

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-472/2022

Development: Demolition of existing buildings, lot amalgamation and construction of a new shop top housing development with two levels of basement parking

Site: 141-155 Curlewis Street, Bondi Beach (Lot A in DP955097, Lot 1 in DP724290, Lot 1 in DP102895 and Lot 1 in DP724793)

Schedule of Modifications:

Date approved	Modification Application Number	Decision maker (Land and Environment Court or relevant council)	Proceedings Name and Number (if applicable)
13 December 2024	DA-472/2022/A	Land and Environment Court	Clutch Developments Pty Ltd v Waverley Council LEC No: 2024/71554

Date of determination: 1 September 2023

Date from which consent takes effect: Date of determination

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by PBD Architects of Project No: 2223 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA098 Rev. L	Basement 02 Floor Plan	8/7/24	2/8/24
DA099 Rev. L	Basement 01 Floor Plan	8/7/24	2/8/24
DA100 Rev. S	Ground Floor Plan	18/9/24	18/9/24
DA101 Rev. M	Level 01 Plan	8/7/24	2/8/24
DA102 Rev. M	Level 02 Plan	8/7/24	2/8/24

DA103 Rev. M	Level 03 Plan	8/7/24	2/8/24
DA104 Rev. N	Roof Plan	29/7/24	2/8/24
DA200 Rev. M	Elevations	29/7/24	2/8/24
DA201 Rev. M	Elevations	29/7/24	2/8/24
DA300 Rev. M	Sections 01	8/7/24	2/8/24
DA301 Rev. M	Sections 02	29/7/24	2/8/24
DA302 Rev. M	Sections 03	29/7/24	2/8/24
DA400 Rev. J	Material Schedule	8/7/24	2/8/24

- (b) Landscape Plan No. 650_DA_01, 650_DA_02, 650_DA_10, 650_DA_11, 650_DA_12, 650_DA_13, 650_DA_45, 650_DA_50 all rev C and documentation prepared by Myles Baldwin Design, dated 4/12/23
- (c) BASIX and NatHERs Certificate/s
- (d) Arborist Report prepared by Redgum Horticultural dated 23 August 2022
- (e) Geotechnical Investigation Report, G23385-1 prepared by Geotechnical Consultants Australia, dated 23 November 2023
- (f) Detailed Site Investigation E2360-1-Rev A prepared by Geotechnical Consultants Australia, dated 6 November 2023
- (g) Stormwater Plans Drawing No. SW001, SW010, SW011, SW020, SW030, SW031, SW032, SW040, SW050, SW060, SW070 Issue B, dated 05/12/2023, by Mance Arraj Civil & Structural Engineers (Project No. 7102-DA)
- (h) Traffic Noise Assessment prepared by Rodney Stevens Acoustics dated 15 September 2022
- (i) Acoustic Assessment of Void letter dated 23 May 2023 prepared by E-LAB Consulting
- (j) Waste Management Plan rev 2.10, prepared by Auswide Consulting, dated May 2024
- (k) Survey Sheet 1 & 2 prepared by SDG Pty Ltd (Ref 8600) and dated 07/03/2024
- (l) Structural Design Statement prepared by Dunnings Consulting Engineers, dated 13 March 2024
- (m) Supplementary Letter of Advice of Mixed use development at 135-155 Curlewis St, Bondi prepared by McLaren Traffic Engineering and dated 13 June 2024
- (n) Consultant Advice note 'Minimum Floor to Floor Heights in Residential Buildings prepared by IGS and dated 12 March 2024

Except where amended by the following conditions of consent.

(Amended DA-472/2022/A)

1A. COORDINATION OF DEVELOPMENT

The works approved by this development consent must occur in coordination with the works approved by DA-381/2023 at 135 – 139 Curlewis Street, Bondi Beach:

- The application for a construction certificate required to erect the development approved by this development consent must be lodged at the same time as the application for a construction certificate sought pursuant to DA-381/2023,
- The application for an occupation certificate relating to this development consent must be lodged at the same time as the application for an occupation certificate sought pursuant to DA-381/2023.

Condition reason: To promote the orderly development of land and limit amenity impacts to adjoining residents and the public.

**(Inserted DA-
472/2022/A)**

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The approved Landscape Plans referred to in condition 1(b) of this consent are to be updated to be in accordance with the approved Architectural Plans referred to in condition 1(a) of this consent.

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

3. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP HOUSING 2021 DEVELOPMENT)

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

**(Amended DA-
472/2022/A)**

2A. COORDINATION OF DEVELOPMENT

The works approved by this consent must occur in coordination with the works approved by DA-381/2023 at 135 – 139 Curlewis Street, Bondi Beach:

- (a) Condition 10A requires a consolidated (and staged, where applicable) construction certificate(s) to be sought that relates to this development consent and DA-381/2023,
- (b) Condition 64B requires a consolidated (and staged, where applicable) occupation certificate(s) to be sought that relates to this development consent and DA-381/2023.

**(Inserted DA-
472/2022/A)**

4. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on Curlewis Street frontage for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. These works are to be designed in conjunction with Council's *Curlewis Street Streetscape Upgrade* works planned for 2023/2024 financial year. A public domain plan for the following works shall be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- Vehicular crossing;
- Street tree planting and landscaping;
- Pedestrian footpath;
- Road pavement;
- Kerb and gutter; and
- Stormwater infrastructure within the Council kerb and/or footpath.

Condition reason: This is to ensure that public domain upgrade or any modifications to Council's infrastructure assets are as per Council's DCP and PDTM requirements.

(Amended DA-472/2022/A)

4A. GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT

The following geotechnical and hydrogeological risk management measures must be followed:

- (a) The recommendations set out in the Geotechnical Investigation Report prepared by Geotechnical Consultants Australia (GCA), Ref. G23385-1, dated 23 November 2023 must be addressed in the detailed design documentation and followed through the construction, and post occupation stages.
- (b) Prior to the issue of any Construction Certificate a Construction Methodology Report (CMR) must be prepared and submitted for the review and approval of the Executive Manager, Infrastructure Services (or delegate).
 - i. The CMR must be prepared or reviewed by a senior Geotechnical Engineer/Engineering Geologist and Structural Engineer (CP Eng or equivalent and with at least 10 years relevant experience).
 - ii. The CMR must include a review of, but not limited to, the full detailed design including the temporary and permanent excavation, shoring support systems, dewatering (if applicable), footing design, earthworks, drainage, pavements, and any other relevant items.

- iii. The CMR must include a review of the geotechnical report and advise on the need of any further assessment work such as additional geotechnical investigation, groundwater monitoring, further assessment of the stability of the slope or cliff line. The CMR must be followed in its entirety unless otherwise agreed by the authors of the CMR (or their organisation).
 - iv. The CMR must include the methodology to be adopted in undertaking excavation, measures to reduce vibrations, shoring works and measures to maintain the stability of the neighbouring structures and the slope or cliff line.
 - v. The CMR must include an appropriate monitoring plan to confirm that ground surface movement on the site boundaries (and beyond) and deflections of shoring systems fall within acceptable limits and identify hold points and contingency plans for any exceedances.
 - vi. The CMR must include proposed excavation techniques to be undertaken to reduce vibrations and prepare a Vibration Monitoring Plan which identifies hold points and contingency plans for any exceedances. The vibration monitoring must ensure that the peak vibration velocity (V_i , max) or Maximum Peak Particle Velocity falls within 'safe' limits as defined in the German Standard DIN 4150-3, dated 2016: Structural vibration – Part 3: Effects of vibration on structures.
 - vii. The CMR must include a statement confirming that the proposed development is suitable for the site and will maintain the stability of the site, any slopes or cliff lines and the neighbouring buildings and structures.
 - viii. The CMR must be submitted to the Principal Certifier and Council for review and approval. The approved CMR is to be submitted to Council's Infrastructure Services Department for records.
- (c) Where groundwater is encountered and dewatering is expected to be required, prior to the issue of any Construction Certificate a hydrogeological investigation must be carried out that includes a minimum of three wells to be installed for future groundwater monitoring purposes in accordance with the NSW Department of Planning, Industry and Environments (DPIE) document: 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022 (or the current revised version).
- (d) Where a hydrogeological investigation is required in accordance with (c) above, the groundwater investigation, monitoring, inflow (seepage) analysis and reporting must be in accordance with the NSW Department of Planning, Industry and Environments document, Titled 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022, or the most recent version. Groundwater level monitoring must be carried out for a minimum of three months as required by DPIE/WaterNSW requirements.
- (e) In accordance with DPIE/WaterNSW requirements, where any seepage analysis required by (c) and (d) above demonstrates a seepage volume of less than 3ML/year then only a Water Supply Works approval must be obtained, unless

otherwise directed by DPIE/WaterNSW. Where the seepage analysis demonstrates a seepage volume in excess of 3ML/year then a Water Access Licence (WAL) will also need to be obtained from WaterNSW. This is likely to require the purchase of 'water shares' in accordance with DPIE/WaterNSW requirements.

- (f) Prior to the issue of any Construction Certificate, if required based on items (c), (d) and (e), an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW approval is not required.
- (g) During the piling and bulk excavation stages, a qualified supervising engineer will be required to be present on site at staged intervals advised by a geotechnical engineering consultant, and an inspection report is to be completed for each inspection. A final geotechnical engineering inspection report is to be submitted to the Principal Certifier.
- (h) Inspections of any unsupported vertical excavations into bedrock are required by a qualified geotechnical engineer/engineering geologist (tertiary qualified with at least 5 years relevant experience) and must be completed in accordance with the Monitoring Program detailed in the CMR.

Inspections must be completed or reviewed by a qualified geotechnical engineer/engineering geologist (as defined in 'h' above) during shoring works to confirm socket requirements below the bulk excavation level have been achieved for the shoring and during the excavation/drilling of high level footings/pile footings to confirm that the foundation materials are in accordance with the requirements of the structural drawings and/or geotechnical report, as applicable.

Condition reason: The proposed development for this site includes excavation and construction of storage area and lift below 135-139 Curlewis Street and excavation and construction of two basement level carparks below 141-155 Curlewis Street.

(Inserted DA-472/2022/A)

5. SUSTAINABILITY AND INDOOR AIR QUALITY

- (a) Ceiling or wall mounted fans are to be installed in all habitable rooms (main living areas and bedrooms).
- (b) Gas cooktops, gas ovens and gas internal space heating systems are not permitted in any residential development.

6. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

7. WORK OUTSIDE PROPERTY BOUNDARY

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

8. GROUND FLOOR PAVED AREA TO REAR

The rear ground floor paved area adjoining retail tenancies 02 and 03 as shown on drawing DA100 rev R, is not approved for any use or activity. This area, and the adjoining ground floor retail/commercial floor space must be subject to separate development application(s) for use. Any ground floor commercial/retail use(s) that propose to include the rear paved area must include a Plan of Management for the use of this space detailing actions and responsibilities to minimise noise potentially generated and with the potential to cause disturbance to adjoining residential dwellings and to apartments within the building. The Plan of Management must, as a minimum, specify maximum hours of use, maximum numbers of users and require that there be no use of any music, speakers or any forms of entertainment.

(Amended DA-472/2022/A)

9. GROUND FLOOR LANDSCAPED AREA TO REAR

Prior to the issue of any Occupation Certificate, the Applicant must submit a Plan of Management for the use and ongoing maintenance of the rear ground floor garden, for the written approval of the Council's Executive Manager, Development Assessment (or delegate). The Plan of Management must specify that the garden is not to be used for any retail or commercial activity or use and must be used and maintained as passive open space only for the benefit of the occupants of the building.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

10. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work must not be commenced until:

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

10A. RELATIONSHIP TO DEVELOPMENT CONSENT DA-381/2023 – CONSOLIDATED CONSTRUCTION CERTIFICATE

A consolidated (and staged, where applicable) construction certificate application(s) must be sought to combine the approved works under the subject development consent with those under Development Consent DA-381/2023 (and any subsequent modifications, where relevant).

(Inserted DA-472/2022/A)

CONTRIBUTIONS, FEES & BONDS

11. SECTION 7.12 CONTRIBUTION

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

- (a) Where the total development cost is \$500,000 or less:
 - (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.
- (b) Where the total development cost is more than \$500,000 but less than \$1,000,000:

- (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.
- (c) Where the total development cost is \$1,000,000 or more:
 - (i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).
 - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
 - (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
 - (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;
 - (i) A development valued at \$100,000 or less will be exempt from the levy;
 - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
 - (iii) A development valued at more than \$200,000 will attract a levy of 1% of the full cost of the development.

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

(Amended DA-472/2022/A)

12. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$832,636** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any

repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

(Amended DA-472/2022/A)

13. 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 Certifier prior to the issue of any Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.

13A. PLANNING AGREEMENT

- (a) The owner/applicant is to:
 - (i) Enter into an Agreement in accordance with the applicant's letter of offer to enter into a voluntary planning agreement dated 21 August 2024 and Waverley Council's Planning Agreement Policy 2014 (Amendment 4) prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-472/2022/A; and
 - (ii) Pay a monetary contribution amount of \$573,680 prior to the issue of any Occupation Certificate for the Development (calculated in accordance with Waverley Council's Planning Agreement Policy 2014 (Amendment 4) at 142m² of GFA exceedance at a rate of \$4,300 (for the proportion of residential floor space) and \$3,000 (for the proportion of non-residential floor space).
- (b) The Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land the subject of the Development and Council.
- (c) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
 - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-472/2022/A.
 - (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any

Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-472/2022/A for the Development which is:

- In a form acceptable to Council and from an institution acceptable to Council
- Irrevocable
- Unconditional
- With no end date

- (d) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Waverley Council's Planning Agreement Policy 2014 (Amendment 4).

(Inserted DA-472/2022/A)

14. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

15. PUBLIC INFRASTRUCTURE WORKS

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

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

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

- a) Footpath, Kerb and Gutter: Replace any damaged footpath, kerb and gutter traversing Curlewis Street frontage. Any damaged stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced.
- b) Street Trees: A minimum of four (4) street trees must be planted along Curlewis Street frontage. All new trees proposed within the Council verge will require the installation of suitable tree types, pits, surrounds, and root cell barriers as per the Waverley Council Public Domain Technical Manual. The chosen tree species and location shall not interfere with the wheel-swept path or obstruct the proposed

vehicular crossing. The council shall be contacted at the time of installing the root cell barriers prior to planting the new trees.

- c) Road Pavement: The full renewal and reconstruction of concrete pavement for half road width in Curlewis Street frontage, unless deemed not required by Council as a result of the Curlewis Street Streetscape Upgrade works. The details of the sub-grade and road pavement treatments are to be advised by Council subject to the asphalt pavement remaining undamaged.
- d) Measures to protect the existing parking meter and any other Councils existing assets must be undertaken. Any damages or replacement cost of the assets shall be borne by the applicant.
- e) Any existing or proposed utility pillars on the site frontage to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- f) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Councils Public Domain to support the new development.
- g) The full public domain traversing the Curlewis Street frontage must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure at no cost to Council.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

Condition reason: This condition is to ensure any proposed works and the design within the public domain are per Council's specification and are being reviewed and approved by Infrastructure Services

(Amended DA-472/2022/A)

PLAN DETAILS

16. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP HOUSING 2021 BUILDINGS)

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy Housing 2021*.

In accordance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, the Principal Certifier must not issue a

construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in State Environmental Planning Policy Housing 2021.

(Amended DA-472/2022/A)

17. ARCHITECTURAL DETAILING

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

- (a) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials;
- (b) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

18. 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.

19. BASEMENT STORAGE

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012.

20. ADAPTABLE HOUSING

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

21. UNIVERSAL HOUSING

Apartments 3.2, 3.3 and 3.4 in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupants over their lifetimes in accordance with Part B7 of the *Waverley Development Control Plan 2012*.

(Amended DA-472/2022/A)

CONSTRUCTION & SITE MATTERS

22. 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.

23. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifier prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

24. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

25. 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.

26. GROUND ANCHORS

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au on 9083 8886.

Separate approval will be required for ground anchors beneath roadways governed by the Roads and Maritime Services.

27. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS

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

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

28. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

29. STRUCTURAL DOCUMENTATION

- (a) A construction management plan must be submitted to an independent, third party structural engineer and the project geotechnical engineer for approval. The engineers must have relevant experience, have chartered status with the Institute of Engineers Australia and be registered on the National Engineers Register. The construction management plan must incorporate and reflect the intent of the following documents:
 - i. Geotechnical Investigation Report, G23385-1 prepared by Geotechnical Consultants Australia, dated 23 November 2023

Satisfaction of the third party structural engineer and project geotechnical engineer that the construction management plan will provide for the retention of

the building and its structural integrity must be demonstrated to the consent authority prior to the issue of the relevant Construction Certificate.

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

(Amended DA-472/2022/A)

TRAFFIC MANAGEMENT

30. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

STORMWATER & FLOODING

31. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Mance Arraj Engineering Pty Ltd, Project No. 7102-DA, Drawing No. SW001, SW010, SW011, SW020, SW030, SW031, SW032, SW040, SW050, SW060, SW070 Issue B, dated 05/12/2023 are considered concept only.

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:

- a) Upper level and basement level 1 drainage network plans are to be included in the detailed design.
- b) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized

by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a “bottom” slope of 2%. This trench drain shall be connected to an approved drainage system.

- c) Provide calculations of gutter sizing for 1% AEP storm event and minimum number of downpipes required.
- d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the 1% AEP storm event shall be provided.
- e) [DELETED]
- f) [DELETED]
- g) [DELETED]
- h) Pump in basement:
 - i. Any underground basement shall be protected from possible inundation by surface waters from the street.
 - ii. Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. Full hydraulic details and pump manufacturers specification are to be provided.
 - iii. Make sure pump to be designed in accordance with AS/NZS 3500.3:2018 Section 8 and ensure pump meets these requirements.
 - iv. In the event of the failure of both the duty and standby pumps, an overland flow path and/or surcharge and pondage in a suitably visible area must be provided. In circumstances where no overland path exists, pondage may be approved in a suitable area. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.
 - v. Provide screening details. All electrical fittings and supply located min. 0.3m freeboard above max. water level and/or overland flow paths.
- i) Seepage water must not be directly or indirectly discharged to Council’s street gutter.
- j) If required by Condition 4A (c – f), ensure that an appropriate design is in place to restrict sub-soil drainage to less than 3ML/year from entering the basement areas of the building and the stormwater drainage system.
- k) The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council’s Water Management Manual 2021:

Required percentage reductions in post development average annual load of pollutants

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

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

- l) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- m) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.
- n) A rainwater reuse system with a minimum storage volume of 10,000 litres must be installed.
- o) Details of any rainwater tank must be provided, including the overflow connection to the stormwater drainage system.
- p) Due to existing flooding at the trapped low point at Curlewis Street, all site runoff must be discharged east in Curlewis Street.
- q) The design must not increase or concentrate flooding on any private property or road reserve. The supporting evidence must include details and modelling of any surcharge that will occur at the downstream end of the proposed drainage system in cases where the new system has greater capacity than the existing downstream pipes.
- r) Calculations must be provided demonstrating the proposed modifications to Council's drainage system have a design capacity that meets or exceeds the 5% AEP storm event.
- s) The minimum pipe size of the inground drainage public infrastructure must be 375mm diameter at a minimum 1% grade.
- t) A long section of the connection to Council's infrastructure must be provided and its details 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).

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

Condition reason: To ensure that the stormwater system is designed and constructed in accordance with Waverley Council's Water Management Technical Manual and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and broader community.

(Amended DA-472/2022/A)

CONTAMINATION**32. DETAIL SITE INVESTIGATION REPORT RECOMMENDATIONS**

The recommendations provided in the Detailed Site Investigation E2360-1-Rev A prepared by Geotechnical Consultants Australia dated 6 November 2023 are to be implemented in full.

(Amended DA-472/2022/A)

33. SITE AUDIT STATEMENT

Once the demolition of the existing buildings has been completed and the recommendations provided in the Detailed Site Investigation E2360-1-Rev A prepared by Geotechnical Consultants Australia dated 6 November 2023 have been implemented, a Site Audit Statement (SAS) prepared by a NSW Environment Protection Authority (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use. This is to occur prior to the issue of the relevant construction certificate for any works associated with the basement levels and erection of the approved building for the land to which the SAS applies.

Recommendations of the SAS must be implemented in full. Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.

(Amended DA-472/2022/A)

ENERGY EFFICIENCY & SUSTAINABILITY**34. BASIX**

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

35. ENERGY EFFICIENCY

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

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

36. REFLECTIVITY REPORT

In accordance with Part B16 of the *Waverley Development Control Plan 2012*, a Reflectivity Report, prepared by an appropriately qualified person is to be submitted to

the Principal Certifier which verifies that the approved development complies with the following;

- (a) The use of glass is a maximum of 60% of the façade surface area at ground floor level and above.
- (b) Reflected solar glare on drivers should not exceed 500 candelas/m². A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).
- (c) All panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%.
- (d) Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%.

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

WASTE

37. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifier 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.

38. WASTE STORAGE AREAS

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

- **Residential** 15 x 3-bedroom units
 - 8 x 240L Mobile Garbage Bins (MGBs) for general waste (collected weekly)
 - 8 x 240L MGBs for paper and cardboard recycling (collected fortnightly)
 - 8 x 240L MGBs for container recycling (collected fortnightly)
 - 1 x 240L MGB for garden organic waste should this be generated at the development.
 - A minimum of 5m² area for bulky waste to accommodate furniture and other bulky materials awaiting collection.
- **Commercial**
 - 8 x 660L Mobile Garbage Bins (MGBs) for general waste, collected daily (7 days a week)
 - 8 x 660L MGBs for comingled recycling, collected three times a week.
 - Or
 - 5 x 1100L Mobile Garbage Bins (MGBs) for general waste, collected 4 days a week.
 - 5 x 1100L MGBs for comingled recycling, collected twice per week.

- The frequency of collection must be monitored and adjusted accordingly, particularly during summer.
 - Sufficient space must be allocated within the building for the storage of reusable items such as crates and pallets.
 - Separate space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, bunded and drained to a grease trap. The area is preferably to be within the building, however if circumstances do not permit, an area that is screened from the public and commercial domains may be negotiated with Council.
 - For commercial premises whose waste contains 20% or more food waste, or other waste which is considered by Council to have potential amenity impacts, a daily waste collection may be required.
- All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifier.
 - All commercial waste should be collected off street and no commercial waste should be presented on the street.

(Amended DA-472/2022/A)

39. VERMIN AND RAT CONTROL

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

(Amended DA-472/2022/A)

NOISE

40. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

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

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

41. NOISE – ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the *Protection of the Environment Operations Act 1997*

and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

42. 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 Certifier 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.

43. PRE-DEMOLITION DILAPIDATION REPORT

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

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

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

Condition reason: This condition is imposed to protect Council's existing infrastructure and assets including the roadways and footpath from the construction activities undertaken by the developments.

(Amended DA-472/2022/A)

44. DILAPIDATION REPORT - GENERAL

A Dilapidation report is to be prepared for any adjoining or nearby property, including any outbuildings on these sites that may be subject to potential damage as determined by a practicing geotechnical or structural engineer as a result of any works being undertaken, including (but not necessarily limited to):

- 157-159 Curlewis Street, Bondi Beach;
- 116 Roscoe Street, Bondi Beach;
- 118 Roscoe Street, Bondi Beach;
- 120 Roscoe Street, Bondi Beach;
- 122 Roscoe Street, Bondi Beach.

The dilapidation report is to be made available to affected property owners.

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

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

45. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of any public domain works notice shall be submitted to Council's Infrastructure Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and 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.

46. PUBLIC DOMAIN ENGINEERING INSPECTIONS

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

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

Condition reason: The reason for this condition is to ensure the proposed work within public domain area is constructed in accordance with approved design plans and Council's specifications and guidelines.

(Amended DA-472/2022/A)

47. REMEDIATION REQUIREMENTS

The following requirements apply to the remediation works required on-site:

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.
- (b) Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.
- (c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.
- (d) If encapsulated cells containing contaminated material are to remain on site, a covenant is to be registered on the land title giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material. The covenant is to bind the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from any contaminants or for any works required by the NSW Environment Protection Authority (EPA). All legal costs associated with the registration of the covenant on the land title is to be borne by the applicant and/or owners.

48. USE OF FILL ON SITE

All fill imported on to the site shall be free of building and other demolition waste, and contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the Protection of the Environment Operations Act, 1997 and

Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

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

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials

compliance with the exemption conditions and must be provided to the Principal Certifier on request.

49. BONDI - ROSE BAY SAND BODY

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. After demolition of the existing building and prior to any excavation, a suitably qualified archaeologist must inspect the site to determine if the site needs further investigation. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

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

DEMOLITION & EXCAVATION

50. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- *Protection of the Environment Operations Act 1997*.

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifier in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

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

- (f) Describe the disposal methods for hazardous materials.

51. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

52. 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.

53. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

54. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.

Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

55. 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.

56. 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.

https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety

57. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifier in accordance with clause 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.

58. 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 Certifier during construction and prior to continuing to the construction of a higher level of the building.

59. 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 Certifier 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.

TREE PROTECTION AND REMOVAL

60. 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.

61. TREES PERMITTED TO BE REMOVED AND TREES TO BE PROTECTED

The following trees to be removed and protected as per the Arboricultural Impact Assessment Report, prepared by RedGum Horticultural, dated 23 August 2022;

Tree Species	Location	Action
Tree 1: <i>Morus nigra</i> (Mulberry tree)	Neighbouring property	Retain and protect
Tree 2: <i>Syagrus romanzoffianum</i> (Cocos palm)	Neighbouring property	Retain and protect
Tree 3: <i>Araucaria columnaris</i> (cook island pine)	On site	Remove as per Arborist Report
Tree 4: <i>Quercus robur</i> (English oak)	On site	Remove as per Arborist Report
Tree 5: <i>Strelitzia Nicolai</i> (Giant White Bird of Paradise)	Neighbouring property	Retain and protect
Tree 6: <i>Syagrus romanzoffianum</i> (Cocos palm)	On site	Remove as per Arborist Report
Tree 7: <i>Hibiscus tiliaceus</i> (Hibiscus)	Neighbouring property	Retain and protect

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

- Do not store harmful or bulk materials or spoil under or near trees;
- Prevent damage to bark and root system;
- Do not use mechanical methods to excavate within root zones;
- Do not add or remove topsoil from under the drip line;
- Do not compact ground under the drip line;
- Do not mix or dispose of liquids within the drip line of the tree; and
- 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.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

- Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.
- TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

62. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed basement car park. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

63. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

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

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS**64. FINAL OCCUPATION CERTIFICATE**

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

The Principal Certifier 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.

64A. AMALGAMATION OF LOTS

Due to the shared stormwater system and basement, the following lots are required to be amalgamated into one lot prior to the issue of an Occupation Certificate:

- Lot A in DP 955097,
- Lot 1 in DP 724290,
- Lot 1 in DP 102895,
- Lot 1 in DP 724793,
- SP 20512

(Inserted DA-472/2022/A)

64B. RELATIONSHIP TO DEVELOPMENT CONSENT DA-381/2023 – CONSOLIDATED OCCUPATION CERTIFICATE

A consolidated (and staged, where applicable) occupation certificate application(s) must be sought to combine the approved works under the subject development consent with those under Development Consent DA-381/2023 (and any subsequent modifications, where relevant).

(Inserted DA-472/2022/A)

65. CERTIFICATION OF ACOUSTIC PERFORMANCE

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

66. CERTIFICATION OF ALL MECHANICAL PLANT

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

67. CERTIFICATION OF BASIX COMMITMENTS

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

68. CERTIFICATION OF APPROVED DESIGN

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

69. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifier 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.

70. CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any newly constructed stormwater drainage system has been built in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

71. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE

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

- b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works and basement pump out facility were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

72. Deleted - DA-472/2022/A

73. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

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

74. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR PUMP OUT SYSTEM AND WSUD ELEMENT

A “Positive Covenant” and “Restriction on the Use of Land” must be created for the pump out system and WSUD element, under Section 88E of the Conveyancing Act 1919.

This is to place a restriction on the Title that the pump out system and WSUD element are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant must not modify or remove the pump out system and WSUD element without consent from Council.

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

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

The Instrument must be registered and a registered copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.

The property owner/occupant must not modify or remove the pump out system and WSUD element without consent from Council.

All associated costs will be borne by the applicant.

Condition reason: This is to place a restriction on the Title that the pump out system and WSUD element are maintained and kept free of debris to allow unobstructed passage of stormwater through the site and underneath the residence.

(Amended DA-472/2022/A)

75. LOSS OR MODIFICATION OF CAR SPACE CONTRIBUTION

A contribution as per Council's Schedule of Fees and Charges at time of Occupation Certificate application, shall be paid to Council for the loss or modification of two (2) on-street parking meter spaces. The receipt of payment must be provided to the Principal Certifier prior to issue of any Occupation Certificate.

76. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

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

77. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

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

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

78. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

The issue of a final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.

The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.

To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the

applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

78A. STRUCTURAL AND GEOTECHNICAL CERTIFICATION

The project structural and geotechnical engineers must prepare separate certificates confirming that the development was completed in accordance with the CMR and identifying any departures from the CMR that were approved and implemented during construction. The Geotechnical Certificate must also include a statement on the stability of the site and neighbouring properties.

Condition reason: This condition aims to ensure adherence to the Construction Management Plan and verify the stability of the site and neighbouring properties after the completion of construction.

(Inserted DA-472/2022/A)

79. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

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

MANAGEMENT PLANS

80. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

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

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) The role and responsibility of managing composting facilities (if provided).
- (d) Clear signage identifying the different bin types and storage area for bulky household waste and problem waste must be displayed.
- (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

- (g) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.
- (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).
- (j) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
- (k) Responsibilities for regular monitoring of bins for contamination and educating residents on how to use the waste and recycling services.
- (l) Responsibilities to inspect, maintain and repair all waste management equipment, such as chutes, bin lifts, compactors and other equipment.
- (m) Responsibilities to liaise with the council or the collection contractor on waste management issues and service requests.

(Amended DA-472/2022/A)

SHOPS

81. 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.

VEHICLE ACCESS AND PARKING

82. CAR PARKING

A total of **48** car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 27 residential parking spaces of which a minimum of 3 spaces are to be accessible spaces
- (b) 4 visitor spaces
- (c) 17 retail spaces

Five of the parking spaces are to be accessible. Two of the visitor parking spaces are to be provided with EV charging points.

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling. All car spaces are to be appropriately signposted and marked.

Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2022 Off Street Parking for People with Disabilities.

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

(Amended DA-472/2022/A)

83. BICYCLE PARKING

A minimum of **19** bicycle parking spaces are to be provided within the development.

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

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

(Amended DA-472/2022/A)

84. MOTORCYCLE PARKING

A minimum of **16** motorcycle parking spaces are to be provided within the development.

The motorcycle spaces are to be designed in accordance with Australian Standard AS2890.1 - 2004 Off Street Car Parking.

(Amended DA-472/2022/A)

OTHER MATTERS

85. STREET NUMBERS

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

86. ALLOCATION OF STREET NUMBER

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

- No. 141-143 - primary address site number

- Curlewis Street - primary address location.

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

The following sub addressing principles will apply:

- Shops G02 and G03 for the commercial sub-address sites within the building correlating with the ground floor plans for the building,
- Nos. 102-107 for the residential sub-address site within the building correlating with the First-floor plans for the building.
- Nos. 202-207 for the residential sub-address site within the building correlating with the Second-floor plans for the building.
- Nos. 302-304 for the residential sub-address site within the building correlating with the third-floor plans for the building.

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

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

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

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate.

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

Condition reason: To ensure the property address is clearly identified.

(Amended DA-460/2022/A)

E. OPERATIONAL MATTERS

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

GENERAL MATTERS

87. RAINWATER HARVESTING AND REUSE

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

87A RELATIONSHIP TO DEVELOPMENT CONSENT DA-381/2023

This development consent shall operate concurrently with Development Consent DA-381/2023 (and any subsequent modifications, where relevant). In particular, waste disposal and parking arrangements for the building are shared in the basement level across 135 – 155 Curlewis Street.

(Inserted DA-472/2022/A)

88. ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM

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

89. HOURS OF OPERATION OF REAR COMMUNAL OPEN SPACE

The use of the communal open space at the rear of the development shall be restricted to the following hours of operation:

- | | |
|--|------------|
| a) Monday Friday (excluding public holidays) | 7am to 9pm |
| b) Weekends and public holidays | 8am to 9pm |

AMENITY & SAFETY

90. 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.

91. LITTER CHECKS

Regular litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises) to monitor litter, including cigarette butt litter. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature. Building management must provide tenant and resident education to ensure appropriate disposal of cigarette butts.

92. 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*.

93. 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.

94. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

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

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

95. REFRIGERATION UNITS & MECHANICAL PLANT

Other than on the roof in accordance with the approved Architectural Plans referred to in condition 1(a) of this consent, 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 is within the acceptable limits.

And

A further Acoustic Report is to be submitted when the mechanical plant has been selected, to ensure compliance with the *Protection of the Environment Operations Act 1997* & relevant standards.

PARKING AND ACCESS

96. VEHICLE ACCESS

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

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

97. ADJUSTMENTS TO STREET SIGNS

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

98. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the building are to be carried out within the site.

99. HEADROOM CLEARANCE

The headroom clearance on entry, within the basement level shall be a minimum of 3.0 metres to adequately accommodate a small rigid vehicle (SRV) head height of 2.8 metres.

The headroom clearance within the accessible parking spaces and adjacent shared zones shall be a minimum of 2.5 metres.

The headroom clearance on the ramp and for access to the loading bays shall be a minimum of 3.0 metres.

Adequate information signage or treatments, up to and including low clearance signage at the entrance, and via information packets for prospective users, shall be provided to the satisfaction of Council.

(Amended DA-472/2022/A)

100. PARKING PERMITS

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

101. ELECTRIC VEHICLE CHARGING POINTS

A minimum of 2 'Level 2' AC fast electric vehicle charging points are to be installed. They are to be located so that it can be accessed from a visitor parking space.

All resident car spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am.

All visitor car spaces require an EV charger with a 3-phase - 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. 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.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

- SafeWork Australia – Excavation Code of Practice.
- Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via www.ausgrid.com.au.
- The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website:
www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4. EXCAVATION TO BE LIMITED

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

AD5. SEPARATE APPLICATIONS FOR USE/FIT OUT

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

AD6. SEPARATE APPLICATION FOR SIGNAGE

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

AD7. 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.

AD8. BUILDING TO BE WRAPPED

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

AD9. OUTDOOR DINING

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

AD10. SIGNS/GOODS IN THE PUBLIC WAY

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

AD11. 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.

AD12. SITE RECTIFICATION WORKS

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

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

- (i) Require certain works to be carried out, including but not limited to:
 - (a) Make the building/site safe and of an appearance acceptable to Council;
 - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;

- (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
 - (d) Council may call on any bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

AD13. PLANNING AGREEMENT

After a development application has been approved with a planning agreement, the legal agreement must be drafted by council, exhibited and endorsed by Council prior to fulfilling the requirements of the DA condition. This process will take a minimum of 4 months, so please contact the strategic town planning team (email strategictownplanning@waverley.nsw.gov.au) at least 4 months before you intend to obtain the relevant Construction Certificate associated with the Voluntary Planning Agreement (VPA) under this DA to commence the process.

(Inserted DA-472/2022/A)

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.