



Report to the Sydney Eastern City Planning Panel

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-29
DA Number	DA-374/2019
LGA	Waverley Council
Proposed Development	Alterations and adaptive re-use of the Boot Factory building as a flexible community centre and alterations and additions to Mill Hill community centre building, with associated landscaping, signage and site consolidation of the two (2) lots that contain the Boot Factory and Mill Hill Community Centre buildings.
Street Address	17-33 Spring Street and 14-26 Ebley Street, Bondi Junction
Applicant/Owner	Waverley Council (Major Projects Division)
Date of DA lodgement	25 November 2019
Number of Submissions	Four (4) submissions received during the notification period.
Recommendation	That the application be granted a DEFERRED COMMENCEMENT consent subject to conditions.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Council related development over \$5 Million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP 55 – Remediation of Land • SEPP 64 – Advertising and Signage • Infrastructure SEPP 2007 • State and Regional Development SEPP 2011 • Waverley Local Environmental Plan (WLEP) 2012 • Waverley Development Control Plan (WDCP) 2012
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • DA Assessment Report • Architectural Plans, Elevations, Sections and Photomontage • Landscape Plan • Survey Plan • Statement of Environmental Effects • Plan of Management • Heritage Impact Statement • Copy of submissions
Summary of key submissions	<ul style="list-style-type: none"> • Heritage restoration • Adequacy of Community Facilities • Public domain interface • Pedestrian Connectivity • Access to Public Amenities
Report prepared by	Kate Bartlett, Consultant Planner (Mecone)
Report date	7 May 2020

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)?

Not Applicable

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

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

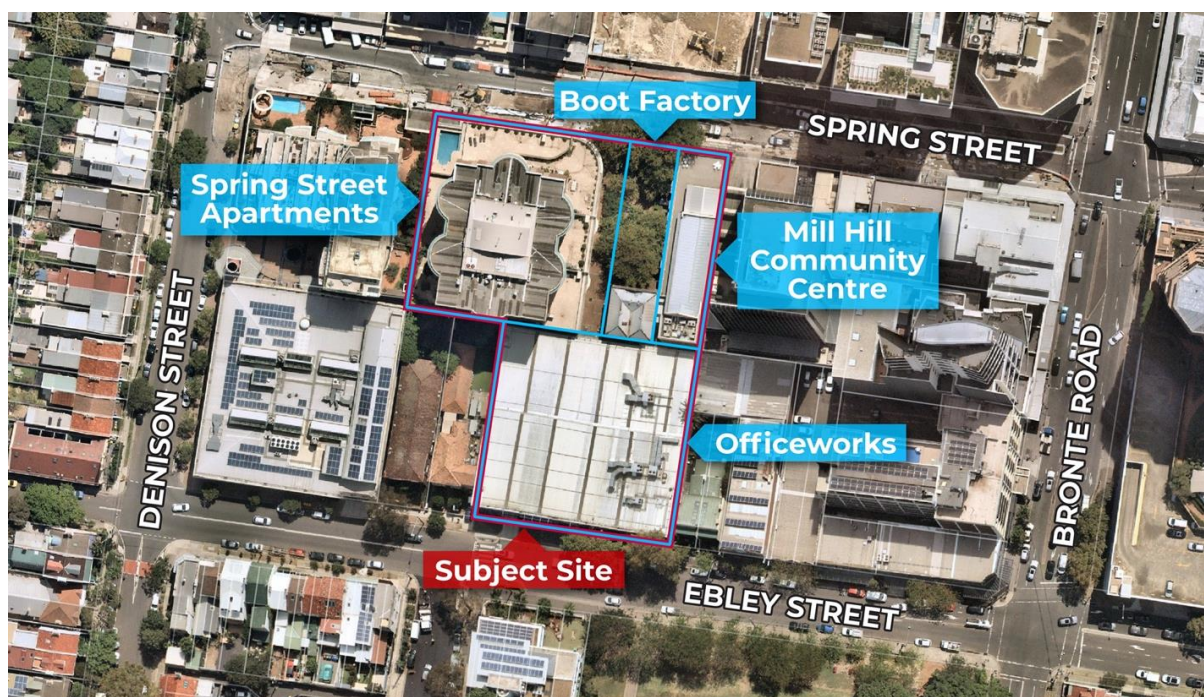
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report



Report to the Sydney Eastern City Planning Panel

Application number	DA-374/2019
Site address	17-33 Spring Street and 14-26 Ebley Street, Bondi Junction
Proposal	Alterations and adaptive re-use of the Boot Factory as a flexible community centre and alterations and additions to Mill Hill community centre, associated landscaping, signage and site consolidation.
Date of lodgement	25 November 2019
Owner	Waverley Council
Applicant	Waverley Council (Major Projects Division)
Submissions	Four (4)
Cost of works	\$5,309,732
Issues	<ul style="list-style-type: none"> • Heritage • Community Use • Site Contamination
Recommendation	That the application be granted a DEFERRED COMMENCEMENT CONSENT

Site Map



1. PREAMBLE

1.1 Executive Summary

The application seeks consent for the adaptive reuse of the Boot Factory building for a flexible community centre that will operate in connection with the existing Mill Hill Community Centre. The application also proposes alterations and additions to Mill Hill Community Centre to facilitate improvements to its internal layout and the delivery of a pedestrian connection to the Boot Factory building, as well as lot consolidation of these two (2) lots. The proposal also involves some minor demolition as well as landscaping, public domain improvements to Norman Lee Place (civic space at front) and infrastructure works.

The development complies with the relevant planning controls. The Boot Factory building is heritage listed (Schedule 5 of the Waverley Local Environmental Plan 2012) and the heritage impact to the fabric of this building, along with the adequacy of the proposed development for use as a community facility are key issues for consideration in the assessment of the application. Issues raised have been addressed through amended plans, via Deferred Commencement matters, recommended conditions of consent or are capable of being addressed under a future application for the detailed fitout of the facility.

Four (4) submissions were received during the notification period. The matters raised in the submission have been addressed within this report. The matters raised do not warrant refusal of the application.

Overall, it is considered that the application provides a unique opportunity to restore and adaptively reuse a heritage building that forms an important part of Waverley's history. The application will contribute to the expansion and improvement of the existing community facility and will provide a public benefit to the broader community.

Accordingly, the application is recommended for approval subject to a Deferred Commencement consent.

1.2 Site Analysis

A site visit was carried out on 6 February 2020.

The site is known as 17-33 Spring Street and 14-26 Ebley Street, Bondi Junction. The site is legally identified as:

- Lot 1 in DP 499536 (14-26 Ebley Street, Bondi Junction)
- SP43551 (17-12 Spring Street, Bondi Junction)
- Lot 6 Section A DP145 (27-39 Spring Street, Bondi Junction, known as the 'Boot Factory building')
- Lot 7 in DP 499650 (31-33 Spring Street, Bondi Junction, known as the 'Mill Hill Community Centre')

The site has a frontage to Spring Street of approximately 73m and Ebley Street of approximately 49m. The site is irregular in shape and has a combined site area of 5,984.36m² with a relatively flat topography.

The site comprises four (4) lots which each accommodate its own building. The proposed works primarily relate to the Council owned buildings located at 27-29 and 31-33 Spring Street that occupies

the northern portion of the site (comprising the Boot Factory and Mill Hill community centre buildings). The site area for this component of the site is 1200.4m².

The building known as the 'Boot Factory building' is a locally listed heritage item referred to as 'Item I236' under the Waverley Local Environmental Plan 2012. The historic building receives a frontage to Spring Street and is setback behind a civic space area known as Norman Lee Place. The building reaches three (3) storeys and its exterior comprises face-brick work. The building is currently unoccupied, boarded up due to its dilapidated state and in need of restoration work.

Mill Hill Community Centre is located at 31-33 Spring Street and occupies the western portion of the site. It is accessible from Spring Street and Norman Lee Place and currently operates as a community centre. It reaches three (3) storeys in height and features a red brick façade. A number of works are also proposed to this site in order to improve the connectivity and operation of the two community facilities and the application also proposes consolidation of this lot with the lot containing the Boot Factory.

The portion of the site located at 17-25 Spring Street contains a mixed-use residential building known as the 'Spring Street Apartments' and a portion of the public domain associated with Norman Lee Place. The development incorporates a three (3) storey podium with street level retail uses and commercial above. An eight (8) storey residential tower is positioned above the podium. Pedestrian and vehicular access is provided from Spring Street and Norman Lee Place.

To the south west, the site located at 14-26 Ebley Street contains a two (2) storey commercial building and is currently occupied by Office Works. Pedestrian and vehicular access is provided from Ebley Street.



Figure 1: Exterior of the Boot Factory building viewed looking south from Norman Lee Place



Figure 2: Mill Hill Community Centre building viewed looking east from Norman Lee Place.



Figure 1: The interior of the Boot Factory building



Figure 4: Norman Lee Place viewed looking north towards Spring Street where it adjoins the ‘Spring Street Apartments’.

1.3 Surrounding Development

The site is located within the Bondi Junction Centre and the surrounding development is characterised by a mix of shop top housing, residential and commercial buildings.

The adjoining development to the south west of Office Works consists of two (2) storey terrace houses. To the immediate south east on the other side of Office Works, the development consists of inter-war flat buildings that range in height from two (2) and three (3) storeys. To the immediate north east, the Mill Hill Community Centre building is adjoined by a commercial office building that provides retail uses at ground level. To the immediate north west, the ‘Spring Street Apartments’ adjoins a shop top housing development that includes a commercial podium with residential above.

The site to the north is subject to construction works to facilitate the delivery of the approved mixed use development under DA-498/2017. The development will deliver a through-site link that provides a connection from Oxford Street to Spring Street.

The surrounding development is illustrated from **Figures 5 – 8** below.



Figure 5: Site to the immediate north of Norman Lee Place where a through-site link will be delivered



Figure 6: Adjacent development site to the immediate north of Norman Lee Place



Figure 7: Inter-war flat buildings to the south west of the site (fronting Ebley Street)

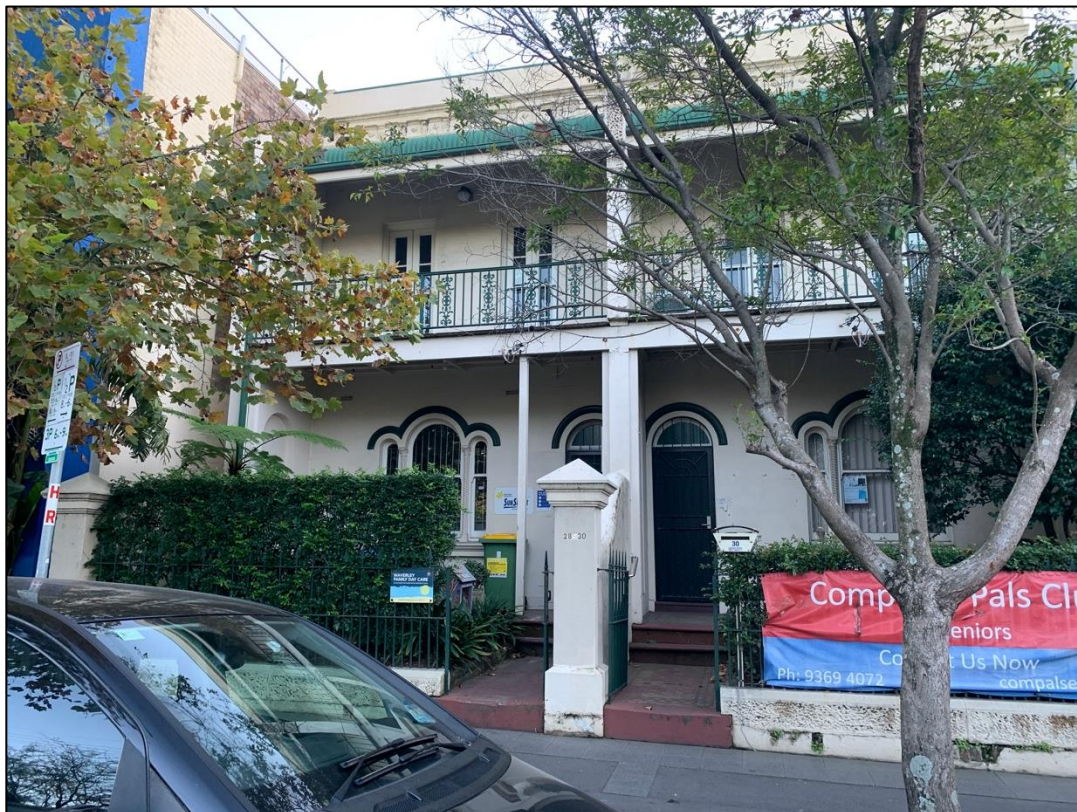


Figure 8: Inter-war flat buildings to the south west of the site (fronting Ebley Street)

1.4 Relevant History

There are no Development Applications of relevance to the subject site.

A Boot Factory building was constructed in 1892 and operated as a factory from 1892 to 1969. The building was left unoccupied until the early 1980s. The site was purchased by a private developer in 1979 and later sold to Waverley Council in 1982 who commissioned restoration works to the building's interior and exterior. Subsequently, the building was occupied by a number of community groups up until the 1990s when it was affected by a number of structural stability issues and was left unoccupied. In 2013 structural improvement works were undertaken. Notwithstanding, the site has remained vacant for a number of years.

The subject Development Application was lodged on the 25 November 2019 on behalf of Council to redevelop the site for a flexible community facility. The application was notified from 4 December 2019 to 3 January 2020. A total of four (4) submissions were received during this period.

A deferral letter dated 25 February 2020 was issued to the applicant requesting further information to facilitate the assessment. The applicant provided a written response to the request dated 30 March 2020. The applicant's response noted a number of minor changes to the scope of works, including the relocation of the fire services cabinet located adjacent to the Boot Factory building in the courtyard to the basement of the Mill Hill Centre building and the consolidation of the site (27-33 Spring Street, Bondi Junction) into a singular lot.

The amended application was re-notified from 14 April 2020 to 2 May 2020 to exhibit the amended plans and additional information.

1.5 Proposal

The application seeks consent for alterations and adaptive reuse of the Boot Factory building as a flexible community centre and alterations and additions to the Mill Hill community centre, upgrade of Norman Lee Place and associated landscaping and signage.

Details of the proposal are as follows:

Works proposed to 27-29 Spring Street (Boot Factory building and Mill Hill community centre site):

- Demolition of some internal walls and structures;
- Adaptive reuse of the Boot Factory building to facilitate its future use as a community facility;
- Internal and external alterations to both the Boot Factory and the Mill Hill community centre buildings;
- Inclusion of one (1) building identification sign on the northern elevation of the Boot Factory building above the primary entrance;
- Reinstatement of original signage associated with the Mill Hill community centre building on the northern elevation;
- Removal of two (2) trees within Norman Lee Place;
- External public domain works within Norman Lee Place;
- Associated landscape works; and

- The consolidation of Lot 7 in DP 499650 and Lot 6 Section A DP145 (relating to the Boot Factory building and Mill Hill community centre) to provide a singular lot.

Works proposed to 17-25 Spring Street (Spring Street Apartments site):

- Removal of three (3) trees within Norman Lee Place; and
- Demolition of existing structures within Norman Lee Place;
- Relocation of the stairs further westward along the southern boundary; and
- Associated landscape works and public domain works within Norman Lee Place.

Works proposed to 14-26 Ebley Street (Office Works site):

- Installation of public art along the southern boundary wall;
- Demolition of the stairs between the Boot Factory Building and southern boundary;
- Associated landscape works and public domain works within Norman Lee Place; and
- Public domain works.

2. ASSESSMENT

The following matters are to be considered in the assessment of this Development Application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Planning Instruments and Development Control Plans

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

- *State Environmental Planning Policy 55 – Remediation of Land (SEPP 55);*
- *State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64);*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Waverley Local Environmental Plan 2012 (WLEP);* and
- *Waverley Development Control Plan 2012 (WDCP).*

2.1.1 SEPP 55 Remediation of Land

A Detailed Site Investigation Report (ref no -SYDEN234007) has been carried out by Coffey Services Australia Pty Ltd and dated 30 April 2020 which concludes the site is not suitable for the proposed redevelopment but considers the site can be made suitable via the implementation of a strategy to remediate/manage the contamination encountered. Coffey recommends that a Remedial Action Plan (RAP) is developed that presents the preferred remedial strategy to manage contamination impacts identified and thereby make the site suitable for the proposed use.

The documentation has been reviewed by Council's Environmental Health Officer and subsequently, in order to satisfy the requirements of State Environmental Planning Policy No 55, additional documentation is required in the form of a Site Audit Statement (SAS) or initially a letter of interim

advice from an NSW EPA Accredited Site Auditor confirming the RAP is practical and will result in the site being suitable for the intended use.

Therefore, in order to satisfy the provisions of SEPP 55, a Deferred Commencement consent is recommended requiring this information prior to activation of the consent. Standard conditions are also imposed, to address the findings of this information, in the event that remediation is required.

2.1.2 SEPP 64 Advertising and Signage

The DA seeks consent for two (2) business identification signs. Specifically, it seeks consent for the reinstatement of the signage located on the Mill Hill building. The signage will comprise two components, consisting of the building's address. The numerical component has a dimension of 200mm x 665mm whilst the text will have a dimension of 200mm x 4,170mm.

The signage associated with the Boot Factory building will be positioned above the primary northern entrance. The signage will have a dimension of 150mm x 1,600mm.

All signage will consist of open metal lettering. The signage will be affixed to the façades and will project forward. The signage is proposed to be backlit and will be illuminated in accordance with the relevant Australian Standards (AS 4282-2019). The proposed signage is shown in the figure below.

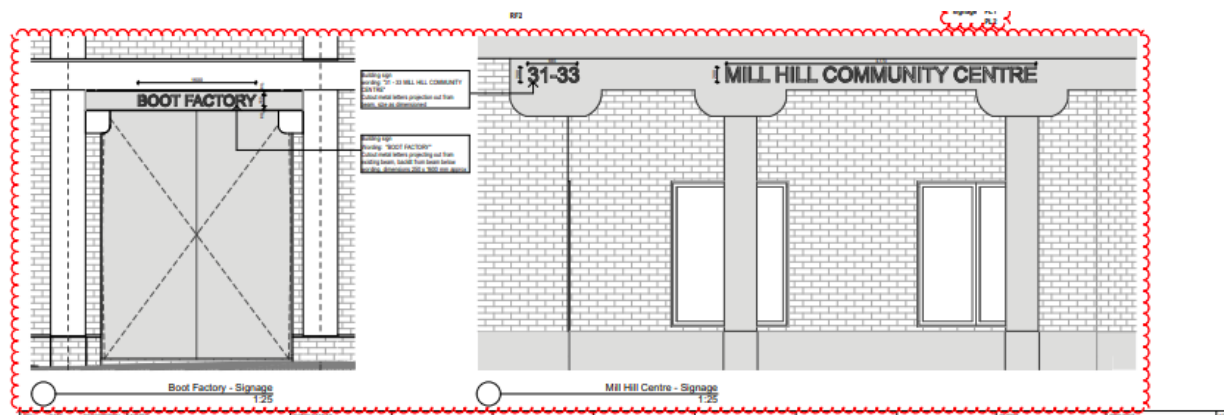


Figure 9: Adjacent development site to the immediate north of Norman Lee Place

In accordance with clause 8 of SEPP 64, the consent authority must not grant development consent unless it is satisfied that the proposed signage is consistent with the objectives of the SEPP and the assessment criteria set out under Schedule 1 of the SEPP.

Table 1: Assessment against Schedule 1 of SEPP 64

Assessment Criteria	Comments	Compliance
1 Character of the Area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located.	The proposed signage is to consist of open lettering of a metal materiality. The signage is unobtrusive in appearance and compatible with the architectural qualities of the site and heritage listed building.	Yes
2 Special Areas		

Assessment Criteria	Comments	Compliance
<p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The signage is contained within the building envelope and located above the entrances of the Mill Hill Community Centre building and the Boot Factory building. It will have no impact on the viewing rights of other advertisers nor will it obscure important views or impact the quality of vistas.</p>	Yes
<p>4 Streetscape, setting and landscape</p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The signage is appropriately scaled and will not dominate the façade or contribute to the appearance of visual clutter. The materiality is appropriate for the site's heritage fabric and will not detract from the architectural qualities of the Boot Factory and the Mill Hill Community Centre buildings.</p>	Yes
<p>5 Site and Building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The signage is appropriately scaled, limited to two (2) locations and consists of open lettering which will not appear visually dominant when viewed from the streetscape.</p> <p>The open lettering is sympathetic to the building's existing signage and will not detract from its heritage qualities.</p>	Yes
<p>6 Associated devices and logos with advertisements and advertising structures</p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral</p>	<p>The signage is proposed to be illuminated via backlighting and therefore will incorporate lighting devices.</p>	Yes

Assessment Criteria	Comments	Compliance
part of the signage or structure on which it is to be displayed?		
7 Illumination Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? If the illumination subject to a curfew?	The illumination will consist of backlighting. The illumination levels will be in accordance with the relevant Australian Standards (AS 4282-2019).	Yes
8 Safety Would the proposal reduce safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	All signage is small in scale and located a significant distance from the street. Consequently, it will have no impact on the safety of pedestrians. The proposed backlighting will enhance surveillance during the night-time period.	Yes

2.1.3 SEPP (State and Regional Development) 2011

The development is Council related development with a capital investment of more than \$5 million. It is therefore classified as regionally significant development under Schedule 7 of the *State and Regional Development SEPP 2011*. Accordingly, the application is referred to the Sydney Eastern City Planning Panel for determination.

2.1.4 SEPP (Infrastructure) 2007

The site is not identified as being within or immediately adjacent to a railway corridor. Therefore, consultation with Transport for NSW is not required, nor is an assessment against clause 85 and 86 of the SEPP. The site is not located on a classified road, therefore an assessment against clause 101 of the SEPP is also not required.

2.1.5 Waverley Local Environmental Plan 2012 (WLEP)

The relevant matters to be considered under the WLEP for the proposed development are outlined below:

Table 2: WLEP Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	<p>The proposal is considered to satisfy the aims of the Plan for the following reasons:</p> <ul style="list-style-type: none"> • It will expand and enhance the operations of an existing community facility in proximity to a range of complementary land uses in the Bondi Junction Centre (residential, commercial, mixed use etc.) and will provide needed services for the wider community. • The proposed use and adaptive reuse of the heritage item will reinforce Bondi Junction as a primary commercial and cultural centre by adapting and revitalising a piece of its significant heritage to provide an in-demand community use. • The alterations propose a minor increase to the height of the building. The perceived height of each building will remain unchanged and will continue to provide an appropriate height and scale. • The proposal will deliver a reinvigorated open space area, new recreational opportunities and a high quality community facility that will cater towards the needs of the local community. • The proposal conserves and reinvigorates an important piece of Waverley's built heritage.
Part 2 Permitted or prohibited development		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as a community facility which is permitted with consent in the B4 Mixed Use zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 32m 	Yes	The proposal is approximately 15.45m in height and complies with the maximum height of building development standard.
4.4 Floor space ratio <ul style="list-style-type: none"> • 4:1 	Yes	The maximum FSR of 4:1 applies to the site. The portion of the site identified as 27-33 Spring Street (comprising the Boot Factory and Mill Hill Community Centre buildings) are the sections of the overall site to which development (other than landscaping and

Provision	Compliance	Comment
		public domain upgrades) are affected by this clause. In this regard, the site area of this portion of the site (ie 27-33 Spring St) is 1,200.4m ² . The proposal seeks to increase the GFA from 1,500m ² to 1,506m ² . Based on a site area of 1,200.4m ² , the minor increase in FSR to 1.25:1 ensures the proposal remains compliant.
Part 5 Miscellaneous provisions		
5.10 Heritage Conservation	Yes	A Heritage Impact Statement was submitted alongside the Development Application. The proposed development satisfies this clause. Conditions will also be recommended to ensure restoration works to Boot Factory building are overseen by a Heritage architect.
Part 6 Additional local provisions		
6.1 Acid Sulfate Soils	NA	The site is not affected by Acid Sulfate Soils.
6.2 Earthworks	NA	The proposal does not seek consent for earthworks or excavation.
6.3 Flood planning	NA	The site is not located on land identified as being within a flood prone area on the 'Flood Planning Map'.
6.4 Terrestrial biodiversity	NA	The site does not relate to land identified as containing terrestrial biodiversity.
6.5 Active street frontages in the Bondi Junction Centre	Yes	The site relates to land identified as 'Active Street Frontage' on the Active Street Frontages Map. Further discussion is provided below.
6.7 Solar access to public spaces in Bondi Junction Centre	Yes	The proposal will not result in unacceptable overshadowing impacts. Further discussion is provided below.
6.9 Design Excellence	Yes	The site is subject to the provisions of clause 6.9 of the WLEP. Further discussion is provided below.

Heritage

The site contains a locally listed heritage item (I236) known as the 'Boot Factory building' located at 27-29 Spring Street. The proposal seeks to adaptively reuse this building for a community facility by undertaking a range of external and internal alterations, including restoration works.

The applicant has submitted a Heritage Impact Assessment which has been reviewed by Council's Heritage Architect. It is concluded the proposed works are supportable subject to the adoption of the recommendations, including the preparation of a Heritage Interpretation Plan at the detailed design phase.

Active Street Frontages

Clause 6.5 of the WLEP requires that an active street frontage be provided where a building is to be erected on the site or where there is a change of use.

The proposal does not relate to the erection of a new building. Further, the Boot Factory building has historically been used as a community facility by a number of local community groups. Accordingly, the proposal does not relate to a change of use. The requirement for an active street frontage therefore does not apply.

Design Excellence

Under clause 6.9 of the WLEP the site is identified as a 'key site' and proposes external alterations. In approving the development, a consent authority must give consideration as to whether the development exhibits design excellence and is consistent with the matters set out in Clause 6.9(4). The proposal has been reviewed by Council's Heritage Advisor who has provided overall support to the proposal on the basis that the alterations and additions will generally reflect the original elements of the Boot Factory building (i.e. the roof structure) and will restore it from its current dilapidated state to a functional use.

The public domain and landscaping works, including tree removal and planting, will improve the quality and amenity of Norman Lee Place. The proposed public domain embellishments, including concrete plinth and timber seating will improve the functionality of the space.

Supporting studies confirm that the proposal will not result in unacceptable environmental impacts with respect to impacts such as overshadowing, solar access, traffic and wind.

In light of the above, the proposal has been assessed against the matters set out in Clause 6.9(4) and it is concluded that it exhibits design excellence.

Solar Access

Clause 6.7 of the WLEP requires that additional overshadowing must not be provided at 12 noon during the Winter Solstice to Norman Lee Place, *'other than the shadow that would be generated by a notional wall, with a vertical height of 20m, located on the southern boundary of any lot that adjoins the northern alignment of Spring Street'*.

The shadow diagrams included in the Architectural Plans confirm that the proposal will provide no additional overshadowing to Norman Lee Place during the Winter Solstice at 12 noon, as shown in the figure below.

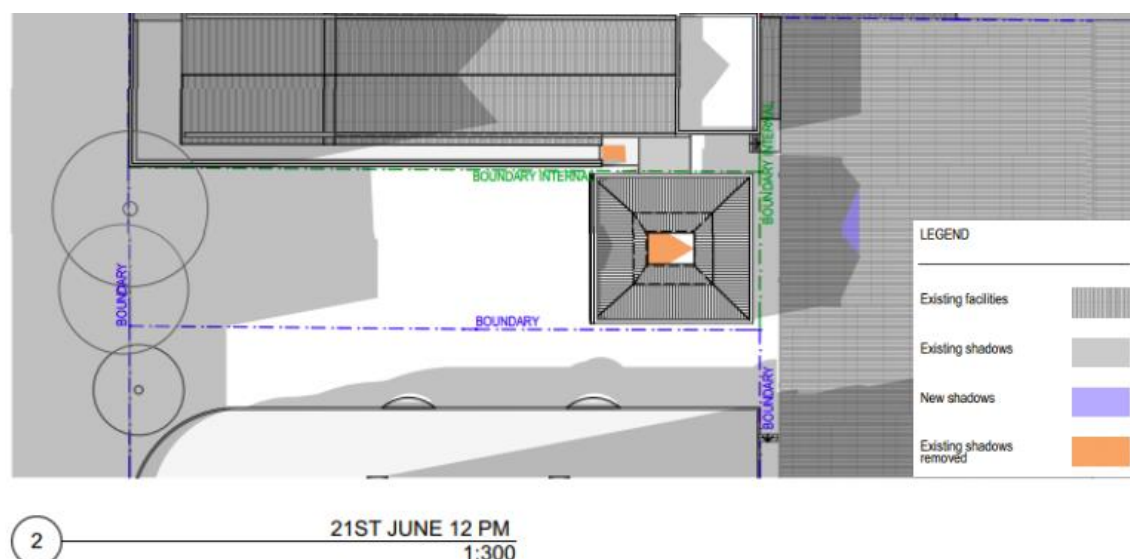


Figure 10: Overshadowing cast by the development at 12pm during the Winter Solstice

2.1.6 Waverley Development Control Plan 2012 - Amendment No 6 (WDCP)

The relevant matters to be considered under the WDCP for the proposed development are outlined below:

Table 3: WDCP – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste 1.1 Demolition and Construction 1.4.1.1 Storage <ul style="list-style-type: none"> Bin storage area to be provided with rates in B1-2 1.4.2 – Access and Collection 1.4.3 – Amenity 1.4.4- Management 	Yes. Condition Recommended.	The proposal was referred to Council's Sustainable Waste Officer who supported the development subject to conditions of consent, including the provision of a Waste Management Plan and a Site Waste and Recycling Management Plan prior to the issue of any Construction Certificate.
2. Ecologically sustainable Development	Yes. Condition Recommended.	The proposal was referred to Council's Sustainability Officer who supported the development subject to conditions of consent, including the submission of an Energy Assessment Report.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes	<p>The landscaping plan has been reviewed and is considered acceptable.</p> <p>The site does not contain remnant vegetation which are listed as threatened in the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, and in the <i>NSW Biodiversity Conservation Act 2016</i>.</p>
5. Tree preservation	Yes. Conditions Recommended.	The proposal seeks consent for the removal of five (5) trees. Council's Tree Management Team have reviewed the application and has confirmed that the proposed tree removal is acceptable subject to conditions of consent.
6. Stormwater	No. Conditions Recommended.	The stormwater plans submitted with the application is un-satisfactory and further information is required. The requested information can be addressed via conditions of consent.
7. Accessibility and adaptability	Yes. Conditions Recommended.	The proposal has been reviewed by Council's Fire and BCA officer. Conditions of consent are recommended to ensure that the proposed works comply with fire safety measures and access standards.
8. Transport 8.1 – Streetscape 8.2 – On Site Parking Zone 1 <ul style="list-style-type: none"> Car parking Provision Rates. Min 0 Max 0.66/100m² GFA Motorcycle Parking 1 motorcycle parking bay per 3 car parking bays (inc visitors) Bike Parking Staff: 0.1 spaces per staff Visitor: 0.1 spaces per seat 8.3 – Loading Facilities 1 per 4000m ²	Yes. Conditions Recommended.	<p>The site presently does not provide off-street car parking or loading facilities. The proposed upgrades and refurbishment maintain nil on-site car parking. Having regard to the merits of the proposal, there is limited scope to provide parking on-site and subsequently the existing non compliance is maintained.</p> <p>In terms of bicycle parking, the proposal provides for 6 spaces in Norman Lee Place. Having regard to the future activation of this space, it is considered justified to increase this number to 20 spaces (based on 200 staff/visitors), spread throughout the site. Conditions to this effect are recommended.</p> <p>Any changes for street parking (for the provision of dedicated loading facilities, drop off points, accessible spaces or the like) are subject to separate application to Council's Traffic Committee.</p>
9. Heritage	Yes	Council's Heritage Architect has reviewed the proposal and is supportive of the proposal, subject to conditions of consent.

Development Control	Compliance	Comment
10. Safety	Yes. Condition Recommended.	The proposal does not contravene the objectives of the WDCP, subject to conditions of consent including the implementation of a Plan of Management that will encompass safety and security provisions.
11. Public Art	Yes	<p>The proposal includes public art which is proposed to be located on the rear southern boundary wall. The Development Application details three (3) public artwork options. Each option is of high-quality design and are original art works.</p> <p>The proposed public art installation will need to be assessed by Waverley's Public Art Committee and subsequently this issue will be addressed via recommended conditions of consent.</p>
11. Design Excellence	Yes	The applicant has provided a Design Report which addresses the requirements of a Context Analysis Report. The report addresses how the design of the proposal has considered and responded to the surrounding context, streetscape, heritage characteristics, the protection of views and ventilation.
15. Advertising and Signage 15.1 Design and location 15.2 Site Specific Controls ○ Bondi Junction 15.3 Sign specific controls	Yes Yes Yes	<p>The proposal is consistent with the WDCP in that only two (2) signs are proposed. Each are appropriately scaled and will not visually dominate the façade. Combined, the signage has an area less than 20m² and is designed to reflect the architectural qualities of the building.</p> <p>Consistent with the site-specific controls, the backlit signage is located on the lower portion of the building and therefore will not be visible from the Harbour.</p> <p>The proposed building identification signs will integrate with the character and form of the building and is proportion to the façade area. The signs will not project forward more than 300mm.</p>

Development Control	Compliance	Comment
16. Public Domain		
16.1 Improving the public domain	Yes	As shown in the Shadow Diagrams, the proposal will provide no additional overshadowing to public spaces during the Winter Solstice. The proposal incorporates high quality materials and does not incorporate blank walls. Entries address the street and will improve surveillance.
16.2 Active Street frontages	Yes	Provision 16.2 Active Street Frontages is not applicable as the associated controls relate only to commercial and mixed-use development.
16.3 Arcades and though site links	N/A	Refer to above.
16.4 Awnings and colonnades	N/A	The proposal does not seek consent for an awning or colonnade. It does not provide an active frontage and therefore an awning is not required.
16.5 Reflectivity	Yes	Significant areas of glazing are not proposed and therefore the facades will not contribute to adverse glare from reflective surfaces.

Table 4: WDCP – Part D Commercial Development

Development Control	Compliance	Comment
1.3 Hours of Operation		The provisions contained within Part D of the WDCP apply to retail and commercial premises. Whilst the site relates to a community facility, an assessment against section 1.3 Hours of Operation has been undertaken to determine if the proposed operations are likely to impact the amenity of the area and nearby residential properties. This aspect is discussed in greater detail below.
(a) General base trading hours: (i) Monday to Saturday: 7.00am to 11.00pm; and (ii) Sunday: 7.00am to 10.00pm.	Yes, via conditions recommended.	
(b) Extended trading hours on a 1 year trial basis will be considered up to: (i) Monday – Sunday: 7am to midnight.		

Plan of Management

A Preliminary Plan of Management (POM) was submitted with the application. The Preliminary POM is an umbrella document identifying general factors (e.g. venue management, security etc) however

a more detailed plan is required that addresses both management of the entire site and of individual areas and uses.

A comprehensive Plan of Management approved by Council's Development Manager will be required to be in place prior to the issue of an Occupation Certificate. As part of this POM, safety and security measures will be required to be provided in more detail.

Use and operation of uses on site

The main uses of the site can broadly be categorised as community facilities including office space. The Mill Hill Community Centre is being maintained as an office space with an upgrade of amenities as part of this application. Specific details for the fitout (eg desks, meeting spaces and general layout) will be subject to a separate and future application.

For the Boot Factory building, having regard to it presently being vacant and dilapidated, this application also includes the upgrade and restoration of the building for a community facility with specific fitout details anticipated at a future date.

Therefore, under this DA, consent is only sought for the cold shell of these spaces, and amenity upgrades. The fit-out and use including operational measures for the tenancies will be subject to separate development consent.

Regarding the overarching community facility land use, this development application is an opportunity to address operational measures for the site. Operational hours for community facilities in the B4 Mixed Use zone are subject to the following general base trading hours and extended trading hours:

(a) General base trading hours:

- (i) Monday to Saturday: 7.00am to 11.00pm; and*
- (ii) Sunday: 7.00am to 10.00pm.*

(b) Extended trading hours on a 1-year trial basis will be considered up to: (i) Monday – Sunday: 7am to midnight.

The proposed operating hours of the facility are 7am – 12am Monday to Sunday. The hours exceed the general base trading hours for the B4 Mixed Use zone.

The proposal seeks consent for a community facility that will host activities such as workshops, community meetings, conferences and exhibitions. It is considered that these are low-generating noise activities that will not give rise to acoustic impacts the way retail or commercial uses may otherwise.

In addition to the above activities, the facility may on occasion be used for the purpose of hosting events. A Plan of Management accompanies the application and stipulates that amplified music will not occur between 10.00pm and 7.00am. These hours are within the WDCP base trading hours nominated for the site.

Therefore, to ensure consistency in the application of the controls, having regard to the mixed use and commercial precincts of Bondi Junction and surrounding residential uses, it is recommended that:

- Approval be granted for the indoor areas of the site in accordance with the general base hours of Monday to Saturday: 7.00am to 11.00pm; and Sunday: 7.00am to 10.00pm.

- Extended hours be granted for the indoor area to midnight, 7 days a week on a reviewable basis only (akin to a trial period)
- For outdoor areas, including Norman Lee Place and the roof top terrace of the Mill Hill Centre, these be restricted to 10.00pm daily, with the exception of temporary events. Temporary annual events will be managed under Council's event policy and if required, subject to separate development applications. This will align with other outdoor activities occurring in the precinct including outdoor dining hours.

The resultant effect ensures compliance with the intent of the DCP, as well as other commercial premises within the surrounding locality. Should Council wish to modify these operational hours, a s4.55 modification for specific areas or for the community facility land use can be lodged.

Insufficient details have been provided regarding patron numbers for the whole site and individual areas having regard to the BCA and specifically aggregate exit widths, floor plan and sanitary facilities. Therefore, a condition of consent is recommended for imposition requiring patron capacity approval prior to operations commencing.

Table 5: WDCP – Part E1 Bondi Junction

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.3 Building Use	Yes	Spring Street is identified as a Primary Shopping Street on the <i>Street Hierarchy Map</i> . Commercial floor space consisting of office premises associated with the management functions of the community facility are proposed at ground level and the first floor level. The proposal is therefore consistent with the provisions.
1.1.2 Access and Movement	No	The eastern boundary of the site is required to provide a through-site link. The proposal does not provide a pedestrian connection in this location. Further discussion is provided below.
1.6 Heritage and Buildings of Historic Character	Yes	The proposal seeks to retain the existing building. Whilst external alterations are proposed, the facades will reflect their original form.
1.7 Active Street Frontages	N/A	As addressed above, the proposal is not required to provide an active frontage. As established by Part B16 Public Domain, active frontages are only required for commercial and mixed-use developments. The proposal relates to a community facility and is not defined as being a commercial or mixed-use development.
1.9 Street Alignment	N/A	The proposal relates to the adaptive reuse of an existing heritage building. Accordingly, the controls do not apply.
1.10 Separation Distances	N/A	As above.
1.11 Side and Rear Boundary Setbacks	N/A	As above.
1.12 Building Footprint	N/A	As above.

Development Control	Compliance	Comment
1.13 Number of Storeys	Yes	The existing storey height of the Boot Factory Building and the Mill Hill Community Centre Building remain unchanged. Both buildings are within the twelve (12) storey maximum.
1.14 Views, Vistas and Tree Preservation	Yes	The envelopes of the existing buildings are proposed to remain unchanged. Accordingly, the built form will not encroach into view corridors.
1.15 Open Spaces at the Street Frontage	N/A	The proposal does not seek to alter the existing street alignment. The open domain area located to the north of the Boot Factory permits clear lines of sight and will encourage the pedestrianisation and activation of the area. Norman Lee Place will also be upgraded as a civic public domain space for the community.
1.16 Building Elevations	N/A	The proposal seeks to adaptively reuse a heritage building and retain its existing facades. Compliance with the provisions would necessitate that extensive alterations be undertaken to the facades, which may compromise the building's heritage fabric.
1.17 Designing Buildings for Flexibility	Yes	The interior layouts allow for flexibility of use with services co-located together.
1.18 Ceiling Heights	N/A	Commercial and retail buildings are to provide minimum 4m floor to ceiling heights at ground level and minimum 3.3m floor to ceiling heights at the first floor and above. The proposal relates to a community facility and accordingly the minimum floor to ceiling height requirements do not apply. Furthermore, the proposal seeks alterations and additions to existing building forms.

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

Safety and Security

The application was referred to Council's Community Development Officer who noted the prevalence of anti-social behaviour in Norman Lee Place and recommended the implementation of a Safety and Security Plan referencing the principles of Crime Prevention Through Environmental Design (CPTED). There was also a request that such Plan should require the closure of the fire exit laneways behind the Boot Factory building and the provision of breakout gates for emergency access.

In this regard, this matter of gates/fencing to the rear of the Boot Factory building to mitigate anti-social behaviour was raised with the applicant who indicated this issue had previously been considered in the design phase of the project. Having regard to the overall design and heritage significance of the building, high gates or fencing were considered to have a detrimental impact on the heritage character and aesthetics of the building, as well as fire safety measures. The restoration of the Boot Factory

building from its current dilapidated and boarded up existence will help to activate this space, including the provision of events and activities at night which will enhance the precinct and provide casual surveillance measures. As such, the proposal in the form submitted is considered to provide an enhancement of security measures to the precinct and with more subtle crime prevention measures, such as lighting, CCTV and a higher presence of people, these security concerns are considered to be adequately addressed.

Therefore, to ensure these options, as well as the safety and security impacts are adequately addressed in the future development, it is recommended that conditions of consent be imposed to address these components. Further, it is considered that a Safety and Security Plan that addresses the requirements of Part B10, Section 10.1 of the WDCP is required to be incorporated into an overall Plan of Management for the site to mitigate potential anti-social behaviour during the development's operational phase. Conditions to this effect are recommended.

Access and Movement

Part E1, Section 1.4 of the WDCP requires the provision of a through-site link along the eastern boundary of the site between the Mill Hill Centre building and 33 – 35 Spring Street to provide a pedestrian connection between Ebley and Spring streets (refer to **Figure 11**).

The proposal provides alterations and additions to the existing Mill Hill Community Centre building. Due to the nature of the works and the existing built form located to the south, the proposal is precluded from delivering a through-site link.

The western portion of the site is proposed to consist of a public domain area which will improve pedestrian connectivity to Spring Street. The proposed public domain will complement the future through-site link to the north between Spring and Oxford streets to be delivered by the development approved under DA 498/2017.

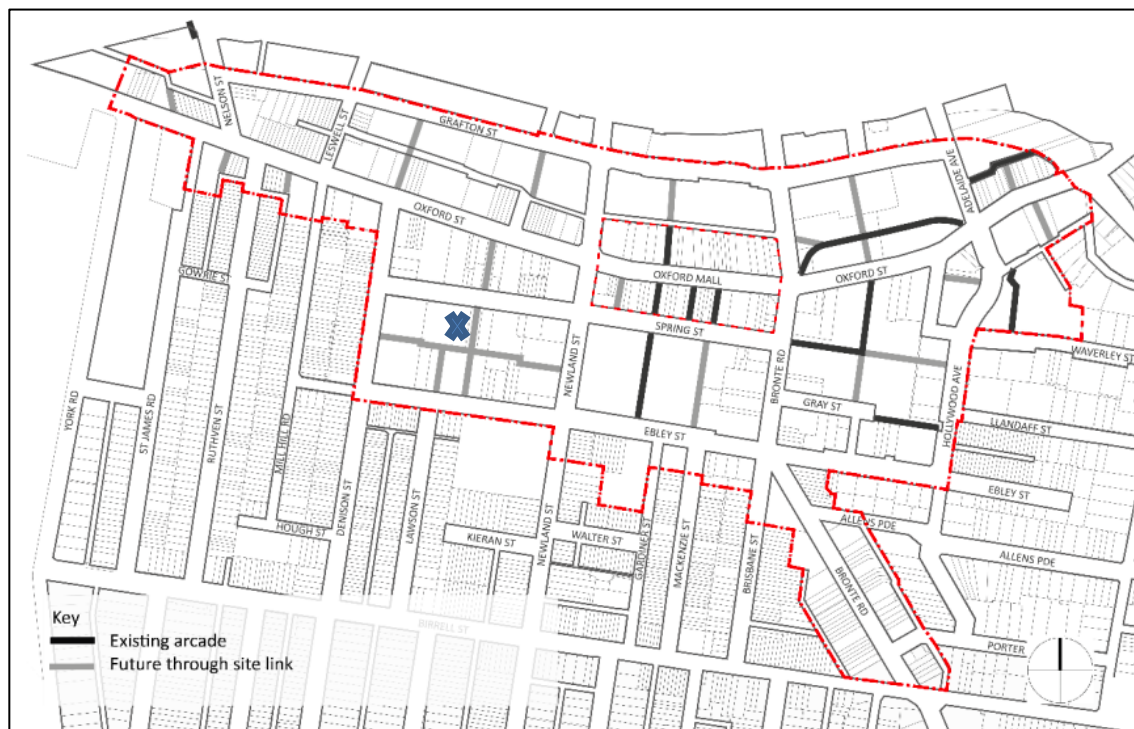


Figure 11: Preferred through-site links, arcades and squares in the Bondi Junction Centre (Source: WDCP). Subject site marked with an 'X'.

3. REFERRALS

3.1 Community Development

The application was referred to Council's Community Development Officer who recommended the following:

- The retention of seating within Norman Lee Place and to the north of the Mill Hill Centre.
- The inclusion of automatic entrance doors to the Boot Factory building.
- Upgrading of the W/C facilities to meet current Australian Standards.
- Provision of mobility parking spaces and drop off/pick up spaces outside the Mill Hill building.
- Implementation of an Operational Strategic Plan to guide the operations of the integrated facility and manage the demand for community facilities.
- The inclusion of seating area within the main entry foyer.
- The provision of small office spaces for use by the Community Programs team.
- The implementation of a Safety and Security Plan prior to the detailed design to manage the separation of Council staff offices from the publicly accessible areas.

The applicant addressed the aforementioned comments in a Request for Additional Information letter dated March 2020. The response and amended documentation were provided to Council's Community Development Officer who provided the following comments:

- That further community consultation be undertaken to inform the fit-out and use of the building.
- That the trees in the courtyard (Norman Lee Place) be retained.
- That a Safety and Security Plan be implemented to manage the ongoing use of Norman Lee Place and the fire exit laneway behind the Boot Factory building, noting that CCTV and lighting will not be sufficient to deter anti-social behaviour. The closure of the fire exit is recommended and breakout gates included for emergency access.
- The provision of a continuous accessible pathway from Spring Street to the Mill Hill and the Boot Factory buildings.
- The provision of a bus drop-off and pick up point on Spring Street and kerb ramps.
- The inclusion of one (1) mobility and one pick up/drop off space.
- The removal of urinals to maximise the efficient use of space within the staff toilet facilities.
- The provision of adequate meeting room space across Levels 1 and 2 of the Mill Hill Centre building at the detailed design phase to cater to the daily operational needs of the community facility.
- The undertaking of an Access Audit following the detailed design phase.

Planning comment: The Mill Hill Community Centre building presently accommodates the Community Services Division of Council and subsequently, these comments are informed by their use of the existing spaces. However, as part of the refurbishment and restoration of these buildings, the

applicant's intention is to provide usable and upgraded spaces to meet the desired future needs of a range of services and not necessarily limited to the Community Services Division of Council.

Notwithstanding these, comments regarding the detailed fitout and design of the spaces can be readily addressed at a later stage specific to the fitout of those areas.

Comments regarding on-street parking spaces, bus stops, drop off points and mobility spaces are a matter for Council's Traffic Committee to consider as a separate application. Whilst no objection is raised in principle to these requests, the DA process does not extend to street parking changes which are better dealt with as a separate and independent issue.

Regarding access and mobility, these matters are addressed via standard conditions of consent which ensure compliance with the BCA is achieved.

Regarding tree removal and landscaping, these aspects have been considered by Council's Tree Management Officer who is better placed to advise on the technical merits of the proposal and their comments are provided below.

On safety and security, these matters have been addressed previously in the assessment report above, whereby it is recommended that these components be included in a future Plan of Management for the use and operation of the site.

3.2 Tree Management

The application was referred to Council's Tree Officer and Open Space Planning Team.

The proposal seeks to remove five (5) trees which conflict with the development footprint or are in poor health. An Arboricultural Impact Assessment Report and Landscape Plans were included as part of the Development Application. The information was considered satisfactory.

Council's Tree Management Officer has subsequently prepared recommended conditions of consent addressing the proposed tree removal and appropriate tree management conditions prior to the issue of a Construction Certificate.

3.3 Environmental Health

The application was referred to Council's Environmental Health Officer who recommended that additional information be provided, including:

- Clarification regarding noise generating activities, including the location of the 3 speakers within the roof terrace, the nearby affected sensitive receivers and noise mitigation measures.
- The submission of a Phase 2 Detailed Site Investigation to determine the site's suitability for the proposed use;

These matters were conveyed to the applicant in a Request for Additional Information letter (dated 25 February 2020). On the 30 March and also 1 May 2020, the application provided further documentation in response to this request.

Further commentary from Council's Environmental Health Officer in respect to this amended information is as follows:

Land Contamination

A Detailed Site Investigation Report (ref no -SYDEN234007) has been carried out by Coffey Services Australia Pty Ltd and dated 30 April 2020 which concludes the site is not suitable for the proposed redevelopment but considers the site can be made suitable via the implementation of a strategy to remediate/manager the contamination encountered. Coffey recommends that a Remedial Action Plan (RAP) is developed that presents the preferred remedial strategy to manage contamination impacts identified and thereby make the site suitable for the proposed use.

In this regard, this section requires documentation that demonstrates the requirements of State Environmental Planning Policy No 55 have been met and the site is suitable for the proposed use. Given Remediation of the site is required the following documentation is required by this section:

- *Site Audit Statement (SAS) or initially a letter of interim advise from an NSW EPA Accredited Site Auditor confirming the RAP is practical and will result in the site being suitable for the intended use.*

Noise management

An amended Noise Impact Assessment report has been prepared by ADP Consulting: Engineering (Project no. syd0906 rev 03) and dated 27 March 2020. The report addresses issues raised by this section previously including areas identified as likely non compliances in the evening/night criteria.

In order to satisfy the noise criteria, a number of recommendations have been made including reducing the permitted number of people after 10pm in given areas and clarifying the PA systems together with music are not permitted at this time. Any plan of management should be amended to reflect these recommendations.

On this basis, the report is satisfactory to this section subject to full compliance being given to all recommendations made in the report including section 5.3 – Noise Emission recommendations, figure 2 & 3 -maximum number of speakers and 5.4 – Mechanical Plant and equipment Preliminary recommendations.

Planning comment: The response detailed various recommendations that can be dealt with via conditions of consent and an amended Plan of Management.

With respect to land contamination, as detailed above in report, a Site Audit Statement (SAS) or initially a letter of interim advice from an NSW EPA Accredited Site Auditor confirming the Remediation Action Plan is practical and will result in the site being suitable for the intended use is requested. To satisfy this requirement, it is recommended that this issue be addressed via a Deferred Commencement consent. Once activated, standard conditions will be recommended for imposition, should remediation be required.

3.4 Waste

The application was referred to Council's Sustainable Waste Officer who provided comments detailing that the Site Waste and Recycling Management Plan (SWRMP) submitted alongside the Development Application was insufficient. The following comments were provided:

- The waste generation rates calculated for the event areas are inadequate and further consideration of the quantity of bins for events should be required.

- Council's Internal Event Guidelines should be considered in the preparation of the SWRMP.
- Further information regarding the management and use of bins for events is required.
- The access pathway associated with the bin storage point is required.
- The proposal provides separate waste bins for each staff member rather than a centralised office bin station. For this reason, the SWRMP submitted alongside the Development Application is inconsistent with Council's *Embedding Environmental Sustainability Program and Waste Avoiders Program*.
- The development should be serviced by Council's waste collection services, rather than a private contractor.

These issues were conveyed to the applicant in the Request for Additional Information letter (dated 25 February 2020). The Applicant responded to the comments raised by Council's Sustainable Waste Officer with an updated Operational Waste Management Plan and noted that direct consultation with Council had occurred in respect of Council's Internal Event Guidelines. Council's Sustainable Waste Officer responded to the additional information received, noting that a number of matters were still outstanding, including:

- Waste management procedures in the SWRMP detailing how waste generated by the kiosk will be managed.
- The recommendation to increase the provision of waste bin storage.
- Consideration be given to the provision of additional bins and a bin storage area for use during large events.
- The ventilation requirement for the bin storage area.
- Consideration be given to the inclusion of public place bins.

Planning comment: It is considered that these matters can be dealt with as conditions of consent. A condition requiring the submission of an amended Waste Management Plan and also a Site Waste and Recycling Management Plan are included in the recommended conditions of consent to address these issues.

3.5 Urban Design

The application was referred to Council's Urban Design team. The comments provided are summarised below:

- The proposed built form and general building layout is supported.
- The proposed tree removal is supported.
- The new fabric of the briefing element requires further design development.
- Cleaning and maintenance of the timber benches, concrete benches and timber plinth needs to be considered. The material and maintenance requirements should align with Council's Public Domain Technical Manual.
- Future lighting throughout the public domain should be provided in accordance with Council's Creative Lighting Masterplan.

Planning comment: These issues were conveyed to the applicant in the Request for Additional Information letter (dated 25 February 2020). The applicant addressed these comments in a Response to Request for Further Information dated 20 March 2020. The response was provided to Council's

Urban Design Team and no further comments were received. Standard conditions relating to public infrastructure works have been recommended.

3.6 Heritage

Council's Heritage Advisor has reviewed the application and provided comments in support of the proposed adaptive reuse of the site's heritage item. The Heritage Advisor provided a number of recommendations, including:

- The preparation of an Interpretation Plan to enable a clear understanding of the Boot Factory building's history and significance.
- The reinstatement of original signage.
- That any new external paintwork be limited to the areas of original paint.
- That paint finishes remain consistent with or reflect the original finishes.
- That the gable awning at the northern end of the Mill Hill Centre require further design development to ensure it does not substantially detract from the Boot Factory building.
- Consideration should be given to the refinement of the detailing on the gable and the trellis, and the use of cohesive roof cladding.

Planning comment: These issues were conveyed to the applicant in the Request for Additional Information letter (dated 25 February 2020). The Applicant submitted an updated Heritage Impact Statement as part of the Response to Request for Further Information. Council's Heritage Advisor has reviewed the additional information and is satisfied with the responses. Further recommendations relating to building's internal layout have been made and can be addressed at the detailed design phase or CC Stage.

3.7 Traffic and Parking

Council's Traffic Engineer reviewed the proposal and has not raised concerns with the proposal subject to conditions of consent.

3.8 Environmental Sustainability

The application was referred to Council's Environmental Sustainability Officer who requested the submission of an Energy Assessment Report demonstrating how the proposal will achieve a 30% reduction in greenhouse gas emissions compared to a reference building. The officer noted compliance should be demonstrated in the construction drawings and the associated specifications should be confirmed by the Principal Certifier.

It is considered that the above matter can be dealt with as a condition of consent and approved by Council's Sustainability Manager prior to the issue of a Construction Certificate.

3.9 Stormwater

Council's Stormwater Design and Flooding Officer has reviewed the application and confirmed that the stormwater plans submitted by the applicant alongside the Development Application do not satisfy Council's requirements. It was requested that the applicant submit revised documentation, including the OSD checklist, to demonstrate compliance with the WDCP and Council's *Water Management Technical Manual*.

These issues were conveyed to the applicant in the Request for Additional Information letter (dated 25 February 2020). The applicant has noted in the Response to Request for Further Information that discussions have been had with Council in relation to the stormwater documentation. The applicant notes that Council has accepted the stormwater arrangements, subject to confirmation of the stormwater outfall.

Conditions of consent have been recommended requiring that the stormwater documentation be updated to address compliance with the WDCP and Council's *Water Management Technical Manual*. Due to the close proximity of a sewer/water main, a condition has been included requiring that the stormwater documentation be provided to Sydney Water Quick Check Agent for approval.

3.10 Public Domain

The application has been considered by Council's Assets Manager who is supportive of the proposed works subject to the inclusion of appropriate conditions.

A condition relating to maintenance of the Spring Street frontage and other standard conditions of consent have been incorporated into the recommended conditions of consent.

3.11 Fire Safety

Council's Senior Building Surveyor (Fire Safety) has assessed the application against the requirements of the BCA and provides no objection to the proposal subject to appropriate conditions being imposed. The conditions require the upgrading of the Boot Factory and Mill Hill Community Centre buildings to comply with the provisions of the BCA set out in the conditions.

3.12 GIS

The Application has been reviewed by Council's GIS Officer who has recommended conditions to assist with the identification of the building and wayfinding which can readily be addressed prior to the occupation phase.

3.13 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

3.14 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

3.15 Any Submissions

The application was advertised and notified for thirty (30) days and a site notice erected on the site, in accordance with WDCP, Part A – Advertised and Notified Development.

Five (5) submissions were received. Upon additional information being received, the application was renotified for an addition fourteen (14) days to exhibit the amended plans and associated documentation and received nil submissions.

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

Table 6: Summary of property addresses that lodged a submission

Property
CEO of Holdsworth Community Ltd
General Manager of Randwick Waverley Community Transport
CEO of COA Sydney Inc
607/8 Spring Street, also known as Lot 20 at 1-77 Oxford Street

Issue: Dementia Friendly Community Guidelines

- Consider the guidelines for Dementia Friendly Communities in the detailed design of the interiors.

Response: There is an opportunity for the guidelines for Dementia Friendly Communities to be addressed under the application for the detailed fit-out and use of the building.

Issue: Office floorspace for existing community tenants

- The plans for the Mill Hill Centre seek to remove the office spaces occupied by Randwick Waverley Community Transport.
- It is requested that Council engage with existing tenants to understand how their existing operations can be accommodated in the post-development phase.

Response: The internal layout, including the size and the location of the meeting rooms will be determined under the detailed application for the development's fit-out and use. The applicant notes that the intent of the design is to provide a range of shared rooms and facilities that can be used by a diversity of community groups, businesses and individuals. It is anticipated consultation with existing tenants will occur at the detailed design phase.

Issue: Amenities within the Mill Hill Centre

- It is requested that additional W/C facilities be provided as the current arrangements are inadequate.
- The shaded picnic tables in the public domain should be replaced to ensure there are shaded areas for users of the building and increased opportunities for outdoor activities.

Response: The toilets are capable of being upgraded at the detailed design phase to meet current access standards and increased demand. The quantity of W/C facilities is capable of being addressed at the detailed design phase.

Issue: Provision of through-site link to improve connectivity between Ebley and Spring Streets.

- It is requested that a pedestrian thoroughfare be provided to improve connectivity between Ebley and Spring Streets.

Response: Due to the location of the sites and the existing Office Works building, a through-site link that provides a full connection between Spring and Ebley Street is unable to be accommodated.

3.16 Public Interest

The proposal seeks to adaptively reuse the existing heritage item contained within the site and deliver important upgrades to the existing Mill Hill Community Centre building. The proposal provides the opportunity to reinvigorate an underutilised site and provide improvements to facilitate its continued use as an important community facility. The proposal will not result in unacceptable environmental impacts. The proposed works will allow for the ongoing interpretation of the heritage item.

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed. It is considered that the upgrading and restoration works to the Boot Factory building will improve a community facility and will provide the community with a substantial public benefit.

4. SUMMARY

The application proposes to adaptively reuse the heritage significant Boot Factory building for a community facility that will operate in connection with the existing Mill Hill Community Centre. The proposal also seeks consent for internal upgrades to the interior of the Mill Hill Community Centre building and the construction of a bridge that will provide a pedestrian connection between the two buildings. The proposed works will improve and expand the site's existing use as a community facility.

The development complies with the relevant planning controls. The issues for consideration pertain to the adaptive re-use of the heritage listed item and the implications the proposal works will have on the item's significance. Issues raised have been addressed through amended plans, a deferred commencement consent and via recommended conditions of consent.

Four (4) submissions were received during the public exhibition of the proposal. It is understood that public consultation was undertaken prior to the submission of the Development Application by the applicant. The matters raised in the submissions have been addressed within this report. There is an opportunity for a number of matters to be addressed under a future application for the development's internal fit-out. The matters raised do not warrant the refusal of the application.

Overall, it is considered that the proposed works will allow for the ongoing interpretation of the historic Boot Factory building and will deliver important upgrades that will enhance the site's use as a community facility. The application also proposes extensive public domain works which will improve the amenity of the streetscape.

Accordingly, the application is recommended for approval.

5. RECOMMENDATION TO SYDNEY CITY EAST PLANNING PANEL

That the Development Application be granted a **DEFERRED COMMENCEMENT CONSENT** by the Sydney East City Planning Panel subject to matters contained in Appendix A and Conditions in Appendix B:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit (MR, BMcN,
BMat, AR) by:**



Alicia Desgrand / Kate Bartlett
**Consultant Planners
(Mecone)**
Date: 28 April 2020

Angela Rossi
Manager, Development Assessment (Central)
Date: 7 May 2020

Reason for referral:

- Regional development with a CIV over \$5 million that is council related, lodged by or on behalf of the Crown (State of NSW), private infrastructure and community facilities, or eco-tourist facilities,

DEFERRED COMMENCEMENT CONSENT

Appendix A

DA-374/2019

The consent authority must be satisfied as to the following matters before the consent can operate.

That the Sydney City East Planning Panel grant deferred commencement consent in accordance with the provisions of Section 4.16 (3) of the Environmental Planning and Assessment Act 1979.

The consent is not to operate until the applicant has satisfied Council as to the following matters:

1. SEPP 55

Documentation that demonstrates the requirements of State Environmental Planning Policy No 55 have been met and the site is suitable for the proposed use. Documentation in the form of one of the following is required:

- (a) A Site Audit Statement prepared by an accredited NSW EPA auditor clearly stating that the site is/or will be suitable for the intended use; or
- (b) A letter/interim advice from an accredited NSW EPA Site Auditor stating that what is being proposed will result in the site being made suitable for the intended use.

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

Appendix B**DA-374/2019**

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

A. APPROVED DEVELOPMENT**APPROVED PLANS AND DOCUMENTATION****1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by Archer Office of Project No: 1803 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A000 / Rev E	Cover Page	26/03/2020	27/03/2020
A010 / Rev E	Location / Context Plan	26/03/2020	27/03/2020
A011 / Rev E	Site Analysis Plan	26/03/2020	27/03/2020
A020 / Rev E	Site Plan	26/03/2020	27/03/2020
A030 / Rev E	Photomontages	26/03/2020	27/03/2020
A050 / Rev E	Ground Floor Demolition Plan	26/03/2020	27/03/2020
A051 / Rev E	Level 1 Demolition Plan	26/03/2020	27/03/2020
A052 / Rev E	Level 2 Demolition Plan	26/03/2020	27/03/2020
A053 / Rev E	Roof Demolition Plan	26/03/2020	27/03/2020
A055 / Rev E	Elevations Demolition	26/03/2020	27/03/2020
A100 / Rev E	Basement Level	26/03/2020	27/03/2020
A101 / Rev E	Ground Floor Plan	26/03/2020	27/03/2020
A102 / Rev E	Level 1 Plan	26/03/2020	27/03/2020
A103 / Rev E	Level 2 Plan	26/03/2020	27/03/2020
A104 / Rev E	Roof Plan	26/03/2020	27/03/2020
A200 / Rev E	North Elevation	26/03/2020	27/03/2020
A201 / Rev E	East Elevation	26/03/2020	27/03/2020
A202 / Rev E	South Elevation	26/03/2020	27/03/2020
A203 / Rev E	West Elevation	26/03/2020	27/03/2020
A204 / Rev A	West Elevation – Mill Hill Centre	26/03/2020	27/03/2020
A300 / Rev E	Section A	26/03/2020	27/03/2020
A301 / Rev E	Section B	26/03/2020	27/03/2020
A700 / Rev E	Materials Schedule	26/03/2020	27/03/2020

(b) Landscape Plan and documentation prepared by ASPECT Studios including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
S18032-DA01 / Rev B	Contents	26/03/2020	27/03/2020
S18032-DA02 / Rev B	Landscape Overview and Design Statement	26/03/2020	27/03/2020

S18032-DA03 / Rev B	Context	26/03/2020	27/03/2020
S18032-DA04 / Rev B	Supporting Framework + Policies	26/03/2020	27/03/2020
S18032-DA05 / Rev B	Principles	26/03/2020	27/03/2020
S18032-DA06 / Rev B	Site Analysis	26/03/2020	27/03/2020
S18032-DA07 / Rev B	Landscape Plan	26/03/2020	27/03/2020
S18032-DA08 / Rev B	Section	26/03/2020	27/03/2020
S18032-DA09 / Rev B	Mill Hill Community Centre Elevation	26/03/2020	27/03/2020
S18032-DA010 / Rev B	Material Palette	26/03/2020	27/03/2020
S18032-DA011 / Rev B	Material Palette	26/03/2020	27/03/2020
S18032-DA012 / Rev B	Material Palette	26/03/2020	27/03/2020
S18032-DA013 / Rev B	The Feature Plinth	26/03/2020	27/03/2020
S18032-DA014 / Rev B	Planting Palette	26/03/2020	27/03/2020
S18032-DA015 / Rev B	Planting Palette	26/03/2020	27/03/2020
S18032-DA016 / Rev B	Details	26/03/2020	27/03/2020

- (c) Building Code Australia (Fire Safety) Report (reference: 110600-BCA-r3) and Building Code Australia (Access) Report (reference: 110600-Access-r3) prepared by BCA Logic dated 27/03/2020, and received by Council on 27/03/2020;
- (d) Arborist Report prepared by Earthscape Horticultural Services dated November 2019 and received by Council on 25/11/2019;
- (e) Acoustic Report prepared by ADP Consulting: Engineering dated 27 March 2020 and received by Council on 27/03/2020;
- (f) Draft Consolidation Plan (A800) prepared by Archer Office dated 09/04/2020 and received by Council on 14/04/2020;
- (g) Heritage Impact Statement, Rev B prepared by Matt Devine and Co, dated March 2020 and received by Council on 27/3/2020;
- (h) Geotechnical Investigation Report, Ref 14839.01 prepared by Douglas Partners dated September 2018 and received by Council on 25/11/2019;
- (i) Detailed Site Investigation, Ref SYDEN234007 prepared by Coffey dated 30 April 2020 and received by Council on 1/5/2020;

Except where amended by the following conditions of consent.

NOTE – Plan references above may change following satisfaction of the deferred commencement matters. As this occurs, condition 1 will be updated to reflect the new documentation.

PUBLIC DOMAIN

2. PUBLIC DOMAIN IMPROVEMENTS

The public domain shall be maintained along Spring Street frontage for the development site in accordance with the current Waverley Council Development Control Plan (DCP), Part E1: Bondi Junction Centre, and Public Domain Technical Manual (PDTM) for the newly constructed Council's assets:

- (a) Pedestrian footpath
- (b) Road pavement
- (c) Kerb and gutter
- (d) Street light
- (e) Stormwater infrastructure located within the Council kerb and/or footpath
- (f) Landscape and street tree plantings

3. PUBLIC UTILITIES AND SERVICE ALTERATIONS

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

4. PUBLIC AREAS AND RESTORATION WORKS

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

5. WORKS ON PUBLIC ROADS

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

6. SEPARATE APPLICATION FOR SIGNAGE

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

7. FUTURE USE OF TENANCIES

The approved community facility spaces will require separate development application/s for the fit out and use of the future tenancies.

This approval does not permit cooking to be undertaken on the premises. Any proposal to utilise cooking equipment/appliances will be subject to a separate development application to Council and if approved will require an air handling system designed in accordance with AS 1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

8. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979 and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000 and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

CONTRIBUTIONS, FEES & BONDS

9. 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:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

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

10. 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 the Principal Certifying Authority prior to the issue of any 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.

CONSTRUCTION & SITE MATTERS

11. HOARDING

To ensure the site is contained during construction, if hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

Consent is required from the Owners Corporation prior to the erection (if required) of hoarding on 17-25 Spring Street, Bondi Junction (SP 43551).

12. EROSION & SEDIMENT CONTROL

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

13. ENGINEERING DETAILS

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

14. ENGINEERING CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions, prior to the issue of the relevant Construction Certificate.

TRAFFIC MANAGEMENT & TRANSPORT

15. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

16. BICYCLE PARKING

The total number of bicycle parking spaces are to be increased to 20 bicycle spaces and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. Bicycle parking is to meet relevant Australian Standards.

The location is to be identified on updated plans and agreed to by Council's Executive Manager, Infrastructure Services (or delegate).

Details are to be indicated on the plans prior to the issue of the relevant Construction Certificate.

STORMWATER & FLOODING

17. STORMWATER MANAGEMENT

The submitted stormwater plans are unsatisfactory and to be updated to comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual with respect to:

- (a) The area considered in the stormwater calculation is only part of 27-33 Spring Street but the actual area shown in the Architectural Plan is much larger. Architectural Plans include the area of 17-25 & 27-33 Spring Street and 14-26 Ebley Street. The whole proposed area to be considered in stormwater disposal calculation.
- (b) The surface level, invert level and diameter of the proposed pits including length of precast EKI lintels to be shown on drawing clearly.
- (c) Connection details of stormwater disposal system to the Council's underground stormwater drainage system are required.
- (d) An engineering design of the proposed stormwater line is required including a Hydraulic Grade Line (HGL) analysis of pipe between proposed OSD tank and to the Council's existing drainage pits including the new Kerb Inlet Pits are required. The long section of HGL information to include existing services crossing, existing surface levels, pipe invert and obvert levels.
- (e) A plan of reinstatement work of footpath to be done according to the Public Domain Technical Manual. The Kerb and Gutter including Layback to be reconstructed as per Waverley Council's Standard Drawing R1 & R6. Pipe installation, road restoration & backfilling works to be done as per Council's Standard Drawing D1, D7 & D8 (drawings available on request).

Updated Stormwater Management Plans along with OSD checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required for the whole development area.

Note: Since a sewer and water main runs close to the property (14-26 Ebley St), plans must also be presented to a Sydney Water Quick Check Agent for their approval.

For further information regarding this, please contact assets@waverley.nsw.gov.au, phone 9083 8886 or visit Council's website for details:

https://www.waverley.nsw.gov.au/_data/assets/pdf_file/0010/2503/WaterManagementTechnicalManual2014-FINAL.pdf

HERITAGE

18. HERITAGE INTERPRETATION PLAN

- a) An interpretation plan must be prepared in accordance with the Department of Premier and Cabinet publication 'Interpreting Heritage Places and Items Guidelines' (2005), then submitted and approved by Council's Heritage Architect prior to the issue of any Construction Certificate.
- b) The interpretation plan must detail how information on the history and significance of the Boot factory building will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
- c) The approved interpretation plan must be implemented prior to the issue of any Occupation Certificate.

19. SCHEDULE OF CONSERVATION WORKS

A detailed Schedule of Conservation Works prepared by a suitably qualified heritage architect and dealing in detail with the restoration and conservation of the Boot Factory building.

Details submitted for approval should also include:

- a) Lighting of the top floor cohesive with the proposed parasol roof should be detailed.
- b) Clarification of the 'temporary' office enclosures not becoming a permanent aspect of the building's usage.

Documentation to be submitted and approved by Council's Heritage Architect prior to the issue of the relevant Construction Certificate.

20. STRUCTURAL STABILITY FOR HERITAGE WORKS

A detailed report prepared by a suitably qualified engineer with the input of a suitable qualified Heritage Architect is to be submitted to Council and approved by Council's Heritage Architect, which:

- (a) Outlines the methodology for retention and conservation of the façade of the building and retained structure including sidewalls and floor slabs
- (b) Ensures the structural stability of the façade arising from the insertion of the approved openings into the existing façade.
- (c) Conserve window joinery of existing windows.

Documentation to be submitted and approved by Council's Heritage Architect prior to the issue of the relevant Construction Certificate.

21. FIRE SAFETY AND BCA UPGRADE WORKS TO BE REVIEWED BY A REGISTERED HERITAGE ARCHITECT

Any required fire safety works recommended by any BCA Report, Fire Safety and Upgrade Report or Fire Safety Consultant are to be reviewed by a registered Heritage Architect to ensure that these works are generally consistent with the heritage significance of the building. In this respect, the project's Heritage Architect and Building Surveyor must jointly confer and agree on these works. These works may be modified to address a balance between retention of the heritage significance of the building and contemporary building standards.

The Heritage Architect's report is to be provided as an addendum to the approved and suitably modified Building Code of Australia Compliance Report prior to release of the relevant Construction Certificate for the building.

FIRE SAFETY & ACCESS

22. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the relevant Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

23. BCA & FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the Boot Factory and Mill Hill Centre buildings must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Access for people with a disability – Part D3 (the extent necessary in order to comply with the Premises Standards);
 - (vii) Fire fighting equipment – Part E1;
 - (viii) Smoke hazard management – Part E2;
 - (ix) Lift installation - Part E3;
 - (x) Emergency lighting, exit signs and warning systems – Part E4;
 - (xi) Sanitary and other facilities - Part F2;
 - (xii) Room sizes - Part F3; and
 - (xiii) Light and ventilation - Part F4.

Note: An exception to the above are the goings and risers to the existing Boot Factory building stairway. The existing goings and risers can remain without upgrade subject to compliance with recommendations detailed in the BCA Assessment Report prepared by Ben Long of BCA Logic Pty Ltd, dated 27 March 2020 with Reference No. 110600-BCA-r3.

- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- d) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.
- e) Consideration should be given to the future envisaged maximum patron capacity of the premises in the assessment of BCA compliance and the preparation of Construction Certificate documentation, specifically with regard to the aggregate exit widths, floor areas and sanitary facilities.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

24. FIRE SAFETY

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

25. ACCESS

The development shall be provided with access and facilities for people with disabilities in accordance with the approved Access Plan and with AS1428.1-2009 Design for Access and Mobility Part 1: General Requirements for Access. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

ENERGY EFFICIENCY

26. ENERGY EFFICIENCY MEASURES

The following improvements shall be included in the architectural plans:

- (a) Light power density – with LED fitting, the lighting power, density should achieve a maximum of 4.5W/m².
- (b) Airconditioning system COP – Ensure the chosen mechanical system Coefficient of Performance (COP) is 4.2 or preferably higher.

Details to be submitted and approved by Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of the relevant Construction Certificate.

WASTE

27. AMENDED WASTE MANAGEMENT PLAN

Plans and details are to be amended to reflect the following, the below is to be satisfied by Waverley Council's Sustainable Water Officer, prior to the issue of the relevant Construction Certificate.

- (a) Information detailed in the Site Waste Recycling Management Plan (SWRMP) regarding Office Waste Management is not in line with standard guidelines for separation of at Waverley Council. As part of Waverley Council's *Embedding Environmental Sustainability Program* and *Waste Avoiders Program*, Council has moved away from providing individual bins to each staff member and instead has centralised office bin stations for general waste and recyclable materials.
- (b) If the Kiosk will generate trade waste and if so, how will this waste be disposed of, stored and subsequently collected. Provisions should be allowed for in the SWRMP.
- (c) It is recommended, to allow for both intermittent increases in generation rates and better segregation of waste from different activities (for example the office use and kiosk) that double the amount of bin storage is provided. This will allow for greater flexibility for the building and collection frequency can be adjusted in line with the number of bins provided.
- (d) Should additional bins be required for large events as part of a separate *Event Waste Management Plan*, the storage location of these bins before and after the event should be considered. An appropriate place may be to temporarily store the empty bins prior to use in the general 'Storage' area, before placing the bins out the night before, to be collected and subsequently removed the next day. It is recommended consideration is given to this process.
- (e) Ventilation for the bin storage area and a connection to the sewer for cleaning of the bins is detailed as a requirement in the SWMRP.
- (f) An existing cigarette butt bin and public place bins are detailed on the plans to be removed. Given the likelihood of people using this space to consume goods purchased at the kiosk, or other foods during leisure time such as lunch breaks, consideration should be given to access to public place bins, in order to reduce the potential for littering in the area.

28. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

PUBLIC DOMAIN

29. PUBLIC INFRASTRUCTURE WORKS

The newly constructed Council's public infrastructure shall be maintained as outlined in this condition of consent.

- (a) Any alterations or reconstruction of the exiting constructed public domain works, require approval of the Executive Manager, Infrastructure Services prior to the issue of the relevant Construction Certificate.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to the issue of the relevant Construction Certificate, clearly demonstrating the changes.

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

- (a) Pedestrian footpath
 - (b) Road pavement
 - (c) Kerb and gutter
 - (d) Street light
 - (e) Stormwater infrastructure located within the Council kerb and/or footpath
 - (f) Landscape and street tree plantings
- (b) Measures to protect the exiting parking meter must be undertaken. Any damages or replacing cost of the parking meter shall be borne by the applicant.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.
- Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or
Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday)

30. PUBLIC ART

Public Art shall be incorporated into the new development. Specific details and design of the proposed public art feature shall comply with Council's Public Art policy which can be viewed on Council's website and by liaising with Council's Coordinator, Curator and Visual Arts Officer. This may require referral to Council's Public Art Committee and subsequently discussions should commence early on to account for timeframes of assessment.

Details of artworks to be provided and approved by Council's Coordinator, Curator and Visual Arts Officer prior to the issue of the relevant Construction Certificate for the development.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

31. 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.

32. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Councils Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

33. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners on request.

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

34. PRE-CONSTRUCTION DILAPIDATION REPORT

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

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

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

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

35. NOTIFICATION OF ADJOINING OWNERS & OCCUPIERS

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

36. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING

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

DEMOLITION & EXCAVATION

37. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

- (f) Describe the disposal methods for hazardous materials.

38. CONTROL OF DUST ON CONSTRUCTION SITES

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g.: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

CONSTRUCTION MATTERS

39. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) Sundays and public holidays;
- (b) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environment Operations (Noise Control) Regulation 2017.

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

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.

No building materials or any other items associated with the development is to be stored within 17-25 Spring Street, Bondi Junction (SP 43551), unless discussed with the owners prior.

41. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

42. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans.

43. TREATMENT OF BOUNDARY WALLS

Any wall located on the boundary of the lot are to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.

REMEDIATION WORKS

44. SITE CONTAMINATION - REMEDIATION WORKS

- (a) The Remediation Action Plan (RAP) is to be peer reviewed by an NSW EPA accredited Site Auditor. Any recommendations shall be incorporated into the RAP.
- (b) Remediation and validation works shall be carried out in accordance with the RAP prepared and any issues/matters/recommendations raised by the Site Auditor.
- (c) Any variation to the RAP shall be approved by the Accredited Site Auditor and Council's Environmental Health Officer in writing prior to the commencement of any work. The applicant must inform the PCA in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.
- (d) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. A Construction Certificate shall not be issued until Council approves the Validation Report in writing. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:
 - Description and documentation of all works performed;
 - Results of validation testing and monitoring;
 - Validation results of any fill imported on to the site;
 - Details of how all agreed clean-up criteria and relevant regulations have been complied with; and
 - Clear justification as to the suitability of the site for the proposed works.

Where the Validation Report indicates conditions that will require ongoing review, these methods should be approved in writing by Council's Environmental Health Officer prior to validation.

45. REMEDIATION REQUIREMENTS

Where remediation works are required, the following requirements apply:

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.
- (b) Remediation work shall not be carried out that will adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.

46. REMEDIATION WORKS REQUIRED

All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works. Remediation work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am and 1pm on Saturdays with no work to be carried out on Sundays or public holidays.

47. USE OF FILL ON SITE

The use of fill on the site is to be in accordance with the recommendations of the approved RAP.

In addition, 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.

48. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

The removal of contaminated material from the site is to be in accordance with the recommendations of the approved RAP.

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. 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.

49. SITE HEALTH & SAFETY PLAN

The Health and Safety requirements of the approved RAP are to be implemented as a minimum set of practices prior to the commencement of remediation works.

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

50. CONTAMINATED MATERIAL REQUIRED TO BE REMOVED

The following requirements apply to demolition and construction works on site:

- (c) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (d) 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).
- (e) Hazardous or intractable wastes arising from the demolition process (including all lead-contaminated materials) are to be removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:
 - (i) Work Health & Safety Act 2011;
 - (ii) Work Health & Safety Regulation 2011;
 - (iii) Protection of the Environment Operations Act 1997 (NSW); and
 - (iv) NSW EPA Waste Classification Guidelines 2009.

51. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.

- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

52. COMPLIANCE WITH SAFE WORK NSW

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

NOISE

53. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by ADP Consulting: Engineering dated 27 March 2020 and received by Council on 27/03/2020 shall be implemented, including though not limited to:

- (a) Section 5.3 – Noise Emission recommendations,
- (b) Figure 2 & 3 - Maximum number of speakers; and
- (c) Section 5.4 – Mechanical Plant and equipment Preliminary recommendations.

54. REFRIGERATION UNITS & MECHANICAL PLANT

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any refrigeration motors/units or other mechanical plant associated with the use of the building.

TREE PROTECTION AND REMOVAL

55. TREE PROTECTION

The following trees shall be protected, in accordance with section 10 below:

Tree No.	Species	Location	Action
T 1	<i>Platanus hybrida</i> (London Plane)	public footpath	Retain in accordance with recommended Tree Protection Measures (Section 10). Install Trunk Protection boarding in accordance with Section 10.4. Demolish existing pavements within TPZ in accordance with Section 10.5. Undertake all excavations for new pavement sub-grade in accordance with Section 10.6. Install new pavements (surrounding trunk & to south) in accordance with Section 10.8 & 10.9. Further crown lifting to enhance view is considered unwarranted and is not recommended. Any additional crown lifting to be undertaken should not exceed 5 metres from pavement level. All such pruning should be undertaken in accordance with Section 10.10.

T 2	<i>Platanus hybrida</i> (London Plane)	x	public footpath	Retain in accordance with recommended Tree Protection Measures (Section 10). Install Trunk Protection boarding in accordance with Section 10.4. Demolish existing pavements within TPZ in accordance with Section 10.5. Undertake all excavations for new pavement sub-grade in accordance with Section 10.6. Install new pavements (surrounding trunk & to south) in accordance with Section 10.8 & 10.9. Further crown lifting to enhance view is considered unwarranted and is not recommended. Any additional crown lifting to be undertaken should not exceed 5 metres from pavement level. All such pruning should be undertaken in accordance with Section 10.10. Undertake all excavations for proposed stormwater drainage pipes within TPZ in accordance with Section 10.7.
T 3	<i>Platanus hybrida</i> (London Plane)	x	public footpath	Consider amending layout to retain existing pavement opening (size) and rubberised softfall surround. Further crown lifting to enhance view is considered unwarranted. Retain in accordance with recommended Tree Protection Measures (Section 10). Install Trunk Protection boarding in accordance with Section 10.4. Demolish existing pavements within TPZ in accordance with Section 10.5. Undertake all excavations for new pavement subgrade in accordance with Section 10.6. Install new pavement in accordance with Section 10.8 & 10.9. Any additional crown lifting should not exceed 5 metres from pavement level. All such pruning should be undertaken in accordance with Section 10.10. Undertake all excavations for proposed stormwater drainage pipes within TPZ in accordance with Section 10.7.
T 5	<i>Platanus hybrida</i> (London Plane)	x	On-site	Retain in accordance with recommended Tree Protection Measures (Section 10). Install Trunk Protection boarding in accordance with Section 10.3. Demolish existing pavements within TPZ in accordance with Section 10.5. Undertake all excavations for new pavement sub-grade in accordance with Section 10.6. Install new pavement in accordance with Section 10.8 & 10.9. Any additional crown lifting should not exceed 5 metres from pavement level. Crown thinning should not exceed 20% of the canopy volume. All such pruning should be undertaken in accordance with Section 10.10. All primary and secondary limbs should be retained intact. No branches exceeding 120mm in diameter should be pruned. Undertake all excavations for proposed stormwater drainage pipes within TPZ in accordance with Section 10.7.

10.4 Trunk Protection

10.4.1 Trunk protection boarding shall be erected around Trees [T1, T2, T3 & T5] to avoid accidental damage, as indicated on the Tree Protection Plan (**Appendix 6**). The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap as shown in **Figure 3**. Recycled timber (such as demolition waste) may be suitable for this purpose, subject to the approval of the Project Arborist. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection should be installed prior to any site works and maintained in good condition for the duration of the construction period. Carpet underfelt (alone) is sufficient for trees with a trunk diameter of less than 200mm. This shall be wrapped around the trunk in a double layer and held in place with heavy-duty fibre reinforced adhesive tape (e.g. Gaffer Tape).

10.5 Demolition Works within Tree Protection Zones

10.5.1 Demolition of paved areas within the Tree Protection Zones (TPZs) of trees [T1, T3, T4 & T5] shall be undertaken under the supervision of a qualified Arborist [Australian Qualification Framework (AQF) Level 5].

10.5.2 Asphalt pavements shall be removed by breaking the topcoat into manageable pieces. The broken sections shall be carefully lifted and folded over the remaining paved surface to minimise disturbance and compaction of the underlying soil profile. Unit pavements shall be demolished in a similar way, with minimal disturbance to the sub-base. Special care shall be taken where underlying woody roots have lifted or displaced the pavement (by hand lifting sections of pavement if required). Any plant or equipment used in demolition work shall operate within the footprint of existing paved areas and avoid traversing soft landscape areas. Where this is unavoidable, suitable ground protection shall first be installed in accordance with **Section 10.13**.

10.5.3 The pavement sub-base within the TPZ shall be gradually removed (where required) in layers of no greater than 50mm thick using a small rubber tracked excavator or alternative approved method to avoid excessive disturbance and compaction of the underlying soil profile and damage to underlying roots and minimise. The machine shall work within the footprint of the existing path footprint to avoid compaction of the underlying soil. The final layer of sub-base material shall be removed using hand tools where required to avoid compaction of the underlying soil profile and avoid damage to any underlying woody roots.

10.5.4 Demolition of existing walls, kerbs and other structures within the TPZ of trees [T1, T2, T3 & T5] shall be undertaken under the supervision of a qualified Arborist [AQF level 5]. The structures shall be demolished using equipment stationed outside the TPZ where possible or within the footprint of existing hardstand areas.

10.5.5 Care shall be taken to avoid the root systems, trunks and lower branches of trees in the vicinity of the structures during demolition works, with special attention required during demolition of the footings and other sub-surface members to avoid damage to woody roots. An observer ('spotter') shall be employed to assist the plant operator in order to detect and avoid

damage to underlying woody roots during demolition. Trunk and/or branch protection shall be installed where there is a potential risk of damage to trees in proximity or overhead of the work.

10.6 Excavations within Tree Protection Zones

10.6.1 Prior to any mechanical excavations for building foundations or pavement sub-grade within the TPZs of Trees **[T1, T2, T3 & T5]** exploratory excavation using non-destructive techniques shall be taken along the perimeter of the structure or pavement within the TPZ. Non-destructive excavation techniques may include the use of hand-held implements, air pressure (using an Airspade[®] device) or water pressure (hydro-excavation in combination with a vacuum extraction unit). The exploratory excavation shall be undertaken along the perimeter of the foundation or pavement (within the TPZ) to the depth of the foundation or to a maximum of 800mm from surface levels, to locate and expose any woody roots prior to any mechanical excavation.

10.6.2 All care shall be undertaken to preserve woody roots intact and undamaged during exploratory excavation. Any roots encountered of less than 30mm in diameter may be cleanly severed with clean sharp pruning implements at the face of the excavation where required. The root zone in the vicinity of the excavation shall be kept moist following excavation for the duration of construction to minimise moisture stress on the tree. Where large woody roots (greater than 30mm diameter) are encountered during exploratory excavations, further advice from a qualified arborist shall be sought prior to severance.

10.6.3 Large woody roots (greater than 30mm in diameter) located within the proposed new sub-base layer shall be retained intact without damage by carefully displacing soil material from around them using non-destructive excavation techniques. New sub-base material shall be carefully packed around the roots and tamped down by hand in order to minimise any physical damage to the roots.

10.7 Underground Services

10.7.1 Trenching for underground services and stormwater pipes within the TPZs of Trees **[T2, T3 & T5]**, shall be undertaken using non-destructive excavation in accordance with **Section 10.6**. Where large woody roots are encountered during excavation or trenching (root diameter greater than 30mm), these shall be retained intact wherever possible (e.g. by tunnelling beneath roots and inserting the pipeline or conduit beneath or re-routing the service etc). Where this is not practical and root pruning is the only alternative, proposed root pruning should be assessed by a qualified arborist [AQF 5] to evaluate the potential impact on the health and stability of the subject tree.

10.7.2 Installation of underground services and stormwater pipes within the SRZs of Trees **[any tree nominated for retention]**, shall only be undertaken by Horizontal Directional Drilling (HDD) (also referred to as sub-surface boring or Micro-tunnelling for large diameter pipes). The Invert Level of the pipe, plus the pipe diameter, must be lower than the estimated root zone depth as specified. At this site a minimum depth of 1 metre to the invert level of the pipe is specified.

10.8 Pavements

10.8.1 Proposed paved areas within the TPZs of Trees **[T1, T2, T3 & T5]** shall be placed at or slightly above grade where possible to minimise excavations within the root zone and avoid severance and damage of woody roots. The pavement sub-base material should be supplied and

installed in accordance with **Section 10.9**. The pavement surface shall be an open jointed unit pavement to permit some moisture percolation to the root zone within TPZs (other than the area designated as the public footpath (north of Trees T1, T2 & T3).

10.9 Pavement Sub-base

10.9.1 Pavement sub-base material within TPZs of trees **[T1, T2, T3 & T5]** shall be a coarse, gap-graded material such as 20 – 30mm crushed basalt (Blue Metal) or equivalent no-fines gravel/aggregate material to provide some aeration and moisture permeation to the root zone (except for the area of the proposed public foot path as detailed). Note that Dense Graded Base (DGB) such as road base, crushed concrete or crushed sandstone or other similar material containing a high percentage of fines is unacceptable for this purpose. The fill material should be consolidated using a nonvibrating roller or similar to minimise compaction of the underlying soil. A permeable geotextile may be used beneath the sub-base to prevent migration of the stone into the sub-grade and provide greater load-bearing capacity if deemed necessary.

10.10 Canopy & Root Pruning

10.10.1 Canopy pruning of Trees **[T1, T2, T3 & T5]** (that essential to clear the building envelope and temporary scaffolding), any approved Crown Lifting and any approved Crown Thinning and/or General Crown Maintenance shall be carried out in accordance with Australian Standard 4373-2007 – *Pruning of Amenity Trees*. All pruning work shall be carried out by a qualified and experienced arborist or tree surgeon [Australian Qualification Framework Level 3] in accordance with the NSW WorkCover *Code of Practice for the Amenity Tree Industry* (1998).

10.10.2 Any Crown Lifting (removal of lower branches) should not exceed five (5) metres from pavement level. No branches of greater than 120mm in diameter should be removed or pruned without further advice from a Consulting Arborist [Australian Qualification Framework Level 5].

10.10.3 Any proposed Crown Thinning (including any General Crown Maintenance) of Trees **[T5]** should *not* exceed more than 20% of the total canopy volume and retain the natural form and branching habit of the tree (as shown in **Figure 1**). Crown Thinning shall only be applied to tertiary branches, with all primary and secondary branches retained intact. No branches of greater than 120mm in diameter should be removed or pruned without further advice from a Consulting Arborist [Australian Qualification Framework Level 5].

10.10.4 Where root pruning of **[any tree nominated for retention]** is required to facilitate construction, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using Hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone containing the active constituents Indol-3-yl-Butric Acid (IBA) and 1-Naphthylacetic Acid (NAA) to stimulate rapid regeneration of the root system.

10.11 Tree Damage

10.11.1 Care shall be taken when operating cranes, drilling rigs and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy and construction activities, the advice of the Site Arborist must be sought.

10.11.2 In the event of any tree becoming damaged for any reason during the construction period a consulting arborist [Australian Qualification Framework Level 5] shall be engaged to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the arborist.

10.12 Temporary Scaffolding

10.12.1 Where temporary scaffolding must be erected within the TPZ of trees [T5], the scaffold shall be erected in accordance with Figure 5. Where foliage or branches project through the scaffold and create a safety hazard, this foliage and branches shall be temporarily excluded from the inner part of the scaffold by affixing a shade cloth screen on the outside of the scaffold (refer to Figure 5), or alternatively temporarily tying back branches where required. The pruning or removal of branches to accommodate the scaffold should be avoided wherever possible. Suitable ground protection shall be installed beneath the scaffold as shown in Figure 5 to prevent contamination, disturbance and compaction of the soil profile within the scaffold zone during construction.

10.12.2 Where pruning or removal of branches to accommodate temporary scaffolding is unavoidable, all such pruning work shall be undertaken in accordance with Section 10.10.

10.13 Ground Protection

10.13.1 Construction haul routes shall be confined to existing paved areas wherever possible. Where this is not feasible and construction haul routes or access for plant and equipment must traverse soft landscape areas within TPZs of [any tree nominated for retention], 20mm thick marine ply sheets or truck mats (such as Envirex Versadeck® access mats) (refer Figure 6 shall be placed over the top of the ground surface to minimise compaction and disturbance of the underlying soil profile and root zone.

10.13.2 Ground protection shall be installed prior to any site works and maintained in good condition for the duration of the construction period. On completion of the works, ground protection shall be removed without damage or disturbance to the underlying soil profile.

56. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed, as per the approved arborist report;

Tree No.	Species	Location	Action
T 4	<i>Platanus x hybrida</i> (London Plane)	On-site	Appears stable with poor branching structure. Exhibits a large axial wound extending from GL to PLs at 6-8 metres with dieback in vascular tissue (suspected poisoning). Remove as per Arborist report.
T 6	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Located within footprint of proposed new paved area.	Remove as per Arborist report.
T 7	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Located within footprint of proposed new paved area.	Remove as per Arborist report.

T 8	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Located within footprint of proposed new paved area.	Remove as per Arborist report.
T 9	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Located within footprint of proposed new paved area.	Remove as per Arborist report.

57. STREET TREES TO BE RETAINED/TREE PROTECTION

No existing street trees shall be removed without Council approval. 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) event 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 in accordance with AS4970-2009 "Protection of trees on construction sites.

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

58. FINAL OCCUPATION CERTIFICATE

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

59. SUBDIVISION CERTIFICATE

A Subdivision Certificate must be obtained from Council in accordance with of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

60. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

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

61. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

Prior to the issue of any Occupation Certificate, a Final Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to Council's satisfaction.

Notes:

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

62. CERTIFICATION OF LANDSCAPING

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

63. CERTIFICATION OF STORMWATER SYSTEM

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.

OTHER MATTERS

64. ALLOCATION OF STREET NUMBER

The consolidation of the parcels has led to the following allocation of address numbering:

- 33 - primary address site number
 - Spring Street - primary address site location.
- Buildings should be identified at the building entry point.
- Mill Hill Community Centre - Building A
 - Boot Factory - Building B

All sub premises numbers must be unique,

- Room numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the room.
- Commercial premises will be identified with an address identifier ie Shop 1, Office 2, Office 3, etc

The primary address site number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary located near the entry point and clearly visible from Spring street. The primary address site number shall be positioned on the site prior to the issue of the Occupation Certificate.

Any variation to the above address numbering requires a new application for a change of street number and/or address to be lodged with Council.

65. SITE MAP

A wayfinding site map is to be provided at the entry point of the site to assist visitors in and around the site. The site map shall be installed prior to the issue of an Occupation Certificate.

66. MAXIMUM PERSON CAPACITY – DETAILS REQUIRED

Insufficient details have been provided with the development application to properly assess the maximum persons capacity for the site. Therefore, prior to the issue of any Occupation Certificate, details shall be submitted for the approval of Council's Director, Planning, Environment and Regulatory (or delegate) to approve the maximum persons capacity for the site.

Details required shall include a BCA assessment prepared by a suitably qualified consultant and having regard to aggregate exit widths, uses, floor plan and sanitary facilities.

67. LIGHTING

- (a) Lighting on the site is to be in accordance with Council's Lighting Strategy.
- (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.

E. OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

MANAGEMENT PLANS

68. OPERATION IN ACCORDANCE WITH RELEVANT MANAGEMENT PLANS FOR THE SITE

The premises shall operate in accordance with the following Council approved management plans for the building:

- (a) Waste Management Plan
- (b) Plan of Management

The onus is on the management of the subject premises to obtain a copy of these plans and ensure management and staff of the subject tenancy are familiar with the relevant terms and conditions contained within.

69. PLAN OF MANAGEMENT – GENERAL USE

An amended Plan of Management (PoM) is to be submitted for the operation of the premises and is to include details of the operational and management procedures as well pro-active measures to control the following:

- (a) Amenity impacts to the surrounding neighbourhood of the premises;
- (b) Venue Management Plan (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints, staffing roles and responsibilities)
- (c) Safety and Security that references Crime Prevention Through Environmental Design (CPTED) principles in the design of the courtyard space and the methodology for minimising antisocial behavior in and around the site, in particular the outdoor civic space.
- (d) Compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints);
- (e) The behaviour of patrons;
- (f) Liquor practices (if licensed, including the responsible service of alcohol);
- (g) Staffing roles and responsibilities (including security personnel if required);
- (h) Management of patrons within the premises and their exit and dispersal from the area
- (i) Event/function management,
- (j) Hours of operation for individual uses within the Community Facility;
- (k) Noise Emission Recommendations outlined in the approved Acoustic Report; and
- (l) Other such operational matters to ensure compliance with relevant regulatory requirements.

The PoM shall be approved by Council's Director, Planning, Environment and Regulatory (or delegate) prior to the commencement of operations of works approved in this consent.

70. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant;

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.
- (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (j) At no times shall bins be stored on the public domain (e.g. footpaths).

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

- (a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times.
- (b) The approved PoM shall be adopted by the Management of the premises.
- (c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises.

72. EMERGENCY EVACUATION PLANS

- (a) An **emergency evacuation plan** must be prepared, maintained and implemented for tenancy in accordance with the requirements of AS3745.
- (b) An **emergency evacuation plan** must specify the following:
 - i. The location of all exits, and fire protection and safety equipment, for all parts of the tenancy,
 - ii. How the patrons are to be evacuated from the building in the event of a fire or other emergency.

Any fire safety officers appointed to be present must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

73. COPIES OF CONSENTS AND MANAGEMENT PLANS

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

GENERAL MATTERS

74. (1). HOURS OF OPERATION

(a) Hours of Operation

(i) Internal Areas: The hours of operation for the use of indoor area's of the premises is restricted to:

- Monday to Saturday: 7.00am to 11.00pm; and
- Sunday: 7.00am to 10.00pm.

(ii) Theatre (first floor level):

- Monday to Sunday: 7.00am to 11.00pm
- Infrequent 24-hour operation of the theatre spaces is restricted to 12 occurrences per year.

(iii) External areas (Norman Lee Place and roof terrace to Mill Hill Community Centre): The hours of operation for the use of the external areas of the premises is restricted to:

- Monday to Sunday: 7.00am to 10.00pm
- An exemption to these hours applies to temporary events, managed by Council's Event Policy and Events Division.

(b) Irrespective of sub clause (a), the set-up and clean-up for the premises may occur for one hour before and one hour after the approved hours of operation. During this time, the premises shall not trade nor be open to the public.

74(2). REVIEWABLE CONDITION PERMITTING EXTENDED TRADING HOURS

Notwithstanding condition 74(1) (Hours of Operation) of this consent and subject to condition 74(2) (Review condition permitting review of extended trading hours) of this consent, the premises may trade as follows ("**the extended trading hours**"):

Monday to Saturday: 11.00pm – 12.00am

Sunday: 10.00pm – 12.00am

74(3). REVIEW CONDITION PERMITTING REVIEW OF THE EXTENDED TRADING HOURS

(a) Condition 74(2) of this consent is subject to review condition 74(3).

(b) The purpose of this review condition is:

- i. To enable Council to review the environmental performance of the use and operation of the premises during the extended trading hours;
- ii. To enable the Council to change **the extended trading hours** in condition 74(2) after carrying out a review.

(c) Condition 74(2) will be reviewed not earlier than 1 (one) year from the date of this determination. The Council may change condition 74(2) on review.

- (d) The operator of the premises will be given not less than 14 days written notice that a review of condition 74(2) is to be carried out under this condition. The Council may notify such other persons as it thinks fit of the review. The Council must take into account any submissions made by a person (including the operator) that are received within 14 days after notice is given to the person of that review.
- (e) Consideration of the review will include, but not be limited to:
 - i. compliance of the premises in terms of security and its general management;
 - ii. number and nature of substantiated complaints regarding the operation of the premises received by Council or the NSW Police Force;
 - iii. compliance with conditions of consent and the Plan of Management;
 - iv. any comments received from the NSW Police Force; and
 - v. any other matters considered relevant to the environmental evaluation of the premises.
- (f) Conditions 74(1), 74(2), 74(3) apply during the period that sections 80A (10B)-(10E) of the *Environmental Planning and Assessment Act 1979* remains in force. In the event Section 80A (10B)-(10E) of the *Environmental Planning and Assessment Act 1979* is repealed or amended in such a way so as to prevent a review of the extended trading hours, the extended trading hours will cease to apply on the one year anniversary of this determination.
- (g) If the Council makes a decision to change reviewable condition 74(2) and:
 - (i) An appeal against that decision is lodged within 7 days of service of the determination in respect of the decision; and
 - (ii) The appeal is prosecuted by the appellant with diligence then the operator may continue to trade during the extended hours until the Land and Environment Court has finally determined the appeal.

75. MAXIMUM PERSON CAPACITY

- (a) The approved person capacity for the premises shall be limited to the number approved by Council's Director, Planning, Environment and Regulatory (or delegate).
- (b) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

76. SIGNAGE TO BE DISPLAYED

- (a) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main principle entry/ies to the premises stating the maximum number of persons, and approved hours (for each area) as specified in this development consent, that are permitted in the building.
- (b) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected near the main principle entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

Upon leaving please respect local residents by minimising noise

- (c) Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations.

77. EVENTS / FUNCTIONS

Any events or functions at the site shall be subject to separate approval by Council's Properties and Facilities /Event Management Division.

Where relevant, agencies including but not limited to NSW Police, Transport NSW, Roads and Maritime Services, NSW Ambulance Service, Taxi Council are to be notified of the event.

78. INTRUDER ALARM

- (a) The premises shall be fitted with an Intruder alarm system that has been designed and installed to the Australian Standard (Domestic and Commercial Alarm Systems).
- (b) A duress facility should be incorporated into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery.
- (c) Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

79. 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.

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 minutes.

- (b) 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.
- (c) 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.

80. NOISE EMISSIONS

The use of the Pavilion 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.

81. NOISE FROM SPEAKERS

All speakers shall:

- (a) be placed on anti-vibration mountings;
- (b) be completely independent of the building structure (particularly where there
- (c) is a residential portion in the building); and
- (d) be positioned so noise does not emanate in the direction of residential premises.

82. NOISE COMPLAINTS

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the *Protection of the Environment Operations Act 1997* occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
 - (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);
 - (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;
 - (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation; and
- (a) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

83. NEIGHBOURHOOD AMENITY

The management of the premises:

- (a) Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- (b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
- (c) Shall record in a Register kept at the premises full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.

- (d) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.

84. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

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

- (a) Internal cameras must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- (b) External cameras must operate continuously;
- (c) It must record in digital format and at a minimum of 15 frames per second,
- (d) Any recorded image must specify the time and date of the image;
- (e) The system's cameras must cover:
 - (i) all entry and exit points of the premises,
 - (ii) internal courtyard,
 - (iii) the footpath immediately adjacent to the premises,
 - (iv) any front, side and rear access points to the premises, and
 - (v) all publicly accessible areas (other than toilets) on the premises.
- (f) Cameras must have the ability to record viewable footage in low light environments;
- (g) Any cameras monitoring the entry and exit points of the premises, shall provide recorded images in which the picture quality and detail is sufficient to enable the identity of person/s to be established.
- (h) CCTV recordings must be retained for at least 30 days.
- (i) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.
- (j) Ensure that at least one member of staff is on the premises at all times the premises is trading who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage.
- (k) 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.

85. SIGNAGE / ADVERTISING

- (a) No advertising signs or notices are to be affixed to the windows of the premises.
- (b) Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council.
- (c) Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

F. ADVISORY MATTERS

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

AD1. POST CONSENT SATISFACTION OF CONDITIONS:

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

AD3. 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.

AD4. 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.

AD5. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

AD6. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

AD7. BONDI - ROSE BAY SAND BODY

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AD8. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD9. WORK OUTSIDE PROPERTY BOUNDARY

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

AD10. BUILDING TO BE WRAPPED

The applicant is encouraged to investigate possibilities of extracting an image of the completed building onto the hoarding and mesh surrounding the site during the demolition and construction stages of the development to minimise the visual intrusion of what is otherwise a large single coloured mesh 'block' during this time. Any advertising on the hoarding requires Council's written approval.

AD11. LIQUOR SALE / SUPPLY / CONSUMPTION

The primary purpose of the premises is to be an unlicensed community facility use. An application to modify this consent under section 4.55 of the Environmental Planning and Assessment Act 1979 is to be submitted to, and approved by Council prior to serving liquor on the premises.