

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL
MEETING HELD BY VIDEO CONFERENCE ON
WEDNESDAY, 23 FEBRUARY 2022**

Panel members present:

The Hon Paul Stein (Chair)
Peter Brennan
Annelise Tuor
Allyson Small (community representative)

Also present:

Ms A Rossi	Manager, Development Assessment (Central)
Ms B McNamara	Manager, Development Assessment (North/South)
Ms R Siaoisi	Administration Officer

At the commencement of the public proceedings at 12.00 pm, those panel members present were as listed above.

*At 1.25pm, the meeting was closed to the public.
At 1.50pm, the Panel reconvened in closed session.
At 3.55pm, the meeting closed.*

WLPP-2202.A

Apologies

There were no apologies

WLPP-2202.DI

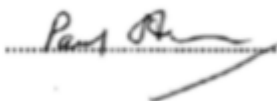
Declarations of Interest

The Chair called for declarations of interest and none were received

WLPP-2202.R

Determinations

The Panel resolved to make the following determinations overleaf.



The Hon Paul Stein
Chairperson

92 Ramsgate Avenue, BONDI BEACH NSW 2026 - Change of use from residential flat building to an attached dual occupancy including alterations and additions to basement car parking and facade treatments. (DA-385/2021)

Report dated 28 January from the Development and Building Unit.

Council Recommendation: That the application be approved for the reasons 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(4) 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. In the opinion of the Panel the objectives of both the zone and the development standard are satisfied and therefore it is in the public interest. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning, Industry and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel to ensure consistency between the relevant consents as set out in Appendix A.

For the RESOLUTION: STEIN, BRENNAN, SMALL AND TUOR

Against the RESOLUTION: NIL

REASON: The Panel generally concurs with the recommendations in the Officer's report and has taken the approach of maintaining the existing consent consistent with the subject development consent. Accordingly, a number of conditions have been revised (in particular, conditions 3 and 4).

R Edwards (Objector), B Meyerson (on behalf of the applicant) addressed the meeting.

15/7 Francis Street, BONDI BEACH NSW 2026 - Alterations and additions including an attic addition to an existing apartment (apartment 15) within a Residential Flat Building (RFB). (DA-422/2021)

Report dated 11 February from the Development and Building Unit.

Council Recommendation: That the application be refused for the reasons contained in the report.

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

REASONS FOR REFUSAL

(a) The application does not satisfy section 4.15 (1)(a)(i) of the Act as it 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 0.9:1 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

Details: The proposal is considered an overdevelopment of the site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (d) of WLEP.

(b) The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCCP) 2012, in respect to the following provisions:

Part B12 Design Excellence

(a) Controls (a), (c) and (e)(v) under this Part, given the lacking materials and finishes schedule, the view impacts to adjoining properties and the excessive bulk and massing to a building that is currently at its maximum development capacity.

Part B17 Inter War Buildings

(a) Objectives (b), (c) and (d) under this Part, given the proposed works will not maintain or conserve the Inter War Building.

Part C3 Other Residential Development

(a) *Section 3.5 Building design and streetscape*, specifically objectives (a) and (b) as the current building provides a good transition between the larger building of Noahs Backpackers (no. 2-8 Campbell Parade) to the south-east and the smaller Residential Flat Buildings (no. 9-17 Francis Street) to the north-west. The proposed gabled addition and associated dormer windows would add unreasonable bulk to the front of the subject building and would dominate those smaller Residential Flat Buildings at (no. 9-17 Francis Street).

- (b) *Section 3.5 Attic and roof design*, specifically objectives (b) and (c) and control (i)(ii) as the proposed changes to the roof form will create unreasonable additional bulk and scale to building that has reached its maximum development capacity and the proposed dormer windows are not set at least 300mm below the main ridge.
- (c) *Section 3.11 Private open space*, specifically objective (f) as the proposed balcony is located to the side of the building and will create unreasonable visual and acoustic privacy impacts to no. 9 Francis Street.
- (d) *Section 3.14 Views and view sharing*, specifically objective (a) and controls (a) and (b) as the proposal will result in view loss to a neighbouring apartment.
- (e) *Section 3.15 Visual privacy and security*, specifically objective (a) as the proposed balcony is located to the side of the building and will create unreasonable visual and acoustic privacy impacts to no. 9 Francis Street.
- (c) The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1 of the Regulations, including but not limited to:
 - a. Window opening details are not provided on the elevational plans.
 - b. The Survey Plan is limited in detail, not including lot size or RL measurements.
 - c. A detailed materials and finishes schedule has not been provided.
 - d. Elevational shadow diagrams are required to assess if the additional shadowing at 9am falls on habitable windows of no. 4 Francis Street.
 - e. Insufficient information has been provided to determine whether or not there is compliance with the height development standard.
- (d) 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 and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
- (e) The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The standalone redevelopment of the subject site (to the scale and density proposed) could consequently affect orderly future redevelopment of adjoining sites.
- (f) 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.
- (g) 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: STEIN, BRENNAN, SMALL AND TUOR

Against the RESOLUTION: NIL

J Grossman (applicant) addressed the meeting.

PHILIP NURSING HOME, 319-321 Bronte Road, WAVERLEY NSW 2024 - Demolition of existing structures; and construction of a three storey boarding house to operate as a residential aged care hostel, containing 45 rooms and basement parking. (DA-94/2021)

Report dated 14 February from the Development and Building Unit.

Council Recommendation: That the application be approved for the reasons 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(4) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the **height development standard**. In the opinion of the Panel the objectives of both the zone and the development standard are satisfied and therefore it is in the public interest. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning, Industry and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel:

Amend Conditions

2. USE FOR PERSONS OVER 55 BOARDING HOUSE

The boarding house is to be operated to accommodate persons over 55 only and consist of single occupants in self-contained rooms.

3. GENERAL MODIFICATIONS

(h) Install 600mm high by 600mm width planter boxes to the external perimeter of the north and south decks on the 2nd floor plan adjacent to Bronte Road.

For the RESOLUTION: STEIN, BRENNAN, SMALL AND TUOR

Against the RESOLUTION: NIL

REASON: The Panel generally concurs with the Officer's report but has added conditions relating to the use and landscaping of the site.

D Caretti, M Main (Objectors), N Winberg and T Cook (on behalf of the applicant) addressed the meeting.

11 Gilgandra Road, NORTH BONDI NSW 2026 - Alterations and additions to semi-detached dwelling including first floor addition , construction of carport and street tree removal. (DA-443/2021)

Report dated 14 February from the Development and Building Unit.

Council Recommendation: That the application be approved for the reasons contained in the report.

RESOLUTION: The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions.

For the RESOLUTION: STEIN, BRENNAN, SMALL AND TUOR

Against the RESOLUTION: NIL

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

E Gescheit and R Meyerson (on behalf of the applicant) addressed the meeting.

Written submission received from L Fischer.

42 Varna Street, WAVERLEY NSW 2024 - Review application for partial demolition , alterations and additions to the existing semi-detached dwelling. (DA-232/2021/1)

Report dated 8 February from the Development and Building Unit.

Council Recommendation: That the application be refused for the reasons contained in the report.

RESOLUTION: The Review application is upheld and the original decision to refuse the development application DA-232/2021/1 is changed to a deferred commencement approval subject to the following deferred commencement conditions and the recommended ordinary conditions of consent (Appendix B).

1. Deletion of the basement level and stair access from the ground floor to the basement level.
2. Deletion of the elevated walkway above the ground floor private open space, deck and pergola above the carport, and associated planter box and privacy screening.
3. Privacy screening to a height of 1.7m is required along the length of the eastern side and return to the edge of the deleted walkway of the first floor private open space adjacent.
4. The bin storage to be relocated to the side of the carport to maintain a car space with a length of 5.4m.

For the RESOLUTION: STEIN, BRENNAN AND SMALL

Against the RESOLUTION: NIL

REASON: The Panel is of the opinion that with the deferred commencement conditions this development will be acceptable and conform with the height and floor space development standards. Accordingly, the review application is upheld.

S Barwick on behalf of the applicant) addressed the meeting.

A Tuor advised a conflict of interest and did not participate in the public meeting or determination for this item.

259 Military Road, DOVER HEIGHTS NSW 2030 - Alterations and additions to semi-detached dwelling including first floor addition, carport and swim spa. (DA-473/2021)

Report dated 8 February from the Development and Building Unit.

Council Recommendation: That the application be approved for the reasons 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(4) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the **height development standard**. In the opinion of the Panel the objectives of both the zone and the development standard are satisfied and therefore it is in the public interest. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning, Industry and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel:

General modification 2(c)

The southern front wall of the proposed additional storey (1st floor level) is to be set back to align with the southern wall of the first floor of number 261 Military Rd. Internal rearrangement of 1st floor level can be undertaken as long as the window locations and size do not change.

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

For the RESOLUTION: STEIN, BRENNAN, SMALL AND TUOR

Against the RESOLUTION: NIL

REASON: The Panel generally concurs with the recommendations in the Officer's report but has added a condition to set back the southern front wall to preserve the architectural integrity of the pair of semi-detached cottages.

J Hatch (on behalf of the applicant) addressed the meeting.

232 Military Road, DOVER HEIGHTS NSW 2030 - Modifications including extensions at the front and rear, internal reconfiguration, removal of the roof top terrace and relocation of the swimming pool. (DA-608/2014/C)

Report dated 9 February from the Development and Building Unit.

Council Recommendation: That the application be approved for the reasons contained in the report.

RESOLUTION: The Panel approves the modification application in accordance with the recommendations in the Officer's report and recommended conditions.

The Panel is satisfied that: the modification application is substantially the same development; has been notified appropriately; and the Panel has considered the submissions and taken into account the reasons the consent authority granted consent that is sought to be modified in accordance with the EPA Act.

For the RESOLUTION: STEIN, BRENNAN, SMALL AND TUOR

Against the RESOLUTION: NIL

REASON: The Panel concurs with the recommendations in the Officer's report. The Panel notes the modification application improves the view of the neighbour at 175 Military Road DOVER HEIGHTS.

T Moody, J Poulos (Objectors), L Kosnetter (on behalf of the applicant) addressed the meeting.

16 Narelle Street, NORTH BONDI NSW 2026 - Alterations and additions to semi-detached dwelling including new first floor addition. (DA-562/2021)

Report dated 14 February from the Development and Building Unit.

Council Recommendation: That the application be approved for the reasons 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(4) of Waverley LEP 2012 have been demonstrated and that consent may be granted to the development application that contravenes the **floor space ratio and height development standards**. In the opinion of the Panel the objectives of both the zone and the development standards are satisfied and therefore it is in the public interest. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning, Industry and Environment.

The Panel approves the development application in accordance with the recommendations in the Officer's report and recommended conditions as amended by the Panel:

1. GENERAL MODIFICATIONS

Amend 2(a)

- (i) In order to limit overlooking into the private open space of the properties to the rear, along Stewart Street, the glass balustrade of the south facing balcony on the ground and first floor levels are to be constructed of obscure glass.

Add 2(b) and 2(c)

- (b) The South facing deck and balustrade at first floor level of the subject site shall be set back to align with the South facing deck and balustrade at the first floor level of number 14 Narelle Street.
- (c) Screen planting to a height of 3 metres shall be planted along the southern boundary.

The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

For the RESOLUTION: STEIN, BRENNAN, SMALL AND TUOR

Against the RESOLUTION: NIL

REASON: The Panel generally concurs with the recommendations in the Officer's report but has added conditions to protect the privacy of neighbours.

D Prosser Baffsky (Objector), P Bull (on behalf of the applicant) addressed the meeting.

THE MEETING CLOSED AT 3.55PM

APPENDIX A

WLPP-2202.1

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92 Ramsgate Avenue, BONDI BEACH NSW 2026 - Change of use from residential flat building to an attached dual occupancy including alterations and additions to basement car parking and facade treatments. (DA-385/2021)

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by MHN Design Union Pty Ltd of Project known as '92 Ramsgate Dual Occupancy' including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA101 [00]	Site and Analysis Plan	12.09.2021	17.09.2021
DA200 [00]	Basement Plan	12.09.2021	17.09.2021
DA300 [00]	Ground Floor Plan	12.09.2021	17.09.2021
DA301 [00]	First Floor Plan	12.09.2021	17.09.2021
DA302 [00]	Second Floor Plan	12.09.2021	17.09.2021
DA303 [00]	Third (Attic) Floor Plan	12.09.2021	17.09.2021
DA304 [00]	Roof Plan	12.09.2021	17.09.2021
DA400 [00]	South Elevation	12.09.2021	17.09.2021
DA401 [00]	North Elevation	12.09.2021	17.09.2021
DA402 [00]	West Elevation	12.09.2021	17.09.2021
DA403 [00]	East Elevation	12.09.2021	17.09.2021
DA500 [00]	Section A	12.09.2021	17.09.2021
DA501 [00]	Section B	12.09.2021	17.09.2021
DA502 [00]	Section C	12.09.2021	17.09.2021

- (b) Landscape Plan No. 553_DA_01, 553_DA_02, 553_DA_10, 553_DA_11, 553_DA_12, 553_DA_35 and 553_DA_50, all Issue B and documentation prepared by Myles Baldwin Design, dated 02/09/2021 and received by Council on 17/09/2021

- (c) BASIX and NatHERs Certificate/s

- (d) Stormwater details and documentation approved in accordance with condition 18 of this consent.

- (e) Geotechnical Investigation Report (Reference No. 32756YCrpt) prepared by JK Geotechnics, dated 4 November 2019 and received by Council on 28 November 2019.

- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) In order to achieve a cohesive and slightly appearance from the street, the fire hydrant booster and letter boxes shall be neatly integrated into the street wall with the letter boxes being legible and located immediately adjacent to the entry gate.

The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

3. MODIFICATION OF DEVELOPMENT CONSENT DA-381/2019 AND SUBSEQUENT S4.55 MODIFICATIONS

Pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979, Development Consent DA-381/2019 granted on 29 May 2020, DA-381/2019/A granted on 1 September 2020 and DA-381/2019/B granted on 25 August 2021 are modified as necessary so that there is consistency between Development Consent DA-381/2019 and this development consent. In this regard, Condition 1 of Development Consent No. 381/2019/B is modified to include the approved architectural plans and BASIX certificate referred to in condition 1 of this development consent.

4. RELATIONSHIP TO DEVELOPMENT CONSENT NO. 381/2019/B

This development consent shall operate concurrently with Development Consent DA-381/2019/B. All conditions of consent imposed on Development Consent DA-381/2019/B are to be read and complied with in conjunction with this development consent. A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-381/2019/B.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required.

GENERAL REQUIREMENTS

5. 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 and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and 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.

6. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. 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.

CONTRIBUTIONS, FEES & BONDS

7. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the 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:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

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.

8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$45,400** 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.

This deposit (cash or cheque) or guarantee 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.

9. TREE BOND

A bond of **\$1,000** for each tree is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the one (1) *Cupaniopsis anarcardioides* (tuckeroo) tree on Ramsgate Avenue adjacent to the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

10. 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 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.

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.

11. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

CONSTRUCTION & SITE MATTERS

12. 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.

13. 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.

14. 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.

TRAFFIC MANAGEMENT

15. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

Please note: One combined CTMP for the approved DA-381/2019 and this development consent can be submitted to Council rather than two separate CTMPs.

16. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact with the Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate

ENERGY EFFICIENCY & SUSTAINABILITY

17. BASIX

All requirements of the BASIX Certificate are to be shown on the Construction Certificate plans and documentation.

WASTE

18. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* 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 *SWRMP Part 2* 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.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required.

PRIOR TO ANY WORKS

19. 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.

20. CONTROL OF DUST ON CONSTRUCTION SITES

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

- (f) 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.

- (g) 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.

CONSTRUCTION MATTERS

21. 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) Sundays and public holidays.

- (b) 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 2017.

22. 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.

23. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

24. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans.

25. 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.

26. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

TREE PROTECTION AND REMOVAL

27. STREET TREES TO BE RETAINED/TREE PROTECTION

No existing street trees shall be removed without Council approval. 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) event 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 in accordance with AS4970-2009 "Protection of trees on construction sites.
- (h) Landscape and update of the street plantings on the frontage as advised by Council's Tree Management Officer.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

28. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

29. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

30. NOISE – PLANT AND EQUIPMENT

A Certificate is to be submitted to Council at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Consultant. The Certificate is to certify all plant and equipment including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

31. FIRE SAFETY WORKS

The Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council, 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) has been found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

32. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

33. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan for ongoing use and management must be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the relevant occupation certificate and include including the following where relevant;

- (a) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (b) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (c) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.
- (d) All waste and recycling must be presented with lids closed to reduce littering, storm water pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (e) All waste and recycling bins must be put out for collection no earlier than the night before collection (i.e. 5:30pm) and brought in the same day as the collection service.
- (f) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.
- (g) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains unless otherwise approved by Council under Section 68 of the Local Government Act 1993.

OTHER MATTERS

34. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-address numbers for a strata subdivision:

- No. 92 - primary address site number
- Ramsgate Avenue - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Ramsgate Avenue.

As the redevelopment has sub-address sites the following sub-addressing will apply;

- No. 1/92 Ramsgate Avenue for the sub-addresses within the building correlating with the ground floor lot on floor plans for the building
- No. 2/92 Ramsgate Avenue for the sub-addresses within the building correlating with the second floor lot on floor plans for the building

The address number for a sub-address site shall not consist of the primary address number on its own.

Sub-address numbers shall be applied in a logical sequence in the street and within a primary address site shall be unique regardless of the type of the address.

The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

The premises numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or address to be lodged with Council.

35. PARKING PERMITS

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

ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- 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).
- 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.
- 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.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

You may be 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.

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on 1800 810 443.

AD5. TREE REMOVAL/PRESERVATION

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.

AD6. BONDI - ROSE BAY SAND BODY

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, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

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.

AD7. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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.

APPENDIX B

WLPP-2202.5

42 Varna Street, WAVERLEY NSW 2024 - Review application for partial demolition , alterations and additions to the existing semi-detached dwelling. (DA-232/2021/1)

The consent authority must be satisfied as to the following matters before the consent can operate.

DEFERRED COMMENCEMENT

That the Council grant deferred commencement consent in accordance with the provisions of Section 4.16 (3) of the Environmental Planning and Assessment Act 1979.

The consent is not to operate until the applicant has satisfied Council as to the following matters:

1. Deletion of the basement level and stair access from the ground floor to the basement level.
2. Deletion of the elevated walkway above the ground floor private open space, deck and pergola above the carport, and associated planter box and privacy screening.
3. Privacy screening to a height of 1.7m is required along the length of the eastern side and return to the edge of the deleted walkway of the first floor private open space adjacent.
4. The bin storage to be relocated to the side of the carport to maintain a car space with a length of 5.4m.

This development consent does not operate until the applicant satisfies Waverley Council, in accordance with the regulations, as to the matters specified in the above conditions and Waverley Council confirms such satisfaction in writing.

These conditions must be satisfied within 1 year of the date of this consent.

Upon satisfying the consent authority as to the matters in Attachment A, the following conditions will apply.

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Design Tribe Projects of Project No: 1820 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA1.02, Rev B	Proposed Ground Floor Plan	5.11.2021	16.11.2021
DA1.03, Rev B	Proposed First Floor Plan	5.11.2021	16.11.2021

DA1.04, Rev B	Proposed Roof Plan	5.11.2021	16.11.2021
DA1.05, Rev B	Proposed Short Elevations	5.11.2021	16.11.2021
DA1.06, Rev B	Proposed Long Elevation 01	5.11.2021	16.11.2021
DA1.07, Rev B	Proposed Long Elevation 02	5.11.2021	16.11.2021
DA1.08, Rev B	Proposed Short Sections	5.11.2021	16.11.2021
DA1.09, Rev B	Proposed Long Section 01	5.11.2021	16.11.2021
DA1.10, Rev B	Proposed Long Section 02	5.11.2021	16.11.2021

- (b) BASIX and NatHERs Certificate/s
- (c) Arborist Report prepared by Arborlogix dated 26 April 2021 and received by Council 18 June 2021
- (d) Schedule of external finishes and colours. Drawing No. DA1.12 Revision A prepared by Design Tribe Projects dated 14 May 2021 received by Council on 18 June 2021
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1, received by Council on 18 June 2021

Except where amended by the following conditions of consent.

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

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (b) An amended landscape plan is to be prepared and submitted detailing landscaping at the ground floor and the amended planter adjacent to the first floor rear terrace.

The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

GENERAL REQUIREMENTS

3. 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 and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and 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.

4. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. 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.

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the 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:

(i) Where the total development cost is less than \$500,000:

"Waverley Council Cost Summary Report"; or,

(ii) Where the total development cost is \$500,000 or more:

"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

(d) A development valued at \$100,000 or less will be exempt from the levy;

(e) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or

(f) A development valued at \$200,001 or more will attract a levy of 1% of the full cost of the development.

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.

6. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$29,683.33** 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.

This deposit (cash or cheque) or guarantee 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.

7. 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 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.

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.

CONSTRUCTION MATTERS

8. 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.

9. 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.

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.

11. ENGINEERING CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions, prior to the issue of the relevant Construction Certificate.

12. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained

within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.

13. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as building facades are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

STORMWATER & FLOODING

14. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- (a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- (b) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (c) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- (d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (f) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- (g) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath shall be provided.
- (h) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

15. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

All requirements of the BASIX Certificate documentation are to be shown on the Construction Certificate plans and documentation.

WASTE

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* 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 *SWRMP Part 2* 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.

TRAFFIC MANAGEMENT

18. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

19. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

PRIOR TO ANY WORKS

20. 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.

DEMOLITION & EXCAVATION

21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;

- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- *Protection of the Environment Operations Act 1997*.

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:

- Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- Confirm that no asbestos products are present on the subject land, or
- 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);
- Describe the method of demolition;
- Describe the precautions to be employed to minimise any dust nuisance; and
- Describe the disposal methods for hazardous materials.

22. CONTROL OF DUST ON CONSTRUCTION SITES

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

- 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.
- 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.

CONSTRUCTION MATTERS

23. 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 Sundays and public holidays.

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 2017*.

24. 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.

25. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

26. 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.

27. 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.

28. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

29. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- a) Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- b) Adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

TREE PROTECTION AND REMOVAL

30. TREE PROTECTION

All trees on site and adjoining properties, including street trees, are to be retained and 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, unless approved to be removed in this development consent.

31. STREET TREES TO BE RETAINED/TREE PROTECTION

No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:

- (i) Do not store harmful or bulk materials or spoil under or near trees;
- (j) Prevent damage to bark and root system;
- (k) Do not use mechanical methods to excavate within root zones;
- (l) Do not add or remove topsoil from under the drip line;
- (m) Do not compact ground under the drip line;
- (n) Do not mix or dispose of liquids within the drip line of the tree; and
- (o) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

32. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

33. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

34. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

35. CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

36. ON-SITE STORMWATER DETENTION CERTIFICATION

The submission of certification by a suitably qualified and practising Engineer for the on-site stormwater detention system, attesting the storage volume, discharge rate and satisfactory operation of the system prior to the release of any Occupation Certificate.

37. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

E. OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

38. SIZE OF VEHICLE TO BE PARKED WITHIN THE SITE

Any vehicle utilising the car space is to be parked fully within the confines of the site.

ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- 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).
- 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.
- 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.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

You may be 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.

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

AD6. TREE REMOVAL/PRESERVATION

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.

AD7. ADVISORY- WAVERLEY LGA FLOOD STUDY 2021

The property is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021. The registered proprietor's attention is drawn to the likelihood that the development may be inundated by flood waters during a 1% Annual Exceedance Probability (AEP) storm event.

As flood events can cause significant damage to property and pose risk to life, it is advised that the following measures are undertaken:

- All new building material must be flood resistant or flood compatible to a height of 1% AEP flood level + 300 mm freeboard.
- All new internal electrical switches, power points or similar utilities liable to flood damage must be set at or above the 1% AEP flood level + 300 mm freeboard.
- A suitably qualified engineer certifies that any new structure can withstand the forces of floodwater, scour debris and buoyancy up to and including the 1% AEP flood level + 300 mm freeboard.
- A storage area is to be provided at or above the 1% AEP flood level + 300 mm freeboard for the storage of goods that can be damaged or mobilised by flooding, or goods that have potential to cause pollution during flooding.
- Any proposed fencing must be built using flood compatible material.

In addition, it is recommended that before occupation or prior to the issue of any Occupation Certificate, a site flood emergency response plan is prepared, and any required flood warning system are installed and fully tested. If a plan is created, a copy of this plan shall be submitted to the Private Certifier and to Waverley Council.

Certification from a suitably qualified engineer to the effect that the plan has been prepared and where required, the flood warning system have been installed and tested, shall be included with the Occupation Certificate.

The site flood emergency response warning systems and plan shall be regularly maintained, reviewed and/or updated and should be in good working order at all times.