



**Land and Environment
Court**
of New South Wales

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Level 4 GPO Box 3565 SYDNEY NSW 2001
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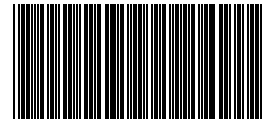
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Your Ref:



D0002A2SSB

12 December 2025

NOTICE OF ORDERS MADE

Case number 2024/00286546
Case title Coogee Bay Holdings Pty Ltd v Waverley Council

On 12 December 2025 the following orders (and/or directions) were made:

The orders of the Court are:

- (1) The appeal is upheld.
- (2) In accordance with s 8.15(3) of the Environmental Planning and Assessment Act 1979 (NSW), the Applicant is to pay the Respondent's costs thrown away as a result of the amendments made to the application for development consent on 5 August 2025 and 5 November 2025, in the sum of \$75,000 to be paid within 60 days of these orders.
- (3) Development Application No. 245/2024 for the demolition of existing structures, construction of a part-five, part-six storey mixed use development comprising 42 residential units including neighbourhood shop and kiosk, three levels of basement parking, associated landscaping works and tree removal at 439-441 Old South Head Road, 443-445 Old South Head Road, 1 The Avenue and 3-5 The Avenue, Rose Bay (legally described as Lot 1 in DP 857668 and Lot 100 in DP 1328785), is determined by the grant of consent, subject to the conditions of consent at Annexure A.

For the Registrar

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-245/2024

Development: Demolition of existing structures and construction of a part-five, part-six storey mixed use development comprising x42 residential units including neighbourhood shop and kiosk , three levels of basement parking, associated landscaping works and tree removal.

Site: 439 - 441 Old South Head Road, 443 - 445 Old South Head Road, 1 The Avenue and 3 - 5 The Avenue, Rose Bay – legally identified as Lot 1 in DP 857668 and Lot 100 in DP 1318785.

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 12 December 2025

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 439 - 441 Old South Head Road, 443 - 445 Old South Head Road, 1 The Avenue and 3 - 5 The Avenue, Rose Bay – legally identified as Lot 1 in DP 857668 and Lot 100 in DP 1318785.

The conditions of consent are as follows:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

		Condition			
1.	APPROVED PLANS AND DOCUMENTATION				
	The development must be in accordance with the approved documents outlined below :				
	Dwg No.	Rev	Drawing Title	Author	
	Architectural Plans				
	DA 1006	13	Existing/Demolition Site Plan	Orosi	03.11.2025
	DA 1100	15	Basement 02	Orosi	05.11.2025
	DA 1101	15	Basement 01	Orosi	05.11.2025
	DA 1102	15	Lower Ground Level	Orosi	05.11.2025
	DA 1103	15	Ground Level	Orosi	05.11.2025
	DA 1104	15	Level 01	Orosi	05.11.2025
	DA 1105	15	Level 02	Orosi	05.11.2025
	DA 1106	15	Level 03	Orosi	05.11.2025
	DA 1107	15	Level 04	Orosi	05.11.2025
	DA 1108	15	Roof Plan	Orosi	05.11.2025
	DA 2001	15	Elevation – North & South	Orosi	05.11.2025
	DA 2002	15	Elevation – East & West	Orosi	05.11.2025
	DA 3002	15	Cross Section B	Orosi	05.11.2025
	DA 3003	15	Cross Section C	Orosi	05.11.2025
	DA 3004	15	Cross Section D	Orosi	05.11.2025
	DA 3005	15	Longitudinal Section F	Orosi	05.11.2025
	DA 3006	15	Cross Section G	Orosi	05.11.2025
	DA 3007	15	Cross Section E	Orosi	05.11.2025
	DA 3008	15	Longitudinal Section H	Orosi	05.11.2025
	DA 4021	15	Finishes Schedule	Orosi	05.11.2025
	DA 7001	15	GFA Calculation	Orosi	05.11.2025
	DA 7002	16	Landscape Calculations	Orosi	07.11.2025
	DA 7051	15	Adaptable Unit Layout 1	Orosi	05.11.2025
	DA 7052	15	Adaptable Unit Layout 2	Orosi	05.11.2025
	DA 7053	15	Adaptable Unit Layout 3	Orosi	05.11.2025
	Landscape Plans				
	DA_000	08	Cover Page & Contents	Wyer & Co	27.10.2025
	DA_001	08	Landscape Installation and Maintenance Specification	Wyer & Co	27.10.2025
	DA_002	08	Landscape Controls and Schedules	Wyer & Co	27.10.2025
DA_100	08	Landscape Masterplan	Wyer & Co	27.10.2025	
DA_102	08	Ground Flood Plan	Wyer & Co	27.10.2025	
DA_104	08	Level 02 Plan	Wyer & Co	27.10.2025	
DA_107	08	Roof Plan	Wyer & Co	27.10.2025	
DA_200	08	Typical Details	Wyer & Co	27.10.2025	
DA_400	08	Elevation - South	Wyer & Co	27.10.2025	

Supporting Documentation		
Document Title	Author	Dated
Geotechnical Investigation	Green Geotechnics	28.11.2023
Preliminary Site Investigation	K2 Consulting Group	25.10.2023
Demolition and Construction Waste Management Plan	Low Impact Development Consulting	23.04.2024
Survey Plan	Survey Plus Land Development Consultants	09.10.2023
Amended Statement of Environmental Effects	GSA Planning	25.07.2025
Urban Design Report prepared	Dickson Rothschild	25.07.2025
Traffic Impact Assessment	Hutcheson & Partners Traffic Engineering	25.07.2025
Traffic Noise Assessment	Rodney Stevens Acoustics	22.07.2025
EMF Assessment	Balanced Building Biology	21.07.2025
Heritage Impact Statement	Urbis	21.07.2025
Historical Archaeological Impact Assessment (HAIA)	Urbis	21.07.2025
Aboriginal Cultural Heritage Assessment Report (ACHAR)	Everick Heritage	14.05.2025
Archaeological Research Design (ARD)	Everick Heritage	24.03.2025
Arboricultural Impact Assessment Report prepared by Botanics Pty Ltd dated July 2025	Botanics Pty Ltd	07.2025
Preliminary Geotechnical Investigation	Green Geotechnics	09.07.2025
Detailed Site Investigation	EI Australia	23.07.2025
Remediation Action Plan	EI Australia	23.07.2025
Soil Salinity Assessment	EI Australia	23.07.2025
Acid Sulfate Assessment	EI Australia	23.07.2025
Detailed Cost Report	Archi-QS	21.07.2025
Flood Impact Assessment Report	Smart Structures Australia	29.10.2025
Community Housing Provider Submission	Bridge Housing	30.09.2025
Amended Operational Waste and Resource Management Plan	Wastetech	03.11.2025
BASIX Certificate No. No. 1818191M_04	AENEC	06.11.2025
NatHERS Certificate	AENEC	06.11.2025
Except where amended by the following conditions of consent.		
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.		
2.	MULTI UNIT HOUSING DEVELOPMENT DESIGN	
The approved design or materials, finish or colours of the building must not be changed without the written approval of Council.		
Condition reason: To ensure the approved design remains unchanged.		

3A.	<p>GENERAL MODIFICATION</p> <p>Amended architectural plans are to be submitted to and approved by the Council's Executive Manager, Development Assessment (or delegate) that show:</p> <ul style="list-style-type: none"> (A) On Drawing DA 1105, Level 2: to the East of the POS of Units 204 and 205 a notation stating 'Breezeway Tiles', (B) On Drawing DA 1106, Level 3: to the East of the POS of Units 304 and 305 a notation stating 'Breezeway Tiles', (C) On Drawing DA 2002, the East Elevation is to show Breezeway Tiles for Level 1, (D) A new sheet showing façade detail studies and façade sections, (E) On Drawing DA 1103, the Ground Floor Plan is to be amended to reflect Longitudinal Section F Drawing 3005, to show that no step is within the paved area outside the neighbourhood shop and resident recreation area, and that area is level. <p>Condition reason: For consistency in the drawings.</p>
3.	<p>BASIX</p> <p>All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the DA plans and documentation. The plans must be marked with the following:</p> <ul style="list-style-type: none"> • BASIX specification block including hot water system, HVAC, lighting, pool/spa commitments • Solar Panel location and area approximately drawn to scale on architectural plans. Currently it is only on the Landscape Plans. The surface area of a 1kWh photovoltaic system is approximately 8m². • Rainwater tank(s) shown on plans, tank(s) size stated and tank(s) drawn to scale. If underground tank proposed, then this is clearly stated. <p>Floor/wall/ceiling/roof insulation commitments and roof colour in BASIX certificate are marked on plans.</p> <p>Condition reason: To ensure compliance with the Sustainable Building SEPP 2022</p>
4.	<p>ACOUSTIC REPORT RECOMMENDATIONS</p> <p>The "recommendations" in Traffic Noise Assessment [Ref:R230744R1Revision3] prepared by Rodney Stevens Acoustics dated 22 July 2025 shall be implemented in full.</p> <p>Condition reason: To protect the amenity of the local area.</p>
5.	<p>REMEDIAL ACTION PLAN RECOMMENDATIONS</p> <p>The "recommendations" in the Remediation Action Plan Remediation Action Plan [Ref:E26298.E06_Rev2] prepared by EIAustralia dated 23 July 2025 shall be implemented in full.</p> <p>Conditions reason: To ensure the site is suitable for the intended use.</p>
6.	ENCROACHMENTS INTO COUNCIL'S ROAD RESERVE

	<p>Any proposed encroachments into council's road reserve are not supported and must be removed. Waverley Council opposes unauthorised encroachments, and they must be removed to ensure that no part of the building or its structure extends into public land beyond the private property boundaries of the development site. All structures must be retained within the private property boundaries.</p>
	<p>Condition reason: Under the Roads Act 1993, any encroachments from private property into public land and domain area are not allowed and must be removed. This is due to safety and liability related issues.</p>
<p>7.</p>	<p>ARBORIST SITE SUPERVISION AND REPORTING</p> <p>(a) A qualified Arborist (minimum AQF Level 5) must oversee various stages of work within the Tree Protection Zone(s) (TPZs) of any tree listed for retention.</p> <p>(b) The Arborist must undertake inspections through the development works aligning with critical stages of works.</p> <p>(c) The Arborist must certify compliance with each key milestone detailed below:</p> <ul style="list-style-type: none"> (i) Installation of tree protection measures (i.e. tree protection fencing, trunk and branch protection, ground protection, tree protection signage) prior to the commencement of the development works; (ii) Demolition of ground surface materials (pavers, concrete, grass etc.) or inground structures within the TPZs of any tree to be retained; (iii) Excavation and trenching within the TPZs; (iv) Construction of the slab, footings and patio within the tree's TPZs; (v) Landscape works within the TPZs; (vi) Other times as specified in the Arboricultural Impact Assessment Report, Tree Protection Plan or these conditions. <p>(d) A Tree Protection Compliance Report is required, which includes photographic evidence and provides details on the health and structure of tree(s), for each scheduled inspection and key milestone listed above.</p> <p>(e) The report is to be submitted to the Principal Certifier within one week of each inspection.</p> <p>(f) The Tree Protection Compliance Report must include:</p> <ul style="list-style-type: none"> (i) Confirmation that the tree protection measures have been installed in accordance with these conditions; (ii) Details of any additional tree protection recommendations and subsequent implementation to ensure the tree(s) remain in a healthy condition; (iii) Details of works undertaken on any tree to be retained or any works within the TPZs.

	<p>(g) A final Tree Protection Compliance Certificate demonstrating that all Tree Protection Compliance Reports at each scheduled inspection and key milestone listed above must be submitted and approved by the Principal Certifier prior to the issue of any Occupation Certificate.</p>
	<p>Condition reason: To ensure the protection and ongoing health of trees on the site.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
8.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
9.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 20px;">(i) a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p> <p style="padding-left: 20px;">(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p style="padding-left: 20px;">(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).</p>

	<ul style="list-style-type: none"> - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council’s Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> (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 <u>full</u> cost of the development; or (iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development. <p>Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>								
<p>10.</p>	<p>HOUSING AND PRODUCTIVITY CONTRIBUTIONS</p> <p>Before the issue of the Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1" data-bbox="443 1464 1294 1675"> <thead> <tr> <th>Housing and productivity contribution</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td> <td>\$457,225.28</td> </tr> <tr> <td>Transport project component</td> <td>Nil</td> </tr> <tr> <td>Total housing and productivity contribution</td> <td>\$457,225.28</td> </tr> </tbody> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$457,225.28	Transport project component	Nil	Total housing and productivity contribution	\$457,225.28
Housing and productivity contribution	Amount								
Housing and productivity contribution (base component)	\$457,225.28								
Transport project component	Nil								
Total housing and productivity contribution	\$457,225.28								

	<p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p>
	<p>Condition reason: To require contributions towards the provision of regional infrastructure.</p>
11.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$747,955.56 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p>
	<p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
12.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.</p> <p><u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
13.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p> <p>An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.</p>
	<p>Condition reason: To ensure Council assessment fees are paid.</p>

14.	<p>PUBLIC DOMAIN IMPROVEMENTS</p> <p>The public domain is to be upgraded along The Avenue, Old South Head Road and William Street frontages of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <ul style="list-style-type: none"> a) Road pavement b) Pedestrian footpath c) Kerb and gutter d) Vehicular crossing e) Stormwater infrastructure f) Landscape and street tree plantings g) Street lighting, electrical undergrounding and any associated TCS design h) Street furniture <p>Condition reason: The inclusion of the above condition is well-supported by the objectives of Zone R3 Medium Density Residential in the <i>Waverley Local Environmental Plan 2012</i> and in accordance with the DCP and PDTM.</p>
15.	<p>PUBLIC INFRASTRUCTURE WORKS</p> <p>Public infrastructure works must be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.</p> <p>Full design engineering drawings must be prepared by a suitably qualified and experienced engineering professional and must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <p>The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:</p> <ul style="list-style-type: none"> a) The detailed design drawings should: <ul style="list-style-type: none"> i. Include cross-sections at approved intervals demonstrating a consistent 2.5% grade in the pedestrian pathway falling towards the road at all points across all frontages of the site. ii. Include long sections of the footpath, kerb and gutter, site boundary and road centreline showing the existing and proposed RL's, extending 10m either side of the development. iii. Levels along the property boundary with the public domain must either match existing OR maintain a longitudinal grade

	<p>consistent with the neighbouring properties, at the discretion of Council,</p> <ul style="list-style-type: none"> iv. Display the existing and proposed reduced levels (RL's) at each access point into the building. v. Show how it is proposed to identify the interface between the footpath area and paving within the site at the front and side property boundaries. vi. Show details of any transitions required beyond the boundaries of the site. vii. Include details and proposed locations of any street furniture and street trees. viii. Full details of awnings to comply with <i>Section 15.4</i> of the <i>DCP</i>. Cut outs for street trees and light poles in the awnings are not acceptable. ix. Include details and specifications of paving such as the materials used, the paving pattern, and jointing plans. x. Show paving pattern and jointing plans being coordinated with the blinding slab. xi. Show all services and pit locations in the footpath area being orientated to align with the direction of travel with infill covers. <p>b) <u>Road Pavement</u>: The full renewal and reconstruction of asphalt pavement for half road width in William Street and The Avenue frontages of the development site. Details of the road pavement treatments and sub-grade details are to be advised by Council.</p> <p>c) <u>Footpath</u>: The existing footpath traversing William Street, The Avenue and Old South Head Road frontages is 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 proposed footpath profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.</p> <p>d) <u>Kerb and Gutter</u>: The existing kerb and gutter traversing William Street, The Avenue and Old South Head Road frontages is 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 proposed kerb and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.</p>
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	<p>e) <u>Street Trees</u>: A minimum of Five (5) replacement trees to be planted on the naturestrip in The Avenue, and Five (5) replacement trees to be planted on the naturestrip in William Street frontages. Appropriate tree pits, surrounds, root cell barriers and tree species as advised by Council must be installed in accordance with the Waverley Council Public Domain Technical Manual. Waverley Council should be contacted at the time of installing the root cell barriers prior to planting.</p> <p>f) <u>Turf</u>: Replenish and returf the existing Council verge on all frontages of the development.</p> <p>g) <u>Undergrounding</u>: All existing overhead power/utility lines along the Avenue and Old South Head Road frontages must be placed underground. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.</p> <p>h) <u>Streetlights</u>: New streetlighting serviced by metered underground power and on Multi-Function Poles (MFPs), with an electric vehicle charger, must be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces for The Avenue, Old South Head Road and William Street frontages.</p> <p>Design plans must be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to lodgement of the scheme with Ausgrid for their approval.</p> <p>i) <u>Electrical</u>: All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.</p> <p>j) <u>Transport for NSW (TfNSW) Plan Approval</u>: The design and construction of the kerb, and gutter within Old South Head Road must be approved by TfNSW and to the satisfaction of Waverley Council. Details of the necessary TfNSW requirements should be obtained. Approved correspondence must be submitted to Council prior to the issue of a Construction Certificate and commencement of any Public Domain works within Old South Head Road. Council will provide final approval once TfNSW approval is granted.</p> <p>k) <u>Utility Columns</u>: Any existing or proposed utility pillars, columns and/or poles on the site frontages must be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.</p> <p>l) <u>Intersections Upgrade</u>: An application to upgrade the William Street and The Avenue intersections with Old South Head Road is to be submitted to the Council and TfNSW for approval (limited to that of an</p>
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	<p>unsignalized traffic crossing). If approved, all works shall be carried out at the Applicant's expense with no cost to the Council. For the avoidance of doubt, if the application is not approved, then the works are not required.</p> <p>Reason: In order to improve pedestrian safety for users of the Old South Head footpath, the William Street and The Avenue intersections.</p> <p>m) <u>Additional Work</u>: The full public domain traversing all three street frontages must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure at no cost to Council.</p> <p>Notes:</p> <ol style="list-style-type: none"> i. Include the provision of infill lids where appropriate. Note that if any service lids are in poor condition that they must be replaced (in mixed use and residential areas. In Commercial areas they must be replaced with infill covers (with the relevant pavers). ii. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks. iii. 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. iv. Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions, however, Council's title block shall not be replicated. v. Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. <p>Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).</p> <hr/> <p>Condition reason: The inclusion of the above conditions is well-supported by the objectives of Zone R3 Medium Density Residential in the <i>Waverley Local Environmental Plan 2012</i>. Specifically:</p> <p>Maximising public transport patronage and encouraging walking and cycling.</p> <ol style="list-style-type: none"> o <u>Pedestrian footpath</u>: The Statement of Environmental Effects anticipates increased foot traffic from the surrounding area.
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	<p>Improving pedestrian pathways enhances walkability, making it easier and safer for residents to access public transport stops.</p> <ul style="list-style-type: none"> ○ <u>Landscape and street tree plantings</u>: Shaded and aesthetically pleasing streetscapes make walking and cycling more enjoyable and comfortable. <p>Providing development that is compatible with the desired future character and amenity of the surrounding neighbourhood.</p> <ul style="list-style-type: none"> ○ <u>Road pavement and kerb and gutter</u>: Upgrading the pavement, kerb, and gutter, ensures that the new development will appear as a natural extension of the neighbourhood rather than a disconnected or out-of-place addition. ○ <u>Electrical undergrounding</u>: Removing overhead powerlines significantly improves the visual appeal of the streetscape. This contributes to a cleaner and more aesthetically pleasing environment that aligns with the desired future character of Waverley’s streetscape as outlined in Control (n) under 15.1 Improving the Public Domain, B15 Public Domain, of Waverley Council’s Development Control Plan. Undergrounding electrical infrastructure further enhances safety and reliability by reducing the risk of power outages caused by weather events or accidents. This contributes to the overall amenity and liveability of the area. ○ <u>Streetlights</u>: Waverley Creative Lighting Strategy 2018-2028 proposes the use of Multi-Function Poles (MFPs) primarily to reduce visual clutter in streetscapes by integrating multiple services into a single pole. MFPs are designed to provide a consistent lighting aesthetic, enhance functional movement, and support night-time wayfinding and safety. <p>Promoting development that incorporates planning and design measures to reduce the urban heat island effect.</p> <ul style="list-style-type: none"> ○ <u>Landscape and street tree plantings</u>: This condition explicitly aims to increase the urban tree canopy, providing environmental benefits such as air quality improvement and enhanced biodiversity. <p>Improving the urban tree canopy by ensuring high levels of deep soil planting and additional landscaping.</p> <ul style="list-style-type: none"> ○ <u>Deep soil planting</u>: Ensures that trees and vegetation have sufficient root space to thrive, contributing to long-term environmental benefits.
<p>16.</p>	<p>VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION</p> <p>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 <i>Architects Act 2003</i> (i.e. a qualified designer) in accordance with the requirements of the <i>State Environmental Planning Policy (Housing) 2021</i>.</p>

	<p>In accordance with the Environmental Planning and Assessment Regulation 2021, 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 <i>State Environmental Planning Policy (Housing) 2021</i>.</p>
	<p>Condition reason: To maintain the architectural integrity of the approved development.</p>
17.	BASEMENT STORAGE
	<p>The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2022.</p>
	<p>Condition reason: To ensure adequate basement storage is provided.</p>
18.	ADAPTABLE HOUSING
	<p>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.</p>
	<p>Condition reason: To ensure adaptable housing is provided.</p>
19.	UNIVERSAL HOUSING
	<p>Apartments in the development are to be provided with universal design features (as outlined in the <i>Liveable Housing Design Guidelines</i>) to meet the changing need of occupant's over their lifetimes in accordance with Part B6 of the <i>Waverley Development Control Plan 2022</i>.</p>
	<p>Condition reason: To ensure universal design features are provided.</p>
20.	HOARDING
	<p>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.</p>
	<p>Condition reason: To ensure safety to the general public.</p>
21.	EROSION & SEDIMENT CONTROL

	<p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
22.	<p>DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.</p>
23.	<p>GROUND ANCHORS</p> <p>Where any ground anchors (i.e., rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8655.</p> <p>Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).</p> <p>Condition reason: Under the Roads Act 1993, any proposed part of the structure extending beyond the private property must be reviewed and approved by the Roads Authority being Infrastructure Services Team, Waverley Council.</p>
24.	<p>GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT</p> <p>The following geotechnical and hydrogeological risk management measures must be followed:</p> <p>a) Prior to issuance of a Construction Certificate, a Construction Methodology Report (CMR) must be prepared and submitted for the</p>

	<p>review and approval of the Private Certifying Authority (PCA). A copy of the approval must be submitted to Waverley Council for the purpose of the record keeping.</p> <ol style="list-style-type: none">i. The CMR must be prepared or reviewed by a senior Geotechnical Engineer/Engineering Geologist and Structural Engineer (CP Eng or equivalent and with at least 10 years relevant experience).ii. The CMR must include a review of, but not limited to, the full detailed design including the temporary and permanent excavation, shoring support systems, dewatering (if applicable), footing design, earthworks, drainage, pavements and any other relevant items.iii. The CMR must include a review of the geotechnical report and advise on the need of any further assessment work such as additional geotechnical investigation, groundwater monitoring, further assessment of the stability of the slope or cliff line. The CMR must be followed in its entirety unless otherwise agreed by the authors of the CMR (or their organisation).iv. The CMR must include the methodology to be adopted in undertaking excavation, measures to reduce vibrations, shoring works and measures to maintain the stability of the neighbouring structures and the slope or cliff line.v. The CMR must include an appropriate monitoring plan to confirm that ground surface movement on the site boundaries (and beyond) and deflections of shoring systems fall within acceptable limits and identify hold points and contingency plans for any exceedances.vi. The CMR must include proposed excavation techniques to be undertaken to reduce vibrations and prepare a Vibration Monitoring Plan which identifies hold points and contingency plans for any exceedances. The vibration monitoring must ensure that the peak vibration velocity (V_i, max) or Maximum Peak Particle Velocity falls within 'safe' limits as defined in the German Standard DIN 4150-3, dated 2016: <i>Structural vibration – Part 3: Effects of vibration on structures</i>.vii. The CMR must include a statement confirming that the proposed development is suitable for the site and will maintain the stability of the site, any slopes or cliff lines and the neighbouring buildings and structures.viii. The CMR must be submitted to the Principle Certifying Authority and Council for review and approval. The approved CMR is to be submitted to Council's Infrastructure Services Department for records. <p>a) Where groundwater is encountered and dewatering is expected to be required, prior to issuing the construction certificate a hydrogeological investigation must be carried out that includes a minimum of three wells to be installed for future groundwater monitoring purposes in</p>
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	<p>accordance with the NSW Department of Planning, Industry and Environments (DPIE) document: 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022 (or the current revised version).</p> <p>b) The groundwater investigation, monitoring, inflow (seepage) analysis and reporting must be in accordance with the NSW Department of Planning, Industry and Environments document, Titled 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022, or the most recent version. Groundwater level monitoring must be carried out for a minimum of three months as required by DPIE/WaterNSW requirements.</p> <p>c) In accordance with DPIE/WaterNSW requirements, where the seepage analysis demonstrates a seepage volume of less than 3ML/year then only a Water Supply Works approval must be obtained, unless otherwise directed by DPIE/WaterNSW. Where the seepage analysis demonstrates a seepage volume in excess of 3ML/year then a Water Access Licence (WAL) will also need to be obtained from WaterNSW. This is likely to require the purchase of 'water shares' in accordance with DPIE/WaterNSW requirements.</p> <p>d) Prior to the issue of any Construction Certificate, if required based on items c and d, an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW is not required.</p> <p>e) During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works. A daily log is to be kept on site and submitted to the Principle Certifying Authority (PCA).</p> <p>f) Inspections of any unsupported vertical excavations into bedrock are required by a qualified geotechnical engineer/engineering geologist (tertiary qualified with at least 5 years relevant experience) and must be completed in accordance with the Monitoring Program detailed in the CMR.</p> <p>Inspections must be completed or reviewed by a qualified geotechnical engineer/engineering geologist (as defined in 'g' above) during shoring works to confirm socket requirements below the bulk excavation level have been achieved for the shoring and during the excavation/drilling of high level footings/pile footings to confirm that the foundation materials are in accordance with the requirements of the structural drawings and/or geotechnical report, as applicable.</p> <p>Condition reason: This condition imposed is to ensure that the development complies with all the geotechnical requirements and risk management measures specified by the applicant's engineers/experts.</p>
<p>25.</p>	<p>ENGINEERING DETAILS</p>

	<p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
26.	<p>TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS</p> <p>Evidence is to be provided to the Principal Certifier that arrangements have been made for;</p> <p>(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</p> <p>(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.</p> <p>Condition reason: To ensure appropriate telecommunication services are provided.</p>
27.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.</p> <p>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.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
28.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_detemination/development_applications_-_conditions_of_consent</p>

	Condition reason: To minimise disruption to local traffic.
27A.	<p>PEDESTRIAN FACILITIES – THE AVENUE & WILLIAM STREET</p> <p>An application to upgrade the William Street and The Avenue intersections with Old South Head Road is to be submitted to the Council and TfNSW for approval (limited to that of an unsignalized traffic crossing). If approved, all works shall be carried out at the Applicant's expense with no cost to the Council. For the avoidance of doubt, if the application is not approved, then the works are not required.</p> <p><u>Reason: In order to improve pedestrian safety for users of the Old South Head footpath, the William Street and The Avenue intersections.</u></p>
	Condition reason: To improve pedestrian safety.
29.	<p>SWEPT WHEEL PATH DRAWINGS</p> <p>In order to minimise the loss of on street parking, the proposed layback/gutter crossing shall be reduced in width. In this regard, prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting the basement from William Street shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services.</p> <p>The swept wheel path drawings shall:</p> <ol style="list-style-type: none"> 1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking. 2. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on William Street both opposite and to the immediate east and west of the proposed driveway. 3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed basement car park. 4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.
	Condition reason: To minimise the loss of on street parking and the overall driveway width on Council land.
30.	<p>NOISE – ACOUSTIC REPORT</p> <p>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).</p> <p>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.</p>

	<p>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</p>
	<p>Condition reason: To control acoustic impacts to surrounding land uses.</p>
31.	<p>NOISE MANAGEMENT PLAN – DEMOLITION, EXCAVATION AND CONSTRUCTION</p> <p>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.</p> <p>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</p>
	<p>Condition reason: To protect the amenity of the local area.</p>
32.	<p>SITE AUDIT STATEMENT</p> <p>A Site Audit Statement (SAS) prepared by a NSW Environment Protection Authority (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use prior to the issue of a construction certificate for any works associated with the approved building.</p> <p>Conditions on the SAS must form part of the conditions of consent of the Notice of Determination.</p> <p>Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.</p>
	<p>Condition reason: To ensure the site is suitable for the intended use.</p>
33.	<p>STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT</p> <p>To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on 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.</p> <p>The submitted stormwater management plan prepared by Smart Structures Australia, Project No. 210446, Sheet No. D00 Rev. E, D01 Rev. F dated 28/07/2025, D02 Rev. G dated 28/07/2025, D03 Rev. I dated 18/09/2025, D04 Rev. D dated 18/09/2025, D13 Rev. A dated 18/07/2025, D14 Rev. A dated 16/07/2025, D15 Rev.</p>

	<p>E dated 28/07/2025, D16 Rev. A dated 28/07/2025, D20 Rev. F dated 18/09/2025, D21 Rev. A dated 18/09/2025, D25 Rev. A dated 18/09/2025, D30 Rev. A dated 18/12/2023, D31 Rev. A dated 18/12/2023 are conditionally considered satisfactory.</p> <p>The applicant must submit amended plans and specifications to comply with the current <i>Waverley Council Water Management Technical Manual (WMTM)</i> and <i>Development Control Plan (DCP)</i> at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</p> <p>a) The rainwater tank must not be directly connected to the onsite detention (OSD) compartment with a weir separation. Overflow pipes with non-return flap valves must be provided and the pipes must be adequately sized for a 1% AEP storm event.</p> <p>b) The new proposed kerb inlet pit on William Street must be outside of the Structural Root Zone (SRZ) of the tree nearby. The SRZ shall be clearly indicated on the stormwater plan.</p> <p>Notes</p> <ol style="list-style-type: none"> i. The stormwater management plans must be updated to be consistent with the architectural/landscape drawings. ii. Any Council infrastructure affected as a 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 must be replaced if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. iii. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions. iv. 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. v. 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 must not be replicated. vi. Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. vii. Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to
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	<p>review and approve the stormwater management plan may take at least 15 working days from the date of submission.</p> <p>Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.</p>										
	<p>Condition Reason: To ensure that the stormwater system is designed and constructed in accordance with <i>Waverley Council Water Management Technical Manual 2021</i> and <i>Waverley Development Control Plan 2022</i>, and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and broader community.</p>										
<p>34.</p>	<p>WATER QUALITY</p> <p>The development will at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per <i>WMTM 2021</i>.</p> <table border="1" data-bbox="408 801 1375 999"> <thead> <tr> <th>Pollutant</th> <th>% post development pollutant reduction targets</th> </tr> </thead> <tbody> <tr> <td>Gross Pollutants</td> <td>90</td> </tr> <tr> <td>Total Suspended Solids</td> <td>80</td> </tr> <tr> <td>Total Phosphorous</td> <td>55</td> </tr> <tr> <td>Total Nitrogen</td> <td>40</td> </tr> </tbody> </table> <p>The applicant will submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID), including cross-sections and the hydraulics. These are to be shown on the submitted stormwater management plans and prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design and hydraulics. MUSIC model must be provided to Council for assessment.</p> <p>Condition reason: To protect the downstream environment from any contaminants.</p>	Pollutant	% post development pollutant reduction targets	Gross Pollutants	90	Total Suspended Solids	80	Total Phosphorous	55	Total Nitrogen	40
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<p>35.</p>	<p>TEMPORARY DEWATERING OF UNDERGROUND STRUCTURES</p> <p>If any temporary dewatering is required during the construction of underground structures an application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for temporary dewatering. A copy of the aforementioned approval must be submitted to Council. Note that permanent dewatering is not allowed. If temporary dewatering is required and approved, a separate Waverley Council temporary dewatering application must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) and associated fees paid prior to release of any construction certificate by the PCA.</p> <p>Condition reason: Ensure proper groundwater approvals are obtained and no permanent dewatering occurs as part of the proposed development.</p>										
<p>36.</p>	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>The Applicant must pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessments, in accordance with the Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p>										

	<p>An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.</p> <p>Condition reason: To allow for Council assessment officer time to assess engineering plans for approval and ensure payments are made prior to commencement of works.</p>
37.	<p>PRE-CONSTRUCTION STORMWATER PIPE & PIT CCTV DILAPIDATION REPORT</p> <p>Prior to doing any works, an internal CCTV inspection of Council's adjacent stormwater drainage lines is required to determine their structural and serviceability condition. The CCTV report (track mounted CCTV camera footage) must be prepared by an accredited operator assessing the condition of the existing drainage line from pit No. 04004 to pit No. 00904. The Assets team shall be contacted for pit numbers prior to completion.</p> <p>A dilapidation report including photographic evidence of internal conditions of pit No. 04004 must be prepared and submitted by an engineer to confirm the existing structural and serviceability condition.</p> <p>The report must be dated and submitted to, and accepted by Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.</p> <p>Condition reason: Confirm the condition of the stormwater pipes and pits servicing the site prior to works occurring which may damage them.</p>
38.	<p>PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS</p> <p>The underground basement must be protected from possible inundation by surface waters from the road reserve through the design of the driveway.</p> <p>Evidence from a suitably qualified and practising Engineer who specializes in hydraulic engineering that this design requirement has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.</p> <p>Condition reason: Ensure surface water does not inundate basement areas, causing damage to owners/occupiers' assets.</p>
39.	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
40.	<p>ENERGY EFFICIENCY</p> <p>An Energy Assessment Report is to be submitted in accordance with the <i>Waverley Development Control Plan 2022</i>, 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</p>

	<p>Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate for any works above ground level.</p> <p>The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.</p> <p>Condition reason: To ensure sustainable development.</p>
41.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
42.	<p>WASTE STORAGE AREAS</p> <p>The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and commercial components of the development – outlined in the approved waste management plan at Condition 1.</p> <ul style="list-style-type: none"> • Residential <ul style="list-style-type: none"> ○ 8x 660L MGBs collected at least once per week for general waste ○ 4x 660L MGBs collected fortnightly for container recycling ○ 4x 660L MGB collected fortnightly for paper/cardboard ○ 6x 240L MGBs collected at least 2x per week for food waste ○ A room with a minimum floor space of 9m² must be provided for the storage of discarded bulky items and problem waste, awaiting collection. Additional space is required for recycling problem waste such as textiles or electronic waste. • Commercial <u>Neighbourhood Shop / Kiosk</u> <ul style="list-style-type: none"> ○ 3x 240L MGBs collected at least 3x per week for general waste ○ 1x 240L MGB collected at least 3x per week for container recycling ○ 1x 240L MGB collected at least 3x per week for paper/cardboard ○ 2x 240L MGBs collected at least 3x per week for food waste <p>A caged area with a minimum floor space of 4m² must be allocated within the building for the storage of reusable items from the recreational area and bakery operation, such as crates and pallets, and bulky waste such as cardboard or soft plastics.</p>

	<p>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 2022 to the satisfaction of the Principal Certifying Authority.</p>
	<p>Condition reason: To ensure the appropriate space for storage of waste on site.</p>
<p>43.</p>	<p>GREEN ROOF LANDSCAPING DETAILS</p> <p>The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the <i>Waverley Development Control Plan 2022</i> including;</p> <ul style="list-style-type: none"> (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 B3 – 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. <p>A qualified landscape architect must review the design and verify that it complies with the above requirements.</p> <p>Condition reason: To ensure the longevity of the green roof.</p>
<p>44.</p>	<p>LANDSCAPE WORKS IN A HABITAT CORRIDOR</p> <p>An amended landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with</p> <ul style="list-style-type: none"> i. A plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) of indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022. ii. A planting schedule that lists all plant species proposed, the number of plants of each species proposed, not including street trees. Trees approved for removal are to be replaced with indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022. iii. An amended Tree Schedule to identify trees to be removed, trees to be retained and street tree replacements iv. Suitably spaced trees to ensure healthy long-term growth and canopy development. Any hedging of <i>trees</i> will result in their classification as shrubs for the purposes of applying habitat corridor landscape controls.

	<p>Condition reason: To protect the habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.</p>
44A	<p>FENCE DETAILS</p> <p>Amended Architectural plans are to be submitted to and approved by the council's executive manager, development assessment (or delegate) that show all fence details across the site. Fence heights must not exceed 1.2m in height, and must comply with the controls in chapter c2, section 2.7 of the waverley development control plan 2022.</p> <p>Condition reason: to ensure acceptable fencing design</p>
45.	<p>DILAPIDATION REPORT</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <p>(a) 7 The Avenue, Rose Bay (Ausgrid substation)</p> <p>Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>No less than 14days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p>Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
46.	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p>

	<p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. (e) Ceiling or wall mounted fans should be installed in main living areas and bedrooms. <p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p> <p>Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.</p>
47.	<p>STREET TREE BOND PAYMENT</p> <p>A bond of \$27,000 is to be paid to Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of and maintenance of the following trees:</p> <ul style="list-style-type: none"> i. T6 – <i>Ficus microcarpa</i> var. ‘Hillii’ (Hills Weeping Fig) on grass verge, opposite 2A The Avenue - \$10,000 bond. ii. One (1) 100L <i>Tristaniopsis laurina</i> (Watergum) to replace T7 - <i>Acer negundo</i> (Box Elder) opposite 435 Old South Head Road on the William Street grass verge - \$2000 bond iii. T8: One (1) <i>Tristaniopsis laurina</i> (Watergum) on the William Street grass verge opposite 3-7 William Street. - \$2000 bond iv. Three (3) 200L <i>Cupaniopsis anacardioides</i> (Tuckeroo) to replace T2 and T9 - two (2) <i>Euphorbia tirucalli</i> (Firestick) on the grass verge of The Avenue, adjacent to 447 Old South Head Road. - \$2000 bond per new tree v. One (1) 200L <i>Cupaniopsis anacardioides</i> (Tuckeroo) to replace T10 - one (1) <i>Cupaniopsis anacardioides</i> (Tuckeroo) on the grass verge of The Avenue, adjacent to 2 The Avenue. - \$2000 bond vi. T11: One (1) <i>Cupaniopsis anacardioides</i> (Tuckeroo) on the grass verge of The Avenue, adjacent to the western boundary of 4-6 The Avenue. - \$5000 bond

	<p>The sum will be forfeited to the Council at its discretion for a breach of these requirements;</p> <ul style="list-style-type: none"> • Street trees to be inspected twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council • The \$27,000 bond will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council. • If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited • Council will require the applicant to remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree. • Proof of purchase of the replacement street (if required) must be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
	<p>Condition reason: To ensure trees are maintained and protected</p>
<p>48.</p>	<p>AMENDED LANDSCAPE PLAN AND ARBORICULTURAL IMPACT ASSESSMENT REPORT SUBMISSION</p> <p>An amended Landscape plan must be submitted and approved by Council’s Tree Technical Officer (or delegate) prior to the issue of any Construction Certificate, and must reflect the following:</p> <ul style="list-style-type: none"> a) Tree numbers that correlate with the Arborist Report, including trees labelled T9 – T12 in the Tree Management referral. b) An amended Existing Tree Schedule c) Replacement street tree’s specifications as per the diagram in condition REPLACEMENT STREET TREE PLANTING <p>An amended Arboricultural Impact Assessment Report must be submitted and approved by Council’s Tree Technical Officer (or delegate) prior to the issue of any Construction Certificate, and must reflect the following:</p> <ul style="list-style-type: none"> (a) Trees labelled T9 – T12 in the Tree Management referral. Refer to condition TREE SCHEDULE.
	<p>Condition reason: To ensure adequate replacement trees are planted to compensate for canopy loss.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
49.	<p>CONSTRUCTION SIGNS</p> <p>Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
50.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:</p> <p>(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;</p> <p>(b) Confirm that no asbestos products are present on the subject land, or</p> <p>(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);</p> <p>(d) Describe the method of demolition;</p> <p>(e) Describe the precautions to be employed to minimise any dust nuisance; and</p> <p>(f) Describe the disposal methods for hazardous materials.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>

51.	TREE PROTECTION CERTIFICATE			
	The Arborist engaged for the duration of the project shall undertake an inspection of the site once tree protection measures have been fully installed and prior to any works commencing. An inspection Certificate stating that appropriate tree protection measures have been installed for the trees to be retained and protected shall be submitted to Council and the Principal Certifier.			
	Condition reason: To ensure trees are protected prior to work commencing.			
52.	TREE SCHEDULE			
This schedule outlines which trees are approved for removal and replacement, or to be retained and protected.				
Tree No.	Species	Location	Status	Action
T1	<i>Olea europaea</i> . var. 'Africana' (African Olive)	North western boundary, on site	Exempt species	Remove and replace as per Landscape plan
T2, T9	<i>Euphorbia tirucalli</i> (Firestick)	Grass verge of <i>The Avenue</i> , adjacent to 447 <i>Old South Head Road</i> .	Exempt in height (<3m)	Remove and replace with three (3) 200L <i>Cupaniopsis anacardioides</i> (Tuckeroo)
T3 – T5	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	North western boundary, on site	Protected	Remove and replace as per Landscape plan
T6	<i>Ficus microcarpa</i> var. 'Hillii' (Hills Weeping Fig)	Grass verge of <i>The Avenue</i> opposite 2A <i>The Avenue</i>	Protected	Retain and protect
T7	<i>Acer negundo</i> (Box Elder)	William Street grass verge, opposite 435 <i>Old South Head Road</i>	Protected	Remove and replace with one (1) 100L <i>Tristaniopsis laurina</i> (Watergum)
T8	<i>Tristaniopsis laurina</i> (Watergum)	William Street grass verge opposite 3-7 <i>William Street</i>	Protected	Retain and protect

T10	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Grass verge of The Avenue, adjacent to 2 The Avenue.	Exempt in height (<3m)	Remove and replace with one (1) 200L <i>Cupaniopsis anacardioides</i> (Tuckeroo)
T11	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Grass verge of The Avenue, adjacent to the western boundary of 4-6 The Avenue.	Protected	Retain and protect
	Condition reason: To clarify the trees approved for removal and those to be protected during the construction of the approved development			
53.	STREET TREES TO BE RETAINED/TREE PROTECTION			
	No existing street trees (beyond those identified in the approved landscape plans and arborist report) shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:			
	<ul style="list-style-type: none"> (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites. 			
	Condition reason: To protect trees during the carrying out of site work.			
54.	APPOINTMENT OF ON-SITE ARBORIST			
	The applicant is to appoint an on-site arborist to oversee tree protection measures throughout the building works.			
	Condition reason: To ensure trees remain unimpacted by the proposal.			
55.	PROTECTING TREES ON DEVELOPMENT SITES			
	<ul style="list-style-type: none"> a) Throughout construction, tree protection measures installed are to be retained in accordance with Waverley Council's Development Control Plan 2022, Australian Standard – AS 4970 – 2009 - Protection of Trees on Development Sites, the Landscape Plan, and the Arborist Report. b) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, they must be removed and replaced with the same species at the applicant's expense. c) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees. 			

	Condition reason: To ensure trees remain unimpacted by construction
56.	TREE WORK
	<p>a) 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 submitted to Waverley Council for processing</p> <p>b) If any trees on Council owned land require pruning, the applicant must submit a tree pruning report, prepared by an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed to Council's Tree Management Officer for approval prior to any works occurring.</p> <p>c) The application and Report (where relevant) are to be submitted and approved by Council's Tree Technical Officer prior to any works or pruning to the affected tree/s.</p>
	Condition reason: To ensure trees remain unimpacted by construction
57.	PRE- DEMOLITION DILAPIDATION REPORT
	<p>To ensure Council's infrastructure is adequately protected, a pre-demolition dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles for up to 100m is to be submitted to Council. The report must detail, but not be limited to, the location, description, and photographic record (in colour) of any observable defects to the following infrastructure where applicable:</p> <ul style="list-style-type: none"> a) Road pavement b) Kerb and gutter c) Footpath d) Drainage pits and lintels e) Traffic signs f) Any other relevant infrastructure <p>(a) The report is to be dated, submitted to, and accepted by Council's Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report must be borne by the Applicant.</p>
	Condition reason: This condition is imposed to protect Council's existing infrastructure and assets including the roadways and footpath from the construction activities undertaken by the developments.
58.	NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS
	<p>Prior to commencement of the public domain works notice must be submitted to Council's Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction works, and the details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.</p>

	<p>(b)</p> <p>Condition reason: This is to ensure that the development has been granted with relevant CC design approval and obtained relevant permits from Council, along with copies of the current insurances provided to Council.</p>
59.	<p>PUBLIC DOMAIN ENGINEERING INSPECTIONS</p> <p>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 Infrastructure Engineer for the road pavement, kerb and gutter, stormwater, footpath paving, street lighting, undergrounding works, street trees and landscaping hold points.</p> <p><u>Stormwater and Connection Inspection:</u></p> <ul style="list-style-type: none"> a) Verify the installation of the pit to ensure it is level and properly aligned, and that the connection points match the design specifications. b) Confirm the completed installation matches design plans. <p><u>Footpath Paving</u></p> <ul style="list-style-type: none"> c) Verification of formwork and reinforcement placement before concrete pour. d) Inspection of the finished footpath for conformity to the DCP and PDTM specifications. <p><u>Kerb and Gutter</u></p> <ul style="list-style-type: none"> e) Verification of formwork and reinforcement placement before concrete pour. f) Inspection of the finished kerb and gutter for conformity to the DCP and PDTM specifications. <p><u>Road Pavement</u></p> <ul style="list-style-type: none"> g) Inspection of subgrade preparation h) Inspection of the pavement layer construction i) Inspection of the final asphalt surface <p><u>Vehicle Crossing</u></p> <ul style="list-style-type: none"> j) Verification of formwork and reinforcement placement before concrete pour. k) Inspection of the finished vehicle crossing for conformity to approved levels and profiles. <p><u>Street Trees and verge returfing</u></p> <ul style="list-style-type: none"> l) Review and approval of tree species and planting locations by a Council Officer. m) Verification of tree pits, surrounds and structural root cells. n) Inspection of the new trees by Council's Tree Officer before planting. o) Witnessing the planting process, ensuring compliance with Natspec specifications and proper installation of tree pits and structural root cells. p) Inspection of the planted trees for conformity to the specified pot size, height, and installation standards. q) Inspection of the re-turfed verge for conformity.

	<p><u>Undergrounding</u></p> <ul style="list-style-type: none"> r) Inspection of trenching and installation of conduits for underground powerlines. s) Witnessing the placement of power lines into the conduits. <p><u>Street Lighting</u></p> <ul style="list-style-type: none"> t) Inspection of foundations for Multi-Function Poles (MFPs). u) Witnessing the installation of MFPs and ensuring compliance with design specifications. v) Inspection of the installed streetlights for compliance and proper functioning. <p>All applicable engineering inspection fees in accordance with Council’s Management Plan are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours’ notice will be required when booking for the site inspections.</p>
	<p>Condition reason: The reason for this condition is to ensure the proposed work within public domain area is constructed in accordance with approved design plans and Council’s specifications and guidelines.</p>

DURING BUILDING WORK

	Condition
60.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.</p> <p>(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
61.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
62.	<p>EXCAVATION AND BACKFILLING</p> <p>All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
63.	<p>CONSTRUCTION HOURS</p> <p>Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.</p> <p>Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.</p>

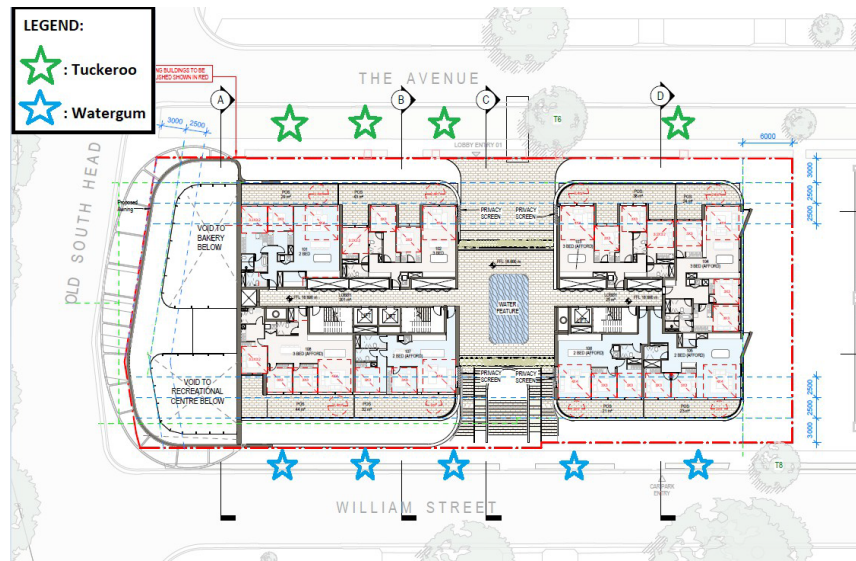
	<p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
64.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
65.	<p>PUBLIC UTILITIES AND SERVICE ALTERATIONS</p> <p>Any utility services and all public infrastructure which requires alteration due to works associated with the development, both internally and externally of the development boundary, must 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, Transport for NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.</p> <p>Condition reason: To ensure that all existing and any proposed alteration or relocation of the utilities as a result of the development are as per utility providers requirements.</p>
66.	<p>CONSTRUCTION INSPECTIONS</p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p> <p>Condition reason: To ensure regular inspections occur throughout the construction process.</p>
67.	<p>CERTIFICATE OF SURVEY - LEVELS</p> <p>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.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
68.	<p>CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING</p> <p>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</p>

	<p>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.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
69.	<p>WORK OUTSIDE PROPERTY BOUNDARY</p> <p>This consent does not authorise any work outside the property boundary.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
70.	<p>VEHICULAR ACCESS - FINISHED LEVEL</p> <p>The internal finished level shall be constructed to match the longitudinal fall of Council's footpath.</p> <p>In this regard, the finished level at the property boundary on both sides of the vehicle crossing is to match the level of the back edge of the existing concrete footpath.</p> <p>Should the internal slab be poured incorrectly, Council may ask that internal alterations be made and the slab adjusted at the applicant's cost.</p> <p>Condition reason: To ensure stormwater falling on Council land drains away from the property boundary.</p>
71.	<p>EXISTING VEHICLE CROSSINGS ARE TO BE CLOSED</p> <p>All existing vehicle crossings serving the site are to be closed, and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.</p> <p>Condition reason: To remove any redundant vehicle crossings from the site frontage.</p>
72.	<p>NEW VEHICLE CROSSING</p> <p>A new vehicle crossing is to be provided to access the proposed basement. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.</p> <p>Condition reason: To ensure the development complies with Section 138 of the Roads Act 1993.</p>
73.	<p>HEADROOM CLEARANCE</p> <p>The headroom clearance on the entry and within the car park/garage is to be a minimum of 2.2 metres.</p> <p>The headroom clearance within the accessible parking spaces and adjacent shared zones is to be a minimum of 2.5 metres.</p> <p>The headroom clearance within the loading dock area is to be a minimum of 3.5 metres.</p>

	Condition reason: To ensure an appropriate vehicle crossing is constructed.
74.	<p>ELECTRIC VEHICLE CHARGING FACILITIES</p> <p>All resident car spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am.</p> <p>At least one of the resident car spaces is to have a charger installed.</p> <p>At least one dedicated space and charging point is to be provided for electric bicycles and mobility scooters.</p> <p>All visitor car spaces require an EV charger with a 3-phase - 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.</p> <p>Condition reason: To ensure EV ready spaces comply with WDCP requirements at time of approval.</p>
75.	<p>SPEED HUMP AT BOUNDARY</p> <p>A speed hump shall be installed at the applicant's expense inside the site in the vicinity of the William Street property boundary.</p> <p>Condition reason: To slow exiting vehicles and increase safety to pedestrians.</p>
76.	<p>ENCROACHMENTS</p> <p>Works within the TPZ (beyond those reflected in the approved arborist report) will require the authorisation of the site arborist.</p> <p>The preferred method of examination and or excavation within the SRZ is the application of non-invasive vacuum or hydro excavation. This practice is now widely adopted in sensitive situations that require root investigation.</p> <p>Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling may be adopted to minimize the impact of encroachment.</p> <p>Condition reason: To ensure precautions are taken when working near trees during construction.</p>
77.	<p>ROOT PRUNING</p> <p>a) When determining the potential impacts of additional encroachment into the TPZ under condition 76, the site arborist should consider the following:</p> <p>i. Location and distribution of the roots to be determined through non-destructive investigation methods (pneumatic, hydraulic, hand digging or ground penetrating radar). Photographs should be taken and a root zone map prepared.</p>

	<ul style="list-style-type: none"> ii. NOTE: Regardless of the method, roots must not be cut, bruised or frayed during the process. It is imperative that exposed roots are kept moist and the excavation back filled as soon as possible. iii. The potential loss of root mass resulting from the encroachment: number and size of roots. <p>b) Where roots within the TPZ are exposed by excavation, temporary root protection should be installed to prevent them drying out. This may include jute mesh or hessian sheeting as multiple layers over exposed roots and excavated soil profile, extending to the full depth of the root zone. Root protection sheeting should be pegged in place and kept moist during the period that the root zone is exposed.</p> <p>c) If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below:</p> <ul style="list-style-type: none"> i. they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (minimum AQF Level 3 Certificate in Horticulture or Certificate 3 in Arboriculture) ii. It is the on-site 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.
	<p>Condition reason: To ensure precautions are taken when working near trees during construction.</p>
<p>78.</p>	<p>REPLACEMENT STREET TREE PLANTING</p> <p>Permission is granted to remove the following trees:</p> <ul style="list-style-type: none"> a) T7 – one (1) <i>Acer negundo</i> (Box Elder) opposite 435 Old South Head Road on the William Street grass verge b) T2, T9 - two (2) <i>Euphorbia tirucalli</i> (Firestick) on the grass verge of <i>The Avenue</i>, adjacent to <i>447 Old South Head Road</i>. c) T10 - one (1) <i>Cupaniopsis anacardioides</i> (Tuckeroo) on the grass verge of <i>The Avenue</i>, adjacent to <i>2 The Avenue</i>. <p>They shall be replaced with the following trees as per the below street tree planting recommendation diagram:</p> <ul style="list-style-type: none"> d) One (1) 100L <i>Tristaniopsis laurina</i> (Watergum) to replace T7 - <i>Acer negundo</i> (Box Elder) opposite 435 Old South Head Road on the William Street grass verge e) Three (3) 200L <i>Cupaniopsis anacardioides</i> (Tuckeroo) to replace T2 and T9 - two (2) <i>Euphorbia tirucalli</i> (Firestick) on the grass verge of <i>The Avenue</i>, adjacent to 447 Old South Head Road.

- f) One (1) 200L *Cupaniopsis anacardioides* (Tuckeroo) to replace **T10** - one (1) *Cupaniopsis anacardioides* (Tuckeroo) on the grass verge of The Avenue, adjacent to 2 The Avenue.



- g) The trees are to be planted by horticulturists/arborists with experience in constructing tree pits and planting large container size trees.
- h) A proof of purchase of the trees must be provided to the Principal Certifying Authority, prior to any construction work commencing.
- i) The trees shall be planted once the construction work is complete and before the Occupation Certificate is issued.
- j) Planting should adhere to the specifications in the Waverley Council Public Domain Technical Manual, Planting New Street Tree – Nature Strip
- k) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.

Condition reason: To compensate for canopy lost by the removal of the vegetation.

79.

NOTIFICATION OF DISCOVERY OF A RELIC

If any archaeological deposits or relics are discovered during works, works must cease, and the Heritage Council of NSW must be notified. To address this discovery, a s146 notification to the Heritage Council of NSW must be lodged. Additional assessment and approval under the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Condition reason: Archaeological relics are protected under s139 of the Heritage Act 1977. Notification of unexpected discovery of known or suspected relics is a statutory requirement under the Act.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
80.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
81.	<p>AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH CLAUSE 6.17 OF THE WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012</p> <p>The Affordable Housing Contribution is as follows:</p> <p>(a) Pursuant to Clause 6.17 of the Waverley Local Environmental Plan 2012 and the Waverley Affordable Housing Contribution Scheme 2023, the applicant must provide Council a monetary contribution towards the provision of affordable housing.</p> <p>(b) The contribution of \$940,720 payable for the provision of affordable housing shall be paid in one complete payment to Waverley Council prior to the issue of any Occupation Certificate. This contribution amount has been calculated based on a total proposed residential gross floor area of 4229sqm.</p> <p>Condition reason: The proposal requires a contribution in accordance with Cl 6.17 of the WLEP and the Waverley Affordable Housing Contribution Scheme 2023.</p>
82.	<p>AFFORDABLE HOUSING – IN-FILL AFFORDABLE HOUSING</p> <p>An Occupation Certificate must not be issued in respect of the building the subject of this Consent until:</p> <ul style="list-style-type: none"> • A signed letter from the nominated registered CHP managing the affordable housing unit (Units G04, 104, 107, 108, 207, 307 and 407as nominated on the approved plans contained in condition 1 of this consent), within this development confirming the providers engagement is to be submitted and be to the satisfaction of Council’s Executive Manager, Urban Planning (or delegate), and • A copy of the agreement including the nominated timeframe for the affordable housing tenure, the number and location of units is sent to Council’s Executive Manager, Urban Planning (or delegate). Such an agreement should also stipulate that the selected CHP send an update at the end of every financial year to Council with this information, including information on rents and occupancy rate which will be saved on Council’s file (Trim reference No. A22/0503). • A restriction as to user must be registered in accordance with section 88E of the Conveyancing Act 1919 on the title which restricts the use of any accommodation to which this development consent relates. The terms of the restriction as to user are to be approved by Council in writing prior to registration. The Council shall be the party who has the right to modify or

	<p>extinguish the restriction. The cost of preparation and registration of any legal restriction(s), agreement(s) and all other documentation is to be met by the Registered Proprietor.</p>
	<p>Condition reason: To ensure that Council is aware of which registered community housing provider is operating the affordable units on site, to provide Council with data surrounding affordable housing rents and occupancy rates, and to ensure that the nominated affordable units are being rented as affordable.</p>
83.	<p>SUBDISION CERTIFICATE – SITE CONSOLIDATION</p> <p>A subdivision certificate must be obtained from council in accordance with the <i>Environmental Planning and Assessment Act 1979</i> prior to the issue of an occupation certificate and prior to the registration of the consolidation plan</p>
84.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The principal certifying authority (PCA) must not issue the OC until all relevant commitments in the BASIX certificate (as marked in the certifier check column) are certified.</p>
	<p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
85.	<p>ENERGY ASSESSMENT</p> <p>Prior to the issue of an Occupation Certificate, that the recommendations outlined in the Energy Assessment Report are to be verified by a Certified Energy Assessor to ensure that the recommendations have been incorporated in the construction of the building at Occupation Certificate stage.</p>
	<p>Condition reason: To ensure compliance with Waverley Council DCP 2022 – 2.5</p>
86.	<p>CERTIFICATION OF APPROVED DESIGN</p> <p>In accordance with the Environmental Planning and Assessment Regulations 2021, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.</p>
	<p>Condition reason: To maintain the architectural integrity of the approved development.</p>
87.	<p>TREE PROTECTION MEASURES TO BE REMOVED</p> <p>All tree protection shall be removed prior to the issuing of the Occupation Certificate.</p>
	<p>Condition reason: To ensure that the tree can continue to grow post construction.</p>

88.	<p>LANDSCAPE WORKS IN A HABITAT CORRIDOR -</p> <p>The applicant must provide written confirmation from a suitably qualified and experienced landscape contractor, bush regenerator, or ecologist that:</p> <ul style="list-style-type: none"> • All landscape works have been completed in accordance with the approved Landscape Plan. • All plants procured and planted match those specified in the approved Landscape Plan and no cultivars, hybrids, or other substitutions have been used in place of the approved native species selected from Waverley Council’s planting list (Waverley Council’s DCP 2022, Annexure B3-1). • Evidence is to be submitted to the satisfaction of Council’s Executive Manager, Environmental Sustainability (or delegate). <p>The applicant must contact Council to arrange an inspection of completed landscaping. Council’s Executive Manager, Environmental Sustainability (or delegate) will undertake the inspection.</p> <p>Condition reason: To protect and enhance the biodiversity habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.</p>
89.	<p>CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM</p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p> <p>Condition reason: Ensure stormwater drainage system has been constructed as per the approved stormwater management plans.</p>
90.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER MANAGEMENT SYSTEM</p> <p>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 the stormwater management system including all pipelines, pits and other drainage-related infrastructure.</p> <p>An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater management system that the 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.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p>

	<p>Condition reason: Ensure council are aware of the stormwater management systems on site and able to provide advice for any future or remedial works.</p>
91.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR THE STORMWATER MANAGEMENT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater management system under Section 88E of the Conveyancing Act 1919, to ensure the system is maintained and kept free of debris/weeds. The property owner/occupant must not modify or remove the stormwater management system without consent from Council.</p> <p>The applicant must submit Council’s Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p> <p>Condition reason: This is to ensure that the key stormwater management controls are not modified or removed without Council consent and that they are maintained in order to minimise flooding impacts within the downstream catchment.</p>
92.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR STORMWATER QUALITY IMPROVEMENT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the stormwater quality improvement system under Section 88E of the Conveyancing Act 1919, to ensure the system is maintained and functioning effectively. The property owner/occupant must not modify or remove the system without consent from Council. The covenant requirements must include the submission of an annual report on water treatment by the first business day on or after the 1st of September each year.</p> <p>The applicant must submit Council’s Legal Document Authorisation Application in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.</p> <p>The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>All associated costs will be borne by the applicant.</p> <p>Condition reason: This is to ensure that the stormwater quality improvement system is not modified or removed without Council consent and that it is maintained in order to minimise pollution entering the catchment from the site.</p>

93.	<p>POST-CONSTRUCTION STORMWATER PIPE & PIT CCTV & DILAPIDATION REPORT</p> <p>A post-construction CCTV report must be prepared by an accredited operator and submitted to Council’s Stormwater Engineer (and Asset Systems Team) assessing the existing drainage line from pit No. 04004 to pit No. 00904. The Assets team shall be contacted for pit numbers prior to completion.</p> <p>A post-construction dilapidation report including photographic evidence of pit No. 04004 following works must be prepared by an engineer or plumber to confirm the final structural and serviceability condition.</p> <p>The reports will be used by Council to assess whether any damage has occurred to Council’s stormwater pipes associated with the works.</p> <p>The applicant must obtain written approval from Council’s Executive Manager, Infrastructure Services (or delegate) of the adequacy of the CCTV footage, reports and Council assets condition prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure Council’s stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.</p>
94.	<p>PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM</p> <p>The registered proprietor will be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate.</p> <p>Council will not be liable for any claims for damages arising from the failure of the pump out system.</p> <p>Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure pump out systems are maintained and continue to operate as intended.</p>
95.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR AUTOMATIC FLOOD GATES</p> <p>A covenant to the approval of the Council must be placed on the Certificate of Title of the property acknowledging that the site has an automatic flood gate system and that the implementation and management of flood protection will be at the responsibility of the building owners.</p> <p>Council is neither responsible nor liable to any damages caused as a result of any flooding of the property and/or neighbouring properties.</p> <p>Evidence of the creation of the covenant must be submitted to Council prior to issue of any Occupation Certificate.</p> <p>The covenant will not be revoked or modified without the prior approval of Council.</p>

	All legal costs associated with the registration of the restriction must be borne by the applicant and/or owners.
	Condition reason: This is to place a restriction to ensure that the Automatic Flood Gates are maintained.
96.	<p>PLAN OF MANAGEMENT (PoM) FOR FLOODGATES</p> <p>The Flood Protection Plan of Management must be prepared by a suitably qualified professional, and submitted to the satisfaction of the Executive Manager, Infrastructure Services (or delegate) prior to issuance of the Occupation Certificate. The PoM must include, but not limited to:</p> <ul style="list-style-type: none"> a) A description of the type, location and function of the floodgate(s). b) Details of operational procedures, including triggers for opening and closing. c) Routine inspection and maintenance schedules. d) Emergency access and response procedures in the event of gate malfunction. e) Record keeping and contact information for the managing party. f) Any manufacturer specifications or installation details relevant to ongoing operation. g) If the automatic floodgates system is misplaced, lost or damaged, the property owner/occupant of the premises must replace the gates immediately at no cost to Council. All associated costs with the replacement or maintenance of the floodgates must be borne by the property owner/occupant. h) Training requirements for the property owner or occupants in the deployment, operation and emergency response procedures associated with the floodgate(s). <p>The floodgate(s) must be managed and maintained in accordance with the approved PoM for the life of the development.</p> <p>Condition reason: This is to ensure the property owner/occupant of the premises is adequately trained and capable of operating the automatic floodgates system effectively during occurrence of flood events in a timely manner.</p>
97.	<p>CERTIFICATION OF ALL MECHANICAL PLANT</p> <p>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.</p> <p>Condition reason: To ensure the proper installation of use of the mechanical plant has been undertaken.</p>
98.	<p>CERTIFICATION OF ACOUSTIC PERFORMANCE</p> <p>An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and Council's Executive Manager Compliance (or delegate), certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the</p>

	operational conditions) have been incorporated into the development and can be satisfied.
	Condition reason: To protect the amenity of the local area.
99.	<p>SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN</p> <p>Prior to the issue of any Occupation Certificate for the works, the Applicant must submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council-approved plans and Waverley Council standards and specifications. The certificate must include commentary to support any variations from the approved drawings.</p> <p>Condition reason: This is to ensure that the proposed works constructed within the Council's public domain are as per the approved design plans and certified by the applicant's supervising engineer.</p>
100.	<p>WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN</p> <p>To ensure public infrastructure works required under the consent are completed in accordance with the approved plans and specifications, a Work-as-Executed plan of the completed works, prepared by a registered surveyor, must be submitted for review to the Principal Certifying Authority and the Council. Any required rectification works must be carried out by the Applicant and approved by must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Occupation Certificate.</p> <p>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 must be submitted to support all variations from the approved plans.</p> <p>WAE Plans must include:</p> <ul style="list-style-type: none"> a) Footpath levels b) Newly installed utilities (Incl. electrical conduit location) c) Stormwater Infrastructure <p>Awning dimensions</p> <p>Condition reason: The reason for this condition is to ensure all the proposed works within the public domain are completed as per design approval granted by Waverley Council, and copies of the 'As-Build' brand new assets are provided to Council.</p>
101.	<p>CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS</p> <p>Prior to the issue of any Occupation Certificate, a final Compliance Certificate must be obtained from Council's Executive Manager, Infrastructure Services (or delegate) confirming that all works in the road reserve including all public domain infrastructure and restorations have been completed and constructed to Council's satisfaction, as required under the consent. A final inspection is required to be carried out by Council's Infrastructure Engineer.</p> <p>Notes</p>

	<p>i. The issue of a final Compliance Certificate from the Council's Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but is not limited to fees applicable for engineering plans assessment and work inspection fees.</p> <p>ii. The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council.</p> <p>iii. To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue of the compliance certificate for the public domain works for the Occupation Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner during the twelve (12) months' defects liability period. A bond in the form of a cash deposit for the value of the public domain works following final completion of the works shall be lodged with Waverley Council prior upon release of the damage deposit subsequent issuance of the OC Compliance Certificate. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.</p>
	<p>Condition reason: This is to ensure that all works are completed as per the approved DA and Council's requirements including any restorations works. This includes rectification of any part of the work which fails to perform during the 12 months defects liability period prior to handing over to Council.</p>
<p>102.</p>	<p>DECOMMISSIONING GROUND ANCHORS</p> <p>Decommissioning of Ground Anchors – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.</p> <p>Condition reason: Temporary ground anchors were approved, but these must be destressed to prevent ongoing load and or damage to Council assets.</p>
<p>103.</p>	<p>STRUCTURAL AND GEOTECHNICAL CERTIFICATION</p> <p>The project structural and geotechnical engineers must prepare separate certificates confirming that the development was completed in accordance with the CMR and identifying any departures from the CMR that were approved and implemented during construction. The Geotechnical Certificate must also include a statement on the stability of the site and neighbouring properties.</p>

	Condition Reason: This is to ensure that the proposed works constructed as per the approved CMR and certified by the applicant's engineer/experts.
104.	<p>POSITIVE COVENANT</p> <p>Any proposed building encroachment, inclusive of awnings and its associated elements into the Council's Road reserve must be noted in the Positive Covenant with details of the extent of these encroachments. Prior to the issue of any Occupation Certificate for the development, the applicant must prepare an instrument compliant with NSW Land Registry Services requirements and create a positive covenant in accordance with section 88E of the Conveyancing Act 1919 on the subject land. The purpose of this positive covenant is to ensure that the registered owner of the land, at their own cost and risk:</p> <ol style="list-style-type: none"> a) Maintains and repairs, at all times, the area of the land subject to the positive covenant to a standard commensurate with Council's standards for the maintenance of such facility. b) Maintains, at all times, public liability insurance, with a minimum coverage of \$20 million, with Council identified as an interested party in that insurance policy. <p>The positive covenant placed on the title of the property must acknowledge that any future redevelopment of the site must be within the property boundary. i.e., if, at any point in the future, the existing structures subject to a positive covenant, including any balconies, balustrades, eaves, and pipes, encroaching onto Council land, are demolished, they must not be reconstructed in their existing alignment. Furthermore, the building owner is prohibited from altering the extent of the encroachment/s.</p> <p>The wording of the positive covenant must acknowledge that the property owner will not assert adverse possession rights over the existing encroachment/s.</p> <p>The instrument creating the positive covenant mentioned in this condition is to be submitted to Council for approval and registered with the NSW Land Registry Services before an Occupation Certificate is issued.</p> <p>The covenant must not be revoked or modified without the prior approval of Council.</p> <p>All costs associated with the covenant are to be borne by the applicant.</p> <p>Condition reason: Under the Roads Act 1993 and Local Government Act any encroachment into Council and public land is not permitted unless a positive covenant created in accordance with section 88E of the Conveyancing Act 1919 on the subject land.</p>
105.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>

<p>106.</p>	<p>CAR PARKING</p> <p>A total of 62 car vehicle parking spaces are to be provided within the development, allocated in the following manner:</p> <ul style="list-style-type: none"> - 44 standard residential parking spaces - 9 accessible residential parking spaces - 9 residential visitor parking spaces - 0 retail parking spaces - 0 loading bays - At least 10% of all the car parking spaces are to be allocated as accessible parking spaces and be shared amongst the residential, visitor and commercial spaces where applicable. - Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities. - All spaces are to be clearly delineated and numbered. - Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling. - All car spaces are to be appropriately signposted and marked. - Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans. <p>As constructed plans demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate.</p> <p>Condition reason: To ensure the amount of car parking on site is reflective of the approval.</p>
<p>107.</p>	<p>BICYCLE PARKING</p> <p>A total of 55 bicycle parking spaces are to be provided within the development, allocated in the following manner:</p> <ul style="list-style-type: none"> - 50 residential bicycle spaces - 5 visitor bicycle spaces - At least 5 of these spaces to be located at ground level, adjacent to lobby. <p>The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.</p> <p>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).</p> <p>As constructed plans demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate.</p>

	Condition reason: To ensure the site promotes sustainable transport in the form of bicycles.
108.	PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE
	A Waste Management Plan must be submitted to Council's Executive Manager, the Principal Certifying Authority and include including the following where relevant; <ul style="list-style-type: none"> (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal) (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting. (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water. (d) The role and responsibility of managing composting facilities (if provided); (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed. (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits. (g) 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. (h) 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. (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested. At no times shall bins be stored on the public domain (e.g. footpaths).
	Condition reason: To ensure adequate waste management on site.
109.	MECHANICAL EXHAUST MAINTENANCE
	A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
	Condition reason: To ensure the maintenance of the mechanical exhaust.
110.	PEST CONTROL
	A Pest and Vermin Control Management Plan (PVCMP) is to be submitted for the approval of Council's Executive Manager, Compliance (or delegate) prior to the issue of an Occupation Certificate. All recommendations within the PVCMP are to be implemented with the ongoing operations of the premises.
	Condition reason: To reduce and control pests and vermin.

111.	<p>ALLOCATION OF STREET NUMBER</p> <p>The redevelopment of the property has led to the following allocation of primary and sub-premises (unit/room) numbering, being</p> <ul style="list-style-type: none"> ▪ No. 1 – primary address site number ▪ The Avenue primary address location. <p>The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry points and clearly visible on the site boundary that fronts The Avenue.</p> <p>The following sub addressing principles will apply:</p> <ul style="list-style-type: none"> – All sub premises numbers must be unique, – The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level, – For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307, – Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG, Basement = B etc – Commercial premises will be identified with an address identifier ie Shop G01, Office 102, <p>Room numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the room.</p> <p>The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate.</p> <p>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.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
112.	<p>CERTIFICATION OF LANDSCAPING</p> <p>At the completion of all works a certificate is to be submitted to the Principal Certifier from a suitably 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. Where relevant, the waterproofing of any green roof / planter is to be tested and evidence of the test is to be provided with the certification.</p> <p>Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.</p>
113.	<p>CERTIFICATION OF TREE ASSESSMENT</p> <p>Prior to the issue of a Final Occupation Certificate, certification is required from the project arborist that the completed works have been carried out in accordance with the approved Tree Protection Specifications (TPS), Tree Protection Plan (TPP) imposed in the conditions of consent. Certification should include a statement on the condition of the retained trees, as well as details of any deviations from the approved TPS, TPP or consent conditions, and their impacts on trees. The</p>

	<p>certification is to be provided to the satisfaction of Council's Tree Technical Officer and submitted to treemgt@waverley.nsw.gov.au.</p> <p>Condition reason: To ensure tree protection measures have been carried out in appropriately.</p>
114.	<p>TREE PROTECTION MEASURE TO BE REMOVED</p> <p>All tree protection shall be removed prior to the issuing of the final Occupation Certificate.</p> <p>Condition reason: To ensure that the tree can continue to grow post construction.</p>
115.	<p>FLOOR SPACE RATIO</p> <p>The following applies to Floor Space Ratio:</p> <p>(a) The Gross Floor Area of the building shall be limited to 5,159.5m².</p> <p>(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.</p> <p>Condition reason: To ensure the constructed development complies with the approved floor space ratio.</p>
116.	<p>BUILDING HEIGHT</p> <p>(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:</p> <p>i. Height of lift overrun – RL 35.29</p> <p>Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p> <p>Condition reason: To ensure the constructed development complies with the approved height.</p>

OCCUPATION AND ONGOING USE

	Condition									
117.	<p>AFFORDABLE HOUSING – MANAGEMENT AND OCCUPANCY</p> <p>Units G04, 104, 107, 108, 207, 307 and 407 as nominated on the approved plans contained in condition 1 of this consent are to be used for the purposes of ‘affordable housing’, as defined in Clause 13 of the State Environmental Planning Policy (Housing) 2021 for a minimum period of 15 years commencing from the date of the issue of any Occupation Certificate for this development.</p> <p>All accommodation that is used for affordable housing will be managed by a registered Community Housing Provider (CHP) and is to provide accommodation for a household identified to be on very low, low to moderate incomes.</p> <p>Condition reason: To clarify the management and occupancy of affordable housing units, and to comply with the requirements of Chapter 2 Part 2 Division 1 of State Environmental Planning Policy (Housing) 2021.</p>									
118.	<p>HOURS OF OPERATION OF COMMUNAL OPEN SPACE(ROOF TOP)</p> <p>The use of the communal open space on the roof level of the development shall be restricted to the following hours:</p> <table border="0"> <tr> <td>(a)</td> <td>Monday to Friday (excluding public holidays)</td> <td>7am to 9pm</td> </tr> <tr> <td>(b)</td> <td>Weekends and public holidays</td> <td>8am to 9pm</td> </tr> <tr> <td>(c)</td> <td>New Year’s Eve</td> <td>9am to 12:30am.</td> </tr> </table> <p>Condition reason: To protect the amenity of local residents.</p>	(a)	Monday to Friday (excluding public holidays)	7am to 9pm	(b)	Weekends and public holidays	8am to 9pm	(c)	New Year’s Eve	9am to 12:30am.
(a)	Monday to Friday (excluding public holidays)	7am to 9pm								
(b)	Weekends and public holidays	8am to 9pm								
(c)	New Year’s Eve	9am to 12:30am.								
119.	<p>COPIES OF CONSENTS AND MANAGEMENT PLAN</p> <p>A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.</p> <p>Condition reason: To ensure consents and management plan are easily available.</p>									
120.	<p>AMENITY</p> <p>The management of the premises is to:</p> <p>(a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood</p> <p>(b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided</p> <p>(c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.</p>									

	Condition reason: To protect the amenity of the local area.
121.	<p>NOISE COMPLAINTS</p> <p>If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:</p> <p>(a) The identification of sensitive noise receivers potentially impacted by the proposal;</p> <p>(b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);</p> <p>(c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;</p> <p>(d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;</p> <p>A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.</p>
	Condition reason: To protect the amenity of the local area.
122.	<p>USE OF COMMUNAL AREAS</p> <p>No amplified music is to be played in outdoor communal areas.</p> <p>No speakers or sound systems are to be installed or used in outdoor communal areas</p> <p>Any proposal to allow amplified music will require a separate application including an acoustic assessment. An acoustic assessment will need to be submitted, determining the noise impacts of the operation on surrounding residential receivers, including but not limited to any proposed amplified or background music. The report will determine how the proposal will satisfy the Protection of the Environment Operations Act 1997.</p>
	Condition reason: To protect the amenity of the local area.
123.	<p>NOISE EMISSIONS</p> <p>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.</p>

	Condition reason: To protect the amenity of the local area.
124.	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.
	Condition reason: To protect the amenity of the local area.
125.	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.
	Condition reason: To protect the amenity of the local area.
126.	REFRIGERATION UNITS & MECHANICAL PLANT
	Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.
	Condition reason: To protect the amenity of the local area.
127.	NO BARBECUE OR CHARCOAL TYPE COOKING ON SITE
	This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.
	Condition reason: To protect the amenity of the local area.
128.	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.
	Condition reason: To ensure the management of waste is ongoing.

129.	VEHICLE ACCESS
	All vehicles including service vehicles entering and exiting the building are to do so in a forward direction. Condition reason: To ensure safe manoeuvring of vehicles.
130.	ON SITE GARBAGE COLLECTION
	The collection of residential and commercial waste and recycling is to be undertaken on the site. No bins are to be stored or left on the street for collection. Condition reason: To ensure appropriate collection of waste.
131.	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. Condition reason: To ensure existing signs are replaced.
132.	DELIVERY OF GOODS
	Loading and unloading of vehicles and delivery of goods to the building are to be carried out within the site. Condition reason: To limit disruptions to traffic and pedestrians outside the site during deliveries.
133.	PARKING PERMITS
	Occupants of the building are not to be eligible for resident parking permits under Council's Resident Parking Scheme. Condition reason: To reduce the impacts of additional vehicles onto surrounding streets of the development.
134.	USE OF PLANT ROOMS
	The "plant/mech." rooms at the lower ground level shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose. Condition reason: To ensure the plant room is not used for storage purposes.
135.	ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM
	Council must be provided with an OSD, pump system and Stormwater Quality Improvement Devices management plan. This must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate. At a minimum, the pump system and the detention facility must be: <ul style="list-style-type: none"> a) Kept clean and free from silt, rubbish and debris. b) Be maintained so that it functions in a safe and efficient manner. c) Not be altered without prior consent in writing of the Council.

	Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.
136.	ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM
	The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.
	Condition reason: Ensure the stormwater treatment systems are maintained and continue to operate as intended.

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:</p> <ul style="list-style-type: none"> • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. • 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 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.</p> <p>If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</p>

	<p>Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p>
5.	<p>SYDNEY WATER CERTIFICATE</p> <p>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.</p> <p>Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p>
6.	<p>DIAL BEFORE YOU DIG</p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p>
7.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.</p>
8.	<p>SITE RECTIFICATION WORKS</p> <p>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.</p> <p>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:</p> <p>(a) Require certain works to be carried out, including but not limited to:</p> <ol style="list-style-type: none"> i. Make the building/site safe and of an appearance acceptable to Council; ii. Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;

	<p>iii. For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.</p> <p>iv. Council may call on any bank guarantee to cover the cost thereof.</p> <p>(b) 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.</p>
9.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
10.	<p>BONDI - ROSE BAY SAND BODY</p> <p>This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.</p> <p>Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.</p>
11.	<p>TREE REMOVAL/PRESERVATION</p> <p>Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.</p>
12.	<p>TREE MANAGEMENT GUIDELINES 2022</p> <p>Details on additional criteria regarding tree on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.</p>
13.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p> <p>In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.</p>
14.	<p>TRENCHING COUNCIL'S ROAD RESERVE AND RESTORATION WORKS</p> <p>Public areas and Council's assets must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high-level priority. This includes but is not limited to works performed for the purpose of connection/s to public utilities, including repair of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.</p>
15.	<p>DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)</p> <p>Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.</p>

NON-BINDING ADVISORY NOTES AND REQUESTS FROM AUSGRID

The following requests have been made by Ausgrid. These are included for in this notice of determination as advisory notes. The requests are do not form part of binding conditions of consent.

- (a) Ausgrid notes the EMF report prepared by Balanced Building Biology should be reviewed to ensure that it reflects the amended plans and configuration. Noting the development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010). The report shall sufficiently address the expected EMF exposure by the residents of the development at any current and future operating condition of the Ausgrid substation.
- (b) The EMF report is to form part of the operation and maintenance manual provided to the body corporate and to indemnify Ausgrid from any possible claims in the future from EMF.
- (c) Ausgrid's substation is often accessed outside normal business hours. Substation-facing windows and balconies shown on the DA plans are likely to be exposed to light from substation floodlights. This is to be noted in the operation and maintenance manual provided to the body corporate.
- (d) The development must be carried out in accordance with ENA EG1-2006: Substation Earthing Guide (Energy Networks Association, 2006).

Further comments regarding the development:

- (e) The existing building is located on the adjoining boundary to the Ausgrid substation. Demolition of this building is to be programmed in a manner designed to ensure no damage occurs to the Ausgrid structure.

Demolition works shall not commence until written endorsement of the demolition plan and the engineering calculations demonstrating the safety of the Ausgrid substation.

The Principal Certifying Authority shall not issue the Demolition / Construction Certificate until Ausgrid's written endorsement of the demolition plan has been obtained.

- (f) A subsidence and vibration report shall be prepared and submitted to Ausgrid in accordance with Ausgrid's network standard NS 193. No movement shall be permitted of the Ausgrid structures.

Demolition works shall not commence until written endorsement of the demolition plan and the subsidence and vibration calculations demonstrating the safety of the Ausgrid substation has been provided from Ausgrid.

The Principal Certifying Authority shall not issue the Demolition / Construction Certificate until Ausgrid's written endorsement of the demolition plan has been obtained.

- (g) A Dilapidation report shall be completed by a qualified structural engineer on the exterior and interior of the substation along the side of the substation that adjoins the proposed development prior to demolition of the existing structure.
- (h) Ausgrid will be provided with a copy of the pre commencement report and post works reports within 2 weeks of undertaking the respective site visit for the report.

- (i) Any damage found during or at the completion of works shall be repaired at the cost of the developer.
- (j) The engineer undertaking the report will need to be escorted with the Ausgrid property and provide their own Arc flash rated clothing in addition to the normal safety helmet, gloves, boots.
- (k) If the contractor needs to dewater the site, they shall provide a dewatering strategy that shows that the water table below the substation will not be affected or will not affect the soil saturation parameters which may induce short term and long-term settlement beneath the footings of the Ausgrid substation.
- (l) No ground anchors are to be constructed beneath Ausgrid’s property.
- (m) The design will need to confirm that there are no openings are within a 3m fire separation zone from the Ausgrid property, this shall be done in accordance with Ausgrid Network Standard NS113.

Site works shall not commence until written endorsement of the architectural drawings has been obtained from Ausgrid. The Principal Certifying Authority shall not issue the Construction Certificate until Ausgrid’s written endorsement of the architectural drawings has been obtained.

- (n) Deflections and vibrations shall be monitored and “live” information shall be provided to Ausgrid. Vibration monitoring to be at the developers cost. A deflection and vibration management plan shall be submitted to Ausgrid for review. The plan shall ensure that vibrations shall not exceed values specified below at the boundary to mitigate tripping of electrical equipment and damage to the structure.

Ausgrid Asset	Vibration Limit	
Substation buildings	Alarm limit	7.2 mm/s
	Stop Work limit	9.0 mm/s
Cables	Alarm limit	16 mm/s
	Stop Work limit	20 mm/s
Fluid Filled and gas pressure transmission cables	Alarm limit	16 mm/s
	Stop Work limit	20 mm/s
Joint Bay and surrounds	Alarm limit	5 mm/s
	Stop Work limit	6.25 mm/s

Vibration is to be monitored in 3 axis.

Vibration Alerts are to

- Be sent to up to three mobile phones (numbers to be supplied by Ausgrid on installation)
- contain the following as a minimum.

- Date time stamp of the event
- Event type “Alert” notification” or “Stop work level”
- “Project Location”
- “Sensor location description”
- Value in mm/s
- Frequency of event
- That the sensor captures the waveform causing the trip allowing this to be downloaded by the monitoring company and then be able to provide that via email within
 - 12 hrs for an alert
 - 4hrs for a stop work (events between 0600 and 1900 daily) or by 0800 the following day for events post 1900 daily.

Ausgrid may require additional monitors mounted within the substation building and in this case the monitor shall be;

- Fully self-contained
- Battery powered
- Using mobile data communications
- Firmly affixed in a location nominated / agreed by Ausgrid
- Maximum dimensions of 200 x 200 x 100 mm

Ausgrid requires that a report of the vibration monitoring be provided at the following intervals.

- first day’s monitoring be provided (within 24hrs) then
- weekly if no events are recorded (within 48hrs of the end of each week)
- thence monthly if no events are recorded within the first two month (within 48hrs of the end of each month)
- The following items are to be submitted to Ausgrid for review and endorsement prior to the commencement of any works:
 - Scaffolding plan that includes identifies location of scaffolding parallel to the substation, this scaffolding may need to connected to earth via electrode to bleed off any capacitive charge that may otherwise deliver a shock. The developer shall engage an earthing consultant (at their expense) to undertake this report and submit to Ausgrid for review.
 - A work site safety plan that identifies the clearances required from the power line for excavation equipment.
 - Machinery to be used during excavation/construction.
 - An electrical safety plan including but not limited to:
 - instrumentation and the monitoring regime

- testing of the scaffold bleed resistor.
- No works are to commence until written confirmation from Ausgrid that this condition has been complied with has been obtained.
- The applicant is to obtain Ausgrid's written endorsement prior to the installation of any hoarding or scaffolding facing the common boundary with the electrical infrastructure / easement.
- As there is a risk that rubble/debris may fall from the construction site onto the substation during demolition/excavation and or construction, a reliable method of prevention of such incidents must be provided to Ausgrid for its endorsement prior to the issue of a construction certificate.
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to power lines not covered by "tiger tails" in accordance with WorkCover guideline "work near overhead power lines" within or adjacent to the electrical infrastructure / easement.
- Prior to the issuing of the Construction Certificate the Applicant is to submit to Ausgrid a plan showing all the craneage and other aerial operations for the development and must comply with all Ausgrid requirements. Ausgrid does not permit any load to be lifted over the substation. Nor shall any part of the crane jib/boom be above the Ausgrid property line whilst lifting a load.

However, the crane can be left in wind-vane mode when not in operation if the lifting hook and dolly are secured as close to the crane upright structure as possible and no lifting slings or chains remain connected to the lifting hook.
- The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Ausgrid confirming that this condition has been satisfied.
- Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Ausgrid for review and comment on the impacts on electrical infrastructure / easement / substation. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Ausgrid confirming that this condition has been satisfied.
- Water taps in close proximity to the Ausgrid property should be supplied with non-conductive pipework to prevent a shock hazard.
- If conductive pipes are required for a firefighting water supply near the Ausgrid property, a bonded concrete pad should be installed around the base of faucet connections.
- Prior to the issue of a Construction Certificate (or an Occupation Certificate where a Construction Certificate is not required), the applicant must provide to the consent authority and Ausgrid a noise assessment report. The report must address, in relation to the adjacent substation, the requirements of the amenity or intrusive criteria in section 2.4 of the NSW Industrial Noise Policy (EPA,2000).

- The report is to note the 50Hz noise emanating from the transformers which will be more noticeable at night due to the low ambient noise levels.
- The report is to note that under certain operating conditions fans may be operating within the substation.
- The noise report is to form part of the operation and maintenance manual provided to the body corporate and to indemnify Ausgrid from any possible claims in the future from noise.
- The development must not introduce any metallic transfer of potential into the new development by keeping metallic fences and concrete reinforcement of the new development and that of the Ausgrid substation isolated from each other.
- Ausgrid Underground Cables are in the vicinity of the development.
- Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
- It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).
- In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:
 - SafeWork Australia – Excavation Code of Practice.
 - Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.
- The following points should also be taken into consideration.
 - Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
 - Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.

The developer should be advised that Ausgrid fees are applicable to the items listed above and will be billed in accordance with the Ausgrid Ancillary Network Services policy and will be invoiced directly.

Please address correspondence to development@ausgrid.com.au.

Dictionary

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

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

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

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

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

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

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Waverley Local Planning Panel.

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

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

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

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

Suitably qualified acoustic consultant means 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.