



**Land and Environment
Court**
of New South Wales

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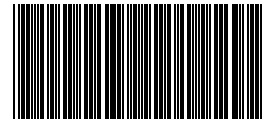
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Your Ref:



D0001NEWH9

1 December 2022

NOTICE OF ORDERS MADE

Case number	2022/00095777
Case title	Royal Sydney Golf Club Limited v Woollahra Municipal Council

On 1 December 2022 the following orders (and/or directions) were made:

The Court orders that:

(1) Pursuant to s 8.15(3) of the Environmental Planning and Assessment Act 1979 the Applicant is to pay those costs of the Respondent thrown away as a result of the amendment of the Development Application, as agreed or assessed.

(2) The Appeal is upheld.

(3) Development Application No. DA402/2019/1 for the renovation and landscape rehabilitation of the existing 18 hole championship golf course including site works, service upgrades, tree removal and replacement plantings at 701 – 703 New South Head Road, Rose Bay (Lot 1 DP630927; Lots 11, 12, 13, 14, 15 and 16 in Section B DP5592; Lot 4 DP224930) is approved subject to the conditions in Annexure "A".

For the Registrar

ANNEXURE B

List of amended plans and documents referred to in Note 2(a) of the s34 Agreement

1. Detailed Site Investigation prepared by Martens dated February 2020
2. Remedial Action Plan prepared by Martens dated July 2022
3. Biodiversity Development Assessment Report prepared by Cumberland Ecology dated 19 August 2022
4. Biodiversity Management Plan prepared by Cumberland Ecology dated 10 November 2022
5. Aquatic Ecology Report prepared by Paul Anink dated 18 August 2022
6. Planting Plan – Small Tree Planting Issue 01 prepared by Arcadia dated 2 November 2022
7. Planting Plan – Large Tree Planting Issue 01 prepared by Arcadia dated 2 November 2022
8. Staging Plan – Large Tree Planting - Issue 01 prepared by Arcadia dated 2 November 2022
9. Construction and Environmental Management Plan Dated 16 November 2022 Rev I, Reviewed by Atlas Golf Services Pty Ltd
10. DAC05.1 Rev 8 – Earthworks Cut and Fill Plan prepared by Northrop
11. DAC06.06 Rev 9 – Site Works and Stormwater Drainage Plan.
12. Tree Protections Measures Report prepared by Tree Wise Men dated 17 August 2022

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA402/2019/1

Development: renovation and landscape rehabilitation of the existing 18 hole championship golf course including site works, service upgrades, tree removal and replacement plantings.

Site: 701-703 New South Head Road, Rose Bay (Lot 1 DP630927; Lots 11, 12, 13, 14, 15 and 16 in Section B DP5592; Lot 4 DP224930)

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

Date of determination: 01 December 2022

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 701-703 New South Head Road, Rose Bay (Lot 1 DP630927; Lots 11, 12, 13, 14, 15 and 16 in Section B DP5592; Lot 4 DP224930).

The conditions of consent are as follows:

PART 1 – DEFERRED COMMENCEMENT**(Section 4.16(3) of the Act, clause 95 of the Regulation)**

Development consent is granted subject that this consent is not to operate until the Applicant satisfies the Council, in accordance with the *Regulations*, as to all matters specified in this Part:

A.1 Aboriginal Heritage Impact Permit, National Parks and Wildlife Act 1974

- a) An Aboriginal Heritage Management Plan is to be prepared in consultation with the La Perouse Local Aboriginal Land Council for submission with the Aboriginal Heritage Impact Permit, as per the recommendations of the Aboriginal Cultural Heritage Assessment Report by Coast History & Heritage dated October 2019.
- b) The Proponent is to seek approval from Heritage NSW via an Aboriginal Heritage Impact Permit (AHIP) issued under s.90 of the National Parks and Wildlife Act 1974 to allow a program of Aboriginal archaeological salvage excavation at 701-703 New South Head Road, Rose Bay to be completed as per the recommendations of the Aboriginal Cultural Heritage Assessment Report by Coast History & Heritage dated October 2019.
- c) Evidence is to be provided that the Aboriginal Heritage Impact Permit has been granted by Heritage NSW.

Period within which evidence must be produced

The Applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days (1 year) of the date of determination.

Clause 95(4) of the *Regulation*:

*“The applicant may produce evidence to the consent authority sufficient to enable it to be satisfied as to those matters and, if the consent authority has specified a period for the purpose, the evidence **must be produced within that period.**”*

If the evidence is not produced within 365 days (1 year) of the date of determination this deferred commencement consent is of no effect, the consent does not operate. No development can lawfully occur under this consent unless it operates.

Note: Nothing in the *Act* prevents a person from doing such things as may be necessary to comply with this condition. (See section 4.16(3) of the *Act*)

This consent does not operate until Council has acknowledged compliance with this condition in writing.

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose.

PART 2 –

B. GENERAL CONDITIONS

B.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* (“the *Act*”) and the provisions of the *Environmental Planning and Assessment Regulation 2000* (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to section 4.15 of the *Act*.

B.2 Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or **AS/NZS** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the commencement of works.

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Developer means any person acting on this Consent.

Local native plants means species of native plant endemic to Sydney’s eastern suburbs (see the brochure titled “Local Native Plants for Sydney’s Eastern Suburbs” published by the Southern Sydney Regional Organisation of Councils).

Stormwater drainage system means all works, facilities and documentation relating to:

- the collection of stormwater,
- the retention of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater; and
- connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner-builder has the same meaning as in the *Home Building Act 1989*.

PC means the Principal Certifier under the *Act*.

Principal Contractor has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.

Professional engineer has the same meaning as in the BCA.

Public place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.

Site means the land being developed subject to this consent.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP means *Woollahra Development Control Plan 2015*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless the Council has provided written confirmation under condition F.1.

Note: Interpretation of conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

B.3 Approved Plans and Supporting Documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below as submitted by the Applicant unless modified by any following condition.

Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
	Championship Course Design	Hanse Golf Course Design	29 March 2021

Reference	Description	Author/Drawn	Date(s)
000 Cover Page	Renovation and Landscape	Arcadia	25 March 2021
001 Site Plan	Rehabilitation of the	Kruse Golf Pty Ltd	
002 Tree Site Plan	Championship		
201 Tree and Grading Plans	Course at Royal Sydney		
202 Tree and Grading Plans	Golf Club -		
203 Tree and Grading Plans	Architectural Plans		
204 Tree and Grading Plans			
205 Tree and Grading Plans			
206 Tree and Grading Plans			
207 Tree and Grading Plans			
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227 Tree and Grading Plans			
228 Tree and Grading Plans			

Reference	Description	Author/Drawn	Date(s)
229 Tree and Grading Plans 230 Tree and Grading Plans 231 Tree and Grading Plans 232 Tree and Grading Plans 233 Tree and Grading Plans 234 Tree and Grading Plans 235 Tree and Grading Plans 236 Tree and Grading Plans 237 Tree and Grading Plans			
Landscape key plan including: Tree Retention & Removal Plans 1.1 – 1.8; Landscape Design 2.1 – 2.15; Planting Typologies 3.1 – 3.8; Planting Schedule 5.1 – 5.4; Masterplan sheets 100-107, Planting Schedule 300, Landscape Plans 301 - 337	Renovation and Landscape Rehabilitation of the Championship Course at Royal Sydney Golf Club - Landscape Masterplan	Arcadia Kruse Golf Pty Ltd	25 March 2021

Reference	Description	Author/Drawn	Date(s)
<ul style="list-style-type: none"> ▪ DAC04.01 Concept Sediment and Soil Erosion Plan ▪ DAC04.10 Sediment and Soil Erosion Control Details ▪ DAC04.21 Typical Sediment Basin Plan and Section ▪ DAC05.01 – Earthworks Cut and Fill Plan – Rev 8 – 17.08.22 ▪ DAC05.10 Cut and Fill Sections - Sheet 1 ▪ DAC05.11 Cut and Fill Sections - Sheet 2 ▪ DAC06.01 Siteworks and Stormwater Drainage Plan - Sheet 1 ▪ DAC06.02 Siteworks and Stormwater Drainage Plan - Sheet 2 ▪ DAC06.03 Siteworks and Stormwater Drainage Plan - Sheet 3 ▪ DAC06.04 Siteworks and Stormwater Drainage Plan - Sheet 4 ▪ DAC06.05 Siteworks and Stormwater Drainage Plan - Sheet 5 ▪ DAC06.06 Siteworks and Stormwater Drainage Plan - Sheet 6 – Rev 9 – 17.08.22 ▪ DAC06.07 Siteworks and Stormwater Drainage Plan - Sheet 7 ▪ DAC06.08 Siteworks and Stormwater Drainage Plan - Sheet 8 ▪ DAC06.09 Siteworks and Stormwater Drainage Plan - Sheet 9 ▪ DAC06.10 Siteworks and Stormwater Drainage Plan - Sheet 10 ▪ DAC06.11 Siteworks and Stormwater Drainage Plan - Sheet 11 	Civil Engineering Plans	Northrop	26 March 2021

Reference	Description	Author/Drawn	Date(s)
<ul style="list-style-type: none">▪ DAC06.12 Siteworks and Stormwater Drainage Plan - Sheet 12▪ DAC06.13 Siteworks and Stormwater Drainage Plan - Sheet 13▪ DAC07.01 Storage Dam Plan▪ DAC07.10 Lake Longitudinal Sections▪ DAC07.20 Storage Dam Details▪ DAC08.01 Details Sheet – Sheet 1▪ DAC08.02 Details Sheet – Sheet 2			

Reference	Description	Author/Drawn	Date(s)
	Survey Plan	LTS	22 January 2021
	Waste Management Plan	Collier International	April 2021
1.0	Arboricultural Impact Assessment	Tom Hare & Hugh Taylor	24 March 2021
P1806651 JR07V01	Geotechnical and Hydrogeological Assessment	Martens Consulting Engineers	September 2019
SKC-25.00{1}	Tree Protection Fencing	Northrop	12.03.21
	Tree Protection Measures Report	Tree Wise Men	17.08.22
	Aboriginal Cultural Heritage Assessment Report	Coast History and Heritage	October 2019
	Traffic and Parking Assessment Report	PTC Consultants	3 October 2019
	Noise Impact Assessment Report	SLR Consulting Australia Pty Ltd	4 October 2019
	Acid Sulfate Soil Assessment	Martens Consulting Engineers	September 2019
	Acid Sulfate Management Plan	Martens Consulting Engineers	March 2021
	Construction Environmental Management Plan (Revision I)	Atlas Golf Services Pty Ltd	16 November 2022
	Biodiversity Development Assessment Report	Cumberland Ecology	19 August 2022
17038RP6	Biodiversity Management Plan	Cumberland Ecology	10 November 2022
	Preliminary Site Investigation	Martens Consulting Engineers	August 2018
	Detailed Site Investigation	Martens Consulting Engineers	February 2020

Reference	Description	Author/Drawn	Date(s)
P1806651 JR12V01	Remedial Action Plan	Martens Consulting Engineers	21 July 2022
	Planting Plan – Small Tree Planting	Arcadia	2 November 2022 – Issue 01
	Planting Plan – Large Tree Planting	Arcadia	2 November 2022 – Issue 01
	Staging Plan – Large Tree Planting	Arcadia	2 November 2022 – Issue 01

To the extent of any inconsistency, the Planting Plan – Small Tree Planting, the Planting Plan – Large Tree Planting and the Staging Plan – Large Tree Planting (together, the 'New Tree Plans') will prevail over other plans referred to in this condition B.3

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development (refer to conditions which must be satisfied prior to the commencement of works.)

B.4 Modification of details of the development (section 4.17(1)(g) of the Act)

The Works Plans and Specifications must detail the following amendments:

- a) The Landscape Plan Species List is to be amended to reflect the approved replacement tree species and sizes at planting:

<i>Species</i>	Minimum Container size at planting (litre)	Quantity
<i>Acacia longifolia</i>	200mm pot size	657
<i>Angophora costata</i>	200	36
<i>Banksia ericifolia</i>	200mm pot size	220
<i>Banksia integrifolia</i>	100	71
<i>Banksia serrata</i>	100	71
<i>Callistemon salignus</i>	200mm pot size	30
<i>Casuarina glauca</i>	200mm pot size	15

<i>Corymbia gummifera</i>	200	36
<i>Eucalyptus piperita</i>	200	36
<i>Eucalyptus racemosa</i>	200	11
<i>Eucalyptus robusta</i>	45	386
<i>Melaleuca nodosa</i>	200mm pot size	300
<i>Melaleuca linearifolia</i>	200mm pot size	32
<i>Melaleuca quinquenervia</i>	45	286

- b) Relevant aspects of the Biodiversity Management Plan and Construction Environmental Management Plan (as approved under conditions D.2 and D.3).
- c) The Landscape Plan and Tree Protection Measures report are to include consistent specifications for the proposed large container tree plantings in the Tree Protection Zones of retained trees, including method of planting hole preparation, planting, and any pruning of existing trees required, and include the Project Arborists arboricultural endorsement of planting location confirming the planted tree will have space to develop a stable root, trunk and crown architecture.
- d) • Large Trees are not to be planted within 2 metres of cart paths, built structures or boundaries.
- A minimum planting distance of 3 metres between Large Tree plantings (excluding the *Melaleuca quinquenervia* within the footprint of the existing dam) shall be implemented.
- Records of tree purchases (species and quantities) and planting dates shall be maintained by the applicant to demonstrate compliance with the Tree Planting Plans and Staging Plan prepared by Arcadia dated 2 November 2022. These records shall be available for review when requested by the respondent.
- e) The Tree Protection Fencing Plan for Retained Trees (SKC 25.00[1] by Northrop is to include:
- Haulage routes;
 - Building materials storage areas identified and marked on plans;
 - Stormwater and Irrigation lines;

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Works Plans and Specifications required by condition D.1 to address specific issues identified during assessment under section 4.15 of the Act.

B.5 Tree Preservation & Approved Landscaping Works

All landscape works shall be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and Biodiversity Management Plan (**BMP**) and Construction Plans as applicable.

- a) The following trees shall be retained
- Site Trees

Species	Location
2101 total trees to be retained as indicated in the Arboricultural Impact Assessment Report by Australian Tree Consultants 24.03.2021	Site

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
26 - 32	Araucaria heterophylla	Woollahra Golf Club	26-27 x 10-12

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
1 – 16	T1 – Araucaria heterophylla T2 to T16 – Melaleuca quinquenervia	Norwich Lane	8-17 x 8-20	High
17 - 21	Rhaphiolepis indica	New South Head Rd	4-9 x 4-8	Medium
22 - 25	Jacaranda mimosifolia	Kent Rd	6-8 x 5-8m	High
33 - 51	Ficus microcarpa var. hillei	O'Sullivan Rd	17-27 x 16-30	High
52 - 58	52, 56, 57, 58 - Eucalyptus botryoides 53, 54 – Toona ciliata	Newcastle St	7-17 x 4-16	High

Note: The tree/s required to be retained should appear coloured green on the relevant plans.

b) The following trees may be removed:

Council Ref No.	Species	Location
	595 total trees to be removed as indicated in the Arboricultural Impact Assessment Report by Australian Tree Consultants 24.03.2021	Site

Note: Tree/s to be removed shall appear coloured red on the relevant plans.

c) The following trees shall be pruned in accordance with *Australian Standard Pruning of Amenity Trees* (AS 4373) and *-2016 Safe Work Australia Guide to managing risks of tree trimming and removal work* to the minimum extent necessary to provide clearance to the new development:

Council Ref No.	Species	Location	Approved pruning (extent of pruning)
NA	44 total trees to be pruned as indicated in Table 10 of the Arboricultural Impact Assessment Report by Australian Tree Consultants 24.03.2021	Site and 1 x Council tree T47.	Up to 10% only

Note: The tree/s required to be pruned should appear coloured blue on the relevant plans.

No other pruning is approved under this consent. Any unforeseen pruning requirements (e.g. for machinery access, landscaping, etc) shall be subject to separate assessment and application to Council.

This consent to prune does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.

Only a Council authorised contractor will be allowed to undertake the pruning of Tree T47 located on Council managed land under the instruction of Council's Coordinator of Trees Maintenance in accordance with Council's Tree Management Policies and AS 4373-2007 *Pruning of Amenity Trees*. All costs associated with the approved pruning will be the responsibility of the applicant.

B.6 Fencing

No permanent fencing is approved as part of this application.

B.7 Ancillary Aspects of Development (section 4.17(2) of the Act)

The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012) unless expressly provided otherwise by these conditions at the Owner's expense.

Note: This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.

B.8 Identification of Hazardous Material

In accordance with Australian Standard AS2601: *The Demolition of Structures*, the Owner shall identify all hazardous substances located on the site including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. per clause 1.6.1 of the Standard.

In this regard, **prior to the commencement of any work**, Council shall be provided with a written report prepared by a suitably qualified competent person detailing:

- all hazardous materials identified on the site,
- the specific location of all hazardous materials identified,
- whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and
- safety measures to be put in place.

Note: This condition is imposed to protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.

B.9 Public Road Assets Prior to Any Work/Demolition

To clarify the condition of the existing public infrastructure prior to the commencement of any development (including prior to any demolition), the Applicant or Owner must submit to Council a full record of the condition of the public road infrastructure adjacent to the development site.

The report must be submitted to Council **prior to the commencement of any work** and include photographs showing current condition and any existing damage fronting and adjoining the site to the:

- road pavement,
- kerb and gutter,
- footway including footpath pavement and driveways,
- retaining walls within the footway or road, and
- drainage structures/pits.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any work under this consent.

Note: If the Applicant or Owner fails to submit the asset condition report required by this condition and damage is occasioned to public assets adjoining the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose

B.10 Archaeological Features – Unexpected Findings

If unexpected archaeological features are discovered during the works covered by this approval, work must cease immediately in the affected area(s) and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified. Additional assessment and approval pursuant to the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).

B.11 Skeletal Remains

If any skeletal remains suspected of being human are found during construction works, work must cease immediately and no further disturbance of the site must occur. The NSW Police and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified and details of the remains and their precise location are to be provided.

B.12 Aboriginal Objects – Unexpected Findings

If unexpected Aboriginal objects or bones are found during any activity associated with this consent, you must:

- a) Not further disturb or move these objects or bones.
- b) Immediately cease all work at the particular location.
- c) In the case of suspected human remains, notify NSW Police.
- d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse LALC on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.
- e) Not recommence any work at the particular location unless authorised in writing by Heritage NSW. Additional assessment and approval pursuant to the *National Parks and Wildlife Act 1974* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: The Definition of Aboriginal object as per the Woollahra Local Environmental Plan 2014: any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

B.13 Aboriginal Heritage – Induction

Prior to any ground disturbance works commencing on site, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974. This must be implemented as a heritage induction programme provided by a heritage consultant with Aboriginal heritage expertise.

B.14 Recording of significant or contributory buildings prior to any demolition or alteration

A full archival record of the landscape elements to be altered is to be submitted, to the satisfaction of Council's heritage officer, prior to the commencement of any work.

The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment & Heritage (Heritage Branch) or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series, Photographic Recording of Heritage

Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch.

There should be one digital set of the photographic report. The following table summarises the lodgement details for photographic records, depending on which material is selected. It is satisfactory to supply one material only and digital material is recommended.

Material	Minimum Requirement	Repository
Digital Materials	1 copy of photographic report including images	<u>Woollahra Council</u> Report and images (digital version)

The photographic archival recording is to be submitted in a digital format and is to include the following:

- a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- b) Floorplans of the internal layout and directional details of photographs taken.
- c) Coloured photographs of:
 - each elevation,
 - each structure and landscape feature;
 - internal images of each room and significant architectural detailing;
 - views to the subject property from each street and laneway or public space.

Note: Refer to the NSW OEH Heritage Branch free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at:

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

B. CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Not Applicable

C. CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS

D.1 Works Plans and Specifications

Prior to the commencement of works, Works Plans and Specifications must be submitted to the Council for approval and must include the details required by other conditions of this consent.

A copy of the Work Plans and Specifications must be kept on site at all times until works have been completed and the Council has approved the use of the development.

D.2 Provide final Waterway Water Quality and Aquatic Ecology Monitoring Plan for Council approval

A copy of the final Waterway Water Quality and Aquatic Ecology Monitoring Plan must be provided to Council's Environmental Officer for their approval prior to the commencement of any works. The final Plan must include the results of the baseline monitoring activities outlined in the draft of this Plan and a Trigger Action Response Plan (TARP) that identifies triggers that are required to ensure no environmental harm to the aquatic and marine environment, along with appropriate responses if breaches occur.

D.3 Update Construction Environmental Management Plan (CEMP) to reflect the final Waterway Water Quality and Aquatic Monitoring Plan

A copy of the final Construction Environmental Management Plan (CEMP) incorporating the final Waterway Water Quality and Aquatic Monitoring Plan and the final groundwater impact report (in support of dewatering licence application) (referred to on page 9 of the CEMP referred to in condition B.3) must be provided to Council's Environmental Officer for their approval prior to the commencement of any works. The CEMP must ensure that the results of the TARP contained in the Waterway Water Quality and Aquatic Monitoring Plan, and the recommendations of the groundwater impact report, are incorporated into the final version of the CEMP in a practical manner to ensure that no environmental harm occurs to the aquatic and marine environment.

D.4 Provide a report on the results of the baseline terrestrial ecology monitoring program as outlined in the Biodiversity Management Plan

A report summarising the results of the baseline terrestrial ecology monitoring program, as outlined in Section 14 of the BMP must be submitted to Council's Environmental Officer for their approval prior to the commencement of any works. The report is to include a summary of the baseline conditions experienced on RSGC and adjacent control sites, including the target fauna species or fauna groups that may be expected to recolonise RSGC. This report must identify the location of reference sites located outside of the RSGC property, which sites will be sampled during the effectiveness monitoring program, the statistical power available within the baseline data and recommend if any changes to the BMP are required. This report must be peer reviewed by an expert in ecology monitoring, being somebody with skills and experience in the most appropriate statistics for use in ecological monitoring applications and the use of power analyses.

If changes to the BMP are required, an amended BMP must also be submitted to Council's Environmental Officer for their approval.

D.5 Protecting Assets Owned by Sydney Water

The approved plans must be submitted to Sydney Water Tap In™ online service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and any requirements need to be met.

The Tap In™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Note: For more information go to Sydney Water www.sydneywater.com.au/tapin/index.htm and www.sydneywater.com.au/SW/plumbing-building-developing/building/building-over-or-next-to-assets/index.htm or call 1300 082 746.

D.6 Public Open Space Protection

Works must not impact on bushland, public open space or vegetation adjoining the property.

Council will not permit the storage of building, excavation, demolition material or plant on Council's public open space or access to development through the adjoining Woollahra Park unless prior written approval has been obtained from Council's Open Space and Tree Division.

An application requesting access through public open space is to be submitted to the Council on the required form with the appropriate fee. The form is available from Council's Technical Services Department.

Note: If access through a Reserve is approved a separate Bond will be required.

D.7 Tree Management Details

The Works Plans and Specifications required by Condition D.1 must, show the following information:

- a) Trees to be numbered in accordance with these conditions:
 - shaded green where required to be retained and protected
 - shaded red where authorised to be removed
 - shaded yellow where required to be transplanted
 - shaded blue where required to be pruned
- b) References to applicable tree protection plan, arborists and ecological reports.

D.8 Professional Engineering Details

The Works Plans and Specifications required by Condition D.1 must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the Council prior to the commencement of works.

D.9 Geotechnical and Hydrogeological Design, Certification and Monitoring

The Works Plans and Specifications required by Condition D.1 must be accompanied by a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.

These details must be certified by the professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d) Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - will detect any settlement associated with temporary and permanent works and structures,
 - will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
 - will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
 - will detect groundwater changes calibrated against natural groundwater variations,
 - details the location and type of monitoring systems to be utilised,
 - details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
 - details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
 - details a contingency plan.

D.10 Stormwater Discharge to a Sydney Water Channel

The Developer must obtain written approval from Sydney Water to discharge stormwater from the subject property directly into a Sydney Water drainage channel.

D.11 Relocation or Reconstruction of Council's Stormwater Drainage System

The Developer must meet all costs of relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development. All engineering drawings (plan, sections and elevation views) and specifications of any new stormwater drainage system and any alterations to the existing ground levels and the vegetation over the Council's stormwater system to be constructed are to be prepared by the Developer. Pursuant to S68 of the Local Government Act 1993, the design plans must be lodged and approved by Council prior to the commencement of works.

Note: Four weeks should be allowed for assessment.

The design and construction of the works must be in accordance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management and "Specification for Road Works, Drainage and Miscellaneous Works" which include Council's standard drawings. These documents are available from Council's website www.woollahra.nsw.gov.au.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

D.12 Council Stormwater Infrastructure Assets

Pursuant to S68 of the Local Government Act 1993, the Developer is to provide the following details for approval by Council's Assets Engineers prior to the commencement of works:

- a) Information and details of the Council stormwater mainline from Newcastle Street via the site to Sydney Water easement, such as long-section with respect to the finished level of proposed Champion Golf Course; and
- b) Detailed measures for the preservation of Council stormwater mainline from Newcastle Street via the site to Sydney Water easement.

D.13 Stormwater Discharge to Existing Stormwater Drainage System

The Works Plans and Specifications required by Condition D.1 must detail:

- a) the location of the existing Stormwater Drainage System including all pipes, inspection openings, surface drains, pits and their discharge location,
- b) the state of repair of the existing Stormwater Drainage System,
- c) any remedial works required to upgrade the existing Stormwater Drainage System to comply with the BCA,
- d) any remedial works required to upgrade the existing Stormwater Drainage System crossing the footpath and any new kerb outlets,

- e) any new Stormwater Drainage System complying with the BCA,
- f) interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath,
- g) any rainwater tank (see Note below) required by BASIX commitments including their overflow connection to the Stormwater Drainage System, and
- h) general compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Where any new Stormwater Drainage System crosses the footpath area within any road, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council for those works prior to the commencement of works.

All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012).

Note: Clause F1.1 of Volume 1 and Part 3.1.2 of Volume 2 of the BCA provide that stormwater drainage complying with AS/NZS 3500.3 Plumbing and drainage - Part 3: Stormwater drainage is deemed-to-satisfy the BCA. Council's specifications apply in relation to any works with any road or public place.

Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.

Note: Stormwater Drainage Systems must not discharge to any Sewer System. It is illegal to connect stormwater pipes and drains to the sewerage system as this can overload the system and cause sewage overflows. For more information go to the Sydney Water website www.sydneywater.com.au/SW/plumbing-building-developing/index.htm or call 1300 082 746.

Note: Woollahra Municipal Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003 and the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management can be downloaded from Council's website www.woollahra.nsw.gov.au

D.14 Structures on Council land

It should be noted that all proposed works to this development should be made wholly within the private property and not encroach onto Woollahra Park.

D.15 Flood Protection

The Works Plans and Specifications required by Condition D.1 must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL) detailing:

- a. A permanent flood risk management plan shall be installed in a prominent area of the clubhouse.
- b. Flood level height indicators shall be installed on the golf course in high hazard areas to indicate the flood depth as determined by an engineer experienced in flood mitigation.
- c. Flood compatible materials shall be used for all flood exposed construction.

- d. All flood exposed electrical wiring and equipment shall be waterproofed.
 - e. All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation.
- Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.

Note: The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1 – 2004, Part 1: *Off-street car parking*. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.

D.16 Payment of Long Service Levy, Security, Contributions and Fees

Payment of all of the following levy, security, contributions, and fees is required prior to the commencement of works.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit - making good any damage caused to any property of the Council	\$410,324	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	\$39,505.00	No	T39
	\$39,505.00	No	T40
	\$39,505.00	No	T47
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$174,350 + Index Amount	Yes, quarterly	T96

INSPECTION FEES			
under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$221.34	No	
Security Administration Fee	\$190	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$703,600.34 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

The long service levy under section 34 of the *Building and Construction Industry Long Service Payment Act 1986*, must be paid and proof of payment provided to the Certifying Authority prior to the commencement of works. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.

How must the payments be made?

Payments must be made by:

- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
- the bank guarantee is lodged with the Council prior to the commencement of works, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

How will the section 7.12 levy (formerly known as 94A levy) be indexed?

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2011 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on ph 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the *Act* and could void any such certificate (eg Construction Certificate, Subdivision Certificate, or Occupation Certificate).

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 94A Development Contributions Plan 2011

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- the reasons given,
- whether any prejudice will be caused to the community deriving benefit from the public facilities,
- whether any prejudice will be caused to the efficacy and operation of the Plan, and
- whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
- the bank guarantee is lodged with the Council prior to the commencement of works, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 3.13 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

D.17 Public Road Assets Prior to Any Work/Demolition

To clarify the condition of the existing public infrastructure prior to the commencement of any development (including prior to any demolition), the Developer or Owner must submit to Council a full record of the condition of the public road infrastructure adjacent to the development site.

The report must be submitted to Council **prior to the commencement of any work** and include photographs showing current condition and any existing damage fronting and adjoining the site to the:

- road pavement,
- kerb and gutter,
- footway including footpath pavement and driveways,
- retaining walls within the footway or road, and

- drainage structures/pits.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any work under this consent.

Note: If the Applicant or Owner fails to submit the asset condition report required by this condition and damage is occasioned to public assets adjoining the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose

D.18 Adjoining Buildings Founded on Loose Foundation Materials

The Principal Contractor must ensure that a professional engineer determines the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis and the Principal Contractor must comply with any reasonable direction of the professional engineer.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the *Conveyancing Act 1919*.

D.19 Establishment of Tree Protection Zones

To limit the potential for damage to trees to be retained, Tree Protection Zones are to be established around all trees to be retained on site.

The Tree Protection Zones are to comply with the approved Biodiversity Management Plan and specifically the requirements of the Tree Protection Measures prepared by Tree Wise Men as contained in Appendix E.

D.20 Works (Construction) Zone – Approval and Implementation

A Works Zone may be required for this development. The Principal Contractor or Owner can apply for a works zone. If the works zone is approved the Principal Contractor or Owner must pay all fees for this Works Zone before it can be installed.

The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's

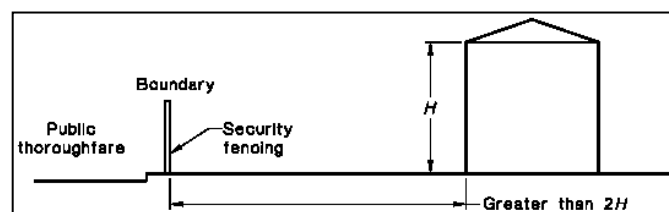
Rangers and NSW Police before commencement of any work. Signs are not erected until full payment of works zone fees.

Note: The Principal Contractor or Owner must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the clause 22 of the *Transport Administration (General) Regulation 2000* to exercise those functions delegated by the Roads and Maritime Services under section 50 of the *Transport Administration Act 1988*.

Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The Principal Contractor must report any breach of the works zone to either Council or the NSW Police Service.

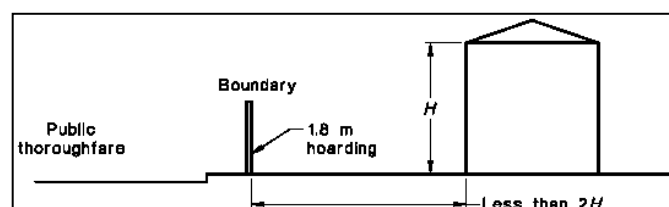
D.21 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

Security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.



Type A Hoarding

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.



Type B Hoarding

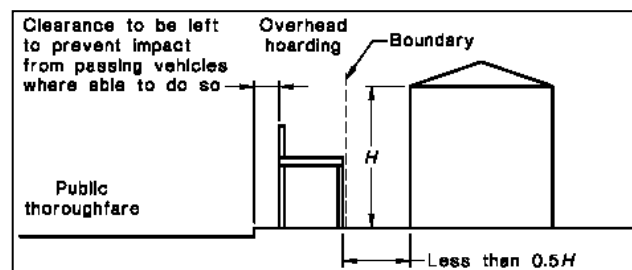
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must

be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

- a) the vertical height above footpath level of the structure being demolished is less than 4.0m; or
- b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

- a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary,
- b) have a clear height above the footpath of not less than 2.1m,
- c) terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The Principal Contractor must ensure that overhead protective structures are installed and maintained in accordance with the NSW "Code of Practice - Overhead Protective Structures 1995". This is code available at

www.safework.nsw.gov.au/data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

All Hoardings

Security fencing, hoarding and overhead protective structure must not obstruct access to utilities services including but not limited to man holes, pits, stop valves, fire hydrants or the like.

Hoardings on Public Land including 'Creative Hoardings'

The Principal Contractor must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council's Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the Principal Contractor. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au

Note: The Principal Contractor or Owner must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.

Note: Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:

- A. Hoardings proposed on land zoned B2 Local Centre, or B4 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more
OR
- B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more
OR
- C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:
 - i. the capital investment value of the work to which the hoarding relates is less than \$1 million
OR
 - ii. the land is zoned R2 Low Density Residential
OR
 - iii. the land is zoned R3 Medium Density Residential and the hoarding located in a lane or street that does not have through traffic (eg a cul-de-sac or no through road).

Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding".

The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au or for more information contact Council's Cultural Development Team.

D.22 Site Signs

The Principal Contractor must ensure that the sign/s required by clauses 98A and 227A of the *Regulation* is/are erected and maintained at all times.

Clause 98A of the *Regulation* provides:

Erection of signs

- For the purposes of section 4.17(11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - b. showing the name of the principal contractor and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.

Clause 227A of the *Regulation* provides:

Signs on development sites

If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:

- Each such person **MUST** ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out.

Note: Clause 227A imposes a penalty exceeding \$1,000 if these requirements are not complied with.

D.23 Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) must be a standard flushing toilet, and
- b) must be connected to a public sewer, or
- c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the *Local Government (Approvals) Regulation 1993*.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Note: This condition does not set aside the requirement to comply with SafeWork NSW requirements.

D.24 Erosion and Sediment Controls – Installation

The Principal Contractor must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The final CEMP and Waterway Water Quality and Aquatic Ecology Monitoring Plan provided in accordance with Condition D.2 and D.3
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) “*Managing Urban Stormwater - Soils and Construction*” 2004 published by the NSW Government (*The Blue Book*).

Where there is any conflict *The Blue Book* takes precedence.

Note: The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication can be downloaded from www.woollahra.nsw.gov.au and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm

Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the *Act* and/or the *Protection of the Environment Operations Act 1997* **without any further warning**. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

D.25 Engagement of Project Ecologist

The Applicant shall engage an ecologist who has relevant skills and experience in working as a Project Ecologist and as a ‘fauna spotter catcher’ to provide Project Ecologist services as specified in the Biodiversity Management Plan.

D.26 Engagement of Project Arborist

The Applicant shall engage an arborist who holds a diploma in arboriculture (Australian Qualification Framework Level 5 (AQF5) as the Project Arborist, and who is a current, financial member of an Arboricultural Association or Affiliation to oversee the tree protection measures, attend the site for works within the Tree Protection Zone of retained trees and record details for compliance requirements as detailed in the approved Tree Protection Measures Report by Tree Wise Men dated 17 August 2022.

Prior to tree planting, tree or vegetation clearing, excavation or fill commences, Council's Tree Management Officer shall be provided with the name and contact details of the Project Arborist. Should the Project Arborist change prior to the completion of works, Council's Tree Management Officer shall be provided with details of the new site arborist.

Note: Arborists with the AQF8 qualification who do not also hold the AQF5 qualification in arboriculture are not acceptable for the arboricultural components of supervision and impact assessment works on the site.

The Project Arborist is to be assisted by an AQF Level 5 On-site Arborist to be employed by Royal Sydney Golf Club. The On-site Arborist is required given the expected volume of works required during the construction. The On-Site Arborist is to liaise with the Project Arborist in the preparation of the certification reporting.

D.27 Establishment of Tree Protection Zone (TPZ) Fence

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970- 2009) and as depicted on the approved Tree Protection Plan by Northrop dated 12.3.2021 and as amended under this Consent.

Note: Where this condition relates to street trees and the fence cannot be placed at the specified radius, the fencing shall be positioned so that the entire verge (nature strip) area in front of the subject property, excluding existing driveways, footpaths and bus stops is protected.

Note: Where this condition relates to trees on private property the radial distance of fencing shall be positioned only within the subject property.

- a) All tree protection works are to be carried out in accordance with the Tree Protection Measures Report by Tree Wise Men dated 17 August 2022.
- b) A sign identifying the Tree Protection Zone shall be erected on the protection fencing indicating the existence of a TPZ. Signage must be visible from within the development site.
- g) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the Project Arborist or unless specified in this consent.
- h) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the Project Arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- i) The Project Arborist shall provide written certification of compliance with the above condition.

D.28 Construction Environment Management Plan

The Construction Environmental Management Plan shall be reviewed and certified by the Project Arborist that appropriate tree protection measures have been accounted for and are fit for purpose. An amended Construction Environmental Management Plan shall be prepared in accordance with all tree protection measures specified within this consent including the Tree Protection Measures Report by Tree Wise Men dated 17 August 2022. Considerations by the Project Arborist shall include but not be limited to:

- a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate any hoarding and scaffolding;
- b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc;
- c) Site construction access, temporary crossings and movement corridors on the site defined;
- d) Contractors car parking;
- e) Phasing of construction works;
- f) The space needed for all foundation excavations and construction works;
- g) All changes in ground level;
- h) Space for site sheds and other temporary structures such as toilets;
- i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and
- j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.

D.29 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent required prior to works commencing have been complied with. Documentation for each site visit shall include:

- A record of the condition of trees to be retained prior to and throughout development
- Recommended actions to improve site conditions and rectification of non-compliance
- Recommendations for future works which may impact the trees

All compliance certification documents shall be kept on site by the Site Foreman.

As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
Prior to the commencement of any development work	<p>Initial Induction Meeting</p> <ul style="list-style-type: none"> • Project Arborist to hold preconstruction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to clearly mark all trees approved for removal under DA consent. • The Project Arborist shall supervise and certify the installation of tree protection fencing, trunk protection, and ground protection.

Inspections and compliance documentation shall be made by an arborist with AQF Level 5 qualifications.

Additional site visits shall be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.

Note: The project arborist must hold an AQF Level 5 qualification in arboriculture. Holders of AQF Level 8 who do not hold the AQF Level 5 do not have the necessary training for monitoring and supervision of works near trees to be retained.

D.30 Notice of Commencement of Works

The commencement of works in accordance with this development consent must not be commenced until:

- a) The Council has approved in writing the Works Plans and Specifications required by Condition D.1, and
- b) The Developer has:
 - appointed a Principal Contractor for the building work,
 - notified the Council of any such appointment, and
 - notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the works, and
 - given at least 2 business days' notice to the Council of the person's intention to commence works, and
 - given at least 5 business days' notice to the Council of the person's intention to commence tree clearing works.

E. CONDITIONS WHICH MUST BE SATISFIED DURING ANY DEVELOPMENT WORK

E.1 Compliance with BCA and Insurance Requirements under the [Home Building Act 1989](#)

For the purposes of section 4.17(11) of the *Act*, the following condition is prescribed in relation to a development consent for development that involves any building work:

- a) that the work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),
- b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the *Regulation*, or
- b) to the erection of a temporary building.

In this clause, a reference to the BCA is a reference to that Code as in force on the date that work is proposed to commence .

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.

E.2 Compliance with Construction and Environment Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction and Environment Management Plan (CEMP). All controls in the CEMP must be maintained at all times. A copy of the CEMP must be kept on-site at all times and made available to the Council on request.

Note: Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.

E.3 Compliance with Biodiversity Management Plan

All development activities must be carried out in accordance with the approved Biodiversity Management Plan (BMP). All controls in the BMP must be maintained at all times. A copy of the BMP must be kept on-site at all times and made available to the Council on request.

E.4 Requirement to Notify about New Evidence

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council.

E.5 Hours of Work –Amenity of the Neighbourhood

- a) No *work* must take place on any Sunday or public holiday.
- b) No *work* must take place before 7am or after 5pm any weekday.
- c) No *work* must take place before 7am or after 1pm any Saturday.
- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday:
 - (i) piling,
 - (ii) piercing,
 - (iii) rock or concrete cutting, boring or drilling,
 - (iv) rock breaking,
 - (v) rock sawing,
 - (vi) jack hammering, or
 - (vii) machine excavation.
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Note: The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.

Note: Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RMS and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

Note: NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nqlg.htm

E.6 Public Footpaths – Safety, Access and Maintenance

The Principal Contractor and any other person acting with the benefit of this consent must:

- a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any *work*.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Not stand any plant and equipment upon the road or footway.
- f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- g) Protect heritage listed street name inlays in the footpath which are not to be removed or damaged during development.

This condition does not apply to the extent that a permit or approval exists under the section 148B of the *Road Transport Act 2013*, section 138 of the *Roads Act 1993* or section 68 of the *Local Government Act 1993* except that at all time compliance is required with:

- a) Australian Standard AS 1742 (Set): *Manual of uniform traffic control devices* and all relevant parts of this set of standards.
- b) Australian Road Rules.

Note: Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose.

Note: Section 138 of the *Roads Act 1993* provides that a person must not:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the Council including:

- Part C Management of waste:
 - a. For fee or reward, transport waste over or under a public place

- b. Place waste in a public place
- c. Place a waste storage container in a public place.
- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
 - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

E.7 Tree Preservation

The work must be carried out in accordance with the Construction Plans subject to the relevant sections of the Biodiversity Management Plan and Amended Construction Environmental Management Plan.

All persons must comply with Chapter E.3 – Tree Management of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.

General Protection Requirements

- a) The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the Council.

Note: Trees must be pruned in accordance with *Australian Standard AS 4373 "Pruning of Amenity Trees"* and *Safe Work Australia "Guide to Managing Risks of Tree Trimming and Removal Work"* July, 2016.

E.8 Replacement/Supplementary Trees

Any replacement or supplementary tree required to be carried out in accordance with these conditions or the Biodiversity Management Plan shall be grown in accordance with Tree stock for landscape use (AS 2303:2018). The replacement tree shall be planted in *deep soil landscaped area* and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species which complies with the approved Landscape Plan.

The project arborist must document compliance with the above condition.

E.9 Hand Excavation within Tree Root Zone

Excavation works (including any for electrical supply) undertaken within the specified radius from the trunks of the following trees shall be hand dug.

Species	Location	Radius from centre of trunk (metres)
All species except <i>Ficus</i>	Site	5
All <i>Ficus</i> species and any tree with a trunk diameter > 100cm	Site/Public land	10

Small hand tools such as mattocks or using compressed air or water jetting only shall be used. Roots with a diameter equal to or in excess of 50mm shall not be severed or damaged unless approved in writing by the project arborist.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

All root pruning must be undertaken in accordance with the Australian Standard 4373 "Pruning of Amenity Trees" and carried out or directly supervised by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).

The Project Arborist must document compliance with the above condition.

E.10 Installation of Stormwater Pipes and Pits in the Vicinity of Trees

Excavation for the installation of stormwater pipes and pits within the specified radius from the trunks of the following trees shall be hand dug.

Species	Location	Radius from centre of trunk (metres)
All species except <i>Ficus</i>	Site	5
All <i>Ficus</i> species and any tree with a trunk diameter > 100cm	Site	10

Any roots greater than 50mm diameter uncovered for the installation of stormwater pipes and pits shall not be severed and remain in situ bridging across the excavated trench. Pipes shall be guided under any roots greater than 50mm bridging across excavated trenches. Stormwater pits shall be positioned so that no roots greater than 50mm diameter are severed.

Where hand digging is not possible, the Project Arborist must directly supervise any machinery used within the specified radius from the tree trunk.

The Project Arborist must document compliance with the above condition

E.11 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent during approved works have been complied with. Documentation for each site visit shall include:

- A record of the condition of trees to be retained prior to and throughout development
- Recommended actions to improve site conditions and rectification of non-compliance
- Recommendations for future works which may impact the trees

All compliance certification documents shall be kept on site by the Site Foreman.

As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
During any development work	<ul style="list-style-type: none"> • The Project Arborist shall supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The condition of exposed roots shall be managed and documented. • The Project Arborist shall inspect the installed irrigation system to plants. The arborist shall certify there is an appropriate distribution of water to planted and existing trees. • Project Arborist to approve relocation of tree protection fencing for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the Project Arborist to minimise the impact to trees.

Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.

Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.

Note: The project arborist must hold an AQF Level 5 qualification in arboriculture. Holders of AQF Level 8 who do not hold the AQF Level 5 do not have the necessary training for monitoring and supervision of works near trees to be retained

E.12 Maintenance of Environmental Controls

The Principal Contractor must ensure that the following monitoring, measures and controls are maintained:

- a) erosion and sediment controls,
- b) dust controls,
- c) dewatering discharges,
- d) noise controls,
- e) vibration monitoring and controls,
- f) ablutions.

E.13 Compliance with Geotechnical / Hydrogeological Monitoring Program

Excavation must be undertaken in accordance with the recommendations of the Geotechnical / Hydrogeological Monitoring Program and any oral or written direction of the supervising professional engineer.

The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to:

- a) the location and type of monitoring systems to be utilised,
- b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
- c) the contingency plan.

Note: The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the development application to be appointed as the professional engineer supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.

E.14 Support of Adjoining Land and Buildings

A person must not do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).

For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.

Note: This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain:

- a. the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b. an access order under the *Access to Neighbouring Land Act 2000*, or
- c. an easement under section 88K of the *Conveyancing Act 1919*, or
- d. an easement under section 40 of the *Land and Environment Court Act 1979* as appropriate.

Note: Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

Note: Clause 20 of the *Roads Regulation 2008* prohibits excavation in the vicinity of roads as follows: “**Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road.” Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

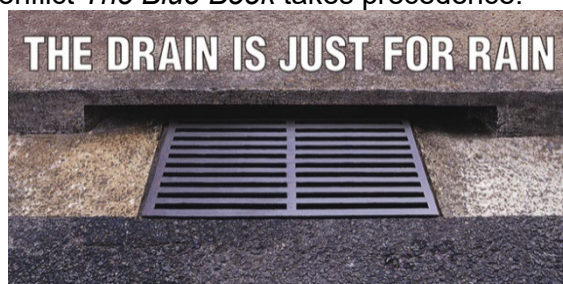
Note: The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council’s care control or management, or any community or operational land as defined by the *Local Government Act 1993*.

E.15 Erosion and Sediment Controls – Maintenance

The Principal Contractor must maintain water pollution, erosion and sedimentation controls in accordance with:

- a) the approved Construction and Environment Management Plan,
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001, and
- c) “*Managing Urban Stormwater - Soils and Construction*” 2004 published by the NSW Government (*The Blue Book*).

Where there is any conflict *The Blue Book* takes precedence.



Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the *Act* and/or the *Protection of the Environment Operations Act 1997* without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.

E.16 Placement and Use of Skip Bins

The Principal Contractor must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 68 of the *Local Government Act 1993* to place the waste storage container in a public place; and
- b) where located on the road it is located only in a position where a vehicle may lawfully park in accordance with the Australian Road Rules.

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.

E.17 Prohibition of Burning

There must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.

Note: Pursuant to the *Protection of the Environment Operations (Clean Air) Regulation 2010* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.

E.18 Dust Mitigation

Dust mitigation must be implemented in accordance with “*Dust Control - Do it right on site*” published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed in bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

Note: “*Dust Control - Do it right on site*” can be downloaded from Council’s website www.woollahra.nsw.gov.au or obtained from Council’s office.

Note: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply.

Note: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

E.19 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway

All work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the *development* to which this consent relates must comply with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012).

The Owner or Principal Contractor must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the *Roads Act 1993* or *Local Government Act 1993* for works within roads and other public places.

Note: A copy of Council's *Specification for Roadworks, Drainage and Miscellaneous Works* can be downloaded from Council's website www.woollahra.nsw.gov.au

E.20 Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council

Council drainage easement(s) drainage reserve(s) or stormwater system passes through the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The Principal Contractor must locate all stormwater drainage systems without causing any damage to the public system and ensure its protection. The Owner or Principal Contractor must not obstruct or otherwise remove, disconnect or render inoperable the stormwater drainage system.

Works such as fences must not obstruct the natural floodway or alter the natural floodway in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council, in connection with the *development* to which this consent relates, must comply with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012).

The Owner or Principal Contractor must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the *Roads Act 1993* or *Local Government Act 1993* for works within roads and other public places.

Note: The *Local Government Act 1993* provides:

"59A Ownership of water supply, sewerage and stormwater drainage works

- a. Subject to this Division, a council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by the council (whether or not the land is owned by the council).
- b. A council may operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of the council, the works are used in an efficient manner for the purposes for which the works were installed."

E.21 Compliance with Acid Sulfate Soils Management Plan

The Principal Contractor and any subcontractor must comply with the Acid Sulfate Soil Management Plan and the NSW Government Acid Sulfate Soils Management Advisory Committee manual and any relevant guidelines.

Note: The Acid Sulfate Soils Management plan submitted with the Development Application sets out all the above requirements in detail.

Note: A failure to implement and maintain the Acid Sulfate Soils Management plan can result in the following environmental harm:

- damage to the soil structure so plant roots and soil organisms can't easily move about
- plant roots being burnt by acid, reducing plant health and productivity
- acid intolerant soil fauna and flora are killed, so the soil biodiversity and health are reduced
- plants and soil life can be poisoned by the available toxic metals
- loss of aquatic plants that cannot survive acidic conditions
- loss of fish, crustaceans, birds and other animals
- damage to metal and concrete structures (such as bridge pylons and pipes)

E.22 Asbestos Removal

All asbestos removal work must be carried out safely according to NSW work health and safety legislation.

Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:

- a) Be undertaken by contractors who hold a current SafeWork NSW "demolition licence" and a current SafeWork NSW "Class A licence" for friable asbestos removal.
- b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.
- c) No asbestos products may be reused on the site.

d) No asbestos laden skip or bins shall be left in any public place.

Note: This condition is imposed to protect the health and safety of persons working on the site and the public

E.23 Classification of Hazardous Waste

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.

Note: This condition is imposed to ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.

E.24 Disposal of Asbestos and Hazardous Waste

Asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition above must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

Note: This condition is imposed to ensure that asbestos and other hazardous waste is disposed of lawfully under the *Protection of the Environment Operations Act 1997* and relevant NSW EPA requirements.

E.25 Asbestos Removal Signage

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site when asbestos is being removed.

Note: This condition is imposed to ensure awareness of any hazard to the health and safety of persons working on the site and public.

E.26 Notification of Asbestos Removal

In addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW all adjoining properties and those opposite the development site 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 facsimile numbers and email addresses.

Note: This condition has been imposed to ensure that local residents are informed and have adequate communication facilitated for incidents of asbestos removal.

F. CONDITIONS WHICH MUST BE SATISFIED UPON THE COMPLETION OF THE WORKS AND PRIOR TO THE OCCUPATION OR USE OF THE DEVELOPMENT

F.1 Prior to Occupation or Use of the Development

Occupation or use of the development must not occur until the Council confirms in writing that the conditions in this Section F. are satisfied.

F.2 Commissioning and Certification of Systems and Works

The Principal Contractor must submit to the satisfaction of the Council works-as-executed (WAE) plans, Compliance Certificates and evidence of suitability in accordance with the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the *Act*, the *Regulations*, the BCA and relevant Australian Standards.

Works-as-executed plans, Compliance Certificates and evidence of suitability in accordance with the BCA must include but may not be limited to:

- a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b) All flood protection measures.
- c) All stormwater drainage and storage systems.
- d) Such further matters as the Council may require.

Note: This condition has been imposed to ensure that systems and works as completed meet development standards as defined by the *Act*, comply with the BCA, comply with this consent and so that a public record of works as execute is maintained.

Note: The Council may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the *Act*, *Regulation*, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

F.3 Commissioning and Certification of Public Infrastructure Works

The Principal Contractor must submit, to the satisfaction of Council, certification from a professional engineer that all public infrastructure works have been executed in compliance with this consent and with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012).

The certification must be supported by closed circuit television / video inspection provided on DVD of all stormwater drainage together with works-as-executed engineering plans and a survey report detailing all finished reduced levels.

Use of the development must not occur until Council's Assets Engineer is satisfied that the works have been satisfactorily completed and condition F.1 is satisfied.

F.4 Amenity Landscaping

The Principal Contractor or Owner must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site for golf.

Note: This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any use or occupation of the development.

F.5 Landscaping

The Principal Contractor or Owner must provide to Council a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works comply with this consent.

Note: This condition has been imposed to ensure that all Landscaping work is completed prior to the occupation or use of the development.

F.6 Project Ecologist progress and final report for works

The Project Ecologist will provide Council's Environmental Officer with a summary report at the conclusion of each stage of work, at a frequency of at no less than once every three months and a final report within one month of the completion of final works certifying that works required under Sections 5,6 and 9 of the BMP were completed in accordance with the BMP.

F.7 Provide water and aquatic ecology monitoring reports

Reports must be submitted to Council's Environmental Officer summarising the results of monitoring completed under the Waterway Water Quality and Aquatic Ecology Monitoring Plan at the frequency required by the final version of this Plan.

F.8 Arborists Documentation and Compliance Checklist

The site arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent required prior occupation or use commencing have been complied with. Documentation for each site visit shall include:

- A record of the condition of trees to be retained prior to and throughout development
- Recommended actions to improve site conditions and rectification of non-compliance
- Recommendations for future works which may impact the trees

All compliance certification documents must be kept on site by the Site Foreman.

As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
Prior to any occupation or use	<ul style="list-style-type: none"> • Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent. And as described in the BMP • The Project Arborist shall supervise the dismantling of tree protection measures. • After all demolition, construction and landscaping works are complete the Project Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project arborist should provide recommendations for remediation. • The applicant's arborist is to certify that: All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 Protection of trees on development sites and AS 4373 - 2007 Pruning of amenity trees.

Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.

Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.

Note: The project arborist must hold an AQF Level 5 qualification in arboriculture. Holders of AQF Level 8 who do not hold the AQF Level 5 do not have the necessary training for monitoring and supervision of works near trees to be retained.

F.9 Site Remediation

Remediation of the site must be carried out and completed in accordance with the Remediation Action Plan prepared by Martens dated July 2022 (Ref: P1806651JR12V01)

F.10 Site Audit

An independent review by a NSW Environment Protection Authority (EPA) accredited Contaminated Sites Auditor, engaged by the Applicant (The Royal Sydney Golf Club), to conduct a **Site Audit** under the *NSW Contaminated Land Management Act 1997* and *NSW EPA (2020) Consultants Reporting on Contaminated Land, Contaminated Land Guidelines* at The Royal Sydney Golf Club, 701-703 New South Head Road Rose Bay NSW 2029 (LOT: 1 DP: 630927). The Site Auditor shall review the documents listed below and comment on observations made on any site visits:

- Martens Consulting Engineers (2018) *Preliminary Site Investigation: Royal Sydney Golf Club, Rose Bay NSW*, dated 29 August 2018.
- Martens Consulting Engineers (2019) *Remedial Action Plan: UPSS at Royal Sydney Golf Club, Rose Bay NSW*, dated 26 June 2019.
- Martens Consulting Engineers (2020) *Detailed Site Investigation: Royal Sydney Golf Club, Rose Bay NSW*, dated 5 February 2020.
- Martens Consulting Engineers (2022) *Remedial Action Plan: Royal Sydney Golf Club Championship Golf Course Redesign, Rose Bay, NSW* dated 21 July 2022.

The **Site Audit Report** shall form the basis and rationale for the conclusions contained in a **Site Audit Statement** by way of 'approved form' (12 October 2017) under the *Contaminated Land Management Act 1997* and **certify** that land is suitable for the intended category of use.

F.11 Removal of Ancillary Works and Structures

The Principal Contractor or Owner must remove from the land and any adjoining public place:

- a) the site sign,
- b) ablutions,
- c) hoarding,
- d) scaffolding, and
- e) waste materials, matter, article or thing.

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the use of the course.

F.12 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in compliance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012) unless expressly provided otherwise by these conditions at the Principal Contractor's or Owner's expense:

- a) stormwater pipes, pits and connections to public stormwater systems within the *road*,
- b) driveways and vehicular crossings within the *road*,
- c) removal of redundant driveways and vehicular crossings,
- d) new footpaths within the *road*,
- e) relocation of existing power/light pole,
- f) relocation/provision of street signs,
- g) new or replacement street trees,
- h) new footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street,
- i) new or reinstated kerb and guttering within the *road*, and
- j) new or reinstated road surface pavement within the *road*.

Note: Security held by Council pursuant to section 4.17(6) of the *Act* will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with to Council upon completion of all works. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.

G. CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

G.1 Implement the Biodiversity Management Plan in Perpetuity

The approved Biodiversity Management Plan listed in Condition B.3 must be fully implemented and complied with for the life of the development.

G.2 Undertake tree replacement activities for any tree that fails or requires removal

Where prescribed trees (as defined in accordance with E3.2.1 of the Woollahra DCP 2015) fail or require removal for any reason, they must be replaced on the site with another tree from a container size of at least 45L and be maintained for a period of no less than 2 years. If the planted tree fails during this time, it must be replaced with another tree from a container size of at least 45L.

G.3 Provide updates to Council on status of the implementation of the Biodiversity Management Plan

By the 30th June every second year, commencing at year 1, a brief outline of findings observed during the implementation of the BMP must be submitted to Council's Environmental Officer for their review. The intent of this report is to provide a

qualitative overview of works occurring on the site, relevant information such as the number of plants planted in the previous 12 months and if activities specified in section 15 of the BMP have been effectively completed.

By the 30th June every second year, commencing at year 2 of the implementation phase of the BMP, comprehensive reports must be submitted to Council's Environmental Officer for their review. The annual reports must identify progress towards reaching the identified targets in the BMP and if the annual target was reached. If the target was not reached, corrective actions must be undertaken in accordance with the BMP and in consultation with Council.

Once the operational phase of the BMP is reached, monitoring reports must be submitted once every four years by 30th June each year they are required.

G.4 Provide public copies of the Biodiversity Management Plan and results of biodiversity monitoring

A copy of the Biodiversity Management Plan must be made permanently available on the Royal Sydney Golf Club (or the operator of the subject development from time to time) website, in an easy to access location (e.g. on a tab titled 'biodiversity' accessible from the main page). By the 30th August each year, the results of the Biodiversity Monitoring completed in the following financial year must be made permanently available on the Royal Sydney Gold Club (or the operator of the subject development from time to time) website.

G.5 Vegetation Integrity

The vegetation condition of the vegetation in the area covered by the public positive covenant, following the implementation phase of the approved Biodiversity Management Plan (i.e. beyond year 11), must be maintained at within 10% of the Vegetation Integrity Score (VIS) reached at year 10, or that was otherwise agreed with Council.

G.6 Nesting Boxes and Artificial Hollows

Nesting boxes and artificial hollows that are installed on the land are maintained and replaced as needed to ensure that the density specified in the the approved Biodiversity Management Plan are maintained for the life of the development.

G.7 Trigger Action Response Plan activation

Where a Level 2 or Level 3 trigger is reached as identified in the Trigger Action Response Plan contained within Appendix 1 of the BMP, Council's Environmental Officer must be consulted on and approve the proposed remedial action.

G.8 Noise Control

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

Note: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the *NSW Industrial Noise Policy* (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au.

NSW Environment Protection Authority— see “noise” section www.environment.nsw.gov.au/noise.

NSW Government legislation- access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* is available at www.legislation.nsw.gov.au.

Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au.

Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au.

Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au.

G.9 Creation of a Public Positive Covenant for BMP area

A Public Positive Covenant referred to in section 88E of the *Conveyancing Act 1919*, specifying Woollahra Municipal Council as having the sole responsibility to vary or modify the Restriction and being the prescribed authority that is imposing the public positive covenant must be registered and recorded on the title of Lot 1 DP630927; Lots 11, 12, 13, 14, 15 and 16 in Section B DP5592; Lot 4 DP224930 in the following terms:

- The land within the area covered by the BMP on Lot 1 DP630927; Lots 11, 12, 13, 14, 15 and 16 in Section B DP5592; Lot 4 DP224930 must be managed in accordance with the BMP for the life of the development.
- The vegetation condition of the vegetation in the area covered by this covenant, following the implementation phase of the BMP (i.e. beyond year 11) must be maintained at within 10% of the Vegetation Integrity Score (VIS) reached at year 10, or that was otherwise agreed with Woollahra Municipal Council. and
- Nesting boxes and artificial hollows that are installed on the land are maintained and replaced as needed to ensure that the density specified in the BMP are maintained for the life of the development.

H. ADVISINGS

H.1 Criminal Offences – Breach of Development Consent and Environmental Laws

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws is also a criminal offence.

Where there is any breach Council may without any further warning:

- a) Issue Penalty Infringement Notices (On-the-spot fines);
- b) Issue notices and orders;
- c) Prosecute any person breaching this consent; and/or
- d) Seek injunctions/orders before the courts to restrain and remedy any breach.

Warnings as to potential maximum penalties

Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.

This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of *the Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.

H.2 Dial Before You Dig



The Principal Contractor or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and dial 1100 Before You Dig or visit www.1100.com.au

When you contact Dial Before You Dig you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

H.3 SafeWork NSW Requirements

The *Work Health and Safety Act 2011* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: For more information go to the SafeWork NSW website www.safework.nsw.gov.au or call 131 050.

H.4 Asbestos Removal, Repair or Disturbance

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from SafeWork NSW.

Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence.

All removal, repair or disturbance of or to asbestos material must comply with:

- a) *Work Health and Safety Act 2011*,
- b) *Work Health and Safety Regulation 2017*,
- c) SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and
- d) SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016).

Note: For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050.

H.5 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the *Act*.

The securities will not be released until all works have been completed, Council has inspected the site and Council is satisfied that the public works have been carried out to Council’s requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council’s requirements.

Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council’s satisfaction as the case may be.

Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.

Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

Note: The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au

H.6 Pruning or Removing a Tree Growing on Private Property

The provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the Woollahra Development Control Plan 2015 (DCP), Chapter E3 – Tree Management, may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the Woollahra DCP from Council's website www.woollahra.nsw.gov.au or call Council on 9391 7000 for further advice.

H.7 Roads Act 1993 Application

Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the *Roads Act 1993* and specifically:

- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's below ground stormwater system
- Installation of soil/rock anchors under the roadway
- Installation of Stormwater outlet pipes across the nature strip

An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the *Roads Act 1993*, before the commencement of works.

Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). Note, the connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.

- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.

All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – *Off-street car parking*. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations.

Note: Any adjustments required from the garage slab and the street levels are to be carried out internally on private property

Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy".

Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.

All public domain works must comply with the latest version of Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

Note: When an application under the *Roads Act* is required, then four (4) weeks is to be allowed for assessment.

Note: *road* has the same meaning as in the *Roads Act 1993*.

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the commencement of works. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Road Act 1993* approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.