Waverley Council

WAVERLEY COUNCIL

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

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| **Application number** | DA-455/2022<br>PAN-268292 |
| **Applicant** | Waverley Council<br>(Assets & Operations Directorate)<br>PO Box 9<br>BONDI JUNCTION NSW 1355 |
| **Description of development** | Demolition of Bronte Surf Life Saving Club building and associated structures, and the construction of a new Bronte Surf Life Saving Club and associated community facility upgrades, including upgrades to seawall and pathway access |
| **Property** | Lot 7102 DP 1058385<br>Bronte Surf Life Saving Club (BSLSC)<br>Bronte Marine Drive, Bronte NSW 2024 |
| **Determination** | Deferred commencement consent<br>Consent Authority - Sydney Eastern City Planning Panel |
| **Date of determination** | 1 February 2024 |
| **Date from which the consent operates** | Date the deferred commencement matters are satisfied. |
| **Date on which the consent lapses if deferred matters have not been finalised** | 1 February 2026 |
| **Approval bodies that have given general terms of approval** | Nil |
| **Building Code of Australia building classification** | Class 9B |

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of deferred commencement consent using the power in section 4.16(3) of the EP&A Act, subject to the conditions set out in this notice.

**Relevant matters**

This consent does not operate and may not be acted on until the consent authority (or delegate, being Waverley Council, Development Assessment Department) is satisfied of the following matter(s):

1. **Seawall Design**

   A Stage 2 Detailed Seawall Design and wave return walls, including all required physical modelling is required. An updated Report/Statement addressing Clause 27 of the *Coastal Management Act 2016* and Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* with respect to Stage 2 findings is also required. These requirements are to be prepared by a suitably qualified Coastal Engineering Consultant.

2. **Sydney Water Requirements**

   An Out of Scope Building Plan approval is to be obtained via a Water Servicing Coordinator that ensures the development does not unreasonably impact the Sydney Water assets transversing the site. A copy of the approval from Sydney Water is to be provided to Council.

In order to activate this consent, evidence of the above relevant matter(s) must be submitted via the NSW Planning Portal - Refer to the tab 'Actions' > 'Request for operational consent'. The applicant must submit the necessary documentation (correctly labelled in accordance with Council's naming convention of files) within two (2) years of the date of the determination, otherwise the consent will lapse. Details to be submitted to Council for the approval of **Council's Executive Manager, Development Assessment or delegate**.

Under section 76(4) of the EP&A Regulation, the consent authority (or delegate, being Waverley Council, Development Assessment Department) will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below (see Appendix A) apply from the date that this consent operates.

*Note: Section 76(3) of the EP&A Regulation enables a consent authority (or delegate, being Waverely Council, Development Assessment Department) to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period.*

*Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority (or delegate, being Waverley Council, Development*

*Assessment Department) must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority (or delegate, being Waverley Council, Development Assessment Department) has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority (or delegate, being Waverley Council, Development Assessment Department) is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).*

**Reasons for deferred commencement**

1. The development, subject to activation of consent and conditions, is consistent with the objectives of the zone.
2. The development, subject to activation of consent and conditions, will safeguard neighbourhood amenity.
3. Appropriate conditions have been imposed to ensure the development does not detrimentally impact on the heritage significance of the site.
4. The development accords with objectives of relevant planning controls.

**Right of appeal / request a review of the determination**

If you are dissatisfied with this determination:

**Request a review**

If you are dissatisfied with this decision, you may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. You must give your reasons for this request and pay the prescribed fee for this review. The review application should be lodged within 28 days from the date of the Notice of Determination, so it can be determined within the prescribed time.

**Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Land and Environment Court within 6 months of the date of the Notice of Determination.

**Modification of consent**

If you are dissatisfied with a condition attached to this consent or require amendment to your consent (after activation), you may apply to Council to have the condition removed or varied. This process may be undertaken in the form of an application to modify the development consent under Section 4.55 of the *Environmental Planning & Assessment Act 1979*. You should give reasons or supply such additional information that supports your application.

**Dictionary**

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

For further information, please contact Jo Zancanaro on 9083 8041 during business hours or via email at jo.zancanaro@waverley.nsw.gov.au.

Angela Rossi
**Executive Manager, Development Assessment**
**Waverley Council**
(Person acting on behalf of the consent authority)

## Appendix A – Terms and Reasons for Conditions

Upon satisfying the consent authority (or delegate, being Waverley Council, Development Assessment Department) as to the matters in the above Notice of Determination, the consent shall be activated and the following conditions shall apply.

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

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| **1.** | **APPROVED PLANS AND DOCUMENTATION** |

The development must be in accordance with:

(a) Architectural Plans prepared by 'Warren and Mahoney Architects Australia Pty Ltd' of Project No: 10155 including the following:

| Plan Number and Revision | Plan description | Plan Date | Date received by Council |
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| DA.001 / D | COVER SHEET | 11/01/2024 | 15/01/2024 |
| DA.010 / D | LOCATION PLAN | 11/01/2024 | 15/01/2024 |
| DA.020 / D | EXISTING SITE PLAN | 11/01/2024 | 15/01/2024 |
| DA.030 / D | PROPOSED SITE PLAN | 11/01/2024 | 15/01/2024 |
| DA.062 / D | DEMOLITION PLAN | 11/01/2024 | 15/01/2024 |
| DA.100 / F | PROPOSED GROUND FLOOR PLAN | 11/01/2024 | 15/01/2024 |
| DA.101 / F | PROPOSED FIRST FLOOR PLAN | 11/01/2024 | 15/01/2024 |
| DA.110 / F | PROPOSED ROOF PLAN | 11/01/2024 | 15/01/2024 |
| DA.200 / H | ELEVATIONS - EAST & WEST | 11/01/2024 | 15/01/2024 |
| DA.201 / H | ELEVATIONS - NORTH & SOUTH | 11/01/2024 | 15/01/2024 |
| DA.300 / D | SECTIONS 1 & 2 | 11/01/2024 | 15/01/2024 |
| DA.301 / D | SECTIONS A & B | 11/01/2024 | 15/01/2024 |
| SK.123/ B | SEA WALL LAYOUT | 20/12/2023 | 21/12/2023 |
| SK.124/ A | SEA WALL ELEVATION | 20/12/2023 | 21/12/2023 |

(b) Aboriginal Cultural Heritage Assessment Report prepared by Coast History & Heritage dated October 2023 and received by Council on 24/10/2023.

(c) Heritage Impact Statement Report prepared by 'GML Heritage' dated July 2023 and received by Council on 31/07/2023.

(d) Architectural Design Report prepared by 'Warren and Mahoney Architects

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| | Australia Pty Ltd' dated July 2023, Revision A, and received by Council on 02/08/2023.<br>(e) Bronte Surf Life Saving Club Design Report prepared by 'Warren and Mahoney Architects Australia Pty Ltd' dated July 2023 and received by Council on 02/08/2023.<br>(f) Updated Acoustic Report prepared by 'Marshall Day Acoustics' dated 31 July 2023 received by Council on 31/07/2023.<br>(g) DA – Building Code of Australia 2022 and DDA Premises Standards Review (Accessibility Report) prepared by 'MBC Group' dated 31 July 2023 and received by Council on 31/07/2023.<br>(h) BCA Capability Statement, Attachment J, prepared by 'MBC Group' dated July 2023 and received by Council on 31/07/2023.<br>(i) Fire Safety Schedule, Attachment K, prepared by 'MBC Group' and received by Council on 31/07/2023.<br>(j) DA Report for Lighting prepared by 'FPOV' dated 27/07/2023 and received by Council on 31/07/2023.<br>(k) Building Operation Management Plan dated 31/07/2023 and received by Council on 31/07/2023.<br>(l) Civil Development Application Report prepared by 'Taylor Thomson Whitting Pty Ltd' dated 24 July 2023 and received by Council on 31/07/2023.<br>(m) CPTED Report prepared by Lehr Consultants International (Australia) Pty Ltd dated 28/07/2023 and received by Council on 31/07/2023.<br>(n) Designing with Country Integration Strategy prepared by 'Greenshoot Consulting x Greenway Architects' dated July 2023 and received by Council on 31.07.2023.<br>(o) Additional Geotechnical Investigation prepared by 'AssetGeoEnviro' dated 19 January 2022 and received by Council on 14/10/2022.<br>(p) Supplementary Contamination Assessment prepared by 'AssetGeoEnviro' dated 19 January 2022 and received by Council on 14/10/2022.<br>(q) Environmentally Sustainability Design Report prepared by 'Lehr Consultants International (Australia) Pty Ltd' dated 27/07/2023 and received by Council on 31/07/2023.<br>(r) Landscape DA Report and Plans No. L000. L001, L002, L003, L004. L200 and L202 prepared by Oculus dated 28 July 2023 and received by Council on 31/07/2023, and Landscape Plan No. L500 planting site plan and indicative planting palette prepared by 'Oculus' and received by Council on 08/11/2023.<br>(s) Coastal Risk Assessment and Coastal Engineering Advice on Bronte Surf Lifesaving Club and Community Facility Redevelopment prepared by 'Horton Coastal Engineering Pty Ltd' dated 31/07/2023 and received by Council on 02/08/2023; as amended by Bronte SLSC Redevelopment Seawall and Related Elements Detailed Design – Concept Design and Coastal Engineering Assessment Report, prepared by 'Royal Haskoning DHV' dated 05/12/2023 and received by Council on 16/12/2023.<br>(t) Statement of Environmental Effects – Amendment to DA-455/2022, Bronte Surf Life Saving Club prepared by 'Urbis' dated 2 August 2023 and received by Council on 02/08/2023<br>(u) Structural DA Letter of Endorsement prepared by 'TTW (NSW) Pty Ltd' dated 31 |

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| | July 2023 and received by Council on 31/07/2023<br><br>Except where amended by the following conditions of consent.<br><br>**NOTE – Plan references above are likely to change following satisfaction of the deferred commencement matters. As this occurs, condition 1 will be updated to reflect the new documentation.** |
| | Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development. |
| **2.** | **GENERAL MODIFICATIONS** |
| | The application is approved subject to the following plan amendments;<br><br>(a) The Landscape Plan, SWG L500 prepared by 'Oculus' received by Council on 08/11/2023 is to be amended to replace the eight (8) *Allocasuarina littoralis* (black she-oak) with seven (7) *Casuarina equisetifolia* (coastal she-oak) with a minimum pot size of 200 litres when planted. The tree must be planted by a horticulturist (min qualification AQF Level 3).<br>No other plant species substitutions are permitted. |
| | Condition reason: To provide for appropriate landscape species. |
| | The amendments are to be approved by **Council's Executive Manager, Development Assessment or delegate** prior to the issue of the relevant Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review. |
| **3.** | **SEAWALL DESIGN** |
| | The seawall design is to be as per the details shown on Approved Drawings SK.123 Revision B and SK.124 Revision A prepared by 'Warren and Mahoney Architects Australia Pty Ltd' dated 20.12.2023. Should the Stage 2 Detailed Seawall Design referred to in Deferred Commencement Matter 1 require any changes to the seawall design, including but not limited to height or length, then a s4.55 modification application will be required to be submitted to, and approved by, the **consent authority** prior to the issue of any Construction Certificate. |
| | Condition reason: To ensure that any modifications to the approved development receive the appropriate consent. |
| **4.** | **MAINTENANCE PLAN FOR COASTAL PROTECTION WORKS** |
| | A Maintenance Management Plan (MMP) is to be prepared for the maintenance of the coastal protection works for their intended design life and shall be reviewed on a 10 year basis. The MMP is to be prepared by a suitably qualified coastal engineer and is to be approved by **Council's Executive Manager, Development Assessment (or delegate)** in writing prior to issue of the relevant construction certificate. The MMP must be complied with at all times. |

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| | The MMP may be modified from time to time with the approval of **Council's Executive Manager, Development Assessment (or delegate)**. These modifications to the MMP must also be made (if necessary) each time the design life is extended in accordance with condition 5. This is to ensure the MMP continues to be suitable in perpetuity. |
| | Condition Reason: To ensure a plan is in place for the on-going maintenance of the works prior to the start of construction and at each extension of the design life. |
| **5.** | **TIME LIMITED CONSENT** |
| | The consent operates for 60 calendar years from the date of the issue of the occupation certificate and such other period as may be extended with the written approval of Council in accordance with the following.<br><br>A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the works, the landowner shall procure a Review Report, by a suitably qualified independent coastal engineer.<br><br>The report must review the performance of the works using the evidence and coastal hazard predictions known at that time.<br><br>The report must consider whether:<br><br>i. The works are satisfactory in their current state (i.e. with no upgrades required) and recommend an extension to the design life for an extra period of time consistent with evidence and coastal hazard predictions known at that time, or<br><br>ii. Upgrades to the works are required so that they can provide the necessary level of protection, or<br><br>iii. Removal and replacement of the structure with an alternative design is required, or<br><br>iv. Demolition and removal of the coastal protection works in the interest of public safety is recommended.<br>-<br><br>v. The Maintenance Plan for Coastal Protection Works<br><br>The Review Report shall be submitted to **Council's Executive Manager, Development Assessment** (or equivalent at the time) for consideration not later than twelve (12) months prior to the end of the design life (i.e. the date of 60 years after the issue of the occupation certificate in the first instance, or the extended design life once the first review has been completed).<br><br>If the Review report concludes that the structure is satisfactory without any upgrades that would require further planning approvals, Council may, in writing, approve an extension of the term of the development consent for the period recommended in the report, or such lesser time as the Council considers appropriate. The development consent cannot be considered to be extended without written approval from Council. |

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| | If the Review Report recommends any upgrades to the works, these upgrades must be dealt with under the planning laws at that time. If planning laws at the time allow the recommended upgrades to be undertaken without formal approval, Council will still need to approve any extension to the development consent.<br><br>If the Review Report recommends removal and replacement of the structure with an alternative design, the replacement structure will be the subject of a further development application for consent to Council.<br><br>A further Review Report will be provided to Council a minimum of twelve (12) months prior to the end of the extended design life, on each extension, with the above process repeated. |
| | Condition reason: To allow a mechanism to prevent the works from ever unreasonably limiting public access to or the use of the beach, and from posing a threat to public safety. This is in line with Section 27 of the Coastal Management Act 2016. |
| **6.** | **PUBLIC AREAS AND RESTORATION WORKS** |
| | At all times, public areas must be kept in a safe condition. The restoration of disturbed road and footway areas caused by construction activities must be made safe for the public and must be prioritised. This includes, but is not limited to, work done for the purpose of connecting to public utilities, as well as repairs to damaged infrastructure. If Council discovers any unsafe construction activities in the public areas surrounding the development, the works must be completed immediately and to Council's satisfaction. |
| | Condition reason: To ensure public safety in public areas surrounding the development. |
| **7.** | **SEPARATE APPLICATION FOR SIGNAGE** |
| | Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council (if required). |
| | Condition reason: To ensure any signage achieves the appropriate approvals. |
| **8.** | **ACOUSTIC REPORT** |
| | The “recommendations” as outlined in the Acoustic Report prepared by Marshall Day Acoustics [Ref:Rp00120230361] dated 31 July 2023 and received by Council on 31/07/2023 shall be implemented in full. |
| | Condition reason: To protect the amenity of neighbouring properties. |

# BUILDING WORK

## BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

| » Condition | |
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| **9.** | **NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE** |
| | The building work, or demolition work, must not be commenced until:<br><br>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;<br><br>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and<br><br>(c) Council is given at least two days' notice in writing of the intention to commence the building works. |
| | Condition reason: To ensure a Construction Certificate is obtained prior to work commencing. |
| **10.** | **SECTION 7.12 CONTRIBUTION** |
| | A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following:<br><br>(a) Where the total development cost is $500,000 or less:<br><br>(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.<br><br>(b) Where the total development cost is more than $500,000 but less than $1,000,000:<br><br>(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.<br><br>(c) Where the total development cost is $1,000,000 or more:<br><br>(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** |

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| | **Planning, Policy and Strategy (or delegate).**<br><br>- 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.<br><br>(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.<br><br>(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.<br><br>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.<br><br>(d) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021*, the levy must be paid in accordance with the following;<br><br>(i) A development valued at $100,000 or less will be exempt from the levy;<br><br>(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or<br><br>(iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development.<br><br>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. |
| | Condition reason: To ensure the Section 7.12 Contributions are paid. |
| **11.** | **LONG SERVICE LEVY** |
| | A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.<br><br>Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more. |
| | Condition reason: To ensure the long service levy is paid. |
| **12.** | **ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES** |
| | The applicant is to pay to Council fees for assessment and inspections of the above items to the total amount of $10,000 (GST exempt) at the time of engineering plan |

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| | approval, prior to such approval being granted by Council.<br><br>An invoice will be issued by Council to the applicant for the amount payable. |
| | Condition reason: To ensure Council assessment fees are paid. |
| **13.** | **PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES** |
| | Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building. |
| | Condition reason: To ensure building is fit for future use for a food and drink premises. |
| **14.** | **HOARDING** |
| | To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding. |
| | Condition reason: To ensure safety to the general public. |
| **15.** | **EROSION & SEDIMENT CONTROL** |
| | A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.<br><br>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.<br><br>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction. |
| | Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways. |
| **16.** | **DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION** |
| | A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.<br><br>Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate. |
| | Condition reason: To ensure any excavation, shoring or pile construction is carried |

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| | out in a safe manner. |
| **17.** | **ENGINEERING DETAILS** |
| | Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate. |
| | Condition reason: To ensure structural stability of work on site. |
| **18.** | **CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)** |
| | The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of **Council's Executive Manager, Infrastructure Services, or delegate,** prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:<br>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent |
| | Condition reason: To minimise disruption to local traffic. |
| **19.** | **STORMWATER MANAGEMENT** |
| | To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by **Council's Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the relevant Construction Certificate.<br><br>The submitted civil drawings prepared by Warren Smith Consulting Engineers Pty Ltd, Job No. 7716000, Drawing No. WSCE-HS-DD-0000, WSCE-HS-DD-0001, WSCE-HS-DD-0100, WSCE-HS-DD-0101, WSCE-HS-DD-0102, WSCE-HS-DD-0400, Issue 1, dated 19/09/2022 in conjunction with drawings prepared by TTW Pty Ltd, Job No. 231446, Drawing No. DA100, DA102, DA140, DA141, DA180, Rev P2 dated 24/07/2023 are considered concept only.<br><br>The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:<br><br>a) Due to the surf lifesaving club being located at the downstream point of the catchment, no onsite stormwater detention (OSD) is required for the development site.<br><br>b) The stormwater management and runoff from the site is to be designed in such a way that the downstream area is protected against erosion.<br><br>c) Connection into Council's stormwater network requires (at minimum) a 900 x 900 junction pit at point of connection. Required to connect at or above top third of Council pipeline (subject to site constraints). Council's preference is for only one connection to be made to the Council stormwater culvert from the development. Any deviation from this |

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| | requires the approval of **Council's Executive Manager, Infrastructure Services (or delegate).**<br><br>d) Before and after the connection is made to Council's below ground drainage infrastructure, closed-circuit television (CCTV) footage and a report on the condition of the system will be required.<br><br>e) A non-return valve to be installed at the outlet pipe at the connection point with Council's stormwater line so that stormwater cannot surcharge back into the property disposal system.<br><br>f) Stormwater assets (e.g. stormwater quality improvement device) must be shown in architectural drawings. The stormwater management plan shall be updated to be consistent with the architectural drawings.<br><br>g) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.<br><br>h) A long section of the connection to Council's infrastructure shall be provided and its details must be included (e.g., the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe, and hydraulic grade line) including overflow riser where required.<br><br>i) The pits/inspection openings must be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.<br><br>j) Grates / grated box drains to be located downstream of all impervious areas (where not in external overland flow path).<br><br>k) Driveway areas bypassing treatment are to be included in a MUSIC model.<br><br>l) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.<br><br>m) Any affected Council infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.<br><br>n) Council must be notified when the connection has been made to Council's existing infrastructure and an inspection must be made by a Council officer prior to restoration and backfill at the point of connection. Minimum 48 hour's notice must be provided to Council prior to |

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| | inspection.<br><br>Notes:<br>i. The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.<br>ii. Since a sewer main runs through the property, plans must also be presented to a Sydney Water for their approval.<br>iii. Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). |
| | Condition reason: To ensure the proper management of stormwater runoff. |
| **20.** | **COUNCIL'S EXISTING STORMWATER DRAINAGE INFRASTRUCTURE** |
| | Council's records indicate an existing stormwater culvert owned by Council traversing the subject development site. The applicant is required to engage a Registered Surveyor or a suitably qualified and practising professional to investigate the exact location of the existing culvert including the culvert size, invert, and any necessary levels needed as part of this proposal to be submitted to Council.<br><br>The existing stormwater culvert is to be overlayed onto the stormwater management and architectural plans and submitted to Council prior to construction. The culvert must be protected by both construction activities and the loading of the final building.<br><br>Details of the protection measures including certification from a registered structural engineer that the proposed measures will prevent and or protect the culvert from additional loading both during construction and for the finalised building shall be submitted for review and approval to **Council's Executive Manager, Infrastructure Services (or delegate)** prior to issuance of a construction certificate. Full surveyed works as executed drawings with the registered engineers certification, of any and all culvert bridging structures will be required to be submitted and approved by **Council's Executive Manager, Infrastructure Services (or delegate)** at final completion prior to issuance of the occupation certificate.<br><br>Pre-existing penetrations into the Council stormwater culvert within the vicinity of the works are to be inspected, assessed and any damage or deterioration rectified as part of the proposed development. |
| | Condition reason: To ensure the proper management and protection of existing infrastructure. |
| **21.** | **COASTAL RISK ASSESSMENT AND EMERGENCY EGRESS** |
| | Upon activation of the consent, the architectural and engineering plans shall be presented to a suitably qualified and practising engineering consultant to undertake an updated Coastal Risk Assessment. The report must be submitted and approved by **Council's Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the relevant Construction Certificate and at a minimum: |

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| | (a) Describe the site/study area and demonstrate a detailed appreciation for the proposed scope of works.<br>(b) Discuss any legislation and development controls applicable (such as *Coastal Management Act 2016 and State Environmental Planning Policy (Resilience and Hazards) 2021*).<br>(c) Discuss the coastal processes; the hazards and protection (for example evolutionary morphology, history of any major events that led to damages of structures in the area, coastal erosion and recession and wave impacts).<br>(d) Discuss construction aspects such as materials and the effect any storms may have on construction related activities and any maintenance requirements.<br>(e) Provide an assessment of the architectural and stormwater plans with respect to the relevant legislation and controls.<br>(f) Provide measures that will assist with mitigating coastal risks to the proposed development in accordance with the relevant legislation. Design recommendations for building openings and shut-out systems to support a worst-case scenario flood or coastal event (factoring in a combination of water levels, climate change adaptation, future sea level rise and wave heights). Building egress in the case of an emergency shall be provided to any area of the building affected by flooding or coastal inundation. Details of proposed emergency flood gates or large drainage systems shall be considered. Internal egress (including access from the building roof shall be considered) shall be available if flood gates are in operation so that any person can exit the building safely.<br><br>Note: Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). |
| | Condition reason: To manage the impacts of coastal inundation. |
| **22.** | **FLOODING REQUIREMENTS** |
| | The property is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021. The registered proprietor's attention is drawn to the likelihood that the development may be inundated by flood waters during a 1% Annual Exceedance Probability (AEP) storm event. This includes increasing flood effects elsewhere, loss of flood storage, changes in flood levels, flows and velocities caused by alterations to the flood conveyance. To ensure this has been considered, the submitted architectural plans will need to reflect the following:<br>(a) All new building material must be flood resistant or flood compatible to a height of 5.7m (AHD).<br>(b) All new internal electrical switches, power points or similar utilities liable to flood damage must be set at or above the 5.7m (AHD).<br>(c) A suitably qualified engineer certifies that any new structure can withstand the forces of floodwater, scour debris and buoyancy up to 5.7m (AHD).<br>(d) A storage area is to be provided at or above the 5.7m (AHD) for the storage of goods that can be damaged or mobilised by flooding, or goods that have potential to cause pollution during flooding. |

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| | (e) Any proposed fencing must be built using flood compatible material.<br>(f) There is to be no filling of the land within the property.<br><br>Details and certification are to be submitted and approved by **Council's Executive Manager, Infrastructure Services or delegate** prior to the issue of the relevant Construction Certificate. |
| | Condition reason: To manage the impacts of flooding. |
| **23.** | **ENERGY EFFICIENCY** |
| | An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2022,* 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).<br><br>The report is to be submitted and approved by **Council's Executive Manager, Environmental Sustainability (or delegate)** prior to the issue of the relevant Construction Certificate for any works above ground level.<br><br>The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report. |
| | Condition reason: To ensure sustainable development. |
| **24.** | **SITE WASTE AND RECYCLING MANAGEMENT PLAN** |
| | A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction. |
| | Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction. |
| **25.** | **WASTE STORAGE AREAS** |
| | The development must have a bin storage area with sufficient space to accommodate the following minimum requirements for the commercial development.<br><br>**Commercial**<br>i. 4x 660L MGBs for general waste, collected 2x per week<br>ii. 4 x 660L MGBs for paperboard recycling, collected 2x per week<br>iii. 4 x 660L MGBs for comingled recycling, collected 2x per week<br>iv. Extra space is required to store reusable products, such as milk and bread crates, and excess cardboard and other packaging materials.<br>v. Extra space is required for equipment needed to move bins<br>vi. Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required. |

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| | 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. |
| | Condition reason: To ensure the appropriate space for storage of waste on site. |
| **26.** | **VERMIN AND RAT CONTROL** |
| | A *Pest and Vermin Control Management Plan* prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of **Council's Manager, Health and Compliance (or delegate)** prior to the issue of the relevant Construction Certificate for the demolition of existing buildings. |
| | Condition reason: To reduce and control pests and vermin. |
| **27.** | **BUILDING CODE OF AUSTRALIA** |
| | A *Building Code of Australia Capability Statement* prepared by a suitably qualified Accredited Certifier/Building Code Consultant that certifies that the proposed development can readily comply with the requirements of the NCC Building Code of Australia is to be submitted for the approval of **Council's Manager, Building and Compliance (or delegate)** prior to the issue of the relevant Construction Certificate for the demolition of existing buildings. |
| | Condition reason: To control acoustic impacts to surrounding land uses. |
| **28.** | **NOISE MANAGEMENT PLAN – DEMOLITION, EXCAVATION AND CONSTRUCTION** |
| | A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of **Council's Executive Manager, Compliance (or delegate)** for demolition, excavation and construction works prior to the issue of the relevant Construction Certificate for the demolition of existing buildings.<br><br>For further information on the requirements, refer to Council's website:<br>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent |
| | Condition reason: To control acoustic impacts to surrounding land uses. |
| **29.** | **DILAPIDATION REPORT** |
| | 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 building is to be included:<br>(a) **Heritage Item 4571740 – Sewerage pumping station, which is a Sydney Water Asset.**<br>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 |

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| | properties.<br>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.<br>No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.<br>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. |
| | 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. |
| **27.** | **PROTECTION OF EXISTING DRIVEWAY AND VEHICULAR ACCESS** |
| | The access used for construction vehicles shall be adequately protected throughout all demolition and construction phases.<br><br>In this regard, details of the proposed protection measures must be submitted to Council for the approval of **Council's Executive Manager, Infrastructure services (or delegate)** prior to the issue of any Construction Certificate. The details shall include, but not be limited to the following;<br><br>a) A plan showing the route of construction vehicle through the park.<br>b) Pre commencement photos of the access route showing the current condition.<br>c) Work methodology of measures put in place to retain the existing condition.<br><br>Should the vehicular access not remain in a satisfactory condition, Council reserves the right to issue an appropriate order to fine the contractors or carry out emergency remedial works at the contractor's expense. The reconstruction of the existing driveway and the vehicular access may be requested by Council if severely damaged. |
| | Condition reason: To ensure appropriate vehicular access is provided during construction. |

## BEFORE BUILDING WORK COMMENCES

| » Condition | |
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| **28.** | **CONSTRUCTION SIGNS** |
| | Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works. |
| | 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. |
| **29.** | **DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS** |
| | The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:<br><br>• Work Health and Safety Act 2011;<br>• Work Health and Safety Regulation 2017;<br>• SafeWork NSW Code of Practice for the Safe Removal of Asbestos;<br>• Australian Standard 2601 (2001) – Demolition of Structures;<br>• *Protection of the Environment Operations Act 1997.*<br><br>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:<br><br>(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;<br><br>(b) Confirm that no asbestos products are present on the subject land, or<br><br>(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);<br><br>(d) Describe the method of demolition; |

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| | (e) Describe the precautions to be employed to minimise any dust nuisance; and<br><br>(f) Describe the disposal methods for hazardous materials. |
| | Condition reason: To ensure the safety of workers and the general public. |
| **30.** | **TREE PROTECTION** |
| | All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent. |
| | Condition reason: To protect and retain trees. |
| **31.** | **STREET TREES TO BE RETAINED/TREE PROTECTION** |
| | No existing street trees or Bronte Park trees shall be removed without Council approval (unless explicitly expressed in this consent). Precautions shall be taken when working near trees to ensure their retention, including the following:<br><br>(a) Do not store harmful or bulk materials or spoil under or near trees;<br>(b) Prevent damage to bark and root system;<br>(c) Do not use mechanical methods to excavate within root zones;<br>(d) Do not add or remove topsoil from under the drip line;<br>(e) Do not compact ground under the drip line;<br>(f) Do not mix or dispose of liquids within the drip line of the tree; and<br>(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. |
| **32.** | **HERITAGE NSW CONDITIONS** |
| | A S140 permit from the Heritage Council of NSW is required for archaeological monitoring prior to commencement of any site works. The application to ‘Heritage NSW’ must include an archaeological assessment report, archaeological research design, excavation methodology, prepared by a suitably qualified person. The application shall also nominate an appropriately qualified excavation director. |
| | Condition reason: To ensure the appropriate approvals are obtained from Heritage NSW. |
| **33.** | **PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT** |
| | Prior to commencing any works, internal inspection of the Council’s stormwater conduit to determine its structural and serviceability condition must be carried out by a Closed Circuit Television (CCTV) by an approved contractor. The report is to be submitted to **Council’s Executive Manager, Infrastructure Services (or delegate)** for its review prior to the commencement of works on Council’s stormwater infrastructure . No works on Council’s stormwater infrastructure will commence until given approval by Council. |

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| | Condition reason: To ensure Council's stormwater pipe is protected. |
| » **34.** | **PRE-CONSTRUCTION DILAPIDATION REPORT** |
| | To ensure Council's infrastructure is adequately protected, a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council prior to the commencement of any construction works. 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:<br><br>a) Road pavement<br>b) Kerb and gutter<br>c) Footpath<br>d) Drainage pits and lintels<br>e) Traffic signs<br>f) Existing driveway access to the site<br>g) Any other relevant infrastructure<br><br>The report is to be dated, submitted to, and approved by **Council's Executive Manager, Infrastructure Services (or delegate**), 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. |
| | Condition reason: To ensure Council's infrastructure is adequately protected. |
| **35.** | **NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS** |
| | Prior to commencement of the public domain works, notice must be submitted to **Council's Executive Manager, Infrastructure Services (or delegate).** 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. |
| | Condition reason: To ensure appropriate notice is provided before works are undertaken to the public domain. |
| **36.** | **PUBLIC DOMAIN ENGINEERING INSPECTIONS** |
| | To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required, and compliance certificates must be obtained from **Council's Executive Manager, Infrastructure Services (or delegate)** for the road pavement, kerb and gutter, stormwater, footpath paving, street lighting, undergrounding works, street trees and landscaping hold points. A minimum 48 hours' notice will be required when booking for the site inspections. |
| | Condition reason: To ensure all public infrastructure engineering works will be constructed to Council satisfaction. |

## DURING BUILDING WORK

| » Condition | |
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| **37.** | **CONTROL OF DUST ON CONSTRUCTION SITES** |
| | The following requirements apply to demolition and construction works on site:<br>(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.<br>(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. |
| | Condition reason: To ensure the safety of workers and the general public. |
| **38.** | **CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS** |
| | Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014. |
| | Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014. |
| **39.** | **EXCAVATION AND BACKFILLING** |
| | All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.<br><br>If an excavation associated with the erection or demolition or 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. |
| | Condition reason: To ensure structural stability of work on site and general safety. |
| **40.** | **CONSTRUCTION HOURS** |
| | Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.<br><br>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 |

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| | 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.<br><br>Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*. |
| | Condition reason: To protect the amenity of the surrounding area. |
| **41.** | **STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS** |
| | All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval. |
| | Condition reason: To ensure any building materials are stored within the property. |
| **42.** | **CONSTRUCTION INSPECTIONS** |
| | The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002,* clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments. |
| | Condition reason: To ensure regular inspections occur throughout the construction process. |
| **43.** | **CERTIFICATE OF SURVEY - LEVELS** |
| | All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building. |
| | Condition reason: To ensure buildings are sited and positioned in the approved location. |
| **44.** | **CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING** |
| | A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building. |
| | Condition reason: To ensure buildings are sited and positioned in the approved location. |
| **45.** | **WORK OUTSIDE PROPERTY BOUNDARY** |
| | This consent does not authorise any work outside the property boundary. |
| | Condition reason: To ensure buildings are sited and positioned in the approved location. |
| **46.** | **ENVIRONMENTAL SUSTAINABILITY** |

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| | The approved landscaped species are to be inspected by **Council's Urban Ecology Coordinator or delegate** after delivery to the site and prior to planting. |
| | Condition reason: To ensure that the approved landscaped species are planted in accordance with the approved plans. |
| **47.** | **FOOD PREMISES** |
| | The fitout of the premises must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation.<br><br>https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety |
| | Condition reason: To ensure the use complies with relevant policy and legislation. |

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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| **48.** | **FINAL OCCUPATION CERTIFICATE** |
| | Prior to occupation or use of the development, an Occupation Certificate must be obtained.<br><br>The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council. |
| | Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development. |
| **49.** | **CERTIFICATION OF STORMWATER SYSTEM** |
| | Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified Hydraulics Engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice. |
| | Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice. |
| **50.** | **WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM** |
| | (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits and other drainage related infrastructure including the drainage culvert and any newly built supporting structure/s over the culvert. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.<br><br>(b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system (including the stormwater drainage culvert and any supporting structure/s built over the culvert) and that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. |
| | Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice. |
| **51.** | **POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT** |
| | Prior to the issue of the Occupation Certificate, a post-construction CCTV report |

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| | shall be submitted to Council on any newly installed stormwater conduits and at least up to the next pit downstream of the proposed works. This is to ensure Council's stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections.<br><br>An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of any newly installed stormwater conduits and at least up to the next pit downstream of the proposed works is required. The report is to be dated and submitted to and accepted by **Council's Executive Manager, Infrastructure Services (or delegate).**<br><br>The report shall be used by **Council's Executive Manager, Infrastructure Services (or delegate)** to assess whether any rectification works will be required. The applicant shall obtain written approval from **Council's Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the Occupation Certificate. |
| | Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice. |
| **52.** | **CERTIFICATION OF ALL MECHANICAL PLANT** |
| | Prior to the issue of an Occupation Certificate, 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, is to be submitted to **Council's Executive Manager, Compliance, or delegate**. |
| | Condition reason: To ensure the proper installation of use of the mechanical plant has been undertaken. |
| **53.** | **CERTIFICATION OF LANDSCAPING** |
| | The landscaped species are to be inspected by **Council's Urban Ecology Coordinator or delegate** after planting.<br><br>At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification. |
| | Condition reason: To ensure that the approved landscaped species are planted. |
| **54.** | **PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE** |
| | A Waste Management Plan is to be submitted to **Council's Executive Manager, Environmental Sustainability (or delegate)** prior to the issue of the Occupation Certificate and include the following, where relevant; |

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| | (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)<br><br>(b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.<br><br>(c) Confer with Sydney Water and any other relevant contractor to ensure a valid Trade Waste Agreement is in place for all trade wastes. Copies of these agreements shall be forwarded to Council.<br><br>(d) The role and responsibility of managing composting facilities (if provided).<br><br>(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.<br><br>(f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.<br><br>(g) For commercial premises whose waste contains 20% or more food waste, a daily waste collection is required, unless an alternative is agreed upon with Council.<br><br>(h) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.<br><br>(i) All waste and recycling bins must only be placed out on Council footpath for collection the morning of the collection day (no earlier than 5:30am) and retrieved from the kerbside as early as possible the same day of collection.<br><br>(j) The bins must be placed for collection in a location that does not impede pedestrian access along the footpath or impact the neighbouring properties.<br><br>(k) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.<br><br>(l) At no times shall bins or other products (e.g. milk/bread crates) be stored on the public domain (e.g. footpaths).<br><br>(m) Details of ongoing waste management strategy are to be documented within the SWRMP. |
| | Condition reason: To ensure adequate waste management on site. |
| **55.** | **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 |

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| | to the issue of the Occupation Certificate. |
| | Condition reason: To ensure the maintenance of the mechanical exhaust. |
| **56.** | **FOOD PREMISES - REGISTRATION** |
| | The premises are to be registered with Waverley Council and inspected by **Council's Environmental Health Officer** prior to the issue of the Occupation Certificate. |
| | Condition reason: To ensure the food and drink premises is registered with Waverley Council. |
| **57.** | **FOOD PREMISES - FITOUT** |
| | The fitout of the premises must be in accordance with the Waverley Council Policy for Fit-out and Construction of Food Premises available on Council's website, as well as any other relevant legislation.<br><br>https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety |
| | Condition reason: To ensure the food and drink premises is fitout in accordance with the requirements of Waverley Council. |
| **58.** | **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. |
| **59.** | **BUILDING HEIGHT** |
| | (a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings (excludes balustrade):<br>i. Roof slab height: RL 14.00<br>(b) 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. |
| | Condition reason: To ensure the constructed development complies with the approved height. |
| **60.** | **SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN** |
| | 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. |
| | Condition reason: To ensure the public domain works are appropriately constructed. |
| **61.** | **WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN** |
| | To ensure public infrastructure works required under the consent are completed in |

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| | 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 Council prior to the issue of any Occupation Certificate.<br><br>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. |
| | Condition reason: To ensure the public infrastructure works are appropriately constructed. |
| **62.** | **CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS** |
| | 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.<br><br>Notes<br>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.<br><br>ii. To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months must apply to the works completed by the applicant/developer following completion of the development. The defects liability period must commence from the date of issue of the Occupation Certificate for the development. The applicant must be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. |
| | Condition reason: To ensure that all works in the road reserve including all public domain infrastructure and restorations have been completed and constructed to Council's satisfaction. |
| **63.** | **WAVERLEY DIGITAL MODEL (WHERE A DIGITAL MODEL WAS SUBMITTED WITH THE DA)** |
| | An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:<br>https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling |
| | Condition reason: To provide documented information for the future planning within the Waverley LGA. |

## OCCUPATION AND ONGOING USE

| » Condition | |
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| **64.** | **HOURS OF OPERATION** |

The hours of operation for the premises are restricted to:

| ***Room/area*** | ***Hours of operation*** | ***Days*** | ***Days per year*** |
|---|---|---|---|
| Lifesaving storage | 24 hours per day | Monday – Sunday | 365 days per year |
| Club amenities | 5:30am – 10:00pm | Monday – Sunday | 365 days per year |
| Administration<br><br>Merchandise | 8:00am – 6:00pm<br><br>7:00am – 12:00pm | Monday – Saturday<br><br>Sunday | 52 weeks per year<br><br>Sept – April |
| Patrol and first aid | 24 hours per day | Monday – Sunday | 365 days per year |
| IRB storage | 6:00am – 8:00pm | Monday – Sunday | 365 days per year |
| Kiosk | 7:00am – 7:00pm<br><br>7:00am – 7:00pm<br><br>7:00am – 7:00pm | Monday – Sunday<br><br>Monday – Sunday<br><br>Saturday – Sunday | Sept – May<br><br>July school holidays<br><br>June-August |
| First floor training/ meeting room | 7:00am – 10:00pm | Monday – Sunday | 365 days per year |
| Multi-purpose room, including kitchen and bar | 6:00am – 10:00pm<br>6.00am – 12.00am<br><br>8:00am – 10:00pm | Monday – Thursday<br><br>Friday and Saturday<br><br>Sunday | Maximum 52 events* per year |
| First floor balcony | 8:00am – 10:00pm | Monday-Sunday | In conjunction with the function/ multi-purpose room |
| Gymnasium<br>» | 5:30am – 10:00pm | Monday-Sunday | 365 days per year |

* Events as noted above refers to Non-lifesaving club 'official business' related events.

Condition reason: To protect the amenity of the local area.

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| **65.** | **FUNCTION ACTIVITY** |
| | (i) The following function activity shall not occur on the premises without prior written approval by the **Commander (or delegate), of the Eastern Suburbs Local Police Command;**<br><br>(a) Non surf club related functions for 16 - 21 year old persons including 18th and 21st celebrations.<br>(b) 'Bucks' and 'hens' nights.<br>(c) Any function in which dancing, dance party, rave, DJ performance, or other entertainment act is the primary activity.<br><br>In such circumstances that approval is sought for these types of functions to take place, management must provide such request 14 days prior to the scheduled function.<br><br>Should approval be given, management must adhere to any conditions that accompany such written approval as issued by the Commander (or delegate), of the Eastern Suburbs Local Police Command.<br><br>(ii) Council reserves the right to further include (by way of written advice) types of other functions considered under this condition.<br><br>(iii) Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be made available whenever liquor is made available at the function.<br><br>(iv) No use of the external first floor balcony is to occur after 10.00pm. In this regard, the doors to the balcony shall remain closed after 10.00pm.<br><br>The PoM is to be updated to reflect these aspects of this condition. |
| | Condition reason: To protect the amenity of the local area. |
| **66.** | **MAXIMUM PATRON CAPACITY** |
| | (a) The approved patron capacity for the premises is limited to:<br>Ground Floor – Waverley Council storage, staff rooms and Lifeguard watch room (excluding public amenities): 14 patrons<br>Ground Floor – BSLSC patrol/first aid, storage, administration and merchandising, workshop, kiosk, service rooms, plant rooms and waste rooms (excluding amenities): 39 patrons<br>First Floor – BSLSC multi-purpose room (maximum 200 patrons), training/meeting room, gymnasium, storage and plant rooms (excluding amenities): 259 patrons (total)<br>**Total of 312 patrons**<br><br>(b)Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a). |

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| | Condition reason: To provide patrons with details of the operator and maximum number of persons permitted on the premises. |
| **67.** | **FUTURE TENANT OR HIRER OF EVENT/FUNCTION SPACE** |
| | Prior to commencement of operations, an Operation Manual shall be implemented in conjunction with **Council's Executive Manager, Property and Facilities (or delegate)** for the Bronte Surf Life Saving Club (BSLSC) that provides all relevant operational conditions applicable to the use and management of rooms or event space.<br><br>The Operational Manual shall be provided to all future tenants, leaseholders or hirer's of space within the BSLSC (as part of their lease agreement) to ensure those persons are familiar with relevant conditions of this consent that apply to their use and management of a space. Elements to include though not limited to; approved management plans, emergency evacuation procedures, outdoor dining zone, maximum patron capacity, hours of operation etc. |
| | Condition reason: To protect the amenity of the local area. |
| **68.** | **PLAN OF MANAGEMENT** |
| | A Plan of Management (PoM) (or amended Plan of Management) is to be submitted and is to include details of all operational and management procedures of the premises, including;<br><br>(a) Venue Management Plan (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints, staffing roles and responsibilities);<br>(b) Security Management Plan (relating to tasking and deployment of security personnel, patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements) for any licensed area;<br>(c) Alcohol Management Plan (relating to the behavior of patrons, liquor practices, including the responsible service of alcohol) for any licensed area;<br>(d) Any other such operational matters to ensure compliance with relevant regulatory requirements.<br><br>The PoM shall be submitted to and approved by **Council's Executive Manager, Development Assessment (or delegate)** prior to the issue of any Occupation Certificate. Once the PoM has been approved by Council, a copy is to be provided to the Licensing Police of the Local Area Command prior to the commencement of operations. |
| | Condition reason: To protect the amenity of the local area. |
| **69.** | **OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (PoM)** |
| | (a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times.<br>(b) The approved PoM shall be adopted by the Management of the premises. |

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| | (c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises. |
| | Condition reason: To protect the amenity of the local area. |
| **70.** | **COPIES OF CONSENTS AND MANAGEMENT PLAN** |
| | 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. |
| | Condition reason: To ensure consents and management plan are easily available. |
| **71.** | **SIGNAGE TO BE DISPLAYED** |
| | (a) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near each entry to the premises. The signage shall state the relevant details for each zone of the premises:<br>*Approved hours of operation:*<br>*Approved patron capacity (internal):*<br>(b) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected near the main principle entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:<br>*Upon leaving please respect local residents by minimising noise*<br>(c) Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations.<br>(d) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main entrance of any room / area where a specific patron capacity is stipulated. Wording must include the name of the room / area and the applicable patron capacity authorised. |
| | Condition reason: To protect the amenity of the local area. |
| **72.** | **PATRON BEHAVIOUR** |
| | The management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by council, the management is to employ private security staff to ensure that this condition is complied with. |
| | Condition reason: To protect the amenity of the local area. |
| **73.** | **NOISE FROM SPEAKERS** |
| | All speakers shall:<br>(a) be placed on anti-vibration mountings;<br>(b) Be completely independent of the building structure; and<br>(c) Be positioned so noise does not emanate in the direction of residential |

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| | receivers. |
| | Condition reason: To protect the amenity of the local area. |
| **74.** | **LIQUOR SALE / SUPPLY / CONSUMPTION** |
| | (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.<br>(b) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas.<br>(c) Liquor may only be sold or supplied on the premises by way of opened cans, opened bottles, or other opened containers.<br>(d) There is to be no consumption, possession or movement of opened liquor within the internal stairwells of the premises.<br>(e) Management is to ensure that persons are not permitted to leave the ground floor or first floor, or Club premises in the possession of open liquor. |
| | Condition reason: To protect the amenity of the local area. |
| **75.** | **ENTERTAINMENT NOISE** |
| | Musical instruments, drums and percussion or amplified sound in the form of DJs, live bands and performers are not permitted on the premises without the written approval of Council. |
| | Condition reason: To protect the amenity of the local area. |
| **76.** | **NO ENTERTAINMENT EXTERNAL TO THE PREMISES** |
| | No sound reproduction device nor any form of entertainment is to be operated external to the premises (with the exception of lifesaving/surf club related announcements).<br><br>Speakers must not be installed and music must not be played to the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas / public domain. |
| | Condition reason: To protect the amenity of the local area. |
| **77.** | **MANAGEMENT RESPONSIBILITY** |
| | The management of the premises shall be responsible for:<br>(a) Ensuring patrons do not loiter at the front of the premises.<br>(b) Ensure no crowding in front of the premises occurs that obstructs pedestrian access and flow.<br>(c) Patron's behaviour of those utilising the sanitary facilities. |
| | Condition reason: To protect the amenity of the local area. |
| **78.** | **ADVERTISING/SPONSORSHIP** |
| | Any advertising in the form of banners, stands or signs (or like) are not permitted unless explicitly approved by Council for an event or through a Development Application process. |
| | Condition reason: To protect the amenity of the local area. |

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| **79.** | **AMENITY** |
| | The management of the premises is to:<br>(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<br>(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<br>(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. |
| | Condition reason: To protect the amenity of the local area. |
| **80.** | **NOISE EMISSIONS** |
| | The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy. |
| | Condition reason: To protect the amenity of the local area. |
| **81.** | **NOISE - MECHANICAL PLANT** |
| | Noise associated with mechanical plant shall not give rise to any one or more of the following:<br>(a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.<br>(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.<br>(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. |
| **82.** | **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. |
| **83.** | **NOISE EMISSIONS – LIQUOR LICENCED PREMISES** |
| | Noise emissions from the licensed premises shall comply with the following: |

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| | (a) The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.<br><br>(b) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.<br><br>Notwithstanding compliance with the above clauses, the noise from licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.<br><br>NOTE: Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court, the more stringent conditions shall prevail. |
| | Condition reason: To protect the amenity of the local area. |
| **84.** | **CLOSURE OF WINDOWS / LOUVRES** |
| | To minimise any transmission of noise from the premises to nearby residential buildings all windows, louvres and other openings to the multi-purpose /function area shall be closed by 10pm, each day an event is held. |
| | Condition reason: To protect the amenity of the local area. |
| **85.** | **NOISE COMPLAINTS** |
| | 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:<br><br>(a) The identification of sensitive noise receivers potentially impacted by the proposal;<br>(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);<br>(c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;<br>(d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver |

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| | 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;<br>(e) 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. |
| | Condition reason: To protect the amenity of the local area. |
| **86.** | **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. |
| **87.** | **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. |
| **88.** | **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. |
| **89.** | **LITTER CHECKS (KIOSK)** |
| | Litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises). Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature. |
| | Condition reason: To ensure the management of waste is ongoing. |
| **90.** | **NOISE FROM GLASS REMOVAL** |
| | Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred within the premises and removed in containers. |
| **91.** | **ONGOING FLOODING REQUIREMENTS** |
| | Materials which may be damaged by flood waters, materials which may be mobilised during flooding and materials which may cause pollution must be stored above 1% AEP flood level + 300 mm freeboard. There must be no modifications made to flood compatible fencing. There must be no filling or blocking of the open, underfloor areas below 1% AEP flood level + 300 mm freeboard. |

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| | Condition reason: To ensure the ongoing management of flood risk. |
| **92.** | **SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES** |
| | The Management must install and maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the requirements of Waverley Council and the Local Area Command. |
| | Condition reason: To ensure security measures are provided. |

# GENERAL ADVISORY NOTES

| » Advisory Notes | |
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| **1.** | **DEVELOPMENT IS TO COMPLY WITH LEGISLATION** |
| | 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, Building Code of Australia and other legislation. |
| **2.** | **DEVELOPMENT MUST MEET CONDITIONS OF CONSENT** |
| | 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. |
| **3.** | **POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT** |
| | Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:<br>• Please read your conditions carefully.<br>• 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.<br>• Attention the documentation to the relevant officer/position of Council (where known/specified in condition)<br>• Include DA reference number<br>• Include condition number/s seeking to be addressed<br>• 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).<br>• 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.<br>• 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.<br>• Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.<br>• 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.<br>• Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au |
| **4.** | **SYDNEY WATER REQUIREMENTS** |

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| | 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.<br><br>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.<br><br>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. |
| **5.** | **SYDNEY WATER CERTIFICATE** |
| | A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**<br><br>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. |
| **6.** | **DIAL BEFORE YOU DIG** |
| | Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities. |
| **7.** | **TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)** |
| | Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443. |

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| **8.** | **SITE RECTIFICATION WORKS** |
| | The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.<br><br>If the site is commenced to be developed and there is suspension in activity for 6months (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:<br><br>(a) Require certain works to be carried out, including but not limited to:<br>i. Make the building/site safe and of an appearance acceptable to Council;<br>ii. Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;<br>iii. For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.<br>iv. Council may call on any bank guarantee to cover the cost thereof.<br><br>(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. |
| **9.** | **EXCAVATION TO BE LIMITED** |
| | Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval. |
| **10.** | **TREE REMOVAL/PRESERVATION** |
| | Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval. |
| **11.** | **WORK OUTSIDE PROPERTY BOUNDARY** |
| | This consent does not authorise any work outside the property boundary. |
| **12.** | **SUITABLY QUALIFIED ACOUSTIC CONSULTANT** |
| | In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants. |
| **13.** | **PUBLIC ART** |

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| | Specific details and design of the proposed public art features shall be undertaken with Council's Cultural Development Officer. |

# Dictionary

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

**Stormwater drainage system** means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

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