

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA13/2019

Development: Construction of a new residential flat building, which in its currently approved form, contains 15 residential apartments, underground parking, new landscaping, strata subdivision, and remediation of land.

Site: Lot 100 in DP 1281139, otherwise known as 2A Wunulla Road, Point Piper and SP10763 and SP17501, otherwise known as 590-592 New South Head Road, Point Piper.

Schedule of Modifications:

Date approved	Modification Application Number	Decision maker (Land and Environment Court or relevant council)	Proceedings Name and Number (if applicable)
27 April 2023	DA13/2019/4	Woollahra Municipal Council	
8 September 2022	DA13/2019/5	Woollahra Municipal Council	
23 December 2022	DA13/2019/6	Woollahra Municipal Council	
14 September 2023	DA13/2019/7	Land and Environment Court	<i>Wunulla Developments Pty Ltd v Woollahra Municipal Council LEC No: 2023/00035766</i>

Date of determination: 18 November 2020

Date from which consent takes effect: Date of determination

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 2000* ("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.

Applicant means the applicant for this consent.

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

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

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any Construction Certificate.

Certifier has the same meaning as in the *Act*.

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.

Site means the land being developed subject to this consent.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP means *Woollahra Development Control Plan 2015*

Work for the purposes of this consent means:

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

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

Standard Condition: A2 (Autotext AA2)

A.3 Deferred Commencement - (s4.16(3) of the Act, cl.95 of the Regulation)

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

Aboriginal Heritage:

- (a) The Proponent must seek approval from Heritage NSW via an Aboriginal Heritage Impact Permit (AHIP) issued under s.90 of the *National Parks and Wildlife Act 1974* to allow a program of Aboriginal archaeological test excavation at 590-592 New South Head Road to be completed in order to establish the potential archaeological and cultural heritage significance of the site and to identify the potential need for further mitigation of impact upon

that significance to be implemented prior to the commencement of future construction works on the site.

- (b) A full program of Aboriginal community consultation is to be undertaken that follows the OEH (2010) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 in order to prepare a comprehensive Aboriginal archaeological and cultural heritage assessment for the proposed redevelopment and to support the AHIP.
- (c) An Archaeological Research Design and Excavation Methodology (ARDEM) is to be developed to guide a program of test excavation on the property that would build upon and the findings and conclusions reported in the Aboriginal due diligence report by DSCA dated April 2019.
- (d) Due to the potential archaeological (scientific) significance of the identified PADs (if they contain cultural materials), it is recommended the program of archaeological testing include a geoarchaeological and paleoenvironmental recording component to ascertain if possible the age and chronology of the subsurface deposits and nature of depositional processes and archaeological site formation processes involved.

Period within which evidence must be produced

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

Clause 95(4) of the *Regulation*:

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

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

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

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

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No *Construction Certificate* can be issued until all conditions including this condition required to

be satisfied prior to the issue of any *Construction Certificate* have been satisfied.
Standard Condition: A3 (Autotext AA3)

A.4 Approved Plans and Supporting Documents (amended under DA13/2019/5)

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

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

Reference	Description	Author/Drawn	Date(s)
A-100, D	Basement Level Parking Plan	System Architects	01/09/2020
A-101, D	Floor Plan Ground LVL		
A-102, D	Floor Plan First Floor LVL		
A-103, D	Floor Plan Second Floor LVL		
A-104, D	Floor Plan Third Floor LVL		
A-105, D	Roof Plan		
A-201, D	Elevations		
A-202, D	Elevations		
A-300, D	Sections		
A-301, D	Sections		
-	Mosaic Tiles Wall Images		September 2020
-	Arboricultural Impact Assessment Report	Tree Wise Men	Jan 2019
985966M_02	BASIX Certificate	Department of Planning, Industry and Environment	13/01/2020
4346R001.J.C. 180906,	Acoustic Report	Acoustic Dynamics	17 Jan 2019
86477.01	Contaminated Land - Detailed Site Investigation Report (Stage 2)	Douglas Partners	April 2019
18184 Version Final	Traffic and Parking Impact Assessment	The Transport Planning Partnership	15/01/2019
86477.00	Geotechnical Report	Douglas Partners	Aug 2018
39781 CI-520-01-B CI-520-02-B CI-520-03-B CI-526-01-B	Stormwater Plan	All by Wood & Grieve Engineers	All dated 25/11/2019

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

Note: These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate* or a **Construction Certificate stage that is specified in the condition.**)

Standard Condition: A5 (Autotext AA5)

A.4a Approved Amended (section 4.55) Plans and Supporting Documents (added under DA13/2019/4 and amended under DA13/2019/5)

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended architectural approved plans to which is affixed a Council stamp "Approved" and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s).

Reference	Description	Author/Drawn	Date(s)
AD00100 (Revision 1)	Ground Floor Plan	GCCV	4/03/2022
AD00101 (Revision 1)	First Floor Plan	(all drawings)	(all drawings)
S4.56-08, S4.56-10 S4.56-13, S4.56-14 S4.56-15, S4.56-16 S4.56-17, S4.56-18 S4.56-19, S4.56-20 S4.56-21, S4.56-22 S4.56-31, S4.56-32 S4.56-33	Architectural Plans	Luigi Rosselli (all drawings)	13.09.21 (all drawings)
2022-65748-V0.1	Arboricultural Impact Assessment Report (Addendum)	Dr Treegood	4 Mar 2022.
211055 C.DA.000-P2 C.DA.301-P2 C.DA.302-P2 C.DA.303-P2 C.DA.351-P2 C.DA.601-P2	Stormwater Management Plans	EDGE Consulting Engineers	03 Mar 2022 03 Mar 2022 03 Mar 2022 03 Mar 2022 03 Mar 2022 03 Mar 2022
985966M_04	BASIX Certificate	NSW Department of Planning and Environment	14 Sep 2021
SYD1835	Acoustic Report	ADP Consulting: Engineering	10 Sep 2021
2261 Rev B - Final	Accessibility Review – BCA Access	Access Consulting	13 Sep 2021
LP01-D7521 (Revision C) LP02-D7521 (Revision C) LP03-D7521 (Revision C) LP04-D7521 (Revision C) LP05-D7521 (Revision C)	Landscape Plan	Dangar Barin Smith (all drawings)	8.09.2021 (all drawings)
RFE-21160	Waste Management Plan	Dickens Solutions	Sep 2021
21445	Traffic and Parking Assessment Report	Varga Traffic Planning	14 Sep 2021
21445	Response to TfNSW's comments	Varga Traffic Planning	17 Dec 2021
21445	B99 Vehicle Turning Paths Entering/Exiting Site Access Driveway	Varga Traffic Planning	7 Feb 2022

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 4.17(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate* or a **Construction Certificate stage that is specified in the condition.**)

A.4b Approved Amended (section 4.55) Plans and Supporting Documents (added

under DA13/2019/6)

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended architectural approved plans to which is affixed a Council stamp "Approved" and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s).

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

Reference	Description	Author/Drawn	Date(s)
Drawing No. (Revision No.): DA_100 (5) DA_101 (6) DA_106 (8) DA_108 (8) DA_110 (10) DA_111 (10)	Architectural Plans	GCCV Pty Ltd (all drawings)	17/08/2022 17/08/2022 28/11/2022 28/11/2022 28/11/2022 28/11/2022
LP02-D7521 LP03-D7521 LP04-D7521 LP05-D7521 (all drawings: Revision J, Issue:01)	Landscape Plan	Dangar Barin Smith (all drawings)	18/08/2022 (all drawings)
	Arboricultural Impact Assessment Report	Martin Peacock Tree Care	13/07/2022
34720YMrpt2	Hydrogeological Assessment Report	JK Geotechnics	6 May 2022
34720YMrpt Rev1	Geotechnical Report	JK Geotechnics	2 November 2022
21088 S-1-011-P1 S-1-012-P1 S-1-015-P1 S-1-016-P1 S-1-017-P1 S-1-020-P1 S-1-021-P1	Retention & Bulk Excavation Plan, Elevations and Sections	Webber Design P/L	13 October 2022 13 October 2022 13 October 2022 13 October 2022 13 October 2022 13 October 2022 13 October 2022

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 4.17(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate* or a *Construction Certificate* stage that is specified in the condition.)

Standard Condition: A6 (Autotext AA6)

A.4c Approved Amended (section 4.55) Plans and Supporting Documents (added under DA13/2019/7)

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended architectural approved plans and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s).

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

Reference	Description	Author/Drawn	Date(s)
<u>DA 000B – Project Cover – s4.56 (Rev T10)</u>	<u>Architectural Plans</u>	<u>GCCV Pty Ltd (all drawings)</u>	<u>25-28 June 2023</u>
<u>DA 001B – Approved DA-1320194 & DA-1320196 Overview (Rev T10)</u>			
<u>DA 002B – Summary of Proposed Design Modification (Rev T10)</u>			
<u>DA 003B – Proposed s4.56 GFA Measurement (Rev T10)</u>			
<u>DA 004B – Proposed s4.56 Storage Management (Rev T10)</u>			
<u>DA 005B – Proposed s4.56 Deep Soil Landscape, Carpark & Excavation Measurement (Rev T10)</u>			
<u>DA 100B – General Arrangement Plan – Basement (Rev T10)</u>			
<u>DA 101B - General Arrangement Plan – Ground Floor (Rev T11)</u>			
<u>DA 102B - General Arrangement Plan – Level 1 (Rev T11)</u>			
<u>DA 103B - General Arrangement Plan – Level 2 (Rev T11)</u>			
<u>DA 104B - General Arrangement Plan – Level 3 (Rev T11)</u>			
<u>DA 105B - General Arrangement Plan – Roof Plan (Rev T10)</u>			
<u>DA 106B – Overall Building Elevation – West (Rev T10)</u>			
<u>DA 107B – Overall Building Elevation – East (Rev T7)</u>			
<u>DA 108B – Overall Building Elevation – North (Rev T10)</u>			
<u>DA 109B – Overall Building Elevation – South (Rev T7)</u>			
<u>DA 110B – Overall Building Section – AA & BB (Rev T10)</u>			
<u>DA 111B - Overall Building Section – CC & DD (Rev T10)</u>			
<u>DA 112B - Overall Building Section – EE (Rev T10)</u>			
<u>DA 113B – Unit 11 Rear Garden Detail (Rev T10)</u>			
<u>DA 114B – East Front Fence Wall Elevation (Rev T7)</u>			
<u>DA 115B – North Retaining Wall Elevation (Rev T6)</u>			
<u>DA 120B – Unit 8 Pool (Rev T3)</u>			

<p><u>DA 200B – Overlay Approved DA Comparison Set Basement (Rev T10)</u></p> <p><u>DA 201B – Overlay Approved DA Comparison Set Ground Floor (Rev T10)</u></p> <p><u>DA 202B – Overlay Approved DA Comparison Set Level 1 (Rev T10)</u></p> <p><u>DA 203B – Overlay Approved DA Comparison Set Level 2 (Rev T10)</u></p> <p><u>DA 204B – Overlay Approved DA Comparison Set Level 3 (Rev T10)</u></p> <p><u>DA 205B – Overlay Approved DA Comparison Set Roof Plan (Rev T10)</u></p> <p><u>DA 206B – Overlay Approved DA Comparison Set West Elevation (Rev T10)</u></p> <p><u>DA 207B – Overlay Approved DA Comparison Set East Elevation (Rev T7)</u></p> <p><u>DA 208B – Overlay Approved DA Comparison Set North Elevation (Rev T10)</u></p> <p><u>DA 209B – Overlay Approved DA Comparison Set South Elevation (Rev T7)</u></p> <p><u>DA 210B – Overlay Approved DA Comparison Set Section AA & BB (Rev T10)</u></p> <p><u>DA 211B – Overlay Approved DA Comparison Set Section CC & DD (Rev T10)</u></p> <p><u>DA 212B– Overlay Approved DA Comparison Set Section EE (Rev T10)</u></p> <p><u>DA 300B – Comparison Set Basement (Rev T6)</u></p> <p><u>DA 301B – Comparison Set Ground Floor (Rev T6)</u></p> <p><u>DA 302B – Comparison Set Level 1 (Rev T6)</u></p> <p><u>DA 303B – Comparison Set Level 2 (Rev T6)</u></p> <p><u>DA 304B – Comparison Set Level 3 (Rev T6)</u></p> <p><u>DA 305B – Comparison Set Roof Plan (Rev T6)</u></p>			
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<u>M-001 – Mechanical Legend and Notes (Rev P2)</u>	<u>Mechanical Services Legend and Notes</u>	<u>GCCV Pty Ltd</u>	<u>1 July 2023</u>
<u>LP01-D7521</u> <u>LP02-D7521</u> <u>LP03-D7521</u> <u>LP04-D7521</u> <u>LP05-D87521</u> <u>(all drawings: Revision Q)</u>	<u>Landscape Plan</u>	<u>Dangar Barin Smith</u> <u>(all drawings)</u>	<u>27/07/2023</u> <u>(all drawings)</u>
<u>BASIX 1346411M 04</u>	<u>BASIX Certificate</u>		<u>18 August 2023</u>

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 4.17(1)(g) of the Act (refer to conditions which must be satisfied prior to the issue of any Construction Certificate or a Construction Certificate stage that is specified in the condition.)

Standard Condition: A6 (Autotext AA6)

A.5 Tree Preservation & Approved Landscaping Works (amended under DA13/2019/6)

All landscape works shall be undertaken in accordance with the landscape plan that is approved by Council under condition C.5, arborist report, tree management plan and transplant method statement as applicable.

a) The following trees shall be retained

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
1	<i>Persea americana</i> (Avocado)	Front yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	10 x 8
13 Deleted	<i>Banksia integrifolia</i> (Coast Banksia)	Rear yard 592 New South Head Road (LANDSCAPE Existing Condition Analysis Plan.)	7 x 5 metres
15 Deleted	<i>Persea americana</i> (Avocado)	Rear yard 592 New South Head Road (LANDSCAPE Existing Condition Analysis Plan.)	9x6

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

b) The following trees shall be transplanted and successfully established in the location(s) indicated on the landscape plan approved under condition C.5:

Council Ref No.	Species	Current Location	Dimension (metres)
4	<i>Archontophoenix alexandrae</i> (Alexandra Palm)	Front yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	9x3

- c) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
2	<i>Persea americana</i> (Avocado)	Front yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	9x7
3	* <i>Celtis sinensis</i> (Hackberry)	Front yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	9x6
4a	* <i>Schefflera actinophylla</i> (Umbrella Tree)	Front yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	6x4
5, 10	* <i>Erythrina x sykesii</i> (Coral Tree)	590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	10 x 10
6, 7, 8	* <i>Olea europea ssp. Africana</i> (African Olive)	Rear yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	6x4
9	<i>Celtis sinensis</i> (Hackberry)	Eastern boundary 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	20x16
14	* <i>Cinnamomum camphora</i> (Camphor Laurel)	Rear yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	5x3
16	<i>Lophostemon confertus</i> (Brushbox)	Council verge on Wunulla Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	7 x 3 metres
13	<i>Banksia integrifolia</i> (Coast Banksia)	Rear yard 592 New South Head Road (LANDSCAPE Existing Condition Analysis Plan.)	7 x 5 metres
15	<i>Persea americana</i> (Avocado)	Rear yard 592 New South Head Road (LANDSCAPE Existing Condition Analysis Plan.)	9x6

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

*This species is exempt from the WMC DCP Chapter E.3 - Tree Management and can be removed without consent.

- d) The following trees shall be pruned in accordance with *Australian Standard Pruning of Amenity Trees* (AS 4373) and *Workcover NSW Code of Practice Amenity Tree Industry*, to the minimum extent necessary to provide clearance to the new development:

Council Ref No.	Species	Location	Approved pruning (extent of pruning)
1	<i>Persea americana</i> (Avocado)	Front yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B	5% reduction pruning on eastern side only for 2m building clearance,

		(LANDSCAPE Existing Condition Analysis Plan.)	removing max. 70mm diameter branches
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Note: The tree/s required to be pruned should appear coloured blue on the construction certificate plans.

A.6 Ancillary Aspect of the Development (s4.17(2) of the Act)

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

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

Standard Condition: A8

A.7 Roads and Maritime Services Requirements

Any new buildings or structures, together with any improvements integral to the future use of the site are erected clear of the land required for road (unlimited in height or depth) and wholly within the freehold property (unlimited in height or depth), along the New South Head Road boundary.

A.13 Construction Certificate – Staging of Works (Special Condition) (added under DA13/2019/5)

The Construction Certificate Staging of Works as set out in Letter – Condition C Section 4.56 (DA-13/2019/5) No. 2A Wunulla Road, Point Piper (Ref: 21091), prepared by GSA Planning and dated 31 August 2022 is not to be modified and/or altered without the prior approval of Council. The approved works that are the subject of DA 13/2019 (as modified) must be undertaken and facilitated as a maximum of six (6) Construction Certificate stages, more specifically being:

- Construction Certificate 1 – Shoring works
- Construction Certificate 2 – Excavation and site retention works
- Construction Certificate 3 – Subsoil drainage and superstructure
- Construction Certificate 4 – Building services,
- Construction Certificate 5 – Façade works
- Construction Certificate 6 – External works

A.14 Development Consent is Not Granted in Relation to these Matters (added under DA13/2019/6)

This approval does not give consent to any of the following:

- a) Works beyond the boundaries of the subject site.
- b) Any works at Level 1 or above that are not clouded in the approved architectural plans detailed in Condition A.4b.

B. Conditions which must be satisfied prior to the demolition of any building or construction

B.1 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

B.2 Demolition and Construction Management Plan

The Demolition and Construction Management Plan shall be reviewed and certified by the Project Arborist that appropriate tree protection measures have been accounted for. The Demolition and Construction Management Plan shall be prepared in accordance with all tree protection measures specified within this consent. Considerations by the Project Arborist shall include but not be limited to:

- a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;
- b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc;
- c) Site construction access, temporary crossings and movement corridors on the site defined;

- d) Contractors car parking;
- e) Phasing of construction works;
- f) The space needed for all foundation excavations and construction works;
- g) All changes in ground level;
- h) Space for site sheds and other temporary structures such as toilets;
- i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and
- j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas

B.3 Establishment of Tree Protection Zone (TPZ) Fence (amended under DA13/2019/6)

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970-2009). Tree protection zones must also comply with the following requirements;

- a) Tree Protection Zone areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
1	<i>Persea americana</i> (Avocado)	Front yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	8mN 8mS 5mE
4	<i>Archontophoenix alexandrae</i> (Alexandra Palm)	Front yard 590 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	2m
11	<i>Cinnamomum camphora</i> (Camphor Laurel)	Rear boundary 7 Wolseley Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	4.8m
11A	<i>Erythrina x sykesii</i> (Coral Tree)	Rear boundary 7 Wolseley Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	5.5m
12	<i>Cinnamomum camphora</i> (Camphor Laurel)	Rear boundary 7 Wolseley Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	5m
13 Deleted	<i>Banksia integrifolia</i> (Coast Banksia)	Rear yard 592 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	3.6m S & W 4.8m N & E
15 Deleted	<i>Persea americana</i> (Avocado)	Rear yard 592 New South Head Road. Refer to drawing referenced L-100 Revision B (LANDSCAPE Existing Condition Analysis Plan.)	6m

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

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

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) Trunk protection shall be installed around the trunks of the following trees:

Council Ref No.	Species
1	<i>Persea americana</i> (Avocado)

Trunk protection shall consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centres. The planks shall be secured with 8 gauge wire at 300mm spacing. Trunk protection shall extend a minimum height of 2 metres or to the maximum possible length permitted by the first branches.

- d) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- e) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in Condition B.2 of this consent.
- f) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in this consent.
- g) The site foreman must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- h) The project arborist shall provide written certification of compliance with the above condition.

B.4 Permissible work within Tree Protection Zones (amended under DA13/2019/4 and under DA13/2019/6)

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Radius from Trunk (metres)	Approved works
1	<i>Persea americana</i> (Avocado)	5m	Landscape works without machine excavation or cultivation, no root damage of roots greater than 20mm diameters; Incursion represented by the proposed

			Basement area.
13 Deleted	<i>Banksia integrifolia</i> (Coast Banksia)	3.6m	Landscape works without machine excavation or cultivation, no root damage of roots greater than 20mm diameters
15 Deleted	<i>Persea americana</i> (Avocado)	6m	Landscape works without machine excavation or cultivation, no root damage of roots greater than 20mm diameters
4	<i>Archontophoenix alexandrae</i> (Alexandra Palm)	4m	Transplant operation carried out by qualified tree transplanter

The project arborist shall provide written certification of compliance with the above condition.

B.5 Demolition and Construction Management Plan

The Demolition and Construction Management Plan shall be reviewed and certified by the Project Arborist that appropriate tree protection measures have been accounted for. The Demolition and Construction Management Plan shall be prepared in accordance with all tree protection measures specified within this consent. Considerations by the Project Arborist shall include but not be limited to:

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

B.6 Arborists Documentation and Compliance Checklist (amended under DA13/2019/4)

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;
- and
- 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	Compliance documentation and photos shall be included
Installation of tree protection fencing	Compliance with tree protection measures
Demolition of ground surfaces in TPZ areas	Condition of exposed roots
Excavation to accommodate retaining walls and level changes to accommodate the proposed rear lawn areas within the TPZ areas of Trees 13 & 15, as illustrated on the amended GCCV Level 1 drawing referenced AD00101, dated 4/3/2022.	All works are undertaken in accordance with Appendix 3 of the submitted Dr Treegood tree report (referenced 2022-65748-V0.1 dated 4th of March 2022) <i>Guidelines for excavating near trees to be preserved</i>
Inspection of pier holes for landscape works	Piers positioned to avoid the severance of and damage to roots greater than 50mm
Installation of piling	Condition of roots and soil
Inspection of irrigation set out	Appropriate distribution of irrigation water
Prior to the issue of a Final Occupation Certificate	Supervise the dismantling of tree protection measures
Installation of tree protection fencing	Compliance with tree protection measures

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.

C. Conditions which must be satisfied prior to the issue of any Construction Certificate or a Construction Certificate stage specified in the Conditions (amended under DA13/2019/5)

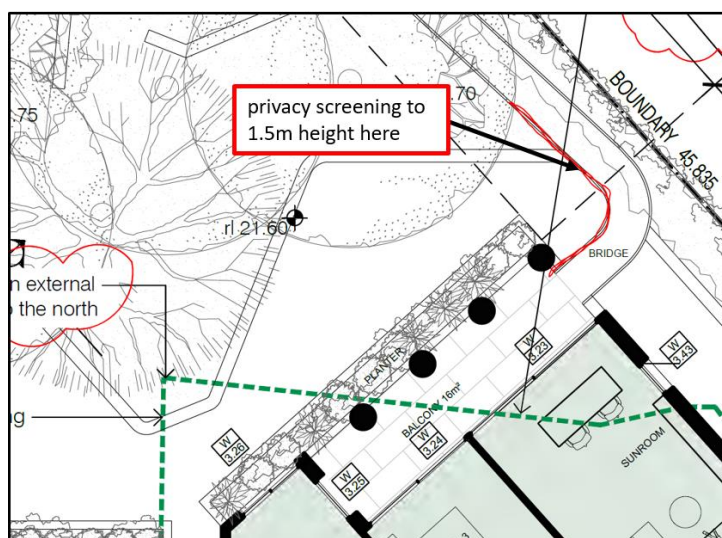
C.1 Modification of Details of the Development (section 4.17(1)(g) of the Act) (amended under DA13/2019/4, DA13/2019/5 and DA13/2019/6 and DA13/2019/7)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments:

- a) All skylights are to have a low profile and simple glass construction with metal framing to match the surrounding roof colour.
- b) Stormwater lines to be routed through the basement must not pass through Tree Protection Zones, as recommended in the Arboricultural Impact Assessment report (Tree Wise Men Pty Ltd, January 2019).
- c) To ensure the proposed solar panels uphold the provisions in Part E6.3 of the Woollahra DCP 2015, they must not: (added under DA13/2019/4)
 - i. Project above the roof surface by more than 300mm; and
 - ii. Involve mirrors or lenses to reflect or concentrate sunlight.
- d) Mailboxes must be detailed at the pedestrian street entrances on the ground floor level. The mailboxes must be installed in compliance with AS/NZS 4253:2019. Where necessary, the pedestrian gates may be further recessed

from the street frontage in order to comply with this condition. (added under DA13/2019/4)

- e) In order to improve the internal amenity of the centrally located south facing bedrooms, and to decrease building bulk on the street façade, the brise soleil brick screens on the southern elevation of Units 5, 6, 10 and 11 must either be deleted, or reduced in height to not exceed a maximum of 2m above the finished floor level. (added under DA13/2019/4)
- f) The development must achieve a benchmark of 20% of the total apartments (i.e. a minimum of three apartments) incorporating the Liveable Housing Guidelines silver level universal design features to achieve compliance with the ADG, Part Part 4Q (*Universal Design*). Compliance with this requirement must be certified by an appropriately qualified person. (added under DA13/2019/4)
- g) To maintain the visual privacy of the surrounding properties, the development must include the following window treatments: (added under DA13/2019/4)
 - i. The windows above the ground floor level on the eastern and western elevations consisting of obscure glazing must be fixed to a minimum height of 1.5m measured from the finished floor level.
 - ii. The casement shutters on the windows above the ground floor level on the eastern and western elevations must be laterally operable to a maximum extent of 300mm.
- h) To ensure adequate internal visual privacy: (added under DA13/2019/4)
 - i. The western and southern edge of the bridge at the rear of Unit 12 (on Level 2) directly adjacent to the Garden at the rear of Unit 7 (on Level 1) must include screening devices to a minimum height of 1.5m measured from the finished floor level of the bridge per the figure below:



- ii. A secure gate or door must be installed between the western Lobby on the first floor and the Garden at the rear of Unit 5.
- i) For clarity purposes, all annotations detailed as 'chimney' must be deleted from the approved architectural plans consistent with the Design Verification Statement provided by Luigi Rosselli Pty Ltd dated 13/9/2021. (added under

j) To compensate for the loss of Tree 13 & 15 the landscape plan must include the following trees in a deep soil zone in the area indicated in the figure below:
(added under DA13/2019/6, and amended under DA13/2019/7)

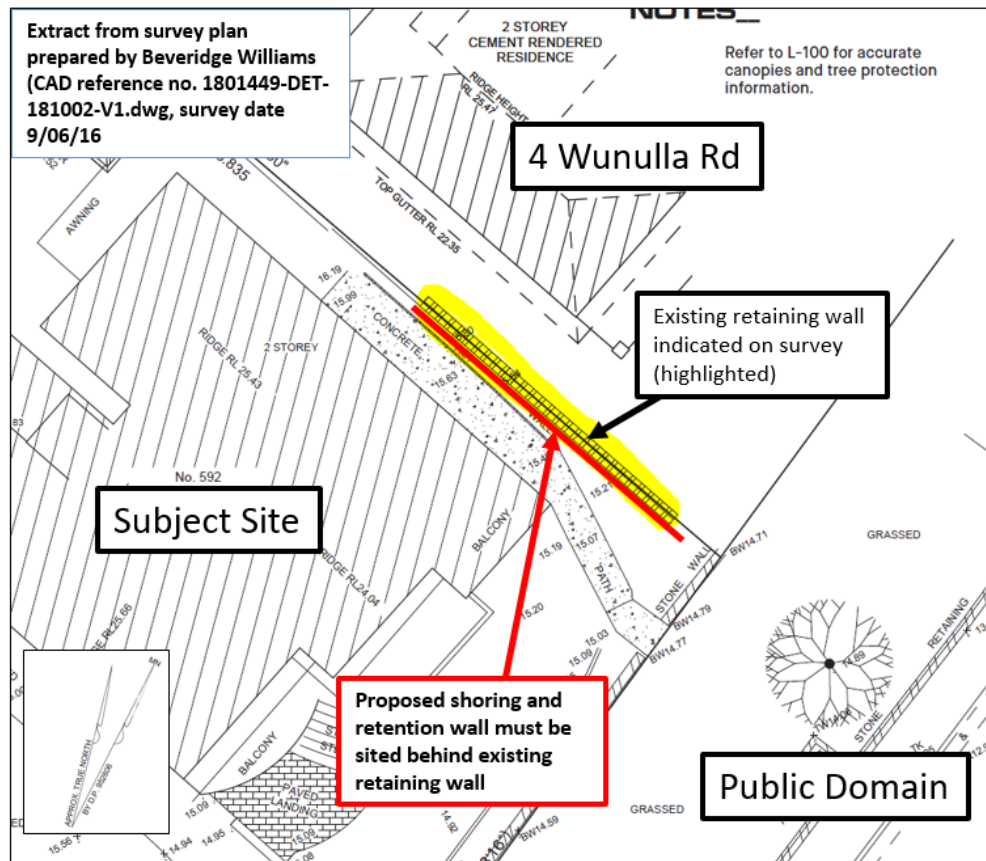
1 x *Banksia integrifolia* (Coast Banksia) or,
1 x *Tristaniopsis laurina* 'Luscious';

1 x *Angophora costata* (Sydney Pink Gum) or,
1 x *Corymbia eximia* (Yellow Bloodwood).



- Page 19 of 81

- k) To mitigate visual impacts to the streetscape and the adjoining property at 4 Wunulla Road, the portion of the shoring and retaining wall adjoining the mutual property boundary with 4 Wunulla Road must not exceed 1.8m above the existing ground level and the outer face of the wall must be cement rendered and painted. (added under DA13/2019/6)
- l) To avoid structural impacts to the existing retaining wall straddling the boundary between the subject site and 4 Wunulla Road to the north, the proposed shoring and retention wall must be set back to the south of the existing retaining wall. (added under DA13/2019/6)



- m) To ensure the approved apartments maintain compliance with the maximum residential parking rate, the parking spaces specified below must be reallocated to Units the following apartments must be reallocated to Units 4 and 15: (added under DA13/2019/6)

Unit Number	Number of Parking Spaces to Reallocate
2	1 parking space
8	2 parking spaces

- n) **Preservation of Tree 1 (Avocado) and other Landscaping (added under DA13/2019/7)**

- (i) **To ensure the preservation of the root system of Tree 1 (Avocado), plans must specify the proposed access stairs and walls associated with the stairs, located within the Tree protection zone (TPZ) of the tree (as specified in Condition B.3 of DA consent 2019/13/1), being**

constructed above grade utilising an isolated pier and beam pier method of construction. Plans are to note the following: the excavation for the 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.

- (ii) To ensure the preservation of tree roots and the viable retention of Tree 1 (Avocado) plans must specify 'arborist supervision required' for all excavation works for footings located within the Tree protection zone (TPZ) radius of this tree (as specified in Condition B.3 of DA consent 2019/13/1);
- (iii) To ensure the preservation of tree roots and the viable retention of Tree 1 (Avocado), plans must specify and depict the retention of existing ground levels located within the Tree Protection zone (TPZ) of the tree (as specified in Condition B.3 of DA consent 2019/13/1), as remaining 'in situ'.
- (iv) To avoid damage to the trunk of Tree 1 (Avocado) and to allow for the future growth of the tree, plans must show a minimum setback of 100 mm between the stairs and the wall associated with the stairs, and the trunk of the tree.
- (v) In addition to the proposed tree species that are specified to be planted on the submitted Revision Q Dangar Barin Smith Landscape Plan, one of the following additional small tree species must also be indicated on the plans within the Level 1 Landscape area in deep soil or in a minimum planter bed depth of 1000 mm:
 - 1 x Lagerstroemia indica (Crepe Myrtle), or;
 - 1 x Magnolia grandiflora 'Little gem' (Magnolia variety)
 - 1 x Camellia sasanqua (Camellia);
 - 1 x Plumeria.sp (Frangipani).

This condition has been imposed to ensure adequate replacement tree canopy throughout the site.

*The tree indicated on the plans in accordance with this condition (n)(v) must be supplied in a minimum container size of 75 litres at the time of planting and have the potential to grow to 5 metres in height and 3 metres in width at maturity.

This condition must be satisfied prior to the issue of Construction Certificate 3.
(amended under DA13/2019/5)

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the Act.

Note: Clause 146 of the *Regulation* prohibits the issue of Construction Certificate 3 subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

C.2 Tree Management Plan

The *Construction Certificate* plans and specifications shall show the following information:

- a) Trees to be numbered in accordance with these conditions:
 - shaded green where required to be retained and protected
 - shaded red where authorised to be removed
 - shaded yellow where required to be transplanted
 - shaded blue where required to be pruned
- b) References to applicable tree management plan, arborists report or transplant method statement.

This plan shall be kept on site until the issue of an occupation certificate for the whole of the building.

C.3 Payment of Long Service Levy, Security, Contributions and Fees

The Certifier 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, Subdivision Certificate or Occupation Certificate, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$540,662	No	T115
Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed	\$62,980	No	T113
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$230,000 + Index Amount	Yes, quarterly	T96

INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Road/Footpath Infrastructure Inspection Fee	\$471	No	
Security Administration Fee	\$198	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$834,311 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

The long service levy under section 34 of the *Building and Construction Industry Long Service Payment Act 1986*, must be paid and proof of payment provided to the Certifier 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 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 3.13 of the Woollahra

Section 94A Development Contributions Plan 2011 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

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

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under

the Woollahra Section 94A Development Contributions Plan 2011

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

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

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

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
- the bank guarantee is lodged with the Council prior to the 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 3.13 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Standard Condition: C5

C.4 BASIX commitments

The *applicant* must submit to the *Certifier* BASIX Certificate No.985966M_02, dated 13 January 2020, with any application for a *Construction Certificate*.

Note: Where there is any proposed change in the BASIX commitments the applicant must submit of a new *BASIX Certificate* to the *Certifier* and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (See: Clauses 145 and 146 of the *Regulation*) the applicant will be required to submit an amended development application to *Council* pursuant to section 96 of the Act.

All commitments in the BASIX Certificate must be shown on the *Construction Certificate* plans and specifications prior to the issue of any *Construction Certificate*.

Note: Clause 145(1)(a1) of the *Environmental Planning & Assessment Regulation 2000* provides: "A *Certifier* must not issue a construction certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,"

Standard Condition: C7

C.4a BASIX Commitments (added under DA13/2019/4 and amended under DA13/2019/5)

The Applicant must submit to the Certifying Authority BASIX Certificate No. 985966M_04 with any application for a Construction Certificate.

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: clauses 145 and 146 of the *Regulation*) the Applicant will be required to submit an amended development application to Council pursuant to section 4.55 of the *Act*.

All commitments in the BASIX Certificate must be shown on the Construction Certificate plans and specifications prior to the issue of **Construction Certificate 3**.

Note: Clause 145(1)(a1) of the *Environmental Planning and Assessment Regulation 2000* provides: "A certifying authority must not issue a Construction Certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires".

C.5 Landscape Plans (amended under DA13/2019/5)

Prior to the issue of a **Construction Certificate 3**, the applicant must submit landscaping plans to the satisfaction of Council.

The landscaping plans must include the following:

- a) elevations that are consistent with the approved roof plan A-105 D. In particular, the parapet height of RL 28 must be consistent across the street frontage;
- b) landscape screening to ensure adequate levels of privacy between habitable rooms and communal areas both at Level 1 and 2;
- c) the transplantation of the *Archontophoenix alexandrae* (Alexandra Palm) currently located in the front setback of 590 New South Head Road;
- d) the planting of 1 x 300 litre *Lophostemon confertus* tree in the Council verge area on Wunulla Road;
- e) in the South Western deep soil area of the property, the planting of a 100 litre container size tree of either of the following tree species must be illustrated: 1 x *Araucaria heterophylla* (Norfolk Island Pine) or 1 x *Araucaria cunninghamiana* (Hoop Pine);
- f) the planting of a 100 litre container size tree of either of the following tree species shall be illustrated south of the proposed driveway and in the Wunulla Road verge area: 1 x *Angophora costata* (Sydney Red Gum) or 1 x *Corymbia eximia* (Yellow Bloodwood);
- g) to support the planting of *Elaeocarpus reticulatus* trees the proposed planter area at the front Southern boundary to New South Head Road must have a minimum soil depth of 1 metre between the soil surface to the inner boundary wall footing.

C.6 Road and Public Domain Works (amended under DA13/2019/4 and DA13/2019/5)

A separate application under Section 138 of the *Roads Act 1993* is to be made to, and be approved by Council as the road authority, for the following infrastructure works prior to the issuing of **Construction Certificate 3**. Detailed engineering drawings prepared by a suitably qualified and experienced civil engineer for the following infrastructure works which must be carried out at the applicant's expense:

1. Infrastructure Works

- a) The removal of all existing redundant vehicular crossings including layback and gutter on the New South Head Road boundary and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter shall be in accordance with TfNSW's requirements and specification. A copy of the approval issued by TfNSW must be submitted to Council.
- b) The construction of a new 6.1 metres wide vehicular crossings in accordance with Council's standard driveway drawing RF2_D. The new crossing shall be constructed at right angle to the street kerb in plain concrete and be located at least 6 metres from the end of the tangent point to comply with Clause 3.2.3 of AS2890.1. Design longitudinal surface profiles along each edge of each proposed vehicular crossing must be submitted for assessment.
- c) The reconstruction of the existing full width concrete footpath for the full frontage of the site in New South Head Road and Wunulla Road in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works. Detailed long section and cross section at every 5m interval shall be prepared by a suitably qualified and experienced civil engineer.
- d) The proposed 375mm stormwater outlet pipe which connects to the TfNSW's underground drainage system. Approval issued by the TfNSW for such connection to the existing kerb inlet pit shall be submitted to Council.
- e) The removal/adjustment of existing retaining structures including landscape and trees and to ensure sight lines to comply with AS2890.1.
- f) 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.

2. Bonds

- a) A bond of \$62,980 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original unconditional bank guarantee with no expiry date.
- b) Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.
- c) The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements

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 **Construction**

Certificate 3. 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 advisement in *Section K. Advising*s of this Consent titled *Roads Act Application*.

C.7 Provision for Energy Supplies (amended under DA13/2019/5)

The Applicant must provide to the Certifier a letter from Energy Australia setting out Energy Australia's requirements relative to the provision of electricity/gas 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 an application under section 4.55 of the *Act* is required to be submitted to Council. Council will assess the proposed location of the required substation.

The Construction Certificate plans and specifications, required to be submitted pursuant to clause 139 of the *Regulation*, must detail provisions to meet the requirements of Energy Australia.

Where the substation is required, the Construction Certificate plans and specifications must provide:

- a) A setback not less than 3m from the road boundary and dense landscaping of *local native plants* to screen the substation from view within the streetscape.
- b) A setback not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility pursuant to clause 3.2.4 of AS2890.1-1993(See: Figures 3.2 and 3.3).
- c) A setback to and not within the drip line of any existing tree required to be retained.

This condition must be satisfied prior to the issue of Construction Certificate 4.

C.8 Soil and Water Management Plan – Submission & Approval

The *principal contractor* or *owner builder* must submit to the *Certifier* 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*” published by the NSW Department of Housing 4th Edition” (*'The Blue Book'*).

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

<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” publications can be down loaded free of charge from <http://www.woollahra.nsw.gov.au/>

Note: Pursuant to clause 161(1)(a)(5) of the *Regulation* an *Accredited Certifier* may satisfied as to this matter.

Standard Condition: C25

C.9 Professional Engineering Details (amended under DA13/2019/5)

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the Certifying Authority with the application for any Construction Certificate.

Detailed professional **structural** engineering plans and/or specifications must be submitted to the Certifying Authority with the application for **Construction Certificate 1**.

Detailed professional structural, hydrogeological, and geotechnical engineering plans and/or specifications must be submitted to the Certifying Authority with the application for Construction Certificate 2.

Detailed professional electrical, hydraulic, geotechnical, mechanical and civil work engineering plans and/or specifications must be submitted to the Certifying Authority with the application for Construction Certificate 3 and 4.

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

C.10 Geotechnical and Hydrogeological Design, Certification & Monitoring

The *Construction Certificate* plans and specification required to be submitted to the *Certifier* pursuant to clause 139 of the *Regulation* must be accompanied by a *Geotechnical / Hydrogeological Monitoring Program* together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a *professional engineer*, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the *professional engineer* to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).

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

Standard Condition: C40 (Autotext: CC40)

C.11 Ground Anchors (amended under DA13/2019/6)

This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths. Prior written consent must be obtained from all relevant adjoining property owner(s) for the use of any Ground Anchors, Bolts etc extending beyond the boundaries of the subject property.

The use of permanent ground anchors under Council land is not permitted. Temporary ground anchors under Council's land 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. Minimum 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 20 of the *Roads (General) Regulation 2000* 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.

C.12 Parking Facilities (amended under DA13/2019/4 and DAA13/2019/5)

The Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3:1993 *Parking Facilities - Bicycle Parking Facilities*, AS/NZS 2890.1:2004 : *Parking Facilities - Off-Street Car Parking* and AS 2890.2:2002 – *Off-Street Parking: Commercial Vehicle Facilities* respectively.

The plans must satisfy the following requirements:

- a) A 2m x2.5m driveway sightline splay be provided along both sides of the driveway, as per AS/NZS 2890.1:2004 Clause 3.2.4 and Figure 3.3.
- ~~b) The internal one-way ramp be clearly signposted and provided with pavement arrows to indicate the one-way only traffic flow, such signposting and pavement arrows be located within subject property. Deleted.~~
- c) Entering sight distance be provided, clear from any obstructions, as per AS/NZS 2890.1:2004 Clause 3.2.4 and Figure 3.3. Any landscape and trees within the required area should be removed to ensure sight lines;
- d) A STOP sign and a STOP line be installed on the ramp, prior to the car exit point to slow the vehicles exiting the driveway, and a convex mirror be installed wholly within site boundary to assist with visibility between vehicles leaving the site and pedestrians on the frontage road footpath. This should be clearly depicted on the architectural plans;
- e) Pavement marking be provided to ensure waiting bays are provided and clearly marked, as per Amended Basement Plan, Drawing No. S4.56-10, prepared by Luigui Rosselli, dated 13 September 2021 (stamped approved), and Amended Ground Floor Plan, Drawing No. AD00100, Rev 1, prepared by GCCV, dated 4 March 2022;
- f) Waiting vehicles must stand in the waiting bay wholly within the site boundary. Vehicles must no queue beyond the property boundary or reverse onto the footpath or roadway to enable another vehicle to manoeuvre off the site.

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

The Certifier 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.

This condition must be satisfied prior to issuing Construction Certificate 3

C.13 Engineer Certification (Special Condition) (amended under DAA13/2019/5)

Prior to issue of **Construction Certificate 3**, the applicant shall submit, for approval by the Certifier, a certificate from a *professional engineer* (Civil/Traffic Engineer), certifying the following:

- 1) That all aspects of the carpark comply with AS2890.1. In particular, the proposed driveway for the first 6m from the property boundary is at a maximum grade of 5%. This grade may be increased to max. 12.5% provided that the grade is a downgrade for traffic leaving the property and entering the frontage road;
- 2) That all aspects of the bicycle parking and storage facilities comply with AS2890.3 and Chapter E1 of Woollahra Council's DCP;
- 3) The driveway to the site must be designed such that there are minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1.

C.14 Roads and Maritime Services Requirements

- (a) Sight distances from the proposed driveway to vehicles on Wunulla Road are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.
- (b) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- (c) In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary.

C.15 Stormwater Management Plan (amended under DA13/2019/4 and under DAA13/2019/5)

The *Construction Certificate* plans and specifications, required by Clause 139 of the *Regulation*, must include a *Stormwater Management Plan* for the site. The *Stormwater Management Plan* must detail:

- a) General design in accordance with stormwater management plans, referenced 211055-Rev P2, prepared by EDGE Consulting Engineers, dated 03 March 2022 with the following amendments:

- 1) The proposed rainwater retention and reuse tank shall be redesigned such that the invert level of the overflow pipe from the rainwater retention and reuse tank is set at or above the top of kerb level where connection is made to the existing kerb inlet pit to prevent any backwater effect from the TfNSW's underground drainage system. Alternatively, the capacity of the existing TfNSW's stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line (HGL) method to demonstrate that no stormwater will be able to surcharge from TfNSW's system to the

proposed filtration chamber and the rainwater retention and reuse system;

2) The invert level of the outlet pipe from the proposed StormFilter chamber must be set at or above the top of kerb level where connection is made to the existing kerb inlet pit to prevent any backwater effect from the TfNSW's underground drainage system.

3) Details of the required basement pumpout system including supporting calculations shall be provided. The pumpout system shall be provided in accordance with AS3500.3. Stormwater discharge from the basement pumpout system shall be directed to the proposed filtration chamber prior to discharging to the street drainage system.

b) The installation of rainwater retention and reuse tank with a minimum storage capacity of 71.85m³ which is to be connected for non-potable uses such as toilet flushings, laundry devices to all units and garden irrigations. Stormwater runoff from all roof areas shall be collected and directed to the proposed 71.85m³ rainwater retention and reuse tank via the installation of first flush device(s).

c) Overflow from the proposed 71.85m³ rainwater retention and reuse tank shall be directed to the proposed stormwater filtration chamber by gravity prior to discharging to the TfNSW's underground drainage system by gravity;

d) The installation of stormwater quality treatment system to satisfy the water quality targets that are stipulated in Chapter E2.2.3 of Council's DCP. This includes but not limited to the installation of 5 x 540 PSorb StormFilter Cartridges and 2 x OceanGuard by Ocean Protect;

e) Full supporting calculations and details including elevation and pump specifications for the proposed basement pumpout system shall be clearly depicted on the drawings. The storage wet well and the pump system must be designed in accordance with AS3500.3;

f) Compliance the objectives and performance requirements of the BCA;

g) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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. It must include:

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of proposed rainwater tanks,
- 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 Councils drainage infrastructure, and
- f) Overland flow paths over impervious areas.

Rainwater Reuse System details:

- a) Any potential conflict between existing and proposed trees and vegetation,
- b) Internal dimensions and volume of the proposed rainwater storage,
- c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures,
- d) Details of access and maintenance facilities,
- e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products,
- f) Details of the emergency overland flow-path (to an approved Council drainage

point) in the event of a blockage to the rainwater tanks,

This condition must be satisfied prior to the issue of Construction Certificate 3.

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"*.

C.16 Non-Gravity Drainage Systems (amended under DA13/2019/5)

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include a Stormwater Management Plan for the site.

The Stormwater Management Plan must detail the non-gravity drainage systems (charged, siphon, pump/sump systems) being designed in accordance with section 6.2.4 – “Non-gravity drainage systems” of Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

This condition must be satisfied prior to the issue of Construction Certificate 3.

Note: The Woollahra DCP is available from Council's website www.woollahra.nsw.gov.au.
Standard Condition: C.52 (Autotext CC52)

C.17 Light and Ventilation (amended under DA13/2019/5)

The Construction Certificate plans and specifications, required to be submitted to the Certifier pursuant to clause 139 of the *Regulation*, 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 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 mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

This condition must be satisfied prior to the issue of Construction Certificate 4.

Note: Clause 98 of the *Regulation* requires compliance with the BCA. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *Regulation* 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

C.18 Sound Attenuation of the Mechanical Plant and Carpark Entrance Barrier (amended under DA13/2019/5)

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must detail the sound attenuation works required to **Mechanical Plant and Carpark Entrance Barrier** as recommended in the Acoustic Dynamics Report 4346R001.J.C.180906, dated 17th January 2019.

This condition must be satisfied prior to the issue of Construction Certificate 4.

C.19 Acoustic Certification of Mechanical Plant & Equipment (amended under DA13/2019/5)

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* 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 LA90, 15 minute level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

This condition must be satisfied prior to the issue of Construction Certificate 4.

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

Standard Condition: C62

C.20 Ventilation - Enclosures used by Vehicles (Car parks, automotive service, enclosed driveways, loading docks and the like) (amended under DA13/2019/5)

The (*nominate enclosure*) in which vehicles powered by internal combustion engines are parked, serviced or operated are required to comply with Section 4 'Ventilation of Enclosures used by Vehicles with Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.

The (*nominate enclosure*) must be naturally ventilated or provided with a combination of both supply and exhaust mechanical ventilation. The applicant is to determine the method of ventilation of the (*nominate enclosure*) and provide details to the Certifier accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the (*nominate enclosure*) shall be mechanically ventilated by a combination of general exhaust and supply flow rates in accordance with Australian Standard 1668.2-1991.

This condition must be satisfied prior to the issue of Construction Certificate 4.

C.21 Ventilation - Internal Sanitary Rooms (amended under DA13/2019/5)

All internal sanitary rooms and laundry facilities not provided with natural ventilation must be provided with a system of mechanical exhaust ventilation in accordance with *Table B1 Minimum Exhaust Ventilation Flow Rates of AS 1668.2-1991*. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifier demonstrating compliance with AS 1668 Parts 1 & 2.

This condition must be satisfied prior to the issue of Construction Certificate 4.

C.22 Electric vehicle circuitry and electric vehicle charging point requirements (amended under DA13/2019/5)

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 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.

This condition must be satisfied prior to the issue of Construction Certificate 4.

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.23 Swimming and Spa Pools – Child Resistant Barriers (added under DA13/2019/4 and DA13/2019/5)

The Construction Certificate plans and specifications required by clause 139 of the *Regulation* must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the *Swimming Pools Act 1992* and the Building Code of Australia.

Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

This condition must be satisfied prior to the issue of Construction Certificate 6.

Note: A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the *Construction Certificate* plans.

Standard Condition: C55 (Autotext CC55)

C.24 Swimming and Spa Pools – Backwash (added under DA13/2019/4 and DA13/2019/5)

The Construction Certificate plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

This condition must be satisfied prior to the issue of Construction Certificate 6.

Note: The plans must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: The discharge of backwash water to any stormwater system is water pollution and an offence under the *Protection of the Environment Operations Act 1997*. The connection of any backwash pipe to any stormwater system is an offence under the *Protection of the Environment Operations Act 1997*.

Standard Condition: C56 (Autotext CC56)

C.25 Design sound levels for building interiors (added under DA13/2019/4 and DA13/2019/5)

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation*, must provide details showing how the recommendations of the Acoustic Report, prepared by ADP Consulting: Engineering will be implemented.

Design sound levels for building interiors should not exceed those recommended maximum design sound levels, LAeq, dB(A) specified by AS 2107-2000, *Acoustics - Recommended design sound levels and reverberation times for building interiors*.

This condition must be satisfied prior to the issue of Construction Certificate 4.

Note: The design sound levels given in AS 2107-2000 are not necessarily appropriate in all circumstances. In particular, lower noise levels may be appropriate in quiet environments or where expectations of quality are high. For example, lower design sound levels than those given as satisfactory in AS 2107-2000 may be preferred for luxury hotels and apartments. However, additional costs will be incurred in achieving sufficient sound attenuation between spaces for acoustic privacy requirements. For each 5 dB reduction in the ambient sound level, 5 dB must be added to the overall sound isolation performance of the dividing elements to maintain the same level of acoustic privacy. There could also be additional costs associated with the provision of quieter building services. As a minimum compliance with the *BCA* is mandatory.

C.26 Remediation Action Plan (added under DA13/2019/4 and DA13/2019/5)

- Preparation and implementation of a Remediation Action Plan (RAP) which shall include:
 - i. Design supplementary investigations to close the data gaps identified during investigation
 - ii. Outline the remediation requirements for contamination identified during the Detailed Site Investigation and other contamination that may be identified during data gap closure investigations.
 - iii. Provide the requirements and procedure for waste classification assessment in order to enable classification of site soils to be excavated and disposed off-site during the proposed basement excavation, in accordance with the Waste Classification Guidelines.
 - iv. Provide for the validation of remediation activities performed on-site.
- Undertake supplementary investigations and subsequent remediation and validation works for the site as outlined in the RAP.
- Any material being removed from the site, including virgin excavated natural materials (VENM) should be classified for off-site disposal in accordance with EPA Waste Classification Guidelines.
- Any material being imported to the site should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended use or being classified as VENM.
- The RAP for the development site, prior to implementation shall be forwarded to Woollahra Council for review. Remediation Work at the development site would constitute Category 1 Remediation Work and will require development consent under Clause 4.8 of SEPP (Resilience and Hazards) 2021; Category 1 works will require advertising for 30 days.

This condition must be satisfied prior to the issue of Construction Certificate 2.

C.27 Validation and Monitoring Program (added under DA13/2019/4 and DA13/2019/5)

- Preparation of a final site validation report by a suitably qualified environmental consultant, certifying site suitability of soils and groundwater for the proposed

- land use.
- A Validation and any Monitoring Program must be submitted to the consent authority within 30 days of completing remediation works and prior to the commencement of building construction works. The objectives of the Validation and any Monitoring Program are to demonstrate that the objectives stated in any RAP have been achieved.
- An Environmental Management Plan (EMP) shall be developed for the development site for any current and on-going management of contamination.

This condition must be satisfied prior to the issue of Construction Certificate 3.

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 2004*, 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 date the application for the relevant Construction Certificate is made.

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

D.2 Dilapidation Reports for existing buildings

Dilapidation surveys must be conducted and dilapidation reports prepared by a *professional engineer* (structural) of all buildings on land whose title boundary abuts the site and of such further buildings located within the likely

“zone of influence” of any excavation, dewatering and/or construction induced vibration.

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

- a) No. 588 New South Head Road,
- b) Nos. 5, 7, 9 and 11 Wolseley Road, and
- c) No. 2 Wunulla Road.

The dilapidation reports must be completed and 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 s81A(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

D.3 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

D.4 Piezometers for the Monitoring of Ground Water Levels

The Principal Contractor must be provide 2 piezometers within the excavation area and a further 2 piezometers around the perimeter of the wall. The piezometers are to be installed to monitor ground water levels (GWL) before and during all dewatering works for the construction phase.

The GWL monitoring wells and monitoring program must be maintained until the issue of an occupation certificate for the whole of the building.

The GWL are to be regularly monitored during the course of the works as required by the work method statement for the control of GWL. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.

Where there are any movements in the GWL outside a safe range set by the work method statement for the control of GWL, corrective action must be undertaken under the direction of the professional engineer (hydrological/geotechnical engineer).

Standard Condition: D7 (Autotext DD7)

D.5 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 (Autotext: DD9)

D.6 Works (Construction) Zone – Approval & Implementation

A Works Zone may be required for this development. The Principal

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

The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any work. Signs are not erected until full payment of works zone fees.

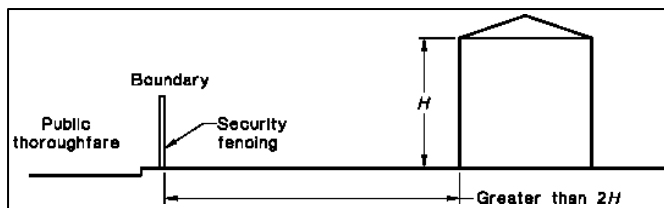
Note: The Principal Contractor or Owner must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the clause 22 of the *Transport Administration (General) Regulation 2000*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

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

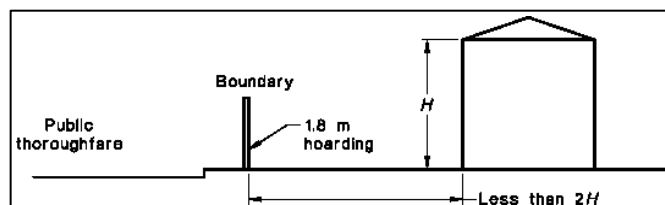
Standard Condition: D10

D.7 Security Fencing, Hoarding 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.



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.



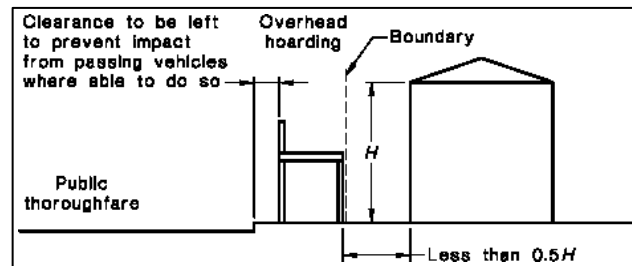
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and

the facing facade protected by heavy-duty scaffolding, unless either:

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

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

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



The Principal Contractor 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.

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)

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.

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.
Standard Condition: D11

D.8 Site Signs

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

Clause 98A of the *Regulation* provides:

Erection of signs

- For the purposes of section 4.17(11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - 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 any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.

Clause 227A of the *Regulation* provides:

Signs on development sites

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

- Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site

before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out.

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

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 clause 98A and clause 227A of the *Regulation*.

Standard Condition: D12

D.9 Toilet Facilities

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

- a) Must be a standard flushing toilet, and
- b) Must be connected to a public sewer, or

- c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
- d) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

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

In this condition:

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

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

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

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

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

Standard Condition: D13

D.10 Erosion and Sediment Controls – Installation

The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls to prevent all run off from entering Cooper Park during works to the property. Water pollution, erosion and sediment controls must be installed and maintained 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/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry”

publication can be downloaded from www.woollahra.nsw.gov.au and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm

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

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

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

Standard Condition: D14

D.11 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement

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: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the *Act* (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Note: Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website

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

D.12 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

D.13 Roads and Maritime Services Requirements

- (a) The developer is to submit design drawings and documents

relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to:
development.sydney@rms.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- (b) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to: development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

- (c) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on New South Head Road during construction activities.

D.14 Notice of completion of category 1 remediation work (added under DA13/2019/4)

Pursuant to clause 4.14 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, notice of completion of a category 1 remediation work must be given to the council within 30 days after the completion of the work

This notice must be in accordance with clause 4.15 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Note: Category 1 remediation work is defined in clause 4.8 of the SEPP.

E. Conditions which must be satisfied during any development work

E.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 condition is prescribed in relation to a development consent for development that involves any building work:

- a) that the work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),
- b) in the case of residential building work for which the [Home](#)

[Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

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

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

E.2 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2004: The Demolition of Structures, published by Standards Australia, and as in force at 13 September 2001.

Standard Condition: E2

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). 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 Roads and Maritime Services Requirements

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on New South Head Road.

E.5 Requirement to notify about new evidence

- a) 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.
- b) In the event of any unexpected archaeological assets/relics being found during excavation works, work is to cease

immediately and the NSW Office of Environment & Heritage contacted.

Standard Condition: E4

E.6 Critical Stage Inspections

Critical stage inspections must be called for by the *principal contractor* or *owner builder* as required by the PCA, any PCA service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the PCA 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 109E(3)(d) of the *Act* or as required by the *PCA* and any PCA Service Agreement.

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

Note: The PCA 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

E.7 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) Piering;
 - (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 separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and 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 2000*.

Note: EPA Guidelines can be down loaded from

<http://www.epa.nsw.gov.au/noise/nglg.htm> .

Note: see http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf

Standard Condition: E6

E.8 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 73 of the *Road Transport (Safety and Traffic Management) Act 1999* allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose.

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

- erect a structure or carry out a work in, on or over a public road, or

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

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

- Part C Management of waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.
- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
 - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road. Standard Condition: E7

E.9 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) The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

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.10 Replacement/Supplementary trees which must be planted (amended under DA13/2019/6)

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

Species/Type	Planting/Location	Container Size/ Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
1 x <i>Lophostemon confertus</i> (Brushbox)	Within Council verge on Wunulla Road (*Same proposed location as previously plotted and transplanted Tree 16)	300 litre	10 x 6 metres
1 x <i>Corymbia eximia</i> (Yellow Bloodwood) or 1 x <i>Angophora costata</i> (Sydney Red Gum)	Within Council verge on Wunulla Road – South West of proposed driveway.	100 litre	10 x 6 metres
1x <i>Araucaria heterophylla</i> (Norfolk Island Pine) or 1 x <i>Araucaria cunninghamiana</i> (Hoop Pine)	South West deep soil area of the site (in location of previously proposed Wollemi Pine).	100 litre	20 x 7 metres
6 x <i>Elaeocarpus reticulatus</i>	Within planter areas behind the New South Head Road boundary wall – between the proposed Western entrance of the property and the existing staircase on the Western boundary of 590 New South Head Road.	50 litre	8 x 4 metres
1 x <i>Banksia integrifolia</i> (Coast Banksia) or, 1 x <i>Tristaniopsis laurina</i> 'Luscious'	Rear deep soil area	200 litre	7 x 5 metres
1 x <i>Angophora costata</i> (Sydney Red Gum) or, 1 x <i>Corymbia eximia</i> (Yellow Bloodwood).	Rear deep soil area	200 litre	10 x 7 metres

The project arborist shall document compliance with the above condition.

E.11 Paving in the vicinity of trees (amended under DA13/2019/6)

Paving works within the specified radius from the trunks of the following trees shall be constructed in such a way as to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. When preparing an area for paving within the specified radius the soil surface shall not be skimmed. The new surface shall be established above the former ground level.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
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1	<i>Persea americana</i> (Avocado)	Front yard 590 New South Head Road	8.4
13 Deleted	<i>Banksia integrifolia</i> (Coast Banksia)	Rear yard 592 New South Head Road	4.8
15 Deleted	<i>Persea americana</i> (Avocado)	Rear yard 592 New South Head Road	7.2

Paving works are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent) and are to utilise such measures as semiporous material.

The project arborist shall document compliance with the above condition.

E.12 Level changes in the vicinity of trees (amended under DA13/2019/4 and DA13/2019/6)

No level changes shall occur within the specified radius from the trunks of the following trees.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
1	<i>Persea americana</i> (Avocado)	Front yard 590 New South Head Road	8mN 8mS 5mE
11	<i>Cinnamomum camphora</i> (Camphor Laurel)	Rear boundary 7 Wolseley Road	4.8m
11A	<i>Erythrina x sykesii</i> (Coral Tree)	Rear boundary 7 Wolseley Road	5.5m
12	<i>Cinnamomum camphora</i> (Camphor Laurel)	Rear boundary 7 Wolseley Road	5m
13 Deleted	<i>Banksia integrifolia</i> (Coast Banksia)	Rear yard 592 New South Head Road	3.6m S & W 4.8m N & E
15 Deleted	<i>Persea americana</i> (Avocado)	Rear yard 592 New South Head Road	6m

The project arborist shall document compliance with the above condition.

E.13 Hand excavation within tree root zones (amended under DA13/2019/4 and DA13/2019/6)

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

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
1	<i>Persea americana</i> (Avocado)	Front yard 590 New South Head Road	8mN 8mS 5mE
13 Deleted	<i>Banksia integrifolia</i> (Coast Banksia)	Rear yard 592 New South Head Road	3.6m S & W 4.8m N & E

15 Deleted	Persea americana (Avocado)	Rear yard 592 New South Head Road	6m
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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.14 Footings in the vicinity of trees (amended under DA13/2019/4 and DA13/2019/6)

Footings for any structure 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)
1	<i>Persea americana</i> (Avocado)	Front yard 590 New South Head Road	8mN 8mS 5mE
13 Deleted	<i>Banksia integrifolia</i> (Coast Banksia)	Rear yard 592 New South Head Road	3.6m S & W 4.8m N & E
15 Deleted	<i>Persea americana</i> (Avocado)	Rear yard 592 New South Head Road	6m

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.15 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.16 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

E.17 Support of adjoining land and buildings

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

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

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

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

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

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

within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

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

Standard Condition: E13

E.18 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

E.19 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

E.20 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

E.21 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 Lands Act 1989* 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.22 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

E.23 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 94 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 to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

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

E.24 Prohibition of burning

There must be no burning of any waste or other materials. The burning of CCA (copper chrome arsenate) or PCP (pentachlorophenol) 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 (Control of Burning) Regulation 2000* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.
Standard Condition: E22

E.25 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 down loaded free of charge from Council’s web site 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.workcover.nsw.gov.au and www.epa.nsw.gov.au . Other specific condition 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

E.26 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
Standard Condition: E24 (Autotext EE24)

E.27 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
- 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 EPA and relevant Occupational Health and Safety legislation administered by Workcover NSW
- 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

E.28 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. 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
- k) Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, Department of Environment and Climate Change (DECC) or WorkCover NSW

Standard Condition: E32

E.29 Waste Disposal

All waste disposal activities should be undertaken in accordance with the Waste Classification Guidelines (NSW EPA, 2014), the Waste Avoidance and Resource Recovery Act 2001, the Protection of the Environment Operations Act 1997 and other relevant legislation.

E.30 Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters (added under DA13/2019/4)

Temporary child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* and Building Code of Australia where any swimming pool or spa pool, as defined

by the *Swimming Pools Act 1992*, contains more than 300mm in depth of water at any time.

Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* and the Building Code of Australia as soon as practical.

Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the *Swimming Pools Act 1992* must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: This condition does not prevent Council from issuing an order pursuant to section 23 of the *Swimming Pool Act 1992* or taking such further action as necessary for a breach of this condition or the *Swimming Pools Act 1992*.

Standard Condition: E26

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A 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

F.2 Fire Safety Certificates

In the case of an occupation certificate to authorise a person:

- a) to commence occupation or use of a *new building*, or
- b) to commence a change of building use for an existing building,

a Certifier must be satisfied that a *final fire safety* certificate has been issued for the building.

In the case of an ***occupation certificate*** to authorise a person:

- a) to commence occupation or use of a partially completed *new building*, or
- b) to commence a change of building use for part of an existing building,

a *Certifier* must be satisfied that a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

Note: This condition does not apply to a class 1a or class 10 building within the meaning of clause 167 of the *Regulation*.

Note: In this condition:

interim fire safety certificate has the same meaning as it has in Part 9 of the *Regulation*. *final fire safety certificate* has the same meaning as it has in Part 9 of the *Regulation*. *new building* has the same meaning as it has in section 6.1 of the *Act*.

Standard Condition: F4

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, Compliance Certificates 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, Compliance Certificates 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) Plumber certification that stormwater runoff from all roof areas has been collected which have been connected for non-potable uses such as toilet flushings and laundry devices to all units with the provision of first flush devices;
- c) All flood protection measures;
- d) All basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*. In particular, the following requirement must be certified by a traffic engineer:
 - 1) The internal driveway for the first 6m from the property boundary has been constructed at a maximum grade of 5% to comply with AS2890.1. This grade may be increased to max. 12.5% provided that the grade is a downgrade for traffic leaving the property and entering the frontage road;
 - 2) Minimum headroom of 2.2m has been provided to comply with AS2890.1.
 - 3) 2m x 2.5m sight triangles, clear of obstructions to visibility, have been provided to comply with AS2890.1.
- e) All stormwater drainage and storage systems;
- f) All mechanical ventilation systems;
- g) All hydraulic systems;
- h) All structural work;
- i) All acoustic attenuation work;
- j) All waterproofing;

- k) 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

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 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.22.

Standard Condition: F22 (Autotext FF22)

F.6 New Waste Services (added under DA13/2019/4)

No Occupation Certificate must be issued until the Owner/developer has procured the provision of required wastes services including purchase of all waste and recycling storage containers (bins and crates) from Council or otherwise in accordance with the approved Waste Management Plan.

Standard Condition: F19 (Autotext FF19)

F.7 Letter Boxes (added under DA13/2019/4)

All letter boxes must be constructed and located in accordance with AS/NZS 4253:2019 *Mailboxes* and to Australia Post's satisfaction.

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 Swimming and Spa Pools – Permanent Child Resistant Barriers and other

Matters (added under DA13/2019/4)

Prior to filling any swimming pool, as defined by the *Swimming Pools Act 1992*:

- a) Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* and the Building Code of Australia.
- b) The swimming pool must be registered in accordance with section 30B of the *Swimming Pools Act 1992* on the NSW Government Swimming Pool Register.
- c) The Principal Contractor or Owner must either obtain a certificate of compliance issued pursuant to section 22D of the *Swimming Pools Act 1992* or an appropriate Occupation Certificate authorising use of the swimming pool.
- d) Public pools must comply with the *NSW Health Public Swimming Pool and Spa Pool Guidelines* in force at that time and private pools are encouraged to comply with the same standards as applicable.
- e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3-2010: *Swimming pool safety - Water recirculation systems*.

Backwash must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate before 8 am or after 8 pm on any Sunday or public holiday or before 7 am or after 8 pm on any other day.

Note: NSW Health guidelines and fact sheets are available at www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx
Standard Condition: F13 (Autotext FF13)

G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate

G.1 Strata Title Subdivision Certificate (Part 4 *Strata Schemes Development Act 2015*)

In addition to the statutory requirements of the *Strata Schemes Development Act 2015* a strata certificate must not be issued which would have the effect of:

- a) transferring to any strata unit entitlement, any areas of common property shown upon the approved development application plans,
- b) transferring to any strata unit entitlement, any visitor parking spaces, or
- c) creating any unit entitlement to any car parking spaces not associated with an occupiable unit entitlement within the strata plan.

Note: This condition has been imposed to ensure that: (a) common property is not alienated from the strata scheme and assigned to any one or more strata lots, (b) visitor parking is not alienated from the strata scheme and assigned to any one or more strata lots such that visitors would be restricted from lawful access and use of required visitor parking, (c) parking spaces are not strata subdivided as separate strata lots which may be sold with full strata title rights as a parking space lot, reducing available parking to strata lots and visitors required to reduce demand for on-street public parking.

Standard Condition: G2 (Autotext GG2)

G.2 Electricity Substations – Dedication as Road and/or Easements for Access

If an electricity substation is required on the site the owner must dedicate to the appropriate energy authority (to its satisfaction), free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. 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 (footway or road pavement).

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Principal Certifier prior to issue of the Construction Certificate detailing energy authority requirements.

The Accredited Certifier must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Where an electricity substation is provided on the site adjoining the road boundary, the area within which the electricity substation is located must be dedicated as public road. Where access is required across the site to access an electricity substation an easement for access across the site from the public place must be created upon the linen plans burdening the subject site and benefiting the Crown in right of New South Wales and any statutory corporation requiring access to the electricity substation.

Standard Condition: G4 (Autotext GG4)

H. Conditions which must be satisfied prior to the issue of an Occupation Certificate for the occupation of the whole of the building

H.1 Fulfillment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate No.985966M_02, dated 13 January 2020.

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A *Certifier* must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Standard Condition: H7

H.1a Fulfillment of BASIX Commitments – clause 154B of the Regulation (added under DA13/2019/4)

All BASIX commitments must be effected in accordance with the BASIX Certificate No. 985966M_04.

Note: Clause 154B(2) of the *Environmental Planning and Assessment Regulation 2000* provides: "A *certifying authority* must not issue a final Occupation Certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to

monitor has been fulfilled."

H.2 Landscaping

The *principal contractor* or *owner* must provide to *PCA* a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works comply with this consent.

Note: This condition has been imposed to ensure that all landscaping work is completed prior to the issue of an occupation certificate for the whole of the building.

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 an occupation certificate for the whole of the building.

Standard Condition: H12

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 released by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with an occupation certificate for the whole of the building to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.

Standard Condition: H13

H.5 Roads and Maritime Services Requirements

The redundant driveways on the New South Head Road boundary shall be removed and replaced with kerb and gutter to match the existing. The design and construction of the kerb and gutter on New South Head Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to: development.sydney@rms.nsw.gov.au.

H.6 Positive Covenant and Works-As-Executed Certification of Stormwater Systems (amended under DA13/2019/4)

On completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings prepared by a registered surveyor and submitted to the Principal Certifying Authority detailing:

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the on-site retention and reuse system,
- c) that the works have been constructed in accordance with the approved design and will provide the minimum retention storage volume of 71.85m³ in accordance with the approved construction drawings,
- d) that invert level of the rainwater tank overflow pipe and the invert level of the outlet pipe from the StormFilter chamber have been constructed at or above the top of kerb of the kerb inlet pit,
- e) pipe invert levels and surface levels to Australian Height Datum, and
- f) 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 indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-retention and reuse system, including any first flush device(s), pumps and sumps 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. The PC 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.

I. Conditions which must be satisfied during the ongoing use of the development

I.1 Provision of Off-street Public and Visitor Parking (amended under DA13/2019/4)

The owner and occupier, in compliance with AS2890.3:2015 Parking Facilities - Bicycle Parking Facilities and AS/NZS 2890.1:2004: Parking Facilities - Off-Street Car Parking, must maintain unimpeded public access to off-street parking as follows:

Use	Number of spaces
Resident parking	31
Vehicle parking (visitor)	4
Motorbike parking	5
Bicycle parking (racks)	15

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

Standard Condition: I21

I.2 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No.985966M_02, dated 13 January 2020.

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.2a Maintenance of BASIX Commitments (added under DA13/2019/4)

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 985966M_04.

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.

I.3 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 the NSW Fire Brigades. The *annual fire safety statement* must be prominently displayed in the building.

Note: *Essential fire safety measure* has the same meaning as in clause 165 of the *Regulation*. *Annual fire safety statement* has the same meaning as in clause 175 of the *Regulation*. Part 9 Division 5 of the *Regulation* applies in addition to this condition at the date of this consent. Visit Council's web site for additional information in relation to fire safety www.woollahra.nsw.gov.au.

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

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

- a) Permit stormwater to be retained and reused by the system.
- b) Keep the system clean and free of silt rubbish and debris.
- c) 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 Council.

- d) Carry out the matters referred to in paragraphs (b) and (c) at the owner's expense.
- e) 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.
- f) Permit Council or its authorised agents from time to time upon giving reasonable notice (but at anytime 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.
- g) 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.
- h) Where the owner fails to comply with the owner's obligations under this covenant, permit 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.
- i) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the owners in respect of the owner's obligations under this condition.

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 Parking Permits (Special Condition)

Future tenants and residents of the proposed development will not be eligible for resident or visitor parking permits.

I.6 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 the NSW Fire Brigades. The *annual fire safety statement* must be prominently displayed in the building.

Note: *Essential fire safety measure* has the same meaning as in clause 165 of the *Regulation*. *Annual fire safety statement* has the same meaning as in clause 175 of the *Regulation*. Part 9 Division 5 of the *Regulation* applies in addition to this condition at the date of this consent. Visit Council's web site for additional information in relation to fire safety

www.woollahra.nsw.gov.au.

Standard Condition: I35

I.7 Noise Control

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

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

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

Useful links:

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

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

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

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

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

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

Standard Condition: I56

I.8 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.9 Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the *Acoustic Report*.

Standard Condition: I57

I.10 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 LA90, 15 minute level measured by a sound level meter.

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

Note: Words in this condition have the same meaning as in the:

NSW Industrial Noise Policy

(http://www.environment.nsw.gov.au/resources/ind_noise.pdf) ISBN 0

7313 2715 2, dated January 2000, and

Noise Guide for Local Government

(<http://www.environment.nsw.gov.au/noise/nglg.htm>) ISBN

1741370671, dated December 2004.

Standard Condition: I59

I.11 Waste Management - Residential

Waste management must comply with the approved site waste minimisation and management plan (SWMMP) and with Woollahra DCP 2015, Chapter E5– Waste Management.

The occupier of the site must place waste and recycling bins/crates on the footpath for collection but not earlier than 12 hours prior to the designated collection time.

The occupier of the site must remove waste and recycling bins/crates from the footpath within 12 hours of being emptied by Council's waste service and they must be stored within the site in the approved waste storage area.

No commercial waste must be placed within residential waste and recycling bins/crates.

Note: This condition has been imposed to ensure that the provisions of the approved SWMMP and Woollahra DCP are complied with during the ongoing operations of the development.

Note: For further residential wastes management policy information go to

www.woollahra.nsw.gov.au

Standard Condition: I52

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. You can obtain further information from the following web sites:

<http://www.theshopfront.org/documents/ConvictionsCriminalRecords.pdf> and the Attorney General's www.agd.nsw.gov.au.

Standard Advising: K1

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.dialbeforeyoudig.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

K.3 Builder's Licences and Owner Builders Permits

Section 81A 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.

Further information can be obtained from the NSW Office of Fair Trading website about how you obtain an owner builders permit or find a principal contractor (builder): <http://www.dft.nsw.gov.au/building.html> .

The Owner(s) must appoint the PCA. The PCA must check that Home Building Act insurance is 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.

Standard Condition: K5

K.4 Building Standards - Guide to Standards and Tolerances

The PCA does not undertake detailed quality control inspections and the role of the PCA 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 "Guide to Standards and Tolerances©" ISBN 0 7347 6010 8 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 PCA does not undertake this role.

The NSW Office of Fair Trading have published a "Guide to Standards and Tolerances©" ISBN 0 7347 6010 8. The guide can be obtained from the

Office of Fair Trading by calling 13 32 20 or by Fax: 9619 8618 or by post to: Marketing Branch, PO Box 972, Parramatta NSW 2124. The Guide can be down loaded from:

<http://www.fairtrading.nsw.gov.au/pdfs/corporate/publications/dft242.pdf>

Council, as the PCA or otherwise, does not adjudicate building contract disputes between the *principal contractor*, contractors and the owner.

Standard Condition: K6

K.5 Workcover requirements

The Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: Further information can be obtained from Workcover NSW's website:

<http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office: Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

Standard Condition: K7

K.6 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 Department of Lands:

<http://www.lands.nsw.gov.au/LandManagement/Dividing+Fences.htm>.

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. Over 85% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. Contact the Community Justice Centre either by phone on 1800 671 964 or at <http://www.cjc.nsw.gov.au/>.

Standard Advising: K10 (Autotext KK10)

K.7 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact George Lloyd, Consultant Town Planner, on (02) 9391 7059.

However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing.

This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost

and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed commissioner having the full authority to completely determine the matter at the conference.

Standard Condition: K14

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 80A of the *Act*.

The securities will not be released until a *Final Occupation Certificate* has 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 Application for Refund of Security form can be downloaded from

<http://www.woollahra.nsw.gov.au/>

[data/assets/pdf_file/0004/76405/Refund_of](#)

[_Security](#)

[_Form.pdf](#) Standard Condition: K15

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 Owner Builders

Under the *Home Building Act 1989* any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading (see

www.fairtrading.nsw.gov.au.)

Standard Condition: K18

K.11 Pruning or Removing a Tree Growing on Private Property

Woollahra Municipal Council's Development Control Plan (DCP) 2015, Tree Management Chapter E3 may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

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

Standard Condition: K19

K.12 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 PCA 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

K.13 Roads Act 1993 Application (amended under DA13/2019/5)

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 **Construction Certificate 3**.

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

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

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

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

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

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

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

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

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

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

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

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

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the 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