



APPENDIX LL – EXISTING DEVELOPMENT CONSENTS (DA89/2016 AND DA157/2022)



DA89/2016

WAVERLEY COUNCIL

Notice of determination of a development application

issued under *the Environmental Planning and Assessment Act 1979* section 81 (1) (a)



Details of the applicant

Cassa-Nova Pty Ltd
PO Box 733
WAVERLEY NSW 2024

Details of the land to be developed

Site: 362 Oxford Street, BONDI JUNCTION NSW 2022, 374 Oxford Street, BONDI JUNCTION NSW 2022, 364 Oxford Street, BONDI JUNCTION NSW 2022, 366-368 Oxford Street, BONDI JUNCTION NSW 2022, 370 Oxford Street, BONDI JUNCTION NSW 2022, 372 Oxford Street, BONDI JUNCTION NSW 2022

Development application no: DA-89/2016

Description of the development: Demolition of buildings, construction of a fourteen (14) storey mixed use building including residential units, serviced apartments, retail, basement parking and a Planning Agreement

Decision of the consent authority

Consent is **granted** subject to the conditions listed in **Attachment A**.

Conditions have been placed on the consent for the reasons outlined in Attachment A:

Date of this decision: 24 August 2017

Date from which the consent operates: 24 August 2017

Date the consent expires: 24 August 2022

Information attached to this decision

- Conditions of the consent listed in **Attachment A**.

All correspondence should be addressed to Waverley Council
PO Box 9, Bondi Junction NSW 1355 | DX 12006, Bondi Junction
PHONE 9369 8000 | FAX 9387 1820 | EMAIL waver@waverley.nsw.gov.au | WEB www.waverley.nsw.gov.au

Our Customer Service Centre is located at 55 Spring Street, Bondi Junction

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Chinese Trad

如果你看不懂這份訊息, 請打電話給翻譯與傳譯服務(TIS) 13 14 50, 要求他們幫你接通 Waverley 市政會圖書與社區服務(Waverley Council, Library and Community Services)的電話 9389 9344。我們將通過傳譯員解答你的詢問。

Japanese

この案内の英語が読めない方は、Translating and Interpreting Services (TIS) (翻訳通訳サービス、電話: 13 14 50) の担当者に、Waverley Council の Library and Community Services (電話: 93899344) に連絡するよう依頼してください。当事務所で、通訳をはさんでお答えします。

Greek

Εάν δεν καταλαβαίνετε αυτές τις πληροφορίες, παρακαλούμε να τηλεφωνήσετε στην Υπηρεσία Μεταφραστικών και Διερμηνέων [TIS] στο 13 14 50 και να ζητήσετε να σας συνδέσουν με τις Υπηρεσίες Βιβλιοθήκης και Παρουσίας του Δήμου Ουόβερλεϋ, στο 93899344. Θα απαντήσουμε στις ερωτήσεις σας μέσω του διερμηνέα τους.

Korean

이 안내 사항을 이해하실 수 없는 경우에는 전화 13 14 50 번으로 번역 및 통역 서비스(TIS)에 연락하셔서 전화 9389 9344 번으로 웨이벌리 카운슬, 라이브러리 앤드 커뮤니티 서비스에 연결을 요청하십시오. 그러면 저희가 통역을 통해 여러분의 문의에 답하여 드리겠습니다.

Hungarian

Amennyiben nem érti ezt a tájékoztatót, kérjük, hívja fel a Fordító- és Tolmacs Szolgálatot, a TIS-t a 13 14 50-es telefonszámon, majd kérje meg őket, hogy kapcsolják a Waverley Tanács Könyvtár és Közösségi Szolgálatát a 9389 9344-es telefonszámon. A tolmács segítségével válaszolunk a kérdéseire.

Polish

Jeśli nie rozumiesz tej informacji, skontaktuj się z Agencją Tłumaczy (Translating and Interpreting Services) pod numerem 13 14 50 i poproś aby połączyli cię z Radą Miejską Waverly (Waverly Council), Wydział Bibliotek i Usług Społecznych (Library and Community Services) pod numerem 9389 9344. Odpowiemy na twoje pytania poprzez ich tłumacza.

Indonesian

Jika Anda tidak memahami informasi ini, silakan menghubungi Jasa Penerjemahan dan Juru Bahasa (Translating and Interpreting Services - TIS) pada nomor 13 14 50 dan mintalah disambungkan dengan Waverley Council, Library and Community Services pada nomor 93899344. Kami akan menjawab pertanyaan Anda melalui seorang juru bahasa.

Russian

Если вы не понимаете это сообщение, пожалуйста, обратитесь в Службу Перевода (Translating and Interpreting Services) по телефону 13 14 50 и попросите их соединить Вас с библиотечной и коммунальной службами (Library and Community Services) муниципалитета Вэверли, по телефону 93899344. Мы ответим на Ваши вопросы через их переводчика.

Italian

Se non comprendete queste informazioni, telefonate al Servizio traduzioni e interpreti (TIS) al numero 13 14 50 chiedendo che vi passi la divisione Library and Community Services del Comune di Waverley al numero 93899344. Risponderemo ai vostri quesiti tramite un interprete.

Spanish

Si no entiende esta información, póngase en contacto con el Servicio de Traducción e Interpretación (Translating and Interpreting Service/TIS), llamando al 13 14 50 y pídale que le conecten con el Concejo Municipal de Waverley (Waverley Council), Servicio de Biblioteca y Comunitario (Library and Community Services), teléfono 93899344. De esa manera contestaremos su consulta por medio de un intérprete.

Other approvals

The following approvals will be granted, consistent with this consent, if the applicant applies to the state agencies listed within 3 years of the date of this decision:

- N/A

The following approvals have been granted under the *Local Government Act 1993*:

- N/A

A Commission of Inquiry has been held: No

Signature

For this notice to be valid, it must be signed by the consent authority.



Lee Kosnetter

**Manager Development Assessment (South)
Building Waverley**

Dated: 28 August 2017

Rights of appeal

You can appeal against this decision in the Land and Environment Court. Any appeal must be lodged within the prescribed period. This can be viewed at www.planning.nsw.gov.au. You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

Right of review

If you are dissatisfied with this decision you may make an application to Council for a review of the determination. You must give your reasons for this request and pay the prescribed fee for this review. **The review must be determined within the prescribed period.** This can be viewed at <http://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-System-Circulars> and Planning Circular PS-11-009.

Modification of consent

If you are dissatisfied with a condition attached to this consent, you may apply to Council to have the condition removed or varied. This process may be undertaken in the form of an application to modify the development consent under Section 96 of the Environmental Planning & Assessment Act. You should give reasons or supply such additional information that supports your application.

Enquiries

Contact person: Ben Magistrale

Telephone: **02 9083 8042.**

Between: 9.00 am and 10.00am or 4.00pm and 5.00pm,
Monday to Friday inclusive

Attachment A
Conditions of the development consent

DA-89/2016

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with the following documents:

(a) The following plans tabulated below:

Drawing Number and Description	Date of Drawing	Author of Drawing	Received by Council Date
DA-0002/20 General Notes	13 April 2017	SJB Architects	13 April 2017
DA-0102/20 Site Analysis Plan	13 April 2017	SJB Architects	13 April 2017
DA-0103/20 Site Plan – Rail Stratum	13 April 2017	SJB Architects	13 April 2017
DA-0201/20 Floorplan – Basement 1 (Level B1)	13 April 2017	SJB Architects	13 April 2017
DA-0202/20 Floorplan - Ground	13 April 2017	SJB Architects	13 April 2017
DA-0203/20 Floorplan – Level 1	13 April 2017	SJB Architects	13 April 2017
DA-0204/20 Floorplan – Level 2	13 April 2017	SJB Architects	13 April 2017
DA-0205/20 Floorplan – Level 3 to 6	13 April 2017	SJB Architects	13 April 2017
DA-0206/20 Floorplan – Level 7	13 April 2017	SJB Architects	13 April 2017
DA-0207/20 Floorplan – Level 8 to 13	13 April 2017	SJB Architects	13 April 2017
DA-0208/20 Floorplan – Roof	13 April 2017	SJB Architects	13 April 2017
DA-0209/20 Floorplan – Basement 2 & 3 (Level B2-B3)	13 April 2017	SJB Architects	13 April 2017
DA-0210/20 Floorplan - Basement 4 & 5 (Level B4-B5)	13 April 2017	SJB Architects	13 April 2017
DA-0211/20 Floorplan – Basement 6 (Level B6)	13 April 2017	SJB Architects	13 April 2017
DA-0501/20 Elevation – South (Oxford St)	13 April 2017	SJB Architects	13 April 2017
DA-0502/20 Elevation – North (Rowe Lane)	13 April 2017	SJB Architects	13 April 2017
DA-0503/20 Elevation - East	13 April 2017	SJB Architects	13 April 2017
DA-0504/20 Elevation - West	13 April 2017	SJB Architects	13 April 2017
DA-0505/20 Detailed Elevation – Proposed Heritage Façade (Oxford	13 April 2017	SJB Architects	13 April 2017

Street)			
DA-0506/20 Detailed Section – Heritage Façade (Oxford Street)	13 April 2017	SJB Architects	13 April 2017
DA-0601/20 Section A	13 April 2017	SJB Architects	13 April 2017
DA-1401/20 Typical Apartment Type & Adaptable Unit Plans	13 April 2017	SJB Architects	13 April 2017
DA-2901/20 Area Calculations - GFA	13 April 2017	SJB Architects	13 April 2017
LP00/C Landscape Plan - Cover Sheet	13 April 2017	Black Beetle Pty Ltd	13 April 2017
LP01/C Landscape Plan – Basement 1	13 April 2017	Black Beetle Pty Ltd	13 April 2017
LP02/C Landscape Plan - Ground	13 April 2017	Black Beetle Pty Ltd	13 April 2017
LP03/C Landscape Plan – Level 1	13 April 2017	Black Beetle Pty Ltd	13 April 2017
LP04/C Landscape Plan – Level 2	13 April 2017	Black Beetle Pty Ltd	13 April 2017
LP05/C Landscape Plan - Rooftop	13 April 2017	Black Beetle Pty Ltd	13 April 2017
LP06/C Landscape Section - Rooftop	13 April 2017	Black Beetle Pty Ltd	13 April 2017
D01 and D02 (Project No 151207 Revision A) Stormwater Management Plans	29 January 2016	iSTRUCT Pty Limited	16 March 2016
S02 (Revision B) Conceptual Basement 3 and Basement 6 Column Layout Plans	26 February 2016	iSTRUCT Pty Limited	10 July 2017
S03 (Revision B) Section Through Rail Tunnel	26 February 2016	iSTRUCT Pty Limited	10 July 2017

(b) The following written documents tabulated below:

Document Description	Date of Document	Author of Document	Received by Council Date
Statement of Environmental Effects and Clause 4.6 Written Request	April 2016 and May 2017	SJB Planning	13 April 2016 and 12 May 2017
BASIX Certificate	13 April 2017	The House Energy Rating Company of Australia Pty Ltd	12 May 2017
Design Verification Statement	5 May 2016	SJB Architects	12 May 2017
Preliminary Geotechnical Investigation	22 January 2016	Asset Geotechnical Engineering Pty Ltd	16 March 2016
Preliminary Site Investigation	29 January 2016	Environmental Investigations Australia	16 March 2016
Heritage Impact Statement	12 April 2017	Weir Phillips Heritage	12 May 2017
Letter regarding retention of existing front facades to 362-374 Oxford	6 and 11 April 2017	iSTRUCT Pty Limited	12 May 2017

Street, Bondi Junction and associated Façade Retention/Basement Markup Plan			
Structural Report	26 February 2016	iSTRUCT Pty Limited	10 July 2017
Energy Assessment Report	8 May 2017	ViPAC Engineers and Scientists Limited	12 May 2017
Wind Impact Assessment	13 April 2017	ViPAC Engineers and Scientists Limited	13 April 2017
Waste Management Plan	2 August 2017	Elephants Foot Waste Compactors Pty Ltd	2 August 2017

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) In order to protect the visual privacy of occupants of the development itself and future adjacent development, privacy treatment is required along the outer edges of the courtyards on Level 7 and balconies of the northern wing of the development that directly adjoin, face and are oriented over the side boundaries of the site. The privacy treatment shall have a minimum and maximum height of 1.8m measured above respective finished floor levels. Full details of such treatment are to be shown on amended plans, including (but not limited to) the height, length, and materials and finishes. The materials and finishes of the treatment shall be complementary to the overall architectural style of the development and be selected in consultation with Council's Design Excellence Panel as directed by condition 3 of this consent.
- (b) The finished level of the lift overrun and roof plant shall be corrected on the western elevation drawing to be RL125.200.
- (c) Letterboxes shall be provided for each residential unit of the development in an accessible and secure location on the Oxford Street boundary and ground floor level of the development. The specific location of the letterboxes shall have regard to control (b) under section 2.24 of Part C2 of Waverley Development Control Plan 2012.
- (d) Amend the Landscape Plan to accommodate deep soil planting with a minimum depth of 900mm.

The amendments are to be approved by Council's Executive Manager, Building Waverley prior to the issue of a construction certificate under the *Environmental Planning and Assessment Act 1979*.

3. ARCHITECTURAL DETAILING

Prior to the issue of any construction certificate for works above existing ground level, further details are required to be submitted and reviewed by the Waverley Design Excellence Panel which address the following matters:

- (a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace.
- (b) Large-scale detailed sections (1:50 scale) illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.
- (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.
- (d) Detailed drawings, including improvements to, the through-site-link entries and interaction with the residential lobby, to ensure there is the greatest possible unobstructed width through the link, uninterrupted by fixed panels and/or swinging lobby entry doors.

These details are to be submitted for the review of Council's Design Excellence Panel with a referral fee to be paid at the time of lodgement. Please contact Council's Duty Planner for a fee quote prior to submission.

Council's Executive Manager, Building Waverley is to approve the above details prior to the issue of a Construction Certificate for works above existing ground level under the *Environmental Planning and Assessment Act 1979*.

4. REFLECTIVITY REPORT

In accordance with Part E1 - Clause 1.23, a reflectivity report is to be submitted to which addresses the following controls;

- (a) The development is to limit the use of large areas of glass in facades to a maximum of 60% of the façade surface area above ground level
- (b) To minimise potential impact on pedestrians and occupants of neighbouring buildings all panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%. Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%
- (c) Reflected solar glare on drivers should not exceed 500 candelas / m². A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).

The reflectivity report is to be submitted to Council for approval prior to the issue of a Construction Certificate.

5. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

6. ARCHITECT TO SUPERVISE DESIGN

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a **qualified designer** in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

7. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT

The use, fit-out, signage or proposed hours of operation for the pub, retail or commercial/office area has not been proposed in this application, therefore these elements require the separate approval from Council, unless deemed Exempt Development under the SEPP (Exempt and Complying Development) 2008.

8. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

9. SIGNAGE

The following shall apply to any future signage for the site;

- (a) The use of flashing lights, flashing illuminated signs and the like is prohibited.
- (b) No advertising signs or notices are to be affixed to the windows of the premises.
- (a) Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.
- (b) Signage is to be erected/supported in a secure manner for safety purposes;
- (c) Signage, must not be installed in a manner which would cause irreversible damage to the building; and,
- (d) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

10. SWIMMING POOLS

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover, that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

11. FUTURE CONVERSION OF SERVICED APARTMENTS

This consent provides for serviced apartments on Level 1 and Level 2 of the development, nominated as Units 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06 and 2.07 on the relevant architectural plans referred to in condition 1 of this consent. These have been specifically nominated as serviced apartments as they are not suitable to be long term residential apartments given lack of solar access received by these apartments.

A positive covenant is to be placed on title with Council as a beneficiary to give effect to the future use of the serviced apartments being restricted to serviced apartments unless otherwise supported by Council. Evidence of registration of the positive covenant on title is to be submitted to Council prior to the issue of an occupation certificate for the development.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

(a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

(1) Where the total development cost is less than \$500,000:

"Waverley Council Cost Summary Report"; or,

(2) Where the total development cost is \$500,000 or more:

"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

(b) Prior to the issue of the 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.

(c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

Waverley Council Development Contributions Plans 2006 may be inspected at Waverley Council Customer Service Centre.

Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.

- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

13. PLANNING AGREEMENT

- (a) The applicant shall:
 - (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in **DA-89/2016**; and
 - (ii) Pay a monetary contribution amount of **\$2,026,313** prior to the issue of any Occupation certificate for the Development.
 - (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- (b). In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
 - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
 - (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 for the development, which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (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.

14. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$250,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

15. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

16. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) A Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning and Assessment Act, 1979; and
- (b) A Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning and Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier

17. ESSENTIAL SERVICES - NEW BUILDING

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- (a) Basis of design;
- (b) Standard to which the system is to be installed; and
- (c) All relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) Inspection, testing and commissioning details;

- (b) Date of inspection, testing and commissioning;
- (c) The name and address of the individual who carried out the test; and
- (d) A statement that the service has been designed, installed and is capable of operating to the above standard.

18. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

Noise attenuation is to be achieved in all residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

19. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities (water, gas, electricity) regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

20. IMPACT ON EXISTING UTILITY INSTALLATIONS

Should proposed or conditioned works located within Council's road reserve be located where it is likely to disturb or impact upon a utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. AusGrid/Telstra) that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority, prior to the release of the Construction Certificate.

21. COST OF ADJUSTMENT TO PUBLIC UTILITIES TO BE BORNE BY APPLICANT/DEVELOPER

The arrangements and costs associated with any adjustment to public utility services, including these in the footpath and road areas to suit new development levels shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements

have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

22. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system.

23. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a qualified designer in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

In accordance with clause 143A of the *Environmental Planning and Assessment Regulation 2000*, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

24. HOARDING REQUIRED

If required, a standard A-Class or B-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

25. ENGINEERING DETAILS

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

26. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural 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. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

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.

27. UNDERGROUND ANCHORS

Any underground anchors required for structural support into adjoining properties would require appropriate owners consent from all affected parties. Subsequently, evidence of the registration of easement is required for the anchors proposed to support the basement retaining wall prior to the issue of a Construction Certificate is required.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP 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.

28. EROSION, SEDIMENT AND POLLUTION CONTROL

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

29. ADEQUACY OF ENERGY ASSESSMENT REPORT

Council's Sustainable Waverley sub-program has deemed the Energy Assessment Report prepared by ViPAC Engineers and Scientists Limited, dated 8 May 2017 and received by Council on 12 May 2017 (hereafter known as 'the Report') inadequate in term of sufficiently addressing the requirements of section 2.6 of Part B2 of the Waverley Development Control Plan 2012.

The review of the Report revealed the predicted energy consumption reduction is overestimated and does not meet the desired 30% greenhouse gas emissions reduction. Key considerations and issues raised in the review of the Report are set out below and are required to be addressed prior to Construction Certificate stage:

- (a) The development proposes only a 21% improvement in energy efficiency under the BASIX scheme for the residential component which makes up the bulk of floor area. However, the project team has then used the Green Star calculator to demonstrate that this is equivalent to a 30% improvement using the NatHERS pathway, not the BASIX pathway. This is not deemed equivalent to achieving the required outcome.
- (b) The NatHERS pathway used in the report does not represent comparison with a reference building, but rather comparison against a hypothetical minimum performance benchmark, determined by the project team, but not any legislated requirement relevant to the location, and specifically, the building design itself.

- (c) No quantification has been provided for the energy efficiency of the retail component, and it is noted that it only complies with DTS provisions of Section J, and therefore is unlikely to achieve a 30% improvement over a referent DTS compliant building.

Council's Coordinator, Sustainable Energy should be contacted for further information on addresses the issues of the Report raised in this condition.

The Report shall be amended to address the issues raised above to the satisfaction of Council's Executive Manager, Sustainable Waverley prior to the issue of a Construction Certificate in order to demonstrate how the development can meet the 30% greenhouse gas emissions reduction target set by Part B2 of the Waverley Development Control Plan 2012

30. STORMWATER DRAINAGE PLANS

The stormwater management plans and additional information shall be amended to reflect the architectural plans referred to in condition 1 of this development consent, and shall be submitted to the satisfaction of Council's Executive Manager, Creating Waverley prior to the issue of a construction certificate.

31. ADAPTABLE HOUSING

Seven (7) apartments in the development shall be designed to be adaptable dwellings in accordance with AS4299 - Adaptable Housing. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

32. RESIDENTIAL STORAGE FACILITIES

The residential storage facilities (cages or rooms) within the basement levels are to be amended and increased to comply with the Design Criteria in 4G Storage of the Apartment Design Guide and outlined below:

- 1 bedroom apartments: 6m³ of storage
- 2 bedroom apartments: 8m³ of storage

Note: complying with the residential storage requirements outlined above may result in a reduction to the amount of car parking provided within the basement levels. In the event car parking only a reduction to the number of residential car parking spaces will be supported. In addition storage cages/boxes over car bonnets will not be supported.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

33. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP at all times during demolition and construction. At least one copy of the SWRMP is to be available on site at all times during demolition and 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.

34. WASTE AND RECYCLING STORAGE AND COLLECTION

(a) The proposal must have a bin storage point for a minimum;

- **Residential**

- 12 x 240L or 5 x 660L Mobile Garbage Bins (MGBs) for general waste,
- 9 x 240L or 4 x 660L MGBs for recyclables , and
- 9 x 240L or 4 x 660L MGBs for paper and cardboard.

- **Serviced Studio Apartments**

- 6 x 240L or 2 x 660L MGBs for general waste,
- 2 x 240L or 1 x 660L MGBs for recyclables, and
- 2 x 240L or 1 x 660L MGBs for paper and cardboard.

- **Commercial**

- As per the submitted Waste Management Plan
- Space will need to be available to accommodate the additional waste and recycling needs of commercial premises.

(b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.

(c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).

(d) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/ areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.

(e) The development must have rooms or caged areas with a minimum volume 4m³ available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.

(f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.

(g) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.

- (h) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (i) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (j) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (k) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, 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.
- (l) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (m) All waste and recycling receptacles are to be collected onsite. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.
- (n) Should a collection vehicle be required to drive onto the property to collect waste and recycling bins, the site must be designed to allow collection vehicles to enter and exit the property in a forward direction and have adequate vehicle clearance. In addition, all access roads and driveways must comply with BCA, AS and Annexure B1-3 in the Waverley Development Control Plan 2012.

The above matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of the appointed Principal Certifying Authority prior to the issue of a Construction Certificate.

35. AMENDED ALLOCATION OF CAR PARKING SPACES

The allocation of car parking spaces within the basement levels of the development shall be amended to comply with the following requirement:

- (a) Fourteen (14) of the resident car parking spaces are to be allocated to each serviced apartment (i.e. for customers of the serviced apartments).

The revised allocation of car parking spaces shall be shown on the plans for the construction certificate and to the satisfaction of the Principal Certifying Authority prior to the issue of a construction certificate.

36. ACCESSIBLE CAR SPACE

Car spaces for the vehicles of people with disabilities shall be provided in accordance with the approved architectural drawings specified in condition 1.

The car spaces shall be identified and reserved at all times and be in the vicinity of a lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions of 3.2m x 5.5m and minimum headroom clearance of 2.5m for vehicles fitted with a roof mounted wheelchair rack.

A notice shall be displayed at the entrance to the car park and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles.

Details are to be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

37. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

Prior to the issue of a Construction Certificate, the applicant shall submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall provide, but not be limited to, details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- (b) The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
 - such vehicles cannot adequately and safely gain access to and from the site or
 - access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note:
 - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - It is illegal to:
 - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
 - ii. Barricade/reserve a section of roadway without the prior approval of Council
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:

- The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
 - Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
 - The type(s) of material on which pedestrians will be required to walk
 - The width of the pathway on the route
 - The location and type of proposed hoardings
 - The location of existing street lighting
- (j) Any bus zones, taxi zones etc., that may be affected/require temporary relocation as a result of development works.

NOTE: PRIOR TO THE PREPARATION OF THE CVPPM, the applicant or his or her representative shall:

- Make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (j) above.
- Make contact with the operators of bus and taxi services whose zones may be affected/require temporary relocation as a result of development works
- Be aware that the full length of Oxford Street may not be approved as a route for trucks when travelling to or from the site
- Be aware swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, may need to be submitted to Council for all truck movements that are to take place within the Council area prior to an approval being issued for the CVPPM.
- Be aware of and take into account the cumulative effect that truck movement from the development site and other development sites in the vicinity that are either under construction or have development approval will have on roads leading to and from the site.

38. LONG SECTION OF DRIVEWAYS

Long sections, drawn along the centreline of both driveways in Rowe Lane shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the Rowe Lane carriageway, the kerb and gutter, footpath and extend into the site for a distance of not less than 2m.
- (c) Include existing and proposed/design levels in Council's road reserve.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Show paving at the property boundary across the full width of the vehicular access points being sloped to follow the longitudinal fall on the Council's concrete kerb and gutter.
- (f) Show the finished level at the property boundary at **both** vehicular access points being finished the standard **110mm above** the level of the invert of the existing concrete gutter.

39. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

40. LANDSCAPED SLABS

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

41. ACCESS

The development shall be provided with access and facilities for people with disabilities in accordance with AS1428.1-2009 Design for Access and Mobility Part 1: General Requirements for Access. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Access to and within retail and commercial tenancies and associated common areas must comply with the requirements of Part D3 of the BCA and AS 1428.1. Details verifying compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate.

42. ACCESS TO MAIN ENTRY

Access in accordance with AS1428.1 shall be provided to and within the main entrance and exit points of the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

43. AWNINGS OVER THE PUBLIC DOMAIN

The Construction Certificate drawings are to demonstrate that the awnings over hanging from public domain/footpath are a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.

44. LOCATION OF GREASE TRAP

The grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room

must have a piped connection to the boundary so that it can be emptied. The location of the grease trap is to be considered and included in the construction certificate drawings for the development.

Note: Sydney Water also have requirements for grease arrestors that you need to comply with.

45. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES

A Noise Management Plan must be submitted to Council for approval prior to the issue of a construction certificate and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include, but not be limited to the following:-

- (a) Identification of nearby residents and other sensitive locations near to the site;
- (b) Description of hours of work and what work will be undertaken
- (c) Description of what work practices will be applied to minimise noise
- (d) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (e) Selection criteria for plant and equipment;
- (f) Community consultation;
- (g) Details of work schedules for all construction phases;
- (h) Selection of traffic routes to minimise residential noise intrusion;
- (i) Schedule of plant and equipment use and maintenance programs;
- (j) Noise monitoring techniques and method of reporting results;
- (k) The methodology to be employed for handling and investigating any complaints should they arise, including documentation and feedback mechanisms;
- (l) Identification of a site contact person to follow up on complaints and site signage erected to advise of persons name and contact details.
- (m) Site induction details for employees and contractors, and;
- (n) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

46. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Council for approval and comment prior to the issue of a construction certificate and complied

with during any building works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

C. SYDNEY TRAINS CONDITIONS OF CONSENT

47. REQUIREMENTS OF SYDNEY TRAINS

- (a) Unless amendments are required by Sydney Trains as part of the review and approval/certification of the documentation listed in Condition A2 all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
 - Geotechnical Investigation Report prepared by Asset Geotechnical (Ref: 2948-1-R1-Rev2) dated 21 March 2016
 - Structural Report prepared by iStruct Consulting Engineers (Ref: 151207) dated 26 February 2016.
 - Conceptual Basement 3 & Basement 6 Column Layout Plans - Drawing No. S02 Revision B prepared by iStruct Consulting Engineers, dated 26/02/2016.
 - Section through Rail Tunnel - Drawing No. S03 Revision B prepared by iStruct Consulting Engineers, dated 26/02/2016.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that the documentation listed in this condition have not be superseded with the approval/certification of documentation in Condition A2.

Should Sydney Trains advise that any of the documentation listed in this condition have not been superseded, then the measures detailed in those specific documents are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (b) The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
 - i. In accordance with the Geotechnical Investigation Report the following are to be undertaken
 - a. Stress modelling to simulate the potential movement from the excavation works (whilst the report did recommend the undertaking of in-situ rock (overcoring) and stress measurements, given associated complexities with this type of investigation, adopting typical values for Hawkesbury Sandstone, based on published information/correlations would be an acceptable approach).
 - ii. Final Structural Drawings.
 - iii. Machinery to be used during demolition, excavation and construction. It should be noted that excavations undertaken in rock are to maintain and limit vibration levels to levels that will not adversely impact Sydney Trains assets.

Any conditions issued as part of Sydney Trains approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply and supersede the documentation in Condition A1. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (c) All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- (d) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratum.
- (e) If required by Sydney Trains as a result of the assessment of the documentation submitted as part of condition A2, the following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - i. Track/tunnel monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.

- ii. A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (f) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (g) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.
- (h) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
- (i) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (j) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (k) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.
- (l) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- (m) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (n) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (o) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (p) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (q) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.

D. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

48. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) The name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) The name and permit number of the owner/builder who intends to do the work; and
- (c) Any change to these arrangements for doing of the work.

49. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

50. EXCAVATION AND BACKFILLING

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

51. EXCAVATION BELOW FOOTINGS

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 person causing the excavation to be made, at their own expense, must:

- (a) Preserve and protect the building from damage; and
- (b) If necessary, must underpin and support the building in an approved manner; and
- (c) Must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

52. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) A hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) The work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) A hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

53. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

54. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **356-360 Oxford Street and 376-384 Oxford Street, Bondi Junction**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

55. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must ensure that the waste generated during the demolition and construction phase complies with the following;

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:

- (i) Landfill waste;
- (ii) Recyclable waste;
- (iii) Materials to be re-used on-site; and / or
- (iv) Excavation materials.

See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

56. USE OF FILL ON SITE

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the

material for the known past history of the site where the material is obtained; and/or

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

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environment Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

57. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land; or
- (c) Particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by WorkCover 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.

58. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

59. SITE HEALTH & SAFETY PLAN

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

- (a) hazard identification and control
- (b) site security
- (c) personal protective equipment
- (d) work zones and decontamination procedures
- (e) contingency plans and incident reporting
- (f) environmental monitoring

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

60. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

61. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering to Council. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

62. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

All site works complying with the occupational health and safety requirements of WorkCover NSW.

63. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

64. FOOTPATH PROTECTION

The footpaths in front of the site must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to be installed prior to the commencement of any works on the site.

65. STOCKPILES

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

66. LOCATION OF BUILDING OPERATIONS

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

67. ALL BUILDING MATERIALS STORED ON SITE

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

68. CONSTRUCTION HOURS

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

(a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and

(b) Sundays and public holidays

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

69. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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.

70. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

Where there is a strong community reaction to noise associated with demolition, excavation and/or construction, Council may require respite periods by restricting the hours that the specific noisy activity can occur.

Notes: If this is imposed, Council will take into account:

1. Times identified by the community when they are less sensitive to noise
2. If the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

71. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

72. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

MANDATORY Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 2 building:

- (a) At the commencement of the building work;
- (b) Prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) Prior to covering any stormwater drainage connections; and
- (d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) At the commencement of the building work;
- (b) Prior to covering any stormwater drainage connections; and
- (c) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA:

- (a) Sediment control measures prior to the commencement of building work;
- (b) Foundation material prior to undertaking building work;
- (c) Shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) Steel reinforcement, prior to pouring concrete;
- (e) Prior to covering timber or steel framework for floors, walls and roofing, including beams and columns; and
- (f) Prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

73. MECHANICAL VENTILATION SYSTEMS

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
 - (i) Inspection, testing and commissioning details;
 - (ii) Date of inspection, testing and commissioning details;
 - (iii) The name and address of the individual who carried out the test; and
 - (iv) A statement that the service has been designed, installed and is capable of operating to the above standard.

74. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly 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.

75. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation 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.

76. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

77. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

78. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time without prior approval of Council. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

79. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

Bulk excavation is to be managed by a practising structural engineer, in accordance with the specification for shoring and support, as detailed in the approved Construction Certificate.

80. SERVICE PIPES

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

81. FIRE SAFETY - EXITS

Exits and paths of travel to exits are to be kept clear and at all times to provide clear access to exits and provide a safe passage for occupants to open space in accordance with Section D of the BCA.

82. FIRE SAFETY MAINTENANCE

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

83. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS

Adequate provision for sanitary facilities in accordance with Part F of the Building Code of Australia must be made for the future use of commercial tenancies. Where adequate sanitary facilities are not provided, future uses may not be approved.

84. NEW VEHICLE CROSSINGS

New vehicle crossings are to be provided to access the proposed **basement garage and loading dock**. 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.

85. VEHICLE ENTRY HEAD CLEARANCES

The head clearances at the carpark entry/exit and loading bay shall comply with the relevant Australian Standard.

86. FINISHED LEVELS- OXFORD STREET

Paving within the site at the Oxford Street boundary shall be finished level with the Council's footpath at each of the pedestrian entry/exit points.

87. NEW KERB AND GUTTER AND PAVING IN ROWE LANE

The existing kerb and gutter and concrete paving in Rowe Lane is to be demolished and new kerb and gutter and paving installed in accordance with Council's standards and specifications. Details engineering drawings of the works required in Rowe Lane shall be:

- (a) Prepared by a suitably qualified and experienced engineering consultant
- (b) Prepared at the applicant's expense
- (c) Submitted to Council for approval of the Executive Manager, Creating Waverley prior to the required works being undertaken in Rowe Lane.

88. MARKING OF PARKING SPACES

The resident, visitor, retail, disabled parking spaces and the car share space shall be clearly marked, numbered to Council's satisfaction.

89. DISABLED CARPARKING

All disabled car parking space dimensions and head clearances are to be in accordance with Australian Standards AS2890.6:2009 Off-street Parking for People with Disabilities.

90. CONVEX MIRROR

A convex mirror shall be installed inside the site at the applicant's expense on the eastern side of the car park entry/exit driveway to improve driver sightlines of both approaching vehicles and pedestrians in Rowe Lane.

91. ADJUSTMENTS TO STREET SIGNS

Any changes to the type and location of street/parking control signs required as a result of the works shall be undertaken at the applicant's expense in accordance with Council's requirements.

92. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement 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 being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (d) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

93. POOL DRAINAGE

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

E. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

94. FINAL OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal

Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act, 1979 have been satisfied.

95. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

96. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

In accordance with clause 154A of the *Environmental Planning and Assessment Regulation 2000*, 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 from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

97. NOISE ATTENUATION CERTIFICATE

On completion of any building containing residential units and prior to the issue of the Occupation Certificate the applicant shall:

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with condition 12; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

98. WASTE STORAGE

The following requirements apply to waste management:

- (a) A waste management plan must be submitted to Council to include all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises.
- (b) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.
- (c) Provide a suitable storage area affectively bunded for chemicals, pesticides and cleaning products.
- (d) Provide a separate storage area for used and unused cooking oils suitably covered, bunded and drained to the sewer.

- (e) Provide dry basket arresters to the floor wastes in the food preparation and waste storage areas.
- (f) 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.

99. NOISE – PLANT AND EQUIPMENT

A Certificate is to be submitted to Council at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

100. CERTIFICATION OF MECHANICAL EXHAUST

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1 and part 2, 2012). A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

101. STORMWATER

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been **constructed** in accordance with the approved stormwater management plans and to best engineering practice.

102. STRATA SUBDIVISION

Development consent is required for strata subdivision of the development.

In respect to the allocation of storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated in accordance with storage requirements of the Apartment Design Guide.

103. FOOTPATH UPGRADE

The footpaths surrounding the site are to be upgraded at the applicant's expense in accordance with Council's *Public Domain Technical Manual* prior to the issue of any Occupation Certificate and as required by condition "Existing Vehicle Crossing to be Closed" of this consent.

If any defects are found in the public domain works completed by the applicant/developer within 12 months from the date of the any occupation certificate, these must be rectified by the applicant/developer to Council's satisfaction.

104. PUBLIC DOMAIN WORKS COMPLETED

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

105. WAVERLEY DIGITAL MODEL

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Waverley Futures program for use in the Waverley Digital Model.

- (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:
 - (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.
- (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 E-Planning (3D Modelling) Officer, Planning and Environmental Services Department.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 96 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.

106. BONDI JUNCTION FSR AND MAPPING MODEL

In order to update Council's live floor space model and mapping system, prior the issue of a Final Occupation Certificate the following information is to be provided to the satisfaction of Council's Shaping Waverley sub-program, reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (i) DP/Lot/Strata Plan,
- (ii) Address,
- (iii) Building footprint (m²)
- (iv) Gross Floor area (m²)
- (v) Total residential floorspace (m²)
- (vi) Total office space (m²)
- (vii) Total retail space (m²)
- (viii) Total no. of levels (m²)
- (ix) No. levels above ground
- (x) No. levels below ground
- (xi) No. of residential levels
- (xii) No. of dwellings

- (xiii) No. of commercial levels
- (xiv) No. of parking spaces
- (xv) Parking location (above or below ground)
- (xvi) Ground floor use (commercial, retail or residential)

This information is required for any development consent within Bondi Junction Centre (as defined in Part E1 of the Waverley DCP 2012) that results in a change in gross floor area.

107. UNDERAWNING LIGHTS

Sufficient lighting shall be installed to the underside of each street awning to adequately illuminate the footpath areas of Oxford Street and Spring Street directly in front of the subject site.

The lights are to be installed prior to the issue of an occupation certificate for the development.

108. LANDSCAPE PLAN

The site is to be landscaped in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

109. LANDSCAPE CONSULTANT

A qualified Landscape and/or Arboricultural Consultant shall be retained for the duration of the construction of the development. The Consultant shall submit to the Principal Certifying Authority a Certificate of Practical Completion stating the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. The Certificate shall be lodged upon satisfactory completion of the landscaping works and prior to the issue of the Occupation Certificate.

110. ALLOCATION OF STREET NUMBERS

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 362 - primary address number
- Oxford Street - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary and/or entry point that fronts Oxford Street.

- As the redevelopment has multi-level sub-addressing the following sub addressing will apply;
 - 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. This can apply to the serviced apartments provided their numbers do not overlap with numbers of residential apartments.

- 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, B1 Etc
- Commercial premises will be identified with an address identifier ie Shop G01, G02, etc., Office 108 (gym);

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

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

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

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

Any variation to the above premises numbering requires a new application to be lodged with Council.

111. SLIP TESTS OF COMMON AREAS

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions.

112. TACTILE NUMBER IN LIFT

The applicant is advised that with regard to the provision of the lift in the building, it will be necessary for tactile numbers to be placed on each level of the building and within the lift to assist visually impaired people.

113. MARKING OF CAR SPACES

The following allocation of car parking spaces shall clearly line marked, numbered and signposted prior to the issue of an occupation certificate:

- Forty-nine (49) resident spaces;
- Fourteen (14) serviced apartment customer spaces;
- Seven (7) adaptable spaces;
- Eleven (11) resident visitor spaces;
- One (1) visitor/car wash space;
- Three (3) retail spaces;
- Two (2) serviced apartment staff spaces; and
- One (1) car share space.

114. POOL SIGN

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water.

115. INSPECTION OF POOL

A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

116. SWIMMING POOL REGISTRATION

The swimming pool is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.

F. OPERATIONAL CONDITIONS DURING OCCUPATION

117. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited.

118. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The loading vehicles are to utilise the loading bay accessed from Rowe Lane. The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose.

119. ROLLER SHUTTERS

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front across the Oxford Street facade of the development is strictly prohibited. Council requires the retention of a glass shop front for window display purposes. Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

120. HOURS OF OPERATION OF COMMUNAL OPEN SPACE OF THE DEVELOPMENT

The use of the communal open space on the roof level of the development shall be restricted to the following hours:

- | | | |
|-----|--|-----------------|
| (a) | Monday to Friday (excluding public holidays) | 7am to 9pm |
| (b) | Weekends and public holidays | 8am to 9pm |
| (c) | New Year's Eve | 9am to 12:30am. |

121. NOISE - MECHANICAL PLANT

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

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level

must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.

- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

122. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.
- (c) No sound reproduction device nor any forms of entertainment (or general noise) within the premises are to exceed a noise level of 5dBA above background noise levels measured from any public place or other parts of the premises or adjoining premises. The background noise level must be measured in absence of noise emitted from the use in accordance with AS 1055.
- (b) No sound reproduction device shall be installed external to the building, but rather shall be confined to internal areas of the subject premises only. Such devices must not be placed so as to direct the sound towards the outdoor areas associated with the premises.
- (c) Sound reproduction devices shall be restricted to between 9am and 10pm, Monday to Saturday and from 9am to 9.30pm Sundays due to residential premises being located above and nearby.
- (d) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver (any place of different occupancy)

123. 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. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

124. AIR-CONDITIONING

At no time are air-conditioning units permitted to be installed on the balconies.

125. CONTROL OF LEGIONNAIRES DISEASE

- (a) All cooling towers and warm water systems must be operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.
- (b) The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

126. DISPLAY OF WASTE MANAGEMENT PLAN

The occupant/individual owner/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

127. FIRE SAFETY MAINTENANCE

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

128. LIGHTING

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (a) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (b) All external area lights and carpark to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

129. NOISE COMPLAINTS

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Safe Waverley sub-program within 60 days of written request. The investigation shall include, but not be limited to:

- (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.

130. PLAN OF MANAGEMENT (POM) TO BE SUBMITTED AND APPROVED

- (a) A plan of management (PoM) shall detail of all operational and management procedures of the serviced apartments aspect of the development. The POM shall include, but is not limited to, its amenity within the neighbourhood of the premises, compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints), the behaviour of patrons, liquor practices (if licensed, including the responsible service of alcohol), staffing roles and responsibilities (including security personnel if required), management of patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements.
- (b) The POM shall be approved by Council prior to the commencement of operations.

131. USE OF SERVICED APARTMENTS

- (a) The serviced apartments subject to this approval are not to be used as backpacker accommodation.

- (b) The number of patrons/guests per serviced apartment is restricted to a maximum of two.

132. LIQUOR SALE / SUPPLY / CONSUMPTION (ON-PREMISE LICENSE)

- (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.
- (b) The primary use of the premises must be that of serviced apartments.
- (c) The sale and supply of liquor is restricted to liquor contained within the minibar in each serviced apartment room.
- (d) The consumption of liquor is restricted to patrons within their accommodation / serviced apartment room.
- (e) No patron shall be permitted to take glasses or open containers of liquor off the premises.

133. OPERATION OF SERVICED APARTMENTS IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

- (a) The operation and management of the premises shall be in accordance with a Council approved POM at all times.
- (b) The POM shall detail measures to mitigate noise, balcony use particularly late at night and parties being conducted within the serviced apartments.
- (c) The approved POM shall be adopted by the Management, and filed with Council and the Licensing Police of the Local Area Command prior to the commencement of operations.
- (d) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated.

134. GUEST REGISTER

The licensee / approved manager is to maintain a register of all guests, including name and the time and date of check in and check out. This register must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

- (a) The sale and supply of liquor is restricted to liquor contained within the minibar in each apartment room;
- (b) The consumption of liquor is restricted to patrons within their accommodation / room;

- (c) CCTV footage is to be provided to police upon request, within a reasonable time frame.

135. SWIMMING/SPA POOL PUMP - RESTRICTIONS

Swimming/spa pool pumps are restricted from being used and operated 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 2008. On the spot fines may be imposed should breaches occur.

Advice to Applicant

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

Sydney Water Requirements

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.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.



DA157/2022

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-157/2022

Development: Demolition of the existing buildings and construction of a shop top housing development including basement carparking, retail/commercial areas and residential apartments. The proposal includes modifications / alterations to and inclusion of, the approved shop top housing development at 362-374 Oxford Street Bondi Junction, resulting in a development spanning both properties, 362-374 Oxford Street and 376-384 Oxford Street. PAN-212835

Site: 362-384 Oxford Street, BONDI JUNCTION

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

Date of determination: 04 October 2023

Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 362-384 Oxford Street, Bondi Junction.

The conditions of consent are as follows:

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by SJB of Project No: 6507 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A-0205	Basement 5 Plan	6 June 2023	21 June 2023
A-0206	Basement 4 Plan	6 June 2023	21 June 2023
A-0207	Basement 3 Plan	6 June 2023	21 June 2023
A-0208	Basement 2 Plan	6 June 2023	21 June 2023
A-0209	Basement 1 Plan	6 June 2023	21 June 2023
A-0210	Ground Plan	6 June 2023	21 June 2023
A-0211	Level 1 Plan	6 June 2023	21 June 2023
A-0212	Level 2 Plan	6 June 2023	21 June 2023
A-0213	Level 3-6 Plan	6 June 2023	21 June 2023
A-0217	Level 7 Plan	6 June 2023	21 June 2023
A-0218	Level 8 Plan	6 June 2023	21 June 2023
A-0219	Level 9 Plan	6 June 2023	21 June 2023
A-0220	Level 10 Plan	6 June 2023	21 June 2023
A-0221	Level 11 Plan	6 June 2023	21 June 2023
A-0222	Level 12 Plan	6 June 2023	21 June 2023
A-0223	Level 13 Plan	6 June 2023	21 June 2023
A-0224	Level 14 Plan	6 June 2023	21 June 2023
A-1401	Oxford St Elevation	6 June 2023	21 June 2023
A-1402	Newland St Elevation	6 June 2023	21 June 2023
A-1403	Rowe Lane Elevation	6 June 2023	21 June 2023
A-1404	West Inside Elevation	6 June 2023	21 June 2023
A-1501	Section Sheet 1	6 June 2023	21 June 2023
A-1502	Section Sheet 2	6 June 2023	21 June 2023
A-1510	Section – Detail	6 June 2023	21 June 2023
A-3401	External Materials & Finishes	6 June 2023	21 June 2023
A-4420	Adaptable Apartment Type 1	6 June 2023	21 June 2023
A-4421	Adaptable Apartment Type 2	6 June 2023	21 June 2023
A-6040	Communal Open Space	6 June 2023	21 June 2023
A-6110	GFA Plans – Sheet 1	6 June 2023	21 June 2023
A-6111	GFA Plans – Sheet 2	6 June 2023	21 June 2023

(b) Survey prepared by ESA Survey 2591/21 REVG dated 15/02/23;

(c) Pedestrian Level Winds – Wind Tunnel Testing prepared by Vipac Engineers & Scientists Ltd and dated 18 June 2023;

(d) Reflectivity Assessment Report prepared by Vipac Engineers & Scientists Ltd dated 23 December 2021 and received by Council on 21/4/22;

(e) Energy Assessment Report prepared by Vipac Engineers & Scientists Ltd dated 16/06/2023;

- (f) BASIX Assessment Report 20E-21-0341-TRP-22701-3 dated 16/06/23;
- (g) Preliminary Site Investigation prepared by EI Australia dated 25 March 2022 document number PSIE22849.E01.Rev1 and received by Council 21/4/22;
- (h) DA Acoustic Assessment prepared by Acoustic Logic [Reference No. 20211343.1/1705A/R2/BJ] dated on 17 May 2023;
- (i) Landscape plans prepared by Black Beetle Landscape Architects. DWG: LA LP 00 to 07 all rev 4 dated 14/06/23;
- (j) Arboricultural Impact Appraisal and Method Statement prepared by Ezi Grow dated 26/02/2023;
- (k) Heritage Impact Statement prepared by Weir Phillips Heritage and Planning dated June 2023;
- (l) Preliminary Geotechnical Assessment prepared by Asset Geo Enviro dated 6 March 2022;
- (m) Traffic Impact Assessment prepared by Stantec and dated 25 March 2022 and received by Council 21/4/22;
- (n) Transport Response to Statement of Facts and Contentions prepared by Stantec dated 15/06/23;
- (o) Access Report NSW210266 prepared by East Coast dated 8 June 2023;
- (p) BCA 2022 Compliance Report prepared by BCA Consulting and dated 13 June 2023;
- (q) Operational Waste Management Plan Report 3584 prepared by Elephants Foot dated 14/06/2023;
- (r) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

1A. AMENDMENT TO ARCHITECTURAL PLANS

The architectural plans listed in condition 1 are to be amended to reflect any changes required by Condition 35's approval.

2. MODIFICATION OF DEVELOPMENT CONSENT NO. DA-89/2016

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act* 1979, Development Consent DA-89/2016 which was granted by the Sydney Central Planning Panel on 24 August 2017 is to be modified as necessary so that the Development Consent DA-89/2016 is consistent with this development consent.

Prior to the issue of any construction certificate, the applicant is to provide written notice to the satisfaction of Council and in accordance with the requirements of s 4.17(5) of the *Environmental Planning and Assessment Act* 1979 and s 67 of the *Environmental Planning*

and Assessment Regulation 2021, providing details of the modification of Development Consent DA-89/2016.

In this respect, the following conditions of consent of Development Consent DA-89/2016 are to be modified:

Conditions 11, 13, 29, 35, 54, 113, 130, 131, , 132, 133 and 134.

A schedule of amendments to these conditions, including an explanatory note for each amendment, is included at **Appendix A** of this consent.

3. RELATIONSHIP TO DEVELOPMENT CONSENT DA-89/2016

This development consent shall operate concurrently with Development Consent DA-89/2016 and the applicant shall comply with the operational conditions of Development Consent DA-89/2016 when undertaking the works approved in this amending development consent.

If a construction certificate has been issued pursuant to Development Consent DA-89/2016, then a separate construction certificate is to be obtained for works approved under this amending development consent to combine the approved works with those works being undertaken in accordance with Development Consent DA-89/2016. All conditions of consent imposed on Development Consent DA-89/2016 are to be read in conjunction with, and form part of, this development consent.

If a construction certificate has not been issued pursuant to Development Consent DA-89/2016, a single consolidated construction certificate may be issued pursuant to this development consent. All conditions of consent imposed on Development Consent DA-89/2016 are to be read in conjunction with, and form part of, this development consent.

In the event of an inconsistency between this development consent and Development Consent DA-89/2016, this development consent prevails to the extent of the inconsistency.

4. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)

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

5. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on Oxford Street, Newland Street and Rowe Lane frontages for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- (a) Pedestrian footpath
- (b) Vehicular crossing
- (c) Road pavement
- (d) Kerb and gutter
- (e) Stormwater infrastructure located within the Council kerb and/or footpath
- (f) Street lighting and the associated works

6. PRELIMINARY SITE INVESTIGATION RECOMMENDATIONS

The recommendations as outlined in section 6 of the report prepared by Eiaustralia dated 25 March 2022 document number PSIE22849.E01.Rev1 must be implemented.

A Certificate of Compliance prepared by a suitably qualified consultant is to be submitted to the Principal Certifying Authority and Council certifying that the recommendations made in the above report have been satisfied has been met prior to the issue of any Occupation Certificate.

7. ACOUSTIC REPORT RECOMMENDATIONS

The recommendations as outlined in the DA Acoustic Assessment prepared by Acoustic Logic [Reference No. 20211343.1/1705A/R2/BJ] dated 17 May 2023 must be implemented.

8. WORK OUTSIDE PROPERTY BOUNDARY

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

9. SYDNEY TRAINS CONCURRENCE

- (a) Prior to the issuing of a Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant AMB Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
- (i) Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - (ii) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (iii) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - (iv) Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains' easement and rail corridor land.
 - (v) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 - (vi) If required by Sydney Trains, a Monitoring Plan.
 - (vii) If required stress modelling to simulate the potential movement from the excavation works (whilst the report did recommend the undertaking of in-situ rock (overcoring) and stress measurements, given associated complexities with this type of investigation, adopting typical values for Hawkesbury Sandstone, based on published information/correlations would be an acceptable approach).

Any conditions issued as part of Sydney Trains approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply and supersede the documentation in

Condition 7(a). The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (b) All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- (c) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratum.
- (d) If required by Sydney Trains as a result of the assessment of the documentation submitted as part of condition 8(b), the following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - (i) Track/tunnel monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
 - (ii) A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (e) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (f) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.
- (g) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
- (h) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (i) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (j) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and

Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.

- (k) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (l) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (m) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (n) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (o) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (p) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.
- (q) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - (i) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - (ii) acts as the authorised representative of the Applicant; and
 - (iii) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

- (r) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (s) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

10. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

CONTRIBUTIONS, FEES & BONDS

11. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) Where the total development cost is less than \$500,000:
 - (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
 - (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
 - (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
 - (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

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

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

12. TREE PRESERVATION BOND (AS REQUESTED BY TREE OFFICER)

A bond of \$15,000 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 five street trees *Platanus x acerifolia* in Newland Street and Hegarty Lane. The bond is to be lodged prior to the issue of any 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 Final Occupation Certificate subject to the satisfaction of Council.

13. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$350,802 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

14. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

15. PLANNING AGREEMENT

- (a) The owner/applicant is to:

- (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-89/2016 and DA-157/2022; and
 - (ii) Pay a monetary contribution amount of \$3,946,913.00 prior to the issue of any Occupation certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 1,160sqm of GFA exceedance).
 - (iv) 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.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-89/2016 and DA-157/2022.
 - (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 for the Development which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (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.

PLAN DETAILS

16. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

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 *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

17. ARCHITECTURAL DETAILING

Further details of the architectural detailing of the building are required to be submitted for review and the satisfaction of Council's Executive Manager, Development Assessment (or delegate), prior to the issue of any Construction Certificate for works (excluding demolition) above ground level (existing) which address the following matters:

- i. A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace;
- ii. A schedule of external finishes and colours of the interface of the existing façade and the new building;
- iii. 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;
- iv. Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

18. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

19. BASEMENT STORAGE

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2022.

20. ADAPTABLE HOUSING

A minimum of 14 apartments in the development are to be provided as 'adaptable housing' within the development, with at least 1 car space allocated to each of these apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

21. UNIVERSAL HOUSING

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupants over their lifetimes in accordance with Part B6 of the *Waverley Development Control Plan 2022*.

22. WIND REPORT

The recommendations of the approved wind report referenced in Condition 1 of this consent are to be incorporated into the relevant Construction Certificate Plans to the satisfaction of the Principal Certifying Authority.

CONSTRUCTION & SITE MATTERS

23. 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.

24. EROSION & SEDIMENT CONTROL

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

The SWMP must be approved by the Principal 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.

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

25. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

26. 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.

27. PUBLIC INFRASTRUCTURE WORKS

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

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

The Applicant must submit plans and specifications for the following infrastructure works to Council:

- a) Road Pavement: The full renewal and reconstruction of asphalt pavement for (one lane) road width in Oxford Street and Newland Street, and full width in Rowe Lane site frontages if required by Councils Executive Manager, Infrastructure Services at the time of Public Infrastructure Works construction. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing Oxford Street, Newland Street and Rowe Lane frontages. Bluestone kerbing is required for both the Oxford Street and Newland Street Frontages. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced.
- c) Streetlights: Make provision for Multi-Function Poles (MFP) along all three frontages with new streetlights and co-located traffic signals (on the corner of Oxford and Newland) serviced by metered underground power. Designs shall be submitted to Council's Executive Manager, Infrastructure Services for approval and comply with the specifications detailed in the Public Domain Technical Manual.
- d) Signage: Installation of a 'Left Turn Only' sign and associated signpost at the intersection of Newland Street and Rowe Lane. The sign shall be located within the Rowe Lane approach, facing west, to prohibit right turn movements from Rowe Lane into Newland Street.
- e) All existing Ausgrid street lighting columns along all site frontages are to be removed.
- f) Replacement of the continuous threshold across Rowe Lane. Details of the pavement treatments and sub-grade specifications to be advised by Council.
- g) Any existing or proposed utility pillars on the site frontage to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- h) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Councils Public Domain to support the new development.

Notes

The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

28. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

29. GROUND ANCHORS

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact at (02) 9083 8886 or via email assets@waverley.nsw.gov.au.

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

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

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

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

31. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

TRAFFIC MANAGEMENT

32. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

33. TRAFFIC MANAGEMENT SIGNAGE

Prior to the issue of a Construction Certificate for work above existing ground level a separate submission must be made to Council's Traffic Committee seeking approval for changes to signage at the intersection of Newland Street and Rowe Lane, to incorporate a 'Left Turn Only' sign and associated signpost. The sign shall be located within the Rowe Lane approach, facing west, to prohibit right turn movements from Rowe Lane into Newland Street.

The submission must include two plans including one showing the existing signage at the Newland Street and Rowe Lane intersection and one showing the proposed signage at the Newland Street and Rowe Lane intersection.

All costs associated with the supply and installation of the appropriate signage and signposts is to be paid for by the developer at no cost to Council.

34. PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1-2004 Off-street car parking, AS 2890.2-2018 Off-commercial vehicle facilities, AS 2890.3-2015 Bicycle parking and AS/NZS 2890.6-2022 Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to the relevant Construction Certificate being issued.

STORMWATER & FLOODING

35. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Green Arrow, Job No. 221-2000, DWG No. STW-000, STW-102 – STW-104, STW-113, Rev C dated 26/07/2023 are considered concept only.

The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) Design OSD overflow and rainwater tank overflow to adequately convey 1 in 100-year, unrestricted flow.
- b) The OSD design to include the following:
 - i. Sump to be provided at outlet point. Depth is to be 1.5m x orifice dia. below centre of orifice, or 0.2m (whichever is larger).
 - ii. Provide child proof locking system on below ground OSD.
 - iii. Any below-ground OSD tank structure shall be cast in-situ concrete based.
- c) For the connection to Council's below ground drainage system the following details required:

- i. Pipe cut flush with internal wall of pit and pipe and enter pit perpendicular to pit wall
 - ii. Full scaled long section of proposed stormwater pipe (existing surface levels, cover, design level of pipe, surface & invert of pits, stormwater pit location, level of all service lines in vicinity of works)
 - iii. Design alignment and details of proposed pipe material, size, class
 - iv. Location of all stormwater pits and pit types proposed
 - v. Calculations showing proposed system meets required design capacity specified by Council (typically 5% AEP)
 - vi. Hydraulic calculations required with appropriate tailwater condition to show adequate capacity.
- d) Provide calculations of gutter sizing for 1% AEP storm event and number of downpipes required.
- e) Rainwater reuse system in basement to have minimum 50-year service life and withstand all service loads.
- f) Provide confirmation that any collection from balconies/garden beds will bypass RWT.
- g) Floor level to be minimum 0.15m above adjacent ground level. Please redesign accordingly and show survey levels at property boundary.
- h) Overflow pipe downstream insufficient for Q100 unrestricted storm event. Please redesign accordingly.
- i) Provide non-return valve/flap located within property for discharge into Council's below ground drainage system.
- j) Pit dimensions and pit schedule to be provided.
- k) Grated pit larger than 600mm x 600mm to have hinged cover.
- l) Grates to be galvanised steel grid type. Grates to be heavy duty where subjected to vehicular loading.
- m) Grated box drains at property boundary to have minimum base slope 2% and 300mm (W). The grated drains do not appear to connect to internal drainage system. Provide clarification in drawings.
- n) Ensure basement entrance has berm minimum 150mm above existing ground level.
 - i. Waterproofing and tanking the basement areas of the building to be provided in accordance with a Registered Structural Engineer's design.
- o) Provide "Erosion & Sediment Control Plan".
- p) Show rainwater tank in architectural drawings. Pump well shown in architectural drawings but not included in stormwater plans. Ensure architectural drawings consistent with stormwater drainage plans.
- q) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hours' notice must be provided to Council prior to inspection.

36. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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.

37. PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS

The garage/underground basement shall be protected from possible inundation by surface waters from the road reserve through the design of the driveway.

Evidence from a suitably qualified and practicing Engineer who specializes in hydraulic engineering that this design requirement has been adhered to shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.

ENERGY EFFICIENCY & SUSTAINABILITY**38. BASIX**

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

39. ENERGY EFFICIENCY

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2022*, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate for any works above ground level.

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

40. REFLECTIVITY REPORT

In accordance with Part B16 of the *Waverley Development Control Plan 2012*, a Reflectivity Report, prepared by an appropriately qualified person is to be submitted to the Principal Certifying Authority which verifies that the approved development complies with the following;

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

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

WASTE

41. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

42. WASTE STORAGE AREAS

The development must have waste storage areas with sufficient space to accommodate the following minimum requirements.

- (a) **Residential** (104 units in total 55 x 1-bedroom units, 43 x 2-bedroom units, 6 x 3-bedroom units)
- 8 x 660L Mobile Garbage Bins (MGBs) for general waste, compacted 2:1, collected weekly
 - 16 x 660L MGBs for paper and cardboard recycling collected fortnightly
 - 16 x 660L MGBs for container recycling collected fortnightly
 - 2 x 240L MGBs for garden organics collected fortnightly
 - A minimum of 12m² floor space is required for the on-site storage of bulky waste awaiting collection and a minimum of 2m² floor space is required for additional problem waste streams (such as electronic waste or textile waste). This should be inside or adjacent to the onsite storage of bulky waste with doorway clearance for the bulky waste storage area of a minimum 1.5m.
- (b) **Commercial** (café 345m², retail 345m², and gym 129m²)
- 3 x 660L Mobile Garbage Bins (MGBs) for general waste collected 3 times per week
 - 3 x 660L MGBs for comingled recycling collected 3 times per week
 - 3 x 660L MGBs for Cardboard and Paper Recycling collected 3 times per week
 - Extra space is required to store reusable products such as crates, kegs, and excess cardboard and other packaging materials.
 - Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required
- (c) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2022* to the satisfaction of the Principal Certifying Authority.

LANDSCAPING & TREES

43. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3 of the *Waverley Development Control Plan 2022* including;

- (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.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

NOISE

44. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

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

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

45. NOISE – ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

46. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

47. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

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

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

DEMOLITION & EXCAVATION

48. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal 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:

- (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.

49. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

50. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

51. EXCAVATION AND BACKFILLING

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

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

CONSTRUCTION MATTERS**52. CONSTRUCTION HOURS**

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

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

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

53. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

54. CONSTRUCTION INSPECTIONS

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

55. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to the construction of a higher level of the building.

56. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

TREE PROTECTION AND REMOVAL

57. TREE PROTECTION

- (a) Precautions shall be taken when working near trees to ensure their retention, including the following:
- (i) Do not store harmful or bulk materials or spoil under or near trees
 - (ii) Prevent damage to bark and root system;
 - (iii) Do not use mechanical methods to excavate within root zones;
 - (iv) Do not add or remove topsoil from under the drip line;
 - (v) Do not compact ground under the drip line;
 - (vi) Do not mix or dispose of liquids within the drip line of the tree; and
 - (vii) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.
- (b) Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.
- (c) Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.
- (d) The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.
- (e) TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- (f) 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.
- (g) 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).
- (h) 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.
- (i) If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- (j) If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.

- (k) If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

VEHICLE ACCESS & PUBLIC DOMAIN WORKS TO BE FINALISED

58. NEW VEHICLE CROSSING

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

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

59. VEHICULAR ACCESS - FINISHED LEVELS TO INVERT OF THE GUTTER

The finished level at the property boundary on **both** sides of the vehicle crossing is to be 110mm above the level of the invert of the existing concrete gutter.

60. CAR PARKING

Car parking spaces to be provided within the development shall be allocated in the following manner:

- i) A maximum of 81 resident car spaces. This is to include a minimum of 14 accessible spaces (1 accessible space for each adaptable apartment).
- ii) A minimum of 17 residential visitor car spaces including a minimum of 2 accessible visitor spaces.
- iii) A maximum of 12 retail car spaces including a minimum of 1 accessible retail spaces.
- iv) A maximum of 5 commercial car spaces including a minimum of 1 accessible commercial spaces.
- v) A minimum of 1 car wash bay which can be shared with a residential visitor car space.
- vi) A minimum of 3 car share bays.

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

61. BICYCLE PARKING

A **minimum** of 132 bicycle parking spaces are to be provided within the development.

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

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located on ground floor level or on basement level 1. Signage and line-marking (way finding) is to be provided to guide residents, staff and visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be

submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

62. MOTORCYCLE PARKING

A **minimum** of 30 motorcycle parking spaces are to be provided within the development.

The motorcycle spaces are to be designed in accordance with Australian Standard AS2890.1 - 2004 Parking Facilities – Off-street car parking.

63. 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.

64. ELECTRIC VEHICLE CHARGING POINTS

13 'Level 2' AC fast electric vehicle charging point are to be installed and allocated as:

- i) 11 are to be allocated to residential uses.
- ii) 2 are to be allocated to the retail / commercial uses.

65. PARKING PERMITS

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

66. 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, as per Australian Standards AS2890.1 - 2004 and AS 2890.6-2022 respectively.

The headroom clearance within the loading dock area on Ground Floor is to be a minimum of 4.5 metres in accordance with Australian Standard AS2890.2 – 2018.

67. PRE-CONSTRUCTION DILAPIDATION REPORT

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

- (a) Road pavement
- (b) Kerb and gutter
- (c) Footpath
- (d) Drainage pits and lintels
- (e) Traffic signs
- (f) Any other relevant infrastructure

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

68. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Council's Infrastructure Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

69. PUBLIC DOMAIN ENGINEERING INSPECTIONS

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

70. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to doing any works, internal inspection of the Council's stormwater conduit to determine its structural and serviceability condition must be carried out by a Closed Circuit Television (CCTV) by an approved contractor. The report is to be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for its review. No works on Council's stormwater infrastructure shall commence until given approval by Council.

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

71. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

72. CERTIFICATION OF ACOUSTIC PERFORMANCE

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

73. CERTIFICATION OF ALL MECHANICAL PLANT

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

74. CERTIFICATION OF BASIX COMMITMENTS

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

75. CERTIFICATION OF APPROVED DESIGN

In accordance with the *Environmental Planning and Assessment Regulation 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.

76. CERTIFICATION OF LANDSCAPING

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.

77. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

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

78. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

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

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

79. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's Infrastructure Engineer. The Occupation Certificate shall not be issued until certification has been obtained from Executive Manager, Infrastructure Services (or delegate) confirming the public infrastructure works have been constructed to Council's satisfaction.

Notes

- The issue of a Final Compliance Certificate from the Council's Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

80. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer, 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. A copy of the aforementioned letter of certification must be submitted to Council.

81. CERTIFICATION OF NEWLY CONSTRUCTED

Prior to the issue of any Occupation Certificate, certification is to 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. Similarly, any retained stormwater drainage system is unblocked, in good working order, and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

82. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.
- b. A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

83. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD AND RAINWATER TANK

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system and rainwater tank, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system and rainwater tank 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 shall not modify or remove the OSD system and rainwater tank without consent from Council.

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

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to 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 and rainwater tank, including its relationship to the building footprint. Electronic colour photographs of the OSD system and rainwater tank shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

84. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" shall be created for the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Water Management Manual 2021. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.

85. WASTE COLLECTION

- (a) Garbage vehicles shall always reverse into the site and exit the site in a forward direction. Garbage/waste collection shall be undertaken by Council or an approved private waste contractor utilising a Heavy Rigid Vehicle (HRV) truck, and only between the hours of 7.00am and 8.00pm daily. Details of the contract and truck specifications noting these conditions are to be submitted to Council prior to issue of an Occupation Certificate.
- (b) A Restriction as to User is to be registered on title reflecting the requirements of clause (a) shown above in this condition of consent. The instrument is to be drafted by the developer and reviewed and approved by Council's solicitors. Council is to be the authority allowing any release or modification. The instrument is to be registered prior to issue of any Occupation Certificate. All costs are to be borne by the developer/applicant.
- (c) A positive covenant is to be registered on title prior to issue of an Occupation Certificate, to the effect that all occupants, residents and owners are aware of the obligations of providing a private contractor for waste collection and that Waverley Council still reserves the right to charge levies and charges for waste collection notwithstanding that it is not providing the service due to the specific constraints of the site. The instrument is to be prepared by the developer and reviewed and approved by Council's solicitors. All costs are to be borne by the developer/applicant.

MANAGEMENT PLANS

86. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

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

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) 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) 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.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

SHOPS

87. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

88. FOOD PREMISES

The fitout of the any food premise must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation.

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

89. PEST CONTROL

A Pest and Vermin Control Management Plan (PVCMP) is to be submitted for the approval of Council's Executive Manager, Compliance (or delegate) prior to the issue of an Occupation Certificate. All recommendations within the PVCMP are to be implemented with the ongoing operations of the premises.

OTHER MATTERS

90. BONDI JUNCTION FSR AND MAPPING MODEL

To update Council's live floor space model and mapping system, the following information is to be provided to the satisfaction of Council's Strategic Planning Department reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (a) DP/Lot/Strata Plan
- (b) address
- (c) building footprint (m²)
- (d) gross Floor area (m²)
- (e) total residential floor space (m²)
- (f) total office space (m²)
- (g) total retail space (m²)
- (h) total no. of all levels (m²)
- (i) no. levels above ground
- (j) no. levels below ground
- (k) no. of residential levels
- (l) no. of dwellings
- (m) no. of commercial levels
- (n) no. of parking spaces
- (o) parking location (above or below ground)
- (p) ground floor use (commercial, retail or residential)

91. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling

92. STREET NUMBER/S

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

93. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 362- primary address site number.
- Oxford street - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Oxford Street.

Where there is a building with multiple towers a single primary address should be assigned for the whole sight.

Each tower within the development should then be assigned a unique alpha suffix and numbered in sequence from the entry point in a logical manner.

- Within the whole site the apartments/units/retail units should be allocated a unique sub-addressing number.
 - 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 and in each tower,
 - For clarity, a zero will be interposed in the number of the first nine sub address levels i.e., Level 3 unit 7 =307,
 - Level at ground and below ground shall also be identified by prefixes to distinguish these levels i.e., Ground =G, Lower Ground = LG, Basement = B etc.
 - Commercial premises will be identified with an address identifier i.e., Shop 101, Office 102,

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

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

94. LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan must be submitted to and approved by the Manager, Waverley Council Service Manager, Traffic and Transport, Infrastructure Services prior to an Occupation Certificate being issued. The Loading Dock Management Plan is to detail the proposed online system for management and scheduling of the dock between the residential, commercial and retail uses, ensuring that all loading activities are wholly accommodated on-site.

95. GREEN TRAVEL PLAN

A Green Travel Plan must be submitted to and approved by the approved by the Manager, Waverley Council Service Manager, Traffic and Transport, Infrastructure Services prior to the issue of an Occupation Certificate. The Green Travel Plan is to include, but not be limited to, the following:

- a) Provision of power access to bicycle parking (to accommodate electric bikes).
- b) Provision of parking for at least 10 cargo bicycles.
- c) Illustration of access route from outside the development to each bicycle parking compound for residents, staff and visitors.
- d) Identify how the post opening Action Items could be enforced.

96. TRAFFIC MANAGEMENT SIGNAGE

Prior to the issue of an Occupation Certificate, the developer shall have installed the 'Left Turn Only' sign and associated signpost at the intersection of Newland Street and Rowe Lane.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority prior to any Occupation Certificate being issued.

97. PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1-2004 Off-street car parking, AS 2890.2-2018 Off-commercial vehicle facilities, AS 2890.3-2015 Bicycle parking and AS/NZS 2890.6-2022 Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to any Occupation Certificate being issued.

E. OPERATIONAL MATTERS

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

GENERAL MATTERS

98. HOURS OF OPERATION OF COMMUNAL OPEN SPACE (ROOF TOP)

The use of the communal open space on the roof level of the development shall be restricted to the following hours:

- | | | |
|-----|--|-----------------|
| (a) | Monday to Friday (excluding public holidays) | 7am to 9pm |
| (b) | Weekends and public holidays | 8am to 9pm |
| (c) | New Year's Eve | 9am to 12:30am. |

AMENITY & SAFETY

99. 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.

100. 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.

101. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

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

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (a) 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.

102. REFRIGERATION UNITS & MECHANICAL PLANT

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

103. CONTROL OF LEGIONNAIRES DISEASE

All cooling towers, warm water systems and other regulated systems must be installed, operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.

The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

104. 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.

PARKING AND ACCESS

105. 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.

106. ADJUSTMENTS TO STREET SIGNS

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

107. DELIVERY OF GOODS

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

108. SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 10.5 metres.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2.DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AD3.TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4.EXCAVATION TO BE LIMITED

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

AD5.SEPARATE APPLICATIONS FOR USE/FIT OUT

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

AD6.SEPARATE APPLICATION FOR SIGNAGE

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

AD7. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD8. BUILDING TO BE WRAPPED

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

AD9. OUTDOOR DINING

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

AD10. 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.

AD11. SITE RECTIFICATION WORKS

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

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

- (i) Require certain works to be carried out, including but not limited to:
 - (a) Make the building/site safe and of an appearance acceptable to Council;
 - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;
 - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
 - (d) Council may call on any bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

APPENDIX A

Amendment of conditions contained within DA-89/2016 arising from Condition 2 of DA-157/2022

CONDITION 11

Current Condition 11 (DA-89/2016)

11. FUTURE CONVERSION OF SERVICED APARTMENTS

This consent provides for serviced apartments on Level 1 and Level 2 of the development, nominated as Units 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06 and 2.07 on the relevant architectural plans referred to in condition 1 of this consent. These have been specifically nominated as serviced apartments as they are not suitable to be long term residential apartments given lack of solar access received by these apartments.

A positive covenant is to be placed on title with Council as a beneficiary to give effect to the future use of the serviced apartments being restricted to serviced apartments unless otherwise supported by Council. Evidence of registration of the positive covenant on title is to be submitted to Council prior to the issue of an occupation certificate for the development.

Modified Condition 11 (DA-89/2016)

11. ~~FUTURE CONVERSION OF SERVICED APARTMENTS~~ Deleted.

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2022 as the combined development with DA-89/2016 no longer contains serviced apartments.

Condition 13**Current Condition 13 (DA-89/2016)****13.Planning Agreement**

The applicant shall:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in **DA-89/2016**; and
 - (ii) Pay a monetary contribution amount of **\$2,026,313** prior to the issue of any Occupation certificate for the Development.
 - (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- (b). In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
 - (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 for the development, which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (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.

Modified Condition 29 (DA-89/2016)**13.PLANNING AGREEMENT - Deleted**

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2020 as **a new planning agreement has been offered by the Applicant as set out in new condition 15.**

CONDITION 29**Current Condition 29 (DA-89/2016)****29. ADEQUACY OF ENERGY ASSESSMENT REPORT**

Council's Sustainable Waverley sub-program has deemed the Energy Assessment Report prepared by ViPAC Engineers and Scientists Limited, dated 8 May 2017 and received by Council on 12 May 2017 (hereafter known as 'the Report') inadequate in term of sufficiently addressing the requirements of section 2.6 of Part B2 of the Waverley Development Control Plan 2012.

The review of the Report revealed the predicted energy consumption reduction is overestimated and does not meet the desired 30% greenhouse gas emissions reduction. Key considerations and issues raised in the review of the Report are set out below and are required to be addressed prior to Construction Certificate stage:

- (a) The development proposes only a 21% improvement in energy efficiency under the BASIX scheme for the residential component which makes up the bulk of floor area. However, the project team has then used the Green Star calculator to demonstrate that this is equivalent to a 30% improvement using the NatHERS pathway, not the BASIX pathway. This is not deemed equivalent to achieving the required outcome.
- (b) The NatHERS pathway used in the report does not represent comparison with a reference building, but rather comparison against a hypothetical minimum performance benchmark, determined by the project team, but not any legislated requirement relevant to the location, and specifically, the building design itself.
- (c) No quantification has been provided for the energy efficiency of the retail component, and it is noted that it only complies with DTS provisions of Section J, and therefore is unlikely to achieve a 30% improvement over a referent DTS compliant building.

Council's Coordinator, Sustainable Energy should be contacted for further information on addresses the issues of the Report raised in this condition.

The Report shall be amended to address the issues raised above to the satisfaction of Council's Executive Manager, Sustainable Waverley prior to the issue of a Construction Certificate in order to demonstrate how the development can meet the 30% greenhouse gas emissions reduction target set by Part B2 of the Waverley Development Control Plan 2012

Modified Condition 29 (DA-89/2016)**~~29. ADEQUACY OF ENERGY ASSESSMENT REPORT~~– Deleted**

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2022 as condition 39 of DA-157/2022 requires a new Energy Assessment Report for the whole development.

CONDITION 35

Current Condition 35 (DA-89/2016)

35. AMENDED ALLOCATION OF CAR PARKING SPACES

The allocation of car parking spaces within the basement levels of the development shall be amended to comply with the following requirement:

- (a) Fourteen (14) of the resident car parking spaces are to be allocated to each serviced apartment (i.e. for customers of the serviced apartments).

The revised allocation of car parking spaces shall be shown on the plans for the construction certificate and to the satisfaction of the Principal Certifying Authority prior to the issue of a construction certificate.

Modified Condition 35 (DA-89/2016)

~~35. AMENDED ALLOCATION OF CAR PARKING SPACES~~ Deleted

Deleted by DA-157/2022

Reason

This condition is no longer required as the allocation of parking is set by condition 60 of DA-157/2022 and does not require any amendment. Further, the serviced apartments component of the combined development has been deleted.

CONDITION 54**Current Condition 54 (DA-89/2016)****54. DILAPIDATION REPORTS**

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **356-360 Oxford Street and 376-384 Oxford Street, Bondi Junction**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Modified condition 54 (DA-89/2016)**54. DILAPIDATION REPORTS**

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **356-360 Oxford Street and ~~376-384 Oxford Street~~, Bondi Junction**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Reason

A dilapidation report is no longer required for the structures on 376-384 Oxford Street as these structures are to be demolished as part of the combined development. The condition is modified to remove the reference to 376-384 Oxford Street.

CONDITION 113**Current Condition 113 (DA-89/2016)****113.MARKING OF CAR SPACES**

The following allocation of car parking spaces shall be clearly line marked, numbered and signposted prior to the issue of an occupation certificate:

- (a) Forty-nine (49) resident spaces;
- (b) Fourteen (14) serviced apartment customer spaces;
- (c) Seven (7) adaptable spaces;
- (d) Eleven (11) resident visitor spaces;
- (e) One (1) visitor/car wash space;
- (f) Three (3) retail spaces;
- (g) Two (2) serviced apartment staff spaces; and
- (h) One (1) car share space.

Modified Condition 113 (DA-89/2016)**~~113.MARKING OF CAR SPACES Deleted.~~**

Deleted by DA-157/20222.

Reason

This condition is deleted by virtue of DA-157/2022 as the adjusted parking rates of the combined development are set out in condition 60 of DA-157/2022, and the requirement for line marking and numbering is set out in condition 98 of DA-157/2022.

CONDITION 130

Current Condition 130 (DA-89/2016)

130. PLAN OF MANAGEMENT (POM) TO BE SUBMITTED AND APPROVED

(a) A plan of management (PoM) shall detail of all operational and management procedures of the serviced apartments aspect of the development. The POM shall include, but is not limited to, its amenity within the neighbourhood of the premises, compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints), the behaviour of patrons, liquor practices (if licensed, including the responsible service of alcohol), staffing roles and responsibilities (including security personnel if required), management of patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements.

(b) The POM shall be approved by Council prior to the commencement of operations.

Modified Condition 130 (DA-89/2016)

~~130. PLAN OF MANAGEMENT (POM) TO BE SUBMITTED AND APPROVED~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2020 as the combined development no longer contains Serviced Apartments.

CONDITION 131

Current Condition 131 (DA-89/2016)

131. USE OF SERVICED APARTMENTS

- (a) The serviced apartments subject to this approval are not to be used as backpacker accommodation.
- (b) The number of patrons/guests per serviced apartment is restricted to a maximum of two.

Modified Condition 131 (DA-89/2016)

~~131. USE OF SERVICED APARTMENTS~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

CONDITION 132

Current Condition 132 (DA-89/2016)

132.LIQUOR SALE / SUPPLY / CONSUMPTION (ON-PREMISE LICENSE)

- (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.
- (b) The primary use of the premises must be that of serviced apartments.
- (c) The sale and supply of liquor is restricted to liquor contained within the minibar in each serviced apartment room.
- (d) The consumption of liquor is restricted to patrons within their accommodation / serviced apartment room.
- (e) No patron shall be permitted to take glasses or open containers of liquor off the premises.

Modified Condition 132 (DA-89/2016)

~~132.LIQUOR SALE / SUPPLY / CONSUMPTION (ON-PREMISE LICENSE)~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

CONDITION 133

Current Condition 133 (DA-89/2016)

133. OPERATION OF SERVICED APARTMENTS IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

- (a) The operation and management of the premises shall be in accordance with a Council approved POM at all times.
- (b) The POM shall detail measures to mitigate noise, balcony use particularly late at night and parties being conducted within the serviced apartments.
- (c) The approved POM shall be adopted by the Management, and filed with Council and the Licensing Police of the Local Area Command prior to the commencement of operations.
- (d) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated.

Modified Condition 133 (DA-89/2016)

~~133. OPERATION OF SERVICED APARTMENTS IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

CONDITION 134

Current Condition 134 (DA-89/2016)

134. GUEST REGISTER

The licensee / approved manager is to maintain a register of all guests, including name and the time and date of check in and check out. This register must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

- (a) The sale and supply of liquor is restricted to liquor contained within the mini bar in each apartment room;
- (b) The consumption of liquor is restricted to patrons within their accommodation / room;
- (c) CCTV footage is to be provided to police upon request, within a reasonable time frame.

Modified Condition 134 (DA-89/2016)

134. GUEST REGISTER Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.



DA157/2022/A



NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application number	DA-157/2022/A PAN-421651
Applicant	Cassa Blanka Pty Ltd Igal Leis Level 1, 109 Oxford St BONDI JUNCTION NSW 2022
Description of approved development	Demolition of buildings, construction of a fourteen (14) storey mixed use building including residential units, serviced apartments, retail, basement parking and a Planning Agreement.
Description of modification 'A'	Modification to the basement levels and vehicular entry/exit location on Rowe Lane.
Property	362-384 Oxford Street, BONDI JUNCTION NSW 2022 Lot 4 in DP 508369, Lot 5 & Lot 6 & Lot 7 in DP 39086, Lot 1 in DP 163647, Lot 10 in DP 1128739 and Lot 12 in DP 717346
Determination	Approved Consent Authority: Waverley Council
Date of original determination	4 October 2023
Date on which the consent lapses	4 October 2028
Date of determination modification 'A'	16 September 2024
Court Case name	<i>Cassa Blanka Pty Ltd v Waverley Council</i>
LEC Number	LEC No. 2022/321874

Under section 4.56 of the EP&A Act, notice is given that the above application to modify DA-157/2022 has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

1. The development, as modified is considered to be substantially the same as that originally approved; and
2. Appropriate conditions of consent have been imposed to ensure that the development will not result in detrimental environmental impacts.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

You have a right under section 8.9 of the EP&A Act to appeal to the Land and Environment Court within 6 months of the date of the Notice of Determination.

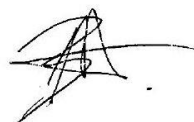
Modification of consent

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

Dictionary

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

For further information, please contact Alana Jelfs on 9083 8295 during business hours or via email at alana.jelfs@waverley.nsw.gov.au.



Ben Magistrale

Manager, Development Assessment

Person on behalf of the consent authority

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by SJB of Project No: 6507 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-A-0204, Rev 36	Basement 6 Plan	23 July 2024	25 July 2024
DA-A-0205, Rev 36	Basement 5 Plan	23 July 2024 6 June 2023	25 July 2024 21 June 2023
DA-A-0206, Rev 36	Basement 4 Plan	23 July 2024 6 June 2023	25 July 2024 21 June 2023
DA-A-0207, Rev 36	Basement 3 Plan	23 July 2024 6 June 2023	25 July 2024 21 June 2023
DA-A-0208, Rev 36	Basement 2 Plan	23 July 2024 6 June 2023	25 July 2024 21 June 2023
DA-A-0209, Rev 36	Basement 1 Plan	23 July 2024 6 June 2023	25 July 2024 21 June 2023
A-0210	Ground Plan	6 June 2023	21 June 2023
A-0211	Level 1 Plan	6 June 2023	21 June 2023
A-0212	Level 2 Plan	6 June 2023	21 June 2023
A-0213	Level 3-6 Plan	6 June 2023	21 June 2023
A-0217	Level 7 Plan	6 June 2023	21 June 2023
A-0218	Level 8 Plan	6 June 2023	21 June 2023
A-0219	Level 9 Plan	6 June 2023	21 June 2023
A-0220	Level 10 Plan	6 June 2023	21 June 2023
A-0221	Level 11 Plan	6 June 2023	21 June 2023
A-0222	Level 12 Plan	6 June 2023	21 June 2023
A-0223	Level 13 Plan	6 June 2023	21 June 2023
A-0224	Level 14 Plan	6 June 2023	21 June 2023
A-1401	Oxford St Elevation	6 June 2023	21 June 2023
A-1402	Newland St Elevation	6 June 2023	21 June 2023
A-1403, Rev 33	Rowe Lane Elevation	10 July 2024 6 June 2023	10 July 2024 21 June 2023
A-1404	West Inside Elevation	6 June 2023	21 June 2023
A-1501, Rev 31	Section Sheet 1	12 March 2024 6 June 2023	15 April 2024 21 June 2023
A-1502, Rev 31	Section Sheet 2	12 March 2024 6 June 2023	15 April 2024 21 June 2023
A-1510	Section – Detail	6 June 2023	21 June 2023
A-3401	External Materials & Finishes	6 June 2023	21 June 2023
A-4420	Adaptable Apartment Type 1	6 June 2023	21 June 2023
A-4421	Adaptable Apartment Type 2	6 June 2023	21 June 2023
A-6040	Communal Open Space	6 June 2023	21 June 2023
A-6110	GFA Plans – Sheet 1	6 June 2023	21 June 2023

A-6111	GFA Plans – Sheet 2	6 June 2023	21 June 2023
DA-A-7030, Rev 36	Silver Living Parking Space Diagram	23 July 2024	25 July 2024

- (b) Survey prepared by ESA Survey 2591/21 REVG dated 15/02/23;
 - (c) Pedestrian Level Winds – Wind Tunnel Testing prepared by Vipac Engineers & Scientists Ltd and dated 18 June 2023;
 - (d) Reflectivity Assessment Report prepared by Vipac Engineers & Scientists Ltd dated 23 December 2021 and received by Council on 21/4/22;
 - (e) Energy Assessment Report prepared by Vipac Engineers & Scientists Ltd dated 16/06/2023;
 - (f) BASIX Assessment Report 20E-21-0341-TRP-22701-3 dated 16/06/23;
 - (g) Preliminary Site Investigation prepared by EI Australia dated 25 March 2022 document number PSIE22849.E01.Rev1 and received by Council 21/4/22;
 - (h) DA Acoustic Assessment prepared by Acoustic Logic [Reference No. 20211343.1/1705A/R2/BJ] dated on 17 May 2023;
 - (i) Landscape plans prepared by Black Beetle Landscape Architects. DWG: LA LP 00 to 07 all rev 4 dated 14/06/23;
 - (j) Arboricultural Impact Appraisal and Method Statement prepared by Ezi Grow dated 26/02/2023;
 - (k) Heritage Impact Statement prepared by Weir Phillips Heritage and Planning dated June 2023;
 - (l) Preliminary Geotechnical Assessment prepared by Asset Geo Enviro dated 6 March 2022;
 - (m) Traffic Impact Assessment prepared by Stantec and dated 25 March 2022 and received by Council 21/4/22;
 - (n) Transport Response to Statement of Facts and Contentions prepared by Stantec dated 15/06/23;
 - (o) Access Report NSW210266 prepared by East Coast dated 8 June 2023;
 - (p) BCA 2022 Compliance Report prepared by BCA Consulting and dated 13 June 2023;
 - (q) Operational Waste Management Plan Report 3584 prepared by Elephants Foot dated ~~14/06/2023~~ **21/03/2022 Revision 0;**
 - (r) The Site Waste and Recycling Management Plan (SWRMP) Part 1;
 - (s) Geotechnical Investigation (6699-1-G1 Rev 1) prepared by Asset Geo Environ and dated 1 May 2024;**
 - (t) Traffic and Transport Management Report prepared by Stantec and dated 15 March 2024.**
- Except where amended by the following conditions of consent.

[AMENDED BY DA-157/2022/A]

9. SYDNEY TRAINS CONCURRENCE

- (a) Prior to the issuing of a Construction Certificate, **or modified Construction Certificate in relation to this approval**, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant AMB Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
- (a) Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - (ii) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (iii) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - (iv) Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains' easement and rail corridor land.
 - (v) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 - (vi) If required by Sydney Trains, a Monitoring Plan.
 - (vii) If required stress modelling to simulate the potential movement from the excavation works (whilst the report did recommend the undertaking of in-situ rock (overcoring) and stress measurements, given associated complexities with this type of investigation, adopting typical values for Hawkesbury Sandstone, based on published information/correlations would be an acceptable approach).

Any conditions issued as part of Sydney Trains approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply and supersede the documentation in Condition 7(a). The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (b) All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- (c) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratum.
- (d) If required by Sydney Trains as a result of the assessment of the documentation submitted as part of condition 8(b), the following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- (i) Track/tunnel monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- (ii) A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (e) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (f) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.
- (g) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
- (h) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (i) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (j) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.
- (k) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (l) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (m) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (n) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (o) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (p) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.
- (q) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - (i) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - (ii) acts as the authorised representative of the Applicant; and
 - (iii) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (r) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (s) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

60. CAR PARKING

Car parking spaces to be provided within the development shall be allocated in the following manner:

- i. A maximum of 81 resident car spaces. This is to include a minimum of 14 accessible spaces (1 accessible space for each adaptable apartment). ***Accessible spaces and Silver Living spaces are to be identified on the plans.***
- ii. A minimum of 17 residential visitor car spaces including a minimum of 2 accessible visitor spaces.
- iii. A maximum of 12 retail car spaces including a minimum of 1 accessible retail spaces.
- iv. A maximum of 5 commercial car spaces including a minimum of 1 accessible commercial spaces.
- v. A minimum of 1 car wash bay which can be shared with a residential visitor car space.
- vi. A minimum of 3 car share bays.

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

[AMENDED BY DA-157/2022/A]

B. New Conditions

6A. GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT

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

- a) ***The recommendations set out in the Geotechnical Investigation Report prepared by AssetGeoEnviro, Ref. 6699-1-G1 Rev 1, dated 1 May 2024 must be addressed in the detailed design documentation and followed through the construction, and post occupation stages.***
- b) ***Prior to issuing the construction certificate a Construction Methodology Report (CMR) must be prepared and submitted for the review and approval of the Executive Manager, Infrastructure Services (or delegate).***
 - i. ***The CMR must be prepared or reviewed by a senior Geotechnical Engineer/Engineering Geologist and Structural Engineer (CP Eng or equivalent and with at least 10 years relevant experience).***
 - ii. ***The CMR must include a review of, but not limited to, the full detailed design including the temporary and permanent excavation, shoring support systems, dewatering (if applicable), footing design, earthworks, drainage, pavements and any other relevant items.***
 - iii. ***The CMR must include a review of the geotechnical report and advise on the need of any further assessment work such as additional geotechnical investigation, groundwater monitoring, further assessment of the stability of the slope or cliff line. The CMR must be followed in its entirety unless otherwise agreed by the authors of the CMR (or their organisation).***
 - iv. ***The CMR must include the methodology to be adopted in undertaking excavation, measures to reduce vibrations, shoring works and measures to maintain the stability of the neighbouring structures and the slope or cliff line.***

- v. *The CMR must include an appropriate monitoring plan to confirm that ground surface movement on the site boundaries (and beyond) and deflections of shoring systems fall within acceptable limits and identify hold points and contingency plans for any exceedances.*
 - vi. *The CMR must include proposed excavation techniques to be undertaken to reduce vibrations and prepare a Vibration Monitoring Plan which identifies hold points and contingency plans for any exceedances. The vibration monitoring must ensure that the peak vibration velocity (V_i , max) or Maximum Peak Particle Velocity falls within 'safe' limits as defined in the German Standard DIN 4150-3, dated 2016: Structural vibration – Part 3: Effects of vibration on structures.*
 - vii. *The CMR must include a statement confirming that the proposed development is suitable for the site and will maintain the stability of the site, any slopes or cliff lines and the neighbouring buildings and structures.*
 - viii. *The CMR must be submitted to the Principle Certifying Authority and Council for review and approval. The approved CMR is to be submitted to Council's Infrastructure Services Department for records.*
- ^{1.}
- c) *Where groundwater is encountered and dewatering is expected to be required, prior to issuing the construction certificate a hydrogeological investigation must be carried out that includes a minimum of three wells to be installed for future groundwater monitoring purposes in accordance with the NSW Department of Planning, Industry and Environments (DPIE) document: 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022 (or the current revised version).*
 - d) *The groundwater investigation, monitoring, inflow (seepage) analysis and reporting must be in accordance with the NSW Department of Planning, Industry and Environments document, Titled 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022, or the most recent version. Groundwater level monitoring must be carried out for a minimum of three months as required by DPIE/WaterNSW requirements.*
 - e) *In accordance with DPIE/WaterNSW requirements, where the seepage analysis demonstrates a seepage volume of less than 3ML/year then only a Water Supply Works approval must be obtained, unless otherwise directed by DPIE/WaterNSW. Where the seepage analysis demonstrates a seepage volume in excess of 3ML/year then a Water Access Licence (WAL) will also need to be obtained from WaterNSW. This is likely to require the purchase of 'water shares' in accordance with DPIE/WaterNSW requirements.*
 - f) *Prior to the issue of any Construction Certificate, if required based on items c and d, an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW is not required.*
 - g) *During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works. A daily log is to be kept on site and submitted to the Principle Certifying Authority (PCA).*
 - h) *Inspections of any unsupported vertical excavations into bedrock are required by a qualified geotechnical engineer/engineering geologist (tertiary qualified with at least 5 years*

relevant experience) and must be completed in accordance with the Monitoring Program detailed in the CMR.

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

[ADDED BY DA-157/2022/A]

79A. STRUCTURAL AND GEOTECHNICAL CERTIFICATION

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

[ADDED BY DA-157/2022/A]

All other conditions are reaffirmed and attached in a modified Notice with all conditions stated (Attachment A).

Note:

1. Works either not identified in the modified plans (ie coloured or hatched) or not specifically requested in your written submission accompanying the above modification are not approved.
2. The development consent lapses on **4 October 2028**.

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by SJB of Project No: 6507 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-A-0204, Rev 36	Basement 6 Plan	23 July 2024	25 July 2024
DA-A-0205, Rev 36	Basement 5 Plan	23 July 2024	25 July 2024
DA-A-0206, Rev 36	Basement 4 Plan	23 July 2024	25 July 2024
DA-A-0207, Rev 36	Basement 3 Plan	23 July 2024	25 July 2024
DA-A-0208, Rev 36	Basement 2 Plan	23 July 2024	25 July 2024
DA-A-0209, Rev 36	Basement 1 Plan	23 July 2024	25 July 2024
A-0210	Ground Plan	6 June 2023	21 June 2023
A-0211	Level 1 Plan	6 June 2023	21 June 2023
A-0212	Level 2 Plan	6 June 2023	21 June 2023
A-0213	Level 3-6 Plan	6 June 2023	21 June 2023
A-0217	Level 7 Plan	6 June 2023	21 June 2023
A-0218	Level 8 Plan	6 June 2023	21 June 2023
A-0219	Level 9 Plan	6 June 2023	21 June 2023
A-0220	Level 10 Plan	6 June 2023	21 June 2023
A-0221	Level 11 Plan	6 June 2023	21 June 2023
A-0222	Level 12 Plan	6 June 2023	21 June 2023
A-0223	Level 13 Plan	6 June 2023	21 June 2023
A-0224	Level 14 Plan	6 June 2023	21 June 2023
A-1401	Oxford St Elevation	6 June 2023	21 June 2023
A-1402	Newland St Elevation	6 June 2023	21 June 2023
A-1403, Rev 33	Rowe Lane Elevation	10 July 2024	10 July 2024
A-1404	West Inside Elevation	6 June 2023	21 June 2023
A-1501, Rev 31	Section Sheet 1	12 March 2024	15 April 2024
A-1502, Rev 31	Section Sheet 2	12 March 2024	15 April 2024
A-1510	Section – Detail	6 June 2023	21 June 2023
A-3401	External Materials & Finishes	6 June 2023	21 June 2023
A-4420	Adaptable Apartment Type 1	6 June 2023	21 June 2023
A-4421	Adaptable Apartment Type 2	6 June 2023	21 June 2023
A-6040	Communal Open Space	6 June 2023	21 June 2023
A-6110	GFA Plans – Sheet 1	6 June 2023	21 June 2023
A-6111	GFA Plans – Sheet 2	6 June 2023	21 June 2023
DA-A-7030, Rev 36	Silver Living Parking Space Diagram	23 July 2024	25 July 2024

(b) Survey prepared by ESA Survey 2591/21 REVG dated 15/02/23;

(c) Pedestrian Level Winds – Wind Tunnel Testing prepared by Vipac Engineers & Scientists Ltd and dated 8 June 2023;

- (d) Reflectivity Assessment Report prepared by Vipac Engineers & Scientists Ltd dated 23 December 2021 and received by Council on 21/4/22;
- (e) Energy Assessment Report prepared by Vipac Engineers & Scientists Ltd dated 16/06/2023;
- (f) BASIX Assessment Report 20E-21-0341-TRP-22701-3 dated 16/06/23;
- (g) Preliminary Site Investigation prepared by EI Australia dated 25 March 2022 document number PSIE22849.E01.Rev1 and received by Council 21/4/22;
- (h) DA Acoustic Assessment prepared by Acoustic Logic [Reference No. 20211343.1/1705A/R2/BJ] dated on 17 May 2023;
- (i) Landscape plans prepared by Black Beetle Landscape Architects. DWG: LA LP 00 to 07 all rev 4 dated 14/06/23;
- (j) Arboricultural Impact Appraisal and Method Statement prepared by Ezi Grow dated 26/02/2022;
- (k) Heritage Impact Statement prepared by Weir Phillips Heritage and Planning dated June 2023;
- (l) Preliminary Geotechnical Assessment prepared by Asset Geo Enviro dated 6 March 2022;
- (m) Traffic Impact Assessment prepared by Stantec and dated 25 March 2022 and received by Council 21/4/22;
- (n) Transport Response to Statement of Facts and Contentions prepared by Stantec dated 15/06/23;
- (o) Access Report NSW210266 prepared by East Coast dated 8 June 2023;
- (p) BCA 2022 Compliance Report prepared by BCA Consulting and dated 13 June 2023;
- (q) Operational Waste Management Plan Report 3584 prepared by Elephants Foot dated 21/03/2022 Revision 0;
- (r) The Site Waste and Recycling Management Plan (SWRMP) Part 1;
- (s) Geotechnical Investigation (6699-1-G1 Rev 1) prepared by Asset Geo Environ and dated 1 May 2024;
- (t) Traffic and Transport Management Report prepared by Stantec and dated 15 March 2024.

Except where amended by the following conditions of consent.

[AMENDED BY DA-157/2022/A]

1A. AMENDMENT TO ARCHITECTURAL PLANS

The architectural plans listed in condition 1 are to be amended to reflect any changes required by Condition 35's approval.

2. MODIFICATION OF DEVELOPMENT CONSENT NO. DA-89/2016

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent DA-89/2016 which was granted by the Sydney Central Planning Panel on 24 August 2017 is to be modified as necessary so that the Development Consent DA-89/2016 is consistent with this development consent.

Prior to the issue of any construction certificate, the applicant is to provide written notice to the satisfaction of Council and in accordance with the requirements of s 4.17(5) of the *Environmental Planning and Assessment Act 1979* and s 67 of the *Environmental Planning and Assessment Regulation 2021*, providing details of the modification of Development Consent DA-89/2016.

In this respect, the following conditions of consent of Development Consent DA-89/2016 are to be modified:

Conditions 11, 13, 29, 35, 54, 113, 130, 131, 132, 133 and 134.

A schedule of amendments to these conditions, including an explanatory note for each amendment, is included at **Appendix A** of this consent.

3. RELATIONSHIP TO DEVELOPMENT CONSENT DA-89/2016

This development consent shall operate concurrently with Development Consent DA-89/2016 and the applicant shall comply with the operational conditions of Development Consent DA-89/2016 when undertaking the works approved in this amending development consent.

If a construction certificate has been issued pursuant to Development Consent DA-89/2016, then a separate construction certificate is to be obtained for works approved under this amending development consent to combine the approved works with those works being undertaken in accordance with Development Consent DA-89/2016. All conditions of consent imposed on Development Consent DA-89/2016 are to be read in conjunction with, and form part of, this development consent.

If a construction certificate has not been issued pursuant to Development Consent DA-89/2016, a single consolidated construction certificate may be issued pursuant to this development consent. All conditions of consent imposed on Development Consent DA-89/2016 are to be read in conjunction with, and form part of, this development consent.

In the event of an inconsistency between this development consent and Development Consent DA-89/2016, this development consent prevails to the extent of the inconsistency.

4. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)

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

5. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on Oxford Street, Newland Street and Rowe Lane frontages for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public

domain plan for the following works shall be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- (a) Pedestrian footpath
- (b) Vehicular crossing
- (c) Road pavement
- (d) Kerb and gutter
- (e) Stormwater infrastructure located within the Council kerb and/or footpath
- (f) Street lighting and the associated works

6. PRELIMINARY SITE INVESTIGATION RECOMMENDATIONS

The recommendations as outlined in section 6 of the report prepared by Eiaustralia dated 25 March 2022 document number PSIE22849.E01.Rev1 must be implemented.

A Certificate of Compliance prepared by a suitably qualified consulted is to be submitted to the Principal Certifying Authority and Council certifying that the recommendations made in the above report have been satisfied has been met prior to the issue of any Occupation Certificate.

6A. GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT

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

- a) The recommendations set out in the Geotechnical Investigation Report prepared by AssetGeoEnviro, Ref. 6699-1-G1 Rev 1, dated 1 May 2024 must be addressed in the detailed design documentation and followed through the construction, and post occupation stages.
- b) Prior to issuing the construction certificate a Construction Methodology Report (CMR) must be prepared and submitted for the review and approval of the Executive Manager, Infrastructure Services (or delegate).
 - ix. The CMR must be prepared or reviewed by a senior Geotechnical Engineer/Engineering Geologist and Structural Engineer (CP Eng or equivalent and with at least 10 years relevant experience).
 - x. The CMR must include a review of, but not limited to, the full detailed design including the temporary and permanent excavation, shoring support systems, dewatering (if applicable), footing design, earthworks, drainage, pavements and any other relevant items.
 - xi. The CMR must include a review of the geotechnical report and advise on the need of any further assessment work such as additional geotechnical investigation, groundwater monitoring, further assessment of the stability of the slope or cliff line. The CMR must be followed in its entirety unless otherwise agreed by the authors of the CMR (or their organisation).
 - xii. The CMR must include the methodology to be adopted in undertaking excavation, measures to reduce vibrations, shoring works and measures to maintain the stability of the neighbouring structures and the slope or cliff line.

- xiii. The CMR must include an appropriate monitoring plan to confirm that ground surface movement on the site boundaries (and beyond) and deflections of shoring systems fall within acceptable limits and identify hold points and contingency plans for any exceedances.
 - xiv. The CMR must include proposed excavation techniques to be undertaken to reduce vibrations and prepare a Vibration Monitoring Plan which identifies hold points and contingency plans for any exceedances. The vibration monitoring must ensure that the peak vibration velocity (V_i , max) or Maximum Peak Particle Velocity falls within 'safe' limits as defined in the German Standard DIN 4150-3, dated 2016: Structural vibration – Part 3: Effects of vibration on structures.
 - xv. The CMR must include a statement confirming that the proposed development is suitable for the site and will maintain the stability of the site, any slopes or cliff lines and the neighbouring buildings and structures.
 - xvi. The CMR must be submitted to the Principle Certifying Authority and Council for review and approval. The approved CMR is to be submitted to Council's Infrastructure Services Department for records.
- ^{3.}
- c) Where groundwater is encountered and dewatering is expected to be required, prior to issuing the construction certificate a hydrogeological investigation must be carried out that includes a minimum of three wells to be installed for future groundwater monitoring purposes in accordance with the NSW Department of Planning, Industry and Environments (DPIE) document: 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022 (or the current revised version).
 - d) The groundwater investigation, monitoring, inflow (seepage) analysis and reporting must be in accordance with the NSW Department of Planning, Industry and Environments document, Titled 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022, or the most recent version. Groundwater level monitoring must be carried out for a minimum of three months as required by DPIE/WaterNSW requirements.
 - e) In accordance with DPIE/WaterNSW requirements, where the seepage analysis demonstrates a seepage volume of less than 3ML/year then only a Water Supply Works approval must be obtained, unless otherwise directed by DPIE/WaterNSW. Where the seepage analysis demonstrates a seepage volume in excess of 3ML/year then a Water Access Licence (WAL) will also need to be obtained from WaterNSW. This is likely to require the purchase of 'water shares' in accordance with DPIE/WaterNSW requirements.
 - f) Prior to the issue of any Construction Certificate, if required based on items c and d, an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW is not required.
 - g) During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works. A daily log is to be kept on site and submitted to the Principle Certifying Authority (PCA).
 - h) Inspections of any unsupported vertical excavations into bedrock are required by a qualified geotechnical engineer/engineering geologist (tertiary qualified with at least 5 years relevant

experience) and must be completed in accordance with the Monitoring Program detailed in the CMR.

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

[ADDED BY DA-157/2022/A]

7. ACOUSTIC REPORT RECOMMENDATIONS

The recommendations as outlined in the DA Acoustic Assessment prepared by Acoustic Logic [Reference No. 20211343.1/1705A/R2/BJ] dated 17 May 2023 must be implemented.

8. WORK OUTSIDE PROPERTY BOUNDARY

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

9. SYDNEY TRAINS CONCURRENCE

- (a) Prior to the issuing of a Construction Certificate, or modified Construction Certificate in relation to this approval, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant AMB Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
 - (i) Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - (ii) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (iii) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - (iv) Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains' easement and rail corridor land.
 - (v) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 - (vi) If required by Sydney Trains, a Monitoring Plan.
 - (vii) If required stress modelling to simulate the potential movement from the excavation works (whilst the report did recommend the undertaking of in-situ rock (overcoring) and stress measurements, given associated complexities with this type of investigation, adopting typical values for Hawkesbury Sandstone, based on published information/correlations would be an acceptable approach).

Any conditions issued as part of Sydney Trains approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply and supersede the documentation in Condition 7(a). The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (b) All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- (c) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratum.
- (d) If required by Sydney Trains as a result of the assessment of the documentation submitted as part of condition 8(b), the following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - (i) Track/tunnel monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
 - (ii) A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (e) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (f) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.
- (g) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
- (h) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (i) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light

rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

- (j) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.
- (k) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (l) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (m) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (n) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (o) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (p) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.

- (q) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- (i) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - (ii) acts as the authorised representative of the Applicant; and
 - (iii) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (t) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (u) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

[AMENDED BY DA-15/2022/A]

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

10. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

CONTRIBUTIONS, FEES & BONDS

11. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) Where the total development cost is less than \$500,000:
 - (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
 - (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
 - (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
 - (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

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

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

12. TREE PRESERVATION BOND (AS REQUESTED BY TREE OFFICER)

A bond of \$15,000 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 five street trees *Platanus x acerifolia* in Newland Street and Hegarty Lane. The bond is to be lodged prior to the issue of any 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 Final Occupation Certificate subject to the satisfaction of Council.

13. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$350,802 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

14. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

15. PLANNING AGREEMENT

- (a) The owner/applicant is to:

- (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-89/2016 and DA-157/2022; and
 - (ii) Pay a monetary contribution amount of \$3,946,913.00 prior to the issue of any Occupation certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 1,160sqm of GFA exceedance).
 - (iv) 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.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-89/2016 and DA-157/2022.
 - (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 for the Development which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (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.

PLAN DETAILS

16. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

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 *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

17. ARCHITECTURAL DETAILING

Further details of the architectural detailing of the building are required to be submitted for review

and the satisfaction of Council's Executive Manager, Development Assessment (or delegate), prior to the issue of any Construction Certificate for works (excluding demolition) above ground level (existing) which address the following matters:

- i. A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace;
- ii. A schedule of external finishes and colours of the interface of the existing façade and the new building;
- iii. 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;
- iv. Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

18. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

19. BASEMENT STORAGE

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2022.

20. ADAPTABLE HOUSING

A minimum of 14 apartments in the development are to be provided as 'adaptable housing' within the development, with at least 1 car space allocated to each of these apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

21. UNIVERSAL HOUSING

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupants over their lifetimes in accordance with Part B6 of the *Waverley Development Control Plan 2022*.

22. WIND REPORT

The recommendations of the approved wind report referenced in Condition 1 of this consent are to be incorporated into the relevant Construction Certificate Plans to the satisfaction of the Principal Certifying Authority.

CONSTRUCTION & SITE MATTERS

23. 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.

24. EROSION & SEDIMENT CONTROL

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

The SWMP must be approved by the Principal 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.

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

25. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

26. 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.

27. PUBLIC INFRASTRUCTURE WORKS

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

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

The Applicant must submit plans and specifications for the following infrastructure works to Council:

- a) Road Pavement: The full renewal and reconstruction of asphalt pavement for (one lane) road width in Oxford Street and Newland Street, and full width in Rowe Lane site frontages if required by Councils Executive Manager, Infrastructure Services at the time of Public Infrastructure Works construction. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing Oxford Street, Newland Street and Rowe Lane frontages. Bluestone kerbing is required for both the

Oxford Street and Newland Street Frontages. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced.

- c) Streetlights: Make provision for Multi-Function Poles (MFP) along all three frontages with new streetlights and co-located traffic signals (on the corner of Oxford and Newland) serviced by metered underground power. Designs shall be submitted to Council's Executive Manager, Infrastructure Services for approval and comply with the specifications detailed in the Public Domain Technical Manual.
- d) Signage: Installation of a 'Left Turn Only' sign and associated signpost at the intersection of Newland Street and Rowe Lane. The sign shall be located within the Rowe Lane approach, facing west, to prohibit right turn movements from Rowe Lane into Newland Street.
- e) All existing Ausgrid street lighting columns along all site frontages are to be removed.
- f) Replacement of the continuous threshold across Rowe Lane. Details of the pavement treatments and sub-grade specifications to be advised by Council.
- g) Any existing or proposed utility pillars on the site frontage to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- h) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's Public Domain to support the new development.

Notes

The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

28. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

29. GROUND ANCHORS

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees.

For further information regarding this, please contact at (02) 9083 8886 or via email assets@waverley.nsw.gov.au.

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

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

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

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

31. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

TRAFFIC MANAGEMENT

32. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

33. TRAFFIC MANAGEMENT SIGNAGE

Prior to the issue of a Construction Certificate for work above existing ground level a separate submission must be made to Council's Traffic Committee seeking approval for changes to signage at the intersection of Newland Street and Rowe Lane, to incorporate a 'Left Turn Only' sign and associated signpost. The sign shall be located within the Rowe Lane approach, facing west, to prohibit right turn movements from Rowe Lane into Newland Street.

The submission must include two plans including one showing the existing signage at the Newland Street and Rowe Lane intersection and one showing the proposed signage at the Newland Street and Rowe Lane intersection.

All costs associated with the supply and installation of the appropriate signage and signposts is to be paid for by the developer at no cost to Council.

34. PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1-2004 Off-street car parking, AS 2890.2-2018 Off-commercial vehicle facilities, AS 2890.3-2015 Bicycle parking and AS/NZS 2890.6-2022 Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to the relevant Construction Certificate being issued.

STORMWATER & FLOODING

35. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Green Arrow, Job No. 221-2000, DWG No. STW-000, STW-102 – STW-104, STW-113, Rev C dated 26/07/2023 are considered concept only.

The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) Design OSD overflow and rainwater tank overflow to adequately convey 1 in 100-year, unrestricted flow.
- b) The OSD design to include the following:
 - i. Sump to be provided at outlet point. Depth is to be 1.5m x orifice dia. below centre of orifice, or 0.2m (whichever is larger).
 - ii. Provide child proof locking system on below ground OSD.
 - iii. Any below-ground OSD tank structure shall be cast in-situ concrete based.
- c) For the connection to Council's below ground drainage system the following details required:

- i. Pipe cut flush with internal wall of pit and pipe and enter pit perpendicular to pit wall
 - ii. Full scaled long section of proposed stormwater pipe (existing surface levels, cover, design level of pipe, surface & invert of pits, stormwater pit location, level of all service lines in vicinity of works)
 - iii. Design alignment and details of proposed pipe material, size, class
 - iv. Location of all stormwater pits and pit types proposed
 - v. Calculations showing proposed system meets required design capacity specified by Council (typically 5% AEP)
 - vi. Hydraulic calculations required with appropriate tailwater condition to show adequate capacity.
- d) Provide calculations of gutter sizing for 1% AEP storm event and number of downpipes required.
- e) Rainwater reuse system in basement to have minimum 50-year service life and withstand all service loads.
- f) Provide confirmation that any collection from balconies/garden beds will bypass RWT.
- g) Floor level to be minimum 0.15m above adjacent ground level. Please redesign accordingly and show survey levels at property boundary.
- h) Overflow pipe downstream insufficient for Q100 unrestricted storm event. Please redesign accordingly.
- i) Provide non-return valve/flap located within property for discharge into Council's below ground drainage system.
- j) Pit dimensions and pit schedule to be provided.
- k) Grated pit larger than 600mm x 600mm to have hinged cover.
- l) Grates to be galvanised steel grid type. Grates to be heavy duty where subjected to vehicular loading.
- m) Grated box drains at property boundary to have minimum base slope 2% and 300mm (W). The grated drains do not appear to connect to internal drainage system. Provide clarification in drawings.
- n) Ensure basement entrance has berm minimum 150mm above existing ground level.
 - i. Waterproofing and tanking the basement areas of the building to be provided in accordance with a Registered Structural Engineer's design.
- o) Provide "Erosion & Sediment Control Plan".
- p) Show rainwater tank in architectural drawings. Pump well shown in architectural drawings but not included in stormwater plans. Ensure architectural drawings consistent with stormwater drainage plans.
- q) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass

verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hours' notice must be provided to Council prior to inspection.

36. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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.

37. PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS

The garage/underground basement shall be protected from possible inundation by surface waters from the road reserve through the design of the driveway.

Evidence from a suitably qualified and practicing Engineer who specializes in hydraulic engineering that this design requirement has been adhered to shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.

ENERGY EFFICIENCY & SUSTAINABILITY

38. BASIX

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

39. ENERGY EFFICIENCY

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2022*, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate for any works above ground level.

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

40. REFLECTIVITY REPORT

In accordance with Part B16 of the *Waverley Development Control Plan 2012*, a Reflectivity Report, prepared by an appropriately qualified person is to be submitted to the Principal Certifying Authority which verifies that the approved development complies with the following;

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

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

WASTE

41. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

42. WASTE STORAGE AREAS

The development must have waste storage areas with sufficient space to accommodate the following minimum requirements.

- (a) **Residential** (104 units in total 55 x 1-bedroom units, 43 x 2-bedroom units, 6 x 3-bedroom units)
- 8 x 660L Mobile Garbage Bins (MGBs) for general waste, compacted 2:1, collected weekly
 - 16 x 660L MGBs for paper and cardboard recycling collected fortnightly
 - 16 x 660L MGBs for container recycling collected fortnightly
 - 2 x 240L MGBs for garden organics collected fortnightly

 - A minimum of 12m² floor space is required for the on-site storage of bulky waste awaiting collection and a minimum of 2m² floor space is required for additional problem waste streams (such as electronic waste or textile waste). This should be inside or adjacent to the onsite storage of bulky waste with doorway clearance for the bulky waste storage area of a minimum 1.5m.
- (b) **Commercial** (café 345m², retail 345m², and gym 129m²)
- 3 x 660L Mobile Garbage Bins (MGBs) for general waste collected 3 times per week
 - 3 x 660L MGBs for comingled recycling collected 3 times per week
 - 3 x 660L MGBs for Cardboard and Paper Recycling collected 3 times per week
 - Extra space is required to store reusable products such as crates, kegs, and excess cardboard and other packaging materials.
 - Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required
- (c) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2022* to the satisfaction of the Principal Certifying Authority.

LANDSCAPING & TREES

43. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3 of the *Waverley Development Control Plan 2022* including;

- (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.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

NOISE

44. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

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

[https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

45. NOISE – ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

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

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

[https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

46. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

47. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

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

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

DEMOLITION & EXCAVATION

48. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal 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:

- (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.

49. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

50. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

51. EXCAVATION AND BACKFILLING

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

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

CONSTRUCTION MATTERS

52. CONSTRUCTION HOURS

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

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

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

53. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

54. CONSTRUCTION INSPECTIONS

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

55. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to the construction of a higher level of the building.

56. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

TREE PROTECTION AND REMOVAL

57. TREE PROTECTION

- (a) Precautions shall be taken when working near trees to ensure their retention, including the following:
 - (i) Do not store harmful or bulk materials or spoil under or near trees
 - (ii) Prevent damage to bark and root system;
 - (iii) Do not use mechanical methods to excavate within root zones;
 - (iv) Do not add or remove topsoil from under the drip line;
 - (v) Do not compact ground under the drip line;
 - (vi) Do not mix or dispose of liquids within the drip line of the tree; and
 - (vii) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.
- (b) Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.
- (c) Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.
- (d) The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.
- (e) TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- (f) 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.
- (g) 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).
- (h) 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.
- (i) If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

- (j) If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- (k) If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

VEHICLE ACCESS & PUBLIC DOMAIN WORKS TO BE FINALISED

58. NEW VEHICLE CROSSING

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

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

59. VEHICULAR ACCESS - FINISHED LEVELS TO INVERT OF THE GUTTER

The finished level at the property boundary on **both** sides of the vehicle crossing is to be 110mm above the level of the invert of the existing concrete gutter.

60. CAR PARKING

Car parking spaces to be provided within the development shall be allocated in the following manner:

- i) A maximum of 81 resident car spaces. This is to include a minimum of 14 accessible spaces (1 accessible space for each adaptable apartment). Accessible spaces and Silver Living spaces are to be identified on the plans.
- ii) A minimum of 17 residential visitor car spaces including a minimum of 2 accessible visitor spaces.
- iii) A maximum of 12 retail car spaces including a minimum of 1 accessible retail spaces.
- iv) A maximum of 5 commercial car spaces including a minimum of 1 accessible commercial spaces.
- v) A minimum of 1 car wash bay which can be shared with a residential visitor car space.
- vi) A minimum of 3 car share bays.

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

[AMENDED BY DA-157/2022/A]

61. BICYCLE PARKING

A **minimum** of 132 bicycle parking spaces are to be provided within the development.

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

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located on ground floor level or on basement level 1. Signage and line-marking (way finding) is to be provided to guide residents, staff and visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

62. MOTORCYCLE PARKING

A **minimum** of 30 motorcycle parking spaces are to be provided within the development.

The motorcycle spaces are to be designed in accordance with Australian Standard AS2890.1 - 2004 Parking Facilities – Off-street car parking.

63. 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.

64. ELECTRIC VEHICLE CHARGING POINTS

13 'Level 2' AC fast electric vehicle charging point are to be installed and allocated as:

- i) 11 are to allocated to residential uses.
- ii) 2 are to be allocated to the retail / commercial uses.

65. PARKING PERMITS

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

66. 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, as per Australian Standards AS2890.1 - 2004 and AS 2890.6-2022 respectively.

The headroom clearance within the loading dock area on Ground Floor is to be a minimum of 4.5 metres in accordance with Australian Standard AS2890.2 – 2018.

67. PRE-CONSTRUCTION DILAPIDATION REPORT

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

- (a) Road pavement
- (b) Kerb and gutter

- (c) Footpath
- (d) Drainage pits and lintels
- (e) Traffic signs
- (f) Any other relevant infrastructure

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

68. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Council's Infrastructure Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

69. PUBLIC DOMAIN ENGINEERING INSPECTIONS

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

70. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to doing any works, internal inspection of the Council's stormwater conduit to determine its structural and serviceability condition must be carried out by a Closed Circuit Television (CCTV) by an approved contractor. The report is to be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for its review. No works on Council's stormwater infrastructure shall commence until given approval by Council.

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

71. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

72. CERTIFICATION OF ACOUSTIC PERFORMANCE

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

73. CERTIFICATION OF ALL MECHANICAL PLANT

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

74. CERTIFICATION OF BASIX COMMITMENTS

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

75. CERTIFICATION OF APPROVED DESIGN

In accordance with the *Environmental Planning and Assessment Regulation 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.

76. CERTIFICATION OF LANDSCAPING

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.

77. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

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

78. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

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

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

79. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's Infrastructure Engineer. The Occupation Certificate shall not be issued until certification has been obtained from Executive Manager, Infrastructure Services (or delegate) confirming the public infrastructure works have been constructed to Council's satisfaction.

Notes

- The issue of a Final Compliance Certificate from the Councils Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

79A. STRUCTURAL AND GEOTECHNICAL CERTIFICATION

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

[ADDED BY DA-157/2022/A]

80. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer, 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. A copy of the aforementioned letter of certification must be submitted to Council.

81. CERTIFICATION OF NEWLY CONSTRUCTED

Prior to the issue of any Occupation Certificate, certification is to 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. Similarly, any retained stormwater drainage system is unblocked, in good working order, and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

82. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.
- (b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

83. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD AND RAINWATER TANK

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system and rainwater tank, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system and rainwater tank 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 shall not modify or remove the OSD system and rainwater tank without consent from Council.

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

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to 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 and rainwater tank, including its relationship to the building footprint. Electronic colour photographs of the OSD system and rainwater tank shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

84. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the Stormwater Quality Improvement Devices in accordance with the requirements of Council’s Water Management Manual 2021. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.

85. WASTE COLLECTION

- (a) Garbage vehicles shall always reverse into the site and exit the site in a forward direction. Garbage/waste collection shall be undertaken by Council or an approved private waste contractor utilising a Heavy Rigid Vehicle (HRV) truck, and only between the hours of 7.00am and 8.00pm daily. Details of the contract and truck specifications noting these conditions are to be submitted to Council prior to issue of an Occupation Certificate.
- (b) A Restriction as to User is to be registered on title reflecting the requirements of clause (a) shown above in this condition of consent. The instrument is to be drafted by the developer and reviewed and approved by Council's solicitors. Council is to be the authority allowing any release or modification. The instrument is to be registered prior to issue of any Occupation Certificate. All costs are to be borne by the developer/applicant.
- (c) A positive covenant is to be registered on title prior to issue of an Occupation Certificate, to the effect that all occupants, residents and owners are aware of the obligations of providing a private contractor for waste collection and that Waverley Council still reserves the right to charge levies and charges for waste collection notwithstanding that it is not providing the service due to the specific constraints of the site. The instrument is to be prepared by the developer and reviewed and approved by Council's solicitors. All costs are to be borne by the developer/applicant.

MANAGEMENT PLANS

86. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

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

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) 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) 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.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

SHOPS

87. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

88. FOOD PREMISES

The fitout of the any food premise must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation.

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

89. PEST CONTROL

A Pest and Vermin Control Management Plan (PVCMP) is to be submitted for the approval of Council's Executive Manager, Compliance (or delegate) prior to the issue of an Occupation Certificate. All recommendations within the PVCMP are to be implemented with the ongoing operations of the premises.

OTHER MATTERS

90. BONDJ JUNCTION FSR AND MAPPING MODEL

To update Council's live floor space model and mapping system, the following information is to be provided to the satisfaction of Council's Strategic Planning Department reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (a) DP/Lot/Strata Plan
- (b) address
- (c) building footprint (m²)
- (d) gross Floor area (m²)
- (e) total residential floor space (m²)
- (f) total office space (m²)
- (g) total retail space (m²)
- (h) total no. of all levels (m²)
- (i) no. levels above ground
- (j) no. levels below ground
- (k) no. of residential levels
- (l) no. of dwellings
- (m) no. of commercial levels
- (n) no. of parking spaces
- (o) parking location (above or below ground)
- (p) ground floor use (commercial, retail or residential)

91. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modeling

92. STREET NUMBER/S

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

93. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 362- primary address site number.
- Oxford street - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Oxford Street.

Where there is a building with multiple towers a single primary address should be assigned for the whole sight.

Each tower within the development should then be assigned a unique alpha suffix and numbered in sequence from the entry point in a logical manner.

- Within the whole site the apartments/units/retail units should be allocated a unique sub-addressing number.
 - 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 and in each tower,
 - For clarity, a zero will be interposed in the number of the first nine sub address levels i.e., Level 3 unit 7 =307,
 - Level at ground and below ground shall also be identified by prefixes to distinguish these levels i.e., Ground =G, Lower Ground = LG, Basement = B etc.
 - Commercial premises will be identified with an address identifier i.e., Shop 101, Office 102,

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

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

94. LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan must be submitted to and approved by the Manager, Waverley Council Service Manager, Traffic and Transport, Infrastructure Services prior to an Occupation Certificate being issued. The Loading Dock Management Plan is to detail the proposed online system for management and scheduling of the dock between the residential, commercial and retail uses, ensuring that all loading activities are wholly accommodated on-site.

95. GREEN TRAVEL PLAN

A Green Travel Plan must be submitted to and approved by the approved by the Manager, Waverley Council Service Manager, Traffic and Transport, Infrastructure Services prior to the issue of an Occupation Certificate. The Green Travel Plan is to include, but not be limited to, the following:

- a) Provision of power access to bicycle parking (to accommodate electric bikes).
- b) Provision of parking for at least 10 cargo bicycles.
- c) Illustration of access route from outside the development to each bicycle parking compound for residents, staff and visitors.
- d) Identify how the post opening Action Items could be enforced.

96. TRAFFIC MANAGEMENT SIGNAGE

Prior to the issue of an Occupation Certificate, the developer shall have installed the 'Left Turn Only' sign and associated signpost at the intersection of Newland Street and Rowe Lane.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority prior to any Occupation Certificate being issued.

97. PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1-2004 Off-street car parking, AS 2890.2-2018 Off-commercial vehicle facilities, AS 2890.3-2015 Bicycle parking and AS/NZS 2890.6-2022 Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to any Occupation Certificate being issued.

E. OPERATIONAL MATTERS

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

GENERAL MATTERS

98. HOURS OF OPERATION OF COMMUNAL OPEN SPACE (ROOF TOP)

The use of the communal open space on the roof level of the development shall be restricted to the following hours:

- (a) Monday to Friday (excluding public holidays) 7am to 9pm
- (b) Weekends and public holidays 8am to 9pm
- (c) New Year's Eve 9am to 12:30am.

AMENITY & SAFETY

99. 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.

100. 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.

101. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

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

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (a) 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.

102. REFRIGERATION UNITS & MECHANICAL PLANT

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

103. CONTROL OF LEGIONNAIRES DISEASE

All cooling towers, warm water systems and other regulated systems must be installed, operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.

The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

104. 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.

PARKING AND ACCESS

105. 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.

106. ADJUSTMENTS TO STREET SIGNS

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

107. DELIVERY OF GOODS

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

108. SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 10.5 metres.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of

essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on 1800 810 443.

AD4.EXCAVATION TO BE LIMITED

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

AD5.SEPARATE APPLICATIONS FOR USE/FIT OUT

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

AD6.SEPARATE APPLICATION FOR SIGNAGE

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

AD7. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD8. BUILDING TO BE WRAPPED

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

AD9. OUTDOOR DINING

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

AD10. 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.

AD11. SITE RECTIFICATION WORKS

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

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

- (i) Require certain works to be carried out, including but not limited to:
 - (a) Make the building/site safe and of an appearance acceptable to Council;
 - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;
 - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
 - (d) Council may call on any bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

APPENDIX A

Amendment of conditions contained within DA-89/2016 arising from Condition 2 of DA-157/2022

CONDITION 11

Current Condition 11 (DA-89/2016)

11. FUTURE CONVERSION OF SERVICED APARTMENTS

This consent provides for serviced apartments on Level 1 and Level 2 of the development, nominated as Units 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06 and 2.07 on the relevant architectural plans referred to in condition 1 of this consent. These have been specifically nominated as serviced apartments as they are not suitable to be long term residential apartments given lack of solar access received by these apartments.

A positive covenant is to be placed on title with Council as a beneficiary to give effect to the future use of the serviced apartments being restricted to serviced apartments unless otherwise supported by Council. Evidence of registration of the positive covenant on title is to be submitted to Council prior to the issue of an occupation certificate for the development.

Modified Condition 11 (DA-89/2016)

~~11. FUTURE CONVERSION OF SERVICED APARTMENTS Deleted.~~

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2022 as the combined development with DA-89/2016 no longer contains serviced apartments.

Condition 13

Current Condition 13 (DA-89/2016)

13.Planning Agreement

The applicant shall:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in **DA-89/2016**; and
 - (ii) Pay a monetary contribution amount of **\$2,026,313** prior to the issue of any Occupation certificate for the Development.
 - (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- (b). In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
 - (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 for the development, which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (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.

Modified Condition 29 (DA-89/2016)

13.PLANNING AGREEMENT - Deleted

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2020 as **a new planning agreement has been offered by the Applicant as set out in new condition 15.**

CONDITION 29

Current Condition 29 (DA-89/2016)

29. ADEQUACY OF ENERGY ASSESSMENT REPORT

Council's Sustainable Waverley sub-program has deemed the Energy Assessment Report prepared by ViPAC Engineers and Scientists Limited, dated 8 May 2017 and received by Council on 12 May 2017 (hereafter known as 'the Report') inadequate in term of sufficiently addressing the requirements of section 2.6 of Part B2 of the Waverley Development Control Plan 2012.

The review of the Report revealed the predicted energy consumption reduction is overestimated and does not meet the desired 30% greenhouse gas emissions reduction. Key considerations and issues raised in the review of the Report are set out below and are required to be addressed prior to Construction Certificate stage:

- (a) The development proposes only a 21% improvement in energy efficiency under the BASIX scheme for the residential component which makes up the bulk of floor area. However, the project team has then used the Green Star calculator to demonstrate that this is equivalent to a 30% improvement using the NatHERS pathway, not the BASIX pathway. This is not deemed equivalent to achieving the required outcome.
- (b) The NatHERS pathway used in the report does not represent comparison with a reference building, but rather comparison against a hypothetical minimum performance benchmark, determined by the project team, but not any legislated requirement relevant to the location, and specifically, the building design itself.
- (c) No quantification has been provided for the energy efficiency of the retail component, and it is noted that it only complies with DTS provisions of Section J, and therefore is unlikely to achieve a 30% improvement over a referent DTS compliant building.

Council's Coordinator, Sustainable Energy should be contacted for further information on addresses the issues of the Report raised in this condition.

The Report shall be amended to address the issues raised above to the satisfaction of Council's Executive Manager, Sustainable Waverley prior to the issue of a Construction Certificate in order to demonstrate how the development can meet the 30% greenhouse gas emissions reduction target set by Part B2 of the Waverley Development Control Plan 2012

Modified Condition 29 (DA-89/2016)

29. ~~ADEQUACY OF ENERGY ASSESSMENT REPORT~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2022 as condition 39 of DA-157/2022 requires a new Energy Assessment Report for the whole development.

CONDITION 35

Current Condition 35 (DA-89/2016)

35. AMENDED ALLOCATION OF CAR PARKING SPACES

The allocation of car parking spaces within the basement levels of the development shall be amended to comply with the following requirement:

- (a) Fourteen (14) of the resident car parking spaces are to be allocated to each serviced apartment (i.e. for customers of the serviced apartments).

The revised allocation of car parking spaces shall be shown on the plans for the construction certificate and to the satisfaction of the Principal Certifying Authority prior to the issue of a construction certificate.

Modified Condition 35 (DA-89/2016)

~~35. AMENDED ALLOCATION OF CAR PARKING SPACES~~ Deleted

Deleted by DA-157/2022

Reason

This condition is no longer required as the allocation of parking is set by condition 60 of DA-157/2022 and does not require any amendment. Further, the serviced apartments component of the combined development has been deleted.

CONDITION 54

Current Condition 54 (DA-89/2016)

54. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **356-360 Oxford Street and 376-384 Oxford Street, Bondi Junction**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Modified condition 54 (DA-89/2016)

54. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **356-360 Oxford Street and 376-384 Oxford Street, Bondi Junction**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Reason

A dilapidation report is no longer required for the structures on 376-384 Oxford Street as these structures are to be demolished as part of the combined development. The condition is modified to remove the reference to 376-384 Oxford Street.

CONDITION 113

Current Condition 113 (DA-89/2016)

113.MARKING OF CAR SPACES

The following allocation of car parking spaces shall be clearly line marked, numbered and signposted prior to the issue of an occupation certificate:

- (a) Forty-nine (49) resident spaces;
- (b) Fourteen (14) serviced apartment customer spaces;
- (c) Seven (7) adaptable spaces;
- (d) Eleven (11) resident visitor spaces;
- (e) One (1) visitor/car wash space;
- (f) Three (3) retail spaces;
- (g) Two (2) serviced apartment staff spaces; and
- (h) One (1) car share space.

Modified Condition 113 (DA-89/2016)

~~113.MARKING OF CAR SPACES Deleted.~~

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2022 as the adjusted parking rates of the combined development are set out in condition 60 of DA-157/2022, and the requirement for line marking and numbering is set out in condition 98 of DA-157/2022.

CONDITION 130

Current Condition 130 (DA-89/2016)

130. PLAN OF MANAGEMENT (POM) TO BE SUBMITTED AND APPROVED

(a) A plan of management (PoM) shall detail of all operational and management procedures of the serviced apartments aspect of the development. The POM shall include, but is not limited to, its amenity within the neighbourhood of the premises, compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints), the behaviour of patrons, liquor practices (if licensed, including the responsible service of alcohol), staffing roles and responsibilities (including security personnel if required), management of patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements.

(b) The POM shall be approved by Council prior to the commencement of operations.

Modified Condition 130 (DA-89/2016)

~~130. PLAN OF MANAGEMENT (POM) TO BE SUBMITTED AND APPROVED Deleted~~

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2020 as the combined development no longer contains Serviced Apartments.

CONDITION 131

Current Condition 131 (DA-89/2016)

131. USE OF SERVICED APARTMENTS

- (a) The serviced apartments subject to this approval are not to be used as backpacker accommodation.
- (b) The number of patrons/guests per serviced apartment is restricted to a maximum of two.

Modified Condition 131 (DA-89/2016)

~~131. USE OF SERVICED APARTMENTS~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

CONDITION 132

Current Condition 132 (DA-89/2016)

132.LIQUOR SALE / SUPPLY / CONSUMPTION (ON-PREMISE LICENSE)

- (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.
- (b) The primary use of the premises must be that of serviced apartments.
- (c) The sale and supply of liquor is restricted to liquor contained within the minibar in each serviced apartment room.
- (d) The consumption of liquor is restricted to patrons within their accommodation / serviced apartment room.
- (e) No patron shall be permitted to take glasses or open containers of liquor off the premises.

Modified Condition 132 (DA-89/2016)

~~132.LIQUOR SALE / SUPPLY / CONSUMPTION (ON-PREMISE LICENSE)~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

CONDITION 133

Current Condition 133 (DA-89/2016)

133. OPERATION OF SERVICED APARTMENTS IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

- (a) The operation and management of the premises shall be in accordance with a Council approved POM at all times.
- (b) The POM shall detail measures to mitigate noise, balcony use particularly late at night and parties being conducted within the serviced apartments.
- (c) The approved POM shall be adopted by the Management, and filed with Council and the Licensing Police of the Local Area Command prior to the commencement of operations.
- (d) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated.

Modified Condition 133 (DA-89/2016)

~~133. OPERATION OF SERVICED APARTMENTS IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

CONDITION 134

Current Condition 134 (DA-89/2016)

134. GUEST REGISTER

The licensee / approved manager is to maintain a register of all guests, including name and the time and date of check in and check out. This register must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

- (a) The sale and supply of liquor is restricted to liquor contained within the mini bar in each apartment room;
- (b) The consumption of liquor is restricted to patrons within their accommodation / room;
- (c) CCTV footage is to be provided to police upon request, within a reasonable time frame.

Modified Condition 134 (DA-89/2016)

134. ~~GUEST REGISTER~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

Dictionary

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

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

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

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

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

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

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Waverley Local Planning Panel.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

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



DA157/2022/C



NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application number	DA-157/2022 DA-157/2022/C PAN-478809
Applicant	Mr Igal Leis Cassa-Nova Pty Ltd LEVEL 1, 109 Oxford St BONDI JUNCTION NSW 2022
Description of approved development	Demolition of buildings, construction of a fourteen (14) storey mixed use building including residential units, serviced apartments, retail, basement parking and a Planning Agreement.
Description of modification C	Section 4.56 Modification of DA-157/2022 to amend Condition 15(a)(i) and 15(b)(i) relating to the staging of the Construction Certificate.
Property	362-384 Oxford Street, BONDI JUNCTION NSW 2022, Lot 4 in DP 508369, Lot 5 & Lot 6 & Lot 7 in DP 39086, Lot 1 in DP 163647, Lot 10 in DP 1128739 and Lot 12 in DP 717346
Determination	Approved Consent Authority: Waverley Council
Date of original determination	4 October, 2023
Date on which the consent lapses	4 October, 2028
Date of determination modification C	30 October 2024
Court Case name	Cassa Blanka Pty Ltd v Waverley Council
LEC Number	LEC No. 2022/321874

Under section 4.56 of the EP&A Act, notice is given that the above application to modify DA-157/2022 has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

1. The development, as modified is considered to be substantially the same as that originally approved; and
2. Appropriate conditions of consent have been imposed to ensure that the development will not result in detrimental environmental impacts.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

You have a right under section 8.9 of the EP&A Act to appeal to the Land and Environment Court within 6 months of the date of the Notice of Determination.

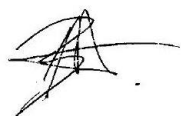
Modification of consent

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

Dictionary

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

For further information, please contact Peter Butler on 9083 8091 during business hours or via email at peter.butler@waverley.nsw.gov.au.



Ben Magistrale
Manager, Development Assessment
Person on behalf of the consent authority

A. Condition Summary of Amended Condition

Condition No. 15 is varied to read;

15. PLANNING AGREEMENT

(a) The owner/applicant is to:

- (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~~ any Construction Certificate for works above the Oxford Street level that relates to works contained in DA-89/2016 and DA-157/2022; and**
- (ii) Pay a monetary contribution amount of \$3,946,913.00 prior to the issue of any Occupation certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 1,160sqm of GFA exceedance).**
- (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.**

(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of ~~any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds~~ any Construction Certificate for works above the Oxford Street level that relates to works contained in DA-89/2016 and DA-157/2022,**
- (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 for the Development which is:**
 - In a form acceptable to Council and from an institution acceptable to Council**
 - Irrevocable**
 - Unconditional**
 - With no end date**

(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.

(AMENDED BY DA-157/2022/C)

All other conditions are reaffirmed and attached in a modified Notice with all conditions stated (Attachment A).

Note:

1. Works either not identified in the modified plans (ie coloured or hatched) or not specifically requested in your written submission accompanying the above modification are not approved.
2. The development consent lapses on 4 October, 2028.

Attachment A
Conditions of the development consent

DA-157/2022/C

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by SJB of Project No: 6507 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-A-0204, Rev 36	Basement 6 Plan	23 July 2024	25 July 2024
DA-A-0205, Rev 36	Basement 5 Plan	23 July 2024	25 July 2024
DA-A-0206, Rev 36	Basement 4 Plan	23 July 2024	25 July 2024
DA-A-0207, Rev 36	Basement 3 Plan	23 July 2024	25 July 2024
DA-A-0208, Rev 36	Basement 2 Plan	23 July 2024	25 July 2024
DA-A-0209, Rev 36	Basement 1 Plan	23 July 2024	25 July 2024
A-0210	Ground Plan	6 June 2023	21 June 2023
A-0211	Level 1 Plan	6 June 2023	21 June 2023
A-0212	Level 2 Plan	6 June 2023	21 June 2023
A-0213	Level 3-6 Plan	6 June 2023	21 June 2023
A-0217	Level 7 Plan	6 June 2023	21 June 2023
A-0218	Level 8 Plan	6 June 2023	21 June 2023
A-0219	Level 9 Plan	6 June 2023	21 June 2023
A-0220	Level 10 Plan	6 June 2023	21 June 2023
A-0221	Level 11 Plan	6 June 2023	21 June 2023
A-0222	Level 12 Plan	6 June 2023	21 June 2023
A-0223	Level 13 Plan	6 June 2023	21 June 2023
A-0224	Level 14 Plan	6 June 2023	21 June 2023
A-1401	Oxford St Elevation	6 June 2023	21 June 2023
A-1402	Newland St Elevation	6 June 2023	21 June 2023
A-1403, Rev 33	Rowe Lane Elevation	10 July 2024	10 July 2024
A-1404	West Inside Elevation	6 June 2023	21 June 2023
A-1501, Rev 31	Section Sheet 1	12 March 2024	15 April 2024
A-1502, Rev 31	Section Sheet 2	12 March 2024	15 April 2024
A-1510	Section – Detail	6 June 2023	21 June 2023
A-3401	External Materials & Finishes	6 June 2023	21 June 2023
A-4420	Adaptable Apartment Type 1	6 June 2023	21 June 2023
A-4421	Adaptable Apartment Type 2	6 June 2023	21 June 2023
A-6040	Communal Open Space	6 June 2023	21 June 2023
A-6110	GFA Plans – Sheet 1	6 June 2023	21 June 2023
A-6111	GFA Plans – Sheet 2	6 June 2023	21 June 2023
DA-A-7030, Rev 36	Silver Living Parking Space Diagram	23 July 2024	25 July 2024

(b) Survey prepared by ESA Survey 2591/21 REVG dated 15/02/23;

- (c) Pedestrian Level Winds – Wind Tunnel Testing prepared by Vipac Engineers & Scientists Ltd and dated 8 June 2023;
- (d) Reflectivity Assessment Report prepared by Vipac Engineers & Scientists Ltd dated 23 December 2021 and received by Council on 21/4/22;
- (e) Energy Assessment Report prepared by Vipac Engineers & Scientists Ltd dated 16/06/2023;
- (f) BASIX Assessment Report 20E-21-0341-TRP-22701-3 dated 16/06/23;
- (g) Preliminary Site Investigation prepared by EI Australia dated 25 March 2022 document number PSIE22849.E01.Rev1 and received by Council 21/4/22;
- (h) DA Acoustic Assessment prepared by Acoustic Logic [Reference No. 20211343.1/1705A/R2/BJ] dated on 17 May 2023;
- (i) Landscape plans prepared by Black Beetle Landscape Architects. DWG: LA LP 00 to 07 all rev 4 dated 14/06/23;
- (j) Arboricultural Impact Appraisal and Method Statement prepared by Ezi Grow dated 26/02/2022;
- (k) Heritage Impact Statement prepared by Weir Phillips Heritage and Planning dated June 2023;
- (l) Preliminary Geotechnical Assessment prepared by Asset Geo Enviro dated 6 March 2022;
- (m) Traffic Impact Assessment prepared by Stantec and dated 25 March 2022 and received by Council 21/4/22;
- (n) Transport Response to Statement of Facts and Contentions prepared by Stantec dated 15/06/23;
- (o) Access Report NSW210266 prepared by East Coast dated 8 June 2023;
- (p) BCA 2022 Compliance Report prepared by BCA Consulting and dated 13 June 2023;
- (q) Operational Waste Management Plan Report 3584 prepared by Elephants Foot dated 21/03/2022 Revision 0;
- (r) The Site Waste and Recycling Management Plan (SWRMP) Part 1;
- (s) Geotechnical Investigation (6699-1-G1 Rev 1) prepared by Asset Geo Environ and dated 1 May 2024;
- (t) Traffic and Transport Management Report prepared by Stantec and dated 15 March 2024.

Except where amended by the following conditions of consent.

[AMENDED BY DA-157/2022/A]

1A. AMENDMENT TO ARCHITECTURAL PLANS

The architectural plans listed in condition 1 are to be amended to reflect any changes required by Condition 35's approval.

2. MODIFICATION OF DEVELOPMENT CONSENT NO. DA-89/2016

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent DA-89/2016 which was granted by the Sydney Central Planning Panel on 24 August 2017 is to be modified as necessary so that the Development Consent DA-89/2016 is consistent with this development consent.

Prior to the issue of any construction certificate, the applicant is to provide written notice to the satisfaction of Council and in accordance with the requirements of s 4.17(5) of the *Environmental Planning and Assessment Act 1979* and s 67 of the *Environmental Planning and Assessment Regulation 2021*, providing details of the modification of Development Consent DA-89/2016.

In this respect, the following conditions of consent of Development Consent DA-89/2016 are to be modified:

Conditions 11, 13, 29, 35, 54, 113, 130, 131, 132, 133 and 134.

A schedule of amendments to these conditions, including an explanatory note for each amendment, is included at **Appendix A** of this consent.

3. RELATIONSHIP TO DEVELOPMENT CONSENT DA-89/2016

This development consent shall operate concurrently with Development Consent DA-89/2016 and the applicant shall comply with the operational conditions of Development Consent DA-89/2016 when undertaking the works approved in this amending development consent.

If a construction certificate has been issued pursuant to Development Consent DA-89/2016, then a separate construction certificate is to be obtained for works approved under this amending development consent to combine the approved works with those works being undertaken in accordance with Development Consent DA-89/2016. All conditions of consent imposed on Development Consent DA-89/2016 are to be read in conjunction with, and form part of, this development consent.

If a construction certificate has not been issued pursuant to Development Consent DA-89/2016, a single consolidated construction certificate may be issued pursuant to this development consent. All conditions of consent imposed on Development Consent DA-89/2016 are to be read in conjunction with, and form part of, this development consent.

In the event of an inconsistency between this development consent and Development Consent DA-89/2016, this development consent prevails to the extent of the inconsistency.

4. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)

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

5. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on Oxford Street, Newland Street and Rowe Lane frontages for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- (a) Pedestrian footpath
- (b) Vehicular crossing
- (c) Road pavement
- (d) Kerb and gutter
- (e) Stormwater infrastructure located within the Council kerb and/or footpath
- (f) Street lighting and the associated works

6. PRELIMINARY SITE INVESTIGATION RECOMMENDATIONS

The recommendations as outlined in section 6 of the report prepared by Eiaustralia dated 25 March 2022 document number PSIE22849.E01.Rev1 must be implemented.

A Certificate of Compliance prepared by a suitably qualified consultant is to be submitted to the Principal Certifying Authority and Council certifying that the recommendations made in the above report have been satisfied has been met prior to the issue of any Occupation Certificate.

6A. GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT

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

- a) The recommendations set out in the Geotechnical Investigation Report prepared by AssetGeoEnviro, Ref. 6699-1-G1 Rev 1, dated 1 May 2024 must be addressed in the detailed design documentation and followed through the construction, and post occupation stages.
- b) Prior to issuing the construction certificate a Construction Methodology Report (CMR) must be prepared and submitted for the review and approval of the Executive Manager, Infrastructure Services (or delegate).
 - i. The CMR must be prepared or reviewed by a senior Geotechnical Engineer/Engineering Geologist and Structural Engineer (CP Eng or equivalent and with at least 10 years relevant experience).
 - ii. The CMR must include a review of, but not limited to, the full detailed design including the temporary and permanent excavation, shoring support systems, dewatering (if applicable), footing design, earthworks, drainage, pavements and any other relevant items.
 - iii. The CMR must include a review of the geotechnical report and advise on the need of any further assessment work such as additional geotechnical investigation, groundwater monitoring, further assessment of the stability of the slope or cliff line. The CMR must be followed in its entirety unless otherwise agreed by the authors of the CMR (or their organisation).

- iv. The CMR must include the methodology to be adopted in undertaking excavation, measures to reduce vibrations, shoring works and measures to maintain the stability of the neighbouring structures and the slope or cliff line.
 - v. The CMR must include an appropriate monitoring plan to confirm that ground surface movement on the site boundaries (and beyond) and deflections of shoring systems fall within acceptable limits and identify hold points and contingency plans for any exceedances.
 - vi. The CMR must include proposed excavation techniques to be undertaken to reduce vibrations and prepare a Vibration Monitoring Plan which identifies hold points and contingency plans for any exceedances. The vibration monitoring must ensure that the peak vibration velocity (V_i , max) or Maximum Peak Particle Velocity falls within 'safe' limits as defined in the German Standard DIN 4150-3, dated 2016: Structural vibration – Part 3: Effects of vibration on structures.
 - vii. The CMR must include a statement confirming that the proposed development is suitable for the site and will maintain the stability of the site, any slopes or cliff lines and the neighbouring buildings and structures.
 - viii. The CMR must be submitted to the Principle Certifying Authority and Council for review and approval. The approved CMR is to be submitted to Council's Infrastructure Services Department for records.
- ^{1.}
- c) Where groundwater is encountered and dewatering is expected to be required, prior to issuing the construction certificate a hydrogeological investigation must be carried out that includes a minimum of three wells to be installed for future groundwater monitoring purposes in accordance with the NSW Department of Planning, Industry and Environments (DPIE) document: 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022 (or the current revised version).
 - d) The groundwater investigation, monitoring, inflow (seepage) analysis and reporting must be in accordance with the NSW Department of Planning, Industry and Environments document, Titled 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022, or the most recent version. Groundwater level monitoring must be carried out for a minimum of three months as required by DPIE/WaterNSW requirements.
 - e) In accordance with DPIE/WaterNSW requirements, where the seepage analysis demonstrates a seepage volume of less than 3ML/year then only a Water Supply Works approval must be obtained, unless otherwise directed by DPIE/WaterNSW. Where the seepage analysis demonstrates a seepage volume in excess of 3ML/year then a Water Access Licence (WAL) will also need to be obtained from WaterNSW. This is likely to require the purchase of 'water shares' in accordance with DPIE/WaterNSW requirements.
 - f) Prior to the issue of any Construction Certificate, if required based on items c and d, an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW is not required.
 - g) During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works. A daily log is to be kept on site and submitted to the Principle Certifying Authority (PCA).

- h) Inspections of any unsupported vertical excavations into bedrock are required by a qualified geotechnical engineer/engineering geologist (tertiary qualified with at least 5 years relevant experience) and must be completed in accordance with the Monitoring Program detailed in the CMR.
- i) Inspections must be completed or reviewed by a qualified geotechnical engineer/engineering geologist (as defined in 'g' above) during shoring works to confirm socket requirements below the bulk excavation level have been achieved for the shoring and during the excavation/drilling of high level footings/pile footings to confirm that the foundation materials are in accordance with the requirements of the structural drawings and/or geotechnical report, as applicable.

[ADDED BY DA-157/2022/A]

7. ACOUSTIC REPORT RECOMMENDATIONS

The recommendations as outlined in the DA Acoustic Assessment prepared by Acoustic Logic [Reference No. 20211343.1/1705A/R2/BJ] dated 17 May 2023 must be implemented.

8. WORK OUTSIDE PROPERTY BOUNDARY

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

9. SYDNEY TRAINS CONCURRENCE

- (a) Prior to the issuing of a Construction Certificate, or modified Construction Certificate in relation to this approval, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant AMB Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
 - (i) Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - (ii) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (iii) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - (iv) Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains' easement and rail corridor land.
 - (v) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 - (vi) If required by Sydney Trains, a Monitoring Plan.
 - (vii) If required stress modelling to simulate the potential movement from the excavation works (whilst the report did recommend the undertaking of in-situ rock (overcoring) and stress measurements, given associated complexities with this type of

investigation, adopting typical values for Hawkesbury Sandstone, based on published information/correlations would be an acceptable approach).

Any conditions issued as part of Sydney Trains approval/certification of any of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply and supersede the documentation in Condition 7(a). The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (b) All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
- (c) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratum.
- (d) If required by Sydney Trains as a result of the assessment of the documentation submitted as part of condition 8(b), the following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - (i) Track/tunnel monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
 - (ii) A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (e) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (f) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.
- (g) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
- (h) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (i) If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (j) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.
- (k) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (l) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (m) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (n) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (o) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

- (p) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.
- (q) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- (i) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - (ii) acts as the authorised representative of the Applicant; and
 - (iii) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (a) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (b) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

[AMENDED BY DA-15/2022/A]

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

10. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

CONTRIBUTIONS, FEES & BONDS

11. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) Where the total development cost is less than \$500,000:
 - (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
 - (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
 - (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
 - (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

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

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

12. TREE PRESERVATION BOND (AS REQUESTED BY TREE OFFICER)

A bond of \$15,000 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 five street trees *Platanus x acerifolia* in Newland Street and Hegarty Lane. The bond is to be lodged prior to the issue of any 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 Final Occupation Certificate subject to the satisfaction of Council.

13. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$350,802 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

14. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

15. PLANNING AGREEMENT

(a) The owner/applicant is to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for works above the Oxford Street level that relates to works contained in DA-89/2016 and DA-157/2022; and
- (ii) Pay a monetary contribution amount of \$3,946,913.00 prior to the issue of any Occupation certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 1,160sqm of GFA exceedance).
- (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.

(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for works above the Oxford Street level that relates to works contained in DA-89/2016 and DA-157/2022,
- (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 for the Development which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (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.

(AMENDED BY DA-157/2022/C)

PLAN DETAILS

16. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

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 *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

17. ARCHITECTURAL DETAILING

Further details of the architectural detailing of the building are required to be submitted for review and the satisfaction of Council's Executive Manager, Development Assessment (or delegate), prior to the issue of any Construction Certificate for works (excluding demolition) above ground level (existing) which address the following matters:

- i. A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace;
- ii. A schedule of external finishes and colours of the interface of the existing façade and the new building;
- iii. 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;
- iv. Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

18. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

19. BASEMENT STORAGE

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2022.

20. ADAPTABLE HOUSING

A minimum of 14 apartments in the development are to be provided as 'adaptable housing' within the development, with at least 1 car space allocated to each of these apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

21. UNIVERSAL HOUSING

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupants over their lifetimes in accordance with Part B6 of the *Waverley Development Control Plan 2022*.

22. WIND REPORT

The recommendations of the approved wind report referenced in Condition 1 of this consent are to be incorporated into the relevant Construction Certificate Plans to the satisfaction of the Principal Certifying Authority.

CONSTRUCTION & SITE MATTERS

23. 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.

24. EROSION & SEDIMENT CONTROL

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

The SWMP must be approved by the Principal 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.

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

25. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

26. 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.

27. PUBLIC INFRASTRUCTURE WORKS

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

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

The Applicant must submit plans and specifications for the following infrastructure works to Council:

- a) Road Pavement: The full renewal and reconstruction of asphalt pavement for (one lane) road width in Oxford Street and Newland Street, and full width in Rowe Lane site

frontages if required by Councils Executive Manager, Infrastructure Services at the time of Public Infrastructure Works construction. Details of the road pavement treatments and sub-grade details to be advised by Council.

- b) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing Oxford Street, Newland Street and Rowe Lane frontages. Bluestone kerbing is required for both the Oxford Street and Newland Street Frontages. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced.
- c) Streetlights: Make provision for Multi-Function Poles (MFP) along all three frontages with new streetlights and co-located traffic signals (on the corner of Oxford and Newland) serviced by metered underground power. Designs shall be submitted to Council's Executive Manager, Infrastructure Services for approval and comply with the specifications detailed in the Public Domain Technical Manual.
- d) Signage: Installation of a 'Left Turn Only' sign and associated signpost at the intersection of Newland Street and Rowe Lane. The sign shall be located within the Rowe Lane approach, facing west, to prohibit right turn movements from Rowe Lane into Newland Street.
- e) All existing Ausgrid street lighting columns along all site frontages are to be removed.
- f) Replacement of the continuous threshold across Rowe Lane. Details of the pavement treatments and sub-grade specifications to be advised by Council.
- g) Any existing or proposed utility pillars on the site frontage to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- h) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Councils Public Domain to support the new development.

Notes

The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

28. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

29. GROUND ANCHORS

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact at (02) 9083 8886 or via email assets@waverley.nsw.gov.au.

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

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

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

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

31. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

TRAFFIC MANAGEMENT

32. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

33. TRAFFIC MANAGEMENT SIGNAGE

Prior to the issue of a Construction Certificate for work above existing ground level a separate submission must be made to Council's Traffic Committee seeking approval for changes to signage at the intersection of Newland Street and Rowe Lane, to incorporate a 'Left Turn Only' sign and associated signpost. The sign shall be located within the Rowe Lane approach, facing west, to prohibit right turn movements from Rowe Lane into Newland Street.

The submission must include two plans including one showing the existing signage at the Newland Street and Rowe Lane intersection and one showing the proposed signage at the Newland Street and Rowe Lane intersection.

All costs associated with the supply and installation of the appropriate signage and signposts is to be paid for by the developer at no cost to Council.

34. PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1-2004 Off-street car parking, AS 2890.2-2018 Off-commercial vehicle facilities, AS 2890.3-2015 Bicycle parking and AS/NZS 2890.6-2022 Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to the relevant Construction Certificate being issued.

STORMWATER & FLOODING

35. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Green Arrow, Job No. 221-2000, DWG No. STW-000, STW-102 – STW-104, STW-113, Rev C dated 26/07/2023 are considered concept only.

The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) Design OSD overflow and rainwater tank overflow to adequately convey 1 in 100-year, unrestricted flow.
- b) The OSD design to include the following:

- i. Sump to be provided at outlet point. Depth is to be 1.5m x orifice dia. below centre of orifice, or 0.2m (whichever is larger).
 - ii. Provide child proof locking system on below ground OSD.
 - iii. Any below-ground OSD tank structure shall be cast in-situ concrete based.
- c) For the connection to Council's below ground drainage system the following details required:
 - i. Pipe cut flush with internal wall of pit and pipe and enter pit perpendicular to pit wall
 - ii. Full scaled long section of proposed stormwater pipe (existing surface levels, cover, design level of pipe, surface & invert of pits, stormwater pit location, level of all service lines in vicinity of works)
 - iii. Design alignment and details of proposed pipe material, size, class
 - iv. Location of all stormwater pits and pit types proposed
 - v. Calculations showing proposed system meets required design capacity specified by Council (typically 5% AEP)
 - vi. Hydraulic calculations required with appropriate tailwater condition to show adequate capacity.
- d) Provide calculations of gutter sizing for 1% AEP storm event and number of downpipes required.
- e) Rainwater reuse system in basement to have minimum 50-year service life and withstand all service loads.
- f) Provide confirmation that any collection from balconies/garden beds will bypass RWT.
- g) Floor level to be minimum 0.15m above adjacent ground level. Please redesign accordingly and show survey levels at property boundary.
- h) Overflow pipe downstream insufficient for Q100 unrestricted storm event. Please redesign accordingly.
- i) Provide non-return valve/flap located within property for discharge into Council's below ground drainage system.
- j) Pit dimensions and pit schedule to be provided.
- k) Grated pit larger than 600mm x 600mm to have hinged cover.
- l) Grates to be galvanised steel grid type. Grates to be heavy duty where subjected to vehicular loading.
- m) Grated box drains at property boundary to have minimum base slope 2% and 300mm (W). The grated drains do not appear to connect to internal drainage system. Provide clarification in drawings.
- n) Ensure basement entrance has berm minimum 150mm above existing ground level.
 - i. Waterproofing and tanking the basement areas of the building to be provided in accordance with a Registered Structural Engineer's design.
- o) Provide "Erosion & Sediment Control Plan".

- p) Show rainwater tank in architectural drawings. Pump well shown in architectural drawings but not included in stormwater plans. Ensure architectural drawings consistent with stormwater drainage plans.
- q) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hours' notice must be provided to Council prior to inspection.

36. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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.

37. PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS

The garage/underground basement shall be protected from possible inundation by surface waters from the road reserve through the design of the driveway.

Evidence from a suitably qualified and practicing Engineer who specializes in hydraulic engineering that this design requirement has been adhered to shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.

ENERGY EFFICIENCY & SUSTAINABILITY

38. BASIX

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

39. ENERGY EFFICIENCY

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2022*, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate for any works above ground level.

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

40. REFLECTIVITY REPORT

In accordance with Part B16 of the *Waverley Development Control Plan 2012*, a Reflectivity Report, prepared by an appropriately qualified person is to be submitted to the Principal Certifying Authority which verifies that the approved development complies with the following;

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

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

WASTE

41. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of

demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

42. WASTE STORAGE AREAS

The development must have waste storage areas with sufficient space to accommodate the following minimum requirements.

- (a) **Residential** (104 units in total 55 x 1-bedroom units, 43 x 2-bedroom units, 6 x 3-bedroom units)
 - 8 x 660L Mobile Garbage Bins (MGBs) for general waste, compacted 2:1, collected weekly
 - 16 x 660L MGBs for paper and cardboard recycling collected fortnightly
 - 16 x 660L MGBs for container recycling collected fortnightly
 - 2 x 240L MGBs for garden organics collected fortnightly

 - A minimum of 12m² floor space is required for the on-site storage of bulky waste awaiting collection and a minimum of 2m² floor space is required for additional problem waste streams (such as electronic waste or textile waste). This should be inside or adjacent to the onsite storage of bulky waste with doorway clearance for the bulky waste storage area of a minimum 1.5m.
- (b) **Commercial** (café 345m², retail 345m², and gym 129m²)
 - 3 x 660L Mobile Garbage Bins (MGBs) for general waste collected 3 times per week
 - 3 x 660L MGBs for comingled recycling collected 3 times per week
 - 3 x 660L MGBs for Cardboard and Paper Recycling collected 3 times per week
 - Extra space is required to store reusable products such as crates, kegs, and excess cardboard and other packaging materials.
 - Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required
- (c) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2022* to the satisfaction of the Principal Certifying Authority.

LANDSCAPING & TREES

43. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3 of the *Waverley Development Control Plan 2022* including;

- (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.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

NOISE

44. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

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

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

45. NOISE – ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

46. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

47. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

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

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

DEMOLITION & EXCAVATION

48. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal 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:

- (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.

49. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

50. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

51. EXCAVATION AND BACKFILLING

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

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

CONSTRUCTION MATTERS

52. CONSTRUCTION HOURS

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

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

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

53. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

54. CONSTRUCTION INSPECTIONS

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

55. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to the construction of a higher level of the building.

56. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

TREE PROTECTION AND REMOVAL

57. TREE PROTECTION

- (a) Precautions shall be taken when working near trees to ensure their retention, including the following:
 - (i) Do not store harmful or bulk materials or spoil under or near trees
 - (ii) Prevent damage to bark and root system;
 - (iii) Do not use mechanical methods to excavate within root zones;
 - (iv) Do not add or remove topsoil from under the drip line;
 - (v) Do not compact ground under the drip line;
 - (vi) Do not mix or dispose of liquids within the drip line of the tree; and
 - (vii) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.
- (b) Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.
- (c) Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.
- (d) The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.
- (e) TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- (f) 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.
- (g) 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).
- (h) 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.
- (i) If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

- (j) If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- (k) If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

VEHICLE ACCESS & PUBLIC DOMAIN WORKS TO BE FINALISED

58. NEW VEHICLE CROSSING

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

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

59. VEHICULAR ACCESS - FINISHED LEVELS TO INVERT OF THE GUTTER

The finished level at the property boundary on **both** sides of the vehicle crossing is to be 110mm above the level of the invert of the existing concrete gutter.

60. CAR PARKING

Car parking spaces to be provided within the development shall be allocated in the following manner:

- i) A maximum of 81 resident car spaces. This is to include a minimum of 14 accessible spaces (1 accessible space for each adaptable apartment). Accessible spaces and Silver Living spaces are to be identified on the plans.
- ii) A minimum of 17 residential visitor car spaces including a minimum of 2 accessible visitor spaces.
- iii) A maximum of 12 retail car spaces including a minimum of 1 accessible retail spaces.
- iv) A maximum of 5 commercial car spaces including a minimum of 1 accessible commercial spaces.
- v) A minimum of 1 car wash bay which can be shared with a residential visitor car space.
- vi) A minimum of 3 car share bays.

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

[AMENDED BY DA-157/2022/A]

61. BICYCLE PARKING

A **minimum** of 132 bicycle parking spaces are to be provided within the development.

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

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located on ground floor level or on basement level 1. Signage and line-marking (way finding) is to be provided to guide residents, staff and visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

62. MOTORCYCLE PARKING

A **minimum** of 30 motorcycle parking spaces are to be provided within the development.

The motorcycle spaces are to be designed in accordance with Australian Standard AS2890.1 - 2004 Parking Facilities – Off-street car parking.

63. 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.

64. ELECTRIC VEHICLE CHARGING POINTS

13 'Level 2' AC fast electric vehicle charging point are to be installed and allocated as:

- i) 11 are to allocated to residential uses.
- ii) 2 are to be allocated to the retail / commercial uses.

65. PARKING PERMITS

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

66. 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, as per Australian Standards AS2890.1 - 2004 and AS 2890.6-2022 respectively.

The headroom clearance within the loading dock area on Ground Floor is to be a minimum of 4.5 metres in accordance with Australian Standard AS2890.2 – 2018.

67. PRE-CONSTRUCTION DILAPIDATION REPORT

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

- (a) Road pavement
- (b) Kerb and gutter

- (c) Footpath
- (d) Drainage pits and lintels
- (e) Traffic signs
- (f) Any other relevant infrastructure

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

68. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Council's Infrastructure Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

69. PUBLIC DOMAIN ENGINEERING INSPECTIONS

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

70. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to doing any works, internal inspection of the Council's stormwater conduit to determine its structural and serviceability condition must be carried out by a Closed Circuit Television (CCTV) by an approved contractor. The report is to be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for its review. No works on Council's stormwater infrastructure shall commence until given approval by Council.

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

71. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

72. CERTIFICATION OF ACOUSTIC PERFORMANCE

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

73. CERTIFICATION OF ALL MECHANICAL PLANT

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

74. CERTIFICATION OF BASIX COMMITMENTS

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

75. CERTIFICATION OF APPROVED DESIGN

In accordance with the *Environmental Planning and Assessment Regulation 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.

76. CERTIFICATION OF LANDSCAPING

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.

77. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

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

78. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

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

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

79. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's Infrastructure Engineer. The Occupation Certificate shall not be issued until certification has been obtained from Executive Manager, Infrastructure Services (or delegate) confirming the public infrastructure works have been constructed to Council's satisfaction.

Notes

- The issue of a Final Compliance Certificate from the Councils Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

79A. STRUCTURAL AND GEOTECHNICAL CERTIFICATION

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

[ADDED BY DA-157/2022/A]

80. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer, 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. A copy of the aforementioned letter of certification must be submitted to Council.

81. CERTIFICATION OF NEWLY CONSTRUCTED

Prior to the issue of any Occupation Certificate, certification is to 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. Similarly, any retained stormwater drainage system is unblocked, in good working order, and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

82. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.
- (b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

83. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD AND RAINWATER TANK

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system and rainwater tank, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system and rainwater tank 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 shall not modify or remove the OSD system and rainwater tank without consent from Council.

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

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to 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 and rainwater tank, including its relationship to the building footprint. Electronic colour photographs of the OSD system and rainwater tank shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

84. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the Stormwater Quality Improvement Devices in accordance with the requirements of Council’s Water Management Manual 2021. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.

85. WASTE COLLECTION

- (a) Garbage vehicles shall always reverse into the site and exit the site in a forward direction. Garbage/waste collection shall be undertaken by Council or an approved private waste contractor utilising a Heavy Rigid Vehicle (HRV) truck, and only between the hours of 7.00am and 8.00pm daily. Details of the contract and truck specifications noting these conditions are to be submitted to Council prior to issue of an Occupation Certificate.
- (b) A Restriction as to User is to be registered on title reflecting the requirements of clause (a) shown above in this condition of consent. The instrument is to be drafted by the developer and reviewed and approved by Council's solicitors. Council is to be the authority allowing any release or modification. The instrument is to be registered prior to issue of any Occupation Certificate. All costs are to be borne by the developer/applicant.
- (c) A positive covenant is to be registered on title prior to issue of an Occupation Certificate, to the effect that all occupants, residents and owners are aware of the obligations of providing a private contractor for waste collection and that Waverley Council still reserves the right to charge levies and charges for waste collection notwithstanding that it is not providing the service due to the specific constraints of the site. The instrument is to be prepared by the developer and reviewed and approved by Council's solicitors. All costs are to be borne by the developer/applicant.

MANAGEMENT PLANS

86. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

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

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) 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) 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.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

SHOPS

87. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

88. FOOD PREMISES

The fitout of the any food premise must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation.

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

89. PEST CONTROL

A Pest and Vermin Control Management Plan (PVCMP) is to be submitted for the approval of Council's Executive Manager, Compliance (or delegate) prior to the issue of an Occupation Certificate. All recommendations within the PVCMP are to be implemented with the ongoing operations of the premises.

OTHER MATTERS

90. BONDJ JUNCTION FSR AND MAPPING MODEL

To update Council's live floor space model and mapping system, the following information is to be provided to the satisfaction of Council's Strategic Planning Department reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (a) DP/Lot/Strata Plan
- (b) address
- (c) building footprint (m²)
- (d) gross Floor area (m²)
- (e) total residential floor space (m²)
- (f) total office space (m²)
- (g) total retail space (m²)
- (h) total no. of all levels (m²)
- (i) no. levels above ground
- (j) no. levels below ground
- (k) no. of residential levels
- (l) no. of dwellings
- (m) no. of commercial levels
- (n) no. of parking spaces
- (o) parking location (above or below ground)
- (p) ground floor use (commercial, retail or residential)

91. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modeling

92. STREET NUMBER/S

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

93. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 362- primary address site number.

- Oxford street - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Oxford Street.

Where there is a building with multiple towers a single primary address should be assigned for the whole sight.

Each tower within the development should then be assigned a unique alpha suffix and numbered in sequence from the entry point in a logical manner.

- Within the whole site the apartments/units/retail units should be allocated a unique sub-addressing number.
 - 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 and in each tower,
 - For clarity, a zero will be interposed in the number of the first nine sub address levels i.e., Level 3 unit 7 =307,
 - Level at ground and below ground shall also be identified by prefixes to distinguish these levels i.e., Ground =G, Lower Ground = LG, Basement = B etc.
 - Commercial premises will be identified with an address identifier i.e., Shop 101, Office 102,

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

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

94. LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan must be submitted to and approved by the Manager, Waverley Council Service Manager, Traffic and Transport, Infrastructure Services prior to an Occupation Certificate being issued. The Loading Dock Management Plan is to detail the proposed online system for management and scheduling of the dock between the residential, commercial and retail uses, ensuring that all loading activities are wholly accommodated on-site.

95. GREEN TRAVEL PLAN

A Green Travel Plan must be submitted to and approved by the approved by the Manager, Waverley Council Service Manager, Traffic and Transport, Infrastructure Services prior to the issue of an Occupation Certificate. The Green Travel Plan is to include, but not be limited to, the following:

- a) Provision of power access to bicycle parking (to accommodate electric bikes).
- b) Provision of parking for at least 10 cargo bicycles.
- c) Illustration of access route from outside the development to each bicycle parking compound for residents, staff and visitors.
- d) Identify how the post opening Action Items could be enforced.

96. TRAFFIC MANAGEMENT SIGNAGE

Prior to the issue of an Occupation Certificate, the developer shall have installed the 'Left Turn Only' sign and associated signpost at the intersection of Newland Street and Rowe Lane.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority prior to any Occupation Certificate being issued.

97. PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1-2004 Off-street car parking, AS 2890.2-2018 Off-commercial vehicle facilities, AS 2890.3-2015 Bicycle parking and AS/NZS 2890.6-2022 Off-street parking for people with disabilities. The details must be submitted to and approved by the Principal Certifying Authority prior to any Occupation Certificate being issued.

E. OPERATIONAL MATTERS

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

GENERAL MATTERS

98. HOURS OF OPERATION OF COMMUNAL OPEN SPACE (ROOF TOP)

The use of the communal open space on the roof level of the development shall be restricted to the following hours:

- (a) Monday to Friday (excluding public holidays) 7am to 9pm
- (b) Weekends and public holidays 8am to 9pm
- (c) New Year's Eve 9am to 12:30am.

AMENITY & SAFETY

99. 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.

100. 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.

101. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

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

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (a) 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.

102. REFRIGERATION UNITS & MECHANICAL PLANT

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

103. CONTROL OF LEGIONNAIRES DISEASE

All cooling towers, warm water systems and other regulated systems must be installed, operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.

The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

104. 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.

PARKING AND ACCESS

105. 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.

106. ADJUSTMENTS TO STREET SIGNS

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

107. DELIVERY OF GOODS

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

108. SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 10.5 metres.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of

essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on 1800 810 443.

AD4.EXCAVATION TO BE LIMITED

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

AD5.SEPARATE APPLICATIONS FOR USE/FIT OUT

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

AD6.SEPARATE APPLICATION FOR SIGNAGE

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

AD7. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD8. BUILDING TO BE WRAPPED

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

AD9. OUTDOOR DINING

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

AD10. 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.

AD11. SITE RECTIFICATION WORKS

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

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

- (i) Require certain works to be carried out, including but not limited to:
 - (a) Make the building/site safe and of an appearance acceptable to Council;
 - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;
 - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
 - (d) Council may call on any bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

APPENDIX A

Amendment of conditions contained within DA-89/2016 arising from Condition 2 of DA-157/2022

CONDITION 11

Current Condition 11 (DA-89/2016)

11. FUTURE CONVERSION OF SERVICED APARTMENTS

This consent provides for serviced apartments on Level 1 and Level 2 of the development, nominated as Units 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06 and 2.07 on the relevant architectural plans referred to in condition 1 of this consent. These have been specifically nominated as serviced apartments as they are not suitable to be long term residential apartments given lack of solar access received by these apartments.

A positive covenant is to be placed on title with Council as a beneficiary to give effect to the future use of the serviced apartments being restricted to serviced apartments unless otherwise supported by Council. Evidence of registration of the positive covenant on title is to be submitted to Council prior to the issue of an occupation certificate for the development.

Modified Condition 11 (DA-89/2016)

~~11. FUTURE CONVERSION OF SERVICED APARTMENTS Deleted.~~

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2022 as the combined development with DA-89/2016 no longer contains serviced apartments.

Condition 13

Current Condition 13 (DA-89/2016)

13.Planning Agreement

The applicant shall:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in **DA-89/2016**; and
 - (ii) Pay a monetary contribution amount of **\$2,026,313** prior to the issue of any Occupation certificate for the Development.
 - (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- (b). In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
 - (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 for the development, which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (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.

Modified Condition 29 (DA-89/2016)

13.PLANNING AGREEMENT - Deleted

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2020 as **a new planning agreement has been offered by the Applicant as set out in new condition 15.**

CONDITION 29

Current Condition 29 (DA-89/2016)

29. ADEQUACY OF ENERGY ASSESSMENT REPORT

Council's Sustainable Waverley sub-program has deemed the Energy Assessment Report prepared by ViPAC Engineers and Scientists Limited, dated 8 May 2017 and received by Council on 12 May 2017 (hereafter known as 'the Report') inadequate in term of sufficiently addressing the requirements of section 2.6 of Part B2 of the Waverley Development Control Plan 2012.

The review of the Report revealed the predicted energy consumption reduction is overestimated and does not meet the desired 30% greenhouse gas emissions reduction. Key considerations and issues raised in the review of the Report are set out below and are required to be addressed prior to Construction Certificate stage:

- (a) The development proposes only a 21% improvement in energy efficiency under the BASIX scheme for the residential component which makes up the bulk of floor area. However, the project team has then used the Green Star calculator to demonstrate that this is equivalent to a 30% improvement using the NatHERS pathway, not the BASIX pathway. This is not deemed equivalent to achieving the required outcome.
- (b) The NatHERS pathway used in the report does not represent comparison with a reference building, but rather comparison against a hypothetical minimum performance benchmark, determined by the project team, but not any legislated requirement relevant to the location, and specifically, the building design itself.
- (c) No quantification has been provided for the energy efficiency of the retail component, and it is noted that it only complies with DTS provisions of Section J, and therefore is unlikely to achieve a 30% improvement over a referent DTS compliant building.

Council's Coordinator, Sustainable Energy should be contacted for further information on addresses the issues of the Report raised in this condition.

The Report shall be amended to address the issues raised above to the satisfaction of Council's Executive Manager, Sustainable Waverley prior to the issue of a Construction Certificate in order to demonstrate how the development can meet the 30% greenhouse gas emissions reduction target set by Part B2 of the Waverley Development Control Plan 2012

Modified Condition 29 (DA-89/2016)

29. ~~ADEQUACY OF ENERGY ASSESSMENT REPORT~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2022 as condition 39 of DA-157/2022 requires a new Energy Assessment Report for the whole development.

CONDITION 35

Current Condition 35 (DA-89/2016)

35. AMENDED ALLOCATION OF CAR PARKING SPACES

The allocation of car parking spaces within the basement levels of the development shall be amended to comply with the following requirement:

- (a) Fourteen (14) of the resident car parking spaces are to be allocated to each serviced apartment (i.e. for customers of the serviced apartments).

The revised allocation of car parking spaces shall be shown on the plans for the construction certificate and to the satisfaction of the Principal Certifying Authority prior to the issue of a construction certificate.

Modified Condition 35 (DA-89/2016)

~~35. AMENDED ALLOCATION OF CAR PARKING SPACES~~ – Deleted

Deleted by DA-157/2022

Reason

This condition is no longer required as the allocation of parking is set by condition 60 of DA-157/2022 and does not require any amendment. Further, the serviced apartments component of the combined development has been deleted.

CONDITION 54

Current Condition 54 (DA-89/2016)

54. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **356-360 Oxford Street and 376-384 Oxford Street, Bondi Junction**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Modified condition 54 (DA-89/2016)

54. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **356-360 Oxford Street and 376-384 Oxford Street, Bondi Junction**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Reason

A dilapidation report is no longer required for the structures on 376-384 Oxford Street as these structures are to be demolished as part of the combined development. The condition is modified to remove the reference to 376-384 Oxford Street.

CONDITION 113

Current Condition 113 (DA-89/2016)

113.MARKING OF CAR SPACES

The following allocation of car parking spaces shall be clearly line marked, numbered and signposted prior to the issue of an occupation certificate:

- (a) Forty-nine (49) resident spaces;
- (b) Fourteen (14) serviced apartment customer spaces;
- (c) Seven (7) adaptable spaces;
- (d) Eleven (11) resident visitor spaces;
- (e) One (1) visitor/car wash space;
- (f) Three (3) retail spaces;
- (g) Two (2) serviced apartment staff spaces; and
- (h) One (1) car share space.

Modified Condition 113 (DA-89/2016)

~~113.MARKING OF CAR SPACES Deleted.~~

Deleted by DA-157/2022.

Reason

This condition is deleted by virtue of DA-157/2022 as the adjusted parking rates of the combined development are set out in condition 60 of DA-157/2022, and the requirement for line marking and numbering is set out in condition 98 of DA-157/2022.

CONDITION 130

Current Condition 130 (DA-89/2016)

130. PLAN OF MANAGEMENT (POM) TO BE SUBMITTED AND APPROVED

(a) A plan of management (PoM) shall detail of all operational and management procedures of the serviced apartments aspect of the development. The POM shall include, but is not limited to, its amenity within the neighbourhood of the premises, compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints), the behaviour of patrons, liquor practices (if licensed, including the responsible service of alcohol), staffing roles and responsibilities (including security personnel if required), management of patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements.

(b) The POM shall be approved by Council prior to the commencement of operations.

Modified Condition 130 (DA-89/2016)

~~130. PLAN OF MANAGEMENT (POM) TO BE SUBMITTED AND APPROVED~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2020 as the combined development no longer contains Serviced Apartments.

CONDITION 131

Current Condition 131 (DA-89/2016)

131. USE OF SERVICED APARTMENTS

- (a) The serviced apartments subject to this approval are not to be used as backpacker accommodation.
- (b) The number of patrons/guests per serviced apartment is restricted to a maximum of two.

Modified Condition 131 (DA-89/2016)

~~131. USE OF SERVICED APARTMENTS~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

CONDITION 132

Current Condition 132 (DA-89/2016)

132.LIQUOR SALE / SUPPLY / CONSUMPTION (ON-PREMISE LICENSE)

- (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.
- (b) The primary use of the premises must be that of serviced apartments.
- (c) The sale and supply of liquor is restricted to liquor contained within the minibar in each serviced apartment room.
- (d) The consumption of liquor is restricted to patrons within their accommodation / serviced apartment room.
- (e) No patron shall be permitted to take glasses or open containers of liquor off the premises.

Modified Condition 132 (DA-89/2016)

~~132.LIQUOR SALE / SUPPLY / CONSUMPTION (ON-PREMISE LICENSE)~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

CONDITION 133

Current Condition 133 (DA-89/2016)

133. OPERATION OF SERVICED APARTMENTS IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

- (a) The operation and management of the premises shall be in accordance with a Council approved POM at all times.
- (b) The POM shall detail measures to mitigate noise, balcony use particularly late at night and parties being conducted within the serviced apartments.
- (c) The approved POM shall be adopted by the Management, and filed with Council and the Licensing Police of the Local Area Command prior to the commencement of operations.
- (d) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated.

Modified Condition 133 (DA-89/2016)

~~133. OPERATION OF SERVICED APARTMENTS IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

CONDITION 134

Current Condition 134 (DA-89/2016)

134. GUEST REGISTER

The licensee / approved manager is to maintain a register of all guests, including name and the time and date of check in and check out. This register must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

- (a) The sale and supply of liquor is restricted to liquor contained within the mini bar in each apartment room;
- (b) The consumption of liquor is restricted to patrons within their accommodation / room;
- (c) CCTV footage is to be provided to police upon request, within a reasonable time frame.

Modified Condition 134 (DA-89/2016)

134. ~~GUEST REGISTER~~ Deleted

Deleted by DA-157/2022.

Reason

This condition is not required by virtue of DA-157/2022 as the combined development no longer contains Serviced Apartments.

Dictionary

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

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

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

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

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

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

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Waverley Local Planning Panel.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

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