

APPENDIX A: CONDITIONS OF CONSENT

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

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1.	APPROVED PLANS AND DOCUMENTATION																																																																																							
	<p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Bates Smart of Project No: S12551 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>DA00.000A Rev. A</td><td>BASIX AND NATHERS NOTES</td><td>15/12/2023</td><td>27/09/2024</td></tr><tr><td>DA00.000B Rev. A</td><td>SENIORS SEPP NOTES</td><td>24/09/2024</td><td>27/09/2024</td></tr><tr><td>DA01.002A Rev. A</td><td>DEMOLITION PLAN</td><td>15/12/2023</td><td>27/09/2024</td></tr><tr><td>DA01.003 Rev. C</td><td>SITE PLAN</td><td>01/07/2024</td><td>27/09/2024</td></tr><tr><td>DA03.001 Rev. B</td><td>BASEMENT 02</td><td>24/09/2024</td><td>27/09/2024</td></tr><tr><td>DA03.002 Rev. D</td><td>BASEMENT 01</td><td>24/09/2024</td><td>27/09/2024</td></tr><tr><td>DA03.003 Rev. D</td><td>GROUND LOWER PLAN</td><td>24/09/2024</td><td>27/09/2024</td></tr><tr><td>DA03.004 Rev. D</td><td>GROUND UPPER PLAN</td><td>24/09/2024</td><td>27/09/2024</td></tr><tr><td>DA03.005 Rev. B</td><td>LEVEL 01 PLAN</td><td>31/05/2024</td><td>27/09/2024</td></tr><tr><td>DA03.006 Rev. B</td><td>LEVEL 02 PLAN</td><td>31/05/2024</td><td>27/09/2024</td></tr><tr><td>DA03.007 Rev. C</td><td>LEVEL 03 PLAN</td><td>01/07/2024</td><td>27/09/2024</td></tr><tr><td>DA03.008 Rev. C</td><td>ROOF PLAN</td><td>01/07/2024</td><td>27/09/2024</td></tr><tr><td>DA09.001A Rev. B</td><td>ELEVATION_OLD SOUTH HEAD RD_NORTH</td><td>31/05/2024</td><td>27/09/2024</td></tr><tr><td>DA09.001B Rev. B</td><td>ELEVATION_OLD SOUTH HEAD RD_SOUTH</td><td>31/05/2024</td><td>27/09/2024</td></tr><tr><td>DA09.002 Rev. B</td><td>ELEVATION_OCEANVIEW AVE</td><td>31/05/2024</td><td>27/09/2024</td></tr><tr><td>DA09.003 Rev. B</td><td>NORTHERN ELEVATION</td><td>31/05/2024</td><td>27/09/2024</td></tr><tr><td>DA09.004A Rev. B</td><td>EASTERN ELEVATION_NORTH</td><td>31/05/2024</td><td>27/09/2024</td></tr><tr><td>DA09.004B Rev. C</td><td>EASTERN ELEVATION_SOUTH</td><td>01/07/2024</td><td>27/09/2024</td></tr><tr><td>DA09.005 Rev. B</td><td>ELEVATION - OUTHOUSE</td><td>31/05/2024</td><td>27/09/2024</td></tr><tr><td>DA10.001 Rev. C</td><td>BUILDING SECTIONS</td><td>24/09/2024</td><td>27/09/2024</td></tr><tr><td>DA10.002 Rev. B</td><td>SECTION_ARRIVAL LOBBY</td><td>31/05/2024</td><td>27/09/2024</td></tr></table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA00.000A Rev. A	BASIX AND NATHERS NOTES	15/12/2023	27/09/2024	DA00.000B Rev. A	SENIORS SEPP NOTES	24/09/2024	27/09/2024	DA01.002A Rev. A	DEMOLITION PLAN	15/12/2023	27/09/2024	DA01.003 Rev. C	SITE PLAN	01/07/2024	27/09/2024	DA03.001 Rev. B	BASEMENT 02	24/09/2024	27/09/2024	DA03.002 Rev. D	BASEMENT 01	24/09/2024	27/09/2024	DA03.003 Rev. D	GROUND LOWER PLAN	24/09/2024	27/09/2024	DA03.004 Rev. D	GROUND UPPER PLAN	24/09/2024	27/09/2024	DA03.005 Rev. B	LEVEL 01 PLAN	31/05/2024	27/09/2024	DA03.006 Rev. B	LEVEL 02 PLAN	31/05/2024	27/09/2024	DA03.007 Rev. C	LEVEL 03 PLAN	01/07/2024	27/09/2024	DA03.008 Rev. C	ROOF PLAN	01/07/2024	27/09/2024	DA09.001A Rev. B	ELEVATION_OLD SOUTH HEAD RD_NORTH	31/05/2024	27/09/2024	DA09.001B Rev. B	ELEVATION_OLD SOUTH HEAD RD_SOUTH	31/05/2024	27/09/2024	DA09.002 Rev. B	ELEVATION_OCEANVIEW AVE	31/05/2024	27/09/2024	DA09.003 Rev. B	NORTHERN ELEVATION	31/05/2024	27/09/2024	DA09.004A Rev. B	EASTERN ELEVATION_NORTH	31/05/2024	27/09/2024	DA09.004B Rev. C	EASTERN ELEVATION_SOUTH	01/07/2024	27/09/2024	DA09.005 Rev. B	ELEVATION - OUTHOUSE	31/05/2024	27/09/2024	DA10.001 Rev. C	BUILDING SECTIONS	24/09/2024	27/09/2024	DA10.002 Rev. B	SECTION_ARRIVAL LOBBY	31/05/2024
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	DA10.006 Rev. B	SECTION_CORE D	31/05/2024	27/09/2024
	DA10.007 Rev. A	SECTION_BASEMENT RAMP	31/05/2024	27/09/2024
	DA11.001 Rev. A	FAÇADE TYPE 01	15/12/2023	27/09/2024
	DA11.002 Rev. A	FAÇADE TYPE 02	15/12/2023	27/09/2024
	DA11.003 Rev. A	FAÇADE TYPE 03	15/12/2023	27/09/2024
	DA13.001 Rev. A	APARTMENT TYPES – 2B	15/12/2023	27/09/2024
	DA13.002 Rev. A	APARTMENT TYPES – 2B	15/12/2023	27/09/2024
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	DA13.009 Rev. A	APARTMENT TYPES – PENTHOUSE	15/12/2023	27/09/2024
	DA22.001 Rev. C	AREA PLAN – LOWER GROUND	24/09/2024	27/09/2024
	DA22.002 Rev. B	AREA PLAN – UPPER GROUND	24/09/2024	27/09/2024
	DA22.003 Rev. B	AREA PLAN – LEVEL 01	24/09/2024	27/09/2024
	DA22.004 Rev. B	AREA PLAN – LEVEL 02	24/09/2024	27/09/2024
	DA22.005 Rev. C	AREA PLAN – LEVEL 03	24/09/2024	27/09/2024
	DA41.001 Rev. A	MATERIAL SCHEDULE	15/12/2023	27/09/2024
<p>(b) Landscape Plan Nos. DA1.0d, DA1.1c, DA1.2d, DA1.3d, DA2.1c, DA3.1b, DA3.2b, DA4.1b, DA4.2b, DA5.1b, DA5.2b, DA10a, DA10.1b, DA10.2b, DA10.3b, DA10.4a, DA10.5a, DA20.1a and documentation prepared by NBLA, received by Council on 27/09/2024.</p> <p>(c) BASIX and NatHERs Certificates.</p> <p>(d) Access Report Reference No: 23368 Issue B prepared by Vista Access Architects dated 15/12/2023 and received by Council on 22/01/2024.</p> <p>(e) Plan of Management dated January 2024 and received by Council on 22/01/2024.</p> <p>(f) Geotechnical Investigation Report ID: G21071VAU-R01F prepared by Geo-environmental Engineering dated 08/10/2021 and received by Council on 01/10/2024 and ID: E23026VAU-L01F dated 06/11/2023 and received by Council on 22/01/2024.</p> <p>(g) Arboricultural Impact Assessment prepared by Syner Tree dated 15/12/2023 and received by Council on 22/01/2024.</p> <p>(h) Acoustic Report Reference 2023.073.REPORT_669-683 OSHR Vauclose prepared by Reef Acoustic Consulting dated 13/12/2023 and received by Council on 22/01/2024.</p> <p>(i) Structural Design Report prepared by MPN Group dated December 2023 and received by Council on 22/01/2024.</p>				

	<p>(j) Green Travel Plan Ref: 23201 Issue A dated January 2024 and received by Council on 22/01/2024.</p> <p>(k) Traffic and Parking Assessment Ref: 23201 Issue E prepared by Transport and Traffic Planning Associates dated January 2024 and received by Council on 22/01/2024.</p> <p>(l) Loading Dock Management Plan Ref:23201 Issue A prepared by Transport and Traffic Planning Associates dated January 2024 and received by Council on 22/01/2024.</p> <p>(m) Demolition and Construction Waste Management Plan prepared by Waste Audit dated July 2024 and received by Council on 26/07/2024.</p> <p>(n) Operational Waste Management Plan prepared by Waste Audit dated July 2024 and received by Council on 26/07/2024.</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) A communal clothes drying area is to be provided within the communal open space.</p> <p>Condition reason: To ensure the environmental sustainability of the development.</p> <p>(b) Details of the finished front, side and rear fences, including heights and materials are required. The side and rear boundary fences must not exceed 1.8m in height measured from the ground level of the adjoining property to which the fence relates, unless agreement is reached between the adjoining landowners for alternate height.</p> <p>Condition reason: To ensure fencing is to a standard height and will not result in impacts upon surrounding properties.</p> <p>(c) The design and specific allocation of car parking spaces in the development are to be amended in accordance with 'Car Parking' condition of this development consent.</p> <p>Condition reason: To ensure that the development provides for the required number, allocation and design of car parking spaces in accordance with <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>

3.	<p>HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY</p> <p>The development has been approved under the provisions of the <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>Therefore, the occupants of the accommodation to which this development consent relates must only be:</p> <ul style="list-style-type: none"> (a) Senior people or people who have a disability, as defined in <i>State Environmental Planning Policy (Housing) 2021</i> ("SEPP"), (b) People who live within the same household with seniors or people who have a disability, or (c) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP. <p>A restriction as to user must be registered against the title of the property, in accordance with section 88E of the <i>Conveyancing Act 1919</i> which restricts the use of any accommodation to which this development consent relates. The registration of the section 88E Instrument must occur prior to the issue of an occupation certificate. All costs associated with this are to wholly borne by the owner/applicant.</p> <p>Condition reason: To ensure only seniors or people with a disability occupy the development in accordance with the provisions of <i>State Environmental Planning Policy (Housing) 2021</i>.</p>
4.	<p>MULTI UNIT HOUSING DEVELOPMENT DESIGN</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 deign remains unchanged.</p>
5.	<p>TRANSPORT FOR NSW CONDITIONS</p> <ul style="list-style-type: none"> (a) All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Old South Head Road boundary. <p>The redundant driveways on the Old South Head Road boundary shall be removed and replaced with kerb and gutter to match existing and shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au</p> <p>Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au</p>

	<p>A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.</p> <p>(b) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Old South Head Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.</p> <p>A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.</p> <p>(c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.</p> <p>The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au</p> <p>If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.</p> <p>(d) The developer shall be responsible for all public utility adjustment/relocation works, etc necessitated by the above/approved work and as required by the various public utility authorities and/or their agents.</p> <p>(e) All vehicles are to enter and leave the site in a forward direction and all vehicles are to be wholly contained on site before being required to stop.</p> <p>(f) A traffic light system is to be installed to manage vehicles entering and exiting the basement car park. The system design and timing is to be calibrated and prioritised so as to avoid queuing of vehicles outside the site boundary. Instructions on the use of the system are to be given to all new tenants prior to moving in.</p> <p>(g) A Traffic Management Plan (TMP) is to be prepared and submitted for approval to the certifying authority. The Plan is to include details, but not be limited to, details of installation and management of traffic control measures on-site. A copy of the relevant Traffic Management Plan is to be provided to the building manager and kept onsite to be available at all times and is to include details on actions to be taken in the event of a system failure.</p>
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	<p>(h) The longest vehicle permitted to access the site is a 6.4m long Small Rigid Vehicle (SRV).</p> <p>(i) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2022 and AS 2890.2–2018 for heavy vehicle usage.</p> <p>(j) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS and AS2890.2:2018. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.</p> <p>(k) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Old South Head Road.</p> <p>(l) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Old South Head Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.</p> <p>Condition reason: To minimise impacts upon Old South Head Road which is a classified road and ensure compliance with the requirements of the concurrence of Transport for NSW.</p>
6.	<p>AUSGRID CONDITIONS</p> <p>Care should be taken to ensure that construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.</p> <p>It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).</p> <p>The following points should be taken into consideration.</p> <p>(a) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>(b) Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p> <p>In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:</p> <ul style="list-style-type: none"> • SafeWork Australia – Excavation Code of Practice.

	<ul style="list-style-type: none"> • Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. This document can be found by visiting the Ausgrid website via www.ausgrid.com.au. • The Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can also be found by visiting the Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries <p>Condition reason: To minimise impacts upon existing electricity infrastructure in accordance with AUSGRID requirements.</p>
7.	<p>PUBLIC ART</p> <p>The development is required to provide for a public artwork and have a minimum value of 1% of the construction costs (excluding administration and associated costs).</p> <p>Specific details and design of the proposed public art feature shall comply with Part B10 of Waverley Development Control Plan 2022 and 'Public Art in the Private Domain Guidelines' and are to be approved by Council's Executive Manager, Arts, Culture and Events (or delegate) prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure that public art is incorporated into the development.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
8.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
9.	<p>SURRENDER OF DEVELOPMENT CONSENTS</p> <p>Development Consent Nos. DA-355/2018, DA-374/2020 and DA-455/2021 are to be surrendered by the applicant, in accordance with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i>. The surrender is to be received by Council prior to the issue of any Construction Certificate for works associated with this development consent. The surrender of the consents takes effect when Council receives the notice.</p> <p>Condition reason: To provide certainty that this development consent effectively supersedes and takes precedence over the previous development consents applying to various parts of the site.</p>
10.	<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> <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>
	PLANNING AGREEMENT A

11.	<p>(a) The owner/applicant is to:</p> <ul style="list-style-type: none"> (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-22/2024; and (ii) Pay a monetary contribution amount of \$5,530,020 prior to the issue of any Occupation certificate for the Development (calculated in accordance with data from a valuation prepared by Property Logic ABN: 57159211186 dated 2 April 2024, being \$20,868/sqm market value x 265sqm of land contained in units GU-07, GU-10, L1-07 & L2-07 under DA-455/2021). The entire contribution will go towards the Waverley Affordable Housing Program, in lieu of the previously proposed in-kind affordable housing dedication approved under the <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> within DA-455/2021. (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council. <p>(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:</p> <ul style="list-style-type: none"> (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-22/2024. (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-22/2024 for the Development which is: <ul style="list-style-type: none"> • In a form acceptable to Council and from an institution acceptable to Council • Irrevocable • Unconditional • With no end date <p>(c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards the Waverley Affordable Housing Program, in lieu of the previously proposed in-kind affordable housing dedication approved under</p>
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	<p>the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 within DA-455/2021.</p> <p>Condition reason: To give effect to the applicant's offer to enter into a Planning Agreement for the realisation of affordable rental housing provided in the approved development associated with DA-455/2021.</p>
<p>12.</p>	<p>PLANNING AGREEMENT B</p> <p>(a) The owner/applicant is to:</p> <ul style="list-style-type: none"> (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-22/2024; and (ii) Pay a monetary contribution amount of \$253,210 prior to the issue of any Occupation certificate for the Development (calculated in accordance with a GFA exceedance of 89.6sqm approved under DA-374/2020). (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council. <p>(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:</p> <ul style="list-style-type: none"> (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-22/2024. (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-22/2024 for the Development which is: <ul style="list-style-type: none"> • In a form acceptable to Council and from an institution acceptable to Council • Irrevocable • Unconditional • With no end date

	<p>(c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.</p> <p>Condition reason: To give effect to the applicant's offer to enter into a Planning Agreement for additional gross floor area provided in the approved development associated with DA-374/2020.</p>								
13.	<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 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)</td><td>\$298 028</td></tr> <tr> <td>Transport project component</td><td>Nil</td></tr> <tr> <td>Estimated total housing and productivity contribution</td><td>\$298 028</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 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>	Housing and productivity contribution	Estimated at an Amount	Housing and productivity contribution (base component)	\$298 028	Transport project component	Nil	Estimated total housing and productivity contribution	\$298 028
Housing and productivity contribution	Estimated at an Amount								
Housing and productivity contribution (base component)	\$298 028								
Transport project component	Nil								
Estimated total housing and productivity contribution	\$298 028								
14.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$691,800 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>
15.	<p>STREET TREE BOND FOR NEW TREES</p> <p>The <i>Two (2) Callistemon viminalis</i> (Weeping Bottlebrush) street trees that are identified to be removed in the landscape plan identified in condition 1 of this development consent are approved to be removed at the expense of the applicant.</p> <p>Two (2) replacement trees are to be planted on the naturestrip. The trees are to be a <i>Banksia integrifolia</i> (Coastal Banksia) and must be a minimum pot size of 75 litres when planted and planted on the north side of the new driveway.</p> <p>(a) The tree is to be planted by a horticulturist (Min qualification AQF Level 3)</p> <p>(b) A bond of \$2,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the newly planted <i>Banksia integrifolia</i> (coast Banksia) tree on the naturestrip. The bond is to be lodged prior to the issue of a Construction Certificate.</p> <ul style="list-style-type: none"> The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council. <p>Condition reason: To ensure the protection of replacement street trees.</p>
16.	<p>STREET TREE BOND FOR RETAINED TREES</p> <p>A bond of \$20,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the following trees on the naturestrip that are required to be retained:</p> <ul style="list-style-type: none"> Two (2) <i>Banksia integrifolia</i> (Coastal Banksia). Two (2) <i>Cupaniopsis anacardioides</i> (Tuckeroo). One (1) <i>Callistemon viminalis</i> (Weeping Bottlebrush). <p>The bond is to be lodged prior to the issue of a Construction Certificate. The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.</p> <p>Condition reason: To ensure the protection of existing street trees.</p>
	LONG SERVICE LEVY

17.	<p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
18.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p> <p>An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development and public domain works.</p> <p>Condition reason: The engineering plans assessment fees are applicable as per Waverley Council's Pricing Policy Fees and Charges 2024-2025, to assess and issue approval on the proposed design and associated works.</p>
19.	<p>SITE AUDIT STATEMENT</p> <p>A Site Audit Statement (SAS) prepared by a NSW Environment Protection Authority (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use prior to the issue of a construction certificate for any works associated with the approved building.</p> <p>Conditions on the SAS must form part of the conditions of consent of the Notice of Determination.</p> <p>Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.</p> <p>Condition reason: To ensure the site is suitable for the intended use.</p>
20.	<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>

21.	<p>VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION</p> <p>The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the <i>Architects Act 2003</i> (i.e. a qualified designer) in accordance with the requirements of the <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>In accordance with the Environmental Planning and Assessment Regulation 2021, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
22.	<p>ARCHITECTURALDETAILING</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> <ul style="list-style-type: none"> (a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the terraces and balconies; (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials; and (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation. <p>This may also require a referral to the Waverley Design Excellence Advisory Panel with a referral fee to be paid at the time of lodgement. Please contact the assessment planner to clarify whether this applies in this case, prior to lodging documentation to satisfy this condition.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
23.	<p>BASEMENT STORAGE</p> <p>The basement level/s are to provide separate and secure storage areas 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 <i>State Environmental Planning Policy (Housing) 2021</i>..</p>

	Condition reason: To ensure adequate basement storage is provided.
24.	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.
25.	EROSION & SEDIMENT CONTROL
	<p>A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.</p> <p>The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p>
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
26.	DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION
	<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>
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
27.	ENGINEERING DETAILS
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.

28.	<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>
29.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.</p> <p>Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact with the Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
30.	<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>

31.	<p>CONSENT FROM WOOLLAHRA COUNCIL FOR STORMWATER CONNECTION</p> <p>An electronic closed-circuit television report (CCTV camera footage) must be prepared by an accredited operator that assesses the condition of the existing pipe of the proposed connection point (Waverley Council reference Pit No. 09101) and at least up to 100m downstream of the existing pipe to determine its structural and serviceability condition and for Woollahra Council to assess whether it is suitable to accept extra flow. A dilapidation report must be submitted to the satisfaction of Woollahra Council. If required by Woollahra Council for the connection, the drainage line must be renewed and/or refurbished, with all associated costs borne by the applicant.</p> <p>A written consent must be obtained from Woollahra Council confirming the proposed connection is acceptable, including any associated requirements set by Woollahra Council. This consent must be submitted to, and accepted by Waverley Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of a Construction Certificate.</p> <p>If Woollahra Council refuses the connection, 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 submission. These must meet the satisfaction of Waverley Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of a Construction Certificate.</p> <p>Condition reason: To ensure that consent from Woollahra Council is obtained before proceeding, or for the applicant to discuss alternative options with Waverley Council if Woollahra Council refuses the connection.</p>
32.	<p>STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT</p> <p>To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.</p> <p>The submitted stormwater management plan prepared by Enscape Studio, Project No. 0333, Drawing No. C-01 Rev. A, C-05 Rev. A, C-10 Rev. B, C-11 Rev. C, C-12 Rev. C, C-13 Rev. C, C-14 Rev. A, C-15 Rev. C, C-16 Rev. A dated 08/07/2024 are considered <u>concept only</u>.</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 must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</p> <p>a) Details of any connection to Woollahra Council's assets must be submitted to and approved by Woollahra Council prior to the commencement of</p>

	<p>works. A written approval from Woollahra Council must be submitted to Waverley Council.</p> <p>b) Any proposed connection to Waverley Council's assets must be constructed to Waverley Council's satisfaction. Details must form part of the stormwater management plan.</p> <p>c) A long section of the connection to public infrastructure must be provided and its details included (e.g. the location of existing services being crossing with the clearances, existing surface levels, inverts and obverts of existing and proposed).</p> <p>d) A sump (with a base level set below that of the main storage) must be provided at the outlet point of the On-Site Detention (OSD) system. It must be set below the level of the main storage to collect debris. Where a discharge point pit is included in the storage, this must contain a sump set at a minimum of 1.5 times the diameter of the orifice of the outlet below the centreline of the orifice or 200 mm, whichever is more. Sumps must be provided with weepholes to drain out to the surrounding soil and must be founded on a compacted granular base.</p> <p>e) The proposed design must include the rainwater tank with a minimum size of 10 kL collecting at least 300 m² of the roof area.</p> <p>f) The overflow pipe from the rainwater tank must be adequately sized for a 1% AEP storm event.</p> <p>g) Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's street gutter.</p> <p>h) 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.</p> <p>i) Show sub-soil drainage is restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.</p> <p>j) As a minimum, the pump system must consist of one duty and one standby pump.</p> <p>k) The pump out storage tank must incorporate adequate buffer storage as recommended by the pump manufacturer or a suitably qualified practitioner.</p> <p>l) All electrical fittings and supply must be located to have at least 300 mm freeboard above the maximum water level and/or any overland flow path.</p> <p>m) Since a sewer/water main runs through the property, plans must also be presented to Sydney Water for their approval.</p>
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	<p>Notes</p> <ul style="list-style-type: none"> i. Any Council infrastructure affected as a result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works must be replaced if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. ii. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions. iii. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. iv. Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated. v. Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. vi. Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission. vii. Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application. <p>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>								
33.	<p>WATER QUALITY</p> <p>The development will at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's Water Technical Management Manual 2021.</p> <table border="1" data-bbox="406 1803 1377 1995"> <thead> <tr> <th>Pollutant</th><th>% post development pollutant reduction targets</th></tr> </thead> <tbody> <tr> <td>Gross Pollutants</td><td>90</td></tr> <tr> <td>Total Suspended Solids</td><td>80</td></tr> <tr> <td>Total Phosphorous</td><td>55</td></tr> </tbody> </table>	Pollutant	% post development pollutant reduction targets	Gross Pollutants	90	Total Suspended Solids	80	Total Phosphorous	55
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	<table border="1" data-bbox="408 192 1377 232"> <tr> <td data-bbox="408 192 751 232">Total Nitrogen</td><td data-bbox="751 192 1377 232">40</td></tr> </table> <p>The applicant will submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID), including cross-sections and the hydraulics. These are to be shown on the submitted stormwater management plans and prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design and hydraulics. MUSIC model must be provided to Council for assessment.</p> <p>Condition reason: To protect the downstream environment from any contaminants.</p>	Total Nitrogen	40
Total Nitrogen	40		
34.	<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 PCA.</p> <p>Condition reason: Ensure proper groundwater approvals are obtained and no permanent dewatering occurs as part of the proposed development.</p>		
35.	<p>PRE-CONSTRUCTION STORMWATER PIPE AND/OR PIT CCTV & DILAPIDATION REPORT</p> <p>Prior to doing any works, if a stormwater connection to Waverley Council's assets is proposed, an internal CCTV inspection of the Council's stormwater drainage lines, including the downstream pipeline up to the next downstream pit, is required to determine their structural and serviceability condition. The CCTV report (track mounted CCTV camera footage) must be prepared by an accredited operator assessing the condition of the existing drainage lines.</p> <p>A dilapidation report including photographic evidence of internal condition of any existing pit to be connected, must be prepared and submitted by an engineer to confirm the existing structural and serviceability condition.</p> <p>The report must be dated and submitted to, and accepted by Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.</p> <p>Condition reason: Confirm the condition of the stormwater pipes and pits servicing the site prior to works occurring which may damage them.</p>		
36.	<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>		

	Condition reason: To ensure BASIX and/or NatHERS requirements are met.
37.	<p>ENERGY EFFICIENCY</p> <p>An Energy Assessment Report is to be submitted in accordance with the <i>Waverley Development Control Plan 2022</i>, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's 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>
38.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
39.	<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/or commercial components of the development;</p> <ul style="list-style-type: none"> • Residential <ul style="list-style-type: none"> ○ 6x 660L Mobile Garbage Bins (MGBs) for general waste (weekly collections) ○ 6x 660L MGBs for paper and cardboard recycling (fortnightly collections) ○ 6x 660L MGBs for container recycling (fortnightly collections) ○ 3x 240L (or 1x 660L) MGB for garden and good organic waste (weekly collections) ○ A room or caged area with a minimum floor space of 7m² must be provided for the storage of discarded bulky items and problem waste, awaiting collection. • Commercial <ul style="list-style-type: none"> ○ 2x 660L MGBs collected at least twice weekly for general waste

	<ul style="list-style-type: none"> ○ 1x 660L MGBs and collected at least twice weekly for comingled recycling ○ Daily waste collection is required for commercial premises that generate 20% or more food waste. <p>All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the <i>Waverley Council Development Control Plan 2022</i> to the satisfaction of the Principal Certifying Authority.</p> <p>Condition reason: To ensure the appropriate space for storage of waste on site.</p>
40.	<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 the demolition of existing buildings.</p> <p>Condition reason: To reduce and control pests and vermin.</p>
41.	<p>NOISE MANAGEMENT PLAN – DEMOLITION, EXCAVATION AND CONSTRUCTION</p> <p>A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.</p> <p>For further information on the requirements, refer to Council's website:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Condition reason: To protect the amenity of the local area.</p>
42.	<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:</p>

	https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To control acoustic impacts to surrounding land uses.
43.	<p>GREEN ROOF LANDSCAPING DETAILS</p> <p>The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the <i>Waverley Development Control Plan 2022</i> including;</p> <ul style="list-style-type: none"> (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3 – 1). (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species. (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only. <p>A qualified landscape architect must review the design and verify that it complies with the above requirements.</p> <p>Condition reason: To ensure the longevity of the green roof.</p>
44.	<p>DILAPIDATION REPORT</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <ul style="list-style-type: none"> (a) 2 Oceanview Avenue, Vaucluse (b) 685-687 Old South Head Road, Vaucluse. <p>Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p>

	<p>Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
<p>45.</p>	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. <p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p> <p>Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.</p>
<p>46.</p>	<p>PUBLIC DOMAIN IMPROVEMENTS</p> <p>The public domain is to be upgraded along Old South Head Road and Oceanview Avenue frontages of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Infrastructure Services or delegate prior to the issue of the Construction Certificate.</p> <ul style="list-style-type: none"> a) Pedestrian footpath b) Vehicular Crossing c) Road pavement d) Kerb and gutter e) Stormwater infrastructure located within the Council road reserve f) Streetlighting and the associated works

	<p>g) Undergrounding power</p> <p>h) Landscape, street tree planting and furniture</p> <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.</p>
47.	<p>GEOTECHNICAL RISK MANAGEMENT</p> <p>The following geotechnical risk management measures must be followed:</p> <ul style="list-style-type: none"> (a) The applicant must comply with all the requirements stipulated in the Geotechnical Investigation Report prepared by Geo-environment engineering, Proposed Seniors Living Development 671 – 683 Old South Head Road, Vaucluse NSW Prepared for OSHR at Vaucluse Holdings Pty Ltd, Report ID: G21071VAU-R01F, dated 8 October 2021. (b) A qualified Geotechnical Engineer and/or Structural Engineer must be engaged to review the full detailed design including the temporary and permanent excavation, and shoring support systems. This review and findings must be submitted to the Principle Certifying Authority and Council outlining methodology in undertaking excavation works is suitable. (c) Any proposed excavations shall be undertaken with minimal vibration methods, with a PPV below 5mm/s (Maximum Peak Particle Velocity). This review shall be approved by the Principle Certifying Authority and submitted to Council's Infrastructure Services Department for records. (d) During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works and at the critical stages of the bulk excavation. A log is to be kept on site and submitted to the Principle Certifying Authority (PCA). (e) Inspections of unsupported vertical excavations bedrock by a qualified geotechnical professional/engineer. (f) Inspections by a qualified geotechnical professional/engineer prior to installation of all new footings/piles. (g) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural Engineer/Geotechnical Engineer and approved by the Principal Certifying Authority (PCA). (h) All work associated with the excavation, demolition or erection of the building is to be executed safely in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property. (i) It is Council policy that any groundwater seepage must be harvested within the site or piped to the underground drainage system. Council approval is required prior to any groundwater dewatering during construction and must be treated in accordance with NSW Environment Protection Authority (EPA) and WaterNSW requirements. <p>Condition reason: This is to ensure that geotechnical risk management measures are implemented and adhered as specified by geotechnical investigation expert and consultant.</p>
	PUBLIC INFRASTRUCTURE WORKS

<p>48.</p>	<p>Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.</p> <p>Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services or delegate prior to the issue of the Construction Certificate.</p> <p>The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Services:</p> <ul style="list-style-type: none"> a) <u>Road Pavement</u>: The full renewal and reconstruction of asphalt pavement for half road width in Oceanview Avenue frontage of the development site. Details of the road pavement treatments and sub-grade details to be advised by Council. b) <u>Footpath, Kerb and Gutter</u>: Replace all footpath, grass verge, kerb and gutter traversing both Old South Head Road and Oceanview Avenue frontages. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections are made to Council's existing infrastructure traversing the site frontage. c) <u>Street Trees</u>: A minimum of two (2) street trees <i>Banksia Integrifolia</i> (Coast Banksia) with a minimum pot size of 75 litres must be planted along the site frontages. All the proposed trees along the Council verge will require the installation of suitable tree pits, surrounds and root barriers as per the Waverley Council Public Domain Technical Manual. The street trees must not interfere with the wheel-swept path or obstruct the proposed vehicular crossing. Waverley Council is to be contacted at the time of installing the root cell barriers prior to planting the new trees. d) <u>Streetlights</u>: New streetlighting serviced by metered underground power and on Multi-Function Poles (MFPs) with an electric vehicle charger (on Oceanview Avenue only) must be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces. <p>Design plans must be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to lodgement of the scheme with Ausgrid for their approval.</p> <ul style="list-style-type: none"> e) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
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	<p>f) All mains electrical connections, overhead power/utility lines 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>g) Replenish and returf the existing Council verge for the full frontage of the development.</p> <p>h) Any damages or replacement cost of Council's existing street furniture and any Council's assets must be borne by the applicant.</p> <p>i) Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).</p> <p>Condition reason: This condition imposed to ensure any proposed works and the design within the public domain are per Council's specification and are being reviewed and approved by Infrastructure Services.</p>
49.	<p>TRANSPORT FOR NSW PLAN APPROVAL</p> <p>The design and construction of the vehicular crossing, stormwater infrastructure, kerb, and gutter within Old South Head Road must be approved by TfNSW and to the satisfaction of Waverley Council. Details of the necessary <u>TfNSW</u> requirements should be obtained. Approved correspondence must be submitted to Council prior to the issue of a Construction Certificate and commencement of any Public Domain works within Old South Head Road.</p> <p>*Note Council will provide final approval once TfNSW approval is granted.</p> <p>Condition reason: To ensure any proposed works being carried out along the state road are as per relevant authority requirements, reviewed and approved by TfNSW.</p>
50.	<p>GROUND ANCHORS</p> <p>Where any ground anchors (i.e., rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8655.</p> <p>Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).</p> <p>Condition reason: Under the Roads Act 1993, any proposed part of the structure extending beyond the private property must be reviewed and approved by the Roads Authority being Infrastructure Services Team, Waverley Council.</p>
	ADDITIONAL GEOTECHNICAL INVESTIGATIONS AND REPORT

51.	<p>Prior to the issue of any Construction Certificate, an additional geotechnical investigation report must be prepared to confirm that subsurface conditions encountered at the rear of the site are consistent with the front of the site. The report must be prepared by a qualified Geotechnical Engineer to review the structural compatibility and construction methodology to ensure the stability of the excavation and provide protection and support of the adjoining properties. The report is to be completed post-demolition of the existing structures. Any further recommendations specified in the report must be implemented.</p> <p>A copy of the report must be submitted to PCA and Council for record keeping.</p> <p>Condition reason: This is to ensure that the additional geotechnical investigations are carried out and implemented as requested by the geotechnical expert and consultant.</p>
52.	<p>APPLICATION TO WATER NSW</p> <p>Prior to the issue of any Construction Certificate, if required, an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW is not required.</p> <p>Condition Reason: This is to ensure that the development is complying with relevant authorities such as WaterNSW and EPA requirements.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
53.	<p>CONSTRUCTION SIGNS</p> <p>Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
54.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:</p> <ul style="list-style-type: none"> • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • <i>Protection of the Environment Operations Act 1997</i>. <p>At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:</p> <ol style="list-style-type: none"> (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials. <p>Condition reason: To ensure the safety of workers and the general public.</p>

55.	<p>TREE REMOVAL</p> <p>Trees that are specified as “proposed removal” in the Arboricultural Impact Assessment that is identified in condition 1 of this development consent are approved to be removed unless specifically required to be retained in this development consent.</p> <hr/> <p>Condition reason: To clarify which trees are approved to be removed.</p>
56.	<p>TREE PROTECTION</p> <p>Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter. <p><u>Protective fencing</u></p> <ul style="list-style-type: none"> • 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. Colored 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. <p><u>Trunk Protection</u></p> <ul style="list-style-type: none"> • 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 centers 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.

	<p><u>Warning Signs</u></p> <ul style="list-style-type: none"> 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 site. Contact telephone numbers shall be clearly shown on all warning signs. <p><u>Ground Protection</u></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><u>Crown protection</u></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 neighboring 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><u>Encroachments</u></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 noninvasive 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. If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken. If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination. If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an 'Application to Prune
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	<p>or Remove Trees on Private Property’ is then to be presented to Council for processing.</p>
	<p>Condition reason: To protect and retain trees.</p>
57.	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>No existing street trees shall be removed without Council approval other than those approved to be removed that are specified in ‘Street Tree bond for new trees’ condition of this development consent. Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 “Protection of trees on construction sites. <p>Condition reason: To protect trees during the carrying out of site work.</p>
58.	<p>PRE-CONSTRUCTION DILAPIDATION REPORT</p> <p>To ensure Council’s infrastructure is adequately protected, a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report must detail, but not be limited to, the location, description, and photographic record (in colour) of any observable defects to the following infrastructure where applicable:</p> <ul style="list-style-type: none"> a) Road pavement b) Kerb and gutter c) Footpath d) Drainage pits and lintels e) Traffic signs f) Any other relevant infrastructure <p>The report is to be dated, submitted to, and accepted by Council’s Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report must be borne by the Applicant.</p> <p>Condition reason: This condition is imposed to protect Council’s existing infrastructure and assets including the roadways and footpath from the construction activities undertaken by the developments.</p>

DURING BUILDING WORK

	Condition
59.	<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>
60.	<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>
61.	<p>EXCAVATION AND BACKFILLING</p> <p>All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
62.	<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>
63.	<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>
64.	<p>CONSTRUCTION INSPECTIONS</p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p> <p>Condition reason: To ensure regular inspections occur throughout the construction process.</p>
65.	<p>CERTIFICATE OF SURVEY - LEVELS</p> <p>All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
66.	<p>CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING</p> <p>A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance 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>

67.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
68.	CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS
	The following applies to the construction of swimming pools and outdoor spas:
	<ul style="list-style-type: none"> (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.
69.	Condition reason: To ensure pools are constructed in a correct manner.
	NEW VEHICLE CROSSING
	<p>Three new vehicle crossings are to be provided to access the porte cochere and proposed basement car park. A separate application is required for the vehicle crossings, with all work to be carried out with the approval of and in accordance with the requirements of Council.</p> <p>The proposed vehicle crossing to the basement car park is to be maximum 6 metres wide at the property boundary.</p>
70.	Condition reason: To ensure an appropriate vehicle crossing is constructed.
	EXISTING VEHICLE CROSSINGS ARE TO BE CLOSED
	<p>The existing vehicle crossings are to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.</p> <p>Condition reason: To ensure redundant vehicle crossings are closed to provide on-street parking.</p>
71.	VEHICLE CROSSINGS – FINISHED LEVEL
	The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath.

	Condition reason: To ensure an appropriate vehicle crossing is constructed.
72.	PUBLIC UTILITIES AND SERVICE ALTERATIONS
	Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, 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 that all existing and any proposed alteration or relocation of the utilities as a result of the development are as per utility providers requirements.
73.	PUBLIC DOMAIN ENGINEERING INSPECTIONS
	To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required, and compliance certificates must be obtained from Council's Infrastructure Engineer for the road pavement, kerb and gutter, stormwater, footpath paving, street lightings, undergrounding works, street trees and landscaping hold points.
	All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.
74.	Condition reason: The reason for this condition is to ensure the proposed work within public domain area is constructed in accordance with approved design plans and Council's specifications and guidelines.
	HEADROOM CLEARANCE
	The headroom clearance on the driveway and within the carpark for access to car parking spaces is to be a minimum of 2.2 metres in general and 2.5 metres above the disabled parking spaces and shared zones for the car parking spaces.
75.	Condition reason: To ensure sufficient headroom in the basement car park.
	AWNINGS
	The awning shall: <ul style="list-style-type: none"> a) Extend along the corner frontage of Old South Head Road and Oceanview Avenue, for the length shown on the architectural plans referred to in condition 1. b) Be a minimum 3m in width (extending out from building façade). c) Be offset a minimum of 600mm behind the kerb.
	Condition reason: Ensure awning meet Council standards.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
76.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
77.	<p>LOT CONSOLIDATION</p> <p>The lots of the site are to be consolidated, and the consolidated lot is to be known as No. 669 Old South Head Road, Vaucluse as per 'Allocation of Street Numbering' condition of this development consent.</p> <p>The lot consolidation must be registered with NSW Land Registry Services prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure that lot consolidation occurs prior to the issue of an occupation certificate.</p>
78.	<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 \$1,499,250 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 5,997sqm.</p> <p>Condition reason: The proposal requires a contribution in accordance with Cl 6.17 of the WLEP and the Waverley Affordable Housing Contribution Scheme 2023.</p>
79.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p>

	Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.
80.	<p>CERTIFICATION OF APPROVED DESIGN</p> <p>In accordance with the Environmental Planning and Assessment Regulations 2021, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
81.	<p>CERTIFICATION OF LANDSCAPING</p> <p>At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.</p> <p>Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.</p>
82.	<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>
83.	<p>CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA</p> <p>Prior to the pool being used, the following must be provided;</p> <p>(a) Certification that the pool has been constructed in accordance with the consulting engineers design;</p> <p>(b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);</p> <p>(c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council;</p>

	<p>(d) A copy of the occupation certificate must be submitted to Council.</p> <p>Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.</p> <p>Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.</p>
84.	<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>
85.	<p>RAINWATER TANKS</p> <p>Rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines.</p> <p>Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property or cause a nuisance to adjoining owners.</p> <p>Pumps attached to the development must be housed in an enclosure that is soundproofed.</p> <p>Condition reason: To ensure compliance with Waverley Development Control Plan 2022.</p>
86.	<p>CAR PARKING</p> <p>(a) A total of 47 car vehicle parking spaces are to be provided within the development, allocated in the following manner:</p> <ul style="list-style-type: none"> (i) 39 resident parking spaces (ii) 6 visitor parking spaces (iii) 2 car share spaces. <p>(b) Of the 48 spaces, a minimum of 7 'Level 2' AC fast electric vehicle charging points for residents and 6 'Level 2' AC fast electric vehicle charging points for residents and a minimum of 1 electric charging point and parking space for bicycles and motor scooters is to be provided.</p> <p>(c) Accessible parking is to be provided in accordance with the requirements of Schedule 4 of <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>(d) Car parking spaces are to be allocated with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces are to be appropriately signposted and parked.</p>

	<p>(e) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plan.</p> <p>Condition reason: To ensure the amount of car parking on site is reflective of the approval.</p>
87.	<p>ELECTRIC VEHICLE PHASING AND INFRASTRUCTURE</p> <p>All car parking spaces of the development shall be provided with suitable electrical phasing and infrastructure for owners of apartments to install electric vehicle charging points during the life of the development and details are to the satisfaction of the Principal Certifying Authority prior to the issue of the occupation certificate.</p> <p>Condition reason: To ensure that all parking spaces in the development can accommodate electric vehicle charging points during the life of the development.</p>
88.	<p>PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE</p> <p>A Waste Management Plan must be submitted to the Principal Certifying Authority and include including 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) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30pm on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible. (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested. (j) At no times shall bins be stored on the public domain (e.g. footpaths). <p>Condition reason: To ensure adequate waste management on site.</p>
89.	<p>MECHANICAL EXHAUST MAINTENANCE</p> <p>A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The</p>

	<p>maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.</p> <p>Condition reason: To ensure the maintenance of the mechanical exhaust.</p>
90.	<p>FOOD PREMISES</p> <p>The premises are to be registered with Waverley Council and inspected by Council's Environmental Health Officer prior to the issue of the Occupation Certificate.</p> <p>Condition reason: To ensure the food and drink premises is registered with Waverley Council.</p>
91.	<p>HAIRDRESSING/BEAUTY SALONS</p> <p>The use and operation of the premises must comply with the requirements of Schedule 2 (Standards Enforceable by Orders) of the <i>Local Government (General) Regulation, 2005</i> under the <i>Local Government Act 1993</i>.</p> <p>Prior to the issue of any Occupation Certificate Council's Environmental Health Officer must undertake an inspection (fees apply) to verify that the premises complies with the relevant legislation and the premises is registered with Council. Please contact Council to organise an inspection.</p> <p>Condition reason: To ensure the hairdressing/beauty premises is registered with Waverley Council.</p>
92.	<p>CERTIFICATION OF ACOUSTIC PERFORMANCE</p> <p>An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and Council's Executive Manager Compliance, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.</p> <p>Condition reason: To protect the amenity of the local area.</p>
93.	<p>BICYCLE PARKING</p> <p>A minimum of 35 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 car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to</p>

	<p>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>
<p>94.</p>	<p>ALLOCATION OF STREET NUMBER</p> <p>The redevelopment of the property has led to the following allocation of primary and sub-premises (unit/room) numbering:</p> <ul style="list-style-type: none"> • No. 669 - primary address site number • Old South Head Road primary address location. <p>The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry points and clearly visible on the site boundary that fronts Old South Head Road.</p> <p>The following sub addressing principles will apply:</p> <ul style="list-style-type: none"> • All sub premises numbers must be unique. • The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level. • For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307. • Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG, Basement = B etc. • Commercial premises will be identified with an address identifier ie Shop G01, Office 102. <p>Room numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the room.</p> <p>The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.</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>
<p>95.</p>	<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 6222m².</p> <p>(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the <i>Waverley Local Environmental Plan 2012</i>, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.</p>

	<p>Condition reason: To ensure the constructed development complies with the approved floor space ratio, which is deemed to preserve the environmental amenity of neighbouring properties and the locality.</p>
96.	<p>CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM</p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p> <p>Condition reason: Ensure stormwater drainage system has been constructed as per the approved stormwater management plans.</p>
97.	<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, basement pump-out facility, detention facility, rainwater harvesting facility, and other drainage-related infrastructure.</p> <p>An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works, and basement pump-out facility were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p> <p>Condition reason: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.</p>
98.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD, PUMP OUT SYSTEM AND WSUD ELEMENT</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for any required On-Site Stormwater Detention (OSD) system, pump out system and WSUD element, under Section 88E of the <i>Conveyancing Act 1919</i>.</p>

	<p>This is to place a restriction on the Title that the OSD system, pump out system and WSUD element are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant must not modify or remove the OSD system, pump out system and WSUD element without consent from Council.</p> <p>The wording of the Instrument must be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.</p> <p>Where a Title exists, the Positive Covenant and Restriction on the Use of Land must be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, pump out system and WSUD element, including its relationship to the building footprint. Electronic colour photographs of the OSD system, pump out system and WSUD elements must accompany the application for the Positive Covenant and Restriction on the Use of Land.</p> <p>The Instrument must be registered and a registered copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.</p> <p>The property owner/occupant must not modify or remove the OSD system, pump out system and WSUD element without consent from Council.</p> <p>All associated costs will be borne by the applicant.</p> <p>Condition reason: This is to ensure these stormwater management controls are not modified, removed or unmaintained, in order to minimise flooding impacts within the downstream catchment.</p>
99.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the Stormwater Quality Improvement Devices in accordance with the requirements of Council’s Water Management Manual 2021.</p> <p>The covenant requirements must include the submission of an annual report on water treatment by the first business day on or after the 1st of September each year.</p> <p>The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.</p> <p>Condition reason: This is to place a restriction to ensure that the Stormwater Quality Improvement Device is maintained.</p>
100.	<p>PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM</p>

	<p>The registered proprietor will be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate.</p> <p>Council will not be liable for any claims for damages arising from the failure of the pump out system.</p> <p>Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure pump out systems are maintained and continue to operate as intended.</p>
101.	<p>POST-CONSTRUCTION STORMWATER PIPE AND/OR PIT CCTV & DILAPIDATION REPORT</p> <p>If a stormwater connection to Waverley Council's assets is proposed, an internal post-construction CCTV inspection of the Council's stormwater drainage lines must be prepared by an accredited operator and submitted to Council's Public Domain Engineer (and Asset Systems Team). The CCTV report (track mounted CCTV camera footage) must be prepared by an accredited operator assessing the condition of the existing drainage lines.</p> <p>A post-construction dilapidation report including photographic evidence of the internal condition of any existing pit to be connected following works must be prepared by an engineer or plumber to confirm the final structural and serviceability condition.</p> <p>The reports will be used by Council to assess whether any damage has occurred to Council's stormwater pipes associated with the works.</p> <p>The applicant must obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) of the adequacy of the CCTV footage, reports and Council assets condition prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure Council's stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.</p>
102.	<p>SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN</p> <p>Prior to the issue of any Occupation Certificate for the works, the Applicant must submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council-approved plans and Waverley Council standards and specifications. The certificate must include commentary to support any variations from the approved drawings.</p> <p>Condition reason: This is to ensure that the proposed works constructed within the Council's public domain are as per the approved design plans and certified by the applicant's supervising engineer.</p>

103.	<p>WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN</p> <p>To ensure public infrastructure works required under the consent are completed in accordance with the approved plans and specifications, a Work-as-Executed plan of the completed works, prepared by a registered surveyor, must be submitted for review to the Principal Certifying Authority and the Council. Any required rectification works must be carried out by the Applicant and approved by 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> <p>Condition reason: This reason for this condition is to ensure all the proposed works within the public domain are completed by per design approval granted by Waverley Council, and copies of the ‘As-Build’ brand new assets are provided to Council.</p>
104.	<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. iii. 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: This is to ensure that all the outstanding works completed as per the approved DA and Council’s requirements including any restorations works. This is also enforcing the applicant to rectify any part of the works fails</p>

	to perform during the 12 months defects liability period prior to handing over to Council.
105.	WAVERLEY DIGITAL MODEL
	<p>Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Urban Design Department for use in the Waverley Digital Model.</p> <p>(a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:</p> <ul style="list-style-type: none"> (i) a building envelope which includes all elements affecting shadow analysis; (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features; (iii) a ground level terrain showing accurate RLs extending to site boundaries. <p>(b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's Urban Design team.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This model will update previous version/s submitted at Development Application stage. • Any future modifications (under Section 4.55 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.
	Condition reason: Ensure Council's Digital mapping records are updated with new development records.

OCCUPATION AND ONGOING USE

	Condition
106.	<p>SEPARATE APPLICATION FOR USE/FIT OUT</p> <p>Specific development applications are to be lodged for the approval of Council in connection with the initial usage of the retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p>In this regard, compliance with the BCA/NCC in respect to the provision of sanitary facilities shall be provided for each retail tenancy. It is recommended that sufficient services for future sanitary facilities be provided to each tenancy to meet future requirements.</p> <p>Condition reason: To ensure the impact of the use of commercial premises is appropriately considered and managed.</p>
107.	<p>WASTE AND RECYCLING COLLECTION</p> <p>Waste and recycling to be collected by Waverley Council or its contractors through a kerbside service. The waste and recycling presentation point will be decided in agreement with Council.</p> <p>The waste management plan must be updated to clarify how waste will be moved from the storage point (basement 1) to the agreed collection point (on Oceanview Avenue or Old South Head Road) via the bin hoist. The plan should include the roles and responsibilities of the building manager and caretaker for the building.</p> <p>All waste and recycling bins must be taken back inside the property as soon as possible after collection.</p> <p>Condition reason: To ensure waste storage and collection is managed effectively during the life of the development.</p>
108.	<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>

109.	NO BARBQUE OR CHARCOAL TYPE COOKING ON SITE
	This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.
	Condition reason: To protect the amenity of the local area.
110.	NOISE EMISSIONS
	The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
	Condition reason: To protect the amenity of the local area.
111.	AIR EMISSIONS
	The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.
	Condition reason: To protect the amenity of the local area.
112.	WASTE MANAGEMENT PLAN REVIEW
	After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.
	Condition reason: To ensure the management of waste is ongoing.
113.	VEHICLE ACCESS
	All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.
	Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.
114.	Condition reason: To ensure safe manoeuvring of vehicles.
	ON SITE GARBAGE COLLECTION
	The collection of residential and commercial waste and recycling is to be undertaken on the site. No bins are to be stored or left on the street for collection.
	Condition reason: To ensure appropriate collection of waste.
	ADJUSTMENTS TO STREET SIGNS

115.	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.
116.	ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM
	Council will need to be provided with an OSD, pump system and/or Stormwater Quality Improvement Devices management plan. This must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate.
	At a minimum, the pump system and the detention facility must be: a) Kept clean and free from silt, rubbish and debris. b) Be maintained so that it functions in a safe and efficient manner. c) Not be altered without prior consent in writing of the Council.
	Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.
117.	ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE
	The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
	Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.
118.	ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM
	The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.
	Condition reason: Ensure the stormwater treatment systems are maintained and continue to operate as intended.
119.	NOISE – MECHANICAL PLANT (COMMERICAL PREMISES)
	Noise associated with mechanical plant shall not give rise to any one or more of the following: (a) Transmission of "offensive noise" as defined in the <i>Protection of the Environment Operations Act 1997</i> 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.

	<p>(d) 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.</p>
	<p>Condition reason: To protect the amenity of the local area.</p>
120.	<p>REFRIGERATION UNITS & MECHANICAL PLANT</p> <p>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.</p>
	<p>Condition reason: To protect the amenity of the local area.</p>
121.	<p>NOISE COMPLAINTS</p> <p>If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Environmental Health Section of the Compliance Department within 60 days of written request. The investigation shall include, but not be limited to:</p> <ul style="list-style-type: none"> (a) The identification of sensitive noise receivers potentially impacted by the proposal; (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements); (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy; (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation; (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.
	<p>Condition reason: To protect the amenity of the local area.</p>

GENERAL ADVISORY NOTES

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

	<p>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>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>
6.	<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>
7.	<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"> Make the building/site safe and of an appearance acceptable to Council; Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point. Council may call on any bank guarantee to cover the cost thereof.

	(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.
8.	EXCAVATION TO BE LIMITED Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
9.	BONDI - ROSE BAY SAND BODY This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
10.	TREE REMOVAL/PRESERVATION Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
11.	SUITABLY QUALIFIED ACOUSTIC CONSULTANT In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.
12.	WORKS ON PUBLIC ROADS Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.
13.	PLANNING AGREEMENT After a Development Application has been approved with a Planning Agreements, the legal agreement must be drafted by Council, exhibited and endorsed by Council prior to fulfilling the requirements of the DA condition. This process will take a minimum of 4 months, so please contact the Strategic Town Planning team (email strategictownplanning@waverley.nsw.gov.au) at least 4 months before you intend to obtain the relevant Construction Certificate associated with the VPAs under this DA to commence the process.

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.