

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 28 May 2025**

Panel members present:

Jacqueline Townsend (Chair)
Kate Bartlett
Stephen Davies
Jesse Lockhart-Krause (Community Representative)

Also present:

B McNamara, Manager Development Assessment
J Zancanaro, Manager Development Assessment
K Lucas, Acting Manager Development Assessment
R Siaosi, Administration Officer

At the commencement of the public proceedings at 11.05 am, those panel members present were as listed above.

*At 11.45am, the meeting was closed to the public.
At 12.10pm, the Panel reconvened in closed session.
At 12.43pm, the meeting closed.*

WLPP-2505.A

Apologies

There were no apologies.

WLPP-2505.DI

Declarations of Interest

The Chair called for declarations of interest and one was received.

Kate Bartlett advised a perceived possible conflict of interest for items WLPP-2505.4 and WLPP-2505.6 as she has an existing friendship with the Town Planner for the developments.

WLPP-2505.R

Determinations

The Panel resolved to make the following determinations overleaf.



Jacqueline Townsend
Chairperson

19 Blandford Avenue, BRONTE NSW 2024 - Demolition of existing structures and construction of a pair of dual occupancy dwellings with garages, swimming pools and strata subdivision.
(DA-573/2024)

Report dated 16 May 2025 from MoDA.

Council Recommendation: That the application be REFUSED in accordance with the reasons for refusal contained in the report.

RESOLUTION: This development application is refused for the reasons set out in the Planning Officer's report as amended by the Panel, as follows:

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:
 - a. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.5:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP. The proposal is considered an overdevelopment of the site and the proposed development is of an inappropriate height, bulk and scale, is not compatible with the desired future character of the locality, and does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (b), (c) and (d) of WLEP 2012.
 - b. *Clause 1.2 Aims of Plan*, specifically the aims expressed under clause 1.2(2)(f), (j) and (m) as the proposal results in an unreasonable loss of tree canopy coverage, does not effectively manage stormwater and results in unreasonable amenity impacts.
 - c. *Clause 6.2 Earthworks* (3)(a), (d) and (h) as the application proposes excessive excavation resulting in unreasonable risks relating to drainage patterns, structural integrity of neighbouring structures and the amenity of neighbours.
 - d. *Clause 6.15 Stormwater management* (3)(c) as the proposed stormwater management system does not avoid adverse impacts of stormwater runoff.
2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to *Waverley Development Control Plan (WDGP) 2022*, in respect to the following provisions:

Part B2 Ecologically sustainable development

- a. Objectives (a), (b), (d), (e), (f), (i), (l), (m) and controls 2.1(e), (f) and (l), 2.3(c), 2.4(d) as the proposal provides insufficient tree canopy cover, as the insufficient rainwater tanks are provided contrary to the requirements of the submitted BASIX certificate and as gas cooktops are proposed.

Part B3 Landscaping, biodiversity and vegetation preservation

- b. Section 3.1 objectives (b) and (d), controls at section 3.1.2, 3.2 (c) and (g), and 3.2.4 (a), (c) and (d) as the proposal reduces tree canopy cover and as the proposed loss of landscaping results in negative streetscape impacts.

Part B7 Transport

- c. Objectives (d), (j) and (k) and controls 7.1(c) and (d), and 7.2.2 (b) as the proposed parking structures and access are incompatible with the existing streetscape.

Part B13 Excavation

- d. Objectives (b), (c), (d), (h) and (i), and controls (a), (c), (f), (m), (i), (j), (k), and (q) as the application proposes excessive excavation resulting in negative streetscape impacts, unreasonable risks relating to drainage patterns, structural integrity of neighbouring structures and the amenity of neighbours, and unreasonable impacts on tree canopy coverage and landscape provision.

Part C1 Low Density Residential Development

- e. *General Objectives* (a), (b), (c) and (e) as the proposed development has an excessive bulk and scale, has negative streetscape impacts, and results in unreasonable amenity impacts on neighbours.
- f. *Section 1.1 Height* objectives (a), (b), (c), (d) and (f) and controls (b) and (d) as the proposal exceeds the maximum wall height control, as the proposal does not step down with the slope of the land, and as the resulting built form has unreasonable amenity impacts on neighbours.
- g. *Section 1.2 Setbacks* objectives (a), (b), (c), (d), (f) and (g), and controls 1.2.1 (a) and 1.2.2 (a) as the proposal extends further than the front building line of neighbouring properties, has not demonstrated an appropriate rear building line, provides insufficient setbacks from side boundaries, results in unreasonable amenity impacts on neighbours and is incompatible with the streetscape character of the area.
- h. *Section 1.3 Streetscape and visual impacts* objectives (a) and (b), and controls (a), (d), and (e) as the proposal is incompatible with its streetscape context, erodes the character of the street, and provides insufficient landscaping within the front setback.
- i. *Section 1.4 Fences* objectives (b), (c), (d), and (e), and controls (a), (b) and (d) as the proposal includes excessive front and side boundary fence heights.
- j. *Section 1.5 Visual and acoustic privacy* objectives (a) and (d), and controls (a), (b), and (d) as the proposed elevated balconies unreasonably overlook neighbouring properties and as insufficient information has been provided to demonstrate proposed windows will not overlook neighbouring properties.
- k. *Section 1.6 Solar access* objectives (a), (b), (c) and (d), and controls (b), (c) and (e) as the proposed excessive bulk and scale results in unreasonable overshadowing of neighbouring properties.
- l. *Section 1.7 Views* objectives (a) and (b), and control (c) as the proposal results in unreasonable view impacts for neighbouring properties.
- m. *Section 1.8 Car parking* objectives (b) and (d), and controls 1.8.1 (b) and 1.8.4 (a), (b), and (d) as the proposed parking arrangement is incompatible with the streetscape context of the site.
- n. *Section 1.9 Landscaping and open space* objectives (a), (d) and (e), and controls (a) and (h) as the proposal results in unacceptable loss of tree canopy coverage and as the proposal provides insufficient landscape area within the front setback.

- o. *Section 1.10 Swimming pools and spas* objectives (b) and (d), and control (e) as the proposed swimming pool decks unreasonably overlook neighbouring properties.
- 3. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2021* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to clause 24 of the Regulations, including but not limited to:
 - a. The submitted survey plan and architectural drawings do not correctly identify existing ground levels and proposed building heights and therefore do not demonstrate compliance with WLEP 2012 clause 4.3 *Height of buildings*.
 - b. Insufficient information has been provided to demonstrate neighbouring trees will be protected.
 - c. Insufficient information has been provided to demonstrate the proposal will have acceptable impacts on land stability and on neighbouring structures.
 - d. Insufficient information has been provided regarding proposed boundary fence heights.
 - e. Inaccurate information has been provided regarding levels of fences and ground levels at the rear of the site.
- 4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk, scale and excavation relative to the site area and dimensions, and consequently results in unacceptable amenity, streetscape and ecological impacts upon the locality and surrounding built environment.
- 5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the scale of the proposed development.
- 6. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
- 7. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

For the RESOLUTION: Townsend, Barlett, Davies and Lockhart-Krause

Against the RESOLUTION: Nil

REASON: The Panel concurs with the Planning Officer's report and reasons for refusal.

J Kwong-Law (objector) addressed the meeting.

16 Loombah Road, DOVER HEIGHTS NSW 2030 - Relocation of elevated swimming pool, new glass balustrades, extension of elevated decking, seating areas, and reconfiguration of private open space areas. **(DA-690/2024)**

Report dated 14 May 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the report.

RESOLUTION: The Waverley Local Planning Panel, exercising the functions of Council as consent authority, is satisfied that the matters required to be addressed under clause 4.6(3) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the *height of buildings* development standard as:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The Panel approves the development application in accordance with the Planning Officer's report.

REASON: The Panel concurs with the Planning Officer's report.

For the RESOLUTION: Townsend, Barlett, Davies and Lockhart-Krause

Against the RESOLUTION: Nil

W Fleming (on behalf of the applicant) addressed the meeting.

11A Lord Howe Street, DOVER HEIGHTS NSW 2030 - Installation of a new lift within the existing courtyard of the dwelling house. **(DA-672/2024)**

Report dated 15 May 2025 from MoDA.

Council Recommendation That the application be REFUSED in accordance with the reasons for refusal contained in the report.

RESOLUTION: The Waverley Local Planning Panel, exercising the functions of Council as consent authority, is satisfied that the matters required to be addressed under clause 4.6(3) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the floor space ratio development standard as:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The Panel approves the development application in accordance with the recommended conditions of consent (See Appendix A at the end of the minutes).

REASON: The Panel has determined that the overshadowing on the secondary window is minor and the variation of the control is justified as the principal window on the neighbouring property is on the west facing side and not affected by the application. In addition, the additional floor space ratio does not increase the intensity the land use of the site as it relates only to the lift area.

For the RESOLUTION: Townsend, Barlett, Davies and Lockhart-Krause

Against the RESOLUTION: Nil

N Gelber, C Schulman and A Harding (on behalf of the applicant) addressed the meeting.

55 Gould Street, BONDI BEACH NSW 2026 - Amending Development Application (DA) to the approved alterations and additions to the existing residential flat building. The amending DA proposes alterations and additions to the existing building to convert it into an attached dual occupancy building with roof terrace, and Strata subdivision. **(DA-702/2024)**

Report dated 16 May 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the report.

RESOLUTION: The Waverley Local Planning Panel, exercising the functions of Council as consent authority, is satisfied that the matters required to be addressed under clause 4.6(3) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the height and floor space ratio development standards as:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The Panel approves the development application in accordance with the Planning Officer's report.

REASON: The Panel concurs with the Planning Officer's report. The community representative Jesse Lockhart-Krause raised concerns around loss of housing diversity in the local government area in the reduction initially from 12 to 4 and now from 4 to 2 dwellings.

For the RESOLUTION: Townsend, Barlett, Davies and Lockhart-Krause

Against the RESOLUTION: Nil

L Kosnetter(on behalf of the applicant) addressed the meeting.

Panel member Kate Barlett advised a perceived conflict of interest for this item WLPP-2505.4.

7 Beach Road, BONDI BEACH NSW 2026 - Alterations and additions to an existing residential flat building to convert the shared laundry and private storage to a new one-bedroom apartment, expand a two-bedroom apartment into a three-bedroom apartment with associated Strata subdivision and create three new windows to Unit 28, all at Lower Ground level. **(DA-562/2024)**

Report dated 19 May 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the report.

RESOLUTION: The Waverley Local Planning Panel, exercising the functions of Council as consent authority, is satisfied that the matters required to be addressed under clause 4.6(3) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the floor space ratio development standard as:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The Panel approves the development application in accordance with the Planning Officer's report.

REASON: The Panel concurs with the Planning Officer's report.

For the RESOLUTION: Townsend, Barlett, Davies and Lockhart-Krause

Against the RESOLUTION: Nil

J Connell (objector) C Schulman and J Minto (on behalf of the applicant) addressed the meeting.

69-71 Warners Avenue BONDI BEACH NSW 2026 - Torrens Title subdivision into two lots (DA-681/2024)

Report dated 14 May 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the report.

RESOLUTION: The Waverley Local Planning Panel, exercising the functions of Council as consent authority, is satisfied that the matters required to be addressed under clause 4.6(3) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the minimum lot size development standard as:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The Panel approves the development application in accordance with the Planning Officer's report.

REASON: The Panel concurs with the Planning Officer's report.

For the RESOLUTION: Townsend, Barlett, Davies and Lockhart-Krause

Against the RESOLUTION: Nil

L Kosnetter (on behalf of the applicant) addressed the meeting.

Panel member Kate Barlett advised a perceived conflict of interest for this item WLPP-2505.6

4 Arden Street, WAVERLEY NSW 2024 - Boundary realignment, new front fence and extension of garage roof. **(DA-704/2024)**

Report dated 16 May 2025 from MoDA.

Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the report.

RESOLUTION:

The Waverley Local Planning Panel, exercising the functions of Council as consent authority, is satisfied that the matters required to be addressed under clause 4.6(3) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the minimum lot size development standard as:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The Panel approves the development application in accordance with the Planning Officer's report.

REASON: The Panel concurs with the Planning Officer's report.

For the RESOLUTION: Townsend, Barlett, Davies and Lockhart-Krause

Against the RESOLUTION: Nil

No speakers addressed the meeting.

THE MEETING CLOSED AT 12.43pm

APPENDIX A

WLPP-2505.3 - 11A Lord Howe Street, DOVER HEIGHTS NSW 2030 - Installation of a new lift within the existing courtyard of the dwelling house. (DA-672/2024)

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	CONDITION																																								
1.	APPROVED PLANS AND DOCUMENTATION																																								
	The development must be in accordance with:																																								
	(a) Architectural Plans prepared by Stanic Harding of Project No: 2404 including the following:																																								
	<table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>DA000 Rev 2</td><td>Title Page + Drawing Schedule</td><td>23/01/25</td><td>23/01/2025</td></tr><tr><td>DA001 Rev 1</td><td>Architectural Notes</td><td>20/11/2024</td><td>23/01/2025</td></tr><tr><td>DA300 Rev 1</td><td>Proposed Site Plan</td><td>20/11/2024</td><td>23/01/2025</td></tr><tr><td>DA310 Rev 1</td><td>Proposed Ground Floor Plan</td><td>20/11/2024</td><td>23/01/2025</td></tr><tr><td>DA311 Rev 1</td><td>Proposed First Floor Plan</td><td>20/11/2024</td><td>23/01/2025</td></tr><tr><td>DA312 Rev 1</td><td>Proposed Roof Plan</td><td>20/11/2024</td><td>23/01/2025</td></tr><tr><td>DA313 Rev 1</td><td>Proposed Garage + Basement Floor Plan</td><td>20/11/2024</td><td>23/01/2025</td></tr><tr><td>DA350 Rev 1</td><td>Proposed South Elevation</td><td>20/11/2024</td><td>23/01/2025</td></tr><tr><td>DA360 Rev 1</td><td>Part Section – Proposed + Demolition</td><td>20/11/2024</td><td>23/01/2025</td></tr></table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA000 Rev 2	Title Page + Drawing Schedule	23/01/25	23/01/2025	DA001 Rev 1	Architectural Notes	20/11/2024	23/01/2025	DA300 Rev 1	Proposed Site Plan	20/11/2024	23/01/2025	DA310 Rev 1	Proposed Ground Floor Plan	20/11/2024	23/01/2025	DA311 Rev 1	Proposed First Floor Plan	20/11/2024	23/01/2025	DA312 Rev 1	Proposed Roof Plan	20/11/2024	23/01/2025	DA313 Rev 1	Proposed Garage + Basement Floor Plan	20/11/2024	23/01/2025	DA350 Rev 1	Proposed South Elevation	20/11/2024	23/01/2025	DA360 Rev 1	Part Section – Proposed + Demolition	20/11/2024	23/01/2025
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DA360 Rev 1	Part Section – Proposed + Demolition	20/11/2024	23/01/2025																																						
(b) BASIX Certificate																																									
(c) Schedule of external finishes and colours received by Council on 16/12/2024																																									
(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 16/12/2024																																									
Except where amended by the following conditions of consent.																																									
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.																																									

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	CONDITION
2.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
3.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
4.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p>(i) a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p>

	<p>(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).</p> <p>a. Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the full cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
5.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$ 4,540.00 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>

6.	LONG SERVICE LEVY
	A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i> , is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. <u>Note:</u> 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 0.25% of building work costing \$250,000 or more.
	Condition reason: To ensure the long service levy is paid.
7.	HOARDING
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
8.	EROSION & SEDIMENT CONTROL
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
9.	DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION
	A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
10.	ENGINEERING DETAILS
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.

11.	BASIX
	All requirements of the BASIX Certificate documentation are to be shown on the Construction Certificate plans and documentation.
	Condition reason: To ensure BASIX and/or NatHERS requirements are met.
12.	SITE WASTE AND RECYCLING MANAGEMENT PLAN
	A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> 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.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
13.	DILAPIDATION REPORT
	<p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <p>(a) 15B Lord Howe Street, Dover Heights</p> <p>Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p>Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.</p>
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
14.	RENEWABLE ENERGY AND ENERGY EFFICIENCY
	<p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <p>(a) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.</p>

	The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.
	Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

BEFORE BUILDING WORK COMMENCES

	CONDITION
15.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
16.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:</p> <ul style="list-style-type: none"> (a) Work Health and Safety Act 2011; (b) Work Health and Safety Regulation 2017; (c) SafeWork NSW Code of Practice for the Safe Removal of Asbestos; (d) Australian Standard 2601 (2001) – Demolition of Structures; (e) <i>Protection of the Environment Operations Act 1997</i>. <p>At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:</p> <ul style="list-style-type: none"> (i) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (ii) Confirm that no asbestos products are present on the subject land, or (iii) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (iv) Describe the method of demolition; (v) Describe the precautions to be employed to minimise any dust nuisance; and (vi) Describe the disposal methods for hazardous materials. <p>Condition reason: To ensure the safety of workers and the general public.</p>

DURING BUILDING WORK

	CONDITION
17.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
18.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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 <i>Protection of the Environment Operations Act 1997</i> and the <i>NSW EPA Waste Classification Guidelines 2014</i>.</p> <p>Condition reason: To ensure compliance with the <i>Protection of the Environment Operations Act 1997</i> and the <i>NSW EPA Waste Classification Guidelines 2014</i>.</p>
19.	<p>EXCAVATION AND BACKFILLING</p> <p>All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>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 excavation is to be managed by a practising structural engineer.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
20.	<p>CONSTRUCTION HOURS</p> <p>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 Sundays and public holidays.</p> <p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>

21.	STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
22.	CONSTRUCTION INSPECTIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
23.	CERTIFICATE OF SURVEY - LEVELS
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
24.	CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
25.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	CONDITION
26.	FINAL OCCUPATION CERTIFICATE
	<p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p>
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
27.	CERTIFICATION OF BASIX COMMITMENTS
	<p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p>
	Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.

GENERAL ADVISORY NOTES

	CONDITION
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:</p> <ul style="list-style-type: none"> (a) Please read your conditions carefully. (b) Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. (c) Attention the documentation to the relevant officer/position of Council (where known/specified in condition) (d) Include DA reference number (e) Include condition number/s seeking to be addressed (f) Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). (g) Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. (h) Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. (i) Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. (j) Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. (k) Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au

4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.</p> <p>If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</p> <p>Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p>
5.	<p>DIAL BEFORE YOU DIG</p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p>
6.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.</p>
7.	<p>ALTERATIONS AND ADDITIONS ONLY</p> <p>This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.</p>
8.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
9.	<p>BONDI - ROSE BAY SAND BODY</p> <p>This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition,</p>

	<p>excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.</p> <p>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.</p>
10.	<p>TREE REMOVAL/PRESERVATION</p> <p>Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.</p>
11.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p> <p>In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.</p>

DICTIONARY

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.