

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA335/22

**Development:** Demolition of the existing dwellings and construction of a residential flat building, basement parking and landscaping works at 84, 86 and 88 Birriga Road, Bellevue Hill.

**Site:** Lot 1 in DP34743, Lot 1 in DP105443 and Lot 88 in DP1039955 (also known as 84, 86 and 88 Birriga Road, Bellevue Hill., NSW).

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

**Date of determination:** 08 August 2023

**Date from which consent takes effect:** Date of determination.

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 1 in DP34743, Lot 1 in DP105443 and Lot 88 in DP1039955 (also known as 84, 86 and 88 Birriga Road, Bellevue Hill., NSW).

The conditions of consent are as follows:

## A. GENERAL CONDITIONS

### A.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 2021* ("the *Regulation*") such conditions being reasonable and relevant to the development as assessed pursuant to section 4.15 of the *Act*.

Standard Condition: A1 (Autotext AA1)

### A.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.

**Approved Plans** mean the plans 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 date of issue of any Construction Certificate.

**Stage 1** means shoring/piling and bulk excavation works as per condition A.5.

**Stage 2** means in-ground drainage and structure works as per condition A.5.

**Stage 3** means building services, facade and external works (balance of works) as per condition A.5.

**Council** means Woollahra Municipal Council

**Court** means the Land and Environment Court

**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.

**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 authorised by an occupation certificate.

Standard Condition: A2 (Autotext AA2)

### A.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 the architectural plans and supporting documents listed below as submitted by the Applicant unless modified by any following condition.

Architecture Drawings				
DWG No.	Rev.	Description	Author/Drawn	Date
DA 0000	G	Coverpage	MHNDUNION	28 June 2023
DA 1003	G	Site & Roof Plan	MHNDUNION	28 June 2023
DA 1004	G	Demolition/Tree Removal Plan	MHNDUNION	16 June 2023

DA 1005	F	Setbacks Diagram	MHNDUNION	23 May 2023
DA 1006	F	Public Domain Diagram	MHNDUNION	23 May 2023
DA 2000	F	Basement 03 – Key Plan	MHNDUNION	23 May 2023
DA 2001	F	Basement 02/B: Lower Ground Floor – Key Plan	MHNDUNION	23 May 2023
DA 2002	F	Basement 01/B: Ground Floor – Key Plan	MHNDUNION	23 May 2023
DA 2003	F	A: Lower Ground 02/ B: Level 01 Floor - Key Plan	MHNDUNION	23 May 2023
DA 2004	F	A: Lower Ground 01/B: Level 02 Penthouse Floor – Key Plan	MHNDUNION	23 May 2023
DA 2005	G	A: Ground Floor Plan/B: Roof – Key Plan	MHNDUNION	28 June 2023
DA 2006	G	A: Level 01 Floor – Key Plan	MHNDUNION	28 June 2023
DA 2007	G	A: Level 02 Penthouse Floor – Key Plan	MHNDUNION	28 June 2023
DA 2008	G	Roof – Key Plan	MHNDUNION	28 June 2023
DA 2100	F	Basement 03 Plan	MHNDUNION	23 May 2023
DA 2101	F	Basement 02/B: Lower ground Floor Plan	MHNDUNION	23 May 2023
DA 2102	F	Basement 01/B: Ground Floor Plan	MHNDUNION	23 May 2023
DA 2103	F	A: Lower Ground 02/B: Level 01 Floor Plan	MHNDUNION	23 May 2023
DA 2104	F	A: Lower Ground 01/B: Level 02 Penthouse Floor Plan	MHNDUNION	23 May 2023
DA 2105	G	A: Ground Floor Plan/B: Roof Plan	MHNDUNION	28 June 2023
DA 2106	G	A: Level 01 Floor Plan	MHNDUNION	28 June 2023
DA 2107	G	A: Level 02 Penthouse Floor Plan	MHNDUNION	28 June 2023
DA 2108	G	Roof Plan	MHNDUNION	28 June 2023
DA 3000	G	Building A: Elevation South	MHNDUNION	28 June 2023
DA 3001	F	Building A: Elevation North	MHNDUNION	23 May 2023
DA 3002	F	Building A: Elevation East	MHNDUNION	23 May 2023
DA 3003	G	Building A: Elevation West	MHNDUNION	28 June 2023
DA 3004	F	Building B: Elevation North	MHNDUNION	23 May 2023
DA 3005	F	Building B: Elevation East	MHNDUNION	23 May 2023
DA 3006	F	Building B: Elevation West	MHNDUNION	23 May 2023
DA 3007	F	Window Schedule	MHNDUNION	23 May 2023
DA 3100	F	Site Section – Building A & B	MHNDUNION	23 May 2023
DA 3101	G	Building A: Short Section	MHNDUNION	28 June 2023
DA 3102	F	Building B: Long Section	MHNDUNION	23 May 2023
DA 3103	F	Building B: Short Section	MHNDUNION	23 May 2023
DA 3104	F	Building B: Boundary Sections	MHNDUNION	23 May 2023
DA 6000	F	External Finishes & Materials	MHNDUNION	23 May 2023
DA 7000	F	Adaptable Layouts – B202, B302	MHNDUNION	23 May 2023
DA 9004	F	Waste Mgt Plan	MHNDUNION	23 May 2023
DA 9005	F	Excavation Diagram 01	MHNDUNION	23 May 2023
DA 9006	F	Excavation Diagram 02	MHNDUNION	23 May 2023

DA 9007	F	Excavation Diagram – Parking Breakdown	MHNDUNION	23 May 2023
DA 9200	F	Notification Plan 01	MHNDUNION	23 May 2023
DA 9201	F	Notification Plan 02	MHNDUNION	23 May 2023
SK-01A	G	82 Birriga_Boundary Stair Elevation	MHNDUNION	28 June 2023
SK-01B	G	Boundary Fence Details	MHNDUNION	28 June 2023
SK-03	F	Building B Ground Floor Plan_Egress Path Detail	MHNDUNION	23 May 2023
SK-04D	F	Egress Path Plan and Section	MHNDUNION	23 May 2023
SK-04E	F	Egress Path Sections	MHNDUNION	23 May 2023
<b>Landscape Architecture Drawings</b>				
<b>DWG No.</b>	<b>Rev.</b>	<b>Description</b>	<b>Author/Drawn</b>	<b>Date</b>
L-0000	05	Cover Sheet	GROUPGSA	27 June 2023
L-2200	07	Overall Landscape Plan	GROUPGSA	27 June 2023
L-2202	02	Roof Level – Landscape Plan	GROUPGSA	30 May 2023
L-5000	05	Planting Schedule	GROUPGSA	31 May 2023
L-5002	02	Communal Roof – Planting Plan	GROUPGSA	30 May 2023
L-5003	02	Materials Schedule	GROUPGSA	30 May 2023
L-5004	02	Ground Level – Alternative Planting Plan	GROUPGSA	27 June 2023
L-6001	05	Building A Elevation East	GROUPGSA	30 May 2023
L-6002	06	Building A Elevation West	GROUPGSA	27 June 2023
L-6003	05	Building B Boundary Section	GROUPGSA	30 May 2023
L-6004	05	Building B Communal Roof Terrace Section	GROUPGSA	30 May 2023
<b>Engineering Drawings</b>				
<b>DWG No.</b>	<b>Rev.</b>	<b>Description</b>	<b>Author/Drawn</b>	<b>Date</b>
20027-LAY-001	B	Cover Sheet	WMS	05 June 2023
2027-LAY-002	B	Overall Layout Plan	WMS	05 June 2023
2027-LAY-003	B	Layout Plan (Sheet 1 of 4)	WMS	05 June 2023
2027-LAY-004	B	Layout Plan (Sheet 2 of 4)	WMS	05 June 2023
2027-LAY-005	B	Layout Plan (Sheet 3 of 4)	WMS	05 June 2023
2027-LAY-006	B	Layout Plan (Sheet 3 of 4)	WMS	05 June 2023
2027-LAY-007	B	Detail (Sheet 1 of 2)	WMS	05 June 2023
2027-LAY-008	B	Detail (Sheet 2 of 2)	WMS	05 June 2023
2027-LAY-009	B	Drainage Long Section (Sheet 1 of 2)	WMS	05 June 2023
2027-LAY-010	B	Detail (Sheet 2 of 2)	WMS	05 June 2023
2027-LAY-011	B	Calculations	WMS	05 June 2023

Supporting documents			
Reference	Description	Author/Drawn	Date
22017_C01.0	Structural Statement	Dunnings Consulting Engineers	26 April 2023
301350840	Preliminary Engineering Design Report titled 'Proposed Residential Development at 84-88 Birriga Road, Bellevue Hill – Excavation Volume – Services Requirements	Stantec Australia Pty Ltd	undated
AC-RPT-301350847-001-DDA_003	Noise Impact Assessment	Stantec Australia Pty Ltd	29 March 2023
304100956	Geotechnical Investigation Report	Stantec	19 June 2023
115970-FESR-r1	Fire Engineering Strategy Report	SGA Fire	2 August 2022
2065	Demolition Report	Architectural Projects	5 August 2022
115970-BCA-r2	BCA Assessment Report	BCA Logic	4 August 2022
N/A	Waste Management Plan (Operational & Demolition)	Waste Audit	August 2022
22.112r01v03	Traffic Impact Statement	Traffix	4 August 2022
198610WW	Woollahra Sewerage Deviation Drawing	Sydney Water Corporation	29 July 2022
115970-Access-r2	Access Assessment Report	BCA Access	4 August 2022

**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 issue of any *Construction Certificate*.)

Standard Condition: A5 (Autotext AA5)

#### A.4 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 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.

Standard Condition: A8 (Autotext AA8)

## A.5 Staging of Works

The approved works is to be carried out in stages under separate construction certificates for each stage as follows:

- Stage 1— Shoring/piling and bulk excavation works.
- Stage 2 —In-ground drainage and structure works.
- Stage 3 —The balance of the works, including building services, facade and external works.

## A.6 Development Consent is Not Granted in Relation to these Matters

This approval does not give consent to prune Tree 1. Only a Council authorised contractor will be allowed to undertake the pruning of trees 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. CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE DEMOLITION OF ANY BUILDING OR CONSTRUCTION

### B.1 Establishment of Tree Protection Zone Fenced areas

To limit the potential for damage to trees to be retained, Tree Protection Zone fencing is to be established around all trees to be retained on site. The Tree Protection Zones are to comply with the following requirements:

#### a) Tree Protection Zone fenced areas

Note: 'Council Ref No' refers to the tree numbers in the landscape architecture drawings approved under condition A.3 above.

Council Ref No	Species	Location	Radius from Trunk (Metres)*
T1	Lophostemon confertus (Brush Box)	Street tree on Birriga Road	5 metres
T58	Dracaena draco (Canary Island Dragon tree)	On site: North boundary Lot 86	4m
T58a	Cyathea cooperi (Tree Fern)	On site: North boundary Lot 86	2m
T59	Phoenix canariensis (Canary island Date palm)	On site: NW boundary	5 m
T60	Celtis occidentalis (Hackberry)	Neighbouring lot – 243 O'Sullivan Road.	2 m
T61	Olea europea (African Olive)	Neighbouring lot- 243 O'Sullivan Road.	3 m
T62	Olea europea (African Olive)	Neighbouring lot- 239-241 O'Sullivan Road	3 m
T63	Archontophoenix cunninghamiana (Bangalow Palm)	Neighbouring Lot – 6-8 Boronia Road	3m
T64	Celtis occidentalis (Hackberry)	Neighbouring Lot – 8 Boronia Road	3m

T65	Corymbia citriodora (Lemon Scented Gum)	Neighbouring Lot – 8 Boronia Road	4m
T69	Macadamia integrifolia (Macadamia)	Neighbouring Lot – 8 Boronia Road	3m
T70	Howea forsteriana (Kentia Palm)	Neighbouring Lot – 8 Boronia Road	3m
T71	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	6m
T72	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	6m
T73	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	6m
T79	Dypsis lutescens (Golden Cane palm)	On site: Western boundary Lot 84	3m
T80-T82	Howea forsteriana (Kentia Palm)	On site: Western boundary Lot 84	4m
T83-84	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	5m
T85-86	Howea forsteriana (Kentia Palm)	On site: Western boundary Lot 84	4m
		Lot 84	
T88	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4m
T89	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4m
T90	Melaleuca sp. (Tea Tree)	Neighbouring Lot 90.	3 metres

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

- b) Tree Protection Zone Fenced areas are to be fenced with a 1.8 metre high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- c) Trunk protection, to a maximum height permitted by the first branches, is to be installed around the trunks of the trees listed in the table below:

Council Ref No	Species	Location
T1	<i>Lophostemon confertus</i> (Brushbox)	Street tree on Birriga Road

A padding material eg. hessian or thick carpet underlay, is to be wrapped around the trunk first. Harwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.

- d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site arborist.
- e) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.



- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

Site personnel must be made aware of all tree protection requirements, measures and any actions that constitute a breach of the conditions of development consent with regard to tree protection on site during their site induction.

Standard Condition: B5 (Autotext BB5)

## B.2 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent 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 demolition of any building or construction and prior to the commencement of any development work	<ul style="list-style-type: none"> <li>• Project Arborist to hold pre construction 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 mark all trees approved for removal under DA consent.</li> <li>• The project arborist shall install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li> </ul>

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

## B.3 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.

Standard Condition: B6 (Autotext BB6)

#### **B.4 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

Standard Condition: B7 (Autotext BB7)

#### **B.5 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 Heritage NSW must be notified and details of the remains and their precise location are to be provided. Work may recommence if NSW Police and Heritage NSW inform the Applicant that they have no objection to the resumption of work (or, if the remains are an Aboriginal object, an Aboriginal Heritage Impact Permit is issued).

Standard Condition: B9 (Autotext BB9)

## B.6 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.  
Work may recommence in the affected area(s) if Heritage NSW advises that such additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).

**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.

Standard Condition: B10

## B.7 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.

Standard Condition: B11

## B.8 Aboriginal Heritage Due Diligence Responsibilities

Nothing in this approval allows to cause harm to an Aboriginal object as defined in the *National Parks & Wildlife Act 1974* unless an Aboriginal Heritage Impact Permit is obtained. Under the *National Parks & Wildlife Act 1974*, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) (and this condition will not be breached) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.

Standard Condition: B12

## C. CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE

### C.1 Consolidation of Allotments and Surrender of DA Consent

The allotments 84, 86 and 88 Birriga Road (i.e. Lot 1 in DP 34743, Lot 1 in DP 105443 and Lot 88 in DP 1039955) are to be consolidated to form one allotment. The plan of the consolidated allotments is to be prepared by a registered surveyor and registered with NSW Land Registry Services. Evidence of registration is to be submitted to Council's satisfaction.

A notice of surrender of DA 126/2022 dated 21 June 2022 must be provided to Council in writing by the Owner of the land in compliance with clause 67 of the *Regulation*.

This condition is imposed to ensure the proper and logical operation of the development, including the provision of services.

### C.2 Payment of Long Service Levy, Security, Contributions and Fees

The Certifying Authority must not issue any certificates under section 6.4 of the *Act* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a Construction Certificate or Occupation Certificate, as will apply.

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
<b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a>	Contact LSL Corporation or use online calculator	No	
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Property Damage Security Deposit</b> - making good any damage caused to any property of the Council	\$474,618	No	T115
<b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree	\$23,154	No	T114
<b>Infrastructure Works Bond</b> -completing any public work required in connection with the consent.	\$165,243	No	T113
<b>DEVELOPMENT LEVY</b> under Woollahra Section 7.12 Development Contributions Plan 2022 This plan may be inspected at Woollahra Council or downloaded at <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>			
<b>Development Levy</b> (section 7.12)	\$200,775 + Index Amount	Yes, quarterly	T96
<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$221.34	No	T45
Public Road/Footpath Infrastructure Inspection Fee (Section 138 Application – Roads Act)	\$615	No	T45

Public Infrastructure Inspection Fee (Section 68 Application – Local Government Act)	\$770	No	T118
Security Administration Fee	\$190	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$864,586 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 Payments Act 1986*, must be paid and proof of payment provided to the Certifying Authority prior to the issue of any Construction Certificate. 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](http://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 issue of the Construction Certificate, 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 2.12 of the Woollahra Section 7.12 Development Contributions Plan 2022 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 7.12 Development Contributions Plan 2022

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, 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 issue of the Construction Certificate, 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 2.12 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.

Standard Condition: C5

### C.3 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate No.1326574M\_02 with any application for a Construction Certificate for Stage 2 works.

**Note:** Where there is any proposed change in the BASIX commitments the Applicant must submit of a new BASIX Certificate to the Certifying Authority and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: sections 19 and 20 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*) the Applicant will be required to submit a modification application.

All commitments in the BASIX Certificate must be shown on the relevant Construction Certificate plans and specifications prior to the issue of any Construction Certificate for Stage 2 works.

Standard Condition: C7

### C.4 Hydraulic Fire Services

The Construction Certificate plans and specifications for Stage 2 works required by section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must detail hydraulic fire safety services required by this condition.

Fire hydrants, booster valve assembly installations, sprinkler valves and associated hydraulic equipment, must be:

- (i) enclosed with doors, if located in the building façade; or

- (ii) housed in a cabinet or enclosure, if located external to the building.

The location, design, colour and material of the doors, cabinet or enclosure must be visually unobtrusive and suitably integrated with the development, including any fencing and landscaping.

**Note:** This condition has been imposed to ensure that hydraulic fire services are concealed so these services are not visually intrusive when viewed from the street.

**Note:** These conditions apply in addition to requirements in *AS 2419.1 Fire hydrant installations*.

Standard Condition: C11 (Autotext CC11)

## C.5 State Environmental Planning Policy 65 – Design Verification Statement

Pursuant to section 15 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* a Certifying Authority must not issue a Construction Certificate for residential flat development unless the Certifying Authority has received a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

**Note:** Qualified designer means a person registered as an architect in accordance with the *Architects Act 2003*. There are several methods of verifying the status of an individual or corporation or firm offering architectural services.

Ask the individual for their four digit NSW Architects Registration Number, ask a corporation or firm for the name and registration number of their “nominated architect”, check to see whether an individual is listed on the NSW Register of Architects or the corporation or firm is listed on the list of architect corporations and firms on the Board’s website [www.architects.nsw.gov.au](http://www.architects.nsw.gov.au) or call the NSW Architects Registration Board on 9241 4033 to check the status of an individual or corporation or firm.

Standard Condition: C12 (Autotext CC12)

## C.6 Road and Public Domain Works

A separate application under section 138 of the *Roads Act 1993* and a separate application under section 68 of the *Local Government Act 1993* (Works Approval Application) where required is to be made to, and be approved by Council for infrastructure works prior to the issuing of any Construction Certificate for Stage 1 works.

### Drainage Works:

- a) The discharge of stormwater by direct connection to Council’s existing Kerb Inlet Pit (KIP) on Boronia Road. As such, Council’s underground drainage systems shall be extended from the subject site through a junction pit over Council’s public land (No.80A Birriga Road and No.8A Boronia Road) and connect to the existing KIP on Boronia Road fronting No. 8A Boronia Road. Longitudinal sections (scale 1:100) showing the extension of Council’s underground system shall be provided for assessment. All design details and location of all existing services shall be included in the longitudinal section.

### Road and Footpath Works:

- a) The removal of existing vehicular crossings including layback and gutter and the construction of a new 5.5 metre wide vehicular crossing in accordance with Council's Crossing Specification, Standard Driveway Drawing RF2\_D and to the satisfaction of Council's Assets Engineers. The new crossing shall be constructed at right angle to the street kerb in plain concrete and the centreline of the new crossing shall be aligned with the centreline of the internal driveway at the property boundary.
- b) Design longitudinal profiles along each edge/side of the proposed crossing must be submitted for assessment. A design longitudinal surface profile for the proposed driveway must be submitted for assessment.
- c) Removal and replacement of the existing footpath and kerb and gutter for the full width of the property in accordance with Council's standard drawing RF3.
- d) Reinstatement of footpath, kerb and gutter to match existing.
- e) Where a grass verge exists, the balance of the area between the footpath and the kerb 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 Couch turf.

**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:** *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 issue of any Construction Certificate for Stage 1 works. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Roads 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.

**Note:** See *section K. Advising* of this consent titled *Roads Act Application*.

Standard Condition: C13 (Autotext CC13)

## C.7 Waste Storage – Residential Units

The Construction Certificate plans and specifications for Stage 2 works required by section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must include detailed plans and specifications must make provision for:

- a) The storage of waste and recycling bins behind the building line or within non-habitable areas of the building as close as possible to the service road collection point.
- b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs and having a maximum grade of 1:8.

Standard Condition: C17 (Autotext CC17)

## C.8 Waste Storage – Compliance with Approved Site Waste Minimisation and Management Plan (SWMMP)

The Construction Certificate plans and specifications for Stage 2 works, required to be submitted to the Certifying Authority pursuant to section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must detail provisions for waste management in accordance with the approved SWMMP.

Waste storage areas must meet the following requirements:

- a) Bins must be stored with lids down to prevent vermin from entering the waste containers.



- b) The area must be constructed with a smooth impervious floor graded to a floor waste. A waste storage area that is located internal to the building must be fitted with both a hot and cold water supply and hose cocks. Wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water.
- c) Walls and ceilings of the waste storage area must be constructed of an impervious material with a smooth finish. The junction between the walls and the floor must be covered with a minimum radius of 25mm to prevent the accumulation of waste matter.
- d) The garbage storage area must be well lit to enable use at night. A timer switch must be fitted to the light fitting to ensure the light is turned off after use.
- e) Odour problems must be minimised by good exhaust ventilation.
- f) Both putrescible and recycling bins/crates must be stored together. Recycling bins must never stand alone. They must always be located beside putrescible waste bins. Putrescible bins must be located closest to the entrance to the waste storage room.
- g) Signage on the correct use of the waste management system and what materials may be recycled must be posted in the communal waste storage cupboard/ room or bin bay.

Standard Condition: C19 (Autotext CC19)

## C.9 Utility Services Generally

The Construction Certificate plans and specifications for Stage 2 works, required by section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).

Where telecommunications and electricity are provided from existing poles in the road they must, in accordance with the relevant suppliers' requirements, be carried to the site underground directly to the main switch board within the fabric of the building.

**Note:** Where adequate provision has not been made for an electrical sub-station within the building, this may necessitate the lodgement of an application to amend this consent under section 4.55 or section 4.56 of the *Act* to detail the location, landscape/streetscape impacts and compliance with AS2890 as applicable.

The location of service poles and substations required by the relevant suppliers must be shown upon the plans submitted with any Construction Certificate application for Stage 2 works together with a letter from each relevant supplier setting out their requirements.

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building unless expressly shown upon the approved DA plans. Details confirming compliance with this condition must be shown on the Construction Certificate plans for Stage 2 works and/or detailed within the Construction Certificate specifications for Stage 2 works. Required external vents or vent pipes on the roof or above the eaves must be shown on the Construction Certificate plans for Stage 2 works.

**Note:** The intent of this condition is that the design quality of the development must not be compromised by cables, pipes, conduits, ducts, plant, equipment, electricity substations or the like placed such that they are visible from any adjoining public place. They must be contained within the building unless shown otherwise by the approved development consent plans.

The Construction Certificate plans and specifications for Stage 2 works, required to be submitted to the Certifying Authority pursuant to section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.

**Note:** This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main. Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.

Standard Condition: C20

## C.10 Provision for Energy Supplies

The Applicant must provide to the Certifying Authority a letter from Ausgrid setting out Ausgrid's requirements relative to the provision of electricity supply to the development.

Any required substation must be located within the boundaries of the site. Where an electricity substation is required within the site but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans a modification application is required to be submitted. Council will assess the proposed location of the required substation.

The Construction Certificate plans and specifications for Stage 2 works, required to be submitted pursuant to section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must detail provisions to meet the requirements of Ausgrid.

Where the substation is required, the Construction Certificate plans and specifications for Stage 2 works must provide:

- a) A setback to and not within the drip line of any existing tree required to be retained.
- b) A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1-1994 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994, and
- c) The Owner shall make available to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if required. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road reserve.

**Note:** If the substation is not located within the building its location, screening vegetation, all screen walls or fire separating walls must have been approved by the grant of development consent or amended development consent prior to the issue of any *Construction Certificate* for those works. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Certifying Authority

prior to issue of the Construction Certificate for those works. The Certifying Authority must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate for those works.

**Note:** This condition has been imposed because the application fails to provide sufficient detail (either by plans or by the Statement of Environmental Effects) demonstrating that provision has been made to Ausgrid's satisfaction for the provision of electricity supply to the building. Nevertheless, Council has no reason to believe that provision cannot be reasonably made for electricity to service the development.

**Note:** Where it is proposed to shield any booster connection or any building from any substation pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994 or by fire resisting construction under the BCA respectively and this construction has not been detailed upon the approved development consent plans such works should be considered inconsistent with consent pursuant to clause 145 of the *Regulation*. The Applicant must lodge with Council details for any such construction pursuant to section 4.55 of the *Act* to allow assessment under section 4.15 of the *Act*.

**Note:** Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set)-2004 *Parking Facilities Set whether such driveways service the site or any adjoining land*.

Standard Condition: C21

### C.11 Dry Recycling Systems and Services

The development is to incorporate dry recycling systems and services consistent with the "Better Practice Guide for Waste Management in Multi-Unit Dwellings" (the Guide), prepared by the NSW Environment Protection Authority.

This is required to be incorporated into the Construction Certificate plans and specifications for Stage 3 works.

This condition is imposed to promote better practices in the design, establishment, operation and on-going management of waste services in residential multi-unit dwellings.

**Note:** The Guide can be accessed at [www.epa.nsw.gov.au/your-environment/waste/local-council-operations/resources-for-local-councils](http://www.epa.nsw.gov.au/your-environment/waste/local-council-operations/resources-for-local-councils)

Standard Condition: C23 (Autotext: CC23)

### C.12 Checking Construction Certificate Plans – 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](http://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](http://www.sydneywater.com.au/SW/plumbing-building-developing/building/building-over-or-next-to-assets/index.htm) or call 1300 082 746.  
Standard Condition: C24

### C.13 Soil and Water Management Plan – Submission and Approval

The Principal Contractor or Owner-builder must submit to the Certifying Authority a soil and water management plan complying with:

- a) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- b) “*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.

The Certifying Authority must be satisfied that the soil and water management plan complies with the publications above prior to issuing any Construction Certificate.

**Note:** This condition has been imposed to eliminate potential water pollution and dust nuisance.

**Note:** The International Erosion Control Association – Australasia [www.austieca.com.au](http://www.austieca.com.au) lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans.

**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](http://www.woollahra.nsw.gov.au), and *The Blue Book* is available at [www.environment.nsw.gov.au/stormwater/publications.htm](http://www.environment.nsw.gov.au/stormwater/publications.htm).

**Note:** Pursuant to section 73(2)(a)(v) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* a certifier may be satisfied as to this matter.

Standard Condition: C25

### C.14 Professional Engineering Details

The Construction Certificate plans and specifications, required by section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must, where applicable to the relevant stage of works, 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 civil, structural, hydrogeological and geotechnical engineering plans and/or specifications must be submitted to the Certifying Authority with the application for any Construction Certificate for Stage 1 works.

Detailed professional structural, electrical, hydraulic, mechanical, fire, and civil work engineering plans and/or specifications must be submitted to the Certifying Authority with the application for any Construction Certificate for Stage 2 and Stage 3 works.

**Note:** This does not affect the right of the developer to seek staged Construction Certificates.

Standard Condition: C36

### C.15 Geotechnical and Hydrogeological Design, Certification and Monitoring

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* 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.

In addition, the Preliminary Geotechnical Investigation Report, referenced 80021082, prepared by Cardno (Stantec), dated 11 March 2022 shall be revised to include the proposed excavation depth of approximately 14m for the proposed car lift.

The report shall be prepared in accordance with all aspects of Council's DCP requirements, Section E2.2.10 and Council's DA Guide Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports.

- a) A qualified and experienced geotechnical and/or hydrogeological engineer must prepare the reports.

The reports must include a site-specific risk assessment matrix with appropriate definitions for qualitative measures of likelihood and consequences for assessing the risk of damage to existing developments by the new development.

- b) Where groundwater is present and dewatering is likely to occur on the site, the requirements of Council's DA Guide under the 'Investigations' section must be implemented.
- c) Any geotechnical and hydrogeological reports must contain an Implementation Plan, including a Monitoring Program, Contingency Plan and Construction Methodology.

Note: All reports and requirements must be prepared in accordance with Council's DA

Guide. Geotechnical reports must be prepared by an appropriately qualified Geotechnical Engineer who is NER registered with a minimum of 10 years practice in the geotechnical field in the last 15 years.

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 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.

Standard Condition: C40 (Autotext: CC40)

### C.16 Ground Anchors

This development consent does NOT give approval to any ground anchors encroaching onto adjoining private properties. Use of any Ground Anchors extending beyond site boundaries requires the approval of neighbouring private properties in writing.

This development consent does NOT give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.

The use of permanent ground anchors under Council land is not permitted.

Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.

If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under section 138 of the *Roads Act 1993*. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

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

**Note:** Clause 17 of the *Roads Regulation 2018* 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.

Standard Condition: C41 (Autotext: CC41)

### C.17 Parking Facilities

The Construction Certificate plans and specifications for Stage 2 works required by section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS 2890.3:2015 *Parking Facilities - Bicycle Parking Facilities*, AS/NZS 2890.1:2004 : *Parking Facilities - Off-Street Car Parking* and AS 2890.2:2018 – *Off-Street Parking: Commercial Vehicle Facilities* respectively and including the following;

- a) All proposed car parking spaces including the car lift shall have clear internal dimensions of minimum 5.4m long x 2.4m wide with an additional 300mm on each side when adjacent to an obstruction higher than 150mm in accordance with AS/NZS 2890.1:2004.
- b) The proposed parking area including car lifts shall have an internal height of minimum 2.2m between the floor and any overhead obstruction in accordance with AS/NZS 2890.1:2004.
- c) All gradients shall be in accordance with Section 2.4.6 and 2.5.3 of AS/NZS 2890.1:2004.
- d) Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS/NZS 2890.1:2004;
- e) A 2m x 2.5m driveway sightline splay be provided, clear of obstruction, along exit side of the access driveway wholly within the property boundary. Any landscape within the splay area shall be groundcover type to ensure visibility.

Access levels and grades must comply with access levels and grade required by Council under the *Roads Act 1993*.

The *Certifying Authority* has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.  
Standard Condition: C45

## C.18 Stormwater Management Plan

The Construction Certificate plans and specifications for Stage 2 works, required by section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must include a Stormwater Management Plan for the site. The Stormwater Management Plan must detail:

- a) General design in accordance with the Stormwater Management Plan, referenced 20027, Rev B, prepared by WMS, dated 05/06/2023, other than amended by this and other conditions,
  - a. Pump-out Systems shall not be utilised within the site.
  - b. Location and section details (with all levels including top of water levels) of all stormwater management systems including stormwater treatment systems, utilised within the site shall be provided. Dimensions and levels are what is required at this stage not structural details.
- b) The discharge of stormwater by direct connection to Council's existing Kerb Inlet Pit (KIP) on Boronia Road (subject to a Section 138 Roads Act) and Section 68 Local Government Act Approval. The location of the existing Stormwater Drainage System including all pipes, inspection openings, surface drains, pits and their discharge location,
- c) Any remedial works required to upgrade the existing Stormwater Drainage System crossing the footpath and any new kerb outlets,
- d) Any new Stormwater Drainage Systems complying with the BCA,

- e) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath,
- f) Compliance with the objectives and performance requirements of the BCA,
- g) Any rainwater tank (see Note below) required by BASIX commitments including Their overflow connection to the Stormwater Drainage System,
- h) General compliance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
- i) Provision of Onsite Stormwater Detention (OSD) System having a minimum volume of 50.5m<sup>3</sup>, Rain Garden having a minimum area of 30m<sup>2</sup> and Water Treatment Systems for the entire site in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

**OSD System Requirements:**

The minimum (OSD) Site Storage Requirements (“SSR”) and the Peak Site Discharge (“PSD”) from the site must be in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management, based upon a 1000m<sup>2</sup> site area.

**The Stormwater Management Plan must also include the following specific requirements:**Layout plan

A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof.

The layout plan must include:

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of all stormwater management systems,
- c) All invert levels reduced to Australian Height Datum (AHD),
- d) Location and dimensions of all drainage pits,
- e) Point and method of connection to Council's drainage infrastructure, and
- f) Overland flow paths over impervious areas.

OSD System and Rain Garden Details:

The systems are to address:

- a) Any potential conflict between existing and proposed trees and vegetation,
- b) Internal dimensions and volume of the proposed detention storage,
- c) Diameter of the outlet to the proposed detention storage basin,
- d) Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures,
- e) Details of access and maintenance facilities,
- f) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products,
- g) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the OSD systems.

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 issue of any *Construction Certificate*.



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* dated February 2012.

**Note:** This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.

**Note:** The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.  
Standard Condition: C.51 (Autotext CC51)

### C.19 Electric vehicle circuitry and electric vehicle charging point requirements

An accurate electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified person, demonstrating the following;

- a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans for Stage 3 works are to:
  - Identify the power capacity to each car parking space.
  - identify the load management system on each level of parking such as a distribution board.
  - identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).
- b) A minimum of one Level 2 electric charger must be provided and Level 2 chargers must be provided to not less than 10% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.
- c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate for Stage 3 works.

**Note:** The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:

- a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and
  - b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power
- Standard Condition: C57 (Autotext CC57)

### C.20 Light and Ventilation

The Construction Certificate plans and specifications for Stage 3 works, required to be submitted to the Certifying Authority pursuant to section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the BCA or clause 3.8.4 and 3.8.5 of the BCA Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#).

If an alternate solution is proposed then the Construction Certificate application for Stage 3 works must include a statement as to how the performance requirements of the BCA are to be complied with and support the performance based solution by expert *evidence of suitability*.

This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

**Note:** Section 69 of the *Regulation* requires compliance with the BCA. Section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Section 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the *Construction Certificate* application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act 1997* have overriding effect if offensive noise or odour arises from the use. Applicants must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#).

Standard Condition C59 (Autotext CC59)

## C.21 Acoustic Certification of Mechanical Plant and Equipment

The *Construction Certificate* plans and specification for Stage 3 works required to be submitted pursuant to section 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* must be accompanied by a certificate from a professional engineer (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the  $L_{A90, 15 \text{ minute}}$  level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

**Note:** Further information including lists of Acoustic Engineers can be obtained from:

**1. Australian Acoustical Society**—professional society of noise-related professionals  
[www.acoustics.asn.au](http://www.acoustics.asn.au)

**2. Association of Australian Acoustical Consultants**—professional society of noise related professionals [www.aaac.org.au](http://www.aaac.org.au).

Standard Condition: C62 (Autotext CC62)

## D. CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT WORK

### D.1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

For the purposes of section 4.17(11) of the *Act*, the following conditions are 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,
- 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 the *Home Building Regulation 2014*, or
- b) to the erection of a temporary building.

In this condition, a reference to the BCA is a reference to that code as in force on the relevant date within the meaning of section 69(7) of the *Environmental Planning and Assessment Regulation 2021*.

**Note:** This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the *Home Building Act 1989*. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.

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

Standard Condition: D1 (Autotext DD1)

## D.2 Dilapidation Reports for Existing Buildings

Dilapidation surveys and dilapidation reports shall be conducted and prepared by a *professional engineer* (structural) for all buildings and/or structures that are located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration as determined applicable by the Structural Engineer.

These properties must include (but is not limited to):

- a) No. 82 Birriga Road
- b) No. 90 Birriga Road
- c) No. 4 Boronia Road
- d) No. 6 Boronia Road
- e) No. 8 Boronia Road
- f) No. 243 O’Sullivan Road
- g) No. 245 O’Sullivan Road
- h) No. 247-249 O’Sullivan Road

However, if a property owner declines to provide reasonable access for the carrying out of a dilapidation surveys and dilapidation reports (on receipt of a written request seeking the same) any dilapidation survey or dilapidation report of that owner’s land may, with the approval *Certifying Authority*, be prepared to the extent that practicable (given the lack of access).

The dilapidation reports must be completed and submitted to the *Certifying Authority* for approval. An approved copy of the reports shall be submitted to Council with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by Section 6.6(2) of the *Act* not less than two (2) days prior to the commencement of any work.

**Note:** The reasons for this condition are:

- To provide a record of the condition of buildings prior to development being carried out.
- To encourage developers and its contractors to use construction techniques that will minimise the risk of damage to buildings on neighbouring land.

**Note:** Also refer to the Dilapidation Report Advising for more information regarding this condition  
Standard Condition: D4 (Autotext DD4)

### D.3 Dilapidation Reports for Public Infrastructure

To clarify the existing state of public infrastructure prior to the commencement of any development (including prior to any demolition), the Principal Contractor must submit a dilapidation report, prepared by a professional engineer, on Council's infrastructure within and near the development site.

The dilapidation report must be submitted to Council prior to the commencement of any work and include:

- a) photographs showing any existing damage to the road pavement fronting the site,
- b) photographs showing any existing damage to the kerb and gutter fronting the site,
- c) photographs showing any existing damage to the footway including footpath pavement fronting the site,
- d) photographs showing any existing damage to retaining walls within the footway or road,
- e) closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- f) the full name and signature of the professional engineer.

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.

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any work. 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 Principal Contractor fails to submit the dilapidation 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.  
Standard Condition: D5 (Autotext DD5)

### D.4 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*.  
Standard Condition: D6 (Autotext DD6)

## D.5 Establishment of Tree Protection Zone Fenced Areas

To limit the potential for damage to trees to be retained, Tree Protection Zone fencing is to be established around all trees to be retained on site. The Tree Protection Zones are to comply with the following requirements:

### a) Tree Protection Zone Fenced areas

Note: 'Council Ref No' refers to the tree numbers in the landscape architecture drawings approved under condition A.3 above.

Council Ref No	Species	Location	TPZ Radial Dimension from trunk (metres)
T1	Lophostemon confertus (Brush Box)	Street tree on Birriga Road	m 5m
T58	Dracaena draco (Canary Island Dragon tree)	On site: North boundary Lot 86	4m
T58a	Cyathea cooperi (Tree Fern)	On site: North boundary Lot 86	2m
T59	Phoenix canariensis (Canary island Date palm)	On site: NW boundary	5 m
T60	Celtis occidentalis (Hackberry)	Neighbouring lot – 243 O'Sullivan Road.	2 m
T61	Olea europea (African Olive)	Neighbouring lot- 243 O'Sullivan Road.	3 m
T62	Olea europea (African Olive)	Neighbouring lot- 239-241 O'Sullivan Road	3 m
T63	Archontophoenix cunninghamiana (Bangalow Palm)	Neighbouring Lot – 6-8 Boronia Road	3m
T64	Celtis occidentalis (Hackberry)	Neighbouring Lot – 8 Boronia Road	3m
T65	Corymbia citriodora (Lemon Scented Gum)	Neighbouring Lot – 8 Boronia Road	4m
T69	Macadamia integrifolia (Macadamia)	Neighbouring Lot – 8 Boronia Road	3m
T70	Howea forsteriana (Kentia Palm)	Neighbouring Lot – 8 Boronia Road	3m
T71	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4 m
T72	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4 m
T73	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4 m
T79	Dyopsis lutescens (Golden Cane palm)	On site: Western boundary Lot 84	3m
T80-T82	Howea forsteriana (Kentia Palm)	On site: Western boundary Lot 84	4m
T83-84	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4 m
T85-86	Howea forsteriana (Kentia Palm)	On site: Western boundary Lot 84	4m
		84	
T88	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4m
T89	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4m
T90	Melaleuca sp. (Tea Tree)	Neighbouring Lot 90.	3m

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

- b) Tree Protection Zones are to be fenced with a 1.8 metre high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- c) Trunk protection, to a maximum height permitted by the first branches, is to be installed around the trunks of the trees listed in the table below:

Council Ref No	Species	Location
T1	Lophostemon confertus (Brush Box)	Street tree on Birriga Road

A padding material eg. hessian or thick carpet underlay, is to be wrapped around the trunk first. Harwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.

- d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site arborist.
- e) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

Site personnel must be made aware of all tree protection requirements, measures and any actions that constitute a breach of the conditions of development consent with regard to tree protection on site during their site induction.

**Note:** Water Restrictions take precedence over this condition. Having regard to water restrictions manual hosing may be necessary.  
Standard Condition: D8 (Autotext DD8)

## D.6 Construction Management Plan

As a result of the site constraints, limited space and access a Construction Management Plan (CMP) is to be submitted to Council. Also, due to lack of on-street parking a Work Zone may be required during construction.

The Principal Contractor or Owner must submit an application for approval of the CMP by Council's Traffic Engineer and pay all fees associated with the application.

The CMP must be submitted as a self-contained document that outlines the nature of the construction project and as applicable, include the following information:

- a) Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage.

- b) Identify local traffic routes to be used by construction vehicles.
- c) Identify ways to manage construction works to address impacts on local traffic routes.
- d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments.
- e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes.
- g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- h) Provide for the standing of vehicles during construction.
- i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
- l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.
- m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)
- o) Show the location of any proposed excavation and estimated volumes.
- p) When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work shall only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.
- q) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).

**Note:** A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

Standard Condition: D9

## D.7 Works (Construction) Zone – Approval and Implementation

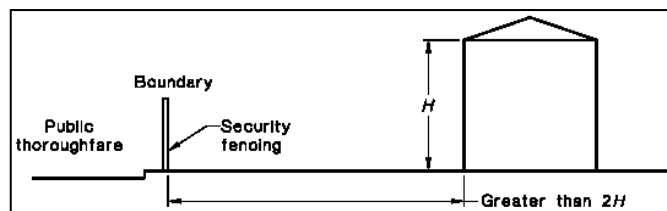
A Works Zone may be required for this development. The Principal Contractor or Owner can apply for a works zone. If the works zone is approved the Principal Contractor or Owner must pay all fees for this Works Zone before it can be installed.

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 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.  
Standard Condition: D10 (Autotext DD10)

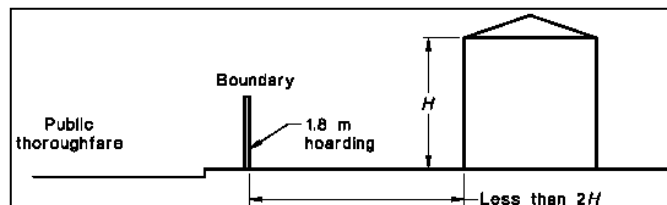
## D.8 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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:

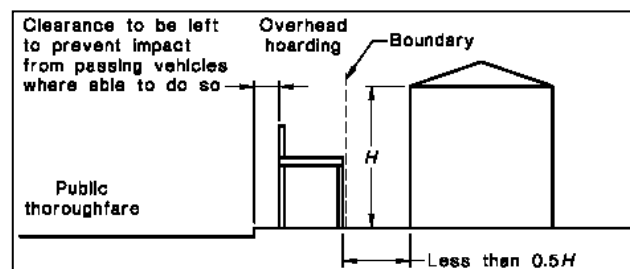
- the vertical height above footpath level of the structure being demolished is less than 4.0m; or



- 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:

- extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary,
- have a clear height above the footpath of not less than 2.1m,
- 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
- together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The Principal Contractor or Owner-builder 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](http://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 or Owner-builder 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 or Owner-builder. The Creative Hoardings Policy can be downloaded from Council’s website [www.woollahra.nsw.gov.au](http://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](http://www.woollahra.nsw.gov.au) or for more information contact Council's Cultural Development Team.

Standard Condition: D11 (Autotext DD11)

## D.9 Site Signs

The Principal Contractor or Owner-builder must ensure that the sign/s required by section 70 of the *Regulation* and section 75 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* is/are erected and maintained at all times.

Section 70 of the *Regulation* provides:

### ***Erection of signs***

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  - (a) showing the name, address and telephone number of the principal certifier for the work, and
  - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be—
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work has been completed.

(4) This section does not apply in relation to—

- (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Section 75 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* provides:

**Signs on development sites**

(1) The principal certifier and the principal contractor for building work, subdivision work or demolition work authorised to be carried out on a site by a development consent must ensure a sign that complies with this section is—

- (a) erected in a prominent position on the site before the commencement of the work, and
- (b) maintained at all times while the work is being carried out and while the person remains the principal certifier or principal contractor, and
- (c) removed when the work has been completed.

Maximum penalty (subsection (1))—55 penalty units.

(2) The sign must be rigid and durable and show the following information—

- (a) the name, address and telephone number of the principal certifier, and
- (b) if there is a principal contractor—the principal contractor's name and address and a telephone number on which the principal contractor may be contacted outside working hours.

(3) The information required under subsection (2) must be able to be read easily by a person on a public road or in another public place adjacent to the site.

(4) This section does not—

- (a) require the erection of more than one sign on a site, or
- (b) prevent the use of an appropriate sign that has already been erected on a site.

**Note:** Section 75 imposes a penalty if these requirements are not complied with.

**Note:** If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by section 70 of the *Regulation and section 75 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Standard Condition: D12 (Autotext DD12)

## D.10 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 4 of Part 2 of the *Local Government (General) Regulation 2021* applies.

**approved by the Council** means the subject of an approval in force under the *Local Government (General Regulation) 2021*.

**public sewer** has the same meaning as it has in the the *Local Government (General Regulation) 2021*.

**sewage management facility** has the same meaning as it has in the the *Local Government (General Regulation) 2021*.

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

Standard Condition: D13 (Autotext DD13)

## D.11 Erosion and Sediment Controls – Installation

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

- a) The Soil and Water Management Plan if required under this consent;
- 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/](http://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](http://www.woollahra.nsw.gov.au) and *The Blue Book* is available at [www.environment.nsw.gov.au/stormwater/publications.htm](http://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.

Standard Condition: D14 (Autotext DD14)

**D.12 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)**

The erection of the building in accordance with this development consent must not be commenced until:

- a) A Construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and
- b) The person having the benefit of the development consent has:
  - appointed a Principal Certifier for the building work, and
  - notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and
- c) The Principal Certifier has, no later than 2 days before the building work commences:
  - notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
  - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:
  - appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - notified the Principal Certifier of any such appointment, and
  - unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

**Note:** *building* has the same meaning as in section 1.4 of the *Act* and includes part of a building and any structure or part of a structure.

**Note:** *new building* has the same meaning as in section 6.1 of the *Act* and includes an altered portion of, or an extension to, an existing building.

**Note:** Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website  
[www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

**Note:** It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 6.6(2) of the *Act*.  
Standard Condition: D15 (Autotext DD15)

**D.13 Notification of Home Building Act 1989 requirements**

- a) For the purposes of section 4.17(11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- In the case of work for which a Principal Contractor is required to be appointed:
  - the name and licence number of the Principal Contractor, and
  - the name of the insurer by which the work is insured under Part 6 of that Act,
- In the case of work to be done by an Owner-builder:
  - the name of the Owner-builder, and
  - if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- d) 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.

Standard Condition: D17 (Autotext DD17)

#### **D.14 Establishment of Boundary Location, Building Location and Datum**

Prior to the commencement of any work the Principal Contractor or Owner-builder must ensure that a surveyor registered under the *Surveying and Spatial Information Act 2002* sets out:

- a) the boundaries of the site by permanent marks (including permanent recovery points),
- b) the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans,
- c) establishes a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and
- d) provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the Principal Certifier.

**Note:** Where the Principal Contractor or Owner-builder notes any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the Principal Contractor or Owner-builder should not proceed until satisfied that the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent.

**Note:** On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks should be considered by the registered surveyor.

Standard Condition: D18 (Autotext DD18)

### **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 part 17 or section 111 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, 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 the application for the relevant Construction Certificate is made.

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

Standard Condition: E1 (Autotext EE1)

## **E.2 Compliance with Australian Standard for Demolition**

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: *The Demolition of Structures*.

Standard Condition: E2 (Autotext EE2)

## **E.3 Compliance with Construction Management Plan**

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

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

Standard Condition: E3 (Autotext EE3)

## **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 and the Principal Certifier.

Standard Condition: E4 (Autotext EE4)

## **E.5 Critical Stage Inspections**

Critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the *Act*.

*Critical stage inspections* means the inspections prescribed by the *Regulations* for the purposes of section 6.5 of the *Act* or as required by the Principal Certifier and any PC Service Agreement.



**Note:** The PC may require inspections beyond mandatory critical stage inspections in order that the PC be satisfied that work is proceeding in accordance with this consent.

**Note:** The PC may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.  
Standard Condition: E5 (Autotext EE5)

## E.6 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/nglg.htm](http://www.epa.nsw.gov.au/noise/nglg.htm)  
Standard Condition: E6 (Autotext EE6)



## E.7 Public Footpaths – Safety, Access and Maintenance

The Principal Contractor or Owner-builder 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 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.

Standard Condition: E7 (Autotext EE7)

## E.8 Tree Preservation

All persons must comply with the Woollahra DCP 2015, Chapter E3–Tree Management, 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 unless exempted by specific provisions. Works to be carried out within a 5 metre radius of any tree subject to the DCP require the prior written consent of Council.

### General Protection Requirements

- a) There must be no excavation or work within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all development work unless otherwise specified within this development consent .
- b) Where excavation encounters tree roots with a diameter exceeding 40mm excavation must cease. The Principal Contractor must procure an inspection of the tree roots exposed by a qualified arborist. Excavation must only recommence with the implementation of the recommendations of the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.
- 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 qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

**Note:** Trees must be pruned in accordance with Australian Standard AS 4373 – 2007: *Pruning of Amenity Trees* and SafeWork NSW *Code of Practice: Amenity Tree Industry 1998*.  
Standard Condition: E8 (Autotext EE8)

## E.9 Tree Preservation and Approved Landscaping Works

All landscape works must be undertaken in accordance with the approved landscape plan, arborist report and tree management plan to the extent applicable.

- a) The following trees must be retained:

- Trees on private land:

Council Ref No	Species	Location	TPZ Radial Fenced Area Dimension (metres)
T58	<i>Dracaena draco</i> (Canary Island Dragon tree)	On site: North boundary Lot 86	4m
T58a	<i>Cyathea cooperi</i> (Tree Fern)	On site: North boundary Lot 86	2m
T59	<i>Phoenix canariensis</i> (Canary island Date palm)	On site: NW boundary	5m
T60	<i>Celtis occidentalis</i> (Hackberry)	Neighbouring lot – 243 O'Sullivan Road.	2 m
T61	<i>Olea europea</i> (African Olive)	Neighbouring lot- 243 O'Sullivan Road.	2 m
T62	<i>Olea europea</i> (African Olive)	Neighbouring lot- 239-241 O'Sullivan Road	2 m
T63	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	Neighbouring Lot – 6-8 Boronia Road	3m
T64	<i>Celtis occidentalis</i> (Hackberry)	Neighbouring Lot – 8 Boronia Road	3m
T65	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring Lot – 8 Boronia Road	4m
T69	<i>Macadamia integrifolia</i> (Macadamia)	Neighbouring Lot – 8 Boronia Road	3m

T70	Howea forsteriana (Kentia Palm)	Neighbouring Lot – 8 Boronia Road	3m
T71	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4m
T72	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4m
T73	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4m
T79	Dypsis lutescens (Golden Cane palm)	On site: Western boundary Lot 84	3m
T80-T82	Howea forsteriana (Kentia Palm)	On site: Western boundary Lot 84	4m
T83-84	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	5m
T85-86	Howea forsteriana (Kentia Palm)	On site: Western boundary Lot 84	4m
			4m
T88	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4m
T89	Livistona australis (Cabbage tree palm)	On site: Western boundary Lot 84	4m
T90	Melaleuca sp. (Tea Tree)	Neighbouring Lot 90.	3m

- Trees on Council land:

Council Ref No	Species	Location	TPZ radial fenced area Dimension (metres)	Tree Value
T1	Lophostemon confertus (Brush Box)	Street tree on Birriga Road in front of no.84-88.	5 m	\$23154

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

- b) The following trees may be removed:

Note: 'Council Ref No' refers to the tree numbers in the landscape architecture drawings approved under condition A.3 above.

Council Ref No	Species	Existing Location	Canopy Dimension (H x W metres)
T2	<i>Cinnamomum camphora</i> (Camphor Laurel)	88 Birriga Road, east of existing concrete driveway	14 x 10 metres
T3-T16	<i>Cupressocyparis leylandii</i> 'Leighton	Eastern boundary of 88 Birriga Road	8 x 2 metres

	Green' (Leightons Green)		
T17, T18, T19, T20, T21, T22	<i>Hedged stand of Cupressocyparis leylandii</i> 'Leighton Green' (Leightons Green)	Rear eastern boundary of 88 Birriga Road	8 x 2 metres
T23-T28	<i>Hedged stand of Cupressocyparis leylandii</i> (Leyland Cypress)	Rear western boundary of 88 Birriga Road	8 x 2 metres
T29	<i>Eucalyptus scorparia</i> (Willow Gum)	86 Birriga Road	23 x 18 metres
T30	Phoenix canariensis (Canary island Date palm)	On site: Proposed Building B location	8 x 6m
T31	Washingtonia robusta (Mexican Fan Palm)	On site: middle of site Lot 86	14 x 3m
T32	Washingtonia robusta (Mexican Fan Palm)	On site: middle of site Lot 86	6 x 4m
T33	Phoenix canariensis (Canary island Date palm)	On site: middle of site Lot 86	10 x 6 m
T34	Washingtonia robusta (Mexican Fan Palm)	On site: middle of site Lot 86	12 x 3m
T35	Archontophoenix cunninghamiana (Bangalow Palm)	On site: middle of site Lot 86	12 x 3m
T38	Schefflera actinophylla (Umbrella Tree)	On site: middle of site Lot 86	12 x 4 metres
T40	Dracaena marginata (Dragon tree)	On site: middle of Lot 86	6 x 4m
T74	Plumeria acutifolia (Frangipani)	On site: Lot 74	6 x 5m
T87	Schefflera actinophylla (Umbrella tree)	On site: Western boundary Lot 84	10 x 5 metres

**Note:** The tree/s that may be removed should appear coloured red on the Construction Certificate plans.

- c) The following compensatory replacement plantings must be planted to ensure the preservation of the landscape character of the area. Areas for future planting must be plotted on the submitted landscape or architectural plans and be protected from damage, especially soil compaction and contamination from construction activity by erecting a barrier or implementing ground protection. Where ground protection during construction activity is not implemented, remediation measures prior to planting such as soil ripping or subsoil aeration must be employed.

Any replacement plant is to be maintained in a healthy and vigorous condition until it attains a height of 5 metres or a spread of 3 metres, whereby it will be protected by Woollahra DCP 2015, Chapter E3–Tree Management. If the

replacement plant is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council's DCP, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting location	Container size/Size of tree (when planted)	Min dimensions at maturity (metres)
1x Archontophoenix cunninghamiana (Bangalow palm)	Perimeter planting	100L	10 X 5
1 x Cupaniopsis anacardioides (Tuckeroo)	Perimeter planting	100L	8 X 5
4x Elaeocarpus Eumundi (Quandong)	Perimeter planting	100L	10 X 4
12 x Elaeocarpus reticulatus (Blueberry Ash)	Perimeter planting	100L	8 X 4
2 x Ensete ventricosum (Abyssinian Banana)	Perimeter planting	100L	6 X 2
1 x Plumeria (Frangipani)	Perimeter planting	100L	6 X 4
1 x Stenocarpus sinuatus (Queensland Firewheel Tree)	Central communal garden	100L	12 X 5
4 x Eucalyptus saligna (Sydney Blue Gum)	Lower perimeter planting	100L	20 X 20
3 x Eucalyptus scoparia (Willow Gum)	Lower perimeter planting	100L	15 X 8
2 x Angophora costata (Sydney Pink Gum)	Lower perimeter planting	100L	20 X 12
6 x Archontophoenix cunninghamiana (Bangalow palm)	Central communal space	100L	10 X 5
1 x Howea forsteriana (Kentia Palm)	Central communal space	100L	6 X 3
1x <i>Livistona australis</i> (Cabbage Tree palm)	Central communal space	100L	15 X 5

**Note:** All replacement trees are to be NATSPEC grown.

Standard Condition: E9 (Autotext EE9)

#### E.10 Permissible work within Tree Protection Zone Fenced areas

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Approved works
T1	Lophostemon confertus (Brush Box)	Demolition of the existing concrete driveway; Hand excavation to accommodate the new driveway at the approved distance from the tree.

T58	<i>Dracaena draco</i> (Canary Island Dragon tree)	Hand excavation to accommodate retaining walls and soft landscaping
T58a	<i>Cyathea cooperi</i> (Tree Fern)	Hand excavation to accommodate retaining walls and soft landscaping
T59	<i>Phoenix canariensis</i> (Canary island Date palm)	Hand excavation to accommodate retaining walls and soft landscaping;
T60	<i>Celtis occidentalis</i> (Hackberry)	Hand excavation to accommodate retaining and boundary walls and soft landscaping; Demolition of existing decking
T61	<i>Olea europea</i> (African Olive)	Hand excavation to accommodate retaining and boundary walls and soft landscaping; Demolition of existing decking
T62	<i>Olea europea</i> (African Olive)	Hand excavation to accommodate retaining and boundary walls and soft landscaping; Demolition of existing decking
T63	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	Hand excavation to accommodate retaining walls and soft landscaping
T64	<i>Celtis occidentalis</i> (Hackberry)	Hand excavation to accommodate pier and beam retaining and boundary walls and soft landscaping
T65	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Hand excavation to accommodate pier and beam retaining and boundary walls and soft landscaping
T69	<i>Macadamia integrifolia</i> (Macadamia)	Hand excavation to accommodate pier and beam retaining and boundary walls and soft landscaping
T70	<i>Howea forsteriana</i> (Kentia Palm)	Hand excavation to accommodate retaining walls and soft landscaping
T71	<i>Livistona australis</i> (Cabbage tree palm)	Hand excavation to accommodate retaining walls and soft landscaping
T72	<i>Livistona australis</i> (Cabbage tree palm)	Hand excavation to accommodate retaining walls and soft landscaping
T73	<i>Livistona australis</i> (Cabbage tree palm)	Hand excavation to accommodate retaining walls and soft landscaping
T79	<i>Dyopsis lutescens</i> (Golden Cane palm)	Hand excavation to accommodate retaining walls and soft landscaping
T80-T82	<i>Howea forsteriana</i> (Kentia Palm)	Hand excavation to accommodate retaining walls and soft landscaping
T83-84	<i>Livistona australis</i> (Cabbage tree palm)	Hand excavation to accommodate retaining walls and soft landscaping
T85-86	<i>Howea forsteriana</i> (Kentia Palm)	Hand excavation to accommodate retaining walls and soft landscaping
T88	<i>Livistona australis</i> (Cabbage tree palm)	Hand excavation to accommodate retaining walls and soft landscaping
T89	<i>Livistona australis</i> (Cabbage tree palm)	Hand excavation to accommodate retaining walls and soft landscaping
T90	<i>Melaleuca</i> sp. (Tea Tree)	Demolition of the existing outhouse structure. Hand excavation to accommodate Pier and beam retaining and boundary walls. Soft landscaping works

The project arborist shall provide written certification of 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 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"> <li>• 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.</li> <li>• The project arborist shall ensure all garden retaining walls and boundary walls located within TPZ areas are constructed utilising pier and beam footings</li> <li>• The project arborist shall ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter.</li> <li>• Project Arborist to approve relocation of tree protection 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.</li> </ul>

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

## E.12 Hand excavation within tree root zones

Excavation undertaken within the specified radius from the trunks of the following trees shall be hand dug.

<b>Council Ref No.</b>	<b>Species</b>	<b>Location</b>	<b>Radius from centre of trunk (metres)</b>
T1	<i>Lophostemon confertus</i> (Brush Box)	Street tree on Birriga Road in front of no.84-88.	12m
T58	<i>Dracaena draco</i> (Canary Island Dragon tree)	On site: North boundary Lot 86	4 m
T58a	<i>Cyathea cooperi</i> (Tree Fern)	On site: North boundary Lot 86	2m
T59	<i>Phoenix canariensis</i> (Canary island Date palm)	On site: NW boundary	8m
T60	<i>Celtis occidentalis</i> (Hackberry)	Neighbouring lot – 243 O'Sullivan Road.	2 m
T61	<i>Olea europea</i> (African Olive)	Neighbouring lot- 243 O'Sullivan Road.	3 m
T62	<i>Olea europea</i> (African Olive)	Neighbouring lot- 239-241 O'Sullivan Road	3 m
T63	<i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	Neighbouring Lot – 6-8 Boronia Road	3m
T64	<i>Celtis occidentalis</i> (Hackberry)	Neighbouring Lot – 8 Boronia Road	3m
T65	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring Lot – 8 Boronia Road	4m
T69	<i>Macadamia integrifolia</i> (Macadamia)	Neighbouring Lot – 8 Boronia Road	3m
T70	<i>Howea forsteriana</i> (Kentia Palm)	Neighbouring Lot – 8 Boronia Road	3m
T71	<i>Livistona australis</i> (Cabbage tree palm)	On site: Western boundary Lot 84	6m
T72	<i>Livistona australis</i> (Cabbage tree palm)	On site: Western boundary Lot 84	6m
T73	<i>Livistona australis</i> (Cabbage tree palm)	On site: Western boundary Lot 84	6m
T79	<i>Dypsis lutescens</i> (Golden Cane palm)	On site: Western boundary Lot 84	3m
T80-T82	<i>Howea forsteriana</i> (Kentia Palm)	On site: Western boundary Lot 84	4m
T83-84	<i>Livistona australis</i> (Cabbage tree palm)	On site: Western boundary Lot 84	5m
T85-86	<i>Howea forsteriana</i> (Kentia Palm)	On site: Western boundary Lot 84	4m
T88	<i>Livistona australis</i> (Cabbage tree palm)	On site: Western boundary Lot 84	6m
T89	<i>Livistona australis</i> (Cabbage tree palm)	On site: Western boundary Lot 84	6m
T90	<i>Melaleuca</i> sp. (Tea Tree)	Neighbouring Lot 90.	3m



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 by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).

The project arborist shall document compliance with the above condition.

### E.13 Footings in the vicinity of trees

Footings for any boundary wall or retaining wall within the specified radius from the trunks of the following trees shall be supported using an isolated pier and beam system.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
T1	Lophostemon confertus (Brush Box)	Street tree on Birriga Road in front of no.84-88.	12m
T60	Celtis occidentalis (Hackberry)	Neighbouring lot – 243 O'Sullivan Road.	2 m
T61	Olea europea (African Olive)	Neighbouring lot- 243 O'Sullivan Road.	3 m
T62	Olea europea (African Olive)	Neighbouring lot- 239-241 O'Sullivan Road	3 m
T64	Celtis occidentalis (Hackberry)	Neighbouring Lot – 8 Boronia Road	3m
T65	Corymbia citriodora (Lemon Scented Gum)	Neighbouring Lot – 8 Boronia Road	4m
T69	Macadamia integrifolia (Macadamia)	Neighbouring Lot – 8 Boronia Road	3m
T90	Melaleuca sp. (Tea Tree)	Neighbouring Lot 90.	3m

Excavations for installation of piers shall be located so that no tree root with a diameter equal to or in excess of 50mm is severed or damaged. The smallest possible area shall be excavated which allows construction of the pier. The beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.

The project arborist shall document compliance with the above condition.

### E.14 Maintenance of Environmental Controls

The Principal Contractor or Owner-builder 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.

Standard Condition: E11

### E.15 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.

Standard Condition: E12 (Autotext EE12)

### E.16 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 17 of the *Roads Regulation 2018* 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*.

Standard Condition: E13 (Autotext EE13)

## E.17 Vibration Monitoring

Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any *building* identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice.

The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining *building* or such that there is any removal of support to *supported land* the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that *supported land* and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the *supported land*.

**Note:** *professional engineer* has the same mean as in clause A1.1 of the BCA.

**Note:** *building* has the same meaning as in section 1.4 of the *Act* i.e. "*building* includes part of a building and any structure or part of a structure...."

**Note:** *supported land* has the same meaning as in the *Conveyancing Act 1919*.

Standard Condition: E14 (Autotext EE14)

## E.18 Erosion and Sediment Controls – Maintenance

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

- a) the Soil and Water Management Plan required under this consent,
- 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.

Standard Condition: E15 (Autotext EE15)

## E.19 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from Council under section 138(1)(d) of the *Roads Act 1993*.
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water.
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

**Note:** This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.

Standard Condition: E17 (Autotext EE17)

## E.20 Site Cranes

Site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.

Cranes must not swing or hoist over any public place unless the Principal Contractor or Owner-builder have the relevant approval under the *Local Government Act 1993*, *Crown Land Management Act 2016* or *Roads Act 1993*.

The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the *Civil Aviation Act 1988 (Cth)*.

No illuminated sign(s) must be erected upon or displayed upon any site crane.

**Note:** Where it is proposed to swing a crane over a public place the Principal Contractor or Owner-builder must make a separate application to Council under section 68 of the *Local Government Act 1993* and obtain activity approval from Council prior to swinging or hoisting over the public place.

**Note:** Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the Principal Contractor or Owner-builder must obtain an access order under the *Access to Neighbouring Land Act 2000* or easement under section 88K of the *Conveyancing Act 1919* or section 40 of the *Land and Environment Court Act 1979* as appropriate. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.

Standard Condition: E19 (Autotext EE19)

#### **E.21 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**

The Principal Contractor or Owner-builder must ensure that a registered surveyor carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

The Principal Contractor or Owner-builder must ensure that work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:

- a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level.
- b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.
- c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.
- d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.
- e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.
- f) Stormwater drainage Systems prior to back filling over pipes confirming location, height and capacity of works.

- g) Flood protection measures are in place confirming location, height and capacity.

**Note:** This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent. This is critical to ensure that building are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.

Standard Condition: E20 (Autotext EE20)

## E.22 Placement and Use of Skip Bins

The Principal Contractor or Owner-builder 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 positions 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.

Standard Condition: E21 (Autotext EE21)

## E.23 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 2020* most burning (including burning of vegetation) is prohibited except with approval. No approval is granted under this consent for any burning.

Standard Condition: E22 (Autotext EE22)

## E.24 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 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](http://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](http://www.safework.nsw.gov.au) and [www.epa.nsw.gov.au](http://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.

Standard Condition: E23 (Autotext EE23)

#### **E.25 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, Principal Contractor or Owner-builder 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](http://www.woollahra.nsw.gov.au)  
Standard Condition: E24 (Autotext EE24)

#### **E.26 Site Waste Minimisation and Management – Demolition**

In order to maximise resource recovery and minimise residual waste from demolition activities:

- a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,
- b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements),
- c) provide separate collection bins and/or areas for the storage of residual waste,
- d) clearly 'signpost' the purpose and content of the bins and/or storage areas,
- e) implement measures to prevent damage by the elements, odour, health risks and windborne litter, and
- f) minimise site disturbance, limiting unnecessary excavation.

When implementing the SWMMP the Applicant must ensure:

- a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval,
- b) any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act 1997*,
- c) waste is only transported to a place that can lawfully be used as a waste facility,
- d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and
- e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

**Note:** Materials that have an existing reuse or recycling market should not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Standard Condition: E31 (Autotext EE31)

## E.27 Site Waste Minimisation and Management – Construction

In order to maximise resource recovery and minimise residual waste from construction activities:

- a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,
- b) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,
- c) consider organising to return excess materials to the supplier or manufacturer,
- d) allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),
- e) clearly 'signpost' the purpose and content of the storage areas,
- f) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste,
- g) promote separate collection bins or areas for the storage of residual waste,
- h) implement measures to prevent damage by the elements, odour and health risks, and windborne litter,
- i) minimise site disturbance and limit unnecessary excavation,
- j) ensure that all waste is transported to a place that can lawfully be used as a waste facility, and
- k) retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.

Standard Condition: E32 (Autotext EE32)

## E.28 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

Standard Condition: E39

## E.29 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.  
Standard Condition: E40

### **E.30 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.  
Standard Condition: E41

### **E.31 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.  
Standard Condition: E42

### **E.32 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.  
Standard Condition: E43

## **F. CONDITIONS WHICH MUST BE SATISFIED PRIOR TO ANY OCCUPATION OR USE OF THE BUILDING (PART 6 OF THE ACT AND PART 8 DIVISION 3 OF THE REGULATION)**

### **F.1 Occupation Certificate (section 6.9 of the Act)**

A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

**Note:** New building includes an altered portion of, or an extension to, an existing building.  
Standard Condition: F1 (Autotext FF1)

### **F.2 Compliance Certificate from Sydney Water**

All work must be completed in accordance with the section 73 Compliance Certificate issued under the *Sydney Water Act 1994* and any "Notice of Requirements", prior to any Occupation Certificate being issued.

**Note:** For more information go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746.  
Standard Condition: F5 (Autotext FF5)

### F.3 Amenity Landscaping

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

**Note:** This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.  
Standard Condition: F6 (Autotext FF6)

### F.4 Commissioning and Certification of Systems and Works

The Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier works-as-executed (WAE) plans prepared by a registered Surveyor, an Engineering Certificate and evidence of suitability in accordance with Part A2.2 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the *Act*, the *Regulations*, any relevant construction certificate, the BCA and relevant Australian Standards.

Works-as-executed plans and evidence of suitability in accordance with Part A2.2 of 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 garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*.
- d) All stormwater drainage and storage systems.
- e) All mechanical ventilation systems.
- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifier 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 PC 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).

**Note:** The PC must submit to Council, with any Occupation Certificate, copies of WAE plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA upon which the PC has relied in issuing any Occupation Certificate.  
Standard Condition: F7 (Autotext FF7)

## F.5 Commissioning and Certification of Public Infrastructure Works

The Principal Contractor or Owner-builder 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.

Standard Condition F9 (Autotext FF9)

## F.6 State Environmental Planning Policy 65 – Design Verification Statement

Pursuant to section 43 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* a Certifying Authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a *qualified designer*, being a statement in which the *qualified designer* verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

**Note:** Qualified designer means a person registered as an architect in accordance with the *Architects Act 2003*.

Standard Condition: F10 (Autotext FF10)

## F.7 Letter Box(es)

All letter boxes must be constructed and located in accordance with AS/NZS 4253:1994 *Mailboxes*.

**Note:** This condition has been imposed to ensure that mail can be delivered to occupiers of the site.

Standard Condition: F12 (Autotext FF12)

## F.8 Certification of Electric Vehicle Charging System

Prior to the issue of any Occupation Certificate or occupation or use of part of the building, the Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by **Condition C.19**.

Standard Condition: F22 (Autotext FF22)

## F.9 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent 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 any occupation or use of the building	<ul style="list-style-type: none"> <li>• Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</li> </ul>
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> <li>• The project arborist shall supervise the dismantling of tree protection measures;</li> <li>• 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.</li> </ul>

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

**G. [SPARE]**

**H. CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE FOR THE WHOLE OF THE BUILDING**

**H.1 Fulfillment of BASIX Commitments – section 44 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021***

All BASIX commitments must be effected in accordance with the BASIX Certificate No. 1326574M\_02.

**Note:** Section 44(2) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* provides: "The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled".  
Standard Condition: H7 (Autotext HH7)

**H.2 Landscaping**

All landscape work including all planting must be completed by the Principal Contractor or Owner in compliance with the approved landscape plan, arborist report and tree

management plan to the extent applicable.

The Principal Contractor or Owner must provide to the Principal Certifier and 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 as completed comply with this consent.

**Note:** This condition has been imposed to ensure that all landscaping work is completed prior to the issue of the Occupation Certificate.  
Standard Condition: H9 (Autotext HH9)

### H.3 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 issue of the Occupation Certificate.  
Standard Condition: H12 (Autotext HH12)

### H.4 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 the Occupation Certificate to Council. This form can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or obtained from Council's customer service centre.  
Standard Condition: H13 (Autotext HH13)

### H.5 Dilapidation Report for Public Infrastructure Works

The Principal Contractor must submit a follow up dilapidation report, prepared by a professional engineer, on Council's infrastructure within and near the development site to Council upon completion of the work.

The Final Occupation Certificate must not be issued until Council's Civil Works Engineer is satisfied that the works have been satisfactorily completed and the Principal Certifier has been provided with correspondence from Council to this effect.

The dilapidation report must include:

- a) photographs showing any existing damage to the road pavement fronting the site,
- b) photographs showing any existing damage to the kerb and gutter fronting the site,
- c) photographs showing any existing damage to the footway including footpath pavement fronting the site,
- d) photographs showing any existing damage to retaining walls within the footway or road,
- e) closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- f) the full name and signature of the professional engineer.

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.

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure. If the required report is not submitted then Council will assume any damage to any infrastructure in the immediate vicinity of the site was caused by the principle contractor and Owner carrying out work under this consent.

**Note:** If the Principal Contractor fails to submit the dilapidation 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.

Standard Condition: H14 (AutotextHH14)

## **H.6 Positive Covenant and Works-As-Executed Certification of Stormwater Systems**

On completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:

- a) Compliance with conditions of development consent relating to stormwater;
- b) The structural adequacy of the Onsite Stormwater Detention (OSD) System, Rain Garden and Water Treatment Systems.
- c) That the works have been constructed in accordance with the approved design and will be in accordance with the submitted calculations;
- d) Pipe invert levels and surface levels to Australian Height Datum;
- e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the on-going maintenance of

the OSD System, Rain Garden and Water Treatment Systems incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

**Note:** The required wording of the Instrument can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au). The PC must supply a copy of the WAE plans to Council together with the Occupation Certificate.

**Note:** The Occupation Certificate must not be issued until this condition has been satisfied.  
Standard Condition: H20 (Autotext HH20)

## **H.7 Positive Covenant & Works-As-Executed Certification of Mechanical Systems**

On completion of construction work, the mechanical parking installation works are to be certified by a professional engineer with Works-As-Executed drawings supplied to the PCA detailing:

- a) Compliance with conditions of development consent relating to the mechanical parking installation systems including the Car Lifts;
- b) That the works have been constructed in accordance with the approved design;

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the on-going maintenance of the on-site-detention system and/or absorption trenches, including any car lifts incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The property owner must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant

**Note:** The PCA must supply a copy of the WAE Plans to Council together with the *Final Occupation Certificate*.

**Note:** The *Final Occupation Certificate* must not be issued until this condition has been satisfied.

## **H.8 On-going Maintenance of the Mechanical Parking Installation Systems Including Car Lifts**

The Owner(s) must in accordance with this condition and any positive covenant:

- a) Keep the systems clean and free of rubbish and debris;
- b) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;
- c) Carry out the matters referred to in paragraphs (a) and (b) at the Owners expense;
- d) Not make any alterations to the systems or elements thereof without prior consent in writing of the Council and not interfere with the systems or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- e) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- f) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;

- g) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.

This condition has been imposed to ensure that owners are aware of maintenance requirements for their mechanical systems.

**Note:** This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.

## **I. CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT**

### **I.1 Use of the communal open space area**

(a) The use of the communal open space area (roof terrace) on Level 2 of Building B is to be limited to between 7am and 8pm, 7 days (except New Years Eve which may extend to 12.30am on 1 January), in order to ensure the amenity of the adjoining neighbours and neighbours within the building are not adversely impacted. Appropriate signage must be displayed in the foyer advising residents of the time restrictions for use of this space.

(b) The use of the Level 2 communal open space area is restricted to residents of the apartments within the subject building on site and their guests only.

(c) To limit the potential impacts of acoustic impacts, there shall no amplified sound.

Details of the operational use of this communal area as outlined in this condition are to be included in the Strata By-laws for the building in any future subdivision / Strata Plan arrangement.

### **I.2 Provision of Off-street Public and Visitor Parking**

The owner and occupier, in compliance with AS 2890.1:2004 *Parking facilities - Off-street car parking*, must maintain unimpeded public access to off-street parking as follows:

<b>Use</b>	<b>Number of spaces</b>
Car parking (resident)	34
Car parking (visitor)	4
Bicycle parking	18 (secure storage spaces for each dwelling)
Motorbike parking	3

This condition has been imposed to ensure adequate on-site parking is maintained.

Standard Condition: I21

### **I.3 Maintenance of BASIX Commitments**

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1326574M\_02.



**Note:** This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.  
Standard Condition: I24

#### I.4 Ongoing Maintenance of the On-Site-Detention System

The owner(s) must in accordance with this condition and any positive covenant:

- a) Permit stormwater to be temporarily detained by the system;
- b) Keep the system clean and free of silt rubbish and debris;
- c) If the car park is used as a retention basin, a weather resistant sign must be maintained in a prominent position in the car park warning residents that periodic inundation of the car park may occur during heavy rain;
- d) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;
- e) Carry out the matters referred to in paragraphs (b) and (d) at the Owners expense;
- f) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- g) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- h) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;
- i) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.

**Note:** This condition has been imposed to ensure that owners are aware of require maintenance requirements for their stormwater systems.

**Note:** This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.  
Standard Condition: I29

#### I.5 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)

Each year, the owner of a building to which an *essential fire safety measure* is applicable must provide an *annual fire safety statement* to Council and the Commissioner of Fire and Rescue NSW. The *annual fire safety statement* must be prominently displayed in the building.

**Note:** *essential fire safety measure* has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.  
*annual fire safety statement* has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.  
Part 12 of Division 3 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* applies in addition to this condition at the date of this consent. Visit Council's website for additional information in relation to fire safety [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).  
Standard Condition: I35

## I.6 Outdoor Lighting – Residential

Outdoor lighting must comply with AS/NZS 4282:2019: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282:2019.

**Note:** This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

**Note:** This condition has been imposed to control the obtrusive effects of outdoor lighting.  
Standard Condition: I49

## I.7 Outdoor Lighting – Roof Terraces

Outdoor lighting must comply with AS/NZS 4282:2019: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282:2019.

All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600mm above the finished floor level of the roof terrace.

**Note:** This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.

**Note:** Council may consider, subject to an appropriate Section 4.55 Application, relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.

Standard Condition: I51

## I.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](http://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](http://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](http://www.cjc.nsw.gov.au).

**NSW Environment Protection Authority**— see “noise” section  
[www.environment.nsw.gov.au/noise](http://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](http://www.legislation.nsw.gov.au).

**Australian Acoustical Society**—professional society of noise related professionals  
[www.acoustics.asn.au](http://www.acoustics.asn.au).

**Association of Australian Acoustical Consultants**—professional society of noise related professionals [www.aaac.org.au](http://www.aaac.org.au).

**Liquor and Gaming NSW**—[www.liquorandgaming.nsw.gov.au](http://www.liquorandgaming.nsw.gov.au).

Standard Condition: I56

## I.9 Noise from Mechanical Plant and Equipment

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the  $L_{A90, 15 \text{ minute}}$  level measured by a sound level meter.

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

**Note:** Words in this condition have the same meaning as in the *Noise Policy for Industry* (2017) [www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))

and *Noise Guide for Local Government* (2013) [www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government](http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government)

Standard Condition: I59

## J. MISCELLANEOUS CONDITIONS

Nil.

## K. ADVISINGS

### K.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.  
Standard Advising: K1 (Autotext KK1)

## K.2 Dial Before You Dig



The Principal Contractor, Owner-builder 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](http://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.

Standard Advising: K2 (Autotext KK2)

## K.3 Builder's Licences and Owner-builders Permits

Section 6.6(2)(d) of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a Principal Contractor for residential building work who must be the holder of a contractor licence.

The Owner(s) must appoint the Principal Certifier. The Principal Certifier must check that the required insurances are in place before the commencement of building work. The Principal Contractor (builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the *Home Building Act 1989* for the residential building work.

**Note:** For more information go to the NSW Fair Trading website  
[www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating](http://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating)  
Standard Condition: K5 (Autotext KK5)

## K.4 Building Standards - Guide to Standards and Tolerances

The Principal Certifier does not undertake detailed quality control inspections and the role of the Principal Certifier is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia.

Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the "NSW Guide to Standards and Tolerances 2017" are achieved.

The quality of any development is a function of the quality of the Principal Contractor's or Owner-builder's supervision of individual contractors and trades on a daily basis during the development. The Principal Certifier does not undertake this role.

Council, as the Principal Certifier or otherwise, does not adjudicate building contract disputes between the Principal Contractor, contractors and the Owner.

**Note:** For more information on the *NSW Guide to Standards and Tolerances* go to the NSW Fair Trading website [www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renoate/guide-to-standards-and-tolerances](http://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renoate/guide-to-standards-and-tolerances) or call 133 220.

Standard Condition: K6 (Autotext KK6)

## K.5 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](http://www.safework.nsw.gov.au) or call 131 050.

Standard Condition: K7 (Autotext KK7)

## K.6 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](http://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](http://www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice) or call 131 050.

Standard Advising: K8 (Autotext KK8)

## K.7 Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Council does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences.

**Note:** Further information can be obtained from the NSW Civil and Administrative Tribunal [www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing\\_fences.aspx](http://www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing_fences.aspx)

**Note:** Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Around 75% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. To contact the Community Justice Centres go to [www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au) or call 1800 990 777.

Standard Advising: K10 (Autotext KK10)

## K.8 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 the Occupation Certificate has been lodged with Council, 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](http://www.woollahra.nsw.gov.au)  
Standard Condition: K15 (Autotext KK15)

## **K.9 Recycling of Demolition and Building Material**

It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.  
Standard Condition: K17 (Autotext KK17)

## **K.10 [SPARE]**

## **K.11 Dilapidation Report**

Please note the following in relation to the condition for a dilapidation report:

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

Standard Advising: K23 (Autotext KK23)

## K.12 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 issue of any Construction Certificate.

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](http://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 issue of any Construction Certificate. 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.

Standard Advising: K24 (Autotext KK24)