



WAVERLEY
COUNCIL

22 October 2020

WAVERLEY LOCAL PLANNING PANEL

ADDITIONAL BUSINESS

12.00 PM WEDNESDAY, 28 OCTOBER 2020

ADDITIONAL INFORMATION

WLPP-2010.12

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Bondi Pavilion, Queen Elizabeth Drive, Bondi Beach – Modification including additional slab demolition, reconfiguration of plant and equipment, redesign of theatre, removal of solar panels, update to roof and various other alterations (DA-105/2019/A)

Addendum to Assessment Report dated 22 October 2020: Additional information with respect to Heritage Council of NSW commentary



Report to the Waverley Local Planning Panel

Addendum to Assessment Report: Additional information with respect to Heritage Council of NSW commentary

Application number	DA-105/2019/A
Site address	Bondi Pavilion, Queen Elizabeth Drive, BONDI BEACH NSW 2026

Heritage Council of NSW

On the 22 October, 2020, the General Terms of Approval (GTA) for the subject application (DA-105/2019/A) were received from the Heritage Council of NSW advising no objection to the application, subject to the imposition of conditions. The GTA were received after the assessment report was finalised for the impending October Waverley Local Planning Panel meeting. Therefore, this Addendum document shall be read in conjunction with the published assessment report (dated 20/10/2020). The draft conditions contained in Appendix A of that assessment report are to be updated accordingly, as follows:

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural plans prepared by Tonkin Zulaikha Greer (TZG) Architects and received by Council on date 03 April 2019 and 12 September 2019 as listed below:

Drawing Number	Rev	Plan Description	Date	Date Received by Council
A-000		Cover Page	29.03.19	03.04.19
A-001		Location Plan	29.03.19	03.04.19
A-002		Site Analysis Plan	29.03.19	03.04.19
A-003		Photomontage 1	29.03.19	03.04.19
A-004		Photomontage 2	29.03.19	03.04.19
A-005		Photomontage 3	29.03.19	03.04.19
A-006		Photomontage 4	29.03.19	03.04.19
A-011	A	Ground Floor Demolition Plan	17.09.19	18.09.19
A-012	A	First Floor Demolition Plan	17.09.19	18.09.19
A-013	A	Roof Demolition Plan	29.03.19	03.04.19
A-014	A	Elevations Demolition	29.03.19	03.04.19
A-015	A	Internal Elevations Demolition	17.09.19	18.09.19
A-101		Site Plan	29.03.19	03.04.19
A-102	A	Ground Floor Plan	17.09.19	18.09.19
A-103	A	First Floor Plan	17.09.19	18.09.19
A-104	-	Roof Plan	September 2019	12.09.19
A-201	-	North-West Elevation	September 2019	12.09.19
A-202	-	South East Elevation	29.03.19	03.04.19
A-203	-	North-East & South-West Elevation	September 2019	12.09.19
A-204	A	Internal Elevations	17.09.19	18.09.19
A-301		Sections A-A /B-B	29.03.19	03.04.19
A-302	-	Sections C-C/D-D	September 2019	12.09.19
A-401		Shadow Diagrams - June	29.03.19	03.04.19
A-501		Materials Schedule	29.03.19	03.04.19
A-601		GFA Diagrams	29.03.19	03.04.19
A-131		Projection Coordination Ground Floor	11/09/2019	12.09.19
A-132		Projection Coordination First Floor	11/09/2019	12.09.19

i. As amended by the following plans prepared by Tonkin Zulaikha Greer (TZG) Architects:

Drawing Number	Rev	Plan Description	Date	Date Received by Council
A-011	B	Ground Floor Demolition Plan	13.7.2020	23.07.2020
A-012	B	First Floor Demolition Plan	13.7.2020	23.07.2020
A-014	A	Elevations Demolition	13.7.2020	23.07.2020
A-015	B	Internal Elevations Demolition	13.7.2020	23.07.2020
A-102	B	Ground Floor Plan	13.7.2020	23.07.2020
A-103	B	First Floor Plan	13.7.2020	23.07.2020
A-104	A	Roof Plan	13.7.2020	23.07.2020
A-203	A	North-East & South-West Elevation	13.7.2020	23.07.2020
A-204	B	Internal Elevations	13.7.2020	23.07.2020
A-301	A	Sections A-A /B-B	13.7.2020	23.07.2020

(AMENDED BY DA-105/2019/A)

(b) Landscape Plans, prepared by JMD Design and received by Council on 12 September 2019 as listed below:

Drawing Number	Rev	Plan Description	Date	Date Received by Council
L01	B	Title Sheet	05.09.19	12.09.19
L02	B	Key Principles	05.09.19	12.09.19
L03	B	Opportunities and Constraints	05.09.19	12.09.19
L04	B	Design Response – Courtyard	05.09.19	12.09.19
L05	B	Demolition Plan 1	05.09.19	12.09.19
L06	B	Demolition Plan 2	05.09.19	12.09.19
L07	B	External Landscape	05.09.19	12.09.19
L08	B	Courtyard and Beachfront	05.09.19	12.09.19
L09	B	Sketch – courtyard	05.09.19	12.09.19
L010	B	Diagonal Path Regrading	05.09.19	12.09.19
L011	B	Sections	05.09.19	12.09.19
L012	B	Furniture and Material Palette	05.09.19	12.09.19
L013	B	Indicative Planting Palette	05.09.19	12.09.19

(c) Bondi Pavilion Restoration and Conservation Project: Site Waste and Management Plan prepared by MRA Consulting Group on 6 September 2019 and received by Council on 6 September 2019;

(d) Arborist Report prepared by L&Co dated 1 April 2019, and received by Council on 3 April 2019;

(e) Lighting Strategy prepared by Electro Light on 28 March 2019;

(f) Traffic and Parking Assessment prepared by PTC dated 29 March 2019 and received by Council on 3 April 2019;

(g) Fire Safety and Upgrade Report prepared by WSP Engineering dated 27 March 2019 and received by Council on 3 April 2019;

(h) Acoustic Report prepared by Acoustic Studio dated 29 March 2019 and received by Council on 3 April 2019; and

(i) Access Report prepared by Accessibility Solutions dated 21 May 2019 and received by Council on 14 June 2019.

(j) Letter 'Bondi Pavilion, Queen Elizabeth Drive, Bondi Beach - DA -105/2019 Response to Heritage Council Approvals Committee Comments, prepared by Tonkin Zulaikha Greer, dated 17 September 2019

(k) Drawing titled 'Bondi Pavilion Restoration and Conservation Project' prepared by Tonkin Zulaikha Greer, dated 19 September 2019, and details of the proposed Tulip Umbrella as included in MDT-tex Architectural Line.

(l) Letter 'Re: Bondi Pavilion Upgrade and Conservation Project' prepared by SDA Structures Pty Ltd, dated 5 September 2019;

(m) Letter 'Bondi Pavilion Response to List of Heritage Issues', prepared by Tonkin Zulaikha Greer, dated 19 August 2019, as amended by revised drawings listed under (k) and (l) above;

- (n) Heritage Impact Statement prepared by Tonkin Zulaikha Greer Heritage dated 29 March 2019 and received by Council on 3 April 2019, as amended by Condition 1(a) above;

i. and letter Bondi Pavilion Restoration and Conservation Project Section 4.55 Application for Proposed Modifications to Approved Design, prepared by Tonkin Zulaikha Greer dated 14 July 2020.

(AMENDED BY DA-105/2019/A)

- (o) Aboriginal and non-Aboriginal Archaeological Assessment prepared by Dominic Steele Consulting Archaeology dated 29 March 2019, as amended by Condition 1 (a) as noted above;

i. and the Non-Aboriginal Archaeology Impact Assessment prepared by Dominic Steele Consulting Archaeology, dated 23 April 2020 and received by Council on 17 September 2020.

(AMENDED BY DA-105/2019/A)

- (p) Statement of Environmental Effects prepared by Ethos Urban dated 2 April 2019, as amended by Condition 1(a) above as noted above; and

i. letter, Section 4.55(1A) Modification Application to DA105/2019 Bondi Pavilion Conservation and Restoration Project prepared by Ethos Urban, dated 14 July 2002.

(AMENDED BY DA-105/2019/A)

- (q) Amphitheatre and Outdoor Performance report by TZG Architects dated November 2018, as amended by Condition 1(a) above as noted above.

- (r) A Council approved (by Council's Director, Planning, Environment and Regulatory or delegate) Plan of Management.

- (s) ***Letter, Bondi Pavilion Restoration and Conservation Project – Existing Ground Bearing Slabs prepared by SDA Structures Pty Ltd, dated 13 October 2020.***

(ADDED BY DA-105/2019/A)

- (t) ***Letter, Bondi Pavilion Upgrade and Conservation – Sufficiency of Structural Design prepared by SDA Structures Pty Ltd, dated 5 August 2020.***

(ADDED BY DA-105/2019/A)

Except where amended by the following conditions of consent.

3. HERITAGE COUNCIL OF NEW SOUTH WALES - GENERAL TERMS OF APPROVAL

A. DESIGN

- a) The Applicant must develop fit-out guidelines for future tenants to minimise impacts relating to services, internal partitions, removal of significant fabric and commercial kitchen

requirements, outdoor seating areas and signage and submit these to Heritage Council of NSW (or delegate) for approval prior to the issue of any Occupation Certificate.

B. SPECIALIST TRADESPERSONS

- a) All work to, or affecting, significant fabric shall be carried out by suitably qualified
- b) tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

C. HERITAGE CONSULTANT

- a) A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

D. HERITAGE INTERPRETATION PLAN

- a) An interpretation plan must be prepared in accordance with the Department of Premier and Cabinet publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) **prior within 3 months from the date of issue** of any Construction Certificate.
- b) The interpretation plan must detail how information on the history and significance of Bondi Pavilion as part of Bondi Beach Cultural Landscape will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
- c) The approved interpretation plan must be implemented prior to the issue of **any the final** Occupation Certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

(AMENDED BY DA-105/2019/A)

E. SITE PROTECTION

- a) Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

F. PHOTOGRAPHIC ARCHIVAL RECORDING

- a) A photographic archival recording must be prepared prior to the commencement of

works, during works and at the completion of works. This recording must be in accordance with the NSW Department of Premier and Cabinet publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to the Department of Premier and Cabinet Heritage.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

G. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

- a) The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

H. ABORIGINAL OBJECTS

- a) Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Premier and Cabinet has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

I. COMPLIANCE

- a) If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

J. SECTION ~~60~~ 65A APPLICATION

- a) An application under section ~~60~~ 65A of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements

- b) ***Proposed works involving removal, salvage and reinstallation of a small area of flooring within the Seagull Room is not approved.***

Reason: It is noted these works are no longer required by the applicant.

- c) **Proposed creation of a new opening to the wall between the approved ground floor fire pump room and the High Tide Room must retain sufficient wall nibs and bulkhead above to adequately interpret the original layout.**

Reason: To mitigate impacts to significant fabric and layout.

(AMENDED BY DA-105/2019/A)

K. ADVICE

- a) Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.
- b) Any questions regarding this condition should be directed to Heritage NSW, Department of Premier and Cabinet.

4. ABORIGINAL HERITAGE IMPACT PERMIT (AHIP)

~~An Aboriginal Heritage Impact Permit (AHIP) is required under Section 90 of the National Parks and Wildlife Act 1974 to manage the potential Aboriginal archaeological resource(s) on site. A copy of the approved AHIP is to be provided to Council prior to the issue of any Construction Certificate.~~

(DELETED BY DA-105/2019/A)

45. TREE PLAN – RELOCATION

Trees 13 and 36 as identified in the Arborist Report prepared by L&Co dated 1 April 2019 are to be considered for relocation.

A 'Tree Transplant Method Statement' must be submitted to Council with a Tree Removal Application identifying the methods of transplantation and the new locations within Bondi Park ~~for Trees 13 and 36~~ prior to the ~~issuing of the relevant Construction Certificate~~ **transplantation of Trees 13 and 36.**

Council may also stipulate that additional trees are to be relocated. These trees must be included in the original statement or an additional statement must be prepared.

The statement must include:

- a) A site plan;
- b) A timetable of works;
- c) Details of site preparation including:
 - i. Minimising damage to adjacent vegetation;

- ii. Transplantation method, e.g. machinery to be used;
- iii. Excavation techniques;
- iv. Rootball and crown treatments and stabilisation measures;
- v. Storage details (on or off-site);
- vi. The proposed new location of the trees within Bondi Park;
- vii. Details of monitoring and tree care;
- viii. Program of monitoring during transplant process; and
- ix. After care and maintenance stages.

The statement must be prepared by a suitably qualified professional with a minimum qualification of AQF 5 Level Arborist.

(AMENDED BY DA-105/2019/A)

46. LANDSCAPED SLABS

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

(DELETED BY DA-105/2019/A)

90. REFRIGERATION UNITS & MECHANICAL PLANT

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

(DELETED BY DA-105/2019/A)

B. New Conditions

1A. SCOPE OF WORKS

No consent is granted for the removal, salvage and reinstallation of a small area of flooring within the Seagull Room as this has been deleted from the scope of works under **DA-105/2019/A**. The architectural plans are to be amended and approved by the Principal Certifying Authority prior to the issue of the relevant Construction Certificate . An electronic copy of the amended plans shall be submitted for Council's records.

(ADDED BY DA-105/2019/A)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

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A-102	B	Ground Floor Plan	13.7.2020	23.07.2020

A-103	B	First Floor Plan	13.7.2020	23.07.2020
A-104	A	Roof Plan	13.7.2020	23.07.2020
A-203	A	North-East & South-West Elevation	13.7.2020	23.07.2020
A-204	B	Internal Elevations	13.7.2020	23.07.2020
A-301	A	Sections A-A /B-B	13.7.2020	23.07.2020

(AMENDED BY DA-105/2019/A)

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- (m) Letter 'Bondi Pavilion Response to List of Heritage Issues', prepared by Tonkin Zulaikha Greer, dated 19 August 2019, as amended by revised drawings listed under (k) and (l) above;
- (n) Heritage Impact Statement prepared by Tonkin Zulaikha Greer Heritage dated March 2019 and received by Council on 3 April 2019, as amended by Condition 1(a) above;
 - i. and letter Bondi Pavilion Restoration and Conservation Project Section 4.55 Application for Proposed Modifications to Approved Design, prepared by Tonkin Zulaikha Greer dated 14 July 2020.

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- (r) A Council approved (by Council's Director, Planning, Environment and Regulatory or delegate) Plan of Management.
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- (t) Letter, Bondi Pavilion Upgrade and Conservation – Sufficiency of Structural Design prepared by SDA Structures Pty Ltd, dated 5 August 2020.

(ADDED BY DA-105/2019/A)

Except where amended by the following conditions of consent.

1A. SCOPE OF WORKS

No consent is granted for the removal, salvage and reinstallation of a small area of flooring within the Seagull Room as this has been deleted from the scope of works under **DA-105/2019/A**. The architectural plans are to be amended and approved by the Principal Certifying Authority prior to the issue of the relevant Construction Certificate. An electronic copy of the amended plans shall be submitted for Council's records.

(ADDED BY DA-105/2019/A)

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The proposed building identification zones are not approved and shall be deleted from all drawings;
- (b) No mechanical ventilation (ventilation, air-conditioning and the like) is approved other than what is shown on the approved drawings.
- (c) Notwithstanding (b), adequate provision shall be made for the installation of a mechanical exhaust system (internal of building) for future premises where food is prepared. This includes consideration for the provision of a shaft that complies with the Building Code of Australia and satisfies Heritage elements, to the roof for the ductwork and the flue of the system. Any additional mechanical ventilation other than what is shown on the approved drawings will be subject to separate and future development consent.

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

3. HERITAGE COUNCIL OF NEW SOUTH WALES - GENERAL TERMS OF APPROVAL

A. DESIGN

- a) The Applicant must develop fit-out guidelines for future tenants to minimise impacts relating to services, internal partitions, removal of significant fabric and commercial kitchen requirements, outdoor seating areas and signage and submit these to Heritage Council of NSW (or delegate) for approval prior to the issue of any Occupation Certificate.

B. SPECIALIST TRADESPERSONS

- a) All work to, or affecting, significant fabric shall be carried out by suitably qualified
- b) tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

C. HERITAGE CONSULTANT

- a) A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

D. HERITAGE INTERPRETATION PLAN

- a) An interpretation plan must be prepared in accordance with the Department of Premier and Cabinet publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) within 3 months from the date of issue of any Construction Certificate.
- b) The interpretation plan must detail how information on the history and significance of Bondi Pavilion as part of Bondi Beach Cultural Landscape will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
- c) The approved interpretation plan must be implemented prior to the issue of the final Occupation Certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

(AMENDED BY DA-105/2019/A)

E. SITE PROTECTION

- a) Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

F. PHOTOGRAPHIC ARCHIVAL RECORDING

- a) A photographic archival recording must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the NSW Department of Premier and Cabinet publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to the Department of Premier and Cabinet Heritage.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

G. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

- a) The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional

assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

H. ABORIGINAL OBJECTS

- a) Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Premier and Cabinet has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

I. COMPLIANCE

- a) If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

J. SECTION 65A APPLICATION

- a) An application under section 65A of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements

- b) Proposed works involving removal, salvage and reinstallation of a small area of flooring within the Seagull Room is not approved.

Reason: It is noted these works are no longer required by the applicant.

- c) Proposed creation of a new opening to the wall between the approved ground floor fire pump room and the High Tide Room must retain sufficient wall nibs and bulkhead above to adequately interpret the original layout.

Reason: To mitigate impacts to significant fabric and layout.

(AMENDED BY DA-105/2019/A)

K. ADVICE

- a) Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects,

places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

- b) Any questions regarding this condition should be directed to Heritage NSW, Department of Premier and Cabinet.

4. ABORIGINAL HERITAGE IMPACT PERMIT (AHIP)

~~An Aboriginal Heritage Impact Permit (AHIP) is required under Section 90 of the *National Parks and Wildlife Act 1974* to manage the potential Aboriginal archaeological resource(s) on site. A copy of the approved AHIP is to be provided to Council prior to the issue of any Construction Certificate.~~

(DELETED BY DA-105/2019/A)

5. ARCHAEOLOGICAL WATCHING BRIEF

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009.

An archaeological watching brief is to be established prior to the commencement of works and submitted to Council's Heritage Advisor for approval prior to the issue of any Construction Certificate.

Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

6. PUBLIC UTILITIES AND SERVICE ALTERATIONS

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

7. PUBLIC AREAS AND RESTORATION WORKS

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

8. WORKS ON PUBLIC ROADS

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

9. RETAIL TENANCIES

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

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

The provision of additional sanitary facilities within the retail floor spaces for food and drink premises are to be addressed in future development applications. Food and drink premises cannot rely on public/common sanitary facilities located on the Bondi Pavilion site to meet requirements for the provisions of facilities. Separate facilities will be required for the patrons of the food and drink premises.

10. SEPARATE APPLICATION FOR SIGNAGE

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

12. SECTION 7.12 CONTRIBUTION

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

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

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from:
www.waverley.nsw.gov.au/publications/

- (b) Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the 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. 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 any Construction Certificate.

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

14. ENVIRONMENTAL MANAGEMENT PLAN

An Environmental Management Plan (EMP) is to be submitted to Council for approval by Council's Director, Planning, Environment and Regulatory (or delegate) prior to the issue of any remediation works and any Construction Certificate. The EMP is to identify long-term management strategies of the site including but not limited to:

- (a) Objectives of the EMP;
- (b) Identification of residual environmental contamination issues at the site that require ongoing management;
- (c) Documentation of environmental measures which have been implemented;
- (d) Description of management controls to limit exposure of site users to known areas of contamination to acceptable levels;
- (e) Descriptions of responsibilities for implementing monitoring and controls of the EMP;
- (f) Timeframes for implementing the various control elements;
- (g) Environmental monitoring and reporting requirements;
- (h) Health and safety requirements for particular activities;
- (i) A program of review and audits; and
- (j) Corrective action procedures to be implemented when EMP criteria is breached.

15. ARCHIVAL RECORDING OF EXISTING BUILDING

Prior to the commencement of building works an archival record (at a minimum the front, side and rear elevations including courtyard, details of notable elements of each building e.g. the awning and foyers) shall be prepared of the existing building for deposit in Waverley Council's Archive (2 hard copies and 1 digital copy 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 the relevant 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 and white prints and slides) taken.

16. ESSENTIAL SERVICES – EXISTING BUILDING

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

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

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

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

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

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

18. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service providers regarding any possible modification to the service authorities infrastructure prior to the issue of the relevant Construction Certificate.

19. GREEN STAR DESIGN AND AS-BUILT RATING

Proof of registration for a Green Star Design & As-Built Rating for the proposed development is to be provided.

Proof that 5 Star Green Star certification provision has been satisfied is also required.

Should the Green Star provision not be satisfied, the development would need to comply with Section 2.5 of the Waverley Development Control Plan 2012 (Amendment 6, adopted on the 1st of November 2018). An energy assessment report demonstrating how the project will deliver a development with greenhouse gas emissions that are 30% less than those of a reference building would need to be submitted. The GHG emissions of the reference building should take into account the whole building (including the tenants) and not only Waverley Council's energy consumption.

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

20. BICYCLE PARKING

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

The current location of the bicycle parking is to be relocated from the current proposed position within the southern forecourt adjacent to Queen Elizabeth Drive. The new location is to be identified on updated plans and agreed to by Council's Executive Manager, Infrastructure Services (or delegate).

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

21. GREEN TRAVEL PLAN

A Green Travel Plan to outline action to encourage sustainable travel options and reduce car dependency is required to be submitted to Council and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

22. TRAFFIC AND TRANSPORT MANAGEMENT PLAN

A Traffic and Transport Management Plan (TTMP) that addresses the requirements of Part B8, Section 8.6 of WDCP 2012 is required to set out procedures to mitigate and minimise the impacts of the development for both construction and operation of the site.

The TTMP is also to address vehicle access within the internal courtyard and provide measures that addresses how accessible transport for people with disabilities and seniors will be managed and for the provision of a bus drop-off/pick-up area on Park Drive.

The TTMP is to be approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

23. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

A "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) is to be approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of any 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. 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; and
 - The location of existing street lighting.

24. PUBLIC AMENITY AND VISITOR MANAGEMENT

The applicant is to provide details on temporary measures for management of the site during the construction period in relation to visitor management and public amenity. A separate plan or addendum to the CVPPM is to identify measures to be taken, including but not limited to:

- (a) Temporary public amenity provisions (e.g. public bathrooms and changerooms);
- (b) Visitor information management;
- (c) alternatives for community groups who regularly use the Pavilion;
- (d) Marked access routes and wayfinding to Bondi Beach and surrounding public open space; and
- (e) Preservation of surrounding public open space and public facilities during the construction period.

The plan is to be approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate and commencement of any such works on the site.

25. PUBLIC DOMAIN WORKS – DETAILED ENGINEERING DRAWINGS

Prior to the issue of any Construction Certificate, detailed engineering drawings and specifications, prepared by a suitably qualified and experienced engineering consultant, shall be submitted to Council for the approval of the Council's Executive Manager, Infrastructure Services (or delegate) for the following:

1. The shared zone between Campbell Parade and the entry/exit points to the car parking areas on Park Drive.
Note: The drawings shall include details of proposed changes to signs and line marking.
2. The regraded entry promenade between Campbell Parade and the pavilion. The drawings shall include details of the steps and ramps linking the promenade to the proposed shared zone in "1' above as well as signs to be removed and installed.

3. The regraded and widened diagonal path proposed between the entry promenade and the pathway on the northern side of the pavilion.
4. The proposed vehicle manoeuvring area serving the Pavilion loading dock.
5. The service vehicle access road between Park Drive and the Pavilion loading dock.
Note: The drawings shall include details of changes proposed to car parking line marking and signs at the entry/exit point at Park Drive.
6. All paved areas including new and changes to existing.
7. The Music Studio loading/unloading bays on Queen Elizabeth Drive.
Note: The drawings shall show changes to signage and line marking where required.
8. New stormwater infrastructure and changes to existing stormwater infrastructure.
9. All pedestrian spaces will need to be lit in accordance with AS 1158 and in compliance with the Bondi Park Lighting Masterplan.
10. Proposed landscape and tree planting in accordance with the Bondi Park CMP.

26. FOOTPATH AND KERB/ GUTTER UPGRADE

Prior to the issue of an Occupation Certificate, the following works shall be carried out at the applicant's expense outside the frontage of the site:

- Demolition and reconstruction of kerb and gutter including removal of the redundant vehicle crossing; and
- Removal of the existing footpath paving and turf and replacement with full width paving.

Prior to the issue of the relevant Construction Certificate, detailed engineering drawings of the works required above shall be submitted to Council for the approval of Council's Executive Manager, Infrastructure Services (or delegate).

The detailed engineering drawings shall:

- (a) Be drawn by a suitably qualified and experienced engineering professional at the applicant's expense.
- (b) Show existing and proposed levels outside the site details for a distance of not less than 20m to the north and south of the site.
- (c) Include floor and doorway levels inside the site at the primary frontage.
- (d) Include plantings and other features to be installed in the footpath area as part of landscaping works.
- (e) Include the location and alignment of the back and front edges of the pathway.

27. SERVICE VEHICLE ACCESS ROAD – LONG SECTION

Prior to the issue of any Construction Certificate, a long section, drawn along the centreline of the service vehicle access road, shall be submitted to Council for the approval of Council's Executive Manager, Infrastructure Services (or delegate). The long section drawing shall:

1. Be drawn at a scale of 1:25.
2. Include reduced levels (RL's) between the centreline of Park Drive and the proposed service vehicle manoeuvring area.
3. Show existing and proposed levels.

4. Include separate ground clearance profiles for the Australian Standard B85 design vehicle and the design service vehicle.

28. SERVICE VEHICLE ACCESS ROAD – TRUCK MOVEMENTS

Truck movements between Park Drive and the Pavilion loading facility shall be in a forward direction at all times. In this regard and prior to the issue of any Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, shall be submitted to Council for the approval of Council's Executive Manager, Infrastructure Services (or delegate) showing the number of forward and reversing manoeuvres required on the forecourt area directly outside the loading docks in order for the design service vehicle to gain access to and from the loading docks in a forward direction at all times.

29. TRUCK WAITING BAY – AMENDED LOCATION

The truck waiting bay is to be moved from the southern side of Park Drive to the northern side of Park Drive for pedestrian safety. Details of the changes to signs and line marking for a zone on the northern side of Park Drive shall be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for approval prior to the truck waiting bay being installed.

It should also be confirmed whether this area will be used as a bus waiting bay. If so, the details should be provided.

Note: Swept wheel path drawings for the design service vehicle entering and exiting the truck waiting bay in a single forward movement shall be included to confirm the dimensions of the bay.

30. SERVICE VEHICLE MANAGEMENT PLAN

A Service Vehicle Management Plan, including details of the operation of the boom gate and keypad intercom system, shall be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for approval prior to works commencing on the loading dock facility and prior to the issue of any Construction Certificate. The management plan shall also include details of measures to be put in place to ensure the safety of pedestrians when walking in the vicinity of service vehicles entering and exiting the loading dock as well as at the entry/exit boom gate at Campbell Parade.

31. PARK DRIVE – VEHICLE TURNING BAY

Details of the vehicle turning bay near the Campbell Parade entry/exit boom gate shall be submitted to Council for the approval of Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate. The details shall include changes to signs and line marking and relocation of the identified intercom.

32. VEHICULAR ACCESS – CAMPBELL PARADE/BEACH ROAD

Details of signs/measures to be put in place to prevent vehicles, other than service vehicles, from turning left when entering Park Drive at the intersection with Campbell Parade /Beach Road shall be submitted for approval of Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate showing how it is proposed.

33. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing are to be approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate

34. LOADING DOCKS

Prior to the issue of the relevant Construction Certificate, details of the loading docks within the Pavilion shall be submitted for the approval of Council's Executive Manager, Infrastructure Services (or delegate). The details shall include, but not be limited to, loading dock bay dimensions, head clearances, entry/exit door clear opening widths and associated signs and line marking proposed inside the Pavilion and outside on the loading dock forecourt area.

35. HOARDING

To ensure the site is contained during construction, hoarding may be required for the approved works. If required, the hoarding shall be designed and constructed in accordance with the requirements of **Safe Work NSW**.

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

36. SITE WASTE AND RECYCLING MANAGEMENT PLAN

The approved Site Waste and Recycling Management Plan (SWRMP) is to be amended and shall be submitted for approval of Council's Waste Officer prior to the issue of the relevant Construction Certificate to address the following points:

- (a) The bulky waste storage area is to be increased in size to accommodate the needs of future tenants;
- (b) The amended SWRMP is to include details of the volume, dimensions and overall capacity of the bulky goods storage area;
- (c) The bulky waste storage area shall be clearly marked within the waste storage room either with a cage or using tape/paint on the ground;
- (d) Measures to encourage use of the proper routes from retail spaces to the waste storage area should be included. Mitigation measures to prevent tenants crossing through the courtyard and the like should be identified as well;
- (e) The SWRMP is to identify whether the nominated 5:1 compaction ratio will be accepted by a service provider. If not, a suitable alternative compaction ratio is to be used; and
- (f) The maximum 2:1 ratio to satisfy the peak summer generation should be listed in Table 6 'Waste and recyclables capacity' of the SWRMP.

Additionally, a SWRMP Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the relevant 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.

37. EROSION, SEDIMENT AND POLLUTION CONTROL

Erosion, sediment and pollution control measures are to be implemented on this site. 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. These measures are to be implemented prior to commencement of any work or activities on or around the site. The Soil and Water Management Plan is to be submitted to Council prior to the issuing of the relevant Construction Certificate.

38. STORMWATER MANAGEMENT

- (a) 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 to Council's Stormwater Engineer for approval in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of the relevant Construction Certificate.
- (b) Plans must be approved by a Sydney Water Quick Check Agent due to the location of a sewer main through the site.

Note: On-Site Stormwater Detention (OSD) Exemption

Due to the close proximity to the ocean and natural slope of the site towards the ocean, the stormwater system for the development does not require the inclusion of an OSD element.

39. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to the heritage Pavilion building or nearby properties and structures 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 the relevant 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 relevant Construction Certificate.

40. 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 the relevant Construction Certificate.

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 the relevant Construction Certificate.

41. ACCESS

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

42. SOLAR ELECTRIC PANELS

The development is to incorporate solar electric panels for hot water and common property lighting (with any excess being integrated back into the Electricity Grid) wherever reasonably possible. Such panels shall be flush with the roof and not highly visible from the public domain. Details are to be indicated on the plans prior to the issue of the relevant Construction Certificate.

43. AMENDED LANDSCAPE PLAN

The Landscape Plan is to be amended by changes including:

- (a) A detailed Plant Schedule is to be completed;
- (b) The Plant Schedule is to include the botanical and common names of plants, pot size of plants and number of plants. A minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP;
- (c) Trees 13 and 36 as identified in the Arborist Report prepared by L&Co dated 1 April 2019 are to be considered for relocation.
- (d) Edge seating at the rear of the Pavilion to be moved to avoid vehicle conflict;
- (e) Edge seating design is to reflect existing seating in the Bondi Park Picnic Shelters to provide consistency in design through the park;
- (f) Brick paving or alternative finish which blends between brick and Pavilion courtyard is to be considered/required for the semi-circle to the rear of the pavilion;
- (g) Plans are to provide and identify the location of lighting and signage at rear entry;
- (h) Furniture is to be consistent with Council's Public Domain Technical Manual;
- (i) Stone unit pavers are preferred as opposed to concrete for the Pavilion courtyard;
- (j) The paving pattern for the courtyard is to be revised to ensure it's able to be replicated on site;
- (k) The design is to consider vehicle barriers such as bollards on the southern side of Queen Elizabeth Drive to satisfy the requirements of the Hostile Vehicle Mitigation Report;
- (l) Specifications for timber seating platforms within the courtyard are to be consistent with Bondi Park Picnic Shelter and seating wall;
- (m) Pedestrian paths at the rear of the pavilion including the accessible path, path to Pavilion and threshold at stair must be brick with reference to B2 finish;
- (n) The location of proposed trees on entrance path to Pavilion is undesirable, open views to rear of the Pavilion is preferred. Any necessary tree replacements or transplanting are to be identified elsewhere in Bondi Park.

The amended landscape plan is to be submitted for the approval of Council's Director, Planning, Environment and Regulatory prior to the issue of the relevant Construction Certificate.

44. TREE PLAN

A tree plan is to be submitted with the relevant Construction Certificate showing the location of all trees on the land in relation to the proposed development, including trees to be removed. All trees and shrubs identified for retention and within 7.5m of the construction works and building 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.

All trees to be protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above.

45. TREE PLAN – RELOCATION

Trees 13 and 36 as identified in the Arborist Report prepared by L&Co dated 1 April 2019 are to be considered for relocation.

A 'Tree Transplant Method Statement' must be submitted to Council with a Tree Removal Application identifying the methods of transplantation and the new locations within Bondi Park prior to the transplantation of Trees 13 and 36.

Council may also stipulate that additional trees are to be relocated. These trees must be included in the original statement or an additional statement must be prepared.

The statement must include:

- d) A site plan;
- e) A timetable of works;
- f) Details of site preparation including:
 - x. Minimising damage to adjacent vegetation;
 - xi. Transplantation method, e.g. machinery to be used;
 - xii. Excavation techniques;
 - xiii. Rootball and crown treatments and stabilisation measures;
 - xiv. Storage details (on or off-site);
 - xv. The proposed new location of the trees within Bondi Park;
 - xvi. Details of monitoring and tree care;
 - xvii. Program of monitoring during transplant process; and
 - xviii. After care and maintenance stages.

The statement must be prepared by a suitably qualified professional with a minimum qualification of AQF 5 Level Arborist.

(AMENDED BY DA-105/2019/A)

46. LANDSCAPED SLABS

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

(DELETED BY DA-105/2019/A)

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

47. 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.

48. 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.

49. 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.

50. TOILET FACILITIES

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

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

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

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

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

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

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

53. NATIONAL CONSTRUCTION CODE (NCC)

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

54. DILAPIDATION REPORTS

A Dilapidation Report should be prepared for the adjoining Bondi Surf Bathers Life Saving Club, in particular the western side of the adjoining site adjacent to proposed works that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The Dilapidation Reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

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

55. HERITAGE ARCHITECT AND SPECIALIST TRADESPERSONS

The applicant is to commission a suitably qualified and experienced heritage architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The nominated heritage consultant must provide input into the detailed design, provide, heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

The heritage 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 heritage 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. Council is to be informed prior to issue of any Construction Certificate of the appointment of the heritage architect.

All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

56. COMPLIANCE WITH HERITAGE REPORT

The proposed works are to be conducted in accordance with the Statement of Heritage Impact, prepared by Tonkin Zulaikha Greer Heritage, and dated March 2019 and amendment report dated 17 September 2019.

57. 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 any works commencing on site 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) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise, vibration and dust monitoring 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, dust and vibration.
- (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.
- (f) The plan must include the identification of hours that noisy demolition, excavation and construction works are to occur within.

58. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

59. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING

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

60. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

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

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

- (f) A construction waste storage area is to be located within the property boundary and is to be identified on the site plans as part of the SWRMP.
- (g) Separate construction waste collection bins or construction waste storage areas are to be provided, giving consideration to slope, drainage, vegetation, access and handling requirements and may include:
 - I. Landfill waste;
 - II. Recyclable waste;
 - III. Materials to be re-used on-site; and / or
 - IV. Excavation materials (refer to Annexure B1-1 for common building materials that can be re-used and recycled).

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

61. 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.

62. 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 s4.55 modification application.

During consideration of this application, construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

63. 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.

64. SITE CONTAMINATION - REMEDIATION WORKS

- (a) The Remediation Action Plan (RAP) prepared by JBS&G dated 27 February 2019 and the Preliminary Site Investigation Report prepared by Douglas Partners dated 25 March 2019 are to be peer reviewed by an NSW EPA accredited Site Auditor. Any recommendations shall be incorporated into the RAP.
- (b) Remediation and validation works shall be carried out in accordance with the RAP prepared by JBS&G dated 27 February 2019 and any issues/matters/recommendations raised by the Site Auditor.
- (c) Any variation to the RAP shall be approved by the Accredited Site Auditor and Council's Environmental Health Officer in writing prior to the commencement of any work. The applicant must inform the PCA in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.
- (d) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Construction Certificate shall not be issued until Council approves the Validation Report in writing. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:
 - Description and documentation of all works performed;
 - Results of validation testing and monitoring;
 - Validation results of any fill imported on to the site;
 - Details of how all agreed clean-up criteria and relevant regulations have been complied with; and
 - Clear justification as to the suitability of the site for the proposed works.

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

65. REMEDIATION REQUIREMENTS

Where remediation works are required, the following requirements apply:

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

66. REMEDIATION WORKS REQUIRED

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

67. USE OF FILL ON SITE

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

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

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

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

68. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

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

69. SITE HEALTH & SAFETY PLAN

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

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

70. CONTAMINATED 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 (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. 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) Hazardous or intractable wastes arising from the demolition process (including all lead-contaminated materials) are to be removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:
 - (i) Work Health & Safety Act 2011;
 - (ii) Work Health & Safety Regulation 2011;
 - (iii) Protection of the Environment Operations Act 1997 (NSW); and
 - (iv) NSW EPA Waste Classification Guidelines 2009.

71. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

The "recommendations" as outlined in the Asbestos Report prepared by Airsafe [Project No. 28857] dated 16 October 2015 shall be implemented.

72. COMPLIANCE WITH SAFE WORK NSW

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

73. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement and Concrete Association of Australia Technical Note TN57 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - (i) Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - (ii) On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

74. 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, and possibly NSW EPA throughout construction;
- (j)

Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

75. SOIL AND WATER MANAGEMENT PLAN

The Soil and Water Management Plan (required in Condition 31) 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.

76. BUILDING TO BE WRAPPED

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

Any advertising on the hoarding requires Council's written approval.

77. 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.

78. 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.

79. FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):

- (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Access for people with a disability – Part D3;
 - (vii) Fire fighting equipment – Part E1;
 - (viii) Smoke hazard management – Part E2;
 - (ix) Lift installations – Part E3;
 - (x) Emergency lighting, exit signs and warning systems – Part E4;
 - (xi) Sanitary and other facilities – Part F2;
 - (xii) Room heights – Part F3;
 - (xiii) Light and ventilation – Part F4;
 - (xiv) Sound transmission and insulation - Part F5; and
 - (xv) Class 9b buildings – Part H1.
- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- d) Consideration should be given to the future envisaged maximum patron capacity of the premises in the assessment of BCA compliance and the preparation of Construction Certificate documentation, specifically with regard to the aggregate exit widths, floor areas and sanitary facilities.

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

80. 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.

The number and dimensions of exits and paths of travel to exits are to comply with Section D of the BCA.

81. BUILDING LEGISLATION AMENDMENT (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 Certificate.

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

The specified **MANDATORY** inspections 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 (i.e. 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.

82. GENERAL SANITARY FACILITIES

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

83. MECHANICAL VENTILATION

Any approved 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:

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

84. ACCESSIBLE SIGNAGE

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided in the building. Such signage shall have regard to the provisions of AS1428.1.

85. 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.

86. 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.

87. MATERIALS AND FINISHES FOR HERITAGE BUILDINGS

Materials and finishes are to be consistent with the approved drawing A-501 and are to be restricted to the range of heritage colours sympathetic to the historical character of the Pavilion with the applicant to confer with the appointed heritage architect prior to the preparation of the samples and works commencing.

88. SERVICES

New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

89. CONSTRUCTION AND FITOUT OF FOOD PREMISES

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

OR

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

- (f) The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

90. REFRIGERATION UNITS & MECHANICAL PLANT

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

(DELETED BY DA-105/2019/A)

91. FOOD PREMISES

The following requirements apply to premises that commercially provide food:

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

92. GENERAL REGULATORY PREMISES

The proprietor of the food business shall:

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

93. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

Tree removal is to reflect the approved Arborist Report, Landscape Plan and conditions of this consent.

94. 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.

95. STREET TREES

No existing street trees shall be removed without Council approval (other than those shown for approval in this consent, where relevant). 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.

96. 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.

97. TIMBER SEATING PLATFORMS

Specifications for timber seating platforms within the courtyard are to be consistent with the Bondi Park Picnic Shelter and seating wall materials and finishes.

98. PEDESTRIAN PATHS

Pedestrian paths at the rear of the pavilion including the accessible path, path to pavilion and threshold at stair must be brick with reference to B2 finish.

99. SHARED ZONES – RMS APPROVAL

Approval shall be obtained from the RMS for the installation of the shared zone between Campbell Parade and the entry/exit points to the Park Drive car parks and the service vehicle access roadway prior to the shared zones being installed.

100. ACCESSIBLE CAR SPACE

The accessible car spaces identified on the approved plans are to be provided in accordance with the approved Traffic and Parking Assessment Report.

101. 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.

102. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed **service vehicle access**. A separate application is required for the modified vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council and RMS as required.

103. 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

104. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by Acoustic Studio [Reference No.20190329.TZGZ520.0002] dated 29 March 2019 shall be implemented.

Prior to the issue of any Occupation Certificate, an acoustic report prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority, certifying that all acoustic recommendations have been incorporated into the development.

105. 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, 1998 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 Principle Certifying Authority prior to the issue of the Occupation Certificate.

106. CERTIFICATION OF AIR CONDITIONING SYSTEM

The installed air conditioning system shall be the subject of an air filter cleaning/replacement service and regular servicing. In this regard, documentary evidence is to be submitted to Council or an Accredited Certifier enabling a Compliance Certificate to be issued on request certifying satisfactory compliance with this condition and the efficient performance of the system.

107. PLANT

All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system being capable of being operated in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2000 (Noise Control Regulation)*. In this regard, details of the proposed mechanical exhaust ventilation system within the food preparation area to be submitted to and approved by Council or an Accredited Certifier prior to occupation.

108. USE OF COUNCIL / CROWN LAND

This consent accepts the alterations and additions to the Bondi Pavilion as nominated on the approved plans forming part of this development consent, provided that the owner/applicant liaise with Council's Executive Manager, Properties and Facilities (or delegate) to:

- (a) Get written consent either in the form of a lease arrangement or alternative agreement for the use of future retail/commercial tenancies and any other nominated area/s (as required), and
- (b) Provide a suitable mechanism for this affected parcel of land to be independently identified (for example; register a survey accurate plan, or as a limited folio parcel).
- (c) Each future tenancy within the Bondi Pavilion should be independently identified to enable clear and separate identification.

Details shall be submitted for the approval of Council's Executive Manager, Development Assessment (or delegate) prior to the issue of an Occupation Certificate.

109. OCCUPATION CERTIFICATE

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

110. MAXIMUM PERSON CAPACITY – DETAILS REQUIRED

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

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

Patron capacity for future food and drink premises is to be configured in future retail development applications.

111. STORMWATER

Prior to the 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.

112. LIGHTING

- (a) Lighting on the site is to be in accordance with the Lighting Strategy Report prepared by Electro Light on 24 March 2019 and received by Council on 3 April 2019.
- (b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (c) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (e) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (f) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

113. 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 Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of an Occupation Certificate.

114. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

Notes:

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

To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

115. SLIP TESTS OF COMMON AREAS

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions, prior to the issue of an Occupation Certificate.

116. OUTDOOR DINING/SEATING ZONE

A detailed plan indicating the future outdoor dining/seating zones for the premises, including future retail tenancies is to be approved by Council's Director, Planning, Environment and Regulatory (or delegate) prior to the issue of an Occupation Certificate. The plan should indicate the boundaries of future outdoor dining associated with the site and allocate specific areas to the relevant retail tenancies.

Any proposal to utilise an area external of the building for dining will be subject to a separate development application to Council and if approved will require a lease agreement to be entered into with Council. Future retail tenancies are responsible for obtaining approval for such use for footpath dining in association with their retail premises from Council and meeting the criteria for outdoor dining accordingly.

The outdoor footpath dining/seating zone shall be consistent with Part D2 Outdoor Dining of Waverley DCP 2012. The approved plans are to be adopted by future tenants of the retail spaces.

117. 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.

E. OPERATIONAL CONDITIONS DURING OCCUPATION

118. OPERATION IN ACCORDANCE WITH RELEVANT MANAGEMENT PLANS FOR THE BONDI PAVILION

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

- (a) Loading Dock Management Plan
- (b) Loading Vehicle Management Plan
- (c) Waste Management Plan
- (d) Plan of Management
- (e) Signage Plan
- (f) Operation Manual

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

119. FUTURE TENANT OR HIRER OF EVENT/FUNCTION SPACE

Prior to commencement of operations, an Operation Manual shall be implemented by Council's Executive Manager, Property and Facilities (or delegate) for the Bondi Pavilion that provides all relevant operational conditions applicable to the use and management of rooms or event space.

The Operational Manual shall be provided to all future tenants, leaseholders or hirer's of space within the Bondi Pavilion (as part of their lease agreement) to ensure those persons are familiar with relevant conditions of this consent that apply to their use and management of a space. Elements to include though not limited to; approved management plans, emergency evacuation procedures, outdoor dining zone, maximum patron capacity, hours of operation etc.

120. THROUGH-SITE LINK / ACCESS

The following requirements apply to the through-site link/access through the site:-

- (a) The purpose of the link/access shall be public pedestrian access through the site during day light hours. The link shall be accessible to the public at least between the hours of 5.00am to 12.00am, seven days and at all times the retail premises or community facilities are permitted to operate.
- (b) Outside of these times, public access to the courtyard and building should be restricted via lockable gate/s or the like (that maintain emergency egress and compliance with the BCA).
- (c) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to each entry.
- (d) The link shall be designed so as to allow for fire egress from the building in accordance with the provision of the Building Code of Australia.
- (e) Closure of the link to the public, other than allowed for by (a), requires Council's consent.
- (f) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.
- (g) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

121. HOURS OF OPERATION

(a) Hours of Operation

(i) Internal Areas: The hours of operation for the use of indoor area's of the premises (with exception to theatre on first floor level) is restricted to:

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

(ii) Theatre (first floor level):

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

(iii) Internal courtyard (operational perspective): The hours of operation for the use of the internal courtyard of the premises is restricted to:

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

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

122. REVIEWABLE CONDITION PERMITTING EXTENDED TRADING HOURS

Notwithstanding condition 121 (Hours of Operation) of this consent and subject to condition 123 (Review condition permitting review of extended trading hours) of this consent, the premises may trade as follows ("**the extended trading hours**"):

Monday to Saturday: 6.00am – 7.00am and 11.00pm – 12.00am

Sunday: 6.00am – 7.00am and 10.00pm – 12.00am

123. REVIEW CONDITION PERMITTING REVIEW OF THE EXTENDED TRADING HOURS

(a) Condition 122 of this consent is subject to review condition 123.

(b) The purpose of this review condition is:

- i. To enable Council to review the environmental performance of the use and operation of the premises during the extended trading hours;
- ii. To enable the Council to change **the extended trading hours** in condition 124 after carrying out a review.

(c) Condition 122 will be reviewed not earlier than 1 (one) year from the date of this determination. The Council may change condition 122 on review.

(d) The operator of the premises will be given not less than 14 days written notice that a review of condition 122 is to be carried out under this condition. The Council may notify such other persons as it thinks fit of the review. The Council must take into account any submissions made by a person (including the operator) that are received within 14 days after notice is given to the person of that review.

(e) Consideration of the review will include, but not be limited to:

- i. compliance of the premises in terms of security and its general management;
 - ii. number and nature of substantiated complaints regarding the operation of the premises received by Council or the NSW Police Force;
 - iii. compliance with conditions of consent and the Plan of Management;
 - iv. any comments received from the NSW Police Force; and
 - v. any other matters considered relevant to the environmental evaluation of the premises.
- (f) Conditions 121, 122 and 123 apply during the period that sections 80A (10B)-(10E) of the *Environmental Planning and Assessment Act 1979* remains in force. In the event Section 80A (10B)-(10E) of the *Environmental Planning and Assessment Act 1979* is repealed or amended in such a way so as to prevent a review of the extended trading hours, the extended trading hours will cease to apply on the one year anniversary of this determination.
- (g) If the Council makes a decision to change reviewable condition 122 and:
- (i) An appeal against that decision is lodged within 7days of service of the determination in respect of the decision; and
 - (ii) The appeal is prosecuted by the appellant with diligence then the operator may continue to trade during the extended hours until the Land and Environment Court has finally determined the appeal.

124. EVENTS / FUNCTIONS

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

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

125. DELIVERY OF GOODS

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

126. MAXIMUM PERSON CAPACITY

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

127. SIGNAGE TO BE DISPLAYED

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

Upon leaving please respect local residents by minimising noise

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

128. PLAN OF MANAGEMENT (POM) TO BE SUBMITTED AND APPROVED

The POM dated 13 March 2019 accompanying this Development Application has not been approved by this consent.

The POM shall be amended or a new POM submitted which includes details of all operational and management procedures of the Bond Pavilion. The POM shall include, but is not limited to:

- (a) Its amenity within the neighbourhood of the Pavilion;
- (b) Venue Management Plan (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints, staffing roles and responsibilities)
- (c) Security Management Plan (relating to tasking and deployment of security personnel, patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements)
- (d) Alcohol Management Plan (relating to the behavior of patrons, liquor practices, including the responsible service of alcohol)
- (e) Compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints);
- (f) The behaviour of patrons;
- (g) Management of patrons within the site and their exit and dispersal from the area;
- (h) Waste management practices;
- (i) Event/function management,
- (j) Hours of operation for individual uses within the Community Facility;
- (k) For any proposed liquor licensed activity that shall be no internal communication between licensed premises / events / functions. That is, if commercial tenancies are operating that are licensed and then an event is proposed for the courtyard area, patrons require the ability to use egress pathways that do not pass through other licensed areas. In this regard the ability must exist for the various proposed spaces to be self contained and manage egress from the site into common egress pathways or directly out of the building. This is important so that clear distinction can be made as to the differing operational practices and that one business is not impacted by other uses taking place at the site. and
- (l) Any other such operational matters to ensure compliance with relevant regulatory requirements.

Additionally, the POM will address management of the first-floor theatre space in accordance with the following conditions:

- (a) The audience capacity of the theatre space;
- (b) Hours of operation are to be between 7:00am to 11:00pm;
- (c) Extended hours of operation between 6:00am to 12:00am (midnight) are limited to a maximum of 52 occurrences a year;
- (d) Infrequent 24-hour operation of the theatre spaces is restricted to 12 occurrences per year.

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

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

- (a) The operation and management of the premises shall be in accordance with a POM approved by Council.
- (b) The approved POM shall be filed with Council and the Local Police Area Command prior to the commencement of operations
- (c) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this POM, any such amendments shall be made in consultation with NSW Police. The updated POM is to be provided to Council and the Police.
- (d) An independent review of the Plan of Management may be undertaken by the Council or the NSW Police upon providing the applicant or owner with written notice.

130. SECURITY MANAGEMENT PLAN

Security is to be undertaken in accordance with the approved Security Management Plan within the approved Plan of Management. Any modifications to security procedures is to be updated in the plan of management and a copy provided to Council and NSW Police for their records.

131. COPIES OF CONSENTS AND MANAGEMENT PLANS

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

132. 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.

133. EMERGENCY EVACUATION PLANS

- (a) An **emergency evacuation plan** must be prepared, maintained and implemented for tenancy in accordance with the requirements of AS3745.
- (b) An **emergency evacuation plan** must specify the following:
 - i. The location of all exits, and fire protection and safety equipment, for all parts of the tenancy,
 - ii. The number of any fire safety officers that are to be present during performances,
 - iii. How the patrons are to be evacuated from the building in the event of a fire or other emergency.
- (c) Any fire safety officers appointed to be present must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

134. NITRATE FILMS

The use of nitrate films on the Pavilion site is prohibited.

135. STAGE MANAGEMENT

During a stage performance in the theatre space, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

136. PROSCENIUM SAFETY CURTAINS

If a proscenium safety curtain is installed at the theatre space:

- (a) There must be no obstruction to the opening or closing of the safety curtain; and
- (b) The safety curtain must be operable at all times.

137. PROJECTION SUITES

- (a) When a film is being screened at the Pavilion, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the projection room) must be in attendance at the entertainment venue.
- (b) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- (c) No member of the public is to be present in the projection suite during the screening of a film.

138. 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, vibration, 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.

139. INTRUDER ALARM

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

140. NOISE – MECHANICAL PLANT

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

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.

A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minutes.

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

141. NOISE EMISSIONS

The use of the Pavilion shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

142. NOISE FROM SPEAKERS

All speakers shall:

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

143. NOISE COMPLAINTS

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

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);

- (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;
- (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation; and
- (d) 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.

144. LIQUOR SALE / SUPPLY / CONSUMPTION

- (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.
- (b) The operator may adhere to any reasonable NSW Police instruction or
- (c) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas (unless otherwise directed by NSW Police).
- (d) No patron shall be permitted to take glasses or open containers of liquor off the premises.

145. LIQUOR LICENSE PREMISES (LAB CRITERIA)

- (a) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residence.
- (c) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) at any time within any habitable room of any affected residence.
- (d) Notwithstanding compliance with the above, the noise emitted from the licensed premises shall not be audible within any habitable room of any affected residence between the hours of midnight and 7:00am.

NOTE: Where this condition is inconsistent with the requirements imposed by the governing Liquor Authority, the more stringent conditions shall prevail.

'affected residence' includes a lot in the strata scheme or any other strata scheme, premises for short-term accommodation and hospitals.

'boundary' includes any window or elevated window of an affected residence.

The 'LA10' may be taken as the average maximum A-weighted Fast Response sound level emitted from the premises.

The 'LA90' shall be measured in the absence of any noise from the premises (including mechanical plant noise).

When measuring noise levels inside a habitable room of an affected residence pursuant to sub-clause (c.) above, noise levels shall be measured with external windows and doors of the affected residence closed. Any air-conditioning or mechanical ventilation systems servicing the affected residence shall not be operating during the measurement other than that required to satisfy the ventilation provisions of the Building Code of Australia (NCC).

Terms in this clause shall have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

146. NEIGHBOURHOOD AMENITY

The management of the premises:

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

147. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

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

- (a) Internal cameras must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- (b) External cameras must operate continuously;
- (c) It must record in digital format and at a minimum of 15 frames per second,
- (d) Any recorded image must specify the time and date of the image;
- (e) The system's cameras must cover:
 - (i) all entry and exit points of the premises,

- (ii) internal courtyard,
 - (iii) the footpath immediately adjacent to the premises,
 - (iv) any front, side and rear access points to the premises, and
 - (v) all publicly accessible areas (other than toilets) on the premises.
- (f) Cameras must have the ability to record viewable footage in low light environments;
- (g) Any cameras monitoring the entry and exit points of the premises, shall provide recorded images in which the picture quality and detail is sufficient to enable the identity of person/s to be established.
- (h) CCTV recordings must be retained for at least 30 days.
- (i) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.
- (j) Ensure that at least one member of staff is on the premises at all times the premises is trading who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage.
- (k) Provide any recordings made by the system to an Authorised Council or Police Officer within 24 hours of any request by an Authorised Council or Police Officer to provide such recordings.

148. MAINTENANCE OF WATER TREATMENT DEVICES

All waste water and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

149. LOCATION OF GREASE TRAP

Grease traps are 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 provision of grease traps to dispose 320L per day of waste oil must be approved by Sydney Water.

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

150. WASTE AND RECYCLING STORAGE AND COLLECTION

The proposal must have minimum storage space capable of accommodating the following:

- **Commercial:**
- 1 x 10m³ compactor for waste 5:1 compaction ratio
- 1 x 10m³ compactor for comingled recycling – compaction ration dependant on recycling service contract requirements.
- Bulky storage space with area allocated for kegs, milk/bread crates, cardboard and/or packaging and clearly marked on the drawings

- Include a monitoring program post-construction to monitor the frequency of collections to ensure minimal excess waste/litter issues and adjust frequency of collection accordingly.
 - (a) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
 - (b) A waste service compartment (waste and recycling area) is to be provided on each floor of the building and have sufficient capacity to store at least 1 day's volume of waste and recycling likely to be generated on that floor.
 - (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. service lift dedicated for the transportation of waste).
 - (d) Details of ongoing waste management strategy are to be documented within the SWRMP, and reviewed every 5 years to employ updated waste reduction strategies and technologies.
 - (e) Waste storage space is to be designed with flexibility to accommodate a future change in use to a use with a higher waste generation rate.
 - (f) Kitchens, office tea rooms, and the like are to be designed with sufficient space for the interim storage of recyclable, organic and regular waste in separate receptacles.
 - (g) Sufficient space must be allocated within the building for the storage of reusable items such as crates, kegs, bulky cardboard and pallets that is off the public domain.
 - (h) Separate space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, bunded and drained to a grease trap. The area must be underground or within the building.
 - (i) Liquid waste (including waste oil) from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
 - (j) All new developments are to provide adequate storage for waste to accommodate future change of uses including grease traps.
 - (k) 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.
 - (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) All waste and recycling receptacles are to be collected onsite. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.
 - (n) Organic waste should be either treated in a composting or worm farming system or stored in a Council approved bin or skip (refer to Annexure B1-5).
 - (o) The transport schedule for transporting waste and recycling from the commercial tenants to the WSRA and cleaning of receptacles needs to be specified in contracts with tenants,

cleaners, and building manager so as not to interfere with activities and events occurring in the Bondi Pavilion open space.

- (p) The building manager is required to implement a monitoring and evaluation program with clear Key Performance Indicators and measures to assess the efficiency of the waste and recycling compactors and cardboard baler, and identify optimal frequency and time of collections particularly during the summer peak times.
- (q) The road access and turning radius for the hook-lift truck that will service the waste and recycling compactors must be approved by Council's traffic engineer.
- (r) The grease traps must be constructed, approved, and the trade waste management contracts finalised with Sydney Waster prior to any tenant occupancy.

151. DISPLAY OF WASTE MANAGEMENT PLAN

Tenants 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.

152. RECYCLING OF WASTE PAPER

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

153. UMBRELLA SHADE STRUCTURES

The type of umbrellas for the promenade dining area is to be consistent with MDT-*Tex Architectural Line* document received by Council on 12 September 2019.

The presentation and number of umbrellas is to be consistent with the Shade Structure drawings prepared by TZG on 19 August 2019 and received by Council 2019.

Additional shade structures are not permitted without development consent.

154. STORAGE OF DANGEROUS GOODS

Details of the exact nature, quantity, location, method of storage and packing of any material covered by the *Dangerous Goods Act 1975*, being submitted to WorkCover NSW in accordance with their requirements.

155. STORAGE OF CHEMICALS

All chemicals shall be stored in accordance with the requirements of NSW Work Cover Authority.

156. DISPOSAL OF LIQUID WASTES

All liquid wastes, are to be 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)*.

157. WATER PROTECTION

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

158. BUILDING IDENTIFICATION ZONES

No advertising signs or notices are to be affixed to the windows of the premises.

159. SEPARATE APPLICATION FOR SIGNAGE

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

160. NO SIGNS OR GOODS ON PUBLIC AREA

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.

161. AMUSEMENT MACHINES & THE LIKE

The installation of jukeboxes, pinball machines, pool tables or similar amusement machines will not be permitted without the written consent of Council.