

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No: DA607/2021/3

Development Consent modified: DA607/2021

Description of development to be carried out under the consent (as previously modified): Multi-dwelling housing and Alts and Adds to Residential Flat Building Demolition of, and alterations and additions to, existing buildings and construction of a residential flat building development across multiple lots, including remediation of land and consolidation of lots.

Address and particulars of title of land on which development to be carried out: 2A James Street – Lot 101 DP 1281021
60-62 Oxford Street – Lot A, DP91009
64-66 Oxford Street – Lot 102 DP 1285917
68 Oxford Street – Lot 1 DP506448
70 Oxford Street – Lot 1 DP986086
72 Oxford Street – Lot 1 DP82127
74 Oxford Street – Lot 1 DP82128
76 Oxford Street – Lot 10 DP183421
78 Oxford Street – Lot 11 DP76557
80 Oxford Street – Lots 12 and 13 in DP 76557, and Lot 1 in DP311457

Description of modification to the development consent: Modification of DA607/2021 to make internal and external changes to the approved residential flat building and multi-dwelling housing, and amendments to the approved conditions of consent.

Determination: The development consent is modified as follows:

**Woollahra Developments Pty Ltd v Woollahra Municipal Council
Relevant Conditions Being Amended**

Conditions A.6, A.11, C.1, C.3, C.11, C.12, E.34, H.1, H.4, I.1 and I.9 are amended and replaced with the following:

A.6 Approved Plans and Supporting Documents (Amended under DA607/2021/3)

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.

To the extent of any inconsistencies between the landscaping works depicted on the architectural plans and the landscaping plans, the landscaping plans prevail.

Reference	Description	Author/Drawn	Date(s)
DA 1006 (Rev. G) DA 1007 (Rev. G) DA 1008 (Rev. G)	Architectural – Demolition Plans	MHNDUNION	All dated 18/8/2023
DA 2001 (Rev G) DA 2002 (Rev G) DA 2003 (Rev G) DA 2004 (Rev G) DA 2005 (Rev G) DA 2006 (Rev G) DA 2101 (Rev G) DA 2102 (Rev G) DA 2103 (Rev G) DA 2104 (Rev G) DA 2105 (Rev G) DA 2106 (Rev G) DA 2107 (Rev G) DA 2108 (Rev G) DA 2109 (Rev G) DA 2110 (Rev G) DA 2111 (Rev G) DA 2112 (Rev G)	Architectural – Floor Plans	MHNDUNION	All dated 18/8/2023
DA 3001 (Rev G) DA 3002 (Rev G) DA 3003 (Rev G) DA 3004 (Rev G) DA 3005 (Rev G) DA 3006 (Rev G)	Architectural – Elevations	MHNDUNION	All dated 18/8/2023
DA 3101 (Rev G) DA 3102 (Rev G) DA 3103 (Rev G) DA 3104 (Rev G) DA 3105 (Rev G) DA 3106 (Rev G) DA 3107 (Rev G) DA 3108 (Rev G) DA 3109 (Rev G)	Architectural – Sections	MHNDUNION	All dated 18/8/2023

Reference	Description	Author/Drawn	Date(s)
DA 3110 (Rev G)			
DA 6001 (Rev G) DA 6002 (Rev G) DA 6003 (A) DA 6004 (A)	Architectural – Window Schedule and External Finishes	MHNDUNION	All dated 18/8/2023
2102204-DP-CONSOL Plan Form 1 Sheet No. 1 of 1 Sheets	Draft Plan of Consolidation of Lot A DA91009	Peter G Bentley	07/12/2021
P36202	Schedule of Conservation Works 60, 68, 70, 72, 74, 76, 78 & 80 Oxford St, Woollahra	Urbis	1/08/2022
S34_00, S34_01, S34_02, S34_03, S34_04, S34_05, S34_06, S34_07 (All Revision F)	Landscape Plans	All by Wyer & Co	16/8/2023
58-80/OXFORD/AIA/B (Revision B)	Arboricultural Impact Assessment Report	Tree IQ	2/12/2021
58-80/OXFORD/AIA/B (Revision B)	Addendum to Arboricultural Impact Assessment Report	Tree IQ	3/11/2022
1267537M_06	BASIX Certificates	Prepared by IGS	23/8/2023
210461 (Revision 5)	Acoustic Report	PWNA	2/11/2022
13829-ER-1-2 Rev1	Contaminated Land - Remedial Action Plan (Stage 3)	Alliance Geotechnical Pty Ltd	6/12/21
22100	Traffic & Parking Assessment Report	CJP Consulting Engineers	12/12/2022
21600	Traffic Letter of Response	Varga Traffic Planning	25/02/2022
3548 Revision C	Operational Waste Management Plan	Elephants Foot Consulting	24/11/2022
No Reference	BCA Compliance Statement	Blackett Maguire + Goldsmith	29/11/2022
21180-DA-001 (Revision B)	Fire Engineering Letter of Support	Minerva	7/11/2022
J2022S0602.01-ib letter (3 pages)	Earthquake Design for Heritage Terraces in new multi-residential development, 60-80 Oxford St, Woollahra	Partridge	27/2/2023
13829-GR-1-1-Rev B	Geotechnical Report	Alliance Geotechnical P/L	30 Nov 2021
13829-GR-1-1	Addendum Geotechnical Report	Alliance Geotechnical P/L	1/07/2022
35508PNlet2 rev1	Geotechnical Opinion	JK Geotechnics	29/11/2022
221107	Stormwater Management Plan	Edge Consulting Engineers	29/06/2023
C-000 C2 C-001 C2 C-101 C2 C-301 C3 – Ground Drainage Plan C-302 C2 C-303 C2 C-301 C3 – Details Sheet 1 C-332 C2	Stormwater Plans	Edge Consulting Engineers	All dated 29/06/2023

Reference	Description	Author/Drawn	Date(s)
C-391 C2 C-401 C2 C-431 C2			

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*.)
Standard Condition: A5 (Autotext AA5)

A.11 Construction Certificate – Staging of Works (Special Condition) (Amended under DA607/2021/2 and DA607/2021/3)

The Construction Certificate Staging Modifications set out in Letter – RE: DA2021/607 – 60-80 Oxford Street and 2A James Street, Woollahra, prepared by Neoscape and dated 22 May 2023 r is not to be modified and/or altered without the prior approval of Council. The approved works that are the subject of DA 607/2021 must be undertaken and facilitated as a maximum of four (4) Construction Certificate stages, more specifically being:

- Construction Certificate 1 (CC1) – Demolition, shoring and sewer diversion works
- Construction Certificate 2 (CC2) – Bulk Excavation and stormwater drainage
- Construction Certificate 3 (CC3) – Super structure and service rough-ins
- Construction Certificate 4 (CC4) – Balance of building works

C.1 Modification of Details of the Development (section 4.17(1)(g) of the *Act*) (Amended under DA607/2021/3)

The approved plans and the Construction Certificate 2 plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments:

a) Heritage Conservation

Any requirements for compliance with the Building Codes of Australia (as defined by the *Regulation*) must not alter the original or significant internal fabrics of the principle building forms of the existing terraces at 68, 70, 72, 74, 76 and 78 Oxford Street that are proposed to be retained per the approved architectural plans and schedule of conservation works. Where a deemed to satisfy requirement would require the removal of original fabrics, an alternative performance solution must be used.

b) Deleted (Amended under DA607/2021/3)

c) Deleted (Amended under DA607/2021/3)

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate 2 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 2 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 Construction Certificate 2 that is inconsistent with this consent.

C.3 BASIX Commitments (Amended under DA607/2021/3)

The Applicant must submit to the Certifying Authority the following BASIX Certificates with any application for Construction Certificate 2:

Reference	Description	Publisher	Date(s)
1267537M_06	BASIX Certificates	Prepared by IGS	23/8/2023

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 2.

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".
Standard Condition: C7

C.11 Building Upgrade (Clause 94 of the Regulation) (Amended under DA607/2021/2 and DA607/2021/3)

Council considers, pursuant to clause 64 of the *Regulation*, that it is appropriate to require the existing building to be brought into total conformity with the BCA because the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls.

Accordingly, it is considered appropriate to require the existing building to be brought into total conformity with the BCA, with the exception of the elements listed below, and the Construction Certificate 2 plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation* must detail building upgrade works required by this condition.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the BCA as in force at the date of the Construction Certificate 2 application:

In this regard the recommendations as contained in the BCA Compliance Statement prepared by Blackett Maguire + Goldsmith dated 29 November 2022 and the Fire Engineering Letter of Support prepared by Minerva Group dated 7 November 2022 are to be incorporated into the Construction Certificate documentation for the Certifying Authority pursuant to clause 139 of the *Regulation*.

This condition does not apply to the following existing building elements as outlined within Blackett Maguire + Goldsmith letter dated 31 October 2022; and Blackett Maguire + Goldsmith letter dated 19 April 2023:

- a) Existing building structure is exempt from complying with BCA clause B1.4(i) & AS 3660.1-2014
- b) Existing goings and risers of the existing stairways within the terraces is exempt from complying with BCA clause D2.13 subject to a non-slip strip complying with BCA clause D2.14 is provided near the edge of the stair nosings and landings.
- c) Existing building structure is exempt from complying with BCA clause B1.2(c) & AS 1170.4-2007.

The existing building structure must comply with the recommendations listed in the following consultant report:

‘Earthquake Design for Heritage Terraces in new multi-residential development, 60-80 Oxford St, Woollahra’ prepared by Partridge dated 27 February 2023.

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

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA the Certifying Authority, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (Deemed-to-Satisfy) provisions of the BCA these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed Part 8 Division 8.2 or amended under section 4.55 of the *Act*.

Note: This condition does not set aside the Certifying Authority’s responsibility to ensure compliance with clause 143 of the *Regulation* in relation to Fire Protection and Structural Adequacy.

Note: AS 4655 *Guidelines for fire safety audits for buildings* (or any succeeding AS) should form the basis of any fire upgrade report.

C.12 Stormwater Management Plan (Amended under DA607/2021/2 and DA607/2021/3)

Prior to issue of **Construction Certificate 2 and 3**, detailed *Stormwater Management Plan* prepared by a suitably qualified and experienced civil engineer shall be submitted for approval by the Certifying Authority. The *Stormwater Management Plan* must detail:

- a) General design in accordance with stormwater management plans, referenced 221107, prepared by Edge Consulting Engineers, dated 29/06/2023, with the following amendments:
 - 1. The installation of rainwater tank with minimum storage capacity of 92m³.
 - 2. The invert level of the rainwater tank overflow must be set above the top of the kerb at the connecting kerb inlet pit. No submerged condition and/or the use of non-return valves is permitted.
 - 3. Two separate compartments must be provided for the required 92m³ rainwater tank where runoff from all roof areas must be directed to one compartment for non-potable uses such as toilet flushing, laundry device to all units and where runoff from paved and podium areas must be directed to another compartment for external reuse and garden irrigations etc. Details of

the reuse system and notation to this requirement must be clearly depicted on the drawings.

- b) Subsoil drainage/seepage water is NOT to be collected and discharged into the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement shall be clearly depicted on the drawings;
- c) The installation of minimum 600x600 boundary junction pit prior to discharging to the street drainage system. The proposed stormwater pipe across the nature strip must be drained by gravity with a minimum grade of 1% to comply with Council's DCP and AS3500.3. The total site discharge including bypass areas must not exceed 117 l/s.
- d) The discharge of stormwater from the site shall be connected to the proposed kerb inlet pit located within the frontage of the site;
- e) The installation of 7 x Ocean Guard Filter basket and 10 x 690mm PSORB Stormfilter Cartridges in stormwater chambers by Ocean Protect to achieve the minimum the water quality targets for stormwater treatment system stipulated in Chapter E2.2.3 of Council's DCP;
- f) The installation of a pumpout system with minimum storage capacity designed to comply with AS3500.3 to collect driveway runoff;
- g) Dimensions of all drainage pit and access grates must be designed to comply with AS3500.3;
- h) Compliance the objectives and performance requirements of the BCA; and
- i) 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 Australian Government publication, *Australian Rainfall and Run-off*, 2019 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 first flush 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,

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

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

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

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

E.34 Replacement/Supplementary Trees Which Must be Planted (Amended under DA607/2021/3)

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)
2 x <i>Angophora costata</i> (Sydney Pink Gum)	Eastern Deep soil area	100 litre	10 x 8 metres
4 x <i>Lagerstroemia indica</i> 'Natchez' (White Crepe Myrtle)	Deep soil zone on Eastern boundary, as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	6 x 3 metres
9 x <i>Magnolia</i> 'Teddy Bear' (Teddy Bear Magnolia)	Planter beds as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	5 x 3 metres
15 x <i>Pyrus calleryana</i> 'Capital' (Capital Pear)	Deep soil zone adjacent James street as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	9 x 3 metres
4 x <i>Pyrus calleryana</i> 'Cleveland Select' (Ornamental Pear)	Planter beds at central walkway axis, as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	8 x 4 metres
5 x <i>Tristanopsis laurina</i> 'Lucious' (Tristanopsis Lucious)	Eastern deep soil zone as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	7 x 4 metres

The project arborist shall document compliance with the above condition.

H.1 Fulfillment of BASIX Commitments – clause 154B of the *Regulation* (Amended under DA607/2021/3)

All BASIX commitments must be effected in accordance with the following BASIX Certificates:

Reference	Description	Publisher	Date(s)
1267537M_06	BASIX Certificates	Prepared by IGS	23/8/2023

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."
Standard Condition: H7 (Autotext HH7)

H.4 Positive Covenant and Works-As-Executed Certification of Stormwater Systems (Amended under DA607/2021/3)

Prior to issue of any Occupation and 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 for approval by the Principal Certifying Authority, certifying:

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the rainwater retention and reuse system,
- c) that a rainwater tank with minimum storage of 92m³ has been constructed in accordance with the approved stormwater plans, Runoff from all roof areas have been collected for non-potable uses to toilet flushing, laundry devices to all units in accordance with the approved plans,
- d) that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings,
- e) that the pumpout system have been constructed in accordance with the approved stormwater plans,
- f) that minimum 7 x Ocean Guard Filter basket and 10 x 690mm PSORB Stormfilter Cartridges in stormwater chambers by Ocean Protect have been installed to achieve the minimum the water quality targets stipulated in Chapter E2.2.3 of Council's DCP and in accordance with the approved plans,
- g) pipe invert levels and surface levels to Australian Height Datum, and
- h) 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 detention system, including any 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.1 Maintenance of BASIX Commitments (Amended under DA607/2021/3)

All BASIX commitments must be maintained in accordance with the following BASIX Certificates:

Reference	Description	Publisher	Date(s)
1267537M_06	BASIX Certificates	Prepared by IGS	23/8/2023

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.9 Ongoing Maintenance of the On-Site Retention and Reuse System (Amended under DA607/2021/3)

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

- a) permit stormwater to be temporarily 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;
- d) carry out the matters referred to in paragraphs (b) and (c) at the Owners 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 the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- g) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice; and
- h) where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.

The Owner

- a) indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (**Claims**) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and
- b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.

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

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: 607/2021

Development: Multi-dwelling housing and Alts and Adds to Residential Flat Building Demolition of, and alterations and additions to, existing buildings and construction of a residential flat building development across multiple lots, including remediation of land and consolidation of lots.

Site: 2A James Street – Lot 101 DP 1281021
60-62 Oxford Street – Lot A, DP91009
64-66 Oxford Street – Lot 102 DP 1285917
68 Oxford Street – Lot 1 DP506448
70 Oxford Street – Lot 1 DP986086
72 Oxford Street – Lot 1 DP82127
74 Oxford Street – Lot 1 DP82128
76 Oxford Street – Lot 10 DP183421
78 Oxford Street – Lot 11 DP76557
80 Oxford Street – Lots 12 and 13 in DP 76557, and Lot 1 in DP311457

Schedule of Modifications:

Date approved	Modification Application Number	Decision maker	Proceedings Name and Number (if applicable)
12 April 2023	DA 607/2021/2	Woollahra Municipal Council	
5 October 2023	DA 607/2021/3	Land and Environment Court	2023/35800
12 July 2023	DA 607/2021/4	Woollahra Municipal Council	

Date of determination: 20 September 2021

Date from which consent takes effect: Date of determination

**Woollahra Developments Pty Ltd v Woollahra Municipal Council
Draft Conditions of Consent**

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.

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 - (section 4.16(3) of the Act, clause 95 of the Regulation)

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

1. An Archaeological Research Design (ARD) is to be prepared by a suitably qualified archaeologist to develop a methodology for the investigation and management of potential locally significant relics across the subject site. This is to include methodologies for monitoring and test excavation, as well as salvage excavation should that be deemed necessary.
2. A Section 140 Excavation Permit is to be prepared and submitted to Heritage New South Wales prior to the commencement of any works

on the site, accompanied by the completed Excavation Director Criteria and the ARD.

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.

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.

A.4 General Terms of Approval – *Water Management Act 2000* (WaterNSW)

The following general terms of approval have been imposed by WaterNSW (Ref: IDAS1143140, issued 16 August 2022):

Reference Number:	IDAS1139380
Issue date of GTA:	16 August 2022
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	2A JAMES STREET WOOLLAHRA 2025 60-80 OXFORD STREET WOOLLAHRA 2025
DA Number:	DA607/21
LGA:	Woollahra Municipal Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011
The GTA issued by WaterNSW do not constitute an approval under the <i>Water Management Act 2000</i>.	
The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.	
Condition Number	Details
	Dewatering
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

Reference Number:	IDAS1139380
Issue date of GTA:	16 August 2022
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	2A JAMES STREET WOOLLAHRA 2025 60-80 OXFORD STREET WOOLLAHRA 2025
DA Number:	DA607/21
LGA:	Woollahra Municipal Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.

The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

GT0116-00001	<p>Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.</p> <p>4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.</p>
GT0117-00001	<p>A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.</p>
GT0118-00001	<p>If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to –</p> <p>PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.</p>
GT0119-00001	<p>All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.</p>
GT0120-00001	<p>The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of</p>

Reference Number:	IDAS1139380
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DA Number:	DA607/21
LGA:	Woollahra Municipal Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.

The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b)obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c)any elevated water table from rising to within 1.0 m below the natural ground surface.

GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2)

Reference Number:	IDAS1139380
Issue date of GTA:	16 August 2022
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	2A JAMES STREET WOOLLAHRA 2025 60-80 OXFORD STREET WOOLLAHRA 2025
DA Number:	DA607/21
LGA:	Woollahra Municipal Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.

The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

	Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watarnsw.com.au/customer-service/water-licensing/dewatering
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA607/21 as provided by Council:

- ☐ Addendum 1 to Alliance Report: 13829-GR-1-1 -Hydrogeological Assessment
- ☐ Geotechnical Investigation Report Project - Proposed Residential Development, 60-80 Oxford Street & 2A James Street, Woollahra, NSW

A.5 Conditions of Consultation – Roads Act 1993 and State Environmental Planning Policy (Transport and Infrastructure) 2021 (Amended under DA607/2021/4)

The following general terms of approval have been imposed by Transport for NSW (TfNSW) in relation to classified roads:

1. The existing vehicular crossings on Oxford Street be removed.
2. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Oxford Street boundary.
3. The design and construction of the kerb and guttering on Oxford Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au

Detailed design plans of the proposed kerb and guttering are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

4. The developer shall be responsible for all public utility adjustment/relocation works, etc. necessitated by the above/approved work and as required by the various public utility authorities and/or their agents.
5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage.
6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping and access the site via Oxford Street.
7. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Oxford Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
8. **Additional conditions (imposed under DA2021/607/4)**
 - Any Traffic Guidance Schemes (TGS) prepared are to comply with AS1742.3 and Transport for NSW's "Traffic Control at Worksites" manual and be signed by a person with TfNSW certification to prepare a TGS.
 - Proponent must apply and obtain approval from the Transport Management Centre for a Road Occupancy Licence (ROL) for any required lane closures and/or Speed

Zone Authorisations as part of the ROL that impact the state road network or is within 100m of traffic signals.

- Access to be maintained for local residents, businesses and emergency vehicles at all times. Except where alternate arrangements have been agreed.
- No marshalling or queuing of construction vehicles is to occur on public roads. Arriving vehicles that are not able to use parking bay/work zone must continue to a holding point until space becomes available.
- When heavy vehicles are entering or leaving the site a traffic controller is to be provided to manage any conflicts between pedestrians and heavy vehicles.
- Transport for New South Wales reserve the right to alter the CTMP Conditions at any time to maintain safe and efficient traffic and pedestrian movements in this area
- Any approved Works Zone should only be used for work activities. No infrastructure, including bins, tanks or traffic control equipment should be left on the road when the works zone is not in use by a vehicle. All non-vehicular items must be contained within the work area and not on the carriageway. When a work zone is not in use, the area/lane must be opened up to allow for normal trafficable conditions.

Endorsement of the CTMP is not an approval to the type of traffic management or delineation devices used, nor is it an approval to any traffic guidance schemes depicted within the CTMP. It is assumed that the proponent has used type approved devices and has developed its traffic guidance schemes in accordance with the relevant Australian Standards and Guidelines.

The proponent is to ensure local residents, businesses, schools and other stakeholders in the affected area as well as emergency service organisations are notified of the changes associated with the CTMP, prior to its implementation.

Please ensure this CTMP is shared and adhered to by all contractors. If the CTMP changes, please forward a copy to Developments.CJP@transport.nsw.gov.au or further review and endorsement.

Note: In relation to local roads (not classified roads) development is not integrated development in respect of consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of Council and Roads Act Approval of Council. Separate Council approval is required for all works within the road as defined by the Roads Act 1993 including works:

- 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

A.6 Approved Plans and Supporting Documents (Amended under DA607/2021/3)

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.

To the extent of any inconsistencies between the landscaping works depicted on the architectural plans and the landscaping plans, the landscaping plans prevail.

Reference	Description	Author/Drawn	Date(s)
DA 1006 (Rev. G) DA 1007 (Rev. G) DA 1008 (Rev. G)	Architectural – Demolition Plans	MHNDUNION	All dated 18/8/2023
DA 2001 (Rev G) DA 2002 (Rev G) DA 2003 (Rev G) DA 2004 (Rev G) DA 2005 (Rev G) DA 2006 (Rev G) DA 2101 (Rev G) DA 2102 (Rev G) DA 2103 (Rev G) DA 2104 (Rev G) DA 2105 (Rev G) DA 2106 (Rev G) DA 2107 (Rev G) DA 2108 (Rev G) DA 2109 (Rev G) DA 2110 (Rev G) DA 2111 (Rev G) DA 2112 (Rev G)	Architectural – Floor Plans	MHNDUNION	All dated 18/8/2023
DA 3001 (Rev G) DA 3002 (Rev G) DA 3003 (Rev G) DA 3004 (Rev G) DA 3005 (Rev G) DA 3006 (Rev G)	Architectural – Elevations	MHNDUNION	All dated 18/8/2023
DA 3101 (Rev G) DA 3102 (Rev G) DA 3103 (Rev G) DA 3104 (Rev G) DA 3105 (Rev G) DA 3106 (Rev G) DA 3107 (Rev G) DA 3108 (Rev G) DA 3109 (Rev G) DA 3110 (Rev G)	Architectural – Sections	MHNDUNION	All dated 18/8/2023
DA 6001 (Rev G) DA 6002 (Rev G) DA 6003 (A) DA 6004 (A)	Architectural – Window Schedule and External Finishes	MHNDUNION	All dated 18/8/2023
2102204-DP-CONSOL Plan Form 1 Sheet No. 1 of 1 Sheets	Draft Plan of Consolidation of Lot A DA91009	Peter G Bentley	07/12/2021
P36202	Schedule of Conservation Works 60, 68, 70, 72, 74, 76, 78 & 80 Oxford St, Woollahra	Urbis	1/08/2022
S34_00, S34_01, S34_02, S34_03, S34_04, S34_05, S34_06, S34_07 (All Revision F)	Landscape Plans	All by Wyer & Co	16/8/2023

Reference	Description	Author/Drawn	Date(s)
58-80/OXFORD/AIA/B (Revision B)	Arboricultural Impact Assessment Report	Tree IQ	2/12/2021
58-80/OXFORD/AIA/B (Revision B)	Addendum to Arboricultural Impact Assessment Report	Tree IQ	3/11/2022
1267537M_06	BASIX Certificates	Prepared by IGS	23/8/2023
210461 (Revision 5)	Acoustic Report	PWNA	2/11/2022
13829-ER-1-2 Rev1	Contaminated Land - Remedial Action Plan (Stage 3)	Alliance Geotechnical Pty Ltd	6/12/21
22100	Traffic & Parking Assessment Report	CJP Consulting Engineers	12/12/2022
21600	Traffic Letter of Response	Varga Traffic Planning	25/02/2022
3548 Revision C	Operational Waste Management Plan	Elephants Foot Consulting	24/11/2022
No Reference	BCA Compliance Statement	Blackett Maguire + Goldsmith	29/11/2022
21180-DA-001 (Revision B)	Fire Engineering Letter of Support	Minerva	7/11/2022
J2022S0602.01-ib letter (3 pages)	Earthquake Design for Heritage Terraces in new multi-residential development, 60-80 Oxford St, Woollahra	Partridge	27/2/2023
13829-GR-1-1-Rev B	Geotechnical Report	Alliance Geotechnical P/L	30 Nov 2021
13829-GR-1-1	Addendum Geotechnical Report	Alliance Geotechnical P/L	1/07/2022
35508PNlet2 rev1	Geotechnical Opinion	JK Geotechnics	29/11/2022
221107	Stormwater Management Plan	Edge Consulting Engineers	29/06/2023
C-000 C2 C-001 C2 C-101 C2 C-301 C3 – Ground Drainage Plan C-302 C2 C-303 C2 C-301 C3 – Details Sheet 1 C-332 C2 C-391 C2 C-401 C2 C-431 C2	Stormwater Plans	Edge Consulting Engineers	All dated 29/06/2023

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*.)

Standard Condition: A5 (Autotext AA5)

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

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

Note: This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.
Standard Condition: A8 (Autotext AA8)

A.8 No Underpinning Works

This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties.

A.9 Development Consent is Not Granted in Relation to these Matters

This approval does not grant consent to any demolition works to the existing development pertaining to the dwelling at 58 Oxford Street, including any encroachments onto the subject site.

A.10 Tree Preservation & Approved Landscaping Works

All landscape works shall be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

a) The following trees shall be retained

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
21	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 64-66 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	13 x 8 metres	\$ 5000
22	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 70 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 x 1 metres	\$ 500
23	<i>Melaleuca stypheloides</i> (Prickly-leaved Paperbark)	In front of 74 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	7 x 5 metres	\$ 3000
24	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 78 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	15 x 7 metres	\$ 6000
25	<i>Platanus orientalis</i>	In front of 80 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ	16 x 10 metres	\$ 7000

	(Oriental Plane tree)	Arboricultural Impact Assessment & Tree Protection specification		
26	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 80 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 x 1 metres	\$500

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

b) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
1	<i>Liquidamber styraciflua</i> (Liquidamber)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	16 x 15 metres
2	<i>Melaleuca quinquenervia</i> (Broad-leaved Paperbark)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	7 x 4 metres
3	<i>Morus nigra</i> (Mulberry tree)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	8 x 5 metres
4-6	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	8 x 5 metres
7	<i>Ailanthus altissima</i> (Tree of Heaven)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	13 x 7 metres
8	<i>Ligustrum lucidum</i> (Broad Leaf Privet)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	6 x 1 metres
9	<i>Cupressocyparis leylandii</i> (Leyland Cypress) x 6	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	10 x 4 metres
11	<i>Ailanthus altissima</i> (Tree of Heaven)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	7 x 1 metres
12	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	6 x 2 metres
13	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	7 x 4 metres
14 & 15	<i>Murraya paniculata</i> (Mock Orange)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	5 x 3 metres
16	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	5 x 5 metres
17	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	7 x 4 metres
18	<i>Ficus sp.</i> (Fig)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	5 x 4 metres

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

Note: The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.

- c) 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)
24	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 78 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	Prune only those branches specified in Section 3.19.2, 3.19.3 & Plates 9 & 10 of the submitted Tree IQ Arboricultural Impact Assessment & Tree Protection specification
25	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 80 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	Prune only those branches specified in Section 3.19.2, 3.19.3 & Plates 9 & 10 of the submitted Tree IQ Arboricultural Impact Assessment & Tree Protection specification

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

- d) The following tree must be retained and transplanted on site.

Council Ref No.	Species	Location	Approved pruning (extent of pruning)
10	<i>Livistona australis</i> (Cabbage Tree palm)	Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	6 x 3 metres

A.11 Construction Certificate – Staging of Works (Special Condition) (Amended under DA607/2021/2 and DA607/2021/3)

The Construction Certificate Staging Modifications set out in Letter – RE: DA2021/607 – 60-80 Oxford Street and 2A James Street, Woollahra, prepared by Neoscape and dated 22 May 2023 is not to be modified and/or altered without the prior approval of Council. The approved works that are the subject of DA 607/2021 must be undertaken and facilitated as a maximum of four (4) Construction Certificate stages, more specifically being:

- Construction Certificate 1 (CC1) – Demolition, shoring and sewer diversion works
- Construction Certificate 2 (CC2) – Bulk Excavation and stormwater drainage
- Construction Certificate 3 (CC3) – Super structure and service rough-ins
- Construction Certificate 4 (CC4) – Balance of building works

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

B.1 Construction Certificate Required Prior to Any Demolition

Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" pursuant to section 6.6 of the *Act*.

In such circumstance all conditions in Part C and Part D of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the *Act*.

Note: See *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

B.2 Identification of Hazardous Material

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

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

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

Note: This condition is imposed to protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.
Standard Condition: B6

B.3 Noise Control Objectives during Demolition Works

To assist in managing impacts of noise from the demolition works on residences and other sensitive land uses, it is recommended that the *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from the demolition works. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

B.4 Archaeological Features – Unexpected Findings

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

Note: Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).
Standard Condition: B8

B.5 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.6 Archival Recording

Recording of Significant or Contributory Buildings Prior to any Demolition or Alteration

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

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

Photographic archival records must be taken of the building, landscape or item in accordance with 'The Heritage Information Series: Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch.

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

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

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

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

Note: Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf

B.7 Heritage Interpretation Plan

An interpretation plan must be prepared in accordance with the Heritage Division publication 'Interpreting Heritage Places and Items Guidelines' (2005), and submitted for approval to Woollahra Council prior to the commencement of demolition and construction works. The plan is to have regard to the contributory items, any historical archaeology remains and artefacts, and include investigations into options to interpret No. 80 Oxford Street.

The interpretation plan must detail how information on the history and significance of the properties will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. If artefacts or significant archaeological remains are found during any historical archaeological investigations, then appropriate interpretation, such as displays, conservation of remains in situ, and panels, are to be included in the plan.

The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.

B.8 Nominated Heritage Consultant

1. An appropriately qualified and experienced heritage consultant is to be appointed for the project. That person is to be approved by Council's Heritage Staff.
2. The appointed heritage consultant shall monitor the works to ensure no significant fabric is damaged or removed without approval.
3. The appointed heritage consultant shall provide input into the selection of materials.

Note: Conditions F.5 requires the appointed heritage consultant to certify all relevant works upon completion of the proposed development works prior to the issue of any Occupation Certificate.

B.9 Heritage Induction

Prior to any works commencing on site, all construction staff and contractors must undergo a heritage induction provided by the appointed nominated heritage consultant. This must include information on the built heritage of the site and also make staff and contractors aware of their statutory obligations for historical archaeology under the *Heritage Act 1977*. Documentary evidence demonstrating compliance with above being submitted to Council and the Principal Certifier.

B.10 Site Protection

Significant building fabric and elements, including original ceilings and staircases, are to be protected during the works from potential damage. Protection systems must ensure significant fabric is not damaged or removed. All tradesmen and workers on site shall be made aware of the significant fabric on site.

B.11 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.12 Establishment of Tree Protection Zone (TPZ) Fence

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on*

Development Sites (AS 4970- 2009). Tree protection zones must also comply with the following requirements;

a) Tree Protection Zone fenced areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
21	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 64-66 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres
22	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 70 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres

23	<i>Melaleuca stypheloides</i> (Prickly-leaved Paperbark)	In front of 74 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres
24	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 78 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres
25	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 80 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres
26	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 80 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres

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
21	<i>Platanus orientalis</i> (Oriental Plane tree)
23	<i>Melaleuca stypheloides</i> (Prickly-leaved Paperbark)
24	<i>Platanus orientalis</i> (Oriental Plane tree)
25	<i>Platanus orientalis</i> (Oriental Plane tree)

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 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 supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- h) The project arborist shall provide written certification of compliance with the above condition.

B.13 Arborists Documentation and Compliance Checklist

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

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

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

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
Prior to the demolition of any building or construction and prior to the commencement of any development work	<ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist shall install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

<p><u>During any development work</u></p> <p>Excavation works within the TPZ area of Tree 25.</p> <p>Pruning of Council street trees referenced 24 & 25</p>	<ul style="list-style-type: none"> • Undertake preliminary excavation work in accordance with Section 3.14.4 of the submitted Tree IQ Arboricultural report. • Ensure only those branches specified in Section 3.19.2, 3.19.3 & Plates 9 & 10 of the submitted Tree IQ Arboricultural Impact Assessment & Tree Protection specification.
<p><u>During any development work</u></p> <p>Installation of stormwater in the vicinity of street trees</p>	<ul style="list-style-type: none"> • Ensure the demolition of hard surfaces located within the structural root zone of any street tree is carried out manually. • Ensure all excavation is carried out utilising 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.
<p>Prior to any occupation or use of the building</p>	<ul style="list-style-type: none"> • Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.

<p>Prior to the issue of a Final Occupation Certificate</p>	<ul style="list-style-type: none"> • The project arborist shall supervise the dismantling of tree protection measures; • After all demolition, construction and landscaping works are complete the project Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.
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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

C.1 Modification of Details of the Development (section 4.17(1)(g) of the Act) (Amended under DA607/2021/3)

The approved plans and the Construction Certificate 2 plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments:

a) Heritage Conservation

Any requirements for compliance with the Building Codes of Australia (as defined by the *Regulation*) must not alter the original or significant internal fabrics of the principle building forms of the existing terraces at 68, 70, 72, 74, 76 and 78 Oxford Street that are proposed to be retained per the approved architectural plans and schedule of conservation works. Where a deemed to satisfy requirement would require the removal of original fabrics, an alternative

performance solution must be used.

b) Deleted (Amended under DA607/2021/3)

c) Deleted (Amended under DA607/2021/3)

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate 2 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 2 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 Construction Certificate 2 that is inconsistent with this consent.

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

The Certifying Authority must not issue any certificates under section 6.4 of the *Act* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of any 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	\$353,837	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	\$22,000	No	T114
Infrastructure Works Bond - completing any public work required in connection with the consent.	\$186,500	No	T113
DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2021 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$149,160 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$221.34	No	T45
Public Road/Footpath Infrastructure Inspection Fee	\$1,230	No	
Security Administration Fee	\$215	No	T16

Description	Amount	Indexed	Council Fee Code
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$713,163.34 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

The long service levy under section 34 of the *Building and Construction Industry Long Service Payment Act 1986*, must be paid and proof of payment provided to the Certifying Authority prior to the 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.3 BASIX Commitments (Amended under DA607/2021/3)

The Applicant must submit to the Certifying Authority the following BASIX Certificates with any application for Construction Certificate 2:

Reference	Description	Publisher	Date(s)
1267537M_06	BASIX Certificates	Prepared by IGS	23/8/2023

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 2.

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".

Standard Condition: C7

C.4 Soil and Water Management Plan – Submission and Approval

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

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

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

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

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

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

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

Note: Pursuant to clause 161(1)(a)(5) of the *Regulation* an Accredited Certifier may be satisfied as to this matter. Standard Condition: C25

C.5 Structural Adequacy of Existing Supporting Structures

A certificate from a professional engineer (structural engineer), certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be submitted with the Construction Certificate application.

Note: This condition is imposed to ensure that the existing structure is able to support the additional loads proposed.

Standard Condition: C35 (Autotext CC35)

C.6 Structural Integrity of Retained Building Elements

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a certificate from a professional engineer (Structural Engineer). The report must explain how the retained building elements, such as building facades, walls and chimneys are to be retained and supported. Documentation shall include certification that adequate internally sited supporting structures shall be incorporated into conserving the external building facades, walls and chimneys.

C.7 Professional Engineering Details

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 structural, hydrogeological, and geotechnical engineering plans and/or specifications must be submitted to the Certifying Authority with the application for Construction Certificate 1.

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 Certificates 2 and 3.

Note: This does not affect the right of the developer to seek staged Construction Certificates.
Standard Condition: C36

C.8 Engineer Certification

This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties.

Any structural design is not to incorporate any underpinning works which encroaches outside the boundaries of the subject property. Engineer certification to this effect shall be submitted to the Certifying Authority prior to issue of any Construction Certificate.

C.9 Geotechnical and Hydrogeological Design, Certification and Monitoring (Amended under DA607/2021/2)

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation* must be accompanied by a Detailed Geotechnical Report including 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, if deemed necessary by the geotechnical engineer upon detailed site investigation, 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) **Ensure the design and construction of the building to prevent:**
 - (i) any take of groundwater, by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
 - (ii) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10% above the pre-development level; and
 - (iii) any elevated water table from rising to within 1.0 m below the natural ground surface.

- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
- will detect any settlement associated with temporary and permanent works and structures,
 - will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
 - will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
 - will detect groundwater changes calibrated against natural groundwater variations,
 - details the location and type of monitoring systems to be utilised,
 - details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
 - details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
 - details a contingency plan.

C.10 Ground Anchors

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

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

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

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

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

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

Note: Clause 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.

Standard Condition: C41 (Autotext: CC41)

C.11 Building Upgrade (Clause 94 of the Regulation) (Amended under DA607/2021/2 and DA607/2021/3)

Council considers, pursuant to clause 64 of the *Regulation*, that it is appropriate to require the existing building to be brought into total conformity with the BCA because

the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls.

Accordingly, it is considered appropriate to require the existing building to be brought into total conformity with the BCA, with the exception of the elements listed below, and the Construction Certificate 2 plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation* must detail building upgrade works required by this condition.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the BCA as in force at the date of the Construction Certificate 2 application:

In this regard the recommendations as contained in the BCA Compliance Statement prepared by Blackett Maguire + Goldsmith dated 29 November 2022 and the Fire Engineering Letter of Support prepared by Minerva Group dated 7 November 2022 are to be incorporated into the Construction Certificate documentation for the Certifying Authority pursuant to clause 139 of the *Regulation*.

This condition does not apply to the following existing building elements as outlined within Blackett Maguire + Goldsmith letter dated 31 October 2022; and Blackett Maguire + Goldsmith letter dated 19 April 2023:

- a) **Existing building structure is exempt from complying with BCA clause B1.4(i) & AS 3660.1-2014**
- b) **Existing goings and risers of the existing stairways within the terraces is exempt from complying with BCA clause D2.13 subject to a non-slip strip complying with BCA clause D2.14 is provided near the edge of the stair nosings and landings.**
- c) **Existing building structure is exempt from complying with BCA clause B1.2(c) & AS 1170.4-2007.**

The existing building structure must comply with the recommendations listed in the following consultant report:

‘Earthquake Design for Heritage Terraces in new multi-residential development, 60-80 Oxford St, Woollahra’ prepared by Partridge dated 27 February 2023.

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

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA the Certifying Authority, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (Deemed-to-Satisfy) provisions of the BCA these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed Part 8 Division 8.2 or amended under section 4.55 of the *Act*.

Note: This condition does not set aside the Certifying Authority’s responsibility to ensure compliance with clause 143 of the *Regulation* in relation to Fire Protection and Structural Adequacy.

Note: AS 4655 *Guidelines for fire safety audits for buildings* (or any succeeding AS) should form the basis of any fire upgrade report.

C.12 Stormwater Management Plan (Amended under DA607/2021/2 and DA607/2021/3)

Prior to issue of **Construction Certificate 2 and 3**, detailed *Stormwater Management Plan* prepared by a suitably qualified and experienced civil engineer shall be submitted for approval by the Certifying Authority. The *Stormwater Management Plan* must detail:

- a) General design in accordance with stormwater management plans, referenced 221107, prepared by Edge Consulting Engineers, dated 29/06/2023, with the following amendments:
 1. The installation of rainwater tank with minimum storage capacity of 92m³.
 2. The invert level of the rainwater tank overflow must be set above the top of the kerb at the connecting kerb inlet pit. No submerged condition and/or the use of non-return valves is permitted.
 3. Two separate compartments must be provided for the required 92m³ rainwater tank where runoff from all roof areas must be directed to one compartment for non-potable uses such as toilet flushing, laundry device to all units and where runoff from paved and podium areas must be directed to another compartment for external reuse and garden irrigations etc. Details of the reuse system and notation to this requirement must be clearly depicted on the drawings.
- b) Subsoil drainage/seepage water is NOT to be collected and discharged into the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement shall be clearly depicted on the drawings;
- c) The installation of minimum 600x600 boundary junction pit prior to discharging to the street drainage system. The proposed stormwater pipe across the nature strip must be drained by gravity with a minimum grade of 1% to comply with Council's DCP and AS3500.3. The total site discharge including bypass areas must not exceed 117 l/s.
- d) The discharge of stormwater from the site shall be connected to the proposed kerb inlet pit located within the frontage of the site;
- e) The installation of 7 x Ocean Guard Filter basket and 10 x 690mm PSORB Stormfilter Cartridges in stormwater chambers by Ocean Protect to achieve the minimum the water quality targets for stormwater treatment system stipulated in Chapter E2.2.3 of Council's DCP;
- f) The installation of a pumpout system with minimum storage capacity designed to comply with AS3500.3 to collect driveway runoff;
- g) Dimensions of all drainage pit and access grates must be designed to comply with AS3500.3;
- h) Compliance the objectives and performance requirements of the BCA; and
- i) 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 Australian Government publication, *Australian Rainfall and Run-off*, 2019 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 Council's 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 first flush 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,

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

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

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

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

C.13 Road and Public Domain Works

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 issue of any Construction Certificate. The infrastructure works must be carried out at the applicant's expense:

1. **Vehicular Crossing & Footpath Works**

- a) The removal of all redundant vehicular crossings including layback and gutter and reinstated into Council's standard kerb and gutter and nature strip in accordance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* and to the satisfaction of Council's Assets Engineers.
- b) The construction of a new 7.65m wide vehicular crossing including replacement of the existing gutter in accordance with Council's standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new crossing shall be constructed at right angle to the street kerb in plain concrete and the centreline of the new crossing shall be aligned to the centreline of the internal driveway at the property boundary. Design longitudinal profiles along each edge/side of the proposed driveway, starting from the centreline of the road to the basement entry slab must be submitted for assessment.

- c) The reconstruction of the existing full width footpath for the full frontage of the site in Oxford Street in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works. Detailed long section and cross section at every 5 metres interval shall be prepared by a suitably qualified and experienced civil engineer for assessment.
 - d) The reinstatement of all damaged kerb and gutter and road pavement to match existing.
2. Drainage works
- a) The reconstruction of the existing downstream kerb inlet pit with the extension of TfNSW's in-ground system by using minimum 600mm x 225mm reinforced concrete box culvert (RCBC) in accordance with TfNSW's and Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers. Approval for the proposed RCBC design must be obtained from TfNSW and a copy of the approved stormwater design drawings shall be submitted to Council with this S138 application.
 - b) The construction of minimum three (3) new kerb inlet pit with 1.8m precast lintel for the proposed stormwater connection to the TfNSW's underground system in accordance with TfNSW's Specification and Council's Specification for Roadworks, Drainage and Miscellaneous Works. The location of the new kerb inlet pits, where possible, shall be equally spaced over the full length of the stormwater culvert extension and be located at a minimum distance of 0.5m from any vehicular crossing. The grates shall be Class D, "bicycle friendly" type.
 - c) The developer shall be responsible for carrying out all service investigations to allow a gravity connection.
3. Bond
- a) A bond of \$186,500 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 any *Construction Certificate*. 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 condition K24 in *Section K. Advising* of this Consent titled *Roads Act Application*.

C.14 Provision for Energy Supplies

The Applicant must provide to the Certifying Authority a letter from the Energy/Electrical Retailer setting out the requirements relative to the provision of electricity/gas supply to the development.

Any required electricity pillar and/or substation must be located within the boundaries of the site. Where an electricity pillar and electricity substation 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 electricity pillar and/or 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 the Energy/Electrical Retailer.

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

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

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

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

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

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

C.15 Electric Vehicle Circuitry and Electric Vehicle Charging Point Requirements

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

- a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans 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 Construction Certificate 3.

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

C.16 Waste Storage – Residential Flat Buildings

The Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must make provision for:

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

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

C.17 Utility Services Generally

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).

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

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

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

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

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

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.

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

Standard Condition: C20

C.18 Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* 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 2.

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 Construction Certificate 2. 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. Applicant's 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](#).

C.19 Acoustic Certification of Mechanical Plant & Equipment

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 $L_{A90, 15 \text{ minute}}$ 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 2.

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).

C.20 Design Sound Levels for Building Interiors

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 PWNA will be implemented.

Design sound levels for building interiors should not exceed those recommended maximum design sound levels, L_{Aeq} , 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 2.

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.21 Ventilation - Enclosures used by Vehicles (Car parks, automotive service, enclosed driveways, loading docks and the like)

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. 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 Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a) or (b), the (*nominate enclosure*) shall be mechanically ventilated by a combination of general exhaust and supply flow rates in accordance with Australian Standard 1668.2.

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

C.22 Ventilation - Internal Sanitary Rooms

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*. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2 prior to the issue of Construction Certificate 2.

C.23 Provision for Energy Supplies

The Applicant must provide to the Certifying Authority a letter from the Energy/Electrical Retailer setting out the requirements relative to the provision of electricity/gas supply to the development prior to the issue of Construction Certificate 2.

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/Electrical Retailer.

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.
- d) A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1-1994 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994, and
- e) The Owner shall dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to

be established, if required. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road reserve.

Note: If the substation is not located within the building its location, screening vegetation, all screen walls or fire separating walls must have been approved by the grant of development consent or amended development consent prior to the issue of any *Construction Certificate* for those works. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Certifying Authority prior to issue of the Construction Certificate. The Certifying Authority must be satisfied that the requirements of energy authority have been met prior to issue of Construction Certificate 2.

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

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

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

Standard Condition: C21

C.24 Hydraulic Fire Services

The Construction Certificate 2 plans and specifications required by clause 139 of the Regulation, must detail hydraulic fire safety services required by this condition.

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

- (i) enclosed with doors, if located in the building façade; or
- (ii) housed in a cabinet or enclosure, if located external to the building.

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

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

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

Standard Condition: C11 (Autotext CC11)

C.25 State Environmental Planning Policy 65 – Design Verification Statement

Pursuant to clause 143A of the *Regulation* a Certifying Authority must not issue Construction Certificate 2 unless the Certifying Authority has received a design verification statement from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having

regard to the design quality principles in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

Note: Although a Certifying Authority may pursuant to clause 161(2) of the *Regulation* be satisfied to any matter that relates to the external finish of a building the specific provisions of clause 143A of the *Regulation* overrides the Certifying Authority's powers under clause 161(2). No Certifying Authority can set aside this requirement.

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

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

Standard Condition: C12 (Autotext CC12)

C.26 Parking Facilities

The Construction Certificate 2 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 AS2890.3:2015 *Parking Facilities - Bicycle Parking Facilities*, AS/NZS 2890.1:2004: *Parking Facilities - Off-Street Car Parking* and AS/NZS 2890.6:2009: *Parking Facilities - Off-Street Parking for People with Disabilities* respectively.

The plans must satisfy the following requirement(s):

- a) Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS/NZS 2890.1:2004;
- b) A 2m x 2.5m driveway sightline splay be provided, clear of obstruction, along exit side of the access driveway wholly within the property boundary. Any landscape within the splay area shall be groundcover type to ensure visibility.

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

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

C.27 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 the final occupation certificate.

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 (Autotext DD1)

D.2 Dilapidation Reports for existing buildings

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

These properties to be assessed by the Structural Engineer must include (but is not limited to):

- No. 58 & 82 Oxford Street
- No. 4, 6, 10, 12 & 14 Victoria Avenue

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

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice*

of commencement required by Section 6.6(2) of the Act not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

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

Also refer to the Dilapidation Report Advising in Section K for more information regarding this condition

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 (Autotext DD6)

D.4 Piezometers for the Monitoring of Ground Water Levels

The Principal Contractor must 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.

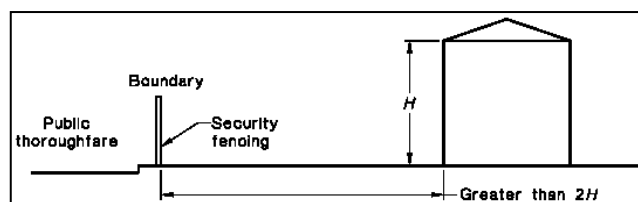
The GWL monitoring wells and monitoring program must be maintained until the issue of the *Final Occupation Certificate*.

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).

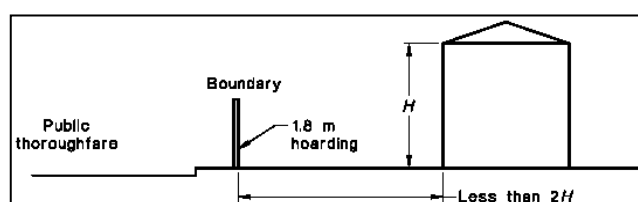
D.5 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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



Type A Hoarding

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



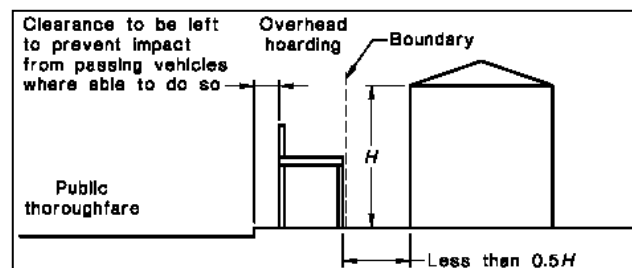
Type B Hoarding

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

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

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

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



The Principal Contractor 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

All Hoardings

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

Hoardings on Public Land including ‘Creative Hoardings’

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

A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council’s Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the

responsibility of the Principal Contractor or Owner-builder. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au

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

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

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

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

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

Standard Condition: D11 (Autotext DD11)

D.6 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 (Autotext DD12)

D.7 Toilet Facilities

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

Each toilet provided:

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

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

In this condition:

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

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

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

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

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

Standard Condition: D13 (Autotext DD13)

D.8 Erosion and Sediment Controls – Installation

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

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

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

Note: The International Erosion Control Association – Australasia (www.austieca.com.au/) 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 (Autotext DD14)

D.9 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)

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

- a) A Construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and
- b) The person having the benefit of the development consent has:
 - appointed a Principal Certifier for the building work, and
 - notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and
- c) The Principal Certifier has, no later than 2 days before the building work commences:
 - notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:

- appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- notified the Principal Certifier of any such appointment, and
- unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

Note: 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 (Autotext DD15)

D.10 Notification of Home Building Act 1989 requirements

- a) For the purposes of section 4.17(11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - In the case of work for which a Principal Contractor is required to be appointed:
 - the name and licence number of the Principal Contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
 - In the case of work to be done by an Owner-builder:
 - the name of the Owner-builder, and
 - if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.

Standard Condition: D17 (Autotext DD17)

D.11 Establishment of Boundary Location, Building Location and Datum

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

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

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

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

Standard Condition: D18 (Autotext DD18)

D.12 Notice of Completion of Category 1 Remediation Work

Pursuant to clauses 4.14 and 4.15 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP), 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 the SEPP.

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

D.13 Construction Management Plan (Amended under DA607/2021/4)

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) The CMP must detail the following requirements stipulated by TfNSW:
 - i) All demolition and construction vehicles are to be contained wholly within the site and must enter the site before stopping.

- ii) All demolition and construction vehicles must access the site via Oxford Street.
- b) 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.
- c) Identify local traffic routes to be used by construction vehicles.
- d) Identify ways to manage construction works to address impacts on local traffic routes.
- e) 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.
- f) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- g) 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.
- h) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- i) Provide for the standing of vehicles during construction.
- j) 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.).
- k) 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.).
- l) 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.
- m) 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.
- n) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- o) 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.)
- p) Show the location of any proposed excavation and estimated volumes.
- q) 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.
- r) 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.14 Works (Construction) Zone – Approval and Implementation

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

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

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

Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The Principal Contractor must report any breach of the works zone to either Council or the NSW Police Service.
Standard Condition: D10 (Autotext DD10)

E. Conditions which must be satisfied during any development work

E.1 Nominated Heritage Consultant

1. An appropriately qualified and experienced heritage consultant is to be appointed for the project. That person is to be approved by Council's Heritage Staff.
2. The heritage consultant shall monitor the works to ensure no significant fabric is damaged or removed without approval.
3. The heritage consultant shall provide input into the selection of materials.

E.2 Specialist Tradespersons

All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

E.3 Heritage Induction

Prior to any works commencing on site, all construction staff and contractors must undergo a heritage induction provided by the nominated heritage consultant. This must include information on the built heritage of the site and also make staff and contractors aware of their statutory obligations for historical archaeology under the Heritage Act 1977. Documentary evidence demonstrating compliance with above being submitted to Council and the Principal Certifier.

E.4 Site Protection

Significant building fabric and elements, including original ceilings and staircases, are to be protected during the works from potential damage. Protection systems must ensure significant fabric is not damaged or removed. All tradesmen and workers on site shall be made aware of the significant fabric on site.

E.5 Salvaged Building Material

Stone, bricks, timber weatherboards, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, timber flooring and ceiling roses must be catalogued, labelled, salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

E.6 Compliance with Schedule of Conservation Works

All development activities must be carried out in accordance with the approved Schedule of Conservation Works (SCW) (referenced below):

Reference	Description	Author/Drawn	Date(s)
P36202	Schedule of Conservation Works 60, 68, 70, 72, 74, 76, 78 & 80 Oxford Street, Woollahra	Urbis	1/08/2022

All controls in the SCW must be maintained at all times. A copy of the SCW must be kept on-site at all times and made available to the Principal Certifier or Council on request.

E.7 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.8 Compliance with Construction Management Plan (Amended under DA607/2021/4)

All construction vehicles are to access the site via Oxford Street, Woollahra.

E.9 Compliance with BCA and Insurance Requirements under the [Home Building Act 1989](#)

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

- a) that the work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),

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

This condition does not apply:

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

In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

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

Standard Condition: E1 (Autotext EE1)

E.10 Compliance with Australian Standard for Demolition

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

Standard Condition: E2 (Autotext EE2)

E.11 Requirement to Notify about New Evidence

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

Standard Condition: E4 (Autotext EE4)

E.12 Critical Stage Inspections

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

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

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

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

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

Standard Condition: E5 (Autotext EE5)

E.13 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) piling,
 - (iii) rock or concrete cutting, boring or drilling,
 - (iv) rock breaking,
 - (v) rock sawing,
 - (vi) jack hammering, or
 - (vii) machine excavation.
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

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

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

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

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

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

Note: NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm
Standard Condition: E6 (Autotext EE6)

E.14 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 (Autotext EE7)

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 Support of Adjoining Land and Buildings

A person must not to 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 (Autotext EE13)

E.17 Vibration Monitoring

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

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

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

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

engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice.

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

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

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

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

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

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

Standard Condition: E14 (Autotext EE14)

E.18 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.19 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway

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

The Owner, 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.20 Erosion and Sediment Controls – Maintenance

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

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

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



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

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

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

Standard Condition: E15 (Autotext EE15)

E.21 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

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

Note: This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.
Standard Condition: E17 (Autotext EE17)

E.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 (Autotext EE20)

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 68 of the *Local Government Act 1993* to place the waste storage container in a public place; and
- b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.

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

Standard Condition: E21 (Autotext EE21)

E.24 Prohibition of Burning

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

All burning is prohibited in the Woollahra local government area.

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

Standard Condition: E22 (Autotext EE22)

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 downloaded from Council’s website www.woollahra.nsw.gov.au or obtained from Council’s office.

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

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

Standard Condition: E23 (Autotext EE23)

E.26 Site Waste Minimisation and Management – Demolition

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

- a) Stone, bricks, roof tiles, joinery and decorative architectural elements to be demolished, which include stairs, windows and doors, chimney pieces and ceiling roses must be salvaged and where possible reused on the project. Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.
- b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements),
- c) provide separate collection bins and/or areas for the storage of residual waste,
- d) clearly ‘signpost’ the purpose and content of the bins and/or storage areas,
- e) implement measures to prevent damage by the elements, odour, health risks and windborne litter, and
- f) minimise site disturbance, limiting unnecessary excavation.

The Applicant must ensure:

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

- e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

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

Standard Condition: E31 (Autotext EE31)

E.27 Site Waste Minimisation and Management – Construction

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

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

Standard Condition: E32 (Autotext EE32)

E.28 Asbestos Removal

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

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

- a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.
- b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.
- c) No asbestos products may be reused on the site.
- d) No asbestos laden skip or bins shall be left in any public place.

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

Standard Condition: E39

E.29 Classification of Hazardous Waste

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

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

Standard Condition: E40

E.30 Disposal of Asbestos and Hazardous Waste

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

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

Standard Condition: E41

E.31 Asbestos Removal Signage

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

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

Standard Condition: E42

E.32 Notification of Asbestos Removal

In addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.

The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.

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

Standard Condition: E43

E.33 Tree Preservation

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

General Protection Requirements

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

contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

Note: Trees must be pruned in accordance with *Australian Standard AS 4373 "Pruning of Amenity Trees"* and *WorkCover NSW Code of Practice Amenity Tree Industry*.

E.34 Replacement/Supplementary Trees Which Must be Planted (Amended under DA607/2021/3)

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)
2 x <i>Angophora costata</i> (Sydney Pink Gum)	Eastern Deep soil area	100 litre	10 x 8 metres
4 x <i>Lagerstroemia indica</i> 'Natchez' (White Crepe Myrtle)	Deep soil zone on Eastern boundary, as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	6 x 3 metres
9 x <i>Magnolia</i> 'Teddy Bear'. (Teddy Bear Magnolia)	Planter beds as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	5 x 3 metres
15 x <i>Pyrus calleryana</i> 'Capital' (Capital Pear)	Deep soil zone adjacent James street as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	9 x 3 metres
4 x <i>Pyrus calleryana</i> 'Cleveland Select' (Ornamental Pear)	Planter beds at central walkway axis, as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	8 x 4 metres
5 x <i>Tristanopsis laurina</i> 'Lucious' (Tristanopsis Luscious)	Eastern deep soil zone as shown on the submitted Wyer & Co Landscape Plan (Revision F) S34_02.	100 litre	7 x 4 metres

The project arborist shall document compliance with the above condition.

E.35 Hand Excavation within Tree Root Zones

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)
21	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 64-66 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	4.8 metres
22	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 70 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres
23	<i>Melaleuca stypheloides</i> (Prickly-leaved Paperbark)	In front of 74 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	4.2 metres
24	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 78 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	6 metres
25	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 80 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	7.8 metres
26	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 80 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres
A	<i>Ficus benjamina</i> (Weeping Fig)	Rear garden of 12 Victoria avenue. As plotted on the submitted Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification.	2 metres
B	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 56 Oxford street Woollahra	5 metres
C	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 54 Oxford street Woollahra	5 metres

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.36 Installation of Stormwater Pipes and Pits in the Vicinity of Trees

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

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
21	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 64-66 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	4.8 metres
22	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 70 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres
23	<i>Melaleuca stypheloides</i> (Prickly-leaved Paperbark)	In front of 74 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	4.2 metres
24	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 78 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	6 metres
25	<i>Platanus orientalis</i> (Oriental Plane tree)	In front of 80 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	7.8 metres
26	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 80 Oxford street. Refer to the submitted MHNDUNION Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification	2 metres
A	<i>Ficus benjamina</i> (Weeping Fig)	Rear garden of 12 Victoria avenue. As plotted on the submitted Demolition plan DA1005 found within the Tree IQ Arboricultural Impact Assessment & Tree Protection specification.	2 metres
B	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 56 Oxford street Woollahra	5 metres
C	<i>Platanus x acerifolius</i> (Bloodgood Plane tree)	In front of 54 Oxford street Woollahra	5 metres

Any roots greater than 40mm diameter uncovered for the installation of stormwater pipes and pits shall not be severed and remain in situ bridging across the excavated trench. Pipes shall be guided under any roots greater than 40mm bridging across excavated trenches. Stormwater pits shall be positioned so that no roots greater than 40mm diameter are severed.

The project arborist shall document compliance with the above condition.

F. Conditions Which Must Be Satisfied Prior to Any Occupation or Use of the Building (Part 6 of the Act and Part 8 Division 3 of the Regulation)

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

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

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

F.2 New Waste Services

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:

Reference	Description	Author/Drawn	Date(s)
3548 Revision C	Operational Waste Management Plan	Elephants Foot Consulting	24/11/2022

F.3 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 charging points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by the conditions in Section C of this consent.

Standard Condition: F22 (Autotext FF22)

F.4 Letter Box(es)

All letter boxes must be constructed and located in accordance with AS/NZS 4253:1994 *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.5 Schedule Of Conservation Works

The approved Schedule of Conservation Works (referenced below) must be implemented and certified by the appointed Heritage Consultant (refer to Condition B.8 and E.1) prior to the issue of an Occupation Certificate:

Reference	Description	Author/Drawn	Date(s)
P36202	Schedule of Conservation Works 60, 68, 70, 72, 74, 76, 78 & 80 Oxford Street, Woollahra	Urbis	1/08/2022

F.6 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) All flood protection measures.
- c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*.
- d) All stormwater drainage and storage systems.
- e) All mechanical ventilation systems.
- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifier may require.

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

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

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

Standard Condition: F7 (Autotext FF7)

F.7 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.8 Fire Safety Certificates (Amended under DA607/2021/2)

In the case of a ***final 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 ***certifying authority*** must be satisfied that a ***final fire safety certificate*** has been issued for the building.

In the case of an ***interim 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 ***certifying authority*** 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 109H of the Act.

F.9 Consolidation of Allotments

The following allotments must be consolidated to form one allotment, in consistency with the Draft Plan of Consolidation (*Reference: 2102204-DP-CONSOL, dated 7/12/2021, prepared by Peter Bentley*):

- a) 2A James Street (Lots B and C, DP155374, including the private road therein).
- b) 60-62 Oxford Street (Lot A, DP91009).
- c) 64-66 Oxford Street (Lots 31, 32 and 33, DP131503).
- d) 68 Oxford Street (Lot 1, DP506448).
- e) 70 Oxford Street (Lot 1, DP986086).
- f) 72 Oxford Street (Lot 1, DP82127).
- g) 74 Oxford Street (Lot 1, DP82128).
- h) 76 Oxford Street (Lot 10, DP183421)
- i) 78 Oxford Street (Lot 11, DP76557)
- j) 80 Oxford Street Lots 12 and 13 in DP 76557, and Lot 1 in DP311457)

The plan of the consolidation is to be prepared by a registered surveyor and registered with Land and Property Information (NSW). Evidence of registration is to be submitted to Council's satisfaction prior to the issue of an Occupation Certificate.

F.10 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.

F.11 State Environmental Planning Policy 65 – Design Verification Statement

Pursuant to clause 154A of the *Regulation* a Certifying Authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a *qualified designer*, being a statement in which the *qualified designer* verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

Note: Although a Certifying Authority may pursuant to clause 161(2) of the *Regulation* be satisfied to any matter that relates to the external finish of a building, clause 154A of the *Regulation* overrides the Certifying Authority's powers under clause 161(2).

Note: Qualified designer means a person registered as an architect in accordance with the *Architects Act 2003*.
Standard Condition: F10 (Autotext FF10)

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

G.1 Electricity Pillar and/or Substations – Dedication as Road and/or Easements for Access

If an electricity pillar and/or 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 pillar and/or substation to be established. The size and location of the electricity pillar and/or 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 pillar and/or substation is provided on the site adjoining the road boundary, the area within which the electricity pillar and/or substation is located must be dedicated as public road. Where access is required across the site to access an electricity pillar and/or 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 pillar and/or substation.

Standard Condition: G4 (Autotext GG4)

H. Conditions which must be satisfied prior to the issue of the Occupation Certificate for the Whole of the Building

H.1 Fulfillment of BASIX Commitments – clause 154B of the *Regulation* (Amended under DA607/2021/3)

All BASIX commitments must be effected in accordance with the following BASIX Certificates:

Reference	Description	Publisher	Date(s)
1267537M_06	BASIX Certificates	Prepared by IGS	23/8/2023

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."
Standard Condition: H7 (Autotext HH7)

H.2 Removal of Ancillary Works and Structures

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

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

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the Final Occupation Certificate.
Standard Condition: H12 (Autotext HH12)

H.3 Road Works (including footpaths)

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

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

Note: Security held by Council pursuant to section 4.17(6) of the *Act* will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the Final Occupation Certificate 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 (Autotext HH13)

H.4 Positive Covenant and Works-As-Executed Certification of Stormwater Systems (Amended under DA607/2021/3)

Prior to issue of any Occupation and 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 for approval by the Principal Certifying Authority, certifying:

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the rainwater retention and reuse system,
- c) that a rainwater tank with minimum storage of 92m³ has been constructed in accordance with the approved stormwater plans, Runoff from all roof areas have been collected for non-potable uses to toilet flushing, laundry devices to all units in accordance with the approved plans,
- d) that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings,
- e) that the pumpout system have been constructed in accordance with the approved stormwater plans,
- f) that minimum 7 x Ocean Guard Filter basket and 10 x 690mm PSORB Stormfilter Cartridges in stormwater chambers by Ocean Protect have been installed to achieve the minimum the water quality targets stipulated in Chapter E2.2.3 of Council's DCP and in accordance with the approved plans,
- g) pipe invert levels and surface levels to Australian Height Datum, and
- h) 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 detention system, including any 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.

H.5 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 the Final Occupation Certificate.

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

I.1 Maintenance of BASIX Commitments (Amended under DA607/2021/3)

All BASIX commitments must be maintained in accordance with the following BASIX Certificates:

Reference	Description	Publisher	Date(s)
1267537M_06	BASIX Certificates	Prepared by IGS	23/8/2023

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.2 Outdoor Lighting – Residential

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

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

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

Standard Condition: I49

I.3 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

I.4 Garbage Collection

The garbage area must be maintained at all times to ensure that a breeding ground is not created for pests and must be capable of being easily and effectively cleaned.

All garbage containers must have tight fitting lids and be large enough or in sufficient numbers to contain all the waste produced by the business while awaiting the next removal from the premises.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.
Standard Condition: I16 (Autotext: II16)

I.5 Provision of Off-Street Parking

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
Car parking (resident)	35
Car parking (visitor)	5
Bicycle parking	24
Motorbike parking	4

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

I.6 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*.

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* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. 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).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

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

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

Standard Condition: I56

I.7 Maintenance of Sound Attenuation

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

Standard Condition: I57

I.8 Noise from Mechanical Plant and Equipment

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

the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

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

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/nlg.htm>)

ISBN 1741370671, dated December 2004.

Standard Condition: I59

I.9 Ongoing Maintenance of the On-Site Retention and Reuse System (Amended under DA607/2021/3)

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

- a) permit stormwater to be temporarily 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;
- d) carry out the matters referred to in paragraphs (b) and (c) at the Owners 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 the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- g) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice; and
- h) where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.

The Owner

- a) indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (**Claims**) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and
- b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.

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.10 Parking Permits

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

I.11 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.

J. Miscellaneous Conditions

Nil.

K. Advisings

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

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

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

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

Warnings as to potential maximum penalties

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

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order. This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of *the Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.
Standard Advising: K1 (Autotext KK1)

K.2 Dial Before You Dig



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

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

Standard Advising: K2 (Autotext KK2)

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

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

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

Note: For more information go to the NSW Fair Trading website
www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating

Standard Condition: K5 (Autotext KK5)

K.4 Building Standards - Guide to Standards and Tolerances

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

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

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

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

Note: For more information on the *NSW Guide to Standards and Tolerances* go to the NSW Fair Trading website [www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances-or-call 133 220](http://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances-or-call-133-220). Standard Condition: K6 (Autotext KK6)

K.5 SafeWork NSW Requirements

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

Note: For more information go to the SafeWork NSW website www.safework.nsw.gov.au or call 131 050. Standard Condition: K7 (Autotext KK7)

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 Civil and Administrative Tribunal www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing_fences.aspx

Note: Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Around 75% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. To contact the Community Justice Centres go to www.cjc.nsw.gov.au or call 1800 990 777. Standard Advising: K10 (Autotext KK10)

K.7 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 requested and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- d) Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the Applicant is to demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Standard Advising: K23 (Autotext KK23)

K.8 Roads Act 1993 Application

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

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

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

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

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

All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – *Off-street car parking*.

The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

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

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

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

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

Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant shall be responsible for all public utility

adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.

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

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

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

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

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

Standard Advising: K24 (Autotext KK24)

K.9 Release of Security

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

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

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

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

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

Note: The Refund of Security Bond Application form can be downloaded from

www.woollahra.nsw.gov.au

Standard Condition: K15 (Autotext KK15)

K.10 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.11 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 NSW Fair Trading.

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au or call 133 220.
Standard Condition: K18 (Autotext KK18)

K.12 Pruning or Removing a Tree Growing on Private Property

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

Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the Woollahra DCP from Council's website www.woollahra.nsw.gov.au or call Council on 9391 7000 for further advice.
Standard Condition: K19 (Autotext KK19)

ANNEXURE C

Index to the Amended Modification Application

TAB	DOCUMENT	DATE
1.	<p>Amended Architectural Plans (Rev G), prepared by MHN Design Union Pty Ltd</p> <ul style="list-style-type: none"> - DA 0000 – Cover Page - DA 0001 – Site Context - DA 1001 – Site Analysis Plan - DA 1002 – Photomontage 01 – Oxford St - DA 1003 – Photomontage 02 – Oxford St - DA 1004 – Photomontage 03 – James Street - DA 1005 – Site Plan - DA 1006 – Demolition Plan – Ground Floor - DA 1007 – Demolition Plan – Level 01 - DA 1008 – Demolition Plan – Level 02/Roof - DA 2001 – Basement B2 Floor Plan - DA 2002 – Basement B1 Floor Plan - DA 2003 – Ground Floor Plan - DA 2004 – Level 1 Floor Plan - DA 2005 – Level 2 Floor Plan - DA 2006 – Roof Plan - DA 2101 – Basement B2 Floor Plan – Sheet 1 - DA 2102 – Basement B2 Floor Plan – Sheet 2 - DA 2103 – Basement B1 Floor Plan – Sheet 1 - DA 2104 – Basement B1 Floor Plan – Sheet 2 - DA 2105 – Ground Floor Plan – Sheet 1 - DA 2106 – Ground Floor Plan – Sheet 2 - DA 2107 – Level 1 Floor Plan – Sheet 1 - DA 2108 – Level 1 Floor Plan – Sheet 2 - DA 2109 – Level 2 Floor Plan – Sheet 1 - DA 2110 – Level 2 Floor Plan – Sheet 2 - DA 2111 – Roof Plan – Sheet 1 - DA 2112 – Roof Plan – Sheet 2 - DA 3001 – Elevation North + South (Context) - DA 3002 – Elevation North (James Street) - DA 3003 – Elevation South (Oxford Street) - DA 3004 – Elevation West (James Street) + East - DA 3005 – North Elevation (Internal) + South (Internal) - DA 3006 – North Elevation (No.80 Oxford Street) - DA 3101 – Long Section – AA - DA 3102 – Long Section – BB - DA 3103 – Short Section – CC - DA 3104 – Short Section – DD - DA 3105 – Short Section – EE - DA 3106 – Section FF & GG – Oxford St Sightlines - DA 3107 – Internal Sightline Analysis 1 - DA 3108 – Internal Sightline Analysis 2 - DA 3109 – Internal Sightline Analysis 3 - DA 3110 – Internal Sightline Analysis 4 - DA 6001 – Window Schedule - DA 6002 – Precedent Imagery - DA 6003 – External Finishes – James Street 	18 August 2023

	<ul style="list-style-type: none"> - DA 6004 – External Finishes – Oxford Street - DA 7001 – Cross Ventilation & Solar Assessment - DA 7002 – Storage & Parking Assessment - DA 7003 – Pre + Post Adaption Plan – unit G04 & G05 - DA 7101 – Solar Access – June 21st – 9am -11am - DA 7102 – Solar Access – June 21st – 12pm – 3pm - DA 9001 – GFA Diagrams - DA 9002 – GFA Comparison Diagrams - DA 9003 – Landscape Area Calculation - DA 9004 – Height Plane Diagram - DA 9005 – Waste Management Plan 	
2.	<p>Amended Landscape Plans (Rev F), prepared by Wyer & Co</p> <ul style="list-style-type: none"> - S34_00 – Cover Page - S34_01 – Landscape Masterplan - S34_02 – Ground Floor North - S34_03 – Ground Floor South - S34_04 – Level One North - S34_05 – Level One South - S34_06 – Level Two North - S34_07 – Typical Details 	16 August 2023
3.	<p>Stormwater Plans prepared by Edge Consulting Engineers</p> <ul style="list-style-type: none"> - Cover Sheet & Locality Plan – C-000 (Rev C2) - Construction Notes – C-001 (Rev C2) - Erosion and Sediment Control Plan – C-101 (Rev C2) - Ground Drainage Plan – C-301 (Rev C3) - Basement 1 Drainage Plan – C-302 (Rev C2) - Basement 2 Drainage Plan – C-303 (Rev C2) - Details Sheet 1 – C-301 (Rev C3) - Details Sheet 2 – C-332 (Rev C2) - Pre & Post Catchment Plan – C-391 (Rev C2) - Site Works – Public Domain – C-401 (Rev C2) - Site Works – Detail Sheet – C-431 (Rev C2) 	29 June 2023
4.	Stormwater Management Plan prepared by Edge Consulting Engineers	29 June 2023
5.	BASIX Assessment Report prepared by IGS	23 August 2023
6.	BASIX Certificate 1267537M_06	23 August 2023
7.	Letter in relation to buyer demand prepared by Sotheby's International Realty	-
8.	Initial Heritage Statement in relation to Condition C.11 prepared by Urbis	12 April 2023
9.	Further Heritage Statement in relation to Condition C.11 prepared by Urbis	5 September 2023
10.	BCA Statement in relation to Condition C.11 prepared by Blackett Maguire + Goldsmith	19 April 2023
11.	Earthquake Design for Heritage Terraces - Structural Letter prepared by Partridge	27 February 2023

12.	Updated Construction Certificate staging modifications letter prepared by Neoscape	22 May 2023
13.	SEPP 65 Design Verification Statement prepared by MHN Design Union Pty Ltd	18 August 2023
14.	SEPP 65 ADG Compliance Checklist prepared by MHN Design Union Pty Ltd	18 August 2023
15.	Owners Consent for 70, 74, 76 and 80 Oxford Street and 2A James Street	10 November 2021