

DA-585/2015/A

1 August 2017

MHH Project Pty Ltd
Suite 2/9 Atchison St
ST LEONARDS NSW 2065



Dear Sir/Madam

**MODIFICATION OF DEVELOPMENT CONSENT DA-585/2015/A
59, 63, 65, 67 & 69 OXFORD STREET BONDI JUNCTION NSW 2022**

I refer to your application received by Council on 19 December 2016 to modify development consent **DA-585/2015** issued on 28 September 2016 to carry out the following works at the above address:

Modification to add 2 additional (residential) levels to approved mixed use development including basement modifications and an offer to enter a Planning Agreement.

After considering all the relevant issues, your application to modify the above development consent has been **approved**, in accordance with the following:

A. Amended/Deleted Conditions

1. APPROVED DEVELOPMENT (AMENDED BY DA-585/2015/A AND B)

The development must be in accordance with the following documents:

(a) Architectural Plans;

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
DA 0000 Coverpage	Revision J, 22.05.17	MHNDU	25.05.17
DA 1000 Site Context	Revision I, 06.04.17	MHNDU	06.04.17
DA 1001 Site Analysis Plan	Revision I, 06.04.17	MHNDU	06.04.17
DA 1002 Site and Roof Plan	Revision I, 06.04.17	MHNDU	06.04.17
DA 2000 Basement 6 Plan	Revision J, 22.05.17	MHNDU	25.05.17
DA 2001 Basement 3-5 Plan	Revision J, 22.05.17	MHNDU	25.05.17
DA2002 Basement 2 Plan	Revision J, 22.05.17	MHNDU	25.05.17
DA 2003 Basement 1 Plan	Revision J, 22.05.17	MHNDU	25.05.17
DA 2004 Ground Floor Plan	Revision I, 06.04.17	MHNDU	06.04.17
DA 2005 Level 1 Plan	Revision I, 06.04.17	MHNDU	06.04.17
DA 2006 Level 2 Plan	Revision I, 06.04.17	MHNDU	06.04.17
DA 2007 Level 3 - 7 Plan	Revision I, 06.04.17	MHNDU	06.04.17
DA 2008 Level 8-12 Plan	Revision J, 22.05.17	MHNDU	25.05.17

All correspondence should be addressed to Waverley Council

PO Box 9, Bondi Junction NSW 1355 | DX 12006, Bondi Junction

PHONE 9369 8000 | FAX 9387 1820 | EMAIL waver@waverley.nsw.gov.au | WEB www.waverley.nsw.gov.au

Our Customer Service Centre is located at 55 Spring Street, Bondi Junction

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Chinese Trad

如果你看不懂這份訊息,請打電話給翻譯與傳譯服務(TIS) 13 14 50,要求他們幫你接通 Waverley 市政會圖書與社區服務(Waverley Council, Library and Community Services)的電話 9389 9344,我們將通過傳譯員解答你的詢問。

Greek

Εάν δεν καταλαβαίνετε αυτές τις πληροφορίες, παρακαλούμε να τηλεφωνήσετε στην Υπηρεσία Μεταφραστών και Διερμηνέων [TIS] στο 13 14 50 και να ζητήσετε να σας συνδέσουν με τις Υπηρεσίες Βιβλιοθήκης και Παρουσίας του Δήμου Ουέβερλυ, στο 93899344. Θα απαντήσουμε στις ερωτήσεις σας μέσω του διερμηνέα τους.

Hungarian

Amennyiben nem érti ezt a tájékoztatást, kérjük, hívja fel a Fordító- és Tolmács Szolgálatot, a TIS-t a 13 14 50-es telefonszámon, majd kérje meg őket, hogy kapcsolják a Waverley Tanács Könyvtár és Közösségi Szolgálatát a 9389 9344-es telefonszámon. A tolmács segítségével válaszolunk a kérdéseire.

Indonesian

Jika Anda tidak memahami informasi ini, silakan menghubungi Jasa Penerjemahan dan Juru Bahasa (Translating and Interpreting Services - TIS) pada nomor 13 14 50 dan mintalah disambungkan dengan Waverley Council, Library and Community Services pada nomor 93899344. Kami akan menjawab pertanyaan Anda melalui seorang juru bahasa.

Italian

Se non comprendete queste informazioni, telefonate al Servizio traduzioni e interpreti (TIS) al numero 13 14 50 chiedendo che vi passi la divisione Library and Community Services del Comune di Waverley al numero 93899344. Risponderemo ai vostri quesiti tramite un interprete.

Japanese

この案内の英語が読めない方は、Translating and Interpreting Services (TIS) (翻訳通訳サービス、電話: 13 14 50) の担当者に、Waverley Council の Library and Community Services (電話: 93899344) に連絡するよう依頼してください。当事務所で、通訳をはさんでお答えします。

Korean

이 안내 사항을 이해하실 수 없는 경우에는 전화 13 14 50 번으로 번역 및 통역 서비스(TIS)에 연락하셔서 전화 9389 9344 번으로 웨이벌리 카운슬, 라이브러리 앤드 커뮤니티 서비스에 연결을 요청하십시오. 그러면 저희가 통역을 통해 여러분의 문의에 답하여 드리겠습니다.

Polish

Jeśli nie rozumiesz tej informacji, skontaktuj się z Agencją Tłumaczy (Translating and Interpreting Services) pod numerem 13 14 50 i poproś aby połączyli cię z Radą Miejską Waverly (Waverly Council), Wydział Bibliotek i Usług Społecznych (Library and Community Services) pod numerem 9389 9344. Odpowiemy na twoje pytania poprzez ich tłumacza.

Russian

Если вы не понимаете это сообщение, пожалуйста, обратитесь в Службу Перевода (Translating and Interpreting Services) по телефону 13 14 50 и попросите их соединить Вас с библиотечной и коммунальной службами (Library and Community Services) муниципалитета Вэверли, по телефону 93899344. Мы ответим на Ваши вопросы через их переводчика.

Spanish

Si no entiende esta información, póngase en contacto con el Servicio de Traducción e Interpretación (Translating and Interpreting Service/TIS), llamando al 13 14 50 y pídale que le conecten con el Concejo Municipal de Waverley (Waverley Council), Servicio de Biblioteca y Comunitario (Library and Community Services), teléfono 93899344. De esa manera contestaremos su consulta por medio de un intérprete.

DA 2009 Level 13 Plan	Revision J, 22.05.17	MHNDU	25.05.17
DA 2010 Roof Terrace Plan	Revision J, 22.05.17	MHNDU	25.05.17
DA2011 Roof Plan	Revision I, 06.04.17	MHNDU	06.04.17
DA 2400 Elevation North	Revision J, 22.05.17	MHNDU	25.05.17
DA 2401 Elevation South	Revision J, 22.05.17	MHNDU	25.05.17
DA 2402 Elevation East	Revision J, 22.05.17	MHNDU	25.05.17
DA 2403 Elevation West	Revision J, 22.05.17	MHNDU	25.05.17
DA 2500 Section A	Revision J, 22.05.17	MHNDU	25.05.17
DA 2501 Section B	Revision J, 22.05.17	MHNDU	25.05.17
DA 9003 Adaptable Layout	Revision I, 06.04.17	MHNDU	06.04.17
DA 9004 Roof Design/Finishes	Revision I, 06.04.17	MHNDU	06.04.17
DA 9005 Roof Design Elevations	Revision I, 06.04.17	MHNDU	06.04.17
DA 9202 Section AA Headroom Carpark	Revision I, 06.04.17	MHNDU	06.04.17
DA 9203 Section BB Headroom Loading	Revision I, 06.04.17	MHNDU	06.04.17

- (b) BASIX Certificates
- (c) Wind Study report WD 168-01F02 (Rev0) prepared by Windtech Consultants Pty Ltd, dated 13 July, 2016 and received by Council on 14 July 2016;
- (d) BCA Report and documentation prepared by AED Group dated 10 June 2016 and received by Council on 15 June 2016;
- (e) Access Report prepared by AED Group dated 10 June 2016 and received by Council on 15 June 2016;

The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;

B. New Conditions

13A. PLANNING AGREEMENT (ADDED BY DA-585/2015/A)

The applicant is to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of a Construction Certificate that relates to any building work, but excluding demolition, excavation, piling, shoring and associated works including any above ground structural support for retained heritage buildings, as contained in DA-585/2015/A and DA-585/2015/B; and
- (ii) Pay a monetary contribution amount of \$4,713,956 prior to the issue of any Occupation certificate for the Development
- (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.

Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.

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

- (iv) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of a Construction Certificate that relates to any building work, but excluding demolition, excavation, piling, shoring and associated works including any above ground structural support for retained heritage buildings, as contained in DA-585/2015/A and DA-585/2015/B.
- (v) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of a Construction Certificate that relates to any building work, but excluding demolition, excavation, piling, shoring and associated works including any above ground structural support for retained heritage buildings, as contained in DA-585/2015/A and DA-585/2015/B which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date

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

All other conditions are reaffirmed and attached in a modified Notice with all conditions stated (Attachment A).

Note: Works either not identified in the modified plans (ie coloured or hatched) or not specifically requested in your written submission accompanying the above modification are not approved.

Should you have any enquiries, please do not hesitate to contact the Assessment Officer between the hours of 9.00am and 10.00am or 4.00pm and 5.00pm, Monday to Friday inclusive on telephone **02 9083 8108**.

Yours faithfully



Lee Kosnetter
Development Assessment Area Manager (South)

Building Waverley

Attachment A
Conditions of the development consent

DA-585/2015/A

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT (AMENDED BY DA-585/2015/A AND B)

The development must be in accordance with the following documents:

(a) Architectural Plans;

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DA 2403 Elevation West	Revision J, 22.05.17	MHNDU	25.05.17
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DA 2501 Section B	Revision J, 22.05.17	MHNDU	25.05.17
DA 9003 Adaptable Layout	Revision I, 06.04.17	MHNDU	06.04.17
DA 9004 Roof Design/Finishes	Revision I, 06.04.17	MHNDU	06.04.17
DA 9005 Roof Design Elevations	Revision I, 06.04.17	MHNDU	06.04.17
DA 9202 Section AA Headroom Carpark	Revision I, 06.04.17	MHNDU	06.04.17
DA 9203 Section BB Headroom Loading	Revision I, 06.04.17	MHNDU	06.04.17

(b) BASIX Certificates

- (c) Wind Study report WD 168-01F02 (Rev0) prepared by Windtech Consultants Pty Ltd, dated 13 July, 2016 and received by Council on 14 July 2016;
- (d) BCA Report and documentation prepared by AED Group dated 10 June 2016 and received by Council on 15 June 2016;
- (e) Access Report prepared by AED Group dated 10 June 2016 and received by Council on 15 June 2016;
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;

except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS (SATISFIED BY DA-585/2015/B)

The plans are to be amended to address the following matters:

BASEMENT

- (a) ~~Vertically stacked car parking spaces are not permitted, pursuant to Part B8, Clause 8.4(j) of the Waverley Development Control Plan 2012 and are to be deleted from the plans.~~
- (b) ~~The three basement levels are to be amended to indicate which car parking spaces are to be allocated to residents of the development.~~
- (c) ~~The resident visitor car parking spaces (12 required by the DCP rate) are to be allocated to the car spaces at basement level 1 (ie. one level down from the vehicular entry point).~~
- (d) ~~60 bicycle parking spaces are to be provided in the basement levels, one for each of the residential units within the development.~~
- (e) ~~6 visitor residential bicycle spaces are to be provided in the residential lobby of the development.~~
- (f) ~~6 bicycle spaces are to be provided for the commercial/retail component of the development.~~
- (g) ~~Storage cages are to be provided for each residential units within the basement level, instead of the over bonnet storage which is not considered an appropriate or convenient form of storage, contrary to the design guidance of the Apartment Design Guide.~~
- (h) ~~A car wash bay is to be provided in the basement.~~
- (i) ~~The loading dock shall be designed and constructed to cater for the Medium Rigid Vehicle (MRV) as described in AS2890.2 Part 2: Off-street Commercial Vehicle Facilities for the collection by Council of the residential waste component.~~

- (j) ~~The head clearances at the car park entry/exit and loading bay shall comply with the relevant Australian Standard.~~
- (k) ~~All disabled car parking spaces are to be provided in accordance with Australian Standards AS2890.6:2009 Off-street parking for people with disabilities.~~
- (l) ~~The basement plans are to incorporate a storage area for goods associated with the pub ie. kegs, food storage etc.~~

ELEVATIONS

- (m) ~~The western elevation at ground floor is to be consistent with the ground floor plan.~~
- (n) As per DCP Control E 1.5.1 (e), new development adjacent to buildings of historic character must have facades sympathetic in vertical and horizontal proportions and alignments. The openings to the new ground floor elevation to Oxford and Denison Street are to be amended to respond to the verticality and 4m rhythm of the existing heritage façade. This is particularly important on the Oxford Street façade. The vertical openings are to be adjusted to respond to the original pattern in the streetscape.
- (o) The design and detailing of the ground floor shop fronts and hotel entry are to be more closely based upon ~~Federation~~ **appropriate** shop front detailing (and associated signage) based on documentary evidence of the original fabric.
(AMENDED BY DA-585/2015/B)
- (p) The street awning to the front of the terraced shops is to be based upon ~~Federation~~ **appropriate** precedents with exposed framing and moulded edge detailing (existing suspension rods and associated detailing is to be retained).
(AMENDED BY DA-585/2015/B)

GENERAL AMENDMENTS

- (q) ~~The plans are to be updated to reflect the recommendations made in the Wind Study report WD-168-01F02 (Rev0) prepared by Windtech Consultants Pty Ltd, dated 13 July, 2016 and received by Council on 14 July 2016;~~
- (r) ~~Letterboxes shall be provided for each residential unit of the development in an accessible and secure location within the ground floor level of the development. The location of the letterboxes shall have regard to control (b) under section 2.24 of Part C2 of Waverley Development Control Plan 2012. Details of the quantum and allocation of storage shall be shown on the plans.~~
- (s) ~~Each unit shall be allocated a minimum of 6m³ of storage with at least 50% of the minimum amount of storage to be located inside the unit to accord with section 4G of the Apartment Design Guide.~~

Plans are to be submitted with the minimum amount of storage required to be allocated to each unit, including the amount allocated inside the units and in the

~~storage cages located on the basement level of the development.
Details of the quantum and allocation of storage are to be shown on the plans~~

- ~~(t) To achieve compliance with SEPP 65, the setback to the south east portion of the residential tower is to be increased to a minimum of 6 metres to the eastern boundary. This is not to be achieved by the deletion of air and/or light to the corridor.~~
- ~~(u) All ear windows to the second bedroom of Types E and D units are to be a minimum 1.2m wide.~~

~~The amendments are to be approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.~~

3. AMENDED LANDSCAPING PLANS

The Landscaping Plans for the development are to be updated to reflect the approved design of the development and also to including the following additional details;

- (a) A green roof is to be provided around the plant area and lift overrun on the eastern side of the roof to ensure that the whole roof is appropriately treated. The green roof shall comprise plants selected from the 'Grasses/Sedges' and 'Climbers/Groundcovers' tables in the Planting List in Annexure B2-1 of Part B of Waverley Development Control Plan 2012. The plants shall have a maximum maturity height of 200mm above the roof level.
- (b) Landscaping is to be adjusted to be in accordance with the recommendations of the Wind the Wind Study report WD 168-01F02 (Rev0) prepared by Windtech Consultants Pty Ltd, dated 13 July, 2016 and received by Council on 14 July 2016;
- (c) Details of species, pot sizes and height at maturity is to be provided on the plans. The details are to be provided for ALL landscaped areas, including the green walls proposed within the balconies of the units on the western elevation of the building. Consideration is to be provided to the type of species to location and maintenance requirements. A statement is to be included stating why the species has been chosen in relation to the location.
- (d) A landscaping maintenance plan is to be provided which is to be provided to the building manager for implementation, upon receiving an occupation certificate for the development.

The amended landscape plan is to be submitted to the Council's Open Space and Parks department for approval prior to the issue of a Construction Certificate.

4. REFLECTIVITY REPORT

In accordance with Part E1 - Clause 1.23, a reflectivity report is to be submitted to which addresses 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).

The reflectivity report is to be submitted to Council for approval prior to the issue of a Construction Certificate.

5. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

6. ARCHITECT TO SUPERVISE DESIGN

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 Flats.

7. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT

The use, fit-out, signage or proposed hours of operation for the pub, retail or commercial/office area has not been proposed in this application, therefore these elements require the separate approval from Council, unless deemed Exempt Development under the SEPP (Exempt and Complying Development) 2008. Sanitary facilities are to be provided within all retail and/or commercial that satisfy the highest proportion of facilities required under the BCA, including allowances for any future footpath seating applications.

8. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

9. SIGNAGE

The following shall apply to any future signage for the site;

- (a) All external signage to the terraced shops is to closely follow the locations and style of Federation precedents and the Heritage Consultant engaged with the project is to inform the style of signage for the proposed development

- (b) The use of flashing lights, flashing illuminated signs and the like is prohibited.
- (c) No advertising signs or notices are to be affixed to the windows of the premises.
- (a) Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.
- (b) Signage is to be erected/supported in a secure manner for safety purposes;
- (c) Signage, must not be installed in a manner which would cause irreversible damage to the building; and,
- (d) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

10. HERITAGE ARCHITECT

The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

11. RESTORATION WORKS TO HERITAGE TERRACES

To maintain the significance of the listed street fronts and associated building fabric a full schedule of restoration works prepared by an appropriately qualified professional, is to be provided to Council including;

- (a) The works are to include restoration of the street frontages including removal of paint from original tiling, reinstatement of missing joinery and glazing stabilization, restoration of all original face brick, rendered fabric, metal work and the original roof over the retained fabric.
- (b) All finishes and colours the restored facades are to be based upon original finishes with investigation of remaining paint finishes provided as a basis for colour selection.
- (c) The first floor rooms and balconies to the former terraced shops are to be retained without openings to the floor i.e. as whole rooms and not elements in a two storey void.
- (d) Interiors to retained rooms are to retain existing original joinery and pressed metal detailing. Detailing is to remain exposed with any new detailing being secondary in extent and visual impact.
- (e) Following further investigation as to origin and method of fixing, the female sculptural figures are to be removed from the street elevation of the terraced shops and original finishes reinstated.

The schedule of restoration works is to be submitted to the Council's Heritage Architect for

approval prior to the issue of a Construction Certificate.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A 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 may be obtained from Waverley Council Customer Service Centre or downloaded from:
www.waverley.nsw.gov.au/publications/

- (b) 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 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

Waverley Council Development Contributions Plans 2006 may be inspected at Waverley Council Customer Service Centre.

Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

13. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$250,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after

recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

13A. PLANNING AGREEMENT (ADDED BY DA-585/2015/A)

The applicant is to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of a Construction Certificate that relates to any building work, but excluding demolition, excavation, piling, shoring and associated works including any above ground structural support for retained heritage buildings, as contained in DA-585/2015/A and DA-585/2015/B; and
- (ii) Pay a monetary contribution amount of \$4,713,956 prior to the issue of any Occupation certificate for the Development
- (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.

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

- (iv) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of a Construction Certificate that relates to any building work, but excluding demolition, excavation, piling, shoring and associated works including any above ground structural support for retained heritage buildings, as contained in DA-585/2015/A and DA-585/2015/B.
- (v) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of a Construction Certificate that relates to any building work, but excluding demolition, excavation, piling, shoring and associated works including any above ground structural support for retained heritage buildings, as contained in DA-585/2015/A and DA-585/2015/B which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
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The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

14. 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.

15. HERITAGE DEED OF AGREEMENT

- (a) The owner(s) of the premises shall enter into and execute a Deed of Agreement with Council to ensure that the 'approved heritage works' to the heritage listed terraces at 63-69 Oxford Street are completed before or concurrently with any other approved work on the site. The Deed of Agreement shall ensure that:
- (b) A Strata or Subdivision Plan for the site and/or the Occupancy Certificate is not released prior to the completion of the 'approved heritage works';
- (c) Future owner(s) of the site will be bound by the terms of the Deed of Agreement; and
- (d) The owner(s) of the land must prepare and execute the Deed of Agreement prior to the issue of a Construction Certificate for any part of the development. The cost of the preparation and registration of all legal and associated expenses is to be met by the owner(s) or applicant.

16. 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 Section 81A(2) of 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 Section 81(A)(2)(b) of the Environmental Planning & assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; 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.

17. ESSENTIAL SERVICES - NEW BUILDING

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

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

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

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

18. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

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

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

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

19. ARCHIVAL RECORDING OF EXISTING BUILDINGS AT 63-69 OXFORD STREET

A brief archival record (at a minimum the front and rear elevations, details of notable elements of each building eg the

awning and foyers) shall be prepared of the existing building 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.

20. EXTERNAL FINISHES (DA-585/2015/B)

A detailed schedule of external finishes shall be submitted for the consideration and approval of Council's Heritage Architect prior to the issue of a Construction Certificate for any works above ground.

The schedule is to specifically include the design of the 3 sets of service doors on the western façade facing Denison Street. The design should include elements/glazing to articulate and provide depth to the façade. A brick clad wall resulting in a long expanse of monotonous façade is not acceptable. The treatment of the wall is to be considered in consultation with Council's Heritage Architect.

The schedule shall also include details of the external walls, roofing materials, window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

21. PUBLIC ART

Public Art is encouraged to be incorporated into the new development. Specific details and design of the proposed public art feature shall comply with 'Public Art in the Private Domain Guidelines' which can be viewed on Council's website and by liaising with Council's Curator and Visual Arts Co-ordinator.

Details to be provided to the satisfaction of Waverley Council prior to the issue of a Construction Certificate for the development.

22. 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.

23. 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.

24. 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 Flats.

In accordance with clause 143a of 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.

25. HOARDING REQUIRED

A standard A-Class or B-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council 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.

26. 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.

27. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises or the sections of heritage buildings within the site that are to remain, as a result of the proposed bulk excavations, piling and shoring works, is to be submitted to the Principal Certifying Authority, Council, the owners of adjoining premises and the Councils' geotechnical engineer. The report is to be submitted for review prior to the issue of a Construction Certificate and commencement of any such works on the site. The report should include:

- The results of a preliminary geotechnical investigation to confirm the subsurface profile and groundwater conditions at the site, design parameters for the temporary stabilisation measures for the heritage buildings, shoring system and footings, together with a review of the contents of the Geotechnical Desktop Study' report (Project 85212.00/Rev.1, dated 14 December 2015) prepared by Douglas partners Pty Ltd. If applicable, the requirements of Condition 'Potential Dewatering Of The Site' will also need to be addressed.

A numerical analysis of the proposed temporary stabilisation measures for the heritage buildings, shoring system and excavations in order to demonstrate damage should not occur to any adjoining premises or the sections of heritage buildings within the site that are to remain.

A Geotechnical Monitoring Program that:

- Will detect any settlement associated with temporary and permanent works and structures;
- Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like);
- Will detect vibration in accordance with DIN 4150-3 : 1999-02 including acceptable velocity of vibration (peak particle velocity), i.e. the PPV does not exceed 3mm/sec at the foundation level (frequencies of less than 10Hz), 3 to 8mm/sec (frequencies of 10Hz to 50Hz) and 8 to 10 mm/sec (frequencies of 50Hz to 100Hz);
- Will detect groundwater changes calibrated against natural groundwater variations;
- Details the location and type of monitoring systems to be utilised;
- Details the frequency and duration of the monitoring,
- Details the preset acceptable limits for settlement, deflections, peak particle velocity and ground water fluctuations;
- Details recommended hold points to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- Details a contingency plan.

Following demolition, a detailed geotechnical investigation will also need to be undertaken which will include at least four cored boreholes that extend the deeper of 3m below bulk excavation or 3m into sandstone bedrock. The purpose of the additional investigation is to:

- Verify the assumptions made in the numerical analysis undertaken following the preliminary geotechnical investigation, complete further numerical analyses as appropriate and to amend the design of the shoring system, temporary propping of the heritage buildings as necessary.
- Review and amend the recommendations presented in the preliminary geotechnical investigation report, as required.
- Review and amend the Geotechnical Monitoring Program, as required.

(Council Ref – condition Input by External Independent Peer Review)

28. DETAILS OF EXCAVATION, SHORING AND PILE CONSTRUCTION

A preliminary Report shall be prepared by suitably qualified and experienced practising Structural and Geotechnical Engineers, detailing the proposed methods of temporary support for the sections of heritage buildings that remain, will bulk excavation, shoring and pile construction, including details of vibration emissions and other monitoring requirements detailed in the Geotechnical Monitoring Program, and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation

works.

The preliminary Report shall be submitted to the Principal Certifying Authority, Council, the owners of adjoining properties and the Councils' geotechnical and structural engineers for review following the preliminary geotechnical investigation described in the previous and prior to the issue of a Construction Certificate.

The preliminary Report shall be submitted to the Council and the Councils' geotechnical and structural engineers for review and comment following the preliminary geotechnical investigation described in Condition 'Geotechnical Engineers Report'.

Any practices or procedures specified in the Structural and Geotechnical 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.

The Report shall be updated following completion of the geotechnical investigation carried out following demolition and re-submitted to the Principal Certifying Authority, Council, the owners of adjoining properties and the Councils' geotechnical and structural engineers for review prior to commencement of shoring and excavation.

(Council Ref – condition Input by External Independent Peer Review)

29. GEOTECHNICAL REVIEW

The following further engineering input will be required:

- A geotechnical engineer to review the Condition 'Geotechnical Engineers Report' which may include an independent numerical analysis to confirm the result obtained in the report and used as a basis for preparing the Geotechnical Monitoring Plan. This input will be required prior to issue of both stages of the Construction Certificate (for demolition only and then for the remainder of the development).
- Both a geotechnical engineer and structural engineer to review the report prepared to address Condition 'Details of Excavation, Shoring and Pile Construction'. This input will be required prior to issue of both stages of the Construction Certificate (for demolition only and then for the remainder of the development).

(Council Ref – condition Input by Independent Peer Review)

30. CERTIFICATION OF THE WORKS

As part of the documentation to be provided to the Principal Certifying Authority and Council prior to issue of an Occupation Certificate, the appropriate Consent Condition must include the following item:

- Certification from the geotechnical and structural engineers that the requirements of the Geotechnical Monitoring Program, the geotechnical reports and the Structural and

Geotechnical Engineers Report (to address Condition 'Details of Excavation, Shoring and Pile Construction') were implemented and satisfied during the works.

(Council Ref – condition Input by External Independent Peer Review)

31. UNDERGROUND ANCHORS

Any underground anchors required for structural support into adjoining properties would require appropriate owners consent from all affected parties. Subsequently, evidence of the registration of easement is required for the anchors proposed to support the basement retaining wall prior to the issue of a Construction Certificate is required.

32. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) 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 at all times during demolition and construction. At least one copy of the SWRMP is to be available on site at all times during demolition and 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.

33. EROSION, SEDIMENT AND POLLUTION CONTROL

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

34. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

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

- (a) The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- (b) The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
 - Such vehicles cannot adequately and safely gain access to and from the site or

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

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

- Make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (j) above.
- Make contact with the operators of bus and taxi services whose zones may be affected/require temporary relocation as a result of development works
- Be aware that the full length of Oxford Street may not be approved as a route for trucks when travelling to or from the site
- Be aware swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, may need to be

submitted to Council for all truck movements that are to take place within the Council area prior to an approval being issued for the CVPPM.

- Be aware of and take into account the cumulative effect that truck movement from the development site and other development sites in the vicinity that are either under construction or have development approval will have on roads leading to and from the site.

35. AMENDED STORMWATER PLANS REQUIRED

The submitted stormwater plans prepared by Green arrow Hydraulics Pty Ltd, Project No. 215-1434, Drawing No. H-01 to H-10, dated 10 June 2016, do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual. The following matters are to be addressed and submitted to the satisfaction of Council's Creating Waverley Department prior to the issue of a Construction Certificate;

- An engineering design of the proposed stormwater line is required including a Hydraulic Grade Line (HGL) analysis of pipe between HEELP Roof grate at property boundary to existing Council's Stormwater Drainage pit via the new kerb inlet pit. The longsection information to include existing services crossing, existing surface levels, pipe invert and obvert levels.
- A plan of reinstatement work of footpath, road and kerb & gutter is required as per council standard drawings R1 & D8 is required (drawings available on request).
- Details of backfilling and road restoration works is required as per Waverley Council's Standard Drawing D7 (drawing available on request).
- Contractor to apply for relevant Footpath and Road Opening Permit prior to commencement of drainage works.
- Checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.
- Since a sewer and water main runs close to the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

36. STORMWATER CERTIFICATION

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

37. POSITIVE COVENANT - ON-SITE DETENTION SYSTEM (OSD)

A covenant to the approval of Council is to be placed on the Certificate of Title of the property acknowledging that the site has an on-site detention system (OSD) and that the implementation and the management of the system shall be at the responsibility of the building owners. Council is

neither responsible nor liable to any damages caused as a result of any flooding of the property and/or neighbouring properties. Evidence of the creation of the covenant is to be submitted to Council prior to issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979. The covenant shall not be revoked or modified without the prior approval of Council. Any costs associated with the covenant are to be borne by the applicant.

38. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

39. BASIX

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and can not be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

40. ENERGY EFFICIENCY

Prior to the issue of any Construction Certificate for the development, the following is to be provided to the satisfaction of Council's Co-ordinator Sustainable Energy;

- (a) Mechanical/Electrical and architectural documentation is to include the specific energy efficiency inputs identified in the Energy Assessment Report dated 14 June 2016 provided to Council prepared by Vipac Engineers and Scientists Ltd
- (b) The Energy Assessment Report is to be re-submitted with updated specific design, material and equipment efficiencies as per the Mechanical/Electrical and architectural documentation.

41. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction

Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

42. LANDSCAPED SLABS

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

43. ACCESS

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

Access to and within retail and commercial tenancies and associated common areas must comply with the requirements of Part D3 of the BCA and AS 1428.1. Details verifying compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate.

44. ACCESS TO MAIN ENTRY

Access in accordance with AS1428.1 shall be provided to and within the main entrance and exit points of the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

45. ADAPTABLE HOUSING (AMENDED BY DA-585/2015/B)

Six (6) adaptable units are to be provided within the development, those being Unit 205, 305, 405, 505, 605, 705 as nominated on drawing 9003. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

46. WASTE STORAGE AREAS (AMENDED BY DA-585/2015/B)

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

Residential

- 21 x 240L or 6 x 660L Mobile Garbage Bins (MGBs) or for general waste,
- 8 x 240L MGBs for recyclables , and
- 8 x 240L MGBs for paper and cardboard.
- Additional space is to be made available for an extra 3 x 240L MGB for general waste, 3 x 240L MGB for recyclables and 3 x 240L MGB for paper/cardboard.

Commercial

- As per the submitted Waste Management Plan
- Space will need to be available to accommodate the additional waste and recycling needs of commercial premises.

- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (d) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/ areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.
- (e) The development must have rooms or caged areas with a minimum volume 4m³ available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.
- (f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (g) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (h) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (i) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (j) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (k) 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 a waste management plan, which has been approved by Waverley Council (Sustainable Waverley).
- (l) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (m) Any residential waste and recycling receptacles collected on the kerbside is to be presented and removed within an hour of collection. The site manager is to liaise with Council's Sustainable Waverley Department in this regard.

The above matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of Council's Sustainable Waverley staff prior to the issue of a Construction Certificate.

47. AWNINGS OVER THE PUBLIC DOMAIN

The Construction Certificate drawings are to demonstrate that the awnings over hanging from public domain/footpath are a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.

48. REFRIGERATION UNITS & MECHANICAL PLANT

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

49. INSTALLATION OF AIR CONDITIONING

Air conditioning unit(s) installed within the building shall:

- (a) Be located inside approved plant rooms.
- (b) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) Before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) Before 7.00am and after 10.00pm on any other day.
- (c) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

50. LOCATION OF GREASE TRAP

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. The location of the grease trap is to be considered and included in the construction certificate drawings for the development.

Note: Sydney Water also have requirements for grease arrestors that you need to comply with.

51. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES

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

- (a) Identification of nearby residents and other sensitive locations near to the site;

- (b) Description of hours of work and what work will be undertaken
- (c) Description of what work practices will be applied to minimise noise
- (d) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (e) Selection criteria for plant and equipment;
- (f) Community consultation;
- (g) Details of work schedules for all construction phases;
- (h) Selection of traffic routes to minimise residential noise intrusion;
- (i) Schedule of plant and equipment use and maintenance programs;
- (j) Noise monitoring techniques and method of reporting results;
- (k) The methodology to be employed for handling and investigating any complaints should they arise, including documentation and feedback mechanisms;
- (l) Identification of a site contact person to follow up on complaints and site signage erected to advise of persons name and contact details.
- (m) Site induction details for employees and contractors, and;
- (n) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

52. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

- (a) 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 methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?

- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

53. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in Sections 5.3, 6.6, 7.3 & 8.2 of the acoustic report prepared by **Acoustic Logic 20151692.1/1412A/RO/OF** dated **14 December 2015** shall be implemented.

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. TOILET FACILITIES

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

60. NO USE OF ORGANOCHLORIN PESTICIDES

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

61. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer

(structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

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

Please note the following:

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

62. CARE TO BE TAKEN DURING CONSTRUCTION

The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building, which is listed as a Heritage Item.

63. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

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

removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).

- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

64. DEMOLITION 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.

65. 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 2009.

66. DEMOLITION REQUIREMENTS

Following demolition activities the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. The soil investigation being carried out in accordance with the NSW Environment Protection Authority (EPA) "Guidelines for Consultants Reporting on Contaminated Sites". An approved NSW Environment Protection Authority (EPA) Auditor, in accordance with the NSW EPA's "Guidelines" shall issue a Site Audit Statement at the completion of the investigation, for the NSW Site Auditor Scheme.

67. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must ensure that the waste generated during the

demolition and construction phase complies with the following;

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
 - (i) Landfill waste;
 - (ii) Recyclable waste;
 - (iii) Materials to be re-used on-site; and/or,
 - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

68. SITE HEALTH & SAFETY PLAN

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

- (a) Hazard identification and control
- (b) Site security
- (c) Personal protective equipment

- (d) Work zones and decontamination procedures
- (e) Contingency plans and incident reporting
Environmental monitoring

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

69. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

70. CONFIRMATION THAT SITE IS SUITABLE FOR PROPOSED USE

Following demolition activities the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. The soil investigation being carried out in accordance with the NSW Environment Protection Authority (EPA) "Guidelines for Consultants Reporting on Contaminated Sites".

The findings are to be submitted to Council **prior to the issue of the construction certificate.**

71. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

72. GROUND WATER SAMPLING

Once demolition of the existing building has been completed a ground water investigation shall be undertaken by a suitably qualified person with a report to be submitted to Council with the findings.

73. POTENTIAL DEWATERING OF THE SITE

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

- (a) Undertake the necessary site investigations prior to

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

74. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

All site works complying with the occupational health and safety requirements of WorkCover NSW.

75. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 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.

76. FOOTPATH PROTECTION

The footpaths in front of the site must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to

be installed prior to the commencement of any works on the site.

77. STOCKPILES

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.

78. LOCATION OF BUILDING OPERATIONS

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.

79. SEDIMENT REMOVAL FROM VEHICLE WHEELS

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Soil and Water Management Plan for the site prior to the commencement of any site works or activities.

80. 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.

81. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays

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

82. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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.

83. 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.

Council will take into account:

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

84. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

85. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (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 Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

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 are:

In the case of a Class 2 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.

In the case of a Class 5, 6, 7, 8 or 9 building:

- (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 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 Building Code of Australia and standards of construction.

86. MECHANICAL VENTILATION SYSTEMS

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

87. 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.

88. 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.

89. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

90. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 -

Water Proofing of Wet Areas within residential buildings.

91. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

92. BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

93. EXCAVATION TO BE MANAGED BY STRUCTURAL AND GEOTECHNICAL ENGINEER

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

(Council Ref – condition Input by Independent Peer Review)

94. SERVICE PIPES

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

95. FIRE SAFETY - EXITS

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 BCA.

96. FIRE SAFETY MAINTENANCE

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.

97. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS

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

98. TREE PROTECTION

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

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

99. VEHICLE CROSSING WORKS

The existing vehicle crossing is to be closed and a new vehicle crossing constructed. All work associated with the vehicle crossing works are to be carried out with the approval of, and in accordance with, the requirements of Council. A separate application is required for the vehicle crossing works.

100. ADJUSTMENTS TO STREET SIGNS

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

101. SPEED HUMP ON ACCESS RAMP

A speed hump shall be installed at the applicant's expense in the vicinity of the Denison Street property boundary on the exit lane of the access ramp.

102. CONVEX MIRROR

A convex mirror shall be installed inside the site at the car park entry/exit ramp for exiting drivers to have improved sighting of pedestrians on the Denison Street footpath.

103. FINISHED LEVELS- OXFORD STREET & DENISON STREET

Paving within the site at the Oxford Street boundary shall be finished level with the Council's footpath at each of the pedestrian entry/exit points.

Paving within the site at the Denison Street boundary shall be finished level with the Council's footpath at each of the pedestrian entry/exit points.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

104. FINAL 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 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

105. 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 www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

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.

106. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

In accordance with clause 154A of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

107. NOISE ATTENUATION CERTIFICATE

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

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

108. NOISE – PLANT AND EQUIPMENT

A Certificate is to be submitted to Council 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 including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

109. CERTIFICATION OF MECHANICAL EXHAUST

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1 and part 2, 2012). A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

110. STORMWATER

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.

111. STRATA SUBDIVISION

Consent is required for strata subdivision of the development.

Note: 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.

112. TELECOMMUNICATIONS

Notification of arrangement with Telstra and/or Optus for the provision of a telephone supply to each lot is to be submitted to the satisfaction of the Principle Certifying Authority prior to the release of the Subdivision Certificate.

113. FOOTPATH UPGRADE

The footpaths, kerb and gutter surrounding the site are to be upgraded at the applicant's expense in accordance with Council's "Public Domain Technical Manual" prior to the issue of any Occupation Certificate.

In addition, planting is to be provided on Denison Street, the location of which is to be as recommended in Figure 7a on Page 37 of the Pedestrian Wind Environment Study prepared by Windtech, dated 13 July 2016. To be effective as a wind mitigating device the planting is to be a densely foliating and evergreen variety to ensure effectiveness throughout the year.

This location of the planter boxes is also subject to review by Council's Manager Traffic and Development relating to impacts on sightlines at the pedestrian crossing across Denison Street.

Details of the design of the planting, planter boxes and selection of species is in accordance with Council's Public Domain Technical Manual and is to be reviewed by Council's Project Manager, Bondi Junction.

A detailed plan of the works required on Council's road reserve/footpath area are to be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to those works commencing.

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

114. PUBLIC DOMAIN WORKS COMPLETED

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

115. 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.

116. WASTE AND RECYCLING STORAGE AND COLLECTION - USE

- (a) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (b) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- (c) Should any of the commercial premises be utilised as a food premises a separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, bunded and drained to a grease trap.

- (d) Should any of the commercial premises be utilised as a food premises, liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (e) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (f) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (g) 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.
- (h) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

The above matters are to be detailed and submitted to the satisfaction of the Principal Certifying Authority prior to the occupation of the development.

117. UNDERAWNING LIGHTS

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

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

118. BONDI JUNCTION FSR AND MAPPING MODEL

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

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

(xvi) Ground floor use (commercial, retail or residential)

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

119. LANDSCAPE PLAN

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

120. LANDSCAPE CONSULTANT

A qualified Landscape and/or Arboricultural Consultant shall be retained for the duration of the construction of the development. The Consultant shall submit to the Principal Certifying Authority a Certificate of Practical Completion stating the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. The Certificate shall be lodged upon satisfactory completion of the landscaping works and prior to the issue of the Occupation Certificate.

121. ALLOCATION OF STREET NUMBER

The redevelopment of the property has lead to the following allocation of premises numbers:

- No. 59 Oxford Street for the building (primary premises);
The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts Oxford Street.
- As the redevelopment has multi level sub-addressing the following sub-addressing will apply;
- All sub-premises numbers must be unique,
- The floor/level number will represent the first number of the sub address and the last two digits in the sub-address shall be unique on each level,
- For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
- Commercial premises will be identified with an address identifier ie Shop 101, Office 102 ,

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

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

122. SLIP TESTS OF COMMON AREAS

Common area tiles should not have slippery finishes. Slip tests

should be undertaken in wet conditions.

123. TACTILE NUMBER IN LIFT

The applicant is advised that with regard to the provision of the lift in the building, it will be necessary for tactile numbers to be placed on each level of the building and within the lift to assist visually impaired people.

124. MARKING OF CAR SPACES

The resident, resident visitor, retail, office and disabled parking spaces being clearly line marked, numbered and signposted prior to the issue of an Occupation Certificate.

125. VEHICLE ACCESS

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

E. OPERATIONAL CONDITIONS DURING OCCUPATION

126. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited.

127. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. As required by the condition above, the loading vehicles are to utilise the approved retail spaces on the ground floor. 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.

128. ROLLER SHUTTERS

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes.

Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

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

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

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

130. NOISE - MECHANICAL PLANT

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (d) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (e) 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.

131. NOISE EMISSIONS

- (a) No sound reproduction device nor any forms of entertainment (or general noise) within the premises are to exceed a noise level of 5dBA above background noise levels measured from any public place or other parts of the premises or adjoining premises. The background noise level must be measured in absence of noise emitted from the use in accordance with AS 1055.
- (b) No sound reproduction device shall be installed external to the building, but rather shall be confined to internal areas of the subject premises only. Such devices must not be placed so as to direct the sound towards the outdoor areas associated with the premises.
- (c) Sound reproduction devices (including music live or otherwise) shall be restricted to between 9am and 10pm, Monday to Saturday and from 9am to 9.30pm Sundays due to residential premises being located above and nearby.
- (d) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver (any place of different occupancy)

132. AIR EMISSIONS

The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act, 1997*. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, gases, vapours, odours, dust, particulate matter,

or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

133. CONTROL OF LEGIONNAIRES DISEASE

- (a) All cooling towers and warm water systems must be operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.
- (b) The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

134. DISPLAY OF WASTE MANAGEMENT PLAN

The occupant/individual owner/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

135. FIRE SAFETY MAINTENANCE

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.

136. 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.
- f) All external area lights and carpark to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

137. NOISE COMPLAINTS

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

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

ADVICE TO APPLICANT

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

SYDNEY WATER REQUIREMENTS

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

DIAL BEFORE YOU DIG

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

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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