



Report to the Sydney Eastern City Planning Panel

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC- 77
DA Number	DA-483/2018/A
LGA	Waverley Council
Approved Development	Partial demolition of structures and erection of seniors living development containing 55 independent living units, ancillary residential facilities, a registered club, including two bowling greens, basement car parking, landscaping and site works. (LEC decision)
Proposed Modification	Section 4.56 modification of conditions 1 and 8 relating to building height in order to enable an increase to the height of roof plant and provision of a roof hob to all four buildings, and modification of conditions 10 and 132 regarding incorrect description of user and other minor modifications.
Street Address	163 Birrell Street, Waverley
Applicant/Owner	Eastern Suburbs Leagues Club Limited C/- Hamptons Property Services
Date of DA lodgement	29 July 2020
Number of Submissions	9 submissions
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Section 4.56 modification application of development consent granted by the Land and Environment Court for a development with a CIV of more than \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy 55 - Remediation of Land • State Environmental Planning Policy 65 - Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Waverley Local Environmental Plan 2012 • Waverley Development Control Plan 2012
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Statement of Environmental Effects • Copy of submissions
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> • Height non-compliance • Overshadowing • Construction issues • Traffic and parking
Report prepared by	Jo Zancanaro, Senior Development Assessment Planner, Waverley Council
Report date	26 November 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?

Legislative clauses requiring consent authority satisfaction

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

Yes

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

Clause 4.6 Exceptions to development standards

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

Not Applicable

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

1. EXECUTIVE SUMMARY

Council is in receipt of a Section 4.56 modification application DA-483/2018/A from Eastern Suburbs Leagues Club Limited for modifications to the approved redevelopment of 163 Birrell Street, Waverley known as Waverley Bowling Club.

DA-483/2018 for partial demolition of the existing structures, construction of a new bowling club, two new bowling greens, construction of four new buildings consisting of seniors housing in the form of 55 seniors independent living units, alterations and additions to the existing clubhouse, a swimming pool and gym and associated basement car parking with 149 spaces and landscaping was approved on 20 September 2019 by the Land and Environment Court subject to a deferred commencement consent and conditions. The consent was activated on 7 September 2020

The Section 4.56 application proposes to modify Conditions 1, 8, 10 and 132 of the development consent. Condition 1 relates to the plan identification table which is required to be updated should the modification application be approved. Condition 8 relates to the height of each of the approved buildings; and amendments to Conditions 10 and 12 seek to correct two errors in the description of the users of the development. Other modifications are proposed to plant and equipment.

The increase in the height under this modification application, which ranges from 200mm to 300mm, is as a result of the design resolution in relation to improved acoustic solutions for the development and the provision of a hob to the edge of the roof areas. The minor increase that is proposed to the height of each building does not change the overall appearance of the approved development.

The site is zoned RE2 – Private Recreation under the Waverley Local Environmental Plan 2012.

Submissions from nine properties were received to the application when notified during the assessment process. The matters raised are discussed in this report and can be summarised as relating to height, overshadowing, visual outlook, parking, traffic, noise and nuisances during construction.

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

2. PREAMBLE

2.1 Site and Surrounding Locality

The subject site is located at 163 Birrell Street, Waverley, which comprises three properties known as Lot 2 DP1114418, Lot 1 DP966387 and Lot 301 DP1114421. The site currently contains the existing single storey heritage listed Waverley Bowling Club building and associated three bowling greens. A portion of the fabric of the existing clubhouse is heritage listed. The site has a total combined area of 10,870m² and has frontages to Birrell Street (north), Henrietta Street (west) and Langlee Avenue (east).

Adjoining the site to the south is an existing four storey residential flat building and single dwelling houses. To the west across Henrietta Street is Waverley College and to the north across Birrell Street is Waverley Park. To the east across Langlee Avenue is a mix of residential apartment buildings and single dwellings. The site is zoned RE2 – Private Recreation under the Waverley Local Environmental Plan (WLEP) 2012.



Figure 1: Aerial view of the site



Figure 2: Subject site viewed from the corner of Birrell Street and Henrietta Street



Figure 3: Subject site viewed from the corner of Birrell Street and Langlee Avenue

2.2 Details of Approved Development

DA-483/2018 - On 18 December 2018, development application DA-483/2018 was lodged with Waverley Council to redevelop the precinct occupied by the Waverley Bowling Club. On 25 February 2019, the applicant then lodged an appeal with the Land and Environmental Court ('the Court') against the Council's deemed refusal of the application. The application proposed the demolition of all existing structures, construction of a new bowling club and two new bowling greens, a seniors living development, childcare centre and associated basement car parking and landscaping. The childcare centre and demolition of heritage listed item was later deleted from the application.

Judgement was handed down by the Court on 13 September 2019 upholding the appeal. DA-483/2018 for partial demolition of the existing structures, construction of a new bowling club, two new bowling greens, construction of four new buildings consisting of seniors housing in the form of 55 independent living units, alterations and additions to the existing clubhouse, a swimming pool and gym and associated basement car parking with 149 spaces and landscaping was approved on 20 September 2019 subject to a deferred commencement consent and conditions. The consent was activated on 7 September 2020.

The following conditions of consent relate to the subject modification:

A. PLANS

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) *Architectural Plans prepared by Altis Architecture including the following;*

Drawing No.	Drawing Name	Drawing Revision & Date	Drawing Date (Plot)
DA0000.1	Cover Page	H	16.09.19
DA0001.1	Site Location Plan	F	16.09.19
DA0005.1	Basix Commitments	B	16.09.19
DA1001.1	Existing Site & Demolition Plan	E	16.09.19
DA1002	Existing and Demolition Plan / Elevation	A	18.06.19
DA1100.1	Proposed Basement 2 Plan	F	16.09.19
DA1101.1	Proposed Basement 1 Plan	H	16.09.19
DA1102.1	Proposed Ground Floor Plan	I N	16.09.19 7/7/20
DA1103.1	Proposed Level 1 Plan	H M	16.09.19 7/7/20
DA1104.1	Proposed Level 2 Plan	G L	16.09.19 7/7/20
DA1105.1	Proposed Level 3 Plan	G L	16.09.19 7/7/20
DA1106.1	Proposed Level 4 Plan	G L	16.09.19 7/7/20
DA1107.1	Proposed Level 5 Plan	F K	16.09.19 7/7/20
DA1108.1	Proposed Level 6 Plan – Communal Rooftop	F	16.09.19
DA1109.1	Roof Plan	G	16.09.19
DA2100.1	Overall Street Elevations	G	16.09.19
DA2110.1	Block A Elevations	F	16.09.19

DA2111.1	Block B Elevations	E	16.09.19
DA2112.1	Block C Elevations	G	16.09.19
DA2113.1	Block D Elevations	G	16.09.19
DA2114	Heritage Elevations	D	16.09.19
DA3000.1	General Sections	E	16.09.19
DA3001.1	General Sections	E	16.09.19
DA3002.1	General Sections	E	16.09.19
DA3010.1	Car park ramp sections	D	16.09.19
DA5000	Ground Floor Plan – Site services	B	7/7/20
DA5004	Substation Details	D	7/7/20
DA5005	Booster Assembly Details	D	7/7/20
DA5007	Roof Structure Details Building A	B	
DA5008	Boundary Fence Details	C	7/7/20
DA5009	Façade Section Details Fronting Roadway Building A	D	7/7/20
DA5010	Façade Section Details Fronting Roadway Building C and D	D	7/7/20
DA5020	Typical Balcony Frame Details	D	7/7/20
DA5021	Typical External Shading & Privacy Blades Details	D	7/7/20
DA5022	Building A – Entry Foyer	D	7/7/20
DA5023	Building B – Entry Foyer	D	7/7/20
DA5024	Building C – Entry Foyer	D	7/7/20
DA5025	Building D – Entry Foyer	D	7/7/20
DA5026	Club Entry	D	7/7/20
DA5027	Façade Details	D	7/7/20
DA5028	Façade Details	D	7/7/20
DA5029	Façade Details	D	7/7/20
DA5030	Façade Details	D	7/7/20
DA5031	Façade Details	D	7/7/20
DA5032	Façade Details	D	7/7/20
DA5033	Façade Details	D	7/7/20
DA5034	Façade Details	D	7/7/20
DA5035	Façade Details	D	7/7/20

- (b) *Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 18 June 2019 Revision B;*
- (c) *Site Waste Management Plan (SWRMP) prepared by Elephants Foot Recycling Solutions dated 18/06/2019 Revision No. 100020 Revision F;*
- (d) *Trade Waste Treatment Report prepared by LCI and dated 8 August 2019; and*
- (e) *Letter dated 17 June 2019 prepared by Wood & Grieve Engineers ‘Target GHG Emissions’;*
- (f) *Waverley Bowling Club, Acoustic Assessment for Development Application Deferred Commencement v2.1 prepared by Acoustic Directions and dated 8 April 2020;*
- (g) *20.383 Waverley Bowling Club Signage Strategy issue B prepared by Brand culture and dated 7 July 2020.*

8. FLOOR TO CEILING HEIGHTS

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

BUILDING HEIGHT

(a) The height of:

- i. Building A must not exceed RL 111.25 (AHD) to the top of the plant and RL 107.25 (AHD) to the roof of Level 6 the building;*
 - ii. Building B must not exceed RL 101.30 (AHD) to the top of the plant and RL 99.80 (AHD) to the roof of Level 4;*
 - iii. Building C must not exceed RL 98.20 (AHD) to the top of the plant and RL 96.70 (AHD) to the roof of Level 3;*
 - iv. Building D must not exceed RL 98.20 (AHD) to the top of the plant and RL 96.70 (AHD) to the roof of Level 3;*
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the buildings accords with (a) above, to the satisfaction of the Principal Certifier.*

10. OCCUPANTS OF THE DEVELOPMENT

The following kinds of people only may occupy any accommodation to which this development consent relates:

- (a) Senior people who have a disability as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP");*
- (b) People who live in within the same household with seniors or people with a disability;*
- (c) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP.*

This condition is to be complied with for the life of the development

132. RESTRICTION AS TO USER

A restriction as to user must be registered in accordance with section 88E of the Conveyancing Act 1919 on title of 163 Birrell Street, Waverley for allotments Lot 2 DP 1114418, Lot 1, DP 966387, Lot 301 DP 1114421 which restricts the use of any accommodation to which this development consent relates to only the following kinds of people:

- (a) Senior people who have a disability as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP");*
- (b) People who live in within the same household with seniors or people with a disability;*
- (c) Staff employed to assist in the administration of and provision of services to housing provided*

under the SEPP.

The terms of the restrictions as to user are to be approved by Council in writing prior to registration. The council shall be the party who has the rights to modify or extinguish the restriction. All costs, including legal costs associated with registration of this instrument shall be borne by the Application. This condition is to be satisfied prior to the issue of an occupation certificate.

The application has been lodged as a section 4.56 application and provides for the following modifications to the approved development:

Condition 1 is to be updated to reflect the amended plans. In terms of Condition 8, the proposed modification to the building height which is being sought is as follows:

- (i) **Building A** (six storeys) – The approved roof height of Level 6 is at RL 107.25. This level did not include a hob which is required to the perimeter of the roof slab. The proposed hob is to RL 107.45, an increase of 200mm, and has been inset from the roof edge to reduce the visual impact.
- (ii) **Building B** (four storeys) – The approved roof height of Level 4 is at RL 99.80. This level did not include a hob which is required to the perimeter of the roof slab. The proposed hob is to RL 100.00, an increase of 200mm and has been inset from the roof edge to reduce the visual impact.
- (iii) **Building C** (three storeys) – The RL to the top of plant has been increased by 300mm from RL 98.20 to RL 98.50. This is due to the size of plant equipment identified following the services development of the proposal. As a result, the height of the surrounding acoustic screen has also been raised from 1.5m to 1.8m to conceal this equipment. This screen has been inset from building edges to reduce the visual impact. Additionally for Building C, the approved roof height of Level 3 is at RL 96.70. This level did not include a hob which is required to the perimeter of the roof slab. The proposed hob is to be at RL 96.90, an increase of 200mm, and has been inset from the roof edge to reduce the visual impact.
- (iv) **Building D** (three storeys) - The RL to the top of plant has been increased by 300mm from RL 98.20 to RL 98.50. This is due to the size of plant equipment identified following the services development of the proposal. As a result, the height of the surrounding acoustic screen has been raised from 1.5m to 1.8m to conceal this equipment. This screen has been inset from building edges to reduce the visual impact. Additionally for Building D, the approved roof height of Level 3 is at RL 96.70. This level did not include a hob which is required to the perimeter of the roof slab. The proposed hob is at RL 96.90, an increase of 200mm, and has been inset from the roof edge to reduce the visual impact.

In terms of conditions 10 and 132, the modification requested seeks to correct two errors in the description of the development as it relates to *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP)*, which is discussed in detail below. The applicant has requested as part of this Section 4.56 modification application that the description of who may occupy the premises, that being a person who is a *senior or who has a disability*, but not just restricted to a *senior who has a disability* as Condition 10 and 132 reference.

Other proposed modifications shown on the submitted plans include:

- Skylight shape amended from oval to round on Building A;
- Acoustic louvred roof over plant added to Buildings A and B;

- Kitchen exhaust duct added to Building A;
- New roof access hatch to Building B; and
- Kitchen exhaust duct added to the roof of the existing heritage listed building.

Council is also taking the opportunity under this modification application to amend minor errors in the numbering of conditions throughout the conditions document.

3. ASSESSMENT

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

3.1 Section 4.56 Considerations

Section 4.56 applications - the modifications, if approved, are substantially the same development as the original consent. Council has notified the application and considered submissions as discussed further in the report.

3.2 Planning Instruments and Development Control Plans

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

3.2.1 SEPP (Building Sustainability Index – BASIX) 2004

An amended BASIX Certificate has not been submitted with this application. The proposed modifications do not alter layouts that would impact on BASIX requirements.

3.2.2 SEPP 55 Remediation of Land

Site contamination was considered in the original application.

3.2.3 SEPP 65 Design Quality of Residential Flat Development

The application was not referred to the Waverley Design Excellence Advisory Panel (DEAP) given the nature of the works proposed however, an assessment has been undertaken with regard to the nine design quality principles under SEPP 65 which are set out in Table 1 below:

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

Principle
Principle 1: Context and Neighbourhood
The minor increase that is proposed to the height of each building will not be readily discernible from surrounding properties and the locality.
Principle 2: Built Form and Scale
The proposed increase in building height to each of the approved buildings is minor to accommodate plant and equipment on the roof top to address acoustic requirements. The modifications do not result in unreasonable overshadowing to the adjoining properties or result in the loss of views. The proposal is consistent with the built form and scale of the approved

Principle
development and does not result in unreasonable impacts on the amenity of neighbouring properties or the locality.
Principle 3: Density
The proposed modifications do not seek to alter the approved density on site.
Principle 4: Sustainability
The proposed modifications do not seek to alter the approved sustainability measures on site.
Principle 5: Landscape
The proposed modifications do not seek to alter the approved landscaping on site.
Principle 6: Amenity
Shadow diagrams were submitted with the modification application which demonstrate that there is no unreasonable overshadowing on neighbouring properties as a result of the minor increase in height proposed. The proposed modifications will also not result in unreasonable view loss impacts.
Principle 7: Safety
Satisfactory
Principle 8: Housing Diversity and Social Interaction
Satisfactory
Principle 9: Aesthetics
The proposed modifications maintain the overall aesthetic of each of the buildings. The plant and equipment is positioned on the roof top and is set well back from edges of the roof.

3.2.4 SEPP (Housing for Seniors or People with a Disability 2004)

Development consent was issued under DA-483/2018 for the development of the subject site for seniors living or for people living with a disability.

In accordance with Chapter 3 of the SEPP, clause 18 deals with Restriction on occupation of seniors housing allowed under this Chapter and states as follows:

- (1) *Development allowed by this Chapter may be carried out for the accommodation of the following only—*
 - (a) *seniors or people who have a disability,*
 - (b) *people who live within the same household with seniors or people who have a disability,*
 - (c) *staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

Chapter 2 of the SEPP affirms the distinction between ‘seniors’ or ‘people with a disability’, as follows:

Clause 8 Seniors

In this Policy, seniors are any of the following—

- (a) *people aged 55 or more years,*

- (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

Clause 9 People with a disability

In this Policy, **people with a disability** are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

It is evident that there has been an incorrect reference in Conditions 10 and 132 of the original development consent that has inadvertently limited the occupants of the development to *seniors who have a disability* and not to *seniors or people who have a disability* as defined in the SEPP. This correction to the error of the description will ensure consistency with Clause 18 of the SEPP.

3.2.5 WLEP

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

Table 2: WLEP Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the WLEP.
Part 2 Permitted or prohibited development		
Land Use Table RE2 – Private Recreation	No	The site is subject to a Site Compatibility Certificate (SCC) determined pursuant to clause 25(4)(a) of the Seniors Housing SEPP. Seniors housing is not expressly permitted with development consent and therefore technically prohibited on the site under WLEP, however, by virtue of achieving a SCC it was determined that the site is suitable for more intensive development being Seniors housing. No change is proposed to the approved uses on the subject site under this modification application.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	See discussion below this table.
4.4 Floor space ratio	No change sought	The modification application does not seek to make changes to the approved FSR on the site.
4.6 Exceptions to development standards	See discussion	Clause 4.6 does not apply to Section 4.56 applications. Notwithstanding, a detailed discussion of the variation to the height

Provision	Compliance	Comment
		development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes, condition	The subject site comprises the Waverley Bowling Clubhouse which is a locally listed heritage item I451. The subject modification plans show the kitchen exhaust to breach the roof of this building however, this has not been addressed in any of the submitted documentation. It is recommended that this element be deleted from the modification application given the lack of information submitted in support of these works to the heritage item.

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

Height

An assessment under clause 4.6 of WLEP is not required for Section 4.56 applications. The development must be considered against the ‘substantially the same development’ test for Section 4.56 applications. The modified proposal is considered to be ‘substantially the same development’ as that which was approved.

The development standards continue to be applicable even though a clause 4.6 objection to a development standard is not required to be provided. In this regard, the proposal is to be assessed against the objectives of the development standard.

The objectives of the height development standard are as follows:

(1) The objectives of this clause are as follows—

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

Objectives (b) and (c) are not relevant to the subject site, not being located within the Bondi Junction Centre.

The approved development on the site under DA-483/2018 has gone through an extensive Court process, which endorsed the built form and envelope. This included approval of the substantial increase in the height proposed for the site allowing an overall maximum height of 23m (top of roof plant for Building A) above the applicable development standard of 8.5m under WLEP. The Court

upheld the appeal thereby endorsing the proposed height non-compliance as upholding the objectives of the height development standard.

The increase in the height under this modification application, which ranges from 200mm to 300mm, is as a result of the design resolution in relation to improved acoustic solutions for the development and the provision of roof hobs. The minor increase that is proposed to the height of each building does not change the overall appearance of the approved development. The proposed increase in height is minimal with the proposed works not discernable from its surrounds. There will be no unreasonable impacts on the amenity of nearby properties as a result of overshadowing or view loss. There will also be no unreasonable impacts on the fabric of the existing Waverley Bowling Club heritage listed building. The proposed modifications to the height are considered to be acceptable and can be supported.

3.2.6 Waverley Development Control Plan 2012 - Amendment No.7 (WDCP)

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

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

Development Control	Compliance	Comment
9. Heritage	Yes, condition	The subject site comprises the Waverley Bowling Clubhouse which is a locally listed heritage item I451. The subject modification plans show the kitchen exhaust to breach the roof of this building however, this has not been addressed in any of the submitted documentation. It is recommended that this element be deleted from the modification application given the lack of information submitted in support of these works to the heritage item.

Table 4: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table

This part applies to development that is subject to State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development.

Development Control	Compliance	Comment
4.2 Height		
<ul style="list-style-type: none"> Refer to the WLEP 	No	This matter has been addressed above.
4.5 Building design and streetscape		
<ul style="list-style-type: none"> Scale and appearance in keeping with the street 	Yes	The proposed modification to increase the height of the buildings by 200mm-300mm will not be readily discernible from the surrounding streetscape.
4.10 Views and View Sharing		
<ul style="list-style-type: none"> New development should be designed to minimise view loss to adjoining and adjacent views 	Yes	The proposed increase in height by 200mm-300mm will not result in unreasonable view loss impacts. No submissions were received during public notification of the application which raised view loss as an issue.

3.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will not have a detrimental environmental effect upon the locality and is supported.

3.4 Suitability of the Site for the Development

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

3.5 Any Submissions

The modification application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development* (Note: the proposed modification to the description as to user was not notified as it was submitted by the applicant after notification had been finalised. Given the minor nature of this modification to correct the description as to user with no impacts identified, it was not considered necessary to notify this minor change).

Submissions from nine properties were received. The issues raised in the submissions are summarised and discussed below.

Table 5: Summary of property addresses that lodged a submission

Property
32 Brown Street, Bronte
26 Dickson Street, Bronte
14 Henrietta Street, Waverley
85 Henrietta Street, Waverley
197 Birrell Street, Waverley
Unit 28/ 205 Birrell Street, Waverley
Unit 5, 57 Bennett Street
No identified address x 2

The following issues raised in submissions have been discussed previously in this report:

- Height
- Overshadowing
- Visual outlook

Those issues not addressed above are provided below with a response:

Issue: Noise from plant and equipment

Response: All conditions in relation to acoustic requirements form part of the modification (and original consent).

Issue: Construction issues, safety during construction, noise and disturbance etc.

Response: All conditions in relation to construction remain as part of the modification (and original consent). This issue predominantly relates to the original approval.

Issue: Parking and increased traffic

Response: This issue predominantly relates to the original approval with no changes proposed to parking and traffic under this modification application.

Issue: Maintenance of site pending construction

Response: This issue does not relate to the subject modification application.

3.6 Public Interest

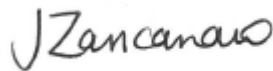
It is considered that the proposal will not have a detrimental effect on the public interest.

4. RECOMMENDATION TO SYDNEY EASTERN CITY PLANNING PANEL

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

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**



Jo Zancanaro
Senior Development Assessment Planner

Bridget McNamara
Manager, Development Assessment
(North/South)

Date: 23 November 2020

Date: 25 November 2020

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED – DA-483/2018/A

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

A. Amended/Deleted Conditions

A. PLANS

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans prepared by Altis Architecture including the following;

Drawing No.	Drawing Name	Drawing Revision & Date	Drawing Date (Plot)
DA0000.1	Cover Page	H	16.09.19
DA0001.1	Site Location Plan	F	16.09.19
DA0005.1	Basix Commitments	B	16.09.19
DA1001.1	Existing Site & Demolition Plan	E	16.09.19
DA1002	Existing and Demolition Plan / Elevation	A	18.06.19
DA1100.1	Proposed Basement 2 Plan	F	16.09.19
DA1101.1	Proposed Basement 1 Plan	H	16.09.19
DA1102.1	Proposed Ground Floor Plan	† N	16.09.19 7/7/20
DA1103.1	Proposed Level 1 Plan	‡ M	16.09.19 7/7/20
DA1104.1	Proposed Level 2 Plan	§ L	16.09.19 7/7/20
DA1105.1	Proposed Level 3 Plan	§ L	16.09.19 7/7/20
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DA1108.1	Proposed Level 6 Plan – Communal Rooftop	F	16.09.19
DA1109.1	Roof Plan	G	16.09.19
DA2100.1	Overall Street Elevations	G	16.09.19
DA2110.1	Block A Elevations	F	16.09.19
DA2111.1	Block B Elevations	E	16.09.19
DA2112.1	Block C Elevations	G	16.09.19
DA2113.1	Block D Elevations	G	16.09.19
DA2114	Heritage Elevations	D	16.09.19
DA3000.1	General Sections	E	16.09.19
DA3001.1	General Sections	E	16.09.19
DA3002.1	General Sections	E	16.09.19
DA3010.1	Car park ramp sections	D	16.09.19
DA5000	Ground Floor Plan – Site services	B	7/7/20
DA5004	Substation Details	D	7/7/20
DA5005	Booster Assembly Details	D	7/7/20
DA5007	Roof Structure Details Building A	B	

DA5008	Boundary Fence Details	C	7/7/20
DA5009	Façade Section Details Fronting Roadway Building A	D	7/7/20
DA5010	Façade Section Details Fronting Roadway Building C and D	D	7/7/20
DA5020	Typical Balcony Frame Details	D	7/7/20
DA5021	Typical External Shading & Privacy Blades Details	D	7/7/20
DA5022	Building A – Entry Foyer	D	7/7/20
DA5023	Building B – Entry Foyer	D	7/7/20
DA5024	Building C – Entry Foyer	D	7/7/20
DA5025	Building D – Entry Foyer	D	7/7/20
DA5026	Club Entry	D	7/7/20
DA5027	Façade Details	D	7/7/20
DA5028	Façade Details	D	7/7/20
DA5029	Façade Details	D	7/7/20
DA5030	Façade Details	D	7/7/20
DA5031	Façade Details	D	7/7/20
DA5032	Façade Details	D	7/7/20
DA5033	Façade Details	D	7/7/20
DA5034	Façade Details	D	7/7/20
DA5035	Façade Details	D	7/7/20

- i. **As amended by architectural plans prepared by Altis Architecture and stamp date received by Council on 29 July 2020 as they relate to modifications to the plant and equipment and roof hobs applied for under DA-483/2018/A and including as follows:**

Drawing No.	Drawing Name	Drawing Revision	Drawing (Plot) Date
DA1105.1	Proposed Level 3 Plan – S.4.55 Issue	L	30/06/2020
DA1107.1	Proposed Level 5 Plan – S.4.55 Issue	K	30/06/2020
DA1108.1	Proposed Level 6 Plan – Communal Rooftop – S.4.55 Issue	J	30/06/2020
DA1109.1	Proposed Roof Plan – S.4.55 Issue	K	30/06/2020
DA2110.1	Block A Elevations – S.4.55 Issue	G	30/06/2020
DA2111.1	Block B Elevations – S.4.55 Issue	F	30/06/2020
DA2112.1	Block C Elevations – S.4.55 Issue	H	30/06/2020
DA2113.1	Block D Elevations – S.4.55 Issue	H	30/06/2020
DA3000.1	General Sections – S.4.55 Issue	G	30/06/2020
DA3001.1	General Sections – S.4.55 Issue	G	30/06/2020
DA3002.1	General Sections – S.4.55 Issue	F	30/06/2020

- (b) Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 18 June 2019 Revision B;
- (c) Site Waste Management Plan (SWRMP) prepared by Elephants Foot Recycling Solutions dated 18/06/2019 Revision No. 100020 Revision F;
- (d) Trade Waste Treatment Report prepared by LCI and dated 8 August 2019; and

- (e) Letter dated 17 June 2019 prepared by Wood & Grieve Engineers 'Target GHG Emissions';
- (f) Waverley Bowling Club, Acoustic Assessment for Development Application Deferred Commencement v2.1 prepared by Acoustic Directions and dated 8 April 2020;
- (g) 20.383 Waverley Bowling Club Signage Strategy issue B prepared by Brand culture and dated 7 July 2020.

(AMENDED DA-483/2018/A)

1A. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) *The proposed kitchen exhaust to the roof of the heritage listed building item No. 1451 of Waverley Local Environmental Plan 2012, as shown on Proposed Roof Plan drawing No.DA1109.1 Issue K dated 30/06/2020 and date stamp received by Council on 29/07/2020 is not approved and is to be deleted from the plans.*

The amendments are to be approved by the Executive Manager, Development Assessment or delegate prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

(ADDED DA-483/2018/A)

8. FLOOR TO CEILING HEIGHTS

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

BUILDING HEIGHT

- (a) *The height of:*

- i. *Building A must not exceed RL 111.25 (AHD) to the top of the plant and RL ~~107.25~~ **107.45** (AHD) to the roof of Level 6 the building;*
- ii. *Building B must not exceed RL 101.30 (AHD) to the top of the plant and RL ~~99.80~~ **100.00** (AHD) to the roof of Level 4;*
- iii. *Building C must not exceed RL ~~98.20~~ **98.5**(AHD) to the top of the plant and RL ~~96.70~~ **96.90** (AHD) to the roof of Level 3;*
- iv. *Building D must not exceed RL ~~98.20~~ **98.5**(AHD) to the top of the plant and RL ~~96.70~~ **96.90** (AHD) to the roof of Level 3;*

- (b) *Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the buildings accords with (a) above, to the satisfaction of the Principal Certifier.*

(AMENDED DA-483/2018/A)

10. OCCUPANTS OF THE DEVELOPMENT

The following kinds of people only may occupy any accommodation to which this development consent relates:

- (a) Seniors or people who have a disability as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP");*
- (b) People who live in within the same household with seniors or people with a disability;*
- (c) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP.*

This condition is to be complied with for the life of the development.

(AMENDED DA-483/2018/A)

132. RESTRICTION AS TO USER

A restriction as to user must be registered in accordance with section 88E of the Conveyancing Act 1919 on title of 163 Birrell Street, Waverley for allotments Lot 2 DP 1114418, Lot 1, DP 966387, Lot 301 DP 1114421 which restricts the use of any accommodation to which this development consent relates to only the following kinds of people:

- (a) Seniors or people who have a disability as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP");*
- (b) People who live in within the same household with seniors or people with a disability;*
- (c) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP.*

The terms of the restrictions as to user are to be approved by Council in writing prior to registration. The council shall be the party who has the rights to modify or extinguish the restriction. All costs, including legal costs associated with registration of this instrument shall be borne by the Application. This condition is to be satisfied prior to the issue of an occupation certificate.

(AMENDED DA-483/2018/A)

APPENDIX B – FULL SET OF CONDITIONS OF CONSENT – DA-483/2018/A

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

A ~~DEFERRED COMMENCEMENT MATTERS~~

~~Pursuant to Section 4.16 (3) of the Environmental Planning and Assessment Act 1979, deferred commencement consent is granted. The consent is not to operate until the applicant has satisfied Council to the following matters:~~

~~1. Acoustic Assessment~~

~~An acoustic assessment report shall be prepared by a qualified acoustical consultant/engineer addressing the outstanding acoustics issues identified in the joint conference report on acoustics, including but not limited to:~~

- ~~(a) Identification of the existing Rating Background Levels at residential receivers adjacent to the southern boundary of the site and residential receivers opposite the Langlee Avenue driveway.~~
- ~~(b) Identification of the Rating Background Levels at residential receivers adjacent to the southern boundary of the site with the erection of the proposed buildings.~~
- ~~(c) Verification/allocation of the external background levels for residential receivers on the site that would be applicable to any compliance testing of noise from the licensed areas of the site and mechanical plant.~~
- ~~(d) Verification/allocation of the internal background levels for residential receivers above the Club, the swimming pool and gym that would govern the sound/vibration isolation criteria to achieve inaudibility in residential occupancies above those areas.~~
- ~~(e) Identification of the maximum noise levels associated with the provision of entertainment in the Club.~~
- ~~(f) Specification of the required noise and vibration isolation for the ceiling/floor above the Club, Swimming Pool and Fitness Centre.~~
- ~~(g) Identification of car park ventilation requirements and proposed position of inlet and outlet vents.~~
- ~~(h) Preliminary assessment of mechanical plant noise emission levels/limits.~~
- ~~(i) Identification of proposed system for air conditioning the residential tower and specification of noise limits for central plant system or individual units serving separate apartments to ensure compliance with the overall plant noise criteria and the Regulations to the POEO Act.~~
- ~~(j) Provision of sound level measurement results for operational driveways external to the building having a similar configuration and slope as proposed. Measurement to include noise~~

monitoring locations representative of dwellings adjacent to the southern boundary of the subject site and 37 Langlee Avenue.

- ~~(k) Use of testing from a similar configuration to demonstrate compliance with section 2.5 of the EPA's Noise Policy for Industry.~~
- ~~(l) Provision of road traffic noise measurements in accordance with the EPA Road Noise Policy for Henrietta Street and Langlee Avenue with identification of current traffic movements from the site.~~
- ~~(m) Identification of the traffic generated from the proposed development (including maximum patrons for a function) and identification of road traffic noise levels with the subject site in operation, re local road criteria as identified in Tab 3 of EPA Road Noise Policy.~~
- ~~(n) Identification of noise limit for external activities of the Club upon which the acoustic performance of the building envelope shall be designed to achieve compliance with a modified NSW Liquor and Gaming noise criteria when applied to indoor noise exposed to those sources shall result in when applied to mechanical noise 1668-2.~~
- ~~(o) The construction of Buildings A, B and C shall be designed to comply with the proposed modified Liquor & Gaming NSW LA10 noise condition. when assessed inside the residential accommodation with windows and doors close mechanically ventilated according to AS 1668.~~

NOTE: Any recommendations provided by the consultant must form part of this consent.

2. Design Resolution

Further detail and modification of the design is to be submitted and endorsed by the Waverley Design Excellence Panel which address the following matters:

- ~~(i) Ceiling fans (to be shown on the drawings) should be provided in all habitable rooms.~~
- ~~(ii) Post box location and access be shown on the plans.~~
- ~~(iii) Adequate screening techniques (landscaping and material screening) shall be provided to the substation that ensures its presentation is in keeping with the development.~~
- ~~(iv) Section detail (at a scale of 1:50) for façade details for all buildings fronting a roadway.~~
- ~~(v) Detailed elevations and sections shall be provided for all aspects of each building. Details to include though not limited to materials, finishes, openings (operability), privacy mitigation measures and floor levels (including RLs).~~
- ~~(vi) The above details to include detailed drawings of the commercial premises shopfronts, entry foyers, awnings, window and balcony details, gaming terrace and major junctions between materials.~~

- ~~(vii) Detailed drawings of the method of resolution of shading, wind protection and suitable ventilation to single aspect units.~~
- ~~(viii) A signage strategy for the building, specifying locations and external colours of signage.~~
- ~~(ix) The material and method of fixing the external shading / privacy blades.~~
- ~~(x) The 'pan handle' section of the private open space of units BG02, CG01, CG02, C101 and C201 are to be increased in depth to a minimum of 1 metre to ensure useability.~~
- ~~(xi) Details, including height and materials of the roof structure over the communal terrace of Building A;~~
- ~~(xii) Details of the covering of the booster on Henrietta Street, including colours;~~
- ~~(xiii) Windows are not to abut intersecting walls (eg. DG01);~~
- ~~(xiv) Details of fences on all boundaries.~~
- ~~(xv) Acoustic barriers within the deep soil landscape areas south of the two driveways are to be provided.~~
- ~~(xvi) Privacy screening to the southern side of the terrace unit C101 – Building C is to be provided.~~
- ~~(xvii) The location of the concrete pad for construction machinery to be relocated from boundary with No 38 Langlee Ave, to a suitable location.~~

~~The amendments shall be referred to the Design Excellence Panel for approval to the satisfaction of Council's Executive Manager, Development Assessment (or delegate). Note, additional documentation is required and referral fee is payable.~~

~~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.~~

(SATISFIED 07/09/2020)

Upon satisfying the consent authority as to the matters contained in Schedule A, the following conditions shall apply:

B. APPROVED DEVELOPMENT

APPROVED PLANS AND DOCUMENTATION

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Altis Architecture including the following;

Drawing No.	Drawing Name	Drawing Revision & Date	Drawing Date (Plot)
DA0000.1	Cover Page	H	16.09.19
DA0001.1	Site Location Plan	F	16.09.19
DA0005.1	Basix Commitments	B	16.09.19
DA1001.1	Existing Site & Demolition Plan	E	16.09.19
DA1002	Existing and Demolition Plan / Elevation	A	18.06.19
DA1100.1	Proposed Basement 2 Plan	F	16.09.19
DA1101.1	Proposed Basement 1 Plan	H	16.09.19
DA1102.1	Proposed Ground Floor Plan	I N	16.09.19 7/7/20
DA1103.1	Proposed Level 1 Plan	H M	16.09.19 7/7/20
DA1104.1	Proposed Level 2 Plan	G L	16.09.19 7/7/20
DA1105.1	Proposed Level 3 Plan	G L	16.09.19 7/7/20
DA1106.1	Proposed Level 4 Plan	G L	16.09.19 7/7/20
DA1107.1	Proposed Level 5 Plan	F K	16.09.19 7/7/20
DA1108.1	Proposed Level 6 Plan – Communal Rooftop	F	16.09.19
DA1109.1	Roof Plan	G	16.09.19
DA2100.1	Overall Street Elevations	G	16.09.19
DA2110.1	Block A Elevations	F	16.09.19
DA2111.1	Block B Elevations	E	16.09.19
DA2112.1	Block C Elevations	G	16.09.19
DA2113.1	Block D Elevations	G	16.09.19
DA2114	Heritage Elevations	D	16.09.19
DA3000.1	General Sections	E	16.09.19
DA3001.1	General Sections	E	16.09.19
DA3002.1	General Sections	E	16.09.19
DA3010.1	Car park ramp sections	D	16.09.19
DA5000	Ground Floor Plan – Site services	B	7/7/20
DA5004	Substation Details	D	7/7/20
DA5005	Booster Assembly Details	D	7/7/20
DA5007	Roof Structure Details Building A	B	

DA5008	Boundary Fence Details	C	7/7/20
DA5009	Façade Section Details Fronting Roadway Building A	D	7/7/20
DA5010	Façade Section Details Fronting Roadway Building C and D	D	7/7/20
DA5020	Typical Balcony Frame Details	D	7/7/20
DA5021	Typical External Shading & Privacy Blades Details	D	7/7/20
DA5022	Building A – Entry Foyer	D	7/7/20
DA5023	Building B – Entry Foyer	D	7/7/20
DA5024	Building C – Entry Foyer	D	7/7/20
DA5025	Building D – Entry Foyer	D	7/7/20
DA5026	Club Entry	D	7/7/20
DA5027	Façade Details	D	7/7/20
DA5028	Façade Details	D	7/7/20
DA5029	Façade Details	D	7/7/20
DA5030	Façade Details	D	7/7/20
DA5031	Façade Details	D	7/7/20
DA5032	Façade Details	D	7/7/20
DA5033	Façade Details	D	7/7/20
DA5034	Façade Details	D	7/7/20
DA5035	Façade Details	D	7/7/20

- i. As amended by architectural plans prepared by Altis Architecture and stamp date received by Council on 29 July 2020 as they relate to modifications to the plant and equipment and roof hobs applied for under DA-483/2018/A and including as follows:

Drawing No.	Drawing Name	Drawing Revision	Drawing (Plot) Date
DA1105.1	Proposed Level 3 Plan – S.4.55 Issue	L	30/06/2020
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DA1108.1	Proposed Level 6 Plan – Communal Rooftop – S.4.55 Issue	J	30/06/2020
DA1109.1	Proposed Roof Plan – S.4.55 Issue	K	30/06/2020
DA2110.1	Block A Elevations – S.4.55 Issue	G	30/06/2020
DA2111.1	Block B Elevations – S.4.55 Issue	F	30/06/2020
DA2112.1	Block C Elevations – S.4.55 Issue	H	30/06/2020
DA2113.1	Block D Elevations – S.4.55 Issue	H	30/06/2020
DA3000.1	General Sections – S.4.55 Issue	G	30/06/2020
DA3001.1	General Sections – S.4.55 Issue	G	30/06/2020
DA3002.1	General Sections – S.4.55 Issue	F	30/06/2020

- (b) Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 18 June 2019 Revision B;
- (c) Site Waste Management Plan (SWRMP) prepared by Elephants Foot Recycling Solutions dated 18/06/2019 Revision No. 100020 Revision F;
- (d) Trade Waste Treatment Report prepared by LCI and dated 8 August 2019; and

- (e) Letter dated 17 June 2019 prepared by Wood & Grieve Engineers 'Target GHG Emissions';
- (f) Waverley Bowling Club, Acoustic Assessment for Development Application Deferred Commencement v2.1 prepared by Acoustic Directions and dated 8 April 2020;
- (g) 20.383 Waverley Bowling Club Signage Strategy issue B prepared by Brand culture and dated 7 July 2020.

(AMENDED DA-483/2018/A)

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

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

1A. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- a. The proposed kitchen exhaust to the roof of the heritage listed building item No. 1451 of Waverley Local Environmental Plan 2012, as shown on Proposed Roof Plan drawing No.DA1109.1 Issue K dated 30/06/2020 and date stamp received by Council on 29/07/2020 is not approved and is to be deleted from the plans.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

(ADDED DA-483/2018/A)

2. MATERIALS AND SAMPLES BOARD

- (a) A physical material sample board which specifies all proposed materials, finishes and colours, keyed to each building elevation must be submitted to and approved by Council's Executive Manager, Building Waverley (or delegate) prior to any Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions, or use terminology such as 'or similar'.
- (b) The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications approved under (a) above.

3. BALCONIES AND FACADE

To ensure the integrity of the approved design of the building is maintained over time, the private open balconies are not to be enclosed at any time in the future.

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

4. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

5. SIGNAGE STRATEGY

A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the buildings.

Any signage /signage boards are to be located as to not visually obscure or conceal any original fabric of the heritage listed building.

6. FITOUT - SEPARATE DA REQUIRED FOR CAFE

A separate development application for the fitout and hours of the café must be submitted to and approved by Council prior to that fitout and use.

7. FITOUT - SEPARATE DA REQUIRED FOR CLUB

A separate development application for the fit-out of the club must be submitted to and approved by the Council prior to that fit-out and occupation. The application is to include details of the club premises principally addressing Birrell Street, including the club entrance and principal pedestrian access, including equitable access, from Birrell Street into the club premises.

Other than for emergency, fire safety or other infrequent purposes, the club is not to include any pedestrian or service access from Henrietta Street.

8. FLOOR TO CEILING HEIGHTS

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

BUILDING HEIGHT

(a) The height of:

- (i) Building A must not exceed RL 111.25 (AHD) to the top of the plant and 107.45(AHD) to the roof of Level 6 the building;
- (ii) Building B must not exceed RL 101.30 (AHD) to the top of the plant and RL 100.00(AHD) to the roof of Level 4;

- (iii) Building C must not exceed RL98.5(AHD) to the top of the plant and RL 96.90 (AHD) to the roof of Level 3;
- (iv) Building D must not exceed RL98.5(AHD) to the top of the plant and RL96.90 (AHD) to the roof of Level 3;
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the buildings accords with (a) above, to the satisfaction of the Principal Certifier.

(AMENDED DA-483/2018/A)

9. FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 0.92:1 calculated in accordance with Waverley Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area is 9,782sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under Waverley Local Environment Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

10. OCCUPANTS OF THE DEVELOPMENT

The following kinds of people only may occupy any accommodation to which this development consent relates:

- (a) Seniors or people who have a disability as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP");
- (b) People who live in within the same household with seniors or people with a disability;
- (c) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP.

This condition is to be complied with for the life of the development.

(AMENDED DA-483/2018/A)

11. INDEPENDENT LIVING UNITS

- a) Prior to the issue of any Construction Certificate, documentation shall be provided to the private certifier in the form of drawings, reports, schedules or certificates to satisfy the requirements of Schedule 3 (Parts 1 and 2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This documentation is to be certified by an accredited Access Consultant.
- b) Prior to the issue of any Occupation Certificate, certification by an accredited Access Consultant that the requirements of Schedule 3 (Parts 1 and 2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 have been incorporated into the completed works.

- c) 20% of the units are to be designed to the Liveable Housing Guidelines silver level.
- d) Prior to the issue of any Occupation Certificate, a Plan of Management (POM) is entered into with an incoming operator of the independent living units and is submitted to Council. The POM is to include operating hours of the pool, gym, and communal dining area.
- e) The plan of management should detail how the units will be managed and staffed, safety and security provision, complaints handling mechanism, maintenance and service provision.

12. HERITAGE

- (a) Prior to the issue of any Construction Certificate the following is to be submitted to Council:
 - (i) A detailed schedule of moveable heritage items [honour boards etc.] in conjunction with the archival photographic record is to be provided to Council;
 - (ii) An archival photographic record of the buildings and the site and all site features;
 - (iii) Schedule of conservation works to the heritage listed club house and any works required to the sandstone walls; and
 - (iv) Samples of external materials and finishes for the heritage building. In this regard, materials and finishes are to be restricted to the range of heritage colours sympathetic to the historical character of the area with the applicant to confer with Council prior to the preparation of the samples.
- (b) Prior to the issue of any Occupation Certificate, a Heritage Interpretation Plan is to be provided to Council for approval and implemented to Council's satisfaction.
- (c) Unless otherwise agreed with Council, the original iron entry gates and supports are to remain in the current location fronting Birrell Street.
- (d) All perimeter sandstone walls are to be retained and protected throughout construction. Details its protection are to be submitted to Council prior to any Construction Certificate. Should damage occur, any replacement stone shall be of a suitable quality to match the existing walls. The sandstone walls must not be clad.

13. CONTAMINATED LAND

It is advised that the Site Audit Report (Audit No TO-064) dated 15 August 2019 is satisfactory subject to compliance with the recommendations made in Section 12 of the report, being that the site can be made suitable for the development if remediated in accordance with the 'Remediation Action Plan, Proposed Redevelopment of Waverley Bowling Club, 163 Birrell Street, Waverley, NSW', 9 July 2019, JK Environments. Subject to compliance with the following conditions:

- (a) Excavation of fill to be undertaken under the supervision by an appropriate person qualified to identify asbestos and contamination.
- (b) Validation to include visual confirmation and photographic evidence that fill has been removed across the site.

- (c) Confirmation of final waste classifications including confirmation of the absence of asbestos or unexpected finds before offsite disposal occurs.
- (d) If asbestos or unexpected finds are encountered an appropriate remediation and validation strategy will need to be developed.
- (e) Preparation of a Part A Site Audit Statement and Site Audit Report at the completion of remediation and validation of the site. This must be submitted to Council prior to the issue of any Construction Certificate for any building works and any conditions of the Statement must form part of the conditions of consent.

14. PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

A brief archival record (at a minimum the front and rear elevations, details of notable elements of each building and structures) shall be prepared for deposit in Waverley Council's Archive (2 copies to be submitted). This record must be carried out prior to the removal of any significant building fabric or furnishings from the site and must be submitted to Council prior to the commencement of any demolition work and the issue of a Construction Certificate. The record shall comprise photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:

- (a) adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (b) a summary report of the photographic documentation; and
- (c) photographic catalogue sheets, which are referenced to a site plan and floor plan, no larger than A3 paper size, and indicating the location and direction of all photos (black & white prints and slides) taken.

15. RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of the buildings must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) Any strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 88B of the Conveyancing Act 1919, burdening all residential lots in the strata plan in the same terms as outlined in (a) above.

- (d) No person can advertise or organise the use of residential apartments approved under this consent for short term accommodation or share accommodation.

C. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. COST REPORT

A detailed cost report is required to be submitted to Council, prepared by a suitably qualified person for all works (including all building, acoustic and fire safety works) prior to the issue of a Construction Certificate.

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

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

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

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principal Certifying Authority.

18. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

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

19. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$1,600,000.00 (excluding GST) must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

20. LONG SERVICE LEVY

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

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

21. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on all three street frontages, Henrietta Street, Birrell Street and Langlee Avenue as detailed in Condition 37 for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Creating Waverley prior to the issue of the Construction Certificate.

22. 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.

23. 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.

24. 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.

25. LANDSCAPE PLAN

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Executive Manager (or delegate) prior to the issue of a Construction Certificate for above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, furniture, lighting and other features;
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components;
 - (iii) Details of earthworks and soil depths including mounding, retaining walls, planter boxes and freestanding pots. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers. Noting minimum soil depths exclude drainage and mulch layers;
 - (iv) Details of the soil media/substrate type and depth;
 - (v) Location, numbers, type and supply of plant species, with reference to Australian Standards;
 - (vi) Details of planting procedure and maintenance, including a landscape specification;
 - (vii) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifier. The maintenance plan is to be complied with during occupation of the property.

- (c) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.

26. TREES TO BE REMOVED AND TREES TO BE RETAINED

Tree No.	Species	Location	Action
1	Tristanopsis laurina	On site	Remove as per Arborist report.
2	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
3	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
4	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
5	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
6	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
7	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
8	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
9	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
10	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
11	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
12	Syagrus romanzoffiana	On site	Remove as per Arborist report. (weed tree)
13	Washingtonia robusta	On site	Remove as per Arborist report.
14	Washingtonia robusta	On site	Remove as per Arborist report.
15	Callistemon viminalis	On site	Retain as per Arborist report.
16	Populus nigra 'Italica'	Adjoining property	Retain as per Arborist report.
17	Populus nigra 'Italica'	On site	Retain as per Arborist report.
18	Populus nigra 'Italica'	On site	Retain as per Arborist report.
19	Populus nigra 'Italica'	On site	Retain as per Arborist report.
20	Populus nigra 'Italica'	On site	Retain as per Arborist report.
21	Populus nigra 'Italica'	On site	Retain as per Arborist report.
22	Populus nigra 'Italica'	On site	Retain as per Arborist report.
23	Populus nigra 'Italica'	On site	Retain as per Arborist report.
24	Populus nigra 'Italica'	On site	Retain as per Arborist report.
25	Populus nigra 'Italica'	On site	Retain as per Arborist report.
26	Populus nigra 'Italica'	On site	Retain as per Arborist report.
27	Schefflera actinophylla	On site	Retain as per Arborist report.
28	Brachychiton populneus	On site	Retain as per Arborist report.
29	Tristanopsis laurina	On site	Remove as per Arborist report.
30	Callistemon viminalis	On site	Remove as per Arborist report.
31	Callistemon viminalis	On site	Remove as per Arborist report.
32	Callistemon viminalis	On site	Remove as per Arborist report.
33	Callistemon viminalis	On site	Remove as per Arborist report.
34	Callistemon viminalis	On site	Remove as per Arborist report.
35	Callistemon viminalis	On site	Remove as per Arborist report.
36	Callistemon viminalis	On site	Remove as per Arborist report.
37	Callistemon viminalis	On site	Remove as per Arborist report.
38	Callistemon viminalis	On site	Remove as per Arborist report.
39	Callistemon viminalis	On site	Remove as per Arborist report.
40	Callistemon viminalis	On site	Remove as per Arborist report.
41	Grevillea robusta	On site	Remove as per Arborist report.
42	Callistemon viminalis	On site	Remove as per Arborist report.

43	Tibouchina granulosa	On site	Remove as per Arborist report.
44	Callistemon viminalis	On site	Remove as per Arborist report.
45	Ilex aquifolium 'Argentea Marginata'	On site	Remove as per Arborist report.
46	Callistemon viminalis	On site	Retain as per Arborist report.
47	Callistemon viminalis	On site	Retain as per Arborist report.
48	Thuja occidentalis	On site	Remove as per Arborist report.
49	Ficus macrophylla	On site	Remove as per Arborist report.
50	Callistemon viminalis	On site	Retain as per Arborist report
51	Platanus x hybrida	On site	Remove as per Arborist report
52	Phoenix canariensis	On site	Retain as per Arborist report
53	Schefflera actinophylla	On site	Remove as per Arborist report

27. TREE PROTECTION AND PRESERVATION BOND

(a) A tree protection plan for the protection of:

- (i) Callistemon viminalis (15, 46, 47, 50);
- (ii) Populus nigra 'Italica' (17-26);
- (iii) Schefflera actinophylla (27);
- (iv) Brachychiton populneus (28);
- (v) Phoenix canariensis (52);

is to be submitted for the approval of Council's Tree Management Officer prior to the issue of any Construction Certificate for the development.

(b) A bond of \$ 10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the trees.

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

(d) Precautions shall be taken when working near trees to ensure their retention, including the following:

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

28. TREE PROTECTION FENCING

(a) All trees within the site to be retained shall be protected prior to and during construction from all activities that may result in detrimental impact by erecting a suitable protective fence beneath the canopy to the full extent of the Tree Protection Zone (excluding the footprint of the proposed works and areas within adjoining properties). As a minimum the fence should consist temporary chain

wire panels 1.8 metres in height, supported by steel stakes as required and fastened together and supported to prevent sideways movement. The fence shall be erected prior to the commencement of any work on-site and shall be maintained in good condition for the duration of construction. Where tree protection zones merge together a single fence encompassing the area is deemed to be adequate.

- (b) Appropriate signage shall be installed on the fencing to prevent unauthorised movement of plant and equipment or entry to the Tree Protection Zone.
- (c) A 50mm layer of woodchip mulch shall be installed to the full extent of the Tree Protection Zone of all trees to be retained. Mulch shall be installed and spread by hand to avoid soil disturbance and compaction within the root zone.

29. TRUNK PROTECTION

Where provision of tree protection fencing is impractical due to its proximity to the proposed building envelope, trunk protection shall be erected around the tree to avoid accidental damage. As a minimum, the trunk protection shall consist of two metre lengths of hardwood timbers (100 x 50mm) spaced at 100-150mm centres secured together with 2mm galvanised wire. These shall be strapped around the trunk (not fixed in any way) to avoid mechanical injury or damage. Trunk protection should be installed prior to any site works and maintained in good condition for the duration of the construction period.

30. TREE DAMAGE

In the event of any trees, becoming damaged for any reason during the construction period a consulting arborist 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.

31. ENGINEERING DETAILS

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

32. SANITARY FACILITIES TO BE PROVIDED IN ACCORDANCE WITH BCA

The premises must be provided with sanitary facilities (i.e. location, number and type of facility) in accordance with the requirements of Part F2 of the Building Code of Australia.

NOTE: Should common facilities be used to achieve compliance, it will be necessary to determine what other tenancies share that facility in calculating population numbers.

33. ESSENTIAL SERVICES - NEW BUILDING

- (a) Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:
 - (ii) basis of design;
 - (iii) standard to which the system is to be installed; and

- (iv) all relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.
- (b) At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:
 - (i) inspection, testing and commissioning details;
 - (ii) date of inspection, testing and commissioning;
 - (iii) the name and address of the individual who carried out the test; and
 - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

34. NOISE - ACOUSTIC REPORT

- (a) Prior to the issue of any Construction Certificate a report from a qualified acoustical engineer/consultant shall identify and certify that the required noise and vibration controls have been incorporated into the development to satisfy the acoustic goals set out in the acoustic report required by Deferred Consent Condition No 1.
- (b) Prior to the issue of any Occupation Certificate certification shall be provided by a qualified acoustical engineer/consultant certifying that mechanical plant and any required noise/vibration controls relevant to the building to which the OC would apply satisfies the acoustic goals set out in the acoustic report required by Deferred Consent Condition No. 1.
- (c) Within 90 days of the issue of an Occupation Certificate for the Club an acoustic compliance test shall be conducted of a function representing at or near maximum capacity of the Club and verify compliance with the LA10 Noise Condition and the requirement for inaudibility in residential accommodation above the function in the Club. A report is to be provided to Council within 7 working days of the testing. In the event of any non-compliance the report shall recommend the necessary modifications to the Club operations or limiters to become effective within 14 days and then subject to re-testing and reporting.
- (d) Within 90 days of the commencement of barefoot bowling, two acoustic compliance tests shall be conducted to verify compliance with the LA10 Noise Condition. One test to be conducted with not less than 80% capacity of the barefoot bowling operation. A second test of typical barefoot-bowling levels is to be undertaken without prior advice to Club management of the date of testing. Testing should include elevated balconies of the residential apartments to be constructed near the bowling greens. A report is to be provided to Council within 7 working days of the testing. In the event of any non-compliance the report shall recommend the necessary modifications to the barefoot bowling management plan to become effective within 14 days and then subject to re-testing and reporting.
- (e) The barefoot bowling operation is to be subject to further testing in December of the first year of operation using the procedures set out in the preceding condition.

35. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

36. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the issue of the Construction Certificate.

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

- (a) The full renewal and reconstruction of asphalt pavement the full width of the site's frontages to Henrietta Street and Langlee Avenue. The scope of works on the Henrietta Street frontage will be limited between the Birrell Street intersection up to the southern site boundary. The scope of works on the Langlee Avenue frontage will be limited between the Birrell Street intersection up to the southern site boundary.
- (b) The existing concrete footpath traversing the frontage of Henrietta Street, Birrell Street and Langlee Avenue to be updated to comply in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval.
 - (i) The alignment of the footpath on the Langlee Avenue frontage to be re-aligned to continue the existing alignment of the footpath traversing the properties preceding no.38 Langlee Avenue. Final width of the footpath to be advised by Council upon submitting amended public domain plans with re-aligned site boundary and road pavement.
 - (ii) The final material, profile and footpath details traversing the development frontage to be advised by Council.
- (c) Replace all kerb and gutter traversing the street frontages, directly adjacent the site. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontages. The proposed kerb and gutter designs must incorporate the re-aligned road widening works on Langlee Avenue.
- (d) All civil works within the street frontages must be re-aligned to accommodate the road widening works.
 - (i) The Langlee Avenue/eastern boundary of the site is to be re-aligned with the front boundary of property No. 38 Langlee Avenue. The public domain is to be widened accordingly with new kerb and gutter, footpath and road pavement installed.

- (e) Landscape and update of the street plantings on the frontages as advised by Councils Tree Management Officer and/or landscape architect. All trees existing and proposed within the Council verge will require the installation of suitable tree pits, surrounds and root barriers as per the Waverley Council Public Domain Technical Manual. All proposed tree species, locations and tree sizes to be approved by Council Officer.
- (f) Make provision for new street lights on all three street frontages of the site serviced by unmetered underground power. A suitably qualified lighting engineer at the applicant's expense shall liaise with Council in obtaining Councils requirements and specifications for the street columns and components, including the appropriate LED luminaire. 7-10m LED luminaire columns (Birrell Street), max 6m LED luminaire columns (Henrietta Street and Langlee Avenue) shall be supplied to meet pedestrian crossing compliance standards.

The lighting shall be designed to achieve a minimum vehicular luminance category V3 and pedestrian luminance category P4. Power supply will need to be maintained to the existing advertising bus shelter and all existing overhead cabling, including the northern side of Birrell Street, to be replaced with underground wiring.

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

- (g) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.
- (h) Any electricity pillars located on Council Public Domain to be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with Ausgrid for their approval and communicate to Council with written confirmation, before executing any works.
- (i) The reconstruction of the vehicular crossings on the Henrietta Street and Langlee Avenue frontages of the development site to match the pavement finish of the adjacent footpath. The design must match the existing levels of kerb and gutter on the roadway and include transition works to the proposed driveway within the property.
- (j) Uplift and upgrade the existing bus stop facility located on the Birrell Street frontage. All works must be compliant with the Disability Discrimination Act and conform with AS1428.4. The applicant shall provide an all-weather shelter to Council's specification including provision for wheelchair manoeuvring, pavement crossfall, tactile indicators, accessible boarding point, and bus stop signage. Further details be advised by Council.

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

37. 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 of the Contractor who will be responsible for the construction works, and the contact details of the managing site supervisor/engineer. Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

38. 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.

39. 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.

40. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

41. PRE-CONSTRUCTION DILAPIDATION REPORT - PUBLIC DOMAIN

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:

- (i) Road pavement;
- (ii) Kerb and gutter;
- (iii) Footpath;
- (iv) Drainage pits and lintels;
- (v) Traffic signs;
- (vi) Bus stop;

(vii) 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.

42. PUBLIC DOMAIN ENGINEERING INSPECTIONS

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

- (a) Kerb and Gutter & Footpath Paving:
 - (i) After formwork installation and prior to casting of all drainage structures e.g pits, lintels and surface grates;
 - (ii) After preparation of subgrade;
 - (iii) After completion of formwork and prior to casting of concrete;
 - (iv) After full completion and restoration.
- (b) Road Pavement:
 - (i) Subgrade trim & compacted;
 - (ii) Sub-base spread and compacted;
 - (iii) Base course spread & compacted;
 - (iv) Intermediate course spread and compacted;
 - (v) Binder course spread & consolidated;
 - (vi) Wearing course laid.
- (c) Landscape:
 - (i) After full completion and restoration.
- (d) Street Lighting:
 - (i) Prior to the erection of each luminaire column;
 - (ii) After full completion.
- (e) Bus Stop:
 - (i) After full completion

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

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

43. PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

A brief archival record (at a minimum the front and rear elevations, details of notable elements of each building and structures) shall be prepared for deposit in Waverley Council's Archive (2 copies to be submitted). This record must be carried out prior to the removal of any significant building fabric

or furnishings from the site and must be submitted to Council prior to the commencement of any demolition work and the issue of a Construction Certificate. The record shall comprise photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:

- (a) adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (b) a summary report of the photographic documentation; and
- (c) photographic catalogue sheets, which are referenced to a site plan and floor plan, no larger than A3 paper size, and indicating the location and direction of all photos (black & white prints and slides) taken.

44. HOARDING REQUIRED

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

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

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

45. EROSION & SEDIMENT CONTROL

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

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

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

46. BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application.

IMPORTANT NOTE: Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

47. EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

48. ENGINEERING DETAILS

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

49. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

50. UNDERGROUND ANCHORS

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

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

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

51. ACCESSIBILITY

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

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

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

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

52. DILAPIDATION REPORTS

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

Please note the following:

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

53. ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act, 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW 114 Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974.

- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) If the discovery is on Council's land, Council must be informed.

54. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.
- (b) The type and size of demolition/construction vehicles. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
 - (i) The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route;
 - (ii) Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
 - (iii) The type(s) of material on which pedestrians will be required to walk;
 - (iv) The width of the pathway on the route;
 - (v) The location and type of proposed hoardings;

- (vi) The location of existing street lighting.

55. DRIVEWAY - LANGLEE AVENUE– DETAILED ENGINEERING DRAWINGS

The exit driveway on Langlee Avenue shall be designed in such a way as to encourage a left-only exiting vehicle movement. Detailed engineering drawings of the driveway arrangement on Langlee Ave shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the issue of the Construction Certificate.

The drawings shall:

- (a) Be designed at the applicant's expense by a suitably qualified and experienced engineering consultant;
- (b) Encourage a left only exiting movement for all vehicles;
- (c) Cater for vehicles up to the size of a MRV and Council's garbage truck, as described in AS/NZS 2890.2: 2018 Part 2 Off Street Commercial Vehicle Facilities;
- (d) Show the integration with the pedestrian footpath crossing the driveway.

56. SWEPT WHEEL PATH DRAWINGS

Prior to issue of any Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of the largest expected vehicle entering/exiting each of the driveways off Henrietta St and Langlee Ave shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

- (a) Be drawn for the MRV, as described in AS/NZS 2890.2: 2018 Part 2 Off Street Commercial Vehicle Facilities; (Langlee Ave driveway only)
- (b) Accurately show the kerb and gutter, driveways and vehicles parked kerbside to the immediate north and south of the proposed driveways;
- (c) Show the minimum length of driveway laybacks considered necessary to gain satisfactory access to and from the proposed basement garage.

57. LONG SECTIONS OF DRIVEWAYS

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

The long section drawings shall:

- (a) Be drawn at a scale of 1:25;
- (b) Include reduced levels (RL's) of the Henrietta St/Langlee Ave carriageway, the kerb and gutter, footpath, paving within the property and the garage floor;

- (c) Include existing and design levels;
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2018 Off Street Car Parking;
- (e) Include ground clearance of the MRV and Council's garbage truck at the Langlee Avenue ramp using the ground clearance template contained in Appendix C of AS 2890.1: 2018 Off Street Car Parking;
- (f) Show all paving on Council's land being sloped/ drained towards the roadway.

58. NEW VEHICLE CROSSINGS

New vehicle crossings are to be provided to access the proposed **basement car park**. A separate application is required for the vehicle crossings, with all work to be carried out with the approval of and in accordance with the requirements of Council.

59. EXISTING VEHICLE CROSSINGS TO BE CLOSED

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

60. PARKING LAYOUT - AS CONSTRUCTED PLANS

Prior to issue of the Construction Certification, a detailed design certificate of the parking layout shall be submitted to Council for the approval of the Executive Manager – Creating Waverley (or delegate);

The certification shall:

- (a) Be from an suitably qualified and experienced traffic engineer; and
- (b) Confirm that the on-site parking provision for cars and bicycles complies with AS2890.1-2004 (cars) and AS2890.3-2015 (bicycles) requirements and that they have been designed in accordance with the approved plans and specifications.

Note: Any departures from those standards needs to be adequately justified by the qualified traffic engineer.

61. VEHICLE ACCESS

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

62. RESIDENT AND VISITOR PARKING SPACES

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

63. WORK OUTSIDE PROPERTY BOUNDARY

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

64. WASTE AND ACCESS TO THE SITE

The height clearance for vehicular access to the site shall be at least 4.m to allow Council's residential waste collection vehicle to enter the building to collect waste on-site.

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

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

65. LOADING DOCK AND COMMUNITY TRANSPORT MANAGEMENT PLAN

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

66. ON-SITE STORMWATER DETENTION DETAILS

- (a) The stormwater management plans for the above property prepared by CJ Arms have been reviewed and are NOT considered satisfactory. The plans do not comply with the Waverley Council Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual. Prior to the issue of any Construction Certificate, the following is required to be submitted and approved by Council:
 - (i) The details of proposed connection from the site to Council's underground stormwater drainage system are required including details of proposed gully PIT 1, extended kerb inlet (EKI) length, pit dimensions, surface & invert levels.
 - (ii) Plans detailing Council's existing pits invert levels, pipe diameter, and exact location of pits and pipe.
 - (iii) Details of existing services crossing the proposed drainage line from property to Council Stormwater line to be provided on long section and plans.
 - (iv) Details of proposed pits PIT 2, PIT 3, PIT 4 & PIT 5 including dimensions, surface level & invert level including proposed pipe size.

- (b) Prior to the issue of any Occupation Certificate, the following is required:
 - (c) Backfilling of trenches to be as per Waverley Council's Standard Drawing D7 (drawing available on request).
 - (d) Reinstatement of footpath, road and kerb & gutter to be carried out as per council standard drawings R1 & D8 (drawings available on request).

67. BASIX / NATHERS

- (a) Prior to the issue of any Construction Certificate, Architectural plans with reference to NaTHERS or BASIX commitments, as well as glazing, insulation notes and photovoltaic commitments, are required to be submitted to Council. This includes NatHERS class 2 summary certificate with hyperlinks to individual apartments are required.
- (b) The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

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

68. MECHANICAL VENTILATION SYSTEMS

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

69. SERVICE AUTHORITIES

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

70. ENERGY AUSTRALIA

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

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

The arrangements and costs associated with any adjustment to public utility services, including these in the footpath and road areas to suit new development levels shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding

72. ENERGY ASSESSMENT REPORT

- (a) The design and efficiency initiative from the *'Draft proposal on how non-residential building component will target GHG emissions 30% less than a reference building'* from Wood & Grieve Engineers date 17 June 2019 are to be reported on and the recommendations included in the construction certificate plans and provided to the satisfaction of Council's Co-ordinator, Sustainable Energy prior to the issue of any construction certificate.
- (b) Any modifications required to respond to the approved Energy Assessment Report which are not consistent with the approved plans will require the submission of a Modification Application.

73. REFLECTIVITY REPORT

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

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

Recommendations are to be incorporated into the construction certificate plans where necessary. Should a modification to the building need to occur to address this condition, a modification application will need to be submitted and determined prior to this condition being satisfied.

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

74. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

75. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a bin storage point for a *minimum*
 - The approved number of Residential Seniors Independent Living Units (assuming weekly collection of general waste and comingled recycling).
 - 10 x 660L MGB for general waste
 - 10 x 660L MGB for comingled recycling
 - Bowling Club, retail and other facilities – (assuming 3 x weekly collection of general waste and comingled recycling).
 - 4 x 1100L MGBs for general waste
 - 3 x 1100L MGB for comingled recycling
 - Extra space for the storage of excess waste, bulk cardboard, packaging, and milk and bread crates.
 - Collection frequencies must be adjusted to accommodate volumes of waste generated
- (b) Details of ongoing waste management strategy are to be documented within the SWRMP and reviewed every 5 years to employ updated waste reduction strategies and technologies.
- (c) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (d) Composting facilities must meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan.
- (e) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

- (f) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (g) The storage of bins on the kerbside on public land and kerbside is not permitted at any time.
- (h) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (i) Any volume reducing equipment must be installed in accordance with the manufacturers design specifications and have a space between the unit and the walls to enable easy access for cleaning and maintenance. Compaction rates must not be set higher than 2:1.
- (j) Separate space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, bunded and drained to a grease trap. The area is preferably to be within the building, however if circumstances do not permit, an area that is screened from the public and commercial domains may be negotiated with Council.
- (k) All new developments are to provide adequate storage for waste to accommodate future change of uses including grease traps.
- (l) Kitchens, office tea rooms, and the like are to be designed with sufficient space for the interim storage of recyclable, organic and regular waste in separate receptacles.
- (m) Sufficient space must be allocated within the building for the storage of reusable items such as crates and pallets.
- (n) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (o) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.
- (p) Where a change of use, change of tenant or change in waste management practices will result in a variation to the SWRMP, an application is to be made to Council to revise the approved SWRMP.

76. REFRIGERATION UNITS & MECHANICAL PLANT

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

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

77. NOISE - MECHANICAL PLANT

Noise associated with mechanical plant development (including ventilation of the underground carpark) shall not give rise to any one or more of the following:

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

78. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system.

79. CONSTRUCTION AND FITOUT OF FOOD PREMISES

- (a) The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.
- (b) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
- (c) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
- (d) Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation/bar areas.
- (e) A double bowl sink or two compartment tub (the capacity of which must be capable of fitting all food contact equipment) must be provided in the food preparation area, in addition to the hand basin,

OR

A single bowl sink and a dishwasher must be provided in the food preparation or designated area, (where all the food contact equipment will fit in the dishwasher) in addition to the hand basin.

- (f) The cooking appliances require an approved air handling system designed in accordance with AS1668 or alternative solution satisfying the performance objectives of the Building Code of Australia.

80. VERMIN AND RAT CONTROL

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

81. LOCATION OF GREASE TRAP

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

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

82. TELECOMMUNICATIONS PROVISIONS

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

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

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

83. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by WorkCover 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.

84. DEMOLITION & SITE PREPARATION

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

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

85. ALL BUILDING MATERIALS STORED ON SITE

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

86. STRUCTURAL CERTIFICATION

Certification (prepared by a suitably qualified person) for all existing structural components of the existing building being in accordance with the National Construction Code (NCC) (formerly BCA) shall be provided to Council within thirty (30) days from the date of consent.

87. FIRE SAFETY AND ACCESSIBILITY WORKS

- (a) Certification (prepared by a suitably qualified person) for all existing fire safety measures of the existing building being in accordance with the National Construction Code (NCC) (formerly BCA) shall be provided to Council.
- (b) A Fire Safety Upgrade Report shall be lodged with Council by tbc, prepared by a suitably qualified Fire Safety Consultant.
- (c) The report shall include details for all areas of the Licensed Club with respect to patron number capacities having regard to the BCA requirements/guidelines.
- (d) The report shall be prepared in consultation with Council's Fire Safety Officer, providing for a schedule of required fire safety upgrade work and a timetable for completion, and submitted to Council for approval.
- (e) A Disabled Access Report shall be submitted for approval to the Certifying Authority by tbc, prepared by a suitably qualified Access consultant outlining measures to comply with the Premises Standards. The required works are to be implemented and completed (and certified as complete and compliant) by tbc.
- (f) Prior to the commencement of the required upgrade works contained in this condition, 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.

88. COOL ROOM AND ASSOCIATED PLANT

Certification (prepared by a suitably qualified person) shall be provided to Council ensuring that the cool room and associated mechanical plant has been installed in accordance with relevant standards and is contained wholly within the confines of the building.

89. LANDSCAPED (GREEN) ROOFS

- (a) Details of the landscaping on Building A roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Executive Manager, Building Waverley (or delegate) prior to the issue of a Construction Certificate. The details must include:
 - (i) Location of proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross sectional details of all components.
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes. All planter boxes to private balconies must be able to be fully maintained from standing on the finished floor level of the adjacent balcony.
 - (iii) Details of the location, sizes and numbers of plants used with reference to Australian Standards, with preference for drought resistant species.
 - (iv) Details of the soil media/substrate type and depth.
 - (v) Details of planting procedure and maintenance, including a landscape specification, detailed maintenance strategy and installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc. All access openings (doors or operable windows) and davit arm locations must be shown on the architectural plans.
 - (vi) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Principal Certifier:
 - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.

- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

90. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

91. 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.

92. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

93. COMPLIANCE WITH SAFE WORK NSW

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

94. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

95. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

96. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must meet the following objectives for sustainable demolition and construction waste management:

- (a) To minimize the amount of construction waste that is sent to landfill;
- (b) To minimise waste generated during demolition and construction;
- (d) To increase efficiency of development and encourage sustainable practices;
- (e) To maximise the re-use of clean excavated material, concrete, bricks and timber;
- (f) To ensure the safe removal and disposal of hazardous building materials.

The applicant must ensure that the demolition and construction phase complies with the following:

- (a) A construction waste storage area is to be located within the property boundary and is to be identified on the site plans as part of the SWRMP;
- (b) Separate construction waste collection bins or construction waste storage areas are to be provided giving consideration to slope, drainage, vegetation, access and handling requirements and may include:
 - (i) Landfill waste;
 - (ii) Recyclable waste;
 - (iii) Materials to be re-used on-site; and / or
- (c) Excavation materials (refer to Annexure B1-1 for common building materials that can be re-used and recycled);
- (d) Waste that can be recycled or reclaimed is to be identified in the SWRMP, as well as the intended methods for recovery and reclamation;
- (e) All sandstone must be re-used on site or reclaimed through an appropriate contractor;

- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act 1997, in accordance with the provisions of Safe Work NSW, and Council's Asbestos Policy;
- (g) Materials that cannot be reused or recycled must be:
 - (i) Disposed of at a State Government approved facility and specified in the SWRMP; and
 - (ii) Disposed of via a contractor that operates in accordance with the Proximity Principle outlined in State Government Legislation.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste;
- (i) Easy vehicular access to waste and recycling material storage areas must be provided and detailed in the SWRMP;
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors. Skip bins are to be utilised and located in accordance with Council's building waste and hoardings policy;
- (k) All materials are to be stored in way that:
 - (i) Prevents damage from the elements, and reduces odour, health risks and windborne litter; and
 - (ii) Prevents impacts to the environment under State Government Legislation (including stormwater pollution and runoff).

97. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

98. EXCAVATION AND BACKFILLING

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

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

99. EXCAVATION BELOW FOOTINGS

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

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

100. USE OF FILL ON SITE

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

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

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.
- (c) The only waste derived fill material that may be received at the development site is:
 - (i) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
 - (ii) 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.

101. POTENTIAL DEWATERING OF THE SITE

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

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;

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

102. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

104. TEMPORARY DIVERSION OF ROOF WATERS

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

105. NATIONAL CONSTRUCTION CODE (NCC)

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

106. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **RESIDENTIAL FLAT BUILDINGS & OTHER RESIDENTIAL (Class 2, 3 & 4)** are:

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

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

The specified **MANDATORY** inspections for a **COMMERICAL BUILDING, including (Class 5, 6, 7, 8 or 9 buildings)** are:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

107. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

108. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

109. ADJUSTMENTS TO STREET SIGNS

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

110. CONVEX MIRRORS

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

111. CAR SPACE DELINEATION

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

112. DISABLED CARPARKING

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

113. FINISHED LEVEL OF PAVING

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

114. CAR PARKING ALLOCATIONS

A total of **149** car vehicle parking spaces are to be provided, allocated in the following manner:

- (a) 58 residential parking spaces
- (b) 13 residential visitor parking spaces
- (c) 77 commercial parking spaces
- (d) 1 car share space

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

115. PARKING

- (a) Ownership of car park lot spaces shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans or otherwise be common property.

116. PARKING PERMITS

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

117. BICYCLE PARKING

- (a) At least **90** bicycle parking spaces are to be provided, allocated in the following manner:
 - (i) 55 spaces for residents;
 - (ii) 6 spaces for resident visitors
 - (iii) 19 spaces for visitors to the bowling club;
 - (iv) 10 spaces for commercial/retail/club.
- (b) The visitor spaces are to be in a location that is easily accessible from adjacent streets and that has a good degree of passive surveillance.
Note: All bicycle facilities shall be designed and constructed in accordance with AS2090.3-2015
- (c) The resident spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area.
- (d) Prior to the issue of any Occupation Certificate, the bicycle parking identified in (a) and (c) above is to be provided.

118. BICYCLE PARKING STORAGE DESIGN

- (a) Provide details of bicycle access to and from staff bicycle parking area in Basement level 1. Access may be via basement ramp at a gradient of less than 1:12 as per Section 2.6.4 of AS 2090.3-2015. If this gradient cannot be provided, then alternative bicycle access must be provided via a Lift and Lobby. Lobby doors must open outward and be suitable for the pushing of a bicycle and have a suitable path that connects to the street.
- (b) Ensure resident bicycle parking cages beside resident car parking bays have a clear door width of 1000mm to allow for bicycle handlebar width and manoeuvring and must meet the requirements of Class 1 in AS 2090.3-2015.
- (c) Define bicycle access to and from the resident bicycle parking area in Basement level 1 and 2. Access may be via basement ramp at a gradient of less than 1:12 as per Section 2.6.4 of AS 2090.3-2015. If this gradient cannot be provided then bicycle access must be provided through

the respective building lift and lobby from the basement level to ground level and include access through landscaped areas. Lobby doors must open outward and be suitable for the pushing of a bicycle and have a suitable path that connects to the street.

- (d) Provide a bicycle rack capable of parking 6 bicycles to AS 2090.3-2015 for residents visitors in a location that is easily accessible from adjacent streets and that has a good degree of passive surveillance.
- (e) Provide bicycle racks capable of parking 19 bicycles to AS 2090.3-2015 for bowling club visitors in a location that is easily accessible from adjacent streets and that have a good degree of passive surveillance.
- (f) Provide evidence of provision of compound containing 10 secure staff bicycle parking spaces with appropriate manoeuvring and clearances with associated change room and shower facilities to comply with Class 2 requirements in AS 2090.3-2015 including secure locking mechanism to the compound, appropriate ventilation and lighting.

119. PROVISION OF CAR SHARE PARKING SPACE

- (a) A dedicated off-street parking space for a 'share car' operated by a third party provider such as GoGet, Flexicar or Car Next Door shall be provided within the basement that is accessible to residents, visitors and neighbouring properties.
- (b) Details of the location and relevant agreement with the provider shall be submitted to Council for the approval of the Manager – Strategic Transport prior to the issue of any Construction Certificate.
- (c) The dedicated car space is to be provided prior to any Occupation Certificate.

120. BICYCLE ACCESS TO AND FROM STAFF PARKING AREA

Prior to the issue of any Construction Certificate, further details of the bicycle access shall be submitted to Council for the approval of the Manager – Strategic Transport. The details shall include;

- (a) Bicycle access to and from the staff bicycle parking area in Basement level 1. Access may be via basement ramp at a gradient of less than 1:12 as per Section 2.6.4 of AS 2090.3-2015. If this gradient cannot be provided then alternative bicycle access must be provided via a Lift and Lobby. Lobby doors must open outward and be suitable for the pushing of a bicycle and have a suitable path that connects to the street.
- (b) Bicycle access to and from the resident bicycle parking area in Basement level 1 and 2. Access may be via basement ramp at a gradient of less than 1:12 as per Section 2.6.4 of AS 2090.3-2015. If this gradient cannot be provided then bicycle access must be provided through the respective building lift and lobby from the basement level to ground level and include access through landscaped areas. Lobby doors must open outward and be suitable for the pushing of a bicycle and have a suitable path that connects to the street.

121. BICYCLE FACILITIES - AS CONSTRUCTED PLANS

Prior to issue of any Occupation Certificate, details of the constructed bicycle facilities shall be submitted to Council for the approval of the Manager – Strategic Transport. The details shall include, but not limited to the following;

- (a) Details of the resident bicycle parking cages;
- (b) Details of the staff bicycle access;
- (c) Details of the resident bicycle access. Note: If access is provided through building lobbies and common areas then evidence in the respective strata or community title by-laws must be provided;
- (d) Evidence of the availability of one storage cage capable of parking a bicycle per dwelling.

122. TRAVEL ACCESS GUIDE

Prior to issue of the Occupation Certificate, evidence shall be submitted to Council for the approval of the Manager – Strategic Transport showing that the contents of the developments 'Travel Access Guide' is provided on the Waverley Bowling Club and the Residential Building websites and/or as an app in the form of 'Getting Here' or similar that identifies sustainable transport options including bus, bike and walking routes with approximate travel times.

123. ALL BUILDING MATERIALS STORED ON SITE

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

124. AUSGRID CONDITIONS

- (a) Underground Cables
Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
- (b) Overhead Power Lines
Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.
The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au
- (c) Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- (i) The existing network can support the expected electrical load of the development;
- (ii) A substation may be required on-site, either a pad mount kiosk or chamber style; and
- (iii) site conditions or other issues that may impact on the method of supply

See Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

125. NOISE AND VIBRATION MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise and vibration management plan must be submitted to the Council for approval and comment prior to the issue of a construction certificate and complied with during any building works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society at the grade of Member, The plan must include but not be limited to the following:

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise and vibration control methodology that is to be undertaken during the main stages of work at neighbouring sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria (EPA's Interim Construction Noise Guideline).
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (d) Details of any noise and vibration mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise and vibration impacts on the occupiers of neighbouring properties.
- (e) Details of the plant and equipment proposed to be used on site, the noise and vibration mitigation measures to be undertaken in each case and the criteria to be adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.
- (f) Details of noise and vibration monitoring to be conducted during demolition, excavation and construction works to be undertaken and the reporting of such monitoring.

126. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

127. FINAL OCCUPATION CERTIFICATE

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

128. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

129. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMIAN

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

130. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

Notes:

1. The issue of a Compliance Certificate from the Council officer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
2. The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.

131. COMPLIANCE WITH FIRE SAFETY PROVISIONS OF THE SENIORS SEPP

The facility shall provide a fire sprinkler system in accordance with Clause 55 of the SEPP (Housing for Seniors or People with a Disability) 2004.

132. RESTRICTION AS TO USER

A restriction as to user must be registered in accordance with section 88E of the Conveyancing Act 1919 on title of 163 Birrell Street, Waverley for allotments Lot 2 DP 1114418, Lot 1, DP 966387, Lot 301 DP 1114421 which restricts the use of any accommodation to which this development consent relates to only the following kinds of people:

- (a) Seniors or people who have a disability as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP");
- (b) People who live in within the same household with seniors or people with a disability;
- (c) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP.

The terms of the restrictions as to user are to be approved by Council in writing prior to registration. The council shall be the party who has the rights to modify or extinguish the restriction. All costs, including legal costs associated with registration of this instrument shall be borne by the Application. This condition is to be satisfied prior to the issue of an occupation certificate.

(AMENDED DA-483/2018/A)

133. FOOD PREMISES

The following requirements apply to premises that commercially provide food:

- (a) The premises must comply with the Food Act, 2003 and the Food Standards Code there under;
- (b) The applicant must arrange for an inspection by Council's Environmental Health Officer Surveyor prior to Occupation;
- (c) Notification of the businesses Food Safety Supervisor must be provided prior to operation.
- (d) The premises are to be registered with Council prior to the issue of the Occupation Certificate;
- (e) The premises must be constructed in accordance with the requirements of Council's "Policy for fit-out and construction of food premises". Copies of the policy can be purchased at Council's Customer Service Centre; and
- (f) The proprietor must pay any fees incurred by the carrying out of food safety inspections as determined by Council's Pricing Policy, Fees and Charges.

134. GENERAL REGULATORY PREMISES

The proprietor of the food business shall:

- (a) Arrange for an inspection by Council's Environmental Health Officer.
- (b) Be registered with Council prior to occupation.
- (c) Pay any fees incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.

135. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

136. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as in the acoustic assessment report as required by deferred commencement condition 1 shall be implemented in the design.

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

137. NOISE ATTENUATION CERTIFICATE

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

- (a) Engage an accredited acoustical consultant/engineer to conduct a test for noise attenuation to classify the building's performance with respect to the Association of Australasian Acoustic Consultants (AAAC) Star Rating Table and provide test certificate.
- (b) Undertake compliance testing with respect to all noise attenuation measures specified by Deferred Commencement Condition 1 and/or the specifications identified in the acoustic assessment to be undertaken prior to the issue of a Construction Certificate and provide a report to Council.

138. CERTIFICATION OF ALL MECHANICAL PLANT

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

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

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

139. STRATA SUBDIVISION

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

In respect to the allocation of car parking, bicycle spaces and storage spaces for any future strata subdivision, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

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

140. USE OF COMMON PROPERTY

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council. In this regard the applicant is to register a restriction as to user that prohibits the separate occupation, use or disposition of the land by way of agreement, instrument or dealing including and agreement, instrument or dealing evidenced by a company's constitution or articles of association. The restriction as to user is to be registered prior to the issue of the Occupation Certificate. All costs including legal costs associated with registration of this instrument shall be borne by the Applicant.

141. STORMWATER MANAGEMENT

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

142. WAVERLEY DIGITAL MODEL

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

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

Notes:

- This model will update previous version/s submitted at Development Application stage.

- Any future modifications (under Section 96 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

143. LIGHTING

- (a) 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.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) 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) Lighting of the bowling greens must be switched off no later than 9.00pm seven days per week.
- (f) Suitable illumination is to be provided to all egress and ingress pathways, residential building entries and exits, Vehicle parking facilities and activity areas operating at night.

144. STREET NUMBERING

The redevelopment of the property has led to the following allocation of premises numbering.

- Primary site address numbering 163 Birrell Street.

As there are multiple towers on the same site each tower within the development will be assigned a sub address made unique by an alphanumeric suffix as show below.

- 163A Birrell Street
- 163B Birrell Street
- 163C Birrell Street
- 163D Birrell Street

The premises numbers for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level at the entry point for each building with the primary site address number placed at the entry point(s) to the complex.

Within the whole site, the apartment/units/retail units will be allocated a unique sub address number. Apartment/units/retail units number should not be repeated in each building.

The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,

For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,

Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc

Commercial premises will be identified with an address identifier ie Shop 101, Office 102,

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

Any variation to the above premises numbering will require an 'Application for change of street number and/or address be lodged with Council.

145. MAIL BOXES

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

146. COMMUNAL ROOF TERRACE – BUILDING A

- (a) Furniture on the communal terrace is restricted to tables, chairs, sun-lounges, daybeds and other furnishings associated with the quiet and passive enjoyment of the area. The furniture is to be physically fixed to the terrace or suitably weighed given its location.
- (b) Active recreation facilities, including gym equipment, spas, table tennis tables and the like are not permitted on the roof terrace at any time.
- (c) Amplified music is not permitted on the roof terrace after 6:00pm, seven days per week.
- (d) The use of the communal open space on the roof of Building A shall be restricted to the following hours:
 - i. Monday to Friday (excluding public holidays) 7:00am to 9:00pm;
 - ii. Weekends and public holidays 8:00am to 9:00pm; and
 - iii. New Year's Eve 9:00am to 12:30am.
- (e) Prior to the issue of any Occupation Certificate for Building A, the above (a to d) are to be placed on a sign at the entrance to the roof terrace lifts and stair to ensure all residents are aware of the requirements.

147. GREEN TRAVEL PLAN

- (a) Prior to the occupation of any Occupation Certificate, the Applicant shall submit to Council a copy of an updated Green Travel Plan, prepared by a suitably qualified person(s) in consultation with Council, to promote the use of active and sustainable transport modes.

E. OPERATIONAL CONDITIONS DURING OCCUPATION

148. OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 6.9 of the Environmental Planning & Assessment Act, 1979 have been satisfied.

149. HOURS OF OPERATION BOWLING CLUB - INDOOR

The indoor hours of operation of the bowling club premises are regulated as follows:

- (a) The hours of operation must be restricted to between 7:00am to 10:00pm Mondays to Sundays.
- (b) Notwithstanding (a) above, the indoor use may operate to 11:00pm Fridays and Saturdays for a trial period of one year from the date of issue of an Occupation Certificate.
- (c) A further application may be lodged to continue the trading hours outlined in (b) above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

150. HOURS OF OPERATION BOWLING CLUB - OUTDOORS

- (a) The outdoor hours of operation of the bowling club premises terrace are restricted to between 7:00am and 9:00pm Mondays to Sundays.
- (b) The outdoor hours of operation of the bowling club greens are restricted to between 9:00am and 8:00pm Mondays to Sundays.

151. CESSATION OF SERVICE

The premises may be open for business only between the operating hours in Conditions 154 and 155 above. Liquor sales must cease at the premises half an hour before the required closing time.

152. MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of patrons permitted at the bowling club premises at any one time is 469 patrons (indoor and outdoor). The maximum number of patrons on the bowling greens when in use is 64. The maximum number of patrons on the external terrace is 114.
- (b) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.

153. SIGNAGE TO BE DISPLAYED

- (a) Prior to the issue of any Occupation Certificate for the Bowling Club, signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position near the various entries to the Bowling Club frontage. The signage shall state:

The Approved hours of operation:

Indoor

*7:00am to 10:00pm Sunday to Thursday;
7:00am to 11:00pm Friday and Saturday.*

Outdoor Terrace

7.00am – 9.00pm Monday to Sunday.

Bowling Greens:

7:00am –8:00pm Monday to Sunday.

Approved patron capacity:

Total of 469 patrons, including maximum number of patrons on the bowling greens is 64 and maximum number of patrons on the outdoor terrace is 114 .

Upon leaving please respect local residents by minimising noise

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

Note: Clause 98D of the Environmental Planning and Assessment Regulation 2000 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position.

154. GLASS CRUSHER

All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located within the premises) prior to the removal of such waste from the premises.

155. NOISE FROM GLASS REMOVAL

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred within the premises and removed in containers.

156. GLASS SORTING, CRUSHING OR COLLECTION

No bottle or glass sorting, recycling or collection shall take place between 8.00pm on any day and 8am Monday to Friday, 9am Saturday and 10am Sundays and Public Holidays.

157. 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.

158. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
- (b) An external 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.
- (c) For the operation of the licensed areas of the Club premise (including terraces and greens) compliance with the LA10 Noise Condition issued by Liquor & Gaming NSW.

159. PLAN OF MANAGEMENT - BOWLING CLUB

- (a) The Plan of Management (POM) has not been approved by this consent.
- (b) The POM shall be amended/updated to include details of all operational and management procedures of the licensed premises bowling club. The POM shall include, but is not limited to, its amenity within the neighbourhood of the premises, compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints), the behaviour of patrons, liquor practices (including the responsible service of alcohol), staffing roles and responsibilities (including security personnel numbers and static points), management of patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements.
- (c) The POM is also to include:
 - (i) The amendments/updates required to be included in the POM as per condition of this consent to the extent not already included in the POM (and any other relevant conditions);
 - (ii) By reference, annexure or otherwise, those parts of the Security Management Plan relating to internal management procedures (but without requiring any additional security personnel from that otherwise required);
 - (iii) Alcohol Management Plan (relating to the behaviour of patrons, liquor practices, including the responsible service of alcohol);
 - (iv) The POM shall also provide details to satisfy conditions relating to the Smoking Areas and Community Liaison Committee;

- (v) Management operations for exit of patrons;
- (vi) Any other such operational matters to ensure compliance with relevant regulatory requirements.
- (vii) The POM shall further detail signage requirements that promote safe transport options. This signage will direct both patrons and drivers of taxis and ride sharing services (Uber etc) of pick up / drop off points, standby locations and practices in place to egress patrons quickly and quietly from the licensed premises.
- (d) Prior to the issue of an Occupation Certificate for the Bowling Club licensed Premises, the updated POM shall be submitted to and approved by Council's Executive Manager (or delegate).
- (e) Once approved, the operation and management of the Licensed Premises must be in accordance with the POM approved by Council.
- (f) The approved POM shall be filed with Council and the Licensing Police of the Eastern Suburbs Police Area Command.
- (g) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this POM, any such amendments shall be made in consultation with the Eastern Suburbs Police Area Command. The updated POM is to be provided to Council and the Police.
- (h) An independent review of the POM may be undertaken by the Council or the Licensing Police of the Eastern Suburbs Police Area Command upon providing the applicant with written notice.
- (i) The use must always be operated / managed in accordance with the POM approved under (b). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

160. COPIES OF CONSENTS AND MANAGEMENT PLANS

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

161. NO BAR IN EXTERNAL AREAS

No approval is granted or implied for a bar and/or drinks service or any associated fixtures or fittings in any external area of the premises.

162. COMMUNITY LIASION

The licensee or senior management nominee of the Licensed Club is to attend any Precinct meetings when invited in writing by the convenor of the relevant committee. Any such notice is to be given at least 7 days prior to the committee meeting.

The Plan of Management is to reflect this condition.

163. LIQUOR LICENSING ACCORD

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

164. NEIGHBOURHOOD AMENITY

The management of the Bowling Club licensed 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.
- (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.
- (a) 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.
- (b) Signs must be placed in clearly visible positions within the licensed premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (c) If reasonably directed by Council, the management is to employ private security staff to ensure that this condition is complied with.

165. NO SPRUIKERS

Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council.

166. NO ENTERTAINMENT EXTERNAL TO THE PREMISES

No sound reproduction device nor any form of entertainment is to be operated in the external areas or outdoor areas of the premises.

Loudspeakers located within the premises shall not be placed so as to direct the amplified sound towards the outdoor areas or public domain.

167. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

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

- (a) It must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- (b) It must record in digital format and at a minimum of 15 frames per second,
- (c) Any recorded image must specify the time and date of the image;
- (d) The system's cameras must cover:
 - i. all entry and exit points of the premises,
 - ii. the footpath immediately adjacent to the premises, and
 - iii. all publicly accessible areas (other than toilets) on the premises.
- (e) CCTV recordings must be retained for at least 30 days.
- (f) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.
- (g) Ensure that at least one member of staff is on the premises at all times the premises is trading who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage.
- (h) Provide any recordings made by the system to an Authorised Council or Police Officer within 24 hours of any request by an Authorised Council or Police Officer to provide such recordings.
- (a) CCTV cameras are to be provided at locations or areas presenting potential risks, such as resident building entry, resident building letter boxes, vehicle parking, vehicle private garages, perimeter access - entry / exit points.

168. LIQUOR LICENSE PREMISES (LIQUOR & GAMING NSW)

The use of the licensed areas of the Club (including the bowling greens and surrounding areas where alcohol may be consumed) must comply and are subject with the LA10 Noise Condition issued by Liquor & Gaming NSW:

- (a) The LA10* noise level emitted from the licensed premises (Club and bowling greens) shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave band Level (31.5Hz-8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.
- (c) Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00midnight and 7:00am.

** For the purpose of this condition, the LA10 can be taken as the average maximum deflection on a sound level meter of noise emitted from the licensed premises.*

169. NOISE – SPECIFIC NOISE SOURCES

- (a) The operation of the swimming pool and fitness centre must not give rise to a level greater than background plus 5 dB(A) when assessed at any external façade of any residential accommodation within the site.
- (a) The operation of the internal areas of the licensed premises must not give rise to any audible noise (i.e. must be inaudible) in residential accommodation above the Club where such noise is the result of structure-borne noise. For the purposes of assessing inaudibility in the residential accommodation, the L level of noise shall be 3 dB lower than the median thresholds of hearing for males and females as determined for age of 60 years. The hearing thresholds shall be determined using ISO Standard 226:2003 with adjustments for age as specified in ISO 7029:2019.
- (b) The operation of the swimming pool and fitness centre must not give rise to any audible noise (i.e. must be inaudible) in residential accommodation above those areas where such noise is the result of structure-borne noise. For the purposes of assessing inaudibility in the residential accommodation, the L_{eq} level of noise shall be 3 dB lower than the median thresholds of hearing for males and females as determined for age of 60 years. The hearing thresholds shall be determined using ISO Standard ISO 226:2003 with adjustments for age as specified in ISO 7029:2019.
- (c) Based on the specified maximum number of barefoot bowlers of 32 per green and full occupancy of 114 persons in the outdoor terrace area of the Club, the specified noise limit for monitoring purposes as described below is 70 dBA.
- (d) External noise levels resulting from the use of the outdoor terraces and barefoot bowling reaching Buildings A, B and C shall be subject to the specified level of 70 dBA and monitored as follows:
 - (i) A weatherproof boundary microphone with IP76 rating shall be fixed to the northern facades of Building B and Building C at the height of the floor of Level 1. The outputs of these microphones shall be sent to two sound level meters, which are set up to measure and log LA eq levels over an ongoing period of 15 minutes. The logged LA eq levels shall be stamped with time and date and periodically output to a text file for archiving by the system.
 - (ii) If the level measured by either meter exceeds the limit stated above, the Licensee shall be automatically notified of the exceedance by SMS text and email.
 - (iii) The system shall keep an ongoing log of email and text messages for a period of 12 months that shall be made available to Council officers upon request.
 - (iv) The calibration of the microphones and sound level meters shall be checked by the Project Acoustic Consultant after installation.
 - (v) The sound level meters shall be installed in a locked cabinet located in a secure area and be made tamper-proof. Access to meters post calibration shall be restricted to the system supplier and made available to Council officers upon request.

170. NOISE LIMITERS (PLACE OF PUBLIC ENTERTAINMENT)

- (a) An area called the Entertainment Source Area shall be designated within the Club building as the location for any entertainment sources such as small music groups using any form of amplification or a temporary DJ. All loudspeakers used for entertainment including foldback

loudspeakers shall be located within this designated area. (Note that this is not the area occupied by patrons.)

- (b) The provision of any entertainment for functions or similar in the Club shall be controlled by a sound cut-out limiter to limit the internal music levels in the designated Entertainment Source Area to
- (c) A separate electrical circuit shall be provided for mains power that is available for the use of all amplified entertainment excluding TV monitors and background music. Mains power to this circuit shall be controlled by the noise limiter.
- (d) The sound cut-out limiter shall continually measure the levels in the Entertainment Source Area and compare them to the specified limits. If the levels are within 6 dB of either limit, a red light that is prominently located shall be illuminated. If the levels exceed either of the above limits for more than 10 seconds, power to the entertainment circuit shall be cut.
- (e) Four sensing microphones shall be used for the limiter and shall be located over the Entertainment Source Area.
- (f) The sound cut-out limiter shall be installed in a locked cabinet located in a secure area. Access to cut-out limiter post-calibration shall be restricted to the contractor servicing the limiter and made available to Council officers upon request.
- (g) The limiter settings must be set and certified by the Project Acoustical Consultant to ensure compliance with noise criteria for the residential accommodation above and the LA10 condition.
- (h) The operation of the limiter shall be checked and re-calibrated by the Project Acoustic Consultant every two years.

171. DELIVERY OF GOODS

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

172. FIRE SAFETY – MAINTENANCE AND EXITS

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

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

173. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

174. NO BARBECUE OR CHARCOAL TYPE COOKING

This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

175. SWIMMING POOL CERTIFICATION

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

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

176. CLOSURE OF WINDOW / DOOR OPENINGS – BOWLING CLUB

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

- (a) All external perimeter window / door openings to the Licensed Club shall be locked closed by 10.00pm to 7.00am each day. The exclusion to this is:
 - (i) the front recess area may be opened when being utilised for entry and exit purposes and cases of emergency;
 - (ii) the doorway used for the entry/exit of persons utilising taxi's and (as far as reasonably practicable) ride sharing services;
 - (iii) Doorway to the Licensed Club to the stairwell shall only be used between 10.00pm to 7.00am by staff, performers, security, excluded patrons in the company of security and in cases of an emergency.

- (b) Between 10.00pm to 7.00am on any given day, all access from internal areas to outdoor areas of the licensed premises shall be confined to a single entry / exit door with all other openings closed. In such circumstances where patron safety would be compromised by restrained movement, additional openings may be utilised for only as long as is reasonably necessary to secure patron safety or in cases of emergency.
- (c) The doors and windows leading to and from internal areas of the premises shall be acoustically sealed.

177. LITTER PATROLS

Litter patrols are to be undertaken in the general vicinity of the premises aimed at collecting litter, including bottles associated with patrons entering/exiting the venue. Such patrols will take place intermittently during the hours of operation of the Licensed Club with the final patrol conducted at the cessation of trade.

178. AIR CONDITIONING

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

ADVISORY NOTE

It is proposed by the Applicant that the premises will incorporate specific noise control measures for residential accommodation in Buildings A, B and C that have a view to the Club terrace and bowling greens so as to satisfy the LA10 noise condition when applied inside those accommodation areas with doors and windows closed and mechanical ventilation in operation (This is akin to requirements for road traffic and aircraft noise.)

Such an application for a change in the liquor license requires identification of building constructions incorporating the required noise control measures that are anticipated by the inclusion of subclauses n) and o) of Deferred Consent Condition 1.

As result of an amended liquor license for the club, an application to vary Condition 171 would be made in terms of the following condition:

LIQUOR LICENSE PREMISES (LIQUOR & GAMING NSW)

The use of the licensed areas of the Club must comply with the LA10 Noise Condition issued by Liquor & Gaming NSW:

- (a) The LA10* noise level emitted from the licensed premises (Club and bowling greens) shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.
- (b) The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave band Level (31.5Hz-8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

- (c) Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

** For the purpose of this condition, the LA10 can be taken as the average maximum deflection of a sound level meter of noise emitted from the licensed premises.*

The above conditions apply to residences external to the site.

For residential accommodation within the site, the LA10 noise limits are applied inside the accommodation areas with doors and windows closed and mechanical ventilation in operation.

The inaudibility condition as set out in Condition 172 b) in relation to structure-borne noise shall still apply.