

# MINUTES OF THE WAVERLEY LOCAL PLANNING PANEL VIA ELECTRONIC COMMUNICATION ON 15 DECEMBER 2022

## Panel members:

Jacqueline Townsend (Chair)  
Graham Brown  
Jan Murrell  
Allyson Small (community representative)

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**35-37 Hall Street, BONDI BEACH NSW 2026 - Demolition of building and construction of a new four storey shop top housing building with basement level services, retail on the ground floor and residential units above. (DA-306/2021)**

Following the Waverley Local Planning Panel ('the Panel') meeting on 21 September 2022 the Panel deferred the determination of the application to enable the applicant the opportunity to submit the necessary documentation confirming that the site is or can be made suitable for the intended use.

On receipt of the information, Council is to prepare in a timely manner, a supplementary report for the Panel, including advice from the Council's Environmental Health Officer. The matter is to be referred to this Panel for an electronic determination.

The Applicant and Council's Planning Officer have been in contact and the DA is ready to proceed to determination.

The Panel has conferred and reviewed the additional information, including the referral advice of the Environmental Health Officer.

**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 building 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.

Accordingly, the Panel grants approval to DA-306/2021 for Demolition of building and construction of a new four storey shop top housing building with basement level services, retail on the ground floor and residential units above.

**For the RESOLUTION: Townsend, Brown, Murrell and Small**

**Against the RESOLUTION: Nil**



Jacqueline Townsend  
**Chairperson**

**Conditions of the development consent****A. APPROVED DEVELOPMENT****1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

- (a) Architectural Plans prepared by MHNDUnion of Project No: 20-055 including the following:

<b>Plan Number</b>	<b>Rev</b>	<b>Plan Description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA 0000	D	Cover Page	02/08/2022	9 September 2022
DA 1002	D	Site & Roof Plan	02/08/2022	9 September 2022
DA 2000	D	Basement Plan	02/08/2022	9 September 2022
DA 2001	D	Ground Floor Plan	02/08/2022	9 September 2022
DA 2002	D	Level 1 Floor Plan	02/08/2022	9 September 2022
DA 2003	D	Level 2 Floor Plan	02/08/2022	9 September 2022
DA 2004	D	Level 3 Floor Plan	02/08/2022	9 September 2022
DA 2005	D	Roof Plan	02/08/2022	9 September 2022
DA 3000	D	Elevation East & West	02/08/2022	9 September 2022
DA 3001	D	Elevation North & South	02/08/2022	9 September 2022
DA 3100	D	Section A	02/08/2022	9 September 2022
DA 3101	D	Section B & C	02/08/2022	9 September 2022
DA 9203	D	Pre & Post Adaptable Apartments – Unit 1	02/08/2022	9 September 2022
DA 9204	D	Pre & Post Adaptable Apartments – Unit 2	02/08/2022	9 September 2022
DA 9205	D	Pre & Post Adaptable Apartments – Unit 3	02/08/2022	9 September 2022
DA 9206	D	Pre & Post Adaptable Apartments – Unit 4	02/08/2022	9 September 2022

- (b) BASIX and NatHERs Certificates
- (c) Access Report prepared by Design Confidence dated 17 March 2021, and received by Council on 5 August 2021
- (d) Acoustic Report prepared by Renzo Tonin & Associates dated 1 December 2021, and received by Council on 6 August 2022
- (e) Adaptable Housing Assessment Report prepared by Design Confidence dated 17 March 2021, and received by Council on 5 August 2021
- (f) Arborist Report prepared by Dr. Treegood dated March 2021, and received by Council on 5 August 2021
- (g) BCA Report prepared by Design Confidence dated 15 March 2021, and received by Council on 5 August 2021

- (h) Geotechnical Report prepared by eiaustralia dated 26 March 2021, and received by Council on 5 August 2021
- (i) Traffic & Transport Management Plan prepared by TEF Consulting dated 10/02/2021, and received by Council on 5 August 2021
- (j) Schedule of external finishes and colours received by Council on 6 August 2022
- (k) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (05/08/2021)
- (l) Letter titled 'Proposed Remedial works at 35-37 Hall Street, Bondi, NSE' prepared by EBG Environmental Geoscience and dated 8 December 2022
- (m) Stage 2 Detailed Site Investigation (DSI) (including vapour intrusion assessment) prepared by EBG Environmental Geoscience and dated 23 September 2022

Except where amended by the following conditions of consent.

## **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

### **A. Landscaped Area:**

The landscape plans are to be amended to provide increased opportunities for deep soil landscaping on site. In this regard, the paved areas within the communal open space area at the rear are to be deleted and the entirety of the rear setback area is to be soft landscaped.

### **B. Bicycle parking:**

- (i) The commercial visitor bicycle spaces are to be relocated and provided on the ground level and easily accessible for visitors to use.
- (ii) The development requires 2 bicycle parking spaces for the residential visitors. A minimum of two bicycle parking racks in the basement level are to be allocated to residential visitors (ensuring compliance is achieved overall with bicycle parking, set out in conditions of this consent).

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

## **3. 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.

## **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**

#### **4. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

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

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

#### **5. SECTION 7.12 CONTRIBUTION**

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

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

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

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
- (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 \$200,001 or more will attract a levy of 1% of the full cost of the development.

Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

## **6. SECURITY DEPOSIT**

A deposit (cash or cheque) for the amount of **\$104,211.92** 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.

## **7. LONG SERVICE LEVY**

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

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

## **PLAN DETAILS**

### **8. 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 2000, 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*.

## 9. ARCHITECTURAL DETAILING

Further details of the architectural detailing of the building are required to be submitted for review and approval of Council's Manager, Development Assessment (or delegate) which address the following matters:

- (a) 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;
- (b) 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;
- (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

This may also require a referral to the Waverley Design Excellence Advisory Panel with a referral fee to be paid at the time of lodgement. Please contact the assessment planner to clarify this prior to lodging documentation to satisfy this condition.

## 10. PLACEMENT OF AIR CONDITIONING UNITS ON ROOFTOP

The A/C units on the roof must be fitted with an acoustic enclosure and be supported by an Acoustic Report for mechanical plant and equipment.

The amendments and documentation are to be submitted to and approved by **Council's Executive Manager, Compliance (or delegate)** prior to the issue of any Construction Certificate.

## 11. 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.

## 12. SEPARATE APPLICATIONS FOR NON-RESIDENTIAL USE

Specific development consent is required for each individual retail tenancy in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises.

In this regard, compliance with the BCA in respect to the provision of sanitary facilities shall be provided for each retail tenancy. It is recommended that sufficient services for future sanitary facilities be provided to each tenancy to meet future requirements.

Having regard to the close proximity to residential uses, it is recommended the design and materials of future retail/commercial premises fitouts be considered and where possible, integrated into the overall design of the development, to minimize ad hoc additions to mitigate acoustic privacy impacts.

### **13. 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.

### **14. 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 2012 (Amendment 9)*.

Details to be shown on the architectural plans satisfying this condition, prior to the issue of the relevant Construction Certificate.

### **15. ADAPTABLE HOUSING**

A minimum of 20% of the apartments in the development are to be provided as 'adaptable housing' within the development, with at least 1 car space allocated to each of these apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

### **16. UNIVERSAL HOUSING**

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupant's over their lifetimes in accordance with Part B7 of the *Waverley Development Control Plan 2012*.

## **CONSTRUCTION MATTERS**

### **17. 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.

### **18. 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.

## **19. 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.

## **20. 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.

## **21. GEOTECHNICAL ENGINEERS REPORT**

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

## **22. 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.

## **23. NOISE MANAGEMENT PLAN - DEMOLITION EXCAVATION & 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)

## **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)

### **25. BICYCLE PARKING**

A total of 18 bicycle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 13 residential bicycle spaces
- (b) 2 visitor bicycle spaces
- (c) 1 retail bicycle space
- (d) 2 retail visitor bicycle space
- (e) The two retail visitor spaces are to be located at ground level.

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 prior to the issue of the relevant Construction Certificate.

## **STORMWATER & FLOODING**

### **26. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

The applicant is to pay to Council fees for assessment of all Public Infrastructure plans, stormwater inclusive and inspection of the completed works in the public domain, 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 public domain works.

### **27. STORMWATER MANAGEMENT**

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

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

- a) The plans shall provide additional details of the proposed On-Site Stormwater Detention (OSD) system and its details e.g. updated pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, OSD plaque, OSD warning sign and catchment plan. The current design is also considered fully submerged during a 1% AEP storm event, which is not compliant to the current Council standards, consideration shall be made to amend the outlet invert of the OSD system. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be resubmitted and amended to reflect any changes.
- b) If the design proceeds with a below ground tank, a certificate from a registered structural engineer certifying the structural adequacy of any OSD tank structure is to be provided.
- c) Any proposed OSD system shall be designed to allow for the detention of stormwater runoff resulting from a 1% Annual Exceedance Probability (AEP) storm event.
- d) A minimum of two double opening square access grates shall be installed over any proposed below OSD tank. This is to provide adequate ventilation to prevent the accumulation of noxious odours and to provide convenient access for routine maintenance and inspection of the tank. One grate shall be placed over OSD outlet pipe and orifice plate.

- e) Any proposed OSD system is designed to allow for the system to be free draining with the invert of the orifice higher than the Hydraulic Grade Line (HGL) at the discharge point (to prevent a drowned orifice).
- f) Show an alarm system in the event of the basement pump-out system failing. A warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement. A minimum freeboard of 150 mm from the pump out system to all parking spaces, full hydraulic details and pump manufacturers specification are to be provided.
- g) To protect the underground basement from possible inundation by surface waters from the street gutter and footpath overflows, a crest shall be installed at the boundary.
- h) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- i) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- j) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the 1% AEP storm event shall be provided.
- k) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system)
- l) Where a connection to Council's below ground drainage infrastructure is proposed, a long section of the connection shall be provided and its details must be included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- m) All proposed conduits within the Hall Street road reserve shall be constructed using minimum Class 3 reinforced concrete pipes (RCPs) with a minimum diameter of 375 mm and minimum 1% fall. A pit shall be installed at all junctions, changes of gradient and changes of direction in the pipeline. The proposed stormwater drainage infrastructure within the road reserve shall be designed and constructed to Council's satisfaction. Details are to form part of the Construction Certificate documentation. All associated costs shall be borne by the applicant.
- n) The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's Water Management Manual 2021:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	80
Total Phosphorous	55
Total Nitrogen	40

The applicant must submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID). The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design including with cross-sections. The practising Civil Engineer to demonstrate the hydraulics for proposed SQID. MUSIC model to be provided to Council for assessment.

- o) 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.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- 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.
- 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)

## 28. GROUND ANCHORS

Where any ground anchors (ie. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to and approved by **Council's Executive Manager, Infrastructure Services (or delegate)** and will be subject to fees. For further information regarding this, please contact [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) on 9083 8886. Certification shall be submitted and acknowledged by Council prior to installation and after de-tensioning prior to Occupation Certificate.

## 29. 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:

- a) A suitably qualified and practising Engineer must provide a report certifying that development will not increase flood effects elsewhere having regard to loss of flood storage.
- b) The minimum habitable finished floor level of the habitable level of any new building must be set at a minimum level of 16.045 m AHD.
- c) All new building material must be flood resistant or flood compatible to a height of 16.045 m AHD.
- d) All new internal electrical switches, power points or similar utilities liable to flood damage must be set at a minimum level of 16.045 m AHD.
- e) A suitably qualified engineer must certify that any new structure can withstand the forces of floodwater, scour debris and buoyancy up to and including 16.045 m AHD.
- f) A storage area is to be provided above the RL of 16.045 m AHD for the storage of goods that can be damaged or mobilised by flooding, or goods that have potential to cause pollution during flooding.
- g) Any proposed fencing must be built using flood compatible material.
- h) 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's Manager, Infrastructure Services (or delegate) for approval prior to the issue of the relevant Construction Certificate.

## PUBLIC DOMAIN

### **30. PUBLIC DOMAIN IMPROVEMENTS**

The public domain is to be upgraded along Hall Street frontage for the development site in accordance with the current Waverley Council Development Control Plan (DCP) Part E3: Local Village Centres, 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, and approved by the Executive Manager, Infrastructure Services prior to the issue of the relevant Construction Certificate.

- Pedestrian footpath
- Vehicular Crossing
- Road pavement
- Kerb and gutter
- Stormwater infrastructure located within the Council Public Domain
- Undergrounded utility connections and street lighting (Electrical, Communications inclusive)

### **31. PUBLIC INFRASTRUCTURE WORKS**

All Public infrastructure works traversing the development frontage must be completed to Council's satisfaction at no cost to Council.

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

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

- (a) Road Pavement: The full renewal and reconstruction of the asphalt pavement for half road width within the Hall Street frontage of the development site. Details of the road pavement treatments and sub-grade details to be liaised with Council prior to CC.
- (b) Footpath, Kerb and Gutter: The existing footpath, kerb and gutter traversing Hall Street frontage to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The footpath paving must maintain a 2.5% cross fall towards the road and maintain the same longitudinal grade of the adjacent road.
- (c) Street Trees: A minimum of one (1) street tree must be planted along the Hall Street frontage. All new trees proposed within the Council verge will require the installation of suitable tree pits and surrounds as per the Waverley Council Public Domain Technical Manual. The chosen tree species and location shall be liaised with Council prior to construction.
- (d) Street lighting: Make provision for a new street light and integrated EV charging station serviced by metered underground power, on a multifunction pole (MFP) on Hall Street. The consultant shall liaise with Council in obtaining Council's requirements and specifications for the street column and components including the appropriate LED luminaires. The column and all components shall be supplied and installed to meet pedestrian compliance standards.

Plans shall be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Council's Public Domain Engineer for approval prior to lodgement of the scheme with Ausgrid for their approval. This will include both the street lighting requirements and the private meter supply to the lighting system.

- (e) Undergrounded Utility Connections: All mains electrical connections to the development must be routed underground. Council will not accept the erection of any new above ground electricity columns/pillars within the Council's public domain to support the new development. All necessary pillars must be located within the development boundary. If required, an easement on the property shall be organised with the relevant Authority.

### **32. 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 Engineer for the following hold points:

#### Kerb and Gutter, Stormwater Infrastructure & Footpath Paving

- After completion of formwork and prior to casting of concrete base slab

- After full completion and restoration

#### Road Pavement

- Subgrade trim and compacted
- Binder course spread & consolidated
- After Wearing course laid and full completion

#### Landscape

- After the excavation and installation of root cells
- After full completion and restoration

#### Street Lighting

- Prior to backfilling all underground conduits
- Installation of concrete light base
- After full completion

All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.

### **ENERGY EFFICIENCY & SUSTAINABILITY**

#### **33. BASIX**

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

#### **34. 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.

### **WASTE**

#### **35. 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.

### **36. WASTE STORAGE AREAS**

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins and storage for the development:

#### **Residential** (16 units)

- 6 x 240L Mobile Garbage Bins (MGBs) for general waste (collected weekly)
- 6 x 240L MGBs for paper and cardboard recycling (collected fortnightly)
- 6 x 240L MGBs for container recycling (collected fortnightly)

#### **Commercial:** area 1 (135m<sup>2</sup>) and area 2 (130m<sup>2</sup>)

- 14 x 240L Mobile Garbage Bins (MGBs) or 5 x 660L MGBs for general waste (based on bins collected weekly)
- 10 x 240L MGBs or 3 x 660L MGBs for comingled recycling (based on bins collected weekly)

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

### **LANDSCAPING & TREES**

#### **37. 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* (Amendment 9) 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**

#### **38. NOISE – ACOUSTIC REPORT**

Upon selection of mechanical plant 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 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)

## **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**

#### **39. 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.

#### **40. 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.

### **PUBLIC DOMAIN**

#### **41. 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:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- Street Lights
- Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Public Domain 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.

#### **42. NOTIFICATION OF ADJOINING OWNERS & OCCUPIERS**

The Applicant shall provide the adjoining owners and occupiers' written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

#### **43. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING**

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

#### **DEMOLITION & EXCAVATION**

#### **44. 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.

#### **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. 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.

#### **47. 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.

#### **48. 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.

##### **48A DETAILED SITE INVESTIGATION**

As per Clause 4.6, *SEPP (Resilience and Hazards) 2021* ('SEPP R&H'), in accordance with the Letter dated 8 December 2022 from EBG Environmental Geoscience and noting the Stage 2 Detailed Site Investigation Report (Report ID: EBG-02994.Stage2.DSI.09.22.R00) any contaminated soil, fill, sand or debris is to be specifically dealt with as below:

- (a) Any contaminated fill sand/soil/debris under the building shall be removed from site.
- (b) This shall be documented in Remedial Action Plan (RAP).
- (c) Validation (sampling) of the remaining soil shall be undertaken prior to further construction activities. If during remediation and/or excavation soil is uncovered that is noticeably stained, has an odour or is suspected to be contaminated outside the known scope (including fragments of fibreboard 'fibro'), then work should cease in that area.
- (d) The soil or material should be assessed by an Environmental Geologist/Engineer and sampled for known or possible contaminants.
- (e) A further report and/or special procedures may have to be undertaken depending on the outcome of 48A(d) above.
- (f) The Detailed Site Investigation, and proposed Remedial Action Plan / Validation Report shall be signed off by a Certified Environmental Practitioner – Site Contamination Specialist (CEnvP-SC).

Any remediation work must ensure that the site is made safe for its intended use and comply with Clause 4.6, *SEPP (Resilience and Hazards) 2021* ('SEPP R&H').

#### **49. REMEDIAL ACTION PLAN**

The site is to be remediated in accordance with the RAP (if required), that has been peer reviewed by the NSW DECC accredited site auditor. Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

**NOTE:** Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Environmental Guidelines "Assessment, Classification and Management of Non-Liquid Wastes". The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter, if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW DECC.

#### **50. SITE CONTAMINATION - REMEDIATION WORKS**

- (a) Remediation and validation works shall be carried out in accordance with a specially prepared Remediation Report prepared by a suitably qualified person and current letter/ interim advice from a NSW accredited site auditor,
- (b) Any variation to the Remedial Action Plan shall be approved by the Accredited Site Auditor and Council in writing prior to the commencement of any work. The applicant must inform the PCA in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.
- (c) Prior to the commencement of any work, other than demolition or excavation in association with remediation of the site, a Site Audit Statement is to be submitted to and approved by Council clearly stating that the site is suitable for the proposed use.

#### **51. REMEDIATION REQUIREMENTS**

The following requirements apply to the remediation works (where remediation is required) on-site:

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.
- (b) Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.
- (c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.

- (d) A covenant being registered on the title of the land giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.
- (e) A covenant being registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from any contaminants or for any works required by the NSW Environment Protection Authority (EPA).

## **52. SITE CONTAMINATION - VALIDATION REPORT**

- (a) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Construction Certificate shall not be issued until Council approves this Validation Report. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:
  - (b) Description and documentation of all works performed;
  - (c) Results of validation testing and monitoring;
  - (d) Validation results of any fill imported on to the site;
  - (e) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and
  - (f) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

## **53. REMEDIATION WORKS REQUIRED**

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

## **54. HAZARDOUS MATERIALS**

A hazardous materials survey is to be carried out by a suitable qualified consultant/ occupational hygienist prior to any demolition works.

Should any hazardous or intractable wastes arising from the above survey be identified on site, it must be handled, removed and disposed of in accordance with the requirements NSW WorkCover Authority and the DECC, and in accordance with the provisions of:

- (a) New South Wales Occupational Health and Safety Act, 2000;
- (b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- (c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- (d) Protection of the Environment Operations Act 1997 (NSW) and
- (e) DECC's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

## **55. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

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

That 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 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

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

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

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

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

## **58. HAZARDOUS MATERIALS AUDIT**

A Hazardous Materials Audit (HMA) must be carried out by a suitably qualified practitioner prior to site demolition (where remediation of the site is required). The HMA must assess the presence of structural and residual building materials that may be of environmental concern. The HMA must also

ensure that hazardous materials that may have been used within the structural components of all buildings are adequately addressed to protect site personnel from risk of exposure.

#### **59. SITE HEALTH & SAFETY PLAN**

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

- (a) hazard identification and control
- (b) site security
- (c) personal protective equipment
- (d) work zones and decontamination procedures
- (e) contingency plans and incident reporting environmental monitoring

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

#### **CONSTRUCTION MATTERS**

#### **60. FINISHED FLOOR LEVEL OF ANY NEW BUILDING**

The minimum floor level of the habitable levels of the new building must be constructed at a level no lower than 16.045 m AHD. The floor level must be certified by a registered surveyor prior to placing of the concrete floor slab or installation of flooring (where there is no slab).

#### **61. 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*.

#### **62. 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.



### **63. CONSTRUCTION INSPECTIONS**

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

### **64. 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.

### **65. 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.

### **66. WORK OUTSIDE PROPERTY BOUNDARY**

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

### **67. AWNINGS**

- (a) Awnings shall be a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.
- (b) Awnings shall provide cut outs for to allow for existing and future tree growth for the street trees.
- (c) Awnings to be provided to the Hall Street frontage for the entire width of the site.

## **TREE PROTECTION AND REMOVAL**

### **68. 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.

### **69. STREET TREES TO BE RETAINED/TREE PROTECTION**

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;

- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

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

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

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

If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune, or Remove Trees on Private Property is then to be presented to Council for processing.

## **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**

#### **70. 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.

## **71. CERTIFICATION OF BASIX COMMITMENTS**

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

## **72. CERTIFICATION OF APPROVED DESIGN**

In accordance with the Environmental Planning and Assessment Regulations 2000, 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.

## **73. CERTIFICATION OF BASIX COMMITMENTS**

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

## **74. 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.

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

- (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, the detention facility and other drainage related infrastructure. An original or a colour 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 location for the drainage structures and works.
- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works 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.

## **76. CREATION OF POSITIVE COVENANT – OSD AND FLOOD REQUIREMENTS**

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for any On-Site Stormwater Detention (OSD) system and also the Flooding Requirements for the site (as detailed in conditions 29, 60 and 93), 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) of Council, prior to lodgement at NSW Land Registry Services.

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

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

#### **77. 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 any 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 system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

#### **78. 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.

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

Prior to the issue of any Occupation Certificate, a final Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to Council's satisfaction.

#### **80. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN**

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed (WAE) 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.

#### **81. ACOUSTIC REPORT RECOMMENDATIONS**

The "recommendations" as outlined in various sections of the acoustic report prepared by Renzo Tonin & Associates [Reference No. TM461-01F02 Acoustic Assessment for DA (r1) dated 1 December 2021 shall be implemented.

#### **82. 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 conditions of consent (including the operational conditions) as well as the recommendations made in the acoustic report have been satisfied

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

Air conditioning units, refrigeration motors/units and other mechanical plant 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.

#### **84. MECHANICAL VENTILATION SYSTEMS**

The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

#### **85. 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.

#### **86. 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.

## **87. WAVERLEY DIGITAL MODEL**

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Waverley Futures Department for use in the Waverley Digital Model.

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
  - (i) a building envelope which includes all elements affecting shadow analysis;
  - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
  - (iii) a ground level terrain showing accurate RLs extending to site boundaries.
- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling / Urban Design) Officer.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 4.55 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

## **MANAGEMENT PLANS**

### **88. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**

A Waste Management Plan must be submitted and approved by **Council's Executive Manager, Environmental Sustainability (or delegate)** prior to the issue of an Occupation Certificate and include 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) The role and responsibility of managing composting facilities (if provided).
- (d) Clear signage identifying the different bin types and storage area for bulky household waste and problem waste must be displayed.
- (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (f) 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.

- (g) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.
- (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).
- (j) To ensure there is sufficient area on the footpath in front of the property for commercial/retail waste and recycling bins to be presented for the collection, commercial/retail waste and recycling collection must not occur on the same day as Council's scheduled residential waste/recycling collection day.
- (k) Sufficient arrangements must be in place to accommodate alternate days for waste/recycling collection for a mixed-use development where the combined bins from both premises (residential and commercial) exceed a total of 14 x 240Lbins, i.e.:
  - (a) commercial waste bins are collected on a different day to commercial recycling bins
  - (b) all commercial bins are collected on a different day to the residential waste/recycling collection day.

## **OTHER MATTERS**

### **89. STREET NUMBERS**

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

- No. 37 Hall Street - primary address site number and location.

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

- Shop G1 and Shop G2 for the commercial sub-address sites within the building correlating with retail lots 1 and 2 on the floor plans for the building,
- Nos. 3-18 for the residential sub-address site within the building correlating with Nos. 1-16 on the floor plans for the building.

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

Sub-address numbers shall be applied in a logical sequence 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**

#### **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**

- (a) 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.
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

#### **92. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)**

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

- (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

### **AMENITY & SAFETY**

#### **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 16.045 m AHD.
- b) There must be no modifications made to flood compatible fencing.
- c) 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. WASTE MANAGEMENT PLAN REVIEW**

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.



## **PARKING AND ACCESS**

### **95. 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.

### **96. PARKING PERMITS**

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

## **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. SYDNEY WATER REQUIREMENTS**

You may be required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

Contact Sydney Water for more information.

**AD3. DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](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.

**AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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

**AD5. EXCAVATION TO BE LIMITED**

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

**AD6. BONDI - ROSE BAY SAND BODY**

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

**AD7. 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. FOOD PREMISES**

The fitout of the any food premise must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation.

[https://www.waverley.nsw.gov.au/building/compliance\\_and\\_regulations/environmental\\_health\\_regulations/food\\_safety](https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety)

#### **AD9. 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.

#### **AD10. 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. .

#### **AD11. PUBLIC UTILITIES AND SERVICE ALTERATIONS**

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

Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission.

#### **AD12. SYDNEY WATER ADVISORY**

##### Water Servicing

- Potable water servicing should be available via a 100mm C/CL watermain (laid in year) on Hall Street.
- Amplifications, adjustments, and/or minor extensions may be required.

##### Wastewater Servicing

- Wastewater servicing should be available via a 225mm VC wastewater main (laid in 1978) at the rear of the property.
- Adjustments to the 225mm wastewater main may be required. Further details will be provided if or when the application is referred to Sydney Water for a Section 73.

#### **AD13. 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.

#### **AD14. SYDNEY WATER - BUILDING PLAN APPROVAL**

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneypwater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

#### **AD15. 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.

#### **AD16. 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.

#### **AD17. 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.