

# WAVERLEY COUNCIL

DA-140/2011

## Notice of determination of a development application

issued under *the Environmental Planning and  
Assessment Act 1979* section 81 (1) (a)

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### Details of the applicant

JCA Architects  
PO Box 156  
DOUBLE BAY NSW 1360

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### Details of the land to be developed

|                                 |  |
|---------------------------------|--|
| Site:                           | 26 Albion Street Waverley  |
| Development application no:     | DA-140/2011  |
| Description of the development: | Refurbish entry and undercroft for<br>Administration Offices at 26 Albion Street<br>and construction of a 3 storey Music/Visual<br>Arts Wing addition to the Innovation Centre<br>at 317-319A Bronte Road. |

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### Decision of the consent authority

Consent is **granted** subject to the conditions listed in **Attachment A**.

Conditions have been placed on the consent for the reasons outlined in  
Attachment A:

|                                       |                  |
|---------------------------------------|------------------|
| Date of this decision:                | 7 September 2011 |
| Date from which the consent operates: | 7 September 2011 |
| Date the consent expires:             | 7 September 2016 |

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### Information attached to this decision

- Conditions of the consent listed in **Attachment A**.
- A fire safety schedule, for a change of building use where no building work will be carried out.

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## Other approvals

The following approvals will be granted, consistent with this consent, if the applicant applies to the state agencies listed within 3 years of the date of this decision:

- N/A

The following approvals have been granted under the *Local Government Act 1993*:

- N/A

A Commission of Inquiry has been held:      No

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## Signature

For this notice to be valid, it must be signed by the consent authority.

Ruth Holten  
**Executive Planner**  
**Planning and Environmental Services**

Dated: 7 September 2011

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## Rights of appeal

You can appeal against this decision in the Land and Environment Court. Any appeal must be lodged within the prescribed period. This can be viewed at [www.planning.nsw.gov.au/PlanningSystem/Legislationandplanninginstruments](http://www.planning.nsw.gov.au/PlanningSystem/Legislationandplanninginstruments). You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

## Right of review

If you are dissatisfied with this decision you may make an application to Council for a review of the determination. You must give your reasons for this request and pay the prescribed fee for this review. **The review must be determined within the prescribed period.** This can be viewed at [www.planning.nsw.gov.au/PlanningSystem/Legislationandplanninginstruments](http://www.planning.nsw.gov.au/PlanningSystem/Legislationandplanninginstruments).

## Modification of consent

If you are dissatisfied with a condition attached to this consent, you may apply to Council to have the condition removed or varied. This process may be undertaken in the form of an application to modify the development consent under Section 96 of the Environmental Planning & Assessment Act. You should give reasons or supply such additional information that supports your application.

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## Enquiries

Contact person:      Ruth Holten

Telephone:            02 9369 8189.

Between:              9.00 am and 10.00am or 4.00pm and 5.00pm,  
Monday to Friday inclusive.

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**Attachment A**  
**Conditions of the development consent**

**DA-140/2011**

**A. APPROVED DEVELOPMENT**

**1. APPROVED DEVELOPMENT**

The development must be in accordance with:

(a) Architectural Plans prepared by JCA Architects Pty Ltd numbered:

- DA001 dated Mar 2011 and received by Council on 25 March 2011;
- DA002 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA003 dated Mar 2011 and received by Council on 25 March 2011;
- DA101 dated Mar 2011 and received by Council on 25 March 2011;
- DA102 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA103 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA104 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA105 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA106 dated Mar 2011 and received by Council on 25 March 2011;
- DA107 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA108 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA109 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA110 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA111 dated Mar 2011 and received by Council on 25 March 2011;

- DA201 dated Mar 2011 and received by Council on 25 March 2011;
  - DA202 dated Mar 2011 and received by Council on 25 March 2011;
  - DA203 dated Mar 2011 and received by Council on 25 March 2011;
  - DA204 Rev A dated Mar 2011 and received by Council on 25 March 2011;
  - DA205 Rev A dated Mar 2011 and received by Council on 25 March 2011;
  - DA206 Rev A dated Mar 2011 and received by Council on 25 March 2011;
  - DA207 Rev A dated Mar 2011 and received by Council on 25 March 2011;
  - DA208 Rev A dated Mar 2011 and received by Council on 25 March 2011;
  - DA209 dated Mar 2011 and received by Council on 25 March 2011;
  - DA210 dated Mar 2011 and received by Council on 25 March 2011;
  - DA211 Rev A dated Mar 2011 and received by Council on 25 March 2011;
  - DA301 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- (b) The Statement of Environmental Effects prepared by JBA Planning dated March 2011 and received by Council on 25 March 2011 and the additional information from JBA Planning dated 15 July 2011 and received by Council on 15 July 2011;
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010.

**Except where amended by the following conditions of consent:**

## **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) All windows on the north western side of the addition to the Innovative Centre are to be fixed with opaque glazing to a minimum height of 1800mm to maintain visual and aural privacy to the neighbouring building;

- (b) All doors on the north western side of the addition to the Innovative Centre are to be provided with opaque glazing to a minimum height of 1800mm to maintain visual privacy to the neighbouring building;
- (c) All doors located at ground floor in the north western side of the addition to the Innovative Centre are to be single width to minimise impacts to the neighbouring building;
- (d) The roof on the south eastern side of the third storey of the addition to the Innovative Centre is not to exceed RL 98.1 to reduce overshadowing to the neighbouring property;
- (e) There is to be no student access or egress from the doors located at the ground floor in the north western side of the addition to the Innovative Centre. Student access is to be limited to emergency egress only, and in this regard the doors are to signposted and locked so as to operate in this matter to minimise impact on the neighbouring building.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

### **3. AMENDED LANDSCAPE PLAN**

The Landscape Plan is to be amended by the following changes:

- (a) The applicant is to provide for street tree planting in accordance with the requirements of Council's Strategic Tree Management Officer. The species to be determined in consultation with Council's Strategic Tree Planning Officer;
- (b) Planting between the front boundary and the addition to the Innovative Centre is to be of species that generally achieve a mature height of 2-3m to provide a level of screening to the building but at the same time maintains views from the neighbouring property;
- (c) Deletion of Japanese Honeysuckle from the planting list with an alternate local native species provided in consultation with Council's Tree Management Officer.

The amended landscape plan is to be submitted for approval to Council or the Certifier prior to the issue of a Construction Certificate.

### **4. HOURS OF OPERATION**

The hours of operation of the classrooms/studio within the addition to the Innovative Centre being restricted to between 8.00am and 6.00pm, Monday to Friday.

### **5. STUDENT AND TEACHER NUMBERS**

No increase in students or teacher numbers is approved under this consent.

## **6. BRONTE ROAD GATE**

The Bronte Road gate is only to be used as an emergency exit from the school. The School is to formulate a Management Plan and supply a copy to Council prior to occupation of this building identifying how this will be managed and how complaints will be addressed should the pathway and gate be used contrary to its specified use.

## **7. 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 licensed premises. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

## **8. NOISE EMISSIONS**

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10, 15min and adjusted in accordance with the Department of Environment and Climate Changes and Water's (DECCW) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
- (c) A sound pressure level at any affected premises that exceeds the DECCW recommended planning levels outlined in the DECCW Environmental Noise Control Manual; or
- (d) A sound pressure level at any affected premises that exceeds the DECCW recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises.

## 9. 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.

## B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### 10. 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/](http://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.

#### **11. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$10,000.00 must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work.

This deposit 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 will be refunded after satisfactory completion of the building work to the person who paid the deposit.

#### **12. 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.

#### **13. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, including demolition, 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 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 Principle Certifying Authority.

#### **14. ESSENTIAL SERVICES - EXISTING BUILDING**

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

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

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

## **15. VERTICAL SEPARATION OF OPENINGS**

Vertical separation of openings in the external walls of the building is to comply with Part C2 of the Building Code of Australia. Details as to the method of protection are to be provided in the plans prior to the issue of a construction certificate.

## **16. OPENINGS IN EXTERNAL WALLS**

All openings in external walls located within 3m of fire source features are to be protected in accordance with Part C3 of the Building Code of Australia. Details as to the method of protection are to be provided in the plans prior to the issue of a construction certificate.

## **17. ALTERNATIVE SOLUTIONS**

- (a) In accordance with Clause 144 of the Environmental Planning and Assessment Regulations 2000 where building work involves an alternative solution to meet the performance requirements of the Building Code of Australia contained in any one or more of the Category 2 fire safety provisions as defined under the Environmental Planning and Assessment Regulations 2000 the application for a Construction Certificate must be referred to the Commissioner NSW Fire Brigades in order to obtain an initial fire safety report prior to issue of the Construction Certificate.
- (b) In accordance with Clause 144A of the Environmental Planning and Assessment Regulation 2000, where building work involves an alternative solution under the Building Code of Australia in respect of a fire safety requirement, a Compliance Certificate or written report is required to be obtained from a C10 Accredited Fire Safety Engineer certifying that the alternative solution complies with the relevant performance requirements of the Building Code of Australia, prior to the issue of a Construction Certificate.
- (c) Should building work involve an alternative solution under the Building Code of Australia in respect of a fire safety requirement, a Compliance Certificate or written report is to be obtained from a C10 Accredited Fire Safety Engineer certifying that the building work relating to the alternative solution to the Building Code of Australia has been completed and complies with that alternative solution, in accordance with Clause 153A of the Environmental Planning and Assessment Regulation 2000, prior to issue of an Occupation Certificate.

## **18. FIRE SAFETY UPGRADE WORKS**

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing buildings are to be brought into conformity with the Building Code of Australia in relation to fire safety, fire protection and structural adequacy of the buildings. Details demonstrating compliance with the Building Code of Australia including a Building Code of Australia Fire Safety Upgrading Report recommending fire safety upgrading works and measures in the existing buildings complying with the Building Code of Australia are to be submitted Council for approval prior to the issue of a Construction Certificate for the required fire safety upgrading works.

Prior to the issue of an Occupation Certificate by the accredited certifier for the required fire safety upgrading works, all fire safety upgrading works are to be completed and a Final Fire Safety Certificate is to be submitted to Council, certifying that each essential fire safety measure specified in the approved Fire Safety Schedule:-

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

## **19. HOARDING REQUIRED**

A standard A-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.

## **20. GEOTECHNICAL ENGINEERS REPORT**

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

## **21. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

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

## **22. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2010 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

## **23. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

A "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) is to be approved by Council prior to the issue of a Construction Certificate and the undertaking of any demolition, excavation, remediation or construction on the site.

The CVPPM shall provide details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.
- (b) The type and size of demolition/construction vehicles that it is proposed to use on Albion Street and Bronte Road. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (g) The hours of operation of demolition/construction vehicles.

- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
  - 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) An alternative location on the site for the mobile crane, preferably at the front of the site and specifically not located adjacent to an adjoining property to minimise impact onto neighbouring properties.
- (k) An on-site construction manager shall be on the site at all construction times and their contact number shall be on public display on the Bronte Road frontage site.

#### **24. WORK ZONE**

The proposed Work Zone on Bronte Road is to be approved by the Traffic Committee and Council prior to installation. Application including payment is to be made to Council for consideration, with it noted that the Traffic Committee meeting on the last Thursday of each month.

#### **25. STORMWATER MANAGEMENT**

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 2010 - Part G4 prior to the issue of a Construction Certificate.

#### **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. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load

of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

## **28. ACCESSIBLE CAR SPACE**

A minimum of one car space for the vehicles of people with disabilities shall be provided.

The car spaces shall be identified and reserved at all times and be in the vicinity of a lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions of 3.2m x 5.5m and minimum headroom clearance of 2.5m for vehicles fitted with a roof mounted wheelchair rack.

A notice shall be displayed at the entrance to the car park and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles.

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

## **29. 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.

## **30. 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.

## **31. ENERGY EFFICIENCY AND CONSERVATION**

The following energy efficiency and conservation requirements apply to the development:

- (a) Insulation with a minimum R3.0 rating being provided to the entire roof or ceiling of the building.
- (b) New taps being AAA rated as defined by the Australian Standard MP 64 - 1995 Manual of assessment procedures for water efficient appliances.
- (c) New toilet(s) being dual flush as defined by the Australian Standard MP 64 1995 - Manual of assessment procedures for water efficient appliances.
- (d) New urinals being AAA rated.

Details of the above shall be contained within the Construction Certificate documentation to the Principal Certifying Authority's satisfaction prior to the issue of the Construction Certificate.

### **32. ENERGY AUSTRALIA**

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

### **33. 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.

### **34. ARCHIVAL RECORDING OF 317 BRONTE ROAD, WAVERLEY**

An archival record shall be prepared of the existing building for deposit in Waverley Council's Archive. 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.

### **35. TREE PLAN**

All trees to be retained on the site are to be protected by AS 4970 – 2009 Protection of trees on development sites and by the conditions below.

There is to be a detailed Tree Management Plan and Drawing identifying the tree protection zones and measures required for all stages of the proposed work. This plan shall outline the required movement in fencing at all stages and any additional tree protection measures that may be required if the TPZ is reduced in size. The Tree Management Plan and Drawing is to cover any for all trees and vegetation within 7.5m of the building site and proposed work. This is to be presented to Council for final approval before the issuing of the construction certificate.

The Tree Management Plan shall also detail construction methods to be used in the demolition/construction of the new pedestrian entry off Albion St. The

new pedestrian path is to be installed at existing levels or the path is to be installed at above existing ground level through the use of raised boardwalk or a slab supported on screw piles.

All trees, shrubs or vegetation on the subject site are to be provided with a tree guard and a notice on each guard indicating "This tree is the subject of a Tree Preservation Order by Waverley Council." This notice is to be in place prior to commencement of any building or demolition work. Only trees with the approval of Council for removal may be removed from the site.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **36. 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.

### **37. 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.

### **38. 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.

### **39. 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.

#### **40. 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.

#### **41. TOILET FACILITIES**

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

#### **42. NO USE OF ORGANOCHLORIN PESTICIDES**

The use of organochloride 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.

#### **43. DILAPIDATION REPORT**

A dilapidation report prepared by a practising Structural Engineer shall be submitted to the Principal Certifying Authority, Council and the owners of the adjoining properties prior to the commencement of demolition, bulk excavation or building works, detailing the current condition and the status of all buildings (both internal and external), including ancillary structures located upon the adjoining properties.

#### **44. 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 AS260-2001, Demolition of Structure and a Hazardous Materials Assessment 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 for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (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.

#### **45. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

#### **46. 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 DECC's Managing Urban Stormwater: Construction Activities. 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.

#### **47. SOIL AND WATER MANAGEMENT SIGN**

Throughout the construction/remediation/demolition period, Council's warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works. A copy of the sign is available from Council.

#### **48. 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.

#### **49. 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.

#### **50. TEMPORARY DIVERSION OF ROOF WATERS**

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

**51. 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.

**52. CONSTRUCTION HOURS**

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

**53. 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.

**54. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS**

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

**55. BUILDING CODE OF AUSTRALIA**

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

**56. SANITARY FACILITIES**

Sanitary facilities are to be provided in accordance with the requirements of the Building Code of Australia.

**57. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (COMMERCIAL CLASS 5, 6, 7, 8 AND 9)**

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 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; and
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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.

## **58. 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.

## **59. 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.

#### **60. 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.

#### **61. 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.

#### **62. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER**

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

#### **63. 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.

#### **64. STREET TREES**

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

## **65. 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.

## **66. TREES TO BE RETAINED AND PROTECTED**

Trees to be retained and protected shall be clearly shown on any construction plans.

Protection fencing is to be installed prior to any work commencing on the site.

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above. All tree protection fencing shall comply with AS 4970 – 2009 Protection of trees on development sites.

The maintenance of this TPZ shall be maintained as per AS4970 – 2009, Section 4.6.

Established boundary fences or site boundary fences are to remain in place at all times to physically protect any existing trees or vegetation on neighbouring sites. If fencing is to be removed and replaced it shall be done in the most minimal time possible.

If tree roots are exposed during this process and they are to be exposed for any more than 24 hours then a protective absorbent covering is to run the length of the exposed boundary. This covering is to be kept moist to prevent the drying out of roots.

Any backfilling material required due to excavation shall meet the requirements of AS 4419-2003 Soils for landscaping and garden use. Any backfilling material shall also be conducive to promoting root development and growth.

The existing masonry footings are to be used in the construction of the new fencing.

Soil levels are not to be changed around any trees on the subject or neighbouring properties.

No mechanical excavation shall be undertaken within the tree canopy spread (within the dripline) or within 13.5 m from the middle of the trunk (whichever is greater) of any tree, shrub or vegetation that is protected under Waverley Council's Tree Preservation Order.

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken. Any footings are to be designed to avoid damaging tree roots.

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If any trees or vegetation on the subject property require pruning and are covered by Waverley Council's Tree Preservation Order an Application to Prune or Remove Trees on Private Property is must be presented to Council for processing.

#### **67. TREES TO BE REMOVED**

Approval is granted to remove Trees 2, 4 -8 as per the Arboricultural Impact Assessment Report prepared by Glenyss Laws, Consulting Arborist, dated January 2011 and submitted as Appendix L.

Tree 3 is to be transplanted as per conditions included in the Arboricultural Impact Assessment Report prepared by Glenyss Laws, Consulting Arborist, dated January 2011 and submitted as Appendix L., and as supervised by the consulting arborist for the site.

Landscape Plan, 26 Albion St, prepared by JCA, Revision A, Dated March 2011 and Music and Visual Art Wing: Landscape plan prepared by JCA, Dated March 2011 satisfy the replanting requirement for removal of trees. This excludes any tree planting on the nature strip which is subject to separate condition.

#### **68. CONSULTING ARBORIST**

- A Consultant Arborist with a minimum of Cert 5 qualifications in Arboriculture (Australian qualification network) shall be retained for the length of the project.
- The Consultant Arborist shall be responsible for monitoring and documenting the condition of all trees on the subject and neighbouring sites. This shall be conducted on a monthly basis through on site inspections of the site to ensure all DA conditions are being met, that the trees to be retained on the site are in sound health and are not exhibiting any signs of stress. All inspections shall be thoroughly documented and with a monthly report being forwarded to council for their records.
- They shall also be responsible for ensuring that the maintenance of the TPZ is being maintained as per AS 4970 – 2009 Protection of trees on development sites.
- Arborist inspections should also occur at critical stages of construction whenever any interference with the tree may occur. Adequate notice should be given to allow appropriate access to the site to conduct any necessary inspections.

- Any decline in the trees' health shall be reported immediately to Waverley Council's Tree Management Officer and may require a review of construction methods used on the site.

#### **69. TREE PROTECTION**

Precautions shall be taken when working near trees, shrubs or vegetation on the subject or neighbouring properties to ensure their retention, including the following:

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

#### **70. STREET TREE PLANTING - RESIDENTIAL ZONES**

The proposed street planting to Bronte Road (species, size and spacing) is to be undertaken in accordance with Council's requirements and the following:

- (a) adequate drainage with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm;
- (b) solid cast aluminium tree guards and root barriers in accordance with Council's Tree Management Policy;
- (c) a protective wire mesh guard with a minimum height of 1.5m shall be erected and secured around each tree;
- (d) planting areas within 1m of concrete structures shall have a flexible root barrier installed around the perimeter of the planting hole.

#### **71. EXISTING VEHICLE CROSSING IS TO BE CLOSED**

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

#### **72. WORK OUTSIDE PROPERTY BOUNDARY**

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

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **73. 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](http://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.

### **74. ACOUSTIC REPORT RECOMMENDATIONS**

The "recommendations" as outlined in Section 6 of the noise impact assessment prepared by Acoustic Logic Consultancy (Project No. 20110215.1) dated 5 march 2011 shall be implemented.

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

### **75. 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.

### **76. LANDSCAPE PLAN**

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

### **77. LIGHTING**

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*.

## **78. LIGHTS**

All external area lights 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.

### **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**

Information regarding the location of underground services may be obtained from "Dial Before You Dig" services by either phoning 1100 during business hours or go to [www.1100.com.au](http://www.1100.com.au).

