

**MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL  
MEETING HELD BY VIDEO CONFERENCE ON  
THURSDAY, 14 SEPTEMBER 2023**

**Panel members present:**

Jacqueline Townsend (Chair)  
Graham Brown  
Sharon Veale  
Penelope Mora (community representative)

**Also present:**

Ms B McNamara	A/Executive Manager, Development Assessment
Ms A Rossi	Manager, Development Assessment (Area 1)
Mr B Magistrale	Manager, Development Assessment (Area 2)
Ms J Zancanaro	A/Manager, Development Assessment (Area 3)
Ms E Finnegan	Executive Planner, Development Assessment
Mr J Somerville	A/Senior Planner
Ms R Siaosi	Administration Officer
Ms N Calvisi	Administration Officer

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*At the commencement of the public proceedings at 12.10 pm, those panel members present were as listed above.*

*At 12.55pm, the meeting was closed to the public.  
At 1.50pm, the Panel reconvened in closed session.  
At 3.15pm, the meeting closed.*

**WLPP-2307.A**

**Apologies**

There were no apologies.

**WLPP-2307.DI**

**Declarations of Interest**

The Chair called for declarations of interest and none were received.

**WLPP-2307.R**

**Determinations**

The Panel resolved to make the following determinations overleaf.



Jacqueline Townsend  
**Chairperson**

74 Victoria Street, WAVERLEY NSW 2024 - Modification to alter internal layout, ground floor extension, new first floor rear terrace and planter and relocation of two dormer windows.  
(DA-165/2022/A)

Report dated 31 August 2023 from the Development Assessment Unit.

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

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

AMEND CONDITION 1A (a) to read as follows:

**1A. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) In order to reduce visual and privacy impacts upon neighbouring properties and to reduce the impact on the heritage significance of the dwelling, the trafficable area of the rear first floor terrace is not to extend beyond 1.5metres in depth of the northern external wall of the master bedroom. The northern balustrade of the terrace is to be relocated accordingly. The planter may extend over this amended / reduced balcony area.

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

**ADDED DA-165/2022/A**

The Panel is satisfied that: the modification application is substantially the same development; has been notified appropriately; and the Panel has considered 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: TOWNSEND, BROWN, VEALE AND MORA**

**Against the RESOLUTION: NIL**

**REASON:** The Panel concurs with the Planning Officer's report as amended by the Panel.

*S Griffiths and A Li (on behalf of the applicant) addressed the meeting.*

12A-14 Wilga Street, BONDI NSW 2026 - Alterations to replace main roof membrane and Unit 11 roof top stair enclosure and terrace to residential flat building. (DA-99/2023)

Report dated 9 August 2023 from the Development Assessment 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 and floor space ratio development standards. 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 and Environment.

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

**For the RESOLUTION: TOWNSEND, BROWN, VEALE AND MORA**

**Against the RESOLUTION: NIL**

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

*R Burton (on behalf of the applicant) was available for questions from the Panel.*

396 Bronte Road, BRONTE NSW 2024 – Alterations and additions to detached dwelling including new first floor addition and swimming pool to the rear. (DA-50/2023)

Report dated 14 August 2023 from the Development Assessment 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 Planning Officer's report and recommended conditions as amended by the Panel:

Insert additional clause to condition 2 (b) (iv) to read as follows:

## 2. GENERAL MODIFICATIONS

(b)(iv) The master bedroom windows W213 and W214 noted on Drawing no DA-301 Revision B, are to have a minimum sill height of 1.5m above the finished floor level.

**For the RESOLUTION: TOWNSEND, BROWN, VEALE AND MORA**

**Against the RESOLUTION: NIL**

**REASON:** The Panel concurs with the recommendations in the Planning Officer's report as amended by the panel. The panel heard submissions made during the public hearing and accepted the neighbours concern about the lack of privacy of the windows on the eastern side.

*C Carroll, (Objectors), and A Betros (on behalf of the applicant) addressed the meeting.*

134 Hewlett Street, BRONTE NSW 2024 – Demolition of the existing dwelling and construction of a new part-two, part-three storey dwelling house, garage, landscaping works and swimming pool. (DA-19/2023)

Report dated 31 August 2023 from the Development Assessment 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 and Environment.

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

**For the RESOLUTION: TOWNSEND, BROWN, AND MORA**

**Against the RESOLUTION: VEALE**

**REASON:** The Panel by majority concurs with the recommendations in the Planning Officer's report.

S Veale voted against the resolution due to the impact off the significance and setting of the Hewlett Street Landscape Conservation Area.

*A Boskovitz and B Meyerson (on behalf of the applicant) addressed the meeting.*

25 St Thomas Street, BRONTE NSW 2024 – Demolition and construction of a new three storey dwelling including basement garage and new swimming pool at rear. (DA-57/2023)

Report dated 31 August 2023 from the Development Assessment 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 Planning Officer's report.

Having regard to section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the development application (the application) is refused for the following reasons:

1. 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 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 8.5m 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 WLEP.

*Details:* The proposed height does not preserve the environmental amenity of neighbouring properties by creating overshadowing and view loss to No.27 St Thomas Street, Bronte contrary to clause 4.3(1)(a) of WLEP.
  - b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.72:1 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 proposed Floor Space Ratio does not preserve the environmental amenity of neighbouring properties by creating overshadowing and view loss to No.27 St Thomas Street, Bronte contrary to clause 4.4(1)(d) of WLEP.
  - c. *Clause 6.2 Earthworks*, specifically clause (3)(h) as appropriate measures have not been proposed to minimise the volume of excavation.
2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCP) 2022, in respect to the following provisions:

*Part B11 Design Excellence*

- a. *Section 11.1 Design*, specifically objectives (a), (c) and (d) and controls (a) and (e)(i), (iv), (v), (vi) as the proposed development is not suitable for the land providing excessive excavation and is poorly designed by reducing amenity to neighbouring properties, provides an excessive bulk created from the rear ground floor terrace area and an excessive street frontage height.

*Part B13 Excavation*

- b. Specifically objectives (a), (b), (c) and (d) and controls (a), (b), (c), (g) and (o) as the amount of excavation proposed is excessive for the site and is within 0.9m of the side boundaries.

*Part C1 Low Density Residential Development*

- c. *Section 1.0 General Objectives*, specifically objectives (a) and (b) as the proposed development is not appropriate for the lot as it exceeds height and floor space ratio, which does not preserve the amenity of a neighbouring property in terms of solar access and view impacts.
  - d. *Section 1.1 Height*, specifically objectives (a), (d) and (f) and control (a) as the proposed development exceeds the 7m maximum wall height.
  - e. *Section 1.2 Setbacks*, specifically control (a), (b), (d) as the proposal does not provide consistent setbacks with those adjoining (at each level) and the resultant effect presents an excessive bulk and scale when viewed from the streetscape and rear.
  - f. *Section 1.3 Streetscape and Visual Impact*, specifically objectives (a) and (b) and controls (a), (d), (e) as the proposed pitched roof is not reflective of other dwellings in the streetscape, which incorporate flat roofs, as well as the proposal presenting an excessive bulk and scale to the streetscape.
  - g. *Section 1.6 Solar Access*, specifically objectives (a) and (b) as the proposed development impacts solar access to No.27 St Thomas Street, Bronte.
  - h. *Section 1.7 Views*, specifically objective (a) and controls (a), (b) as the proposed development may result in unreasonable view loss from No. 27 St Thomas Street, Bronte.
  - i. *Section 1.9 Landscaping and Open Space*, specifically objective (a) and (b) and controls (c), (e), (g), (h) in that the landscaping is insufficient and provides little scope for being used for recreation.
3. 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.
  4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
  5. 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.

6. 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, BROWN, VEALE AND MORA**

**Against the RESOLUTION: NIL**

**REASON:** The Panel concurs with the reasons for refusal set out in the Planning Officer's report.

*M Della Marta (Objector), E Wallace (on behalf of the applicant) addressed the meeting.*



Unit 15 of 7 Francis Street, BONDI BEACH NSW 2026 - Alterations and additions to unit 15, including conversion of roof void to attic level. (DA-161/2023)

Report dated 31 August 2023 from the Development Assessment 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 and Environment.

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

**For the RESOLUTION: TOWNSEND, BROWN, VEALE AND MORA**

**Against the RESOLUTION: NIL**

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

*J Bjorksten (Objector), and J Grossman (on behalf of the applicant) addressed the meeting.*

56 Campbell Parade, BONDI BEACH NSW 2026 - Substantial demolition with retention of the front façade and a portion of the side walls and construction of a shop-top housing building containing four units with retail below and a basement. The proposal is Integrated development for Water NSW. (DA-367/2022)

Report dated 1 September 2023 from the Development Assessment 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 as a deferred commencement consent to the development application that contravenes the height development standard. The Panel concurs on behalf of, and as the delegate of, the Secretary, Department of Planning and Environment.

The Panel considered the recommendation of the Planning Officer's report and resolved that the development application instead be granted as a deferred commencement consent. Upon activation of the consent, the conditions in the Planning Officer's report shall apply, as amended by the Panel:

Amend consent type to be a DEFERRED COMMENCEMENT, to read as follows:

#### **Attachment A**

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's Executive Manager, Development Assessment (or delegate) as to the following matters:

1. The built form of Apartment 4 at the upper most level (Fourth Floor on plan) is not approved and is to be deleted. In this regard, all work eastwards (forward) of the central lift overrun is not approved and to be deleted from the plans. A non-trafficable green roof may be provided forward of the common lift overrun. The parapet of the third floor shall be the highest point of the building when viewed from Campbell Parade (and surrounds).
2. The roof can be accessed via stairs from third floor with a stair hood not exceeding 2.1m as measured from the finished floor level.
3. Roof services (plant, service riser, solar panels and central lift overrun) may remain.
4. Reconfiguration of the third floor may also be required.

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.

Amend Condition 1 to add the following note:

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.

Amend Condition 22 to read as follows:

## **22. BONDI - ROSE BAY SAND BODY**

This site is identified as a zone of high sensitivity and may be within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. An Aboriginal Heritage Assessment must be prepared to comply with the Due Diligence Code of Practice to determine whether Aboriginal objects will be or are likely to be impacted or harmed by the proposal. The Due Diligence should be submitted to Council prior to commencement of works.

After demolition of the existing building and prior to any excavation, a suitably qualified archaeologist must inspect the site to determine if the site requires further investigation. 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 Heritage NSW must be contacted.

Amend Condition 71 to read as follows:

## **71. FLOOR SPACE RATIO**

The gross floor area (GFA) of the building shall be limited to 935.67m<sup>2</sup> (being 993.5m<sup>2</sup> minus 57.83m<sup>2</sup>).

Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification **to the satisfaction of the Principal Certifying Authority**, that the building achieves compliance with this GFA (as calculated in accordance with the definition contained in the Waverley Local Environmental Plan 2012).

Reason: The gross floor area of the development is limited in order to achieve suitable bulk and scale. The consent would not have been granted if not for this compliance with the development standard.

Amend Condition 72 to read as follows:

## **72. BUILDING HEIGHT**

(a) The height of the building must not exceed the following RLs (AHD):

- i. RL 35.85 includes lift overrun, roof services, access hatch and parapet (including roof terrace, plunge pool and planters).

(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the height of the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, **to the satisfaction of the Principal Certifier**.

**For the RESOLUTION: TOWNSEND, BROWN, VEALE AND MORA**

**Against the RESOLUTION: NIL**

**REASON:** The Panel generally concurs with the recommendations in the Planning Officer's report, subject to granting a Deferred Commencement consent.

*J O'Connell (Objector), and L Kosnetter, P Nicholas and W Xu (on behalf of the applicant) addressed the meeting.*

THE MEETING CLOSED AT 3.15PM

**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's Executive Manager, Development Assessment (or delegate) as to the following matters:

1. The built form of Apartment 4 at the upper most level (Fourth Floor on plan) is not approved and to be deleted. In this regard, all work eastwards (forward) of the central lift overrun is not approved and to be deleted from the plans. A non-trafficable green roof may be provided forward of the common lift overrun. The parapet of the third floor shall be the highest point of the building when viewed from Campbell Parade (and surrounds).
2. The roof can be accessed via stairs from third floor with a stair hood not exceeding 2.1m as measured from the finished floor level.
3. Roof services (plant, service riser, solar panels and central lift overrun) may remain.
4. Reconfiguration of the third floor may also be required.

**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 AN+A of Project No: CAM2105 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA006 / Rev C	Site Plan – Proposed	30/05/2023	09/06/2023
DA010 / Rev A	Existing + Demolition – Lower Ground Floor	18/08/2022	09/06/2023
DA011 / Rev A	Existing + Demolition – Ground Floor	18/08/2022	09/06/2023
DA012 / Rev A	Existing + Demolition – First Floor	18/08/2022	09/06/2023
DA013 / Rev A	Existing + Demolition – Roof Plan	18/08/2022	09/06/2023
DA014 / Rev B	Proposed – Basement 2	14/02/2023	09/06/2023
DA015 / Rev B	Proposed – Basement 1	14/02/2023	09/06/2023
DA016 / Rev B	Proposed – Lower Ground	14/02/2023	09/06/2023
DA017 / Rev C	Proposed – Ground Floor	30/05/2023	09/06/2023
DA018 / Rev B	Proposed – First Floor Plan	30/05/2023	09/06/2023
DA019 / Rev B	Proposed – Second Floor Plan	30/05/2023	09/06/2023
DA020 / Rev C	Proposed – Third Floor Plan	30/05/2023	09/06/2023
DA021 / Rev C	Proposed – Fourth Floor Plan	30/05/2023	09/06/2023
DA022 / Rev C	Proposed – Roof Plan	30/05/2023	09/06/2023
DA150 / Rev C	Proposed – East Elevation	30/05/2023	09/06/2023
DA151 / Rev C	Proposed – West Elevation	30/05/2023	09/06/2023
DA152 / Rev B	Proposed – North Elevation	30/05/2023	09/06/2023
DA153 / Rev B	Proposed – South Elevation	30/05/2023	09/06/2023
DA170 / Rev C	Section A – Long Section	30/05/2023	09/06/2023
DA171/ Rev C	Section B – Cross Section	30/05/2023	09/06/2023

(b) Geotechnical Report (344263Lrpt) prepared by JK Geotechnics, dated 03/09/2021 and received by Council 01/09/2023.

(c) Acoustic Report (20211076.1/2207A/R1/RG) prepared by Acoustic Logic, dated 22/07/2022 and received by Council 01/09/2023.

(d) Access Report prepared Morris Goding Access Consulting, dated 22/08/2022 and received by Council 01/09/2023.

(e) BCA Report (MSA2411\_BCA) prepared by Matt Shuter and Associates, dated 19/08/2022 and received by Council 01/09/2023.

- (f) Flood Risk Management Report (210445) prepared by NB Consulting Engineers, dated 17/08/2022 and received by Council 01/09/2023.
- (g) Heritage Impact Statement (J4720) prepared by Weir Phillips Heritage and Planning, dated 02/08/2022 and received by Council 01/09/2023.
- (h) Traffic and Transport Management Plan (21399) prepared by Varga Traffic Planning Pty Ltd, dated 03/09/2021 and received by Council 23/08/2023.
- (i) BASIX and NatHERs Certificate/s
- (j) The Site Waste and Recycling Management Plan (SWRAMP) Part 1 received by Council on 01/09/2022.

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 – URBAN DESIGN / HERITAGE RESTORATION

The proposal shall be amended as follows:

- (a) The Level 3 frontage to Campbell Parade is to be amended to reduce the roof corbelling as it dominates the façade at this level.
- (b) The awning to Campbell Parade is to be extended in depth to be set back 0.6m from the Campbell Parade kerb line. The awning corners are to be squared-off.
- (c) A detailed Schedule of Conservation Works prepared by a suitably qualified heritage architect and dealing in detail with the restoration and conservation of the façade of the building is to be submitted for approval by Council's Heritage Officer.
- (d) A detailed report prepared by a suitably qualified engineer with the input of a suitable qualified Heritage Architect is to be submitted for approval by Council's Heritage Architect which:
  - i. Outlines the methodology for retention and conservation of the façade of the building and retained structure including sidewalls.
  - ii. Includes a methodology to ensure the stability and viability of the parapet during construction and its tying back into the new slab, and
  - iii. Ensures the structural stability of the façade arising from the insertion of the approved building form and openings into the existing façade.
- (e) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace. The new materials are to provide a variance to differentiate between the retained facade and the new building;
- (f) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials;
- (g) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

The amendments are to be approved by the **Council's Manager of Urban Design (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.

## 3. GENERAL MODIFICATIONS – VEHICLE ACCESS

The proposal shall be amended as follows:

- (a) The proposed ramp with a grade of 1:8 for the first 3 metres into the property and 1:4 thereafter is not acceptable. It does not provide a safe position for exiting drivers to pause and check for other vehicles and pedestrians prior to leaving the site.
- (b) Modified plans are required with the ramp gradient at a maximum of 5% for the first 4.5 metres into the property.
- (c) The headroom clearance on entry, on the ramp, and on the basement level is to be a minimum of 2.2 metres.



The amendments are to be approved by the **Council's Traffic Engineer** 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.

#### **4. INFRASTRUCTURE SERVICES**

Evidence from Ausgrid confirming that an electricity substation is not required. In the event that a substation is required, details of the proposed location are to be submitted for approval along with amended plans accommodating any layout changes. No facility is to be provided along the Campbell Parade frontage.

#### **5. GENERAL TERMS OF APPROVAL – WATER NSW**

- (a) Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- (b) Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. Apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. Notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity  
Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- (c) A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.  
Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- (d) If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website “Record of groundwater take under exemption”, and (d) keep the record for a period of 5 years, and I give the record to WaterNSW either via email to [Customer.Helpdesk@waterNSW.com.au](mailto:Customer.Helpdesk@waterNSW.com.au) or post completed forms to – PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

- (e) All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- (f) The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- (g) Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. B) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. D) The monitoring bores must be protected from construction damage.
- (h) Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. B) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).
- (i) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. C) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/water-licensing/dewatering](http://www.waternsw.com.au/customer-service/water-licensing/dewatering)

- (j) The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation – Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions – Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) – Laboratory test results for soil sampling testing for ASS – If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- (k) Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- (l) This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- (m) The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. B. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). C. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

## **6. MULTI UNIT HOUSING DEVELOPMENT DESIGN**

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.

## **7. PUBLIC DOMAIN IMPROVEMENTS**

The public domain is to be upgraded on both Campbell Parade and Lamrock Place frontages for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- a) Pedestrian footpath
- b) Vehicular crossing
- c) Road pavement

- d) Kerb and gutter
- e) Stormwater infrastructure located within the Council kerb and/or footpath

## **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**

#### **8. 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 20210; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

### **CONTRIBUTIONS, FEES & BONDS**

#### **9. 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 in accordance with the following:

- (a) Where the total development cost is less than \$500,000:
  - a. a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
  - a. a **Detailed Cost Report** 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).

Please forward documents to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
  - b. 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.
  - c. 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.

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

(c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;

- (i) A development valued at \$100,000 or less will be exempt from the levy;
- (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
- (iii) A development valued at more than \$200,000 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.

**10. SECURITY DEPOSIT**

A deposit (cash or cheque) for the amount of \$100,79.20 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) 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.

**11. 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 0.25% of building work costing \$250,000 or more.

**12. 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.

## **PLAN DETAILS**

### **13. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)**

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the Architects Act 2003 (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

In accordance with the Environmental Planning and Assessment Regulation 20210, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.

### **14. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES**

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

### **15. BASEMENT STORAGE**

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2022.

## **CONSTRUCTION MATTERS**

### **16. 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.

### **17. 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.

### **18. 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.

## **19. 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.

## **20. 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.

## **21. 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.

## **22. BONDI - ROSE BAY SAND BODY**

This site is identified as a zone of high sensitivity and may be within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. An Aboriginal Heritage Assessment must be prepared to comply with the Due Diligence Code of Practice to determine whether Aboriginal



objects will be or are likely to be impacted or harmed by the proposal. The Due Diligence should be submitted to Council prior to commencement of works.

After demolition of the existing building and prior to any excavation, a suitably qualified archaeologist must inspect the site to determine if the site requires further investigation. 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 Heritage NSW must be contacted.

### **23. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS**

Evidence is to be provided to the Principal Certifier that arrangements have been made for;

- (a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

#### **TRAFFIC MANAGEMENT**

### **24. 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)

#### **STORMWATER & FLOODING**

### **25. 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 submitted Water Management Plan prepared by NB Consulting, Job No. 210445, Drawing No. D01-D06, dated 01/09/2022 is considered concept only.

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 address the following:

- (a) Please complete "Annexure C - Stormwater management plan checklist" located in Waverley Council: Water Management Technical Manual, October 2021, Section 15.3.

(b) The plans shall provide 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.

(c) For pit and pipes:

- i. Please provide pits at all junctions, change of gradient, change of direction, change in diameter, reflux valves, flap valves, orifice plates, debris screening.
- ii. Provide pipe proposed invert levels.
- iii. Grates are to be galvanised steel grid type. Grates are to be of heavy-duty type in areas where they may be subject to vehicle loading.
- iv. Provide calculations of gutter sizing for 1% AEP storm event and min. number of downpipes required.
- v. A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- vi. Downpipe alignment not connecting between the First, Second and Third Floor Stormwater Drainage Plans on balcony. Please update accordingly and show connection between floors.

(d) Pump design:

- i. Please provide pump capacity.
- ii. Make sure pump to be designed in accordance with AS/NZS 3500.3:2018 Section 8 and ensure pump meets these requirements.
- iii. The collection system for the pump system must be designed in accordance with the design criteria for gravity drainage and must incorporate adequate buffer storage as recommended by the pump manufacturer or a suitably qualified practitioner.
- iv. Consideration of the consequences of a power failure must be made when sizing the buffer storage.
- v. Show an alarm system to comprise of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance of the basement in case of pump failure. Minimum 150mm freeboard from pump out system to all parking spaces and full hydraulic details and pump manufacturers specification to be provided.
- vi. In the event of the failure of both the duty and standby pumps, an overland flow path and/or surcharge and pondage in a suitably visible area must be provided.
- vii. In circumstances where no overland path exists, pondage may be approved in a suitable area. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.
- viii. Provide screening details. All electrical fittings and supply located min. 0.3m freeboard above max. water level and/or overland flow paths.

- (e) Water Sensitive Urban Design
- i. Provide MUSIC model schematic and results of assessment.
- (f) Provide the Erosion and Sediment Control Plan.
- (g) 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.
- (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 checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- 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](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

## 26. FLOODING REQUIREMENTS

The development must have a net neutral effect on flood behaviour. This includes increasing flood effects elsewhere, loss of flood storage, changes in flood levels, flows and velocities caused by alterations to the flood conveyance, and the cumulative impact of neighbouring developments. To ensure this has been considered, the submitted architectural plans will need to be updated to reflect the following:

- I. A suitably qualified and practicing Engineer must provide a report certifying that development will not increase flood effects elsewhere having regard to loss of flood storage.
- II. All new building materials must be flood resistant or flood compatible to a height of 19.2 m AHD.
- III. All new internal electrical switches, power points or similar utilities liable to flood damage set to freeboard level
- IV. A suitably qualified engineer must certify that any new structure can withstand the forces of floodwater, scour debris, and buoyancy up to and including 19.2 m AHD.

- V. A storage area is to be provided above the RL of 19.2 m AHD for the storage of goods that can be damaged or mobilized by flooding, or goods that have the potential to cause pollution during flooding.
- VI. Any proposed fencing must be built using flood-compatible material.
- VII. There is to be no filling of the land within the property.

Details and certification must accompany the Construction Certificate and be submitted to Waverley Council for approval by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

## **27. PUBLIC INFRASTRUCTURE WORKS**

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Infrastructure Engineer:

- (a) Road Pavement: The full renewal and reconstruction of asphalt pavement for full road width in Lamrock Place frontage. Details of the road pavement treatments and sub-grade details to be advised by Council.
- (b) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing both Campbell Parade and Lamrock Place frontages. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.
  - (i) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
  - (ii) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Councils Public Domain to support the new development.

### **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.

Council's contact for public domain: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

## **ENERGY EFFICIENCY & SUSTAINABILITY**

## **28. BASIX**

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

## **29. ENERGY EFFICIENCY**

An Energy Assessment Report is to be submitted in accordance with the Waverley Development Control Plan 2012, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate for any works above ground level.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

## **30. REFLECTIVITY REPORT**

In accordance with Part B16 of the Waverley Development Control Plan 2012, a Reflectivity Report, prepared by an appropriately qualified person is to be submitted to the Principal Certifying Authority which verifies that the approved development complies with the following;

- (a) The use of glass is a maximum of 60% of the façade surface area at ground floor level and above.
- (b) Reflected solar glare on drivers should not exceed 500 candelas/m<sup>2</sup>. A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).
- (c) All panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%.
- (d) Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%.

If the approved development cannot achieve compliance with the above requirements, a Section 4.55 modification application must be submitted.

## **WASTE**

### **31. 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.

### **32. WASTE STORAGE AREAS**

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and/or commercial components of the development;

- **Residential**
    - 2 x 240L MGBs for general waste (collected weekly)
    - 2 x 240L MGBs for container recycling (collected fortnightly)
    - 2 x 240L MGB for paper recycling (collected fortnightly)
    - A room or caged area with a minimum floor space of 4m<sup>2</sup> must be provided for the storage of discarded bulky items and problem waste, awaiting collection. Additional space is required for recycling problem waste such as textiles or electronic waste.
  - **Commercial**
    - 3 x 240L Mobile Garbage Units (MGBs) for general waste (collected weekly)
    - 3 x 240L MGBs for comingled recycling (collected weekly)
    - Number of bins and frequency of collection must be monitored and adjusted to meet waste generation needs, particular in peak season (summer)
    - Sufficient space must be allocated for the storage of reusable items such as crates and pallets associated with the commercial space.
- (a) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (b) The proposal must have a system for the convenient transportation of waste and recyclables to the storage area and the point of collection.

### **LANDSCAPING & TREES**

### **33. LANDSCAPE WORKS IN A HABITAT CORRIDOR**

An amended landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of any Construction Certificate, with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley Development Control Plan 2012.

### **34. GREEN ROOF LANDSCAPING DETAILS**

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the Waverley Development Control Plan 2012 including;

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species.

- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

## **NOISE AND HEALTH**

### **35. VERMIN AND RAT CONTROL**

A Pest and Vermin Control Management Plan prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of a Construction Certificate for the demolition of existing buildings.

### **36. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION**

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website:

[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)

### **37. NOISE – ACOUSTIC REPORT**

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors, pool related plant (pool pump, heater and/or filter) and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

For further information on the requirements, refer to Council's website:

[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)

## **FIRE SAFETY**

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

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall

be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

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

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

**39. FIRE SAFETY**

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.



## **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**

#### **40. 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.

#### **41. USE OF FILL ON SITE**

All fill imported on to the site shall be free of building and other demolition waste, and contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the Protection of the Environment Operations Act, 1997 and Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the Protection of the Environmental Operations (Waste) Regulations 2014 that is permitted to be used as fill material.

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

### **DEMOLITION & EXCAVATION**

#### **42. 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:

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land, or
- (c) Particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);
- (d) Describe the method of demolition;
- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

#### **43. CONTROL OF DUST ON CONSTRUCTION SITES**

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

#### **44. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

#### **45. EXCAVATION AND BACKFILLING**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

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.

#### **46. STRUCTURAL DOCUMENTATION**

- (a) A construction management plan must be submitted to an independent, third party structural engineer and the project geotechnical engineer for approval. The engineers must have relevant experience, have chartered status with the Institute of Engineers Australia and be registered on

the National Engineers Register. The construction management plan must incorporate and reflect the intent of the following documents:

- i. Geotechnical Report (344263Lrpt) prepared by JK Geotechnics, dated 03/09/2021 and received by Council 01/09/2023.

Satisfaction of the third party structural engineer and project geotechnical engineer that the construction management plan will provide for the retention of the building and its structural integrity must be demonstrated to the consent authority prior to the issue of the relevant Construction Certificate.

- (b) The documentation provided by the principal structural engineer as part of the construction certificate should detail the follow:
  - i. Design and documentation of the Strengthening and Stability requirements to ensure the existing building is suitable for the intended alteration and additions, and
  - ii. Provide detailed procedure on the methodology and constructability of the proposed work within the existing / approved building envelope, in particular to the excavation works.

## **CONSTRUCTION MATTERS**

### **47. 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.

### **48. 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.

### **49. 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 2021 and the requirements of any other applicable legislation or instruments.

### **50. 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.

**51. 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.

**52. WORK OUTSIDE PROPERTY BOUNDARY**

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

**TREE PROTECTION AND REMOVAL**

**53. 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.

**54. 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) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

**VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

**55. RECONSTRUCT VEHICLE CROSSING**

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed carparking. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

The crossing is to be 3.0 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays.

Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the car parking spaces/s comply with the approved levels.

**56. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH**

The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath.

**57. VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM**

A vehicle priority system shall be provided. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

**58. MECHANICAL PARKING SYSTEM**

The mechanical parking system (car stacker) is to be designed to accommodate a B99 car as defined in AS2890.1.

**59. HEADROOM CLEARANCE**

The headroom clearance within the garages and accessways is to be a minimum of 2.2 metres.

**60. CAR STACKERS**

The car stackers shall be independent stackers that allow vehicles to enter and leave independently. Minimum dimensions for the car bays in the stackers are to be 2.0 metre headroom, 2.3 metre width, and 5.0 metre length.

Dependent car stackers which are reliant on moving a car out of the stacker to allow another car to exit are not approved.

**61. CAR PARKING**

- i. A total of 7 car vehicle parking spaces are to be provided within the development, to be allocated as follows:
  - a. 1 residential visitor space
  - b. 1 retail space
  - c. 5 residential spaces.
- ii. Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.
- iii. A minimum of 20% of the carparking spaces must be installed with EV Charging stations.
- iv. 100% of carparking spaces must be EV Ready spaces.
- v. Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces and to be appropriately signposted and parked.

- vi. Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

## **62. BICYCLE PARKING**

A total of 5 bicycle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 4 residential bicycle spaces
- (b) 1 retail visitor bicycle spaces
- (c) At least 1 of these spaces to be located at ground level, adjacent to lobby.

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

## **STORMWATER & PUBLIC DOMAIN**

### **63. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT**

Prior to doing any works, internal inspection of the Council's stormwater conduit to determine its structural and serviceability condition must be carried out by a Closed Circuit Television (CCTV) by an approved contractor. The report is to be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for its review. No works on Council's stormwater infrastructure shall commence until given approval by Council.

### **64. PRE-CONSTRUCTION DILAPIDATION REPORT**

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- (a) Road pavement
- (b) Kerb and gutter
- (c) Footpath
- (d) Drainage pits and lintels
- (e) Traffic signs
- (f) Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Public Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

**65. PUBLIC DOMAIN ENGINEERING INSPECTIONS**

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's Public Infrastructure Engineer for the road pavement, kerb and gutter, stormwater, and footpath paving hold points.

## **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.

### **CERTIFICATION AND LICENCES**

#### **66. 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.

#### **67. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **68. CERTIFICATION OF APPROVED DESIGN**

In accordance with the Environmental Planning and Assessment Regulations 2021, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

#### **69. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **70. CERTIFICATION OF LANDSCAPING**

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.



## **71. FLOOR SPACE RATIO**

The gross floor area (GFA) of the building shall be limited to 935.67m<sup>2</sup> (being 993.5m<sup>2</sup> minus 57.83m<sup>2</sup>).

Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification to the satisfaction of the Principal Certifying Authority, that the building achieves compliance with this GFA (as calculated in accordance with the definition contained in the Waverley Local Environmental Plan 2012).

Reason: The gross floor area of the development is limited in order to achieve suitable bulk and scale. The consent would not have been granted if not for this compliance with the development standard.

## **72. BUILDING HEIGHT**

(a) The height of the building must not exceed the following RLs (AHD):

- i. RL 35.85 includes lift overrun, roof services, access hatch and parapet (including roof terrace, plunge pool and planters)

(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the height of the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

## **73. CERTIFICATION OF ACOUSTIC PERFORMANCE**

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

## **74. CERTIFICATION OF ALL MECHANICAL PLANT**

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

## **75. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**

Prior to the pool being used, the following must be provided;

- (a) Certification that the pool has been constructed in accordance with the consulting engineers design;
- (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>);
- (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council;

(d) A copy of the occupation certificate must be submitted to Council.

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

## **PUBLIC DOMAIN**

### **76. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN**

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

### **77. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN**

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal Certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

### **78. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS**

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's Infrastructure Engineer. The Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction.

#### Notes

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

## **STORMWATER**

### **79. CERTIFICATION OF NEWLY CONSTRUCTED AND 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 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. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

### **80. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

(a) (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, rainwater harvesting facility and other drainage-related infrastructure. An original or a color copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.

(b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works and basement pump-out facility were constructed to their satisfaction and 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.

### **81. 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 color 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.

**82. CERTIFICATION OF THE FINISHED FLOOR LEVEL OF THE DWELLING**

The certification referred to in “COMPLIANCE PRIOR TO AND DURING CONSTRUCTION- FINISHED FLOOR LEVEL OF THE DWELLING” must form part of the application for an Occupation Certificate.

**83. CREATION OF SITE FLOOD EMERGENCY RESPONSE PLAN**

Before occupation or prior to the issue of any Occupation Certificate, a site flood emergency response plan must be prepared, and any required flood warning system must be installed and fully tested. A copy of this plan must be submitted to the Private Certifier and to Waverley Council.

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

**84. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

**MANAGEMENT PLANS**

**85. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**

A Waste Management Plan must be submitted to Council’s Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant.

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water and any other relevant contractor to ensure a valid Trade Waste Agreement is in place for all trade wastes. Copies of these agreements shall be forwarded to Council.
- (d) The role and responsibility of managing composting facilities (if provided).
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) For commercial premises whose waste contains 20% or more food waste, a daily waste collection is required, unless an alternative is agreed upon with Council.
- (h) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, 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.

- (i) All waste and recycling bins must only be placed out on Council footpath for collection the morning of the collection day (no earlier than 5:30am) and retrieved from the kerbside as early as possible the same day of collection.
- (j) The bins must be placed for collection in a location that does not impede pedestrian access along the footpath or impact the neighbouring properties.
- (k) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (l) At no times shall bins or other products (e.g. kegs and pallets) be stored on the public domain (e.g. footpaths).
- (m) Details of ongoing waste management strategy are to be documented within the SWRMP and reviewed every 5 years to employ updated waste reduction strategies and technologies.

## **OTHER MATTERS**

### **86. ALLOCATION OF STREET NUMBER/S**

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:

- No. 56 - primary address site number
- Campbell Parade - primary address location.

The primary address site number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point and be clearly visible on the site boundary that fronts Campbell Parade.

The following sub addressing principles will apply:

- Shop G01 for the commercial sub-address sites within the building correlating with the Retail lower ground and ground floor plans for the building,
- Nos. 2-5 for the residential sub-address site within the building correlating with apartment Nos. 1-4 on the floor plans for the building.

The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

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 and within a primary address site shall be unique regardless of the type of the address.

The primary and sub-address 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 location to be lodged with Council.

## **E. OPERATIONAL MATTERS**

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

### **GENERAL MATTERS**

#### **87. SUBDIVISION**

This consent does not include any form of subdivision of the development.

In respect to any future subdivision and the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012. No exclusive use of common property shall occur without the prior consent of Council.

#### **88. USE OF PLANT ROOMS**

The 'plant' room/s shall be used exclusively for the housing of plant and mechanical equipment and must not be used for storage of goods or any other purpose.

#### **89. REFRIGERATION UNITS & MECHANICAL PLANT**

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

#### **90. AIR EMISSIONS**

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.

#### **91. NOISE EMISSIONS**

The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

#### **92. ON-GOING MAINTENANCE – LANDSCAPING**

Landscaping is to be maintained generally in accordance with the Approved Landscape Plans and the required Landscape Management Plan for the life of the development. If any plant dies or is removed, it is to be replaced with the same or similar species. The landscaping is to be managed as "common property" and maintained collectively to ensure that a cohesive landscaped solution is maintained. This is to be reflected in any future by-laws or Building Management Statement, should the development be subdivided.

Reason: To ensure that the high-quality landscape solution is appropriately maintained for the life of the development.

**93. ONGOING FLOODING REQUIREMENTS**

- (a) Materials which may be damaged by flood waters, materials which may be mobilised during flooding and materials which may cause pollution must be stored above freeboard level.
- (b) There must be no modifications made to flood compatible fencing.
- (c) There must be no filling or blocking of the open, underfloor areas below freeboard level.
- (d) The site flood emergency response warning systems and plan are to be regularly maintained, reviewed and/or updated and should be in good working order at all times.

**94. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**

Council will need to be provided with an OSD, pump system and Stormwater Quality Improvement Devices maintenance activities. At a minimum, the pump system and the detention facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

**95. RAINWATER HARVESTING AND REUSE**

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

**96. ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM**

The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.

**PARKING AND ACCESS**

**97. PARKING ALLOCATION**

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

**98. PARKING PERMITS**

Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.

**99. VEHICLE ACCESS**

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.

Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

**100. ADJUSTMENTS TO STREET SIGNS**

Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements.



## **F. 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](mailto: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. 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](http://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.

### **AD3. SYDNEY WATER REQUIREMENTS**

You are required to submit your plans to the appropriate Sydney Water office to determine whether

the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

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.

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.

#### **AD4. SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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.

#### **AD5. 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.

#### **AD6. EXCAVATION TO BE LIMITED**

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

#### **AD7. SEPARATE APPLICATIONS FOR USE/FIT OUT**

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.

#### **AD8. SEPARATE APPLICATION FOR SIGNAGE**

No signage has been proposed in this application, therefore any advertising or signage requires the separate approval from Council, unless deemed Exempt Development under Division 2 of the SEPP (Exempt and Complying Development) 2008.

#### **AD9. 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.

#### **AD10. BUILDING TO BE WRAPPED**

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

#### **AD11. OUTDOOR DINING**

Any proposal to utilise an area external of the building for dining will be subject to a separate application to Council and if approved will require the applicant and/or owners to sign a lease agreement.

#### **AD12. SIGNS/GOODS IN THE PUBLIC WAY**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

#### **AD13. 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.

#### **AD14. SITE RECTIFICATION WORKS**

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
  - (a) make the building/site safe and of an appearance acceptable to Council.
  - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
  - (d) AND to call on such bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.