future tree growth for the street trees.
- (e) The support columns for the awning shall be constructed so as not to encroach forward of the property boundary.

Details to be submitted and approved by Council's Executive Manager, Building Waverley (or delegate) in consultation with the Executive Manager, Creating Waverley, prior to the issue of the relevant Construction certificate.

24. 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.

25. 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.

26. 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.

27. 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 a Construction Certificate.

28. 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 a 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.

29. 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.

30. 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.

31. ADAPTABLE HOUSING

At least 8 Adaptable dwellings are to be provided within the development. The number of adaptable dwellings provided is to comply with the requirements of accordance with the Waverley Development Control Plan 2012 and are to be certified to comply with the relevant Australian standards by an independent, suitably qualified person.

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

32. 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.

33. DILAPIDATION REPORTS

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

Please note the following:

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

TRAFFIC MANAGEMENT, PARKING AND VEHICULAR ACCESS

34. 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.

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 PREPATATION 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.

35. WASTE AND ACCESS TO THE SITE

The height clearance for vehicular access to the site at the lower ground floor level shall be at least 3.8m to allow Council's residential waste collection vehicle to enter the building to collect waste on-site.

This will allow for the removal of residential waste and recyclables from within the site as well as commercial waste collection vehicles and removalist trucks. Vehicles should enter in a reverse direction and drive out in a forward direction.

Confirmation that the lower ground level clearance levels will meet the requirement for heavy rigid vehicle movements, as well as Council's Waste Collection Vehicle shall be submitted to Council's Manager, Waste, Cleansing & Fleet for approval prior to the issue of the relevant Construction Certificate.

(AMENDED DA-482/2017/B)

36. BICYCLE PARKING

A minimum of 73 bicycle parking spaces are to be provided, allocated in the following manner:

- 63 spaces for residents
- 6 spaces for visitors
- 4 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.

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

(AMENDED DA-482/2017/B)

STORMWATER

37. ON-SITE STORMWATER DETENTION DETAILS

The stormwater drawings do not comply with the Waverley Development Control Plan 2022 in reference to Waverley Council's Water Management Technical Manual (October 2021).

- On-Site Stormwater Detention (OSD) tank and its details are required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.
- A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in pages 68-76 of Waverley Council's Water Management Technical Manual is required to be submitted to the Executive Manager, Infrastructure Services (or delegate) for approval.

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 and approved in accordance with the Waverley Development Control Plan 2022 - Part B prior to the issue of a Construction Certificate.

(AMENDED DA-482/2017/B)

37A. FLOODING REQUIREMENTS

A flood impact report shall be undertaken to demonstrate that the proposed development will not alter the existing overland flow behaviour in the event of the capacity of Council's stormwater infrastructure in Hegarty Lane being exceeded. The flood impact report shall be prepared by a suitably qualified and practicing engineer with experience in floodplain risk management (FRM) and two-dimensional flood modelling (using TUFLOW). The flood impact report should show critical information such as flood depths, flood velocities, flood hazards and flood extents. The flood impact report must include modelling and mapping of pre and post development conditions, an analysis of the results and recommendations to mitigate flood impacts if required, including supporting modelling of the proposed mitigation measures. The flood impact report must be submitted to the Executive Manager, Infrastructure Services (or delegate) for approval prior to the issue of the Construction Certificate.

(ADDED DA-482/2017/B)

ENERGY EFFICIENCY AND SUSTAINABILITY

38. 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.

In particular, the trickle ventilation system proposed to provide natural fresh air into the residential apartments fronting Syd Enfield Drive to address wind and noise is to be verified, as recommended in the report, by a wind consultant using wind tunnel testing to ensure that those units facing Syd Enfield Drive can receive natural ventilation. The report should conclude that the system will satisfactorily ventilate the affected apartments within the development to comply with the National Construction Code. Should the testing require any amendments to the plans, a Section 4.15 modification application is to be submitted for assessment.

The results of the wind tunnel testing is to be provided to the satisfaction of Council's Environmental Health Officer prior to the issue of any Construction Certificate under the Environmental Planning and Assessment Act 1979.

39. 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 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*.

40. 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.

41. 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 the Construction Certificate.

42. 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 Construction Certificate.

43. 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 arrangements and costs are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

44. ENERGY ASSESSMENT REPORT

In accordance with Part B of the Waverley Development Control Plan 2012 (Amendment 5), any mixed use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. 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.

45. REFLECTIVITY REPORT

In accordance with Part E1 - Clause 1.23, a reflectivity report is to be submitted to which confirms that the development will comply with the following controls;

- (a) The development is to limit the use of large areas of glass in facades to a maximum of 60% of the façade surface area above ground level;
- (b) To minimise potential impact on pedestrians and occupants of neighbouring buildings all panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%. Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%;
- (c) Reflected solar glare on drivers should not exceed 500 candelas / m². A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).

Recommendations are to be incorporated into the construction certificate plans were necessary. 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 or the Council for approval prior to the issue of the relevant Construction Certificate.

46. STREET PLANTINGS – GRAFTON STREET

All work outside the property boundary are to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense. Such works shall comply with the following:

- (a) One street tree shall be planted in the footpath along the Grafton Street frontage of the site. The new street tree is to be *Koelreuteria paniculata* at a minimum pot size of 400 litres. A contract of supply of the tree is to be submitted to Council and planted prior to the issue of any Occupation Certificate.
- (b) The tree is to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip.
- (c) A consulting arborist is to submit specifications and design for tree pits for the street trees with the Construction Certificate for approval by Council's Strategic Tree Planning Officer. The design is to include measures to minimise tree root conflict with any adjacent services/infrastructure and the installation of a tree guard (Derwent - available from Arborgreen) installed to manufacturer's specifications.
- (d) The tree is to be planted at the location shown on landscape plan and be single trunked with a clean stem height of 1.5 metres and grown to Natspec standards. A qualified horticulturist, experienced in planting super advanced trees (minimum AQF Level 3) is to plant the tree in accordance with Waverley Council's Public Domain Technical Guidelines.
- (e) Any footpath restoration near the existing *Platanus* street tree is to incorporate porous paving for an area of 2.5 square metres around the base of the tree in accordance with Waverley Council's Public Domain Technical Manual.
- (f) Provide adequate drainage, with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm.

Details are to be submitted to Council for approval by Council's Strategic Tree Planning Officer prior to the issue of the relevant Construction Certificate.

47. AMENDED LANDSCAPING PLAN

An amended landscape plan is to be submitted to Council which incorporates the recommendations of the wind report and any other condition of this consent to ensure consistency.

The landscaping plan must address the following;

- (a) Screening planting to the balcony/courtyard area of unit 602 to level 4 is to be selected to grow to a mature height of 1.6m-2m to address privacy and overlooking to the adjoining site.

- (b) Comprise plants that are suitable for the site in relation to sun access, wind, views, overshadowing and other environmental conditions. Please refer to Annexure B2 – 1 for indigenous or local native plants to Waverley.
- (c) Utilise lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species. Seek suitable professional advice regarding appropriate soil depths and types.
- (d) The plants shall have a maximum maturity height of 200mm above the roof level, unless otherwise required by a wind report.
- (e) Plantings around the common open spaces and private open spaces must be irrigated and generally maintainable without requiring frequent access.
- (f) Provide adequate drainage and waterproofing for the species and volumes of plants and soil.
- (g) Provide appropriate methods for capturing, storing and treating run off from landscapes on structures for reuse on the site.
- (h) Consideration should be given to the strength of a waterproofing membrane through the following method:
 - a. Flood testing
 - b. Electrical filed vector mapping (EVFM)
 - c. Destructive testing.
- (i) The overall design of the must give regard to the approved wind report.
- (j) Sub-surface drip irrigators should be used to direct moisture to plant roots.
- (k) Irrigation should be provided from rainwater harvesting, treated grey water or treated black water is possible.
- (l) Proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

The above plan and relevant details are to be submitted and approved by Council's Executive Manager, Building Waverley (or delegate) in consultation with the Executive Manager, Open Space and Creating Waverley, prior to the issue of the relevant Construction certificate.

WASTE

48. 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 commercial components of the development:

Residential:

- 10 x 660L MGB of waste (or 6 x 660L MGB if up to 2:1 compaction occurs)
- 26 x 240L MGBs (or 10x 660L) of paper and recycling and
- 26X 240L MGBS (or 10X660L) of plastics and containers would be required.
- A minimum of 11m² for on-site storage of bulky waste awaiting collection.
- All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

Commercial:

- 1 x 660L MGBs for general waste collected weekly or additional bins if commercial area is occupied by separate tenancies
- 1 x 660L MGBs for comingled recycling collected weekly additional bins if commercial area is occupied by separate tenancies
- Extra space for the storage of excess waste, bulk cardboard, and packaging.

49. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

50. VERMIN AND RAT CONTROL

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

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

51. 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.

GENERAL MATTERS

52. TELECOMMUNICATIONS PROVISIONS

Prior to the issue of the 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.

53. 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

54. GENERAL SANITARY FACILITIES

Sanitary facilities shall be provided to the premises in accordance with the requirements of the Building Code of Australia. The use of future commercial tenancies will be determined based on the information provided by Steve Watson and Partners (job no.2016/0369) and dated 31 July 2018 and where adequate sanitary facilities are not provided, future uses may not be approved.

55. 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 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.

56. ADAPTABLE HOUSING

Eight apartments are to be provided as adaptable housing within the development, with at least 1 car space is to be allocated to each of these apartments.

Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards and the BCA. 16 apartments (20%) are to have universal design features as detailed in the Apartment Design Guidelines.

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

57. 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.

58. 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.

59. 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.

60. 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.

61. COMPLIANCE WITH SAFE WORK NSW

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

62. CONTAMINATED LAND

The "recommendations" as outlined in Section 8 of the Preliminary Soil Investigation Report prepared by CETEC Professional Scientific Solutions **[Project no CN180814]** dated August 2018 shall be implemented.

In this regard, the report recommends that an unexpected finds procedure is implemented for proposed demolition/construction works. If suspected soil contamination is unexpectedly discovered at a later date the following procedure should be applied:

- Stop work and in the area where the suspected soil contamination has been found
- Consult a competent person to assess the risk and test the suspect material
- Remediate the soil if required.

63. 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).

64. 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 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 Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (g) Records are to be retained on-site demonstrating lawful disposal of waste.
- (h) Easy vehicular access to waste and recycling material storage areas must be provided.

- (i) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (j) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

65. 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;

66. 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.

67. 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 400mm 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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 Environment Operations (Noise Control) Regulation 2000.

75. 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 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.

76. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

77. NATIONAL CONSTRUCTION CODE (NCC)

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

78. 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

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.

79. 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.

80. 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.

81. 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.

82. 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

83. 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.

84. STREET TREES TO BE RETAINED

The existing trees are to be protected for the duration of the construction works:

- (i) 1 x mature Plane tree (*Platanus x acerifolia*) - Situated at the front of the building on the footpath on the eastern boundary on the footpath.
- (ii) 2 x *Koelreuteria paniculata* trees - located on the footpath in front of the building.

Precautions shall be taken when working near trees 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.

No existing street trees shall be removed without Council approval. A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

PARKING AND VEHICULAR ACCESS

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. CAR SPACE DELINEATION

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

91. 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.

92. FINISHED LEVEL OF PAVING

Paving at the property boundary on the driveway and at pedestrian/tenancy entry points shall be finished level with Council's footpath.

93. 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.

94. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

95. 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.

96. 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 Sydney Trains property, easements or stratum lot. 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

97. 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.

98. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined throughout the acoustic report prepared by Acoustic Report by Acoustic Logic [Reference No. 20161621.1/2607A/R3/JL] dated 7 December 2018 shall be implemented.

A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to Council's Environmental Health Officer 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.

99. 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.

100. CERTIFICATION OF ALL MECHANICAL PLANT

All mechanical plant systems within the building are to comply with the National Construction Code and the relevant Australian Standards.

A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and provided to the satisfaction of the Principal Certifying Authority and the Council prior to the issue of the relevant Occupation Certificate. 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.

101. 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 qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

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

103. 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.

103A. CREATION OF POSTIVE COVENTANT FOR OSD

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater 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 Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

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 or use of the building. All associated costs shall be borne by the applicant.

(ADDED DA-482/2017/B)

103B. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE

(c) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, detention facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.

(d) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works, and basement pump-out facility 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. A copy of the aforementioned letter of certification must be submitted to Council.

(ADDED DA-482/2017/B)

104. SLIP TESTS OF COMMON AREAS

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

105. BONDI JUNCTION FSR AND MAPPING MODEL

In order to update Council's live floor space model and mapping system, prior the issue of a Final Occupation Certificate the following information is to be provided to the satisfaction of Council's 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.

106. 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.

107. PUBLIC DOMAIN WORKS COMPLETED

All footpath upgrades and public domain works (inclusive of the areas on the property adjacent to the ground floor setback areas) are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

If any defects are found in the public domain works completed by the applicant/developer within 12 months from the date of the any occupation certificate, these must be rectified by the applicant/developer to Council's satisfaction.

108. 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.

109. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Waste, Cleansing & Fleet (or delegate) and include including the following where relevant.

- (a) Updated information to reflect the approved plans.
- (b) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (c) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (d) The role and responsibility of managing composting facilities (if provided).
- (e) Clear signage identifying the different bin types and storage area for 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.
- (j) At no times shall bins be stored on the public domain (e.g. footpaths).

(AMENDED DA-482/2017/B)

110. PEST CONTROL

A Pest and Vermin Control Management Plan is to be implemented. Details of which are to be submitted to Council prior to the issue of an occupation certificate for any of the commercial/retail premises.

111. CAR PARKING ALLOCATIONS

It is noted that the car stacker accommodates 72 car parking spaces. The spaces are to be allocated as follows:

- (a) maximum of 57 residential parking spaces
- (b) minimum of 9 residential visitor parking spaces
- (c) maximum of 6 retail parking spaces
- (d) 1 loading bay
- (e) 1 car share space.

Prior to the issue of any occupation certificate, a management plan is to be submitted to the satisfaction of Council's Manager Transport and Development which details how these spaces will be managed between the various users in the car stacker.

(AMENDED DA-482/2017/B)

112. VEHICLE ACCESS

All vehicles entering and exiting the site shall do so in a forward direction at all times, other than waste collection vehicles and removalist trucks.

(AMENDED DA-482/2017/B)

112. PARKING

- (a) Ownership of car park lot spaces shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) Despite subclause (b) above, a maximum of two (2) residential units/dwellings shall be permitted to have no allocated car space.
- (d) 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.

113. PARKING PERMITS

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

114. 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.

115. 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.

116. LIGHTING

- (a) Sufficient lighting shall be installed to the underside of each street awning to adequately illuminate the footpath areas of Oxford Street and Spring Street directly in front of the subject site.

The lights are to be installed prior to the issue of an occupation certificate for the development.

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

117. PUBLIC THROUGH-SITE LINK WITHIN THE DEVELOPMENT

Prior to the issue of an Occupation Certificate for the use of the through site link the following shall apply;

- (a) The purpose of the link shall be public pedestrian access through the site during day light hours. The link shall be accessible to the public at least between the hours of **7.00am to 9.00pm**, seven days and at all times the retail premises are permitted to operate.
- (b) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to each entry.
- (c) Any future strata plan for the site shall be modified to identify a right of carriageway in respect to (a) prior to the issue of an Occupation Certificate or Subdivision Certificate for the development.
- (d) The link is to be maintained in a clean and safe condition by the Body Corporate of the building at all times.
- (e) The link shall be designed so as to allow for fire egress from the building in accordance with the provision of the Building Code of Australia.
- (f) Closure of the link to the public, other than allowed for by (a), requires Council's consent.

- (g) Dedicated areas for outdoor seating or the like within the through site link shall not be indicated on any future subdivision plan. Any proposal to utilise the through site link for outdoor seating shall be subject to development applications being submitted individually for the various commercial/retail tenancies.
- (h) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.
- (i) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.
- (j) The gates of the through site link are to remain open during the commercial operating hours associated with the retail areas on the ground floor. Outside of these hours the gates may be locked and provided with secure access (e.g. code/swipe access) to the occupants of the building.

118. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Body Corporate responsible for the retail component and through site link 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 through site link closes (that is, at least between the hours of **7.00am to 9.00pm**, seven days and at all times 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 of the through site link,
 - ii. the footpath immediately adjacent to the through site link, and
 - iii. all publicly accessible areas (other than toilets) of the through site link.
- (e) CCTV recordings must be retained for at least 30 days.
- (f) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the through site link 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 through site link is open 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

119. STREET NUMBERING

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

- No. 59 - primary address site number
- Grafton Street - primary address location.
 - alternative street entry point via Hegarty Lane

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 address numbering for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Grafton Street and the alternative street entry point Hegarty Lane.

- 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 LG01, Shop G01, Shop G02, Office G03.

The primary and sub premises numbers are to be positioned on the site 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.

120. MAIL BOXES

Mail boxes are to be provided within a secure area within the development prior to the issue of any Occupation Certificate.

E. OPERATIONAL CONDITIONS DURING OCCUPATION

121. 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.

122. 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.

123. 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.

124. CAR STACKER MAINTENANCE

The car stacker including all plant and equipment shall be regularly maintained by a suitably qualified expert to ensure that it remains effective.

125. 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.

126. AIR-CONDITIONING

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

127. 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.

128. 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.

129. WASTE CONTRACT

Commercial tenants must have a waste contract or waste agreement in place for the collection and management of waste.

(ADDED DA-482/2017/B)

130. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

(ADDED DA-482/2017/B)

131. ONGOING MAINTENANCE – STORMWATER DRAINAGE

Council will need to be provided with an OSD Maintenance Schedule that supports the routine maintenance activities. At a minimum, the detention facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

(ADDED DA-482/2017/B)

Advice to Applicant

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

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.

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.

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.

ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, 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 subject development.