

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-381/2023

Development: Demolition and construction of a new four-storey shop top housing development with basement parking.

Site: 135-139 Curlewis Street, Bondi Beach (SP 20512)

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

Date of determination: 13 December 2024

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 135-139 Curlewis Street, Bondi Beach.

The conditions of consent are as follows:

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

	Condition																																																																
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by PBD Architects of Project No: 2223_2 including the following:</p> <table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>DA001, Rev B</td><td>Demolition Plan</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA100, Rev B</td><td>Basement 02 Plan</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA101, Rev B</td><td>Basement 01 Plan</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA102, Rev B</td><td>Ground Floor Plan</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA103, Rev C</td><td>Level 1 Plan</td><td>29.07.2024</td><td>02.08.2024</td></tr><tr><td>DA104, Rev C</td><td>Level 2 Plan</td><td>29.07.2024</td><td>02.08.2024</td></tr><tr><td>DA105, Rev C</td><td>Level 3 Plan</td><td>29.07.2024</td><td>02.08.2024</td></tr><tr><td>DA106, Rev B</td><td>Roof Plan</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA200, Rev B</td><td>Elevations</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA201, Rev B</td><td>Elevations</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA300, Rev B</td><td>Sections 01</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA301, Rev B</td><td>Sections 02</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA400, Rev B</td><td>Material Schedule</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>DA700, Rev B</td><td>Adaptable Layout</td><td>08.07.2024</td><td>02.08.2024</td></tr><tr><td>SK01, Rev A</td><td>Western Wall Reduction Sketch</td><td>03.09.2024</td><td>04.09.2024</td></tr></table> <p>(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, Issue C, prepared by Myles Baldwin Design dated 4 December 2023 and received by Council 14 December 2023</p> <p>(c) BASIX and NatHERs Certificate/s</p> <p>(d) Detailed Site Investigation Report, E2360-1-Rev A prepared by Geotechnical Consultants Australia, dated 6 November 2023 and received by Council 14 December 2023</p> <p>(e) Geotechnical Investigation Report, G23385-1 prepared by Geotechnical Consultants Australia, dated 23 November 2023 and received by Council 14 December 2023</p> <p>(f) Traffic and Parking Impact Assessment, 230881.01FA prepared by McLaren Traffic Engineering and Road Safety Consultants, dated 4</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA001, Rev B	Demolition Plan	08.07.2024	02.08.2024	DA100, Rev B	Basement 02 Plan	08.07.2024	02.08.2024	DA101, Rev B	Basement 01 Plan	08.07.2024	02.08.2024	DA102, Rev B	Ground Floor Plan	08.07.2024	02.08.2024	DA103, Rev C	Level 1 Plan	29.07.2024	02.08.2024	DA104, Rev C	Level 2 Plan	29.07.2024	02.08.2024	DA105, Rev C	Level 3 Plan	29.07.2024	02.08.2024	DA106, Rev B	Roof Plan	08.07.2024	02.08.2024	DA200, Rev B	Elevations	08.07.2024	02.08.2024	DA201, Rev B	Elevations	08.07.2024	02.08.2024	DA300, Rev B	Sections 01	08.07.2024	02.08.2024	DA301, Rev B	Sections 02	08.07.2024	02.08.2024	DA400, Rev B	Material Schedule	08.07.2024	02.08.2024	DA700, Rev B	Adaptable Layout	08.07.2024	02.08.2024	SK01, Rev A	Western Wall Reduction Sketch	03.09.2024	04.09.2024
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	<p>December 2023 and Supplementary Advice dated 13 June 2024 and received by Council 12 July 2024</p> <p>(g) Arboricultural Impact Assessment and Tree Management Plan, 9595.1 (8501), prepared by Redgum Horticultural dated 4 December 2023, and received by Council 14 December 2023</p> <p>(h) Waste Management Plan, dated May 2024, prepared by Auswide Consulting and received by Council 12 July 2024</p> <p>(i) 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)</p> <p>(j) Natural Ventilation letter prepared by RWDI Australia Pty Ltd, dated 16 May 2024</p> <p>(k) Consultant Advice note 'Minimum Floor to Floor Heights in Residential Buildings' prepared by IGS and dated 12 March 2024</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(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.</p> <p>(b) The rear section of the western wall is to be amended on the relevant Architectural Plans to reflect the Western Wall Reduction Sketch, SK01, Rev A, dated 03.09.2024.</p> <p>Condition reason: To ensure that the Architectural Plan amendments are reflected in the approved Landscape Plans.</p>
3.	<p>COORDINATION OF DEVELOPMENT</p> <p>The works approved by this consent must occur in coordination with the works approved by DA-472/2022 at 141 – 155 Curlewis Street, Bondi Beach:</p> <ul style="list-style-type: none"> Condition 13 requires a consolidated (and staged, where applicable) construction certificate(s) to be sought that relates to this development consent and DA-472/2022, Condition 60 requires a consolidated (and staged, where applicable) occupation certificate(s) to be sought that relates to this development consent and DA-472/2022. <p>Condition reason: To promote the orderly development of land and limit amenity impacts to adjoining residents and the public.</p>

4.	<p>MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP HOUSING 2021 DEVELOPMENT)</p> <p>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.</p> <p>Condition reason: To ensure the approved design remains unchanged.</p>
5.	<p>GROUND FLOOR PAVED AREA TO REAR</p> <p>The rear ground floor paved area adjoining retail tenancy 01 as shown on drawing DA102 Rev B, 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 and garden 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.</p> <p>Condition reason: To ensure the rear paved and garden area is appropriately managed to protect amenity of neighbouring properties and units within the subject development.</p>
6.	<p>GROUND FLOOR LANDSCAPED AREA TO THE REAR</p> <p>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.</p> <p>Condition reason: To ensure the rear paved and garden area is appropriately managed to protect amenity of neighbouring properties and units within the subject development.</p>
7.	<p>DETAILED SITE INVESTIGATION</p> <p>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.</p> <p>Condition reason: To ensure that the recommendations made in the Detailed Site Investigation Report are addressed during excavation and construction of the proposed development and in the detailed design documentation.</p>

8.	<p>SITE AUDIT STATEMENT</p> <p>Once the demolition of the existing buildings has been completed and the recommendations in the Detailed Site Investigation 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.</p> <p>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.</p> <p>Condition reason: To ensure that the recommendations of the SAS are implemented in full.</p>
9.	<p>GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT</p> <p>The following geotechnical and hydrogeological risk management measures must be followed:</p> <p>(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.</p> <p>(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).</p> <ol style="list-style-type: none"> i. The CMR must be prepared or reviewed by a senior Geotechnical Engineer/Engineering Geologist and Structural Engineer (CP Eng or equivalent and with at least 10 years relevant experience). ii. The CMR must include a review of, but not limited to, the full detailed design including the temporary and permanent excavation, shoring support systems, dewatering (if applicable), footing design, earthworks, drainage, pavements, and any other relevant items. iii. The CMR must include a review of the geotechnical report and advise on the need of any further assessment work such as additional geotechnical investigation, groundwater monitoring, further assessment of the stability of the slope or cliff line. The CMR must be followed in its entirety unless otherwise agreed by the authors of the CMR (or their organisation). iv. The CMR must include the methodology to be adopted in undertaking excavation, measures to reduce vibrations, shoring works and measures to maintain the stability of the neighbouring structures and the slope or cliff line. v. The CMR must include an appropriate monitoring plan to confirm that ground surface movement on the site boundaries (and

	<p>beyond) and deflections of shoring systems fall within acceptable limits and identify hold points and contingency plans for any exceedances.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>(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).</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(g) During the piling and bulk excavation stages, a qualified supervising engineer will be required to be present on site at staged intervals selected</p>
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	<p>by the 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.</p> <p>(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.</p> <p>(i) 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.</p>
	<p>Condition reason: To ensure that the recommendations made in the Geotechnical Investigation Report are addressed during excavation and construction of the proposed development and in the detailed design documentation.</p>
10.	<p>DILAPIDATION SURVEYS</p> <p>A comprehensive pre-demolition dilapidation survey for the purpose of assessing potential damage to neighbouring buildings and structures as a result of the works within the subject site (e.g., demolition, excavation, dewatering, vibrations due to rock excavation and/or operation of earthworks plant and equipment etc) is required. The report is to cover at a minimum the neighbouring property of 133 Curlewis Street, Bondi Beach. The dilapidation survey reports must be carried out thoroughly with all defects rigorously described (i.e., defect type, defect location, crack width, crack length etc) and defects photographed where practical. The report is to be submitted to the Principal Certifier and Waverley Council's Infrastructure Services team.</p>
	<p>Condition reason: To assess potential damage to neighbouring buildings and structures as a result of the works within the subject site (e.g., demolition, excavation, dewatering, vibrations due to rock excavation and/or operation of earthworks plant and equipment etc).</p>
11.	<p>PRE-DEMOLITION DILAPIDATION REPORT</p> <p>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:</p> <p>(a) Road pavement (b) Kerb and gutter (c) Footpath (d) Drainage pits and lintels (e) Traffic signs</p>

	<p>(f) Any other relevant infrastructure.</p> <p>The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.</p> <p>Condition reason: To ensure Council's existing infrastructure and assets are protected including the roadways and footpath during construction activities.</p>
12.	<p>WORK OUTSIDE PROPERTY BOUNDARY</p> <p>This consent does not authorise any work outside the property boundary.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
13.	<p>RELATIONSHIP TO DEVELOPMENT CONSENT DA-472/2022 – CONSOLIDATED CONSTRUCTION CERTIFICATE</p> <p>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-472/2022 (and any subsequent modifications, where relevant).</p> <p>Condition reason: To ensure all works are carried out in accordance with the interlinking development consents.</p>
14.	<p>NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work must not be commenced until:</p> <ul style="list-style-type: none"> (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>; (b) a Principal Certifier has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and (c) Council is given at least two days' notice in writing of the intention to commence the building works. <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>

15.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p>(i) a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p> <p>(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(i) a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).</p> <p>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.</p> <p>(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.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p>
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	<p>Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>								
16.	<p>AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH CLAUSE 6.17 OF THE WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012</p> <p>The Affordable Housing Contribution is as follows:</p> <p>(a) Pursuant to Clause 6.17 of the Waverley Local Environmental Plan 2012 and the Waverley Affordable Housing Contribution Scheme 2023, the applicant must provide Council a monetary contribution towards the provision of affordable housing.</p> <p>(b) The contribution of \$138,000 payable for the provision of affordable housing shall be paid in one complete payment to Waverley Council prior to the issue of any Occupation Certificate. This contribution amount has been calculated based on a total proposed residential gross floor area of 690m².</p> <p>Condition reason: The proposal requires a contribution in accordance with Clause 6.17 of the <i>Waverley Local Environmental Plan 2012</i> and the Waverley Affordable Housing Contribution Scheme 2023.</p>								
17.	<p>HOUSING AND PRODUCTIVITY CONTRIBUTIONS</p> <p>Before the issue of Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is estimated to be and is required to be made.</p> <table border="1"> <thead> <tr> <th>Housing and productivity contribution</th><th>Estimated at an Amount</th></tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component) estimated</td><td>\$41,972.44</td></tr> <tr> <td>Transport project component</td><td>Nil</td></tr> <tr> <td>Total housing and productivity contribution estimated</td><td>\$41,972.44</td></tr> </tbody> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental</i></p>	Housing and productivity contribution	Estimated at an Amount	Housing and productivity contribution (base component) estimated	\$41,972.44	Transport project component	Nil	Total housing and productivity contribution estimated	\$41,972.44
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Total housing and productivity contribution estimated	\$41,972.44								

	<p><i>Planning and Assessment Act 1979</i> to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p>Condition reason: To require contributions towards the provision of regional infrastructure.</p>
18.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$168,913,88 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
19.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
20.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees and Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p> <p>An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>

21.	<p>NOTICE OF INTENT TO COMMENCE PUBLIC DOMAIN WORKS</p> <p>Prior to commencement of the public domain works notice must be submitted to Councils Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction works, and the details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.</p> <p>Condition reason: To ensure that the development has been granted with relevant Construction Certificate design approval and the relevant permits obtained from Council, and copies of current insurances provided to Council.</p>
22.	<p>PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES</p> <p>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.</p> <p>Condition reason: To ensure building is fit for future use for a food and drink premises.</p>
23.	<p>VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP HOUSING 2021)</p> <p>The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the <i>Architects Act 2003</i> (i.e. a qualified designer) in accordance with the requirements of the <i>State Environmental Planning Policy Housing 2021</i>.</p> <p>In accordance with the <i>Environmental Planning and Assessment Regulation 2021</i>, 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 <i>State Environmental Planning Policy Housing 2021</i>.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
24.	<p>ARCHITECTURAL DETAILING</p> <p>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:</p> <p>(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;</p> <p>(b) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>

25.	BASEMENT STORAGE
	The basement level is to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2022.
	Condition reason: To ensure adequate basement storage is provided.
26.	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.
	Condition reason: To ensure adaptable housing is provided.
27.	UNIVERSAL HOUSING
	Apartment 3.1 in the development is to be provided with universal design features (as outlined in the <i>Liveable Housing Design Guidelines</i>) to meet the changing need of occupants over their lifetimes in accordance with Part B6 of the <i>Waverley Development Control Plan 2022</i> .
	Condition reason: To ensure universal design features are provided.
28.	HOARDING
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
29.	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.

	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
30.	<p>DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION</p> <p>A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.</p> <p>Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.</p> <p>Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.</p>
31.	<p>ENGINEERING DETAILS</p> <p>Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
32.	<p>GROUND ANCHORS</p> <p>Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8886.</p> <p>Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).</p> <p>Condition reason: To ensure ground anchors are installed to Council's specifications.</p>
33.	<p>PUBLIC INFRASTRUCTURE WORKS</p> <p>Public infrastructure works must be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.</p> <p>Full design engineering drawings must be prepared by a suitably qualified and experienced engineering professional and must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <p>The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:</p>

	<p>(a) <u>Road Pavement</u>: 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.</p> <p>(b) <u>Footpath, Kerb and Gutter</u>: The existing footpath, kerb, and gutter traversing Curlewis Street frontage is to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced.</p> <p>(c) <u>Street Trees</u>: A minimum of one (1) street tree 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.</p> <p>(d) Any existing or proposed utility pillars, columns and/or poles on the site frontage must be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.</p> <p>(e) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.</p> <p>(f) 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.</p> <p>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.</p> <p>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).</p>
	<p>Condition reason: To ensure works within the public domain are to Council specifications.</p>

34.	<p>TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS</p> <p>Evidence is to be provided to the Principal Certifier that arrangements have been made for;</p> <p>(a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and</p> <p>(b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.</p> <p>Condition reason: To ensure appropriate telecommunication services are provided.</p>
35.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website. Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact with the Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
36.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Condition reason: To minimise disruption to local traffic.</p>
STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT	

37.	<p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> (a) The site runoff of 135-139 Curlewis Street, Bondi Beach must be connected to the stormwater management system of the development at 141-155 Curlewis Street, Bondi Beach and be discharged East in Curlewis Street. (b) Provide calculations of gutter sizing for 1% AEP storm event and the minimum number of downpipes required. (c) 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. (d) Seepage water must not be directly or indirectly discharged to Council's street gutter. (e) Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. (f) If required by Condition 9(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. (g) 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. (h) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant. <p>Notes:</p> <ul style="list-style-type: none"> i. The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall
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	<p>be completed and submitted with any revision of Construction Certificate Plan Submission.</p> <p>ii. Since a sewer main runs through the property, plans must also be presented to a Sydney Water for their approval.</p> <p>iii. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.</p> <p>iv. 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.</p> <p>v. Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.</p> <p>vi. Council's contact for infrastructure assessment: Email: 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.</p>
	<p>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.</p>
38.	<p>TEMPORARY DEWATERING OF UNDERGROUND STRUCTURES</p> <p>If any temporary dewatering is required during the construction of underground structures an application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for temporary dewatering. A copy of the aforementioned approval must be submitted to Council. Note that permanent dewatering is not allowed. If temporary dewatering is required and approved, a separate Waverley Council temporary de-watering application must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) and associated fees paid prior to release of any construction certificate by the Principal Certifier.</p>
	<p>Condition reason: Ensure proper groundwater approvals are obtained and no permanent dewatering occurs as part of the proposed development.</p>
39.	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p>
	<p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
40.	<p>ENERGY EFFICIENCY</p> <p>An Energy Assessment Report is to be submitted in accordance with the <i>Waverley Development Control Plan 2022</i>, which recommends design</p>

	<p>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.</p> <p>The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.</p> <p>Condition reason: To ensure sustainable development.</p>
41.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal 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 <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
42.	<p>WASTE STORAGE AREAS</p> <p>The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and commercial components of the development:</p> <ul style="list-style-type: none"> • Residential: 3 x 3-bedroom units <ul style="list-style-type: none"> - 2x 240L Mobile Garbage Bins (MGBs) for general waste - 2x 240L MGBs for paper and cardboard recycling - 2x 240L MGBs for container recycling - 1x 240L MGB for organic waste <p>All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the Waverley Council Development Control Plan 2022 to the satisfaction of the Principal Certifier.</p> <p>Condition reason: To ensure the appropriate space for storage of waste on site.</p>
43.	<p>VERMIN AND RAT CONTROL</p> <p>A <i>Pest and Vermin Control Management Plan</i> 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.</p>

	Condition reason: To reduce and control pests and vermin.
44.	<p>GREEN ROOF LANDSCAPING DETAILS</p> <p>The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the <i>Waverley Development Control Plan 2022</i> including;</p> <p>(a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3 – 1).</p> <p>(b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species</p> <p>(c) The balcony planters are to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to planters and the roof is to be for servicing purposes only.</p> <p>A qualified landscape architect must review the design and verify that it complies with the above requirements.</p> <p>Condition reason: To ensure the longevity of balcony planters.</p>
45.	<p>NOISE – ACOUSTIC REPORT</p> <p>An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).</p> <p>Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.</p> <p>For further information on the requirements, refer to Council's website: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Condition reason: To control acoustic impacts to surrounding land uses.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
46.	<p>CONSTRUCTION SIGNS</p> <p>Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal</p>

	<p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifier and principal contractor's (the coordinator of the building works) contact details.</p>
47.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:</p> <ul style="list-style-type: none"> • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • <i>Protection of the Environment Operations Act 1997.</i> <p>At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal 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:</p> <ol style="list-style-type: none"> Outline the identification of any hazardous materials, including surfaces coated with lead paint; Confirm that no asbestos products are present on the subject land, or 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); Describe the method of demolition; Describe the precautions to be employed to minimise any dust nuisance; and Describe the disposal methods for hazardous materials. <p>Condition reason: To ensure the safety of workers and the general public.</p>
48.	<p>TREE PROTECTION</p> <p>Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ol style="list-style-type: none"> 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.

Tree No.	Species	Location	Action
T 1	<i>Casuarina cunninghamiana</i> (River She Oak)	On-site	Remove and replace
T 2	<i>Melaleuca linariifolia</i> (Snow in Summer)	On-site	Remove and replace
T 3	<i>Pittosporum florida</i> (Cheesewood)	On-site	Remove and replace
T 4	<i>Dyopsis lutescens</i> / <i>Cordyline</i> sp. (Golden Cane Palm / Cordyline)	On-site	Remove and replace
T 5	<i>Morus alba</i> (Mulberry)	Neighbouring property	Retain and protect

Protective fencing

- Protective fencing must be erected around each tree nominated for preservation before site clearing and establishment and before any materials are brought on site and prior to the commencement of civil and construction works. The protective fencing shall remain in place for the duration of the works and must not be removed or altered without approval on an arborist. AS 4687 specifies applicable fencing requirements.
- Protective fencing shall comprise 1800mm.high chain link wire mesh fixed to 50 mm. galvanised steel posts. Portable chain link fencing may be installed. Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable. Chain link portable panels must be securely fixed top and bottom to avoid separation.
- No storage of building materials, tools, paint, fuel or contaminants and the like shall be placed within the fenced area. Ropes, ties or signs must not be attached to any part of a tree (s) to be preserved.

Trunk Protection

- Where space does not permit the erection of protective fencing install trunk protection. Trunk protection shall comprise the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.
- **Trunk protection must remain in place for the duration of all site work.**
- **Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.**

Warning Signs

- Advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s) by the placement of suitable warning signs fixed to all tree protection fences and trunk protection throughout the

	<p>site. Contact telephone numbers shall be clearly shown on all warning signs.</p> <p>Ground Protection</p> <ul style="list-style-type: none"> For trees installed with Trunk Protection timbers an area not less than a 2.5 m radius shall have the entire ground surface mulched to a depth of 100 mm with composted Eucalyptus leaf and woodchip or similar cushioning mulch to reduce compaction of the surround soil and to help retain soil moisture and reduce erosion. <p>Crown Protection</p> <ul style="list-style-type: none"> Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree. Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ. 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. <p>Tree Removal and Pruning</p> <ul style="list-style-type: none"> Trees for removal should be marked onsite as per the approved tree protection plan. Before removal, the project arborist should confirm that all marked trees correspond with those shown on the schedule or plan. Other tree work may be specified in the tree protection plan. Tree removal should be carried out prior to erection of protection fencing. Contractors should be instructed to avoid damage to trees within protection areas when removing or pruning trees. This may include restrictions of vehicle movements. Any approved pruning required to allow for works should be done at this stage by an Arborist with min AQF Level 4 qualifications, in accordance with AS 4373 the pruning of amenity trees. Stumps to be removed from within a TPZ must be removed in a manner that avoids damaging or disturbing roots of trees to be retained. The project arborist should supervise tree removal and pruning and certify the works on completion. <p>Encroachments</p> <ul style="list-style-type: none"> Minor encroachments within Structural Root Zones are acceptable. The preferred method of examination and or excavation within the SRZ is the application of non-invasive vacuum or hydro excavation. This practice is now widely adopted in sensitive situations that require root investigation. Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling may be adopted to minimize the impact of encroachment.
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	<ul style="list-style-type: none"> • If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. <u>Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.</u> • If tree roots are required to be removed for the purposes of constructing the approved works, <u>they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).</u> • 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 or removal, 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 a 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).
	Condition reason: To protect and retain trees.
49.	<p>PUBLIC DOMAIN IMPROVEMENTS</p> <p>The public domain is to be upgraded along 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. A public domain plan for the following works shall be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) before the issue of the relevant Construction Certificate.</p> <p>(a) Pedestrian footpath (b) Road pavement (c) Kerb and gutter (d) Stormwater infrastructure located within the Council kerb and/or footpath (e) Street trees planting and landscaping.</p>
	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.
50.	<p>PUBLIC UTILITIES AND SERVICE ALTERATIONS</p> <p>Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of</p>

	the development boundary, must be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, Transport for NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.
	Condition reason: To ensure any alterations to public infrastructure and utility services comply with the requirements and are undertaken at the expense of the applicant.

DURING BUILDING WORK

	Condition
51.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.</p> <p>(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
52.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
53.	<p>EXCAVATION AND BACKFILLING</p> <p>All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate</p>

	<p>professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
54.	<p>CONSTRUCTION HOURS</p> <p>Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.</p> <p>Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
55.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
56.	<p>CONSTRUCTION INSPECTIONS</p> <p>The building works are to be inspected during construction by the Principal Certifier in accordance with <i>Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p> <p>Condition reason: To ensure regular inspections occur throughout the construction process.</p>
57.	<p>PUBLIC DOMAIN ENGINEERING INSPECTIONS</p> <p>To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required, and compliance certificates must be obtained from Council's Infrastructure Engineer for the road pavement, kerb and gutter, footpath paving, driveway, stormwater, street trees planting, landscaping and any other hold points defined on the Public Domain approval.</p>

	<p>All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.</p> <p>Condition reason: To ensure public domain works are constructed to Council's satisfaction.</p>
58.	<p>CERTIFICATE OF SURVEY - LEVELS</p> <p>All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifier during construction and prior to continuing to a higher level of the building.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
59.	<p>CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING</p> <p>A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal 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.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
60.	<p>FOOD PREMISES</p> <p>The fit out 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.</p> <p>https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety</p> <p>Condition reason: To ensure the use complies with relevant policy and legislation.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
61.	<p>AMALGAMATION OF LOTS</p> <p>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:</p>

	<ul style="list-style-type: none"> • Lot A in DP 955097, • Lot 1 in DP 724290, • Lot 1 in DP 102895, • Lot 1 in DP 724793, • SP 20512
	Condition reason: To ensure the lots are developed together given the interlinking development consents.
62.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifier must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
63.	<p>RELATIONSHIP TO DEVELOPMENT CONSENT DA-472/2022 – CONSOLIDATED OCCUPATION CERTIFICATE</p> <p>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-472/2022 (and any subsequent modifications, where relevant).</p> <p>Condition reason: To ensure all works are carried out in accordance with the interlinking development consents.</p>
64.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifier shall certify that all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
65.	<p>CERTIFICATION OF APPROVED DESIGN</p> <p>In accordance with the Environmental Planning and Assessment Regulations 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.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
	CERTIFICATION OF LANDSCAPING

66.	<p>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.</p> <p>Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.</p>
67.	<p>CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM</p> <p>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.</p> <p>Condition reason: Ensure the stormwater drainage system has been constructed as per the approved stormwater management plans.</p>
68.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</p> <p>A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits 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 must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.</p> <p>Condition reason: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.</p>
69.	<p>SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN</p> <p>Prior to the issue of any Occupation Certificate for the works, the Applicant must submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council-approved plans and Waverley Council standards and specifications. The certificate must include commentary to support any variations from the approved drawings.</p>

	Condition reason: To ensure all works within the public domain are in accordance with the design plans and certified by the applicant's supervising Engineer.
70.	<p>WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN</p> <p>To ensure public infrastructure works required under the consent are completed in accordance with the approved plans and specifications, a Work-as-Executed plan of the completed works, prepared by a registered surveyor, must be submitted for review to the Principal Certifier and the Council. Any required rectification works must be carried out by the Applicant and approved by Council prior to the issue of any Occupation Certificate.</p> <p>The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer must be submitted to support all variations from the approved plans.</p>
	Condition reason: The reason for this condition is to ensure all the proposed works within the public domain are completed as per design approval granted by Waverley Council, and copies of the 'As-Build' brand new assets are provided to Council.
71.	<p>CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS</p> <p>Prior to the issue of any Occupation Certificate, a final Compliance Certificate must be obtained from Council's Executive Manager, Infrastructure Services (or delegate) confirming that all works in the road reserve including all public domain infrastructure and restorations have been completed and constructed to Council's satisfaction, as required under the consent. A final inspection is required to be carried out by Council's Infrastructure Engineer.</p> <p>Notes</p> <ul style="list-style-type: none"> i. The issue of a final Compliance Certificate from the Council's Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but is not limited to fees applicable for engineering plans assessment and work inspection fees. ii. The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council. <p>To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months must apply to the works completed by the applicant/developer following completion of the development. The defects liability period must commence from the date of issue of the Occupation Certificate for the development. The applicant must be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.</p>

	Condition reason: To ensure all public domain infrastructure have been constructed appropriately, including any restorations works. This is also enforcing the applicant to rectify any part of the works fails to perform during the 12 months defects liability period prior to handing over to Council.
72.	<p>STRUCTURAL AND GEOTECHNICAL CERTIFICATION</p> <p>The project structural and geotechnical engineers must prepare separate certificates confirming that the development was completed in accordance with the CMR and identifying any departures from the CMR that were approved and implemented during construction. The Geotechnical Certificate must also include a statement on the stability of the site and neighbouring properties.</p> <p>Condition reason: To ensure adherence to the Construction Management Plan and to enable verification of site stability including neighbouring properties after the completion of construction.</p>
73.	<p>CERTIFICATION OF ALL MECHANICAL PLANT</p> <p>A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.</p> <p>Condition reason: To ensure the proper installation of use of the mechanical plant has been undertaken.</p>
74.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
75.	<p>BICYCLE PARKING</p> <p>A total of seven bicycle parking spaces are to be provided within the development.</p> <p>The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.</p> <p>The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement. 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.</p> <p>Condition reason: To ensure the amount of bicycle parking is reflective of the approval.</p>

76.	<p>ALLOCATION OF STREET NUMBER/S</p> <p>The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:</p> <ul style="list-style-type: none"> – No. 135-139 - primary address site number – Curlewis Street - primary address location. <p>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.</p> <p>The following sub addressing principles will apply:</p> <ul style="list-style-type: none"> – Shop G01 for the commercial sub-address sites within the building correlating with the ground floor plans for the building, – Nos. 101 for the residential sub-address site within the building correlating with the First-floor plans for the building. – Nos. 201 for the residential sub-address site within the building correlating with the Second-floor plans for the building. – Nos. 301 for the residential sub-address site within the building correlating with the third-floor plans for the building. <p>The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.</p> <p>The address number for a sub-address site shall not consist of the primary address number on its own.</p> <p>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.</p> <p>The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate.</p> <p>Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
77.	<p>WAVERLEY DIGITAL MODEL</p> <p>An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling</p> <p>Condition reason: To ensure Council is provided with an accurate digital model of the development.</p>

78.	<p>PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE</p> <p>A Site Waste and Recycling Management Plan must be submitted to the Principal Certifier and include the following where relevant;</p> <ul style="list-style-type: none"> (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal) (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting. (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water. (d) The role and responsibility of managing composting facilities (if provided); (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed. (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits. (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants. (h) Responsibilities for regular monitoring of bins for contamination and educating residents on how to use the waste and recycling services. (i) Responsibilities to inspect, maintain and repair all waste management equipment, such as chutes, bin lifts, compactors and other equipment. (j) Responsibilities to liaise with the council or the collection contractor on waste management issues and service requests. <p>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.</p> <p>Condition reason: To ensure on-going waste storage and removal is appropriately managed.</p>
79.	<p>LITTER CHECKS</p> <p>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 and packaging. Such patrols must take place intermittently during the hours of operation with the final check conducted at</p>

	<p>the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature. Building management must provide tenant and resident education to ensure appropriate disposal of cigarette butts.</p> <p>Condition reason: To ensure litter checks are undertaken in the vicinity of the site once the site is operational.</p>
80.	<p>FLOOR SPACE RATIO</p> <p>The following applies to Floor Space Ratio:</p> <p>(a) The Gross Floor Area of the building shall be limited to 1,025m².</p> <p>Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.</p> <p>Condition reason: To ensure the constructed development complies with the approved floor space ratio.</p>
81.	<p>BUILDING HEIGHT</p> <p>The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:</p> <p>(a) Parapet height: RL 30.90 (b) Lift overrun: RL 31.50 (c) Roof plant: RL 31.80 and RL 32.40</p> <p>Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p> <p>Condition reason: To ensure the constructed development complies with the approved height.</p>

OCCUPATION AND ONGOING USE

	Condition
82.	<p>RELATIONSHIP TO DEVELOPMENT CONSENT DA-472/2022</p> <p>This development consent shall operate concurrently with Development Consent DA-472/2022 (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.</p> <p>Condition reason: To ensure the use of the building is carried out in accordance with the interlinking development consents.</p>
83.	<p>AMENITY</p> <p>The management of the premises is to:</p> <ul style="list-style-type: none"> (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register. <p>Condition reason: To protect the amenity of the local area.</p>
84.	<p>NOISE EMISSIONS</p> <p>The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.</p> <p>Condition reason: To protect the amenity of the local area.</p>
85.	<p>AIR EMISSIONS</p> <p>The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.</p> <p>Condition reason: To protect the amenity of the local area.</p>
86.	<p>NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)</p> <p>Noise associated with mechanical plant shall not give rise to any one or more of the following:</p> <ul style="list-style-type: none"> (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy. (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.

	(c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
	Condition reason: To protect the amenity of the local area.

87.	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 within the acceptable limits.
	Condition reason: To protect the amenity of the local area.
88.	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.
	Condition reason: To ensure compliance with planning legislation.
89.	ADJUSTMENTS TO STREET SIGNS
	Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements.
	Condition reason: To ensure existing signs are replaced.
90.	PARKING PERMITS
	Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.
	Condition reason: To ensure provision of car parking associated with the development is managed appropriately.

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:</p> <ul style="list-style-type: none"> • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council's standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.</p> <p>If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</p>

	<p>Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p>
5.	<p>SYDNEY WATER CERTIFICATE</p> <p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</p> <p>Following application, a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p>
6.	<p>DIAL BEFORE YOU DIG</p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p>
7.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.</p>
8.	<p>SITE RECTIFICATION WORKS</p> <p>The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.</p> <p>If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:</p> <p>(a) Require certain works to be carried out, including but not limited to:</p> <ol style="list-style-type: none"> i. Make the building/site safe and of an appearance acceptable to Council;

	<p>ii. Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;</p> <p>iii. For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.</p> <p>iv. Council may call on any bank guarantee to cover the cost thereof.</p> <p>(b) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.</p>
9.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
10.	<p>BONDI - ROSE BAY SAND BODY</p> <p>This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.</p> <p>Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.</p>
11.	<p>TREE REMOVAL/PRESERVATION</p> <p>Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.</p>
12.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p> <p>In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.</p>
13.	<p>PUBLIC DOMAIN PRE-CONSTRUCTION MEETING</p> <p>To ensure all public infrastructure works approved under this consent will be completed to Council's satisfaction and a program of required inspections is established, a preconstruction meeting shall be arranged with Council's engineering inspector/s prior to works commencing on site.</p>

Dictionary

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

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

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

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

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

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

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Waverley Local Planning Panel.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

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