

## **Annexure A**

### **DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT**

**Development Application No:** DA477/2019

**Development:** First stage of the development of White City for a multi-purpose sports centre  
and registered club facilities including site remediation

**Site:** 30 Alma Street Paddington

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

**Date of determination:** 10 August 2021.

**Date from which consent takes effect:** 10 August 2021.

#### **TERMINOLOGY**

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 30 Alma Street Paddington.

The conditions of consent are as follows:

#### **A. General Conditions**

##### **A.1 Conditions**

Consent is granted subject to the following conditions imposed pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* (“the Act”) and the provisions of the *Environmental Planning and Assessment Regulation 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

## 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.

### **A.3 Approved Plans and Supporting Documents**

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with 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.

Reference	Description	Author/Drawn	Date(s)
A2010 (Issue 02)	Floor Plan – Ground Floor	Cottee Parker Architects	08/05/2020
A2011 (Issue 02)	Floor Plan – Level 01		
A2012 (Issue 02)	Floor Plan – Level 02		
A2013 (Issue 02)	Floor Plan – Level 03		
A2050 (Issue 02)	Detailed Floor Plan – Ground Floor (Club)		
A2051 (Issue 02)	Detailed Floor Plan – Level 02 (Club)		
A2052 (Issue 02)	Detailed Floor Plan – Level 02 Mezzanine (Club)		
A2053 (Issue 02)	Detailed Floor Plan – Level 03 (Club)		
A2054 (Issue 02)	Detailed Floor Plan – Roof Plan (Club)		
A2055 (Issue 02)	Detailed Floor Plan – Ground Floor (Gym)		
A2056 (Issue 02)	Detailed Floor Plan – Level 01 (Gym)		
A2057 (Issue 02)	Detailed Floor Plan – Level 02 (Gym)		
A2058 (Issue 02)	Detailed Floor Plan – Level 03 (Gym)		
A2059 (Issue 02)	Detailed Floor Plan – Roof Plan (Gym)		
A3101 (Issue 02)	Sections		
A3104 (Issue 02)			
A10006 (Issue 03)	Northern Boundary / Creek Diagrams		
A10007 (Issue 03)			
A10008 (Issue 03)			

A10016 (Issue 02)	Detailed Section – Amended Retaining Wall		3/12/2019
A10017 (Issue 01)	Detailed Plan – Glenmore Road Exit		
A3001 (Issue 01)	Club Elevations		
A3002 (Issue 01)			
A3003 (Issue 01)			
A3004 (Issue 01)	Gym Elevations		
A3005 (Issue 01)			
A3102 (Issue 01)	Sections		
A3103 (Issue 01)			
A7001 (Issue 01)	Heritage Interpretation Strategy		
A7002 (Issue 01)	Plans		
A7003 (Issue 01)			
A6001 (Issue 01)	Materials Schedule		
A0.01 (Rev.J)	Site Plan	MASQ Architects	02/12/2019
A1.01 (Rev.J)	Ground Level Plan (Carpark Level)		
A1.02 (Rev.J)	Level 01 Floor Plan		
A1.03 (Rev.J)	Level 02 Floor Plan		
A1.04 (Rev.J)	Roof Plan		
A2.01 (Rev.I)	Sections		
A3.01 (Rev.I)	Elevations 1, 2, 3: Northern/Southern		
A3.02 (Rev.I)	Elevations 4 & 5: Eastern/Western		
19047 – R1.1	Access Report	Code Performance	August 2019
TJ936-01F02 White City Stage 2 Noise Impact Assessment (r1)	Noise Impact Assessment	Renzo Tonin and Associates	7 July 2021
2601ReferralRe sponseRevD	Arboricultural Addendum	Tree Wise Men	22/06/2020
2601AIA	Arboricultural Impact Assessment		April 2019
2601RMT100- T101	Root Mapping Report		March 2020
S18403	Flood Risk Assessment	BG&E	21 November 2019

45079.06	Geotechnical Report	Douglas Partners	October 2019
45079.07	Remediation Action Plan & Acid Sulfate Soils Management Plan		July 2020
P00001765	Heritage Interpretation Plan	Urbis	3/12/2019
DA-1846-02 E DA-1846-03 E DA-1846-04 D DA-1846-05 C DA-1846-06 C DA-1846-07 C DA-1846-08 D DA-1846-09 D DA-1846-10 C DA-1846-11 C DA-1846-12 D DA-1846-13 C DA-1846-14 C DA-1846-15 C	Landscape Plans	Sturt Noble	4/12/2019 ( <u>other than DA-1846-04 D</u> )  3/12/2019 ( <u>for DA-1846-04 D</u> )
DA-1846-16 D			27/11/2019 (for DA-1846-16 D)
DA-1846-17 B, DA-1846-18 B, DA-1846-19 A, DA-1846-20 A			26/05/2020
SNA 1846-200526	Landscape Design Response		
N/A	White City Soccer – Obtrusive Light Assessment Summary	Apex Lighting	N/A
0000003	Maccabi Sydney Spill Light	Lighting Reality	24/07/2019
2019/04148	Site Waste Management Plan	Senica Consultancy Group	27/11/2019
4576-Issue 1	Stormwater Report	M+G Consulting Engineers P/L	05/12/2019
4576	Stormwater Plan		
C01-Issue 2			
C04-Issue 2			
C05-Issue 2			
C06-Issue 2			

C07-Issue 2 C08-Issue 2			
0410r02v4	Transport Assessment Report	ASON Group	05/12/2019
0410I02v1	Response to SOFAC (Traffic Issues) Final		3/08/2020
0410r06v2	Local Area Traffic Management Scheme		
0410I01v1	Response to SOFAC: Parking Statement		
0410r07v2	Green Travel Plan		31/07/2020
19363-v02	Road Safety Review	TTPP	5/12/2019
N/A	Plan of Management	Projects & Infrastructure	December 2019
S.HCL-0101	Utility Investigations at Schematic Design Stage	Umow Lai Consulting Engineers	05/07/2019

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

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

Standard Condition: A5

#### A.4 No Underpinning works

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

#### A.5 Deleted

#### A.6 Green Star Certification

The development must achieve a 5 star rating under the *Green Star – Design & As Built* (or equivalent rating of a superseding environmental rating system) certification. Design

Review Certification must be submitted to Council and the Principal Certifier once obtained. The As Built Certification must be submitted to Council and the Principal Certifier prior to the occupation of any completed building on the site, or the use of the overall development.

#### **A.7 Sydney Trains Conditions**

- 1) Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search/Dial before you Dig to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- 2) No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 3) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 4) The applicant shall not at any stage block access to the Easement, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
- 5) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and
  - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- 6) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development



works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

- 7) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central\_Interface@transport.nsw.gov.au.
- 8) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- 9) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

## **A.8 Sydney Water Requirements**

### Rushcutters Creek Setback

The applicant is required to submit the elevation drawings with the stormwater channel, to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel, namely:

- Design elements associated with the soccer field
- Car park
- Design elements associated with the Tennis court
- Stormwater pits and Gross Pollutant Traps
- Light poles
- Fence (other than the 1.8m high permeable fencing referenced below).

The fence immediately adjacent to the boundary with the Jersey Road Branch of Rushcutters Bay stormwater channel, ie 'Rushcutters Creek' (as shown in drawings A10006-A10008) must be shown in the revised drawings (an any construction certificate drawings) as 1.8m high permeable fence.

A further fence of three metres high is to be shown in the revised drawings (and any construction certificate drawings) at least 1m away from the outside face of the stormwater channel/ asset and is to be supported on piers and such piers are to be extended at least 1m below the invert level of the stormwater channel or 1m below the

zone of influence of the stormwater channel. This fence is to be designed to serve a security purpose.

#### Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

#### Building Plan Approval

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

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

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

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

Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

## **A.9 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 Private Land

Council Ref No.	Species	Location	Dimension (metres)
4	<i>Phoenix canariensis</i> (Canary Island Date palm)	South west corner – Adj to Sydney Grammar North boundary	9 x 6
17	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street entrance – West boundary	7x 6
18	<i>Jacaranda mimosifolia</i> (Jacaranda)	Carpark – West boundary	9 x 9
37	<i>Citharexylum spinosum</i> (Fiddlewood tree)	Rushcutters Creek - East	12 x 10
94	<i>Hibiscus rosa-sinensis</i> (Rose of China)	NE corner - Rushcutters Creek	5 x 3
95	<i>Tibouchina sp.</i> (Lasiandra)		4 x 3
96	<i>Tibouchina sp.</i> (Lasiandra)		4 x 3
112	<i>Lophostemon confertus</i> (Brush Box)	South west corner – Glenmore Road frontage	17 x 12
113	<i>Cinnamomum camphora</i> (Camphor Laurel)		20 x 15
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)		18 x 12

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
81	<i>Eucalyptus botryoides</i> (Bangalay)	Glenmore Road verge - Centre	25 x 18	\$5000
82	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 4	\$2000

83	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 4	\$2000
84	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - Centre	7 x 5	\$2000
85	<i>Eucalyptus botryoides</i> (Bangalay)		24 x 16	\$5000
86	<i>Corymbia citriodora</i> (Lemon-scented Gum)		24 x 20	\$5000
87	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - West	8 x 6	\$2000
88	<i>Eucalyptus botryoides</i> (Bangalay)		25 x 20	\$5000
89	<i>Corymbia citriodora</i> (Lemon-scented Gum)		20 x 18	\$5000
91	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - West	6 x 5	\$2000
92	<i>Corymbia citriodora</i> (Lemon-scented Gum)		20 x 20	\$5000
98	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	12 x 10	\$2000
99	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 4	\$2000
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)		26 x 20	\$5000
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)		26 x 16	NIL
102	<i>Corymbia citriodora</i> (Lemon-scented Gum)		26 x 16	\$5000
110	<i>Tristaniopsis laurina</i> (Water gum)	Glenmore Road verge - West	2 x 2	\$500
111	<i>Tristaniopsis laurina</i> (Water gum)		2 x 2	\$500
117	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - North	12 x 6	\$5000
118	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - North	12 x 6	\$5000
119	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - Centre	12 x 6	\$5000

120	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - Centre	12 x 6	\$5000
121	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - Centre	12 x 6	\$5000
122	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - South	10 x 6	\$5000
123	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street road reserve - South	14 x 6	\$5000

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

- b) The following trees shall be transplanted and successfully established in the location(s) indicated on the approved landscape plan:

Council Ref No.	Species	Current Location	Dimension (metres)
4	<i>Phoenix canariensis</i> (Canary Island Date palm)	South west corner – Adj to Sydney Grammar North boundary	9 x 6

**Note:** The tree/s required to be retained shall appear coloured yellow on the construction certificate plans.

- c) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
<u>1</u>	<u><i>Phoenix canariensis</i> (Canary Island Date palm)</u>	<u>South west corner – adj to entrance from Alma Street</u>	<u>7 x 4</u>
2	<i>Lophostemon confertus</i> (Brush Box)	South west corner – Adj to Sydney Grammar North boundary	11 x 10
3	<i>Lophostemon confertus</i> (Brush Box)		12 x 10
5*	<i>Olea europea</i> var. <i>africana</i> (African Olive)		5 x 5
6	<i>Casuarina glauca</i> (Swamp She-oak)		16 x 10
7*	<i>Celtis sinensis</i> (Chinese Nettle)		9 x 10

8	<i>Cinnamomum camphora</i> (Camphor Laurel)		14 x 10
9	<i>Cinnamomum camphora</i> (Camphor Laurel)		14 x 12
10*	<i>Cinnamomum camphora</i> (Camphor Laurel)		7 x 8
11	<i>Pittosporum undulatum</i> (Native Daphne)		6 x 6
12*	<i>Celtis sinensis</i> (Chinese Nettle)		9 x 8
13	<i>Casuarina glauca</i> (Swamp She-oak)		16 x 10
14	<i>Morus nigra</i> (Mulberry tree)		6 x 5
15	<i>Morus nigra</i> (Mulberry tree)		10 x 6
16*	<i>Olea europea var. africana</i> (African Olive)		8 x 6
19	<i>Liquidamber styraciflua</i> (Liquidambar)		8 x 8
20	<i>Sapium sebiferum</i> (Chinese Tallow tree)		10 x 8
21	<i>Sapium sebiferum</i> (Chinese Tallow tree)		11 x 8
25	<i>Celtis sinensis</i> (Chinese Nettle)	Centre – New Soccer Field grandstand	14 x 10
<u>26</u>	<u><i>Jacaranda mimosifolia</i></u> ( <u>Jacaranda</u> )		14 x 10
27	<i>Chamaecyparis lawsoniana</i> (Lawson Cypress)		9 x 8
28*	<i>Olea europea var. africana</i> (African Olive)		14 x 8
29*	<i>Olea europea var. africana</i> (African Olive)		11 x 10
30	<i>Olea europea var. africana</i> (African Olive)		9 x 6
35	<i>Ficus rubiginosa</i> (Port Jackson Fig)	Centre – North east corner of existing office building	5 x 5
36	<i>Murraya paniculata</i> (Mock Orange)	North boundary of Maccabia tennis courts	3 x 2

38*	<i>Celtis sinensis</i> (Chinese Nettle)	Rushcutters Creek - East	8 x 5
39	<i>Syzygium sp.</i> (Lillypilly)	Rushcutters Creek - Centre	7 x 6
40	<i>Casuarina cunninghamiana</i> (River She-oak)		20 x 15
41*	<i>Celtis sinensis</i> (Chinese Nettle)		6 x 6
42	<i>Casuarina cunninghamiana</i> (River She-oak)		18 x 8
43	<i>Casuarina cunninghamiana</i> (River She-oak)		11 x 6
44*	<i>Celtis sinensis</i> (Chinese Nettle)		5 x 4
45	<i>Liquidambar formosana</i> (Chinese Liquidambar)		13 x 12
46*	<i>Celtis sinensis</i> (Chinese Nettle)		7 x 5
47	<u><i>Phoenix canariensis</i> (Canary Island Date palm)</u>		<u>5 x 6</u>
48*	<i>Celtis sinensis</i> (Chinese Nettle)	Rushcutters Creek – West	9 x 7
49*	<i>Celtis sinensis</i> (Chinese Nettle)		9 x 7
50*	<i>Celtis sinensis</i> (Chinese Nettle)		7 x 5
51	<i>Melaleuca bracteata</i> (Black Tea tree)		6 x 5
53	<i>Phoenix canariensis</i> (Canary Island Date palm)		5 x 3
54	<i>Syzygium sp.</i> (Lillypilly)		9 x 7
55*	<i>Celtis sinensis</i> (Chinese Nettle)		5 x 3
56	<i>Cinnamomum camphora</i> (Camphor Laurel)	South west corner – Adj to Sydney Grammar East boundary	10 x 8
57	<i>Trachycarpus fortunei</i> (Chinese Windmill palm)		5 x 4
58*	<i>Syagrus romanzoffiana</i> (Cocos palm)		15 x 4

59*	<i>Syagrus romanzoffiana</i> (Cocos palm)		15 x 4
60*	<i>Syagrus romanzoffiana</i> (Cocos palm)		15 x 4
61	<i>Celtis sinensis</i> (Chinese Nettle)		13 x 8
62	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 10
63	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 10
64	<i>Celtis sinensis</i> (Chinese Nettle)		15 x 10
65	<i>Cotoneaster sp.</i> (Cotoneaster)		6 x 5
66	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		6 x 5
67	<i>Murraya paniculata</i> (Mock Orange)		6 x 5
68	<i>Celtis sinensis</i> (Chinese Nettle)		12 x 10
69	<i>Celtis sinensis</i> (Chinese Nettle)		13 x 10
70	<i>Celtis sinensis</i> (Chinese Nettle)		15 x 10
71	<i>Celtis sinensis</i> (Chinese Nettle)		15 x 10
72*	<i>Syagrus romanzoffiana</i> (Cocos palm)		9 x 6
73	<i>Celtis sinensis</i> (Chinese Nettle)		12 x 10
74	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 11
75	<i>Celtis sinensis</i> (Chinese Nettle)		14 x 11
76*	<i>Syagrus romanzoffiana</i> (Cocos palm)		7 x 6
77	<i>Celtis sinensis</i> (Chinese Nettle)		10 x 9
78	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Heritage Arches	9 x 6



79	<i>Cupressus spp</i> (Cypress pine)		9 x 6
93	<i>Murraya paniculata</i> (Mock Orange)	North west corner	5 x 5
97*	<i>Celtis sinensis</i> (Chinese Nettle)	Rushcutters Creek - East	8 x 6
104	<i>Jacaranda mimosifolia</i> (Jacaranda)	South east corner – Glenmore Road frontage	11 x 10
105	<i>Jacaranda mimosifolia</i> (Jacaranda)		7 x 7
106	<i>Celtis sinensis</i> (Chinese Nettle)		12 x 10
107	<i>Jacaranda mimosifolia</i> (Jacaranda)		<u>10 x 8</u>
108	<i>Jacaranda mimosifolia</i> (Jacaranda)	South east corner – Glenmore Road frontage	7 x 7
109	<i>Jacaranda mimosifolia</i> (Jacaranda)		10 x 8
115	<i>Ficus rubiginosa</i> (Port Jackson Fig)	South west corner – Glenmore Road frontage	4 x 3

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

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

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

Council Ref No.	Species	Location	Approved pruning (extent of pruning)
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	Root pruning
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	Root pruning

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

### **A.10 Development Consent is Not Granted in Relation to these Matters**

This approval does not give consent to any de-watering. De-watering must not be carried out without the necessary activity approvals under Section 91 of the *Water Management Act 2000*. If groundwater is encountered during the construction of the development, no consent is granted to vary the maximum height of the development.

Standard Condition: A9

### **A.11 Crime Prevention through Environmental Design**

The following measures are recommended by NSW Police in order to reduce the incidences of crime in and around the site:

#### Prevention of Graffiti

- Non porous surfaces, anti-graffiti coatings and silicone based paints can be used to reduce the damage and expense caused from graffiti. Green screens comprised of wall hugging plants or vines can be used to protect walls and other structures from graffiti and vandalism.

#### Definition of Private Areas

- Access control measures restrict, channel and encourage people in, out or and around specific sites. Access control is used to increase the time and effort to commit a crime and increase the risk to criminals. By clarifying where people are permitted to go or not to go becomes more difficult for potential offenders to reach and victimise people and their property. Confusing definition of space can make it easy for criminals to loiter and make excuses for being in unauthorised areas.
- This can be controlled through formal supervision by way of staff, effective signage to provide guidance, effective signage to indicate that it is not open to the public. Physical barriers such as landscaping and fencing should be used to define areas which are non-public.
- Any electronic access control should be able to be logged. In the event of an incident, investigators can quickly see whose swipe card or PIN was used, with timings being able to be cross-checked with CCTV.

#### Configuration and Surveillance of Car Parking

- Internal car park structures such as concrete columns and solid internal walls can create visual obstructions in car parks. Obstructions can provide opportunities for cover for criminals. The configuration of car parking spaces can affect vision. Grid rows are an option which increases natural surveillance of the area by decreasing the amount of blind spots around the vehicles.
- It is suggested that the car park area includes surveillance by way of CCTV and be well lit at night in parts which have natural surveillance of passers-by and neighbours at night time.

#### Installation of Adequate CCTV

- It is suggested that there be installation of an adequate CCTV system be installed and monitored within the common areas, entry/exit doors and driveways, and external car parks to monitor staff and members safely. Cameras at the entrance should be placed at head height with appropriate lenses to increase the opportunity to capture facial images.

#### Installation of Adequate Lighting

- Good lighting can assist in the usage of an area and security. Crime risk and potential fear should be considered
- Lighting should be designed to Australian and New Zealand Lighting Standards. All external lighting fixtures should be vandal resistant. Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing. Lighting should be free of obstructions, such as columns, pipes, etc. Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places. The choice of light fixtures should enable accurate colour renditions such as white LED, to increase accuracy of witness descriptions of potential offenders.

#### Security/Access Control to Carpark

- Consideration needs to be given as to the method of entry into the car park and controls such as electric opening gates with controllable access. Locking mechanisms used for storage areas need to be substantial and unique to minimise risk of master keys being obtained and used by offenders.

- Developments may be targeted by offenders, both during the construction phase and while the facility is operational. The use of security sensor lights and a security company to monitor the site while construction is in progress is recommended

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

**B.1 Construction Certificate Required Prior to Any Demolition**

'The demolition work associated with the southern grandstand and the northern grandstand are to an altered portion of, or an extension to an existing building the demolition of any part of a building are "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 such 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.

Standard Condition: B1

**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 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.4 Recording of Significant or Contributory Buildings Prior to any Demolition or Alteration**

A full archival record of the **Southern Grandstand** and the **Northern Grandstand** (Heritage Arches) 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 NSW Office of Environment and Heritage or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

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

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

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

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

- a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- b) Floorplans of the internal layout and directional details of photographs taken.
- 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](http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf)

Standard Condition: B2

## B.5 Noise Control Objectives during Demolition Works

To assist in managing impacts of noise from the demolishing of the existing dwelling and outbuilding on residences and other sensitive land uses, it is recommended that the Interim Construction Noise Guideline (dated July 2009) be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the Interim Construction Noise Guideline (dated July 2009) which sets out management levels for noise at residences and other sensitive land uses.

### B.6 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 areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
17	<i>Phoenix canariensis</i> (Canary Island Date palm)	Alma Street entrance – West boundary	2m
18	<i>Jacaranda mimosifolia</i> (Jacaranda)	Carpark – West boundary	2m
37	<i>Citharexylum spinosum</i> (Fiddlewood tree)	Rushcutters Creek	Fence in common with Tree 94
81	<i>Eucalyptus botryoides</i> (Bangalay)	Glenmore Road verge - Centre	Fence in common
82	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		

83	<i>Callistemon viminalis</i> (Weeping Bottlebrush)		
84	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - Centre	Fence in common
85	<i>Eucalyptus botryoides</i> (Bangalay)		
86	<i>Corymbia citriodora</i> (Lemon-scented Gum)		
87	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - West	
88	<i>Eucalyptus botryoides</i> (Bangalay)		
89	<i>Corymbia citriodora</i> (Lemon-scented Gum)		
91	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - West	Fence in common
92	<i>Corymbia citriodora</i> (Lemon-scented Gum)		
94	<i>Hibiscus rosa-sinensis</i> (Rose of China)	NE corner - Rushcutters Creek	Fence in common with Tree 37
95	<i>Tibouchina sp.</i> (Lasiandra)	NE corner - Rushcutters Creek	2m
96	<i>Tibouchina sp.</i> (Lasiandra)	NE corner - Rushcutters Creek	2m
98	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - East	Fence in common with Tree 81



99	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Glenmore Road verge - East	Fence in common
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)		
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)		
102	<i>Corymbia citriodora</i> (Lemon-scented Gum)		
108	<i>Jacaranda mimosifolia</i> (Jacaranda)	South east corner – Glenmore Road frontage	Fence in common
109	<i>Jacaranda mimosifolia</i> (Jacaranda)		
110	<i>Tristaniopsis laurina</i> (Water gum)	Glenmore Road verge - West	1m
111	<i>Tristaniopsis laurina</i> (Water gum)	Glenmore Road verge - West	Fence in common with Tree 91
112	<i>Lophostemon confertus</i> (Brush Box)	South west corner – Glenmore Road frontage	Fence in common
113	<i>Cinnamomum camphora</i> (Camphor Laurel)		
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)		

**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 bought 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
117	<i>Phoenix canariensis</i> (Canary Island Date palm)
118	<i>Phoenix canariensis</i> (Canary Island Date palm)
119	<i>Phoenix canariensis</i> (Canary Island Date palm)
120	<i>Phoenix canariensis</i> (Canary Island Date palm)
121	<i>Phoenix canariensis</i> (Canary Island Date palm)
122	<i>Phoenix canariensis</i> (Canary Island Date palm)
123	<i>Phoenix canariensis</i> (Canary Island Date palm)

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 5 metres or to the maximum possible length permitted by the first branches.

- d) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- e) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in **Condition B.7** of this consent.
- f) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in this consent.

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

### B.7 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Radius from Trunk (metres)	Approved works
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)	3m	Excavation and construction of driveway crossing
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)	3m	Excavation and construction of driveway crossing. Removal of stormwater pit
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)	3m	Construction of electricity substation

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

### B.8 Demolition and Construction Management Plan

A Demolition and Construction Management Plan shall be reviewed and certified by the Project Arborist that appropriate tree protection measures have been accounted for.

This Demolition and Construction Management Plan is to provide detail of all demolition and construction works that may impact Council Tree 85, 86, 88 & 89 standing on Glenmore Road verge adjacent to existing southern grandstand.

### **B.9 Arborists Documentation and Compliance Checklist**

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

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

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

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

<b>Stage of arboricultural inspection</b>	<b>Compliance documentation and photos shall be included</b>
Installation of tree protection fencing	Compliance with tree protection measures
Basement excavations and construction adjacent to Tree 85, 86, 88 and 89	Condition of any exposed roots.
Demolition of stormwater pit adjacent to Tree 101	Condition of any exposed roots
Driveway crossing excavations adjacent to Tree 100 & Tree 101	Assess any impacts to root systems by excavations and removal of stormwater pit. Assess ongoing viability of Tree 101 and advise property owners
Inspection of pier holes adjacent to Tree 114	Piers positioned to avoid the severance of and damage to roots greater than 50mm
Removal of Tree Protection Fencing	Trees remain in good condition or remedial action required.

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**

**C.1 Modification of Details of the Development (section 4.17(1)(g) of the *Act*)**

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

- a) Amended and/or additional architectural plans are to be provided of the area within the south-western corner of the site, between the property boundaries of 1 Lawson Street and 302 Glenmore Road and the Glenmore Road boundary of the site. These plans must show the proposed security and privacy fencing along the site's boundary to Glenmore Road with a design submitted to the Manager Development Control of Council for approval, as well as a detailed landscape scheme showing screening planting along and near the property boundaries to establish effective screening between the site and adjoining properties at 1 Lawson Street and 302 Glenmore Road.
- b) Amended and/or additional architectural plans are to be provided of the site's eastern boundary, between Glenmore Road and the stormwater channel. These plans must show the proposed design of the area adjacent to the driveway egress, including clarification as to whether any pedestrian access is proposed, as well as a detailed landscape scheme which shows screening planting along the eastern site boundary.
- c) The submitted Plan of Management must be amended and submitted to Woollahra Council to confirm that it is satisfactory. It must detail the following information:
  - i. The use of the land is to be described, the description being consistent with the Renzo Tonin & Associates report 'White City Redevelopment Stage 2: Noise Impact Assessment', dated 07 July 2021, document reference TJ936-01F02 except as modified by a condition of this consent.
  - ii. Incorporation of the 'Management plan guidelines for licensed premises' detailed within Attachment 7 of the Woollahra Council DA Guide ([https://www.woollahra.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0018/152415/DA\\_Guide\\_-\\_Attachment\\_7\\_-\\_Social\\_Impact\\_Reports\\_and\\_Management\\_Plans.pdf](https://www.woollahra.nsw.gov.au/__data/assets/pdf_file/0018/152415/DA_Guide_-_Attachment_7_-_Social_Impact_Reports_and_Management_Plans.pdf)) Management practices should be specific to the site and proposed development rather than generic measures required by existing legislation.
  - iii. That the sale/supply of liquor is to be restricted to areas licensed under the Liquor Act 2007.
  - iv. The 'pool terrace' adjacent to the lap pool or the paved surface immediately adjacent to the 'learn to swim pool' are not to be used for events and/or functions unless they are related to the function of this area as a swimming pool.
  - v. The café (near the pools) shown in drawing A2056 must be operated by a registered club.

- vi. If liquor is to be sold/supplied in areas other than Level 2 of the Registered Club building (and its associated outdoor areas) the authority of a licence under the Liquor Act 2007 will be required. When this occurs a supplementary plan of management must first be in place under **Condition I.5**.
  - vii. The registered club land is identified as 'the Hakoah Club (Regd. Club)' on drawing A0.01.
- d) The Road, Pedestrian and Cycleways Network Plan, which is included as Appendix A of the Transport Assessment Report dated 5/12/2019 prepared by ASON Group must be amended as followed:
- viii. Access for authorised occupants and authorised visitors from the eastern boundary of the site adjoining the Rushcutters Creek stormwater channel must be provided between the hours of 8am and 8pm. Architectural details are to be provided showing the design of the proposed gate and fence at this location, and access routes from this entry point to other facilities within the site.
  - ix. Access from Alma Street must incorporate a differing paving material within the site as shown in Figure 9 of the Local Area Transport Management Scheme dated 3/08/2020 prepared by Ason Group (Ref. 0410r06v2), and is to be designated as a shared zone for vehicles, pedestrians and cyclists.
- e) The *Operational Traffic Management Plan* prepared by Ason Group (Ref.0410r03v3) must be amended as follows:
- i. Details are to be provided in relation to the shuttle bus services from Centennial Park, as referenced in the Response to SOFAC Report prepared by Ason Group.
  - ii. **Details are to be provided to demonstrate that the proposed shuttle bus can achieve access to and exit from the proposed porte cochere..**
- f) The plans and materials schedule must be amended to replace 'Monument' coloured metal cladding with Colorbond "Jasper or Windspray".
- g) The barriers identified in paragraphs 5, 6, 7, 8 and 9 of the Recommendations in the Renzo Tonin & Associates report 'White City Redevelopment Stage 2: Noise Impact Assessment', dated 7 July 2021, document reference TJ936-01F02.

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

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

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

Standard Condition: C4

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

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

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
<b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a>	Contact LSL Corporation or use online calculator	No	
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council	\$779,100.00	No	T115
<b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree	\$90,000.00	No	T114
<b>Infrastructure Works Bond</b> -completing any public work required in connection with the consent.	\$57,250.00	No	T113
<b>DEVELOPMENT LEVY</b> under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>			
<b>Development Levy</b> (section 7.12)	\$473,566.00 + Index Amount	Yes, quarterly	T96
<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$200.00	No	T45
Public Road/Footpath Infrastructure Inspection Fee	\$942.00	No	

Security Administration Fee	\$190.00	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$1,750,993.00 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](http://www.longservice.nsw.gov.au) or the Long Service Corporation on 131 441.

### **When must the development levy be paid?**

The development levy that is required to be paid under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates. However, if no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.

### **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 or an occupation certificate (whichever would otherwise be the relevant trigger point for the payment of the Levy), 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 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 issuing of any Construction Certificate. Detailed engineering drawings prepared by a suitably qualified and experienced civil engineer for the following infrastructure works which must be carried out at the applicant's expense:

#### 1. Road & Footpath Works

- a) The removal of the existing vehicular crossing including layback and gutter and the construction of a new 3.5 metres wide vehicular crossing in Alma Street in accordance with Council's standard driveway drawing RF2\_D and Council's specification. The new crossing shall be constructed at right angle to the street kerb in plain concrete and the centreline of the new crossing shall be aligned with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each edge of each proposed vehicular crossing must be submitted for assessment.
- b) The applicant is to liaise with Council's Traffic Section for the adjustment of the existing 'No Stopping' signs, along with other associated parking restrictions surrounding the site and car park entry signage. This matter is required to be referred to Woollahra Traffic Committee for seeking approval and the process can take up to 8 weeks. All works associated with the signage changes shall be carried out at the full cost to the applicant.
- c) The removal of the existing kerb and gutter and the construction of a new 3.5 metres wide vehicular crossing in Glenmore Road in accordance with Council's standard driveway drawing RF2\_D and Council's specification. The new crossing shall be constructed at right angle to the street kerb in plain concrete and be located at a minimum distance of one (1) metre from any existing street tree and/or traffic signs. Design longitudinal surface profiles along each edge of each proposed vehicular crossing must be submitted for assessment.
- d) 'The reconstruction of the existing 1.8m wide concrete footpath for the full frontage of the site in Glenmore Road in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works but only to the extent that is practicable, given the trees (and associated tree roots) that are required to be retained. Prior to work commencing, an Arboricultural Impact Assessment and Tree Management Plan shall be prepared by a suitably qualified and experienced arborist and submitted to the Council's Tree Management Team together with detailed long section and cross section at every 5m interval prepared by suitably qualified and experienced civil engineer. The work shall not proceed prior to the grant of approval under the Roads Act 1993.
- e) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

## 2. Drainage Works

- a) Due to location of proposed vehicular crossing in Glenmore Road which will be constructed over the existing kerb inlet pit, the applicant must construct a new kerb inlet pit with 1.8m precast lintel located upstream of the proposed crossing. The new lintel must be at a minimum distance of 0.5m from the new layback wings to comply with Council's Crossing Specification. All grates are to be Class D bicycle friendly type grates. The existing kerb inlet pit is to be modified with Class D bicycle friendly butterfly grates to Council's Specification. All works must be carried out in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works.
- b) The developer shall be responsible for carrying out all service investigations to allow a gravity connection.

## 3. Private Works over Council's Property

- a) The construction of new awning louvre over Council's property in Glenmore Road as per architectural drawing "Detailed Floor Plan – Roof Plan (Gym)" dwg no. 5669-A2059-Issue 01, dated 03 December 2019.
- b) Structural design details and certification for the proposed awning louvre.
- c) Observe condition for the creation of positive covenant requirements.

## 4. Bonds

- a) A bond of \$57,250 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.

## 5. Local Area Traffic Management Scheme Works

- a) **Glenmore Road Exit Improvements:** Construction of a centre median strip, realignment of line markings and installation of tactile speed cushions on Glenmore Road as shown in Appendix B of the submitted LATM (Ref. 0410r06v2) ; and the existing painted median along Glenmore Road between Cambridge Street and Lawson Street be built up as a raised median;
- b) **Glenmore Road and Cambridge Street intersection works:** Kerb extension treatment and new kerb ramps with associated signs and line markings at the intersection of Glenmore Road and Cambridge Street, as shown in Appendix C of the submitted LATM (Ref.0410r06v2);
- c) **Lawson Street and Alma Street intersection pedestrian upgrades:** The at-grade zebra crossing at the intersection of Lawson Street and Alma Street is to be upgraded to a raised pedestrian crossing.

**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. Advisings* of this Consent titled *Roads Act Application*.

Standard Condition: C13

#### C.4 Provision for Energy Supplies

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

Any required substation must be located within the boundaries of the site.

Where an electricity substation is required within the site but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans an application under section 4.55 of the *Act* is required to be submitted to Council. Council will assess the proposed location of the required substation.

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

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

- a) A setback not less than 3m from the road boundary and dense landscaping of *local native plants* to screen the substation from view within the streetscape.
- b) A setback not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility pursuant to clause 3.2.4 of AS2890.1-1993(See: Figures 3.2 and 3.3).
- c) A setback to and not within the drip line of any existing tree required to be retained.
- 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 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 Energy Australia'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.5 Soil and Water Management Plan – Submission and Approval

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

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

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

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

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

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

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

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

## C.6 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 engineering plans and/or specifications must be submitted to the Certifying Authority with the application for any Construction Certificate.

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

Standard Condition: C36

## C.7 Geotechnical and Hydrogeological Design, Certification and Monitoring

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 Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.

These details must be certified by the professional engineer to:

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

Standard Condition: C40

## C.8 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

## C.9 Parking Facilities

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

The plans must satisfy the following requirements:

- a) A 2m x2.5m sight triangle, clear of any obstructions to visibility, must be provided on both sides of the driveway exit to comply with Clause 3.2.4 and Figure 3.3 of AS2890.1.
- b) All parking spaces are to be designed in accordance with a User Class 2 and are to be provided with a minimum space length of 5.4m, width of 2.5m and a minimum aisle width of 5.8m.
- c) The first 6m of the driveway into the property must be designed with a maximum grade of 5% to comply Clause 3.3 of AS2890.1. Finished levels of the proposed driveway must be clearly depicted on the architectural plans.
- d) To address the potential shortfall of parking spaces during major events, the applicant should liaise with a Council-authorised car share provider to provide four (4) car share dedicated parking spaces.
- e) All parking spaces should comply with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 as applicable to the development.



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

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

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

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

Standard Condition: C45

## C.10 Stormwater Management Plan

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

- a) General design in accordance with stormwater management plans, referenced 4576-Issue 02, prepared by M+G Consulting Engineers P/L, dated 05/12/2019 other than amended by this and other conditions;
- b) The discharge of stormwater, by direct connection, to Sydney Water Stormwater Channel. Approval from Sydney Water must be obtained prior to any stormwater connection works;
- c) The installation of stormwater quality treatment system to satisfy the water quality targets that are stipulated in Chapter E2.2.3 of Council's DCP. This includes but not limited to the installation of Ecosol GPT4450 units (2 of) together with Ecosol Litter Baskets in stormwater pits;
- d) Compliance with the objectives and performance requirements of the BCA; and
- e) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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

**Layout plan**

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

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of On-Site Detention,
- 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.

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

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

Standard Condition: C.51

**C.11 Non-Gravity Drainage Systems**

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

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

**Note:** The Woollahra DCP is available from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).

Standard Condition: C.52

**C.12 Flood Protection**

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include a Flood Risk Management Plan detailing:

- a. Permanent flood warning signage shall be installed in all flood prone areas, as directed by an engineer experienced in flood mitigation. The signage is to include flood depth indicators placed at minimum 20m intervals in all parking areas below 4.5m AHD;
- b. A permanent flood risk management plan shall be installed in a prominent area of the gymnasium;

- c. Permanent flood risk management plans shall be installed in the office areas frequented by the facility staff;
- d. Permanent signage shall be installed in the gymnasium indicating both the 1% flood level 4m AHD and the PMF level 6.5m AHD;
- e. All mechanical lifts shall be protected by mechanical flood barriers with the threshold set to the flood planning level of 4.5m AHD;
- f. The pool plant room entry shall be protected by a mechanical flood door with the threshold set to the flood planning level of 4.5m AHD;
- g. Permanent signage shall be fixed in prominent locations in the outdoor area and undercover carpark indicating the 1% AEP flood level 4m AHD and the PMF level 6.5m AHD;
- h. A flood warning system shall be installed to monitor water levels in the adjacent stormwater channel. The system is to be designed to warn occupants when water in the channel is rising quickly so flood affected areas can be evacuated. The warning system is to be developed in consultation with Council, BOM, Sydney water and the SES;
- i. A flood evacuation plan shall be developed in consultation with Council and the SES;
- j. Permanent brass plaques shall be mounted adjacent to all mechanical flood barriers explaining their purpose and operation;
- k. All fences traversing the over land flow path shall be designed to be flow through.
- l. All fences and walls shall be designed to be structurally stable during all flood events up to the probable maximum flood (PMF);
- m. The car park boundary (by way of fence, bollards or the like) adjacent to the Sydney water channel shall be designed to prevent floating vehicles being washed into the channel to a design level of 4.5m AHD;
- n. All below ground construction shall be fully tanked;
- o. Flood compatible materials shall be used for all flood exposed construction below the flood planning level of 4.5m AHD;
- p. All electrical wiring and fixed electrical equipment shall be located above or waterproofed to the flood planning level of 4.5 m AHD;
- q. Permanent brass plaques shall be mounted adjacent to all mechanical flood barriers explaining their purpose and operation;
- r. All flood protection measures are to be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation;
- s. The buildings shall be designed by a suitable qualified structural engineer to withstand the forces generated by floodwaters.

Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.

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

Standard

Condition

C.54

### **C.13 Heritage Interpretation Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Detailed Heritage Interpretation Plan. The plan is to be prepared by a suitably qualified and experienced heritage practitioner, interpretation specialist or historian in accordance with the 'Heritage Interpretation Policy' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and 'Heritage Information. Series, Interpreting Heritage Places and Items Guidelines' published by the NSW Heritage Office in August 2005.

The interpretation plan must provide clear details on how archival, graphic, oral history and other specific historical information regarding the historical development of White City will be provided to the public and make recommendations regarding public accessibility, signage, lighting, public art, interpretive panels and the display of memorabilia. The plan must specify the location, type, details, materials and content of the interpretation device/s being proposed.

The Detailed Heritage Interpretation Plan is to research and illustrate all historical themes listed in 5.4 of the Heritage Interpretation Plan by Urbis dated December 2019, and also include:

- The role of Professor Leslie Wilkinson in the early design of White City
- The display and exhibition of memorabilia and indicative signage (layout, text and media used for heritage interpretation).
- Selection of images and references.
- How the history of the precinct and its development pattern and change of uses (including Aboriginal occupation) will be conveyed to the public in an accessible way.
- Details of the Centre Courts heritage interpretative measures.

### **C.14 Heritage Consultant Supervision**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with the details of an experienced and suitably qualified Heritage consultant who will be commissioned to assist and to provide advice to the consultant team throughout the design development, contract documentation and construction stages of the project.

The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces of the Southern Grandstand and remnants of the original Northern Grandstand (Heritage Arches) are to be subject to preservation, restoration,

reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site on a regular basis and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

### **C.15 Schedule of Conservation Works**

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with a Schedule of Conservation Works with detailed documentation of the conservation works to the **Southern Grandstand** and the **Northern Grandstand** (Heritage Arches).

The Schedule is to be prepared by a qualified Heritage consultant in accordance with the *Australia ICOMOS Burra Charter 2013*. The schedule is to be based on a detailed fabric analysis and survey of existing fabric and comparison with original approvals and modification plans. The schedule is to detail the conservation of all significant fabric, including but not limited to the following: arches, old signage, paint, glazing, joineries, tiling, seatings, hardware, roof and roof plumbing. The schedule is also to detail the reinstatement of the presentation of the arches and other conservation works required.

The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the Northern and Southern Grandstands.

### **C.16 Building upgrade (Clause 94 of the Regulation)**

*Council* considers, pursuant to clause 94 of the *Regulation*, that it is appropriate to require the existing building (that is to be retained) to be brought into total conformity with the performance requirements of 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 and the measures contained in the building are inadequate:

- (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
- (ii) to restrict the spread of fire from the building to other buildings nearby.

Accordingly, it is considered appropriate to require the existing building (that is to be retained) to be brought into total conformity with the performance requirements of the BCA and the Construction Certificate 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 (that is to be retained) to bring it into compliance with the performance requirements of the BCA as in force at the date of the Construction Certificate application.

**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 conditions specifies compliance with performance requirements of the BCA the Certifying Authority, subject to their level of accreditation, may be satisfied as to such matters.

**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.

Standard Condition: C10

### C.17 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 all off-street car parking spaces within the internal garage of the sports building as shown on Drawing Nos. A2055 and A1.01, 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) Level 2 chargers must be provided to not less than 10% of all car parking spaces within the undercover car park shown on Drawing Nos. A2055 and A1.01. The location of all electric vehicle chargers must be shown on the construction certificate plans.
- c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate.

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

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

**D. Conditions which must be satisfied prior to the commencement of any development work**

**D.1 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)**

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

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

This condition does not apply:

- a) to the extent to which an exemption is in force under the *Home Building Regulation 2004*, or
- b) to the erection of a temporary building.

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

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

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

Standard Condition: D1

## **D.2 Notice of Completion of Category 1 Remediation Work**

Pursuant to clause 17 of *State Environmental Planning Policy No 55 - Remediation of Land* (SEPP 55) 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 18 of SEPP 55.

**Note:** Category 1 remediation work is defined in clause 9 of SEPP 55.

Standard Condition: D3

## **D.3 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 around the site as determined applicable by the Structural Engineer.

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

- a) No. 400 Glenmore Road
- b) No. 1-7 Alma Street

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

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

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

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



**Note:** Also refer to the Dilapidation Report Advising for more information regarding this condition

Standard Condition: D4

#### **D.4 Adjoining Buildings Founded on Loose Foundation Materials**

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

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

Standard Condition: D6

#### **D.5 Piezometers for the Monitoring of Ground Water Levels**

The Principal Contractor must provide two (2) piezometers within the excavation area and a further two (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).

Standard Condition: D7

## **D.6 Construction Management Plan**

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

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

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

- a) Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage.
- b) Identify local traffic routes to be used by construction vehicles in accordance with the routes specified in the Response to SOFAC Traffic Report prepared by Ason Group and dated 3/08/2020 (Ref: 0410I02v1). (With the exception of the traffic routes to be used by low loader vehicles which is to be determined following consultation with the builder, transport company and Council's traffic section.)
- c) Identify ways to manage construction works to address impacts on local traffic routes.
- d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments.
- e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes.
- g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- h) Provide for the standing of vehicles during construction.
- i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).

- j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
- l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.
- m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)
- o) Show the location of any proposed excavation and estimated volumes.
- p) When demolition, excavation and construction works are to be undertaken on school days, all medium rigid vehicle and heavy rigid vehicle movements to and from the site are not to occur during the school drop-off and pick up period (7.30am – 9.00am and 2.30pm – 4.00pm)
- q) Detail a traffic control plan for the northern end of Alma Street, including an appropriately qualified safety monitor to be provided at the applicant's cost to oversee pedestrian and vehicle traffic across the driveway crossing from Alma Street into the site.
- 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

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

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

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

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

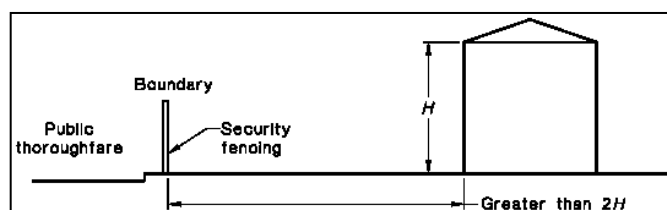
**Note:** The Principal Contractor or Owner must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the clause 22 of the *Transport Administration (General) Regulation 2000*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

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

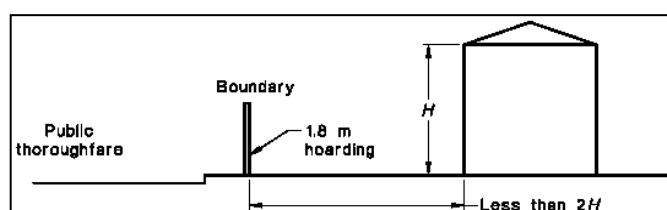
Standard Condition: D10

## D.8 Security Fencing, Hoarding and Overhead Protection

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



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

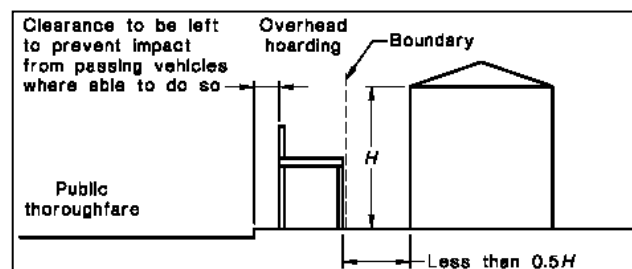


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

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

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

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



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

The Principal Contractor or Owner-builder must ensure that overhead protective structures are installed and maintained in accordance with the NSW "*Code of Practice - Overhead Protective Structures 1995*". This is code available at [www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf](http://www.safework.nsw.gov.au/_data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf)

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

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

Standard Condition: D11

## D.9 Site Signs

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

Clause 98A of the *Regulation* provides:

### **Erection of signs**

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

Clause 227A of the *Regulation* provides:

### **Signs on development sites**

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

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

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

**Note:** If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 98A and clause 227A of the *Regulation*.

Standard Condition: D12

## D.10 Toilet Facilities

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

Each toilet provided:

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

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

In this condition:

**accredited sewage management facility** means a sewage management facility to which Division 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

### D.11 Erosion and Sediment Controls – Installation

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

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

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

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

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

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

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

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

Standard Condition: D14

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



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

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

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

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

**Note:** 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](http://www.woollahra.nsw.gov.au)

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

Standard Condition: D15

### **D.13 Heritage Induction**

Prior to any ground disturbance works commencing on site, all staff and contractors must be made aware of the significance of the site, including its moveable heritage and buildings contribution to heritage significance. They must also be made aware of their statutory obligations for Aboriginal and Historic heritage under the *National Parks and Wildlife Act 1974* and under the *Heritage Act 1977*, which may be implemented as a heritage induction.

### **D.14 Access through Public Open Space**

Access to 30 Alma Street, Paddington from the adjoining Lot 12. DP 740 255 for construction purposes will not be permitted unless prior written approval has been obtained by Council's Open Space & Tree Department. An application must be submitted for assessment with a minimum of four weeks prior notice to the commencement of works. It must be approved by Council before any construction access is granted.

## **E. Conditions which must be satisfied during any development work**

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

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

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

This condition does not apply:

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

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

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

Standard Condition: E1

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

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

Standard Condition: E2

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

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan (CMP) referenced in **Condition D.6**. 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

## **E.4 Requirement to Notify about New Evidence**

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

Standard Condition: E4

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

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

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

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

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

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

Standard Condition: E5

## **E.6 Hours of Work –Amenity of the Neighbourhood**

- a) No *work* must take place on any Sunday or public holiday.
- b) No *work* must take place before 7am or after 5pm any weekday.
- c) No *work* must take place before 7am or after 1pm any Saturday.
- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday:
  - i. driven piling,
  - ii. piercing,
  - iii. rock cutting, rock boring or rock drilling,
  - iv. concrete cutting, (with the exclusion of hand-held concrete cutters)
  - v. rock breaking,
  - vi. rock sawing,
  - vii. jack hammering, (with the exclusion of hand-held jack hammers) or
  - viii. 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. However, this condition is subject to any variation set out in the Construction Management Plan approved by the Council under **Condition D6**.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- g) No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

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

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

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

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

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

**Note:** NSW EPA Noise Guide is available at [www.epa.nsw.gov.au/noise/nglg.htm](http://www.epa.nsw.gov.au/noise/nglg.htm)

Standard Condition: E6

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

The Principal Contractor or Owner-builder and any other person acting with the benefit of this consent must during the course of the construction program:

- 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 from any activity connected with the development (subject to the requirement to retain trees, including tree roots, under this consent).
- 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 from any activity connected with the development (subject to the requirement to retain trees, including tree roots, under this consent).

- g) Protect heritage listed street name inlays in the footpath which are not to be removed or damaged during development from any activity connected with the development.

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

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

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

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

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

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

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

Standard Condition: E7

## E.8 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.9 Compliance with Geotechnical / Hydrogeological Monitoring Program**

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

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

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

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

Standard Condition: E12

### **E.10 Support of Adjoining Land and Buildings**

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

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

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

- a. the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b. an access order under the *Access to Neighbouring Land Act 2000*, or

- c. an easement under section 88K of the *Conveyancing Act 1919*, or
- d. an easement under section 40 of the *Land and Environment Court Act 1979* as appropriate.

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

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

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

Standard Condition: E13

## E.11 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

Note: Assessing Vibration: A Technical guideline:  
<https://www.epa.nsw.gov.au/yourenvironment/noise/industrial-noise/assessing-vibration>

## E.12 Erosion and Sediment Controls – Maintenance

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

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

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



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

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

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

Standard Condition: E15

### E.13 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

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

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

Standard Condition: E17

#### **E.14 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

#### **E.15 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**

The Principal Contractor or Owner-builder must ensure that a registered surveyor carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works,

flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

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

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

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

Standard Condition: E20

## E.16 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

### E.17 Dust Mitigation

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

This generally requires:

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

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

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

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

Standard Condition: E23

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

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

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

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

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

Standard Condition: E24

### E.19 Site Waste Minimisation and Management – Demolition

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

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

When implementing the SWMMP the Applicant must ensure:

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

**Note:** Materials that have an existing reuse or recycling market should not be disposed of in

a

land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Standard Condition: E31

### E.20 Site Waste Minimisation and Management – Construction

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

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

Standard Condition: E32

## E.21 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 **Condition B.2** above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:

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

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

Standard Condition: E39

## E.22 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.23 Disposal of Asbestos and Hazardous Waste

Asbestos and hazardous waste, once classified in accordance with **Condition E.22** 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.24 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.25 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.26 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).

## **E.27 Aboriginal Objects – Unexpected Findings**

If unexpected Aboriginal objects are found during the works covered by this approval, all work must cease immediately in the affected area(s) and Heritage NSW must be notified. Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Work may recommence in the affected area(s) if Heritage NSW advises that such additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).

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

## **E.28 Remediation Action Plan – State Environmental Planning Policy No. 55**

The remediation goals and management procedures documented in the ***Remediation Action Plan & Acid Sulfate Soils Management Plan Report: prepared by Douglas Partners. Document No. 45079.07 June 2020*** shall be fully implemented.

**E.29 Waste Classification & Management – State Environmental Planning Policy No. 55**

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

Fill material imported to reinstate excavations must be either Virgin Excavated Material (VENM) or Excavated Natural Material (ENM), or comply with a relevant NSW EPA approved Resource Recovery Exemption.

VENM must be accompanied by a validation certificate from the supplier which adequately certifies that the material is VENM, or otherwise be subject to validation sampling prior to importation to the site.

**E.30 Storage of building material in Public Open Space**

Building, excavation or demolition material and plant must not be stored on Council's public open space (Lot 12. DP 740 255) unless prior written approval has been obtained by Council's Open Space & Trees Department.

**E.31 Construction Liaison**

- a) Prior to the commencement of any work, a Construction Liaison Person is to be nominated by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and co-operatively.
- b) The contact details of the Construction Liaison are to be provided to Woollahra Council and Sydney Grammar Preparatory School and will be made available to the public upon request.
- c) The Construction Liaison shall provide an update to the stakeholders listed above, as well as any resident who requests to be updated, prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address any initial areas of concern, and then at monthly intervals or at key stages throughout the construction process. The information should include the construction program, progress reports and impending work.

- d) Prior to the commencement of work, the Site Manager is to provide the Council with 24 hour contact details (including the location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.
- e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.

### **E.32 Tree Preservation**

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

#### **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.33 Replacement/Supplementary trees which must be planted**

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 a *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 is protected by Council's Tree Preservation Order, 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)
7 x <i>Alphitonia excelsa</i> (Red Ash)	As indicated on Sturt Noble Landscape Plan DA-1846-17B & DA-1846-18B	100 litre	20m
15 x <i>Backhousia myrtifolia</i> (Grey Myrtle)		100 litre	7m
12 x <i>Brachychiton acerifolius</i> (Illawarra Flame tree)		750 litre	12m
4 x <i>Cupaniopsis anacardioides</i> (Tuckeroo)		750 litre	12m
10 x <i>Callicoma serratifolia</i> (Black Wattle)		100 litre	10m
13 x <i>Elaeocarpus reticulatus</i> (Blueberry Ash)		400 litre	12m
6 x <i>Glochidion ferdinandii</i> (Cheese tree)		400 litre	12m
3 x <i>Livistona australis</i> (NSW Cabbage Tree palm)		75 litre	20m
20 x <i>Syzygium paniculatum</i> (Magenta Cherry)		400 litre	12m

The project arborist shall document compliance with the above condition.

#### E.34 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
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			<b>trunk (metres)</b>
100	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - West	3m
101	<i>Corymbia citriodora</i> (Lemon-scented Gum)	Glenmore Road verge - West	3m
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)	South west corner – Glenmore Road frontage	3m

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

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

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

The project arborist shall document compliance with the above condition.

### **E.35 Footings in the vicinity of trees**

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

<b>Council Ref No.</b>	<b>Species</b>	<b>Location</b>	<b>Radius from centre of trunk (metres)</b>
114	<i>Brachychiton discolor</i> (Lacebark Kurrajong)	South west corner – Glenmore Road frontage	3m

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

The project arborist shall document compliance with the above condition.

**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

**F.2 Fire Safety Certificates**

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.

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

**Note:** In this condition:

*interim fire safety certificate* has the same meaning as it has in Part 9 of the *Regulation*.

*final fire safety certificate* has the same meaning as it has in Part 9 of the *Regulation*.

*new building* has the same meaning as it has in section 6.1 of the *Act*.

Standard Condition: F4

**F.3 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 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 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 basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*. In particular, the following requirement must be certified by a traffic engineer:
  - 1) The internal driveway for the first 6m from the property boundary has been constructed at a maximum grade of 5% to comply with AS2890.1;
  - 2) Minimum headroom of 2.2m has been provided for the proposed basement to comply with AS2890.1.
  - 3) 2m x 2.5m sight triangles, clear of obstructions to visibility, have been provided on both sides of the driveway exit to comply with AS2890.1.
  - 4) All parking spaces have minimum dimensions of 2.5m x 5.4m, clear of any obstructions, to comply with AS2890.1.
  - 5) Minimum aisle width of 5.8m have been provided for all parking spaces to comply with AS2890.1.
- 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

#### F.4 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

#### F.5 Food Premises - Inspection and Registration

Prior to the issue of any Occupation Certificate or occupation or use of any food premises:

- a) the Principal Contractor or Owner must arrange an inspection of the fit out of the food premises by Council's Environmental Health Officer,
- b) a satisfactory final inspection must have been undertaken by Council's Environmental Health Officer, and
- c) the Owner or *occupier* must have registered the food premises (notification of conduct) under section 100 of the *Food Act 2003*.

**Note:** Notification of conduct can be done online at Service NSW <https://www.service.nsw.gov.au/transaction/notify-food-business-details>

**Note:** Inspections are subject to payment of the adopted inspection fee.

**Note:** Section 100 of the *Food Act 2003* requires:

“100 Notification of conduct of food businesses

(1) The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted. Maximum penalty: 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation.”

**Note:** Accredited Certifiers are unable to issue compliance certificates in relation to compliance with the *Food Act 2003*, *Food Regulation 2004*; the Food Standards Code and the Australian Standard AS 4674-2004: *Construction and fit out of food premises* since these are not matters which an accredited certifier can be satisfied in relation to under clause 161 of the *Regulation*. This condition can only be satisfied following an inspection and sign off from Council's Environmental Health Officers.

Standard Condition: F15



## **F.6 3D Digital Model**

Prior to the issue of an Occupation Certificate an accurate “as built” 3D digital model of the building must be submitted to Council for use in the Woollahra 3D digital model.

A 3D digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:

- a) a building envelope which includes all elements affecting shadow analysis,
- b) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external features, and
- c) a ground level terrain showing accurate RLs extending to site boundaries.

All models must be generated in accordance with Council’s guidelines for submitting 3D digital models outlined in “Attachment 9 - 3D Digital Model Requirements” of the DA guide.

**Note:** This model will update previous version(s) submitted at Development Application stage.  
Any future modifications under section 4.55 of the *Act* that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.  
Standard Condition: F21

## **F.7 Validation Reporting – State Environmental Planning Policy No. 55**

At the completion of the remediation activities, a validation assessment report shall be prepared for the site by an Environmental Consultant in accordance with EPA *Contaminated Land Guidelines Consultants Reporting on Contaminated Land* (2020) (EPA, 2020) and other appropriate guidance documentation. The validation report shall detail the methodology, results and conclusion of the assessment and make a statement regarding the suitability of the site for the proposed land use.

## **F.8 Implementation of the Local Area Traffic Management Scheme (Interim drop-off and pick-up arrangement)**

Unless Sydney Grammar Preparatory School has implemented its intended ultimate drop-off /pick-up arrangement (as generally shown as figure 8 and figure 9 in the Local Area Traffic Management Scheme) the proponent must implement the following:

- a) To ensure access is maintained to the site’s undercover car park and at-grade parking, ‘Keep Clear’ line-marking is to be provided in the zone from the Alma Street north footpath to the loading dock turn off as is generally shown in figure 11 and Appendix A of the Local Area Traffic Management Scheme). This will ensure

that vehicles related to the school drop-off / pick-up do not impede access to the site's parking.

- b) Differing pavement materials must be utilised for the first six metres into the site to provide a visual indication of changed traffic conditions and improvements are made to the access sightlines (as generally described in section 3.3.3 of the Local Area Traffic Management Scheme). This purpose of these works is to provide a pedestrian priority environment.

## **F.9 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.10 Certification of Electric Vehicle Charging System**

Prior to the issue of any Occupation Certificate or occupation or use of part of the building, the Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by **Condition C.17**.

Standard Condition: F22

## **F.11 DELETED**

## **F.12 Assessment of Light Spill – New and Existing Lighting**

A light spill assessment is to be undertaken which compares the existing lighting to the newly installed sports lighting. This assessment is to be undertaken prior to the issue of a construction certificate (For existing lights) and prior to the issue of an occupation certificate, for the new sports lighting.

The post installation light spill assessment must demonstrate that the level of light spill is consistent with the modelling contained in the light spill assessment reports prepared by Apex Lighting and Lighting Reality and referenced in **Condition A.3** of this consent.

This condition is imposed to ensure mitigation of light spill impacts on residential amenity, particularly for properties along Walker Avenue.

### **F.13 At-Property Noise Mitigation**

The Proponent shall take the following measures:

- a) contact each owner of Nos 14, 16, 18, 20, 22 and 24 Walker Avenue (Owner);
- b) make an offer to each Owner to:
  - i) remove the existing fencing on the rear boundary and the rear side common boundaries of the property (extending up to the rear façade of the dwelling) and replace it with a lapped and capped timber fence of height 1.8m (measured from the ground level at the rear of the property); and,
  - ii) replace the glazing in any window or external glazed door in any ground floor or upper storey habitable room of the dwelling constructed on that property, which has a view to the proposed soccer field, with 6.38mm laminated glass and acoustic perimeter seals and install mechanical ventilation to comply with Australian Standard 1668.2-2012 *"The use of ventilation and airconditioning in buildings"* when the windows in the room are fully closed. (together the mitigation works)
- c) if the Owner accepts the offer by the Proponent to install the mitigation works:
  - i) the Proponent must, with the consent of the Owner, obtain any required development consent at its expense (the development consent for which this report has been prepared for does not authorise the mitigation works); and,
  - ii) the mitigation works must be installed and completed to the satisfaction of the Owner acting reasonably at no cost to the Owner.
- d) if the Owner requests in the alternative to install the mitigation works using their own resources, then the Proponent must pay to the Owner the cost of the mitigation works the Proponent would have incurred to comply with the requirements of this condition.

- e) if the Owner refuses the offer by the Proponent to install the mitigation works or to alternatively accept payment as provided for in this condition, then the Proponent is deemed to have satisfied the requirements of this condition in respect of that Owner.
- f) the Proponent must provide Council with a report on a monthly basis in respect of the status of the mitigation works until the mitigation works are complete.

**F.14 Installation of sound limiter/cut out switch and door closers**

Any external door leading from an internal area in which DJ and live music occurs in the club building to a balcony shall incorporate automatic closers to ensure that the external door is closed except for momentary ingress and egress of patrons to the balcony,

An RMS sound limiter and/or sound limit cut-out switch device is to be installed in level 2 restaurant and the level 3 community space to control music emission from DJ and live music to ensure that the LA 10 noise criteria set out in Table 20 of Renzo Tonin & Associates report 'White City Redevelopment Stage 2: Noise Impact Assessment', dated 7 July 2021 (document reference TJ936-01 F02) are achieved at the nearest residential boundary.

Any RMS sound limiter and/or sound limit cut-out switch device is to incorporate reed switches on any external door or window to the level 2 restaurant and level 3 community space leading from those areas. The purpose of the reed switches are to ensure that for any windows or doors that are left open for more than 45 seconds will activate a reduction in the internal music trigger levels to obtain compliance with the LA 10 noise criteria for the open window/door scenario.

The installation of the automatic door closers and sound limiter/cutout switch devices is to be certified by an accredited acoustical engineer.

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

Nil.

**H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (section 6.4 (c))**

## H.1 Landscaping

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

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

**Note:** This condition has been imposed to ensure that all landscaping work is completed prior to the issue of the Final Occupation Certificate.

Standard Condition: H9

## 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

## 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](http://www.woollahra.nsw.gov.au) or obtained from Council's customer service centre.

Standard Condition: H13

#### **H.4 Covenant for Private Works on Council Property**

Prior to issue of any Occupation Certificate, to ensure the encroaching structures on Council public road reserve (that is, the 'awning/louvre' extending in to the Glenmore Road reserve as shown on drawing A2059) accord with Council's "Policy for Managing Encroachments on Council Road Reserves", the person with the benefit of this consent, being the owner(s) of No 30 Alma Street, Paddington, must do the following:

- a) lodge an "Application to Formalise an Existing Encroachment on Council land" with the Council in consultation with Council's Property & Projects Department  
**AND;**
- b) obtain consent for the structure under Section 138 of the Roads Act.

**Note:** Council would normally require the following as a condition of a section 138 consent under the Roads Act.

- The registration on the title to the subject property to which this consent relates of a Public Positive Covenant pursuant to S88E of the Conveyancing Act 1919 burdening the subject property and benefiting the Council providing for the indemnification of Council from any claims or actions, and the ongoing maintenance of any private structures encroaching on the public road reserve for which consent has been given, such as steps, retaining walls, access ways,

overhang, balconies, awnings, signs and the like. This process has an estimated timeframe of 2 months.

- The wording of the Public Positive Covenant must be in accordance with Council's standard format and the Instrument must be registered at the Land Property Information Office prior to issue of any Occupation Certificate.
- The property owner must pay Council monetary compensation for the Public Positive Covenant, as determined by the Council, and must also pay all of Council's associated costs.

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

**Note:** No Occupation Certificate must be issued until this condition has been satisfied.

Standard Condition: H19

## **H.5 Positive Covenant and Works-As-Executed Certification of Stormwater Systems**

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

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the stormwater system,
- c) that the works have been constructed in accordance with the approved design in accordance with the approved construction drawings,
- d) pipe invert levels and surface levels to Australian Height Datum, and
- e) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-retention and reuse system, including any first flush device(s), pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

**Note:** The required wording of the Instrument can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://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.

Standard Condition: H20

## **H.6 Positive Covenant for Encapsulated Contamination**

A positive covenant must be registered on the title of the land to Council's satisfaction, prior to the issue of a Final Occupation Certificate:

- a) Giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.
- b) Binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by the NSW Environment Protection Authority.

**Note:** This condition has been imposed to ensure future owners (or perspective owners) are aware that the site contains under or within it encapsulated contaminated material and to ensure that they understand that they are liable for ongoing maintenance and any future remediation as may be or become necessary.

Standard Condition: H21

## **H.7 Heritage Consultant Certification**

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with certification from the Heritage Consultant that the works have been carried out in accordance with the Heritage Consultant Supervision.

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

## **I.1 Hours of Use**

The hours of use of the parts of the site nominated below are limited to the following:

### **1. Football Field**

- a) Monday to Saturday: **7am – 10pm**
- b) Sunday and Public Holidays: **8am – 9.30pm**

This condition is subject to any specific span of hours for a given activity set out in table E-1 'Event management plan' of the Renzo Tonin & Associates report 'White City Redevelopment Stage 2: Noise Impact Assessment', dated 7 July 2021, document



reference TJ936-01 F02. Any reference to 'Holidays' in that table is to be taken as a reference to public holidays.

## **2. Tennis Courts**

- a) Monday to Saturday: **6am – 10pm**
- b) Sunday and Public Holidays: **7am – 10pm**

## **3. Multi-purpose Sporting Courts**

- a) Monday to Saturday: **7am – 10pm**
- b) Sunday and Public Holidays: **8am – 10pm**

## **4. Gym and Spa**

- a) Monday to Saturday: **5am – 10pm**
- b) Sunday and Public Holidays: **6am – 8pm**

## **5. Pool and Pool Terrace Area**

- a) Monday to Saturday: **6am – 10pm**
- b) Sunday and Public Holidays: **6.30am – 8pm**

No events/functions are to be held in the pool, on the 'pool terrace' adjacent to the lap pool or the paved surface immediately adjacent to the 'learn to swim pool' unless they are directly related to the function of this area as a swimming pool.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

**Note:** Trading hours may be more onerous than these general hours of use. This condition does not apply to activities such as cleaning which takes place wholly within the building and which are not audible within any adjoining residential dwelling. If internal activities are audible within any adjoining residential dwelling such that they cause a nuisance to the occupiers of such dwelling than such internal activities must not occur outside these hours of use. This condition does not restrict the operation of noise pollution laws.

Standard Condition: I1

## **I.2 Trading Hours**

Trading hours are limited as follows:

**1. Café: Internal and External Areas**

- a) Monday to Saturday: **6.30am – 10pm**
- b) Sunday and Public Holiday: **6.30am – 10pm**

**2. Club Building: Restaurant, bar, lounge and community spaces (Indoor and outdoor)**

Monday to Sunday and Public Holidays: **8am – 9pm**

- 3. **Any other outdoor areas used for a non-recreational purpose** – in accordance with Table E-1 ‘Event management plan’ of the Renzo Tonin & Associates report ‘White City Redevelopment Stage 2: Noise Impact Assessment’, dated 7 July 2021, document reference TJ936-01 F02. Any reference to ‘Holidays’ in that table is to be taken as a reference to public holidays.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.

**Note:** This condition does not apply to deliveries to, or dispatches from, the site of wholesale goods or internal activities that occur under the approved hours of use. General use and deliveries or dispatches may be restricted by hours of use conditions. This condition does not restrict the operation of noise pollution laws.

Standard Condition: I2

**I.2A Extended Hours of Operation for the Registered Club Premises – Reviewable Condition**

The hours of operation for the indoor and outdoor areas of the Registered Club are extended as follows:

- a) **Club Building: Restaurant, bar, lounge and community spaces (Indoor and outdoor)**

From **8am - 9pm** as contained in **Condition I.2** to:

- i. Monday to Saturday: **8am – midnight**
- ii. Sunday and Public Holidays: **8am – midnight (but until 2am following new year's eve, that is, until 2am on new year's day).**

This condition is a reviewable condition as referred to under section 4.17(10B-10D) of the *Act*. The extended trading hours will be reviewed in accordance with **Condition I.2B**.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

**Note:** Council's consideration of the extended hours of operation of licensed premises will take into account:

- a) Compliance of the premises in terms of security and its general management;
- b) The number and nature of substantiated complaints regarding the operation of the premises;
- c) Compliance with the conditions of this consent; and
- d) Any other matters considered relevant to the environmental evaluation of the premises.

Standard Condition: I4

## **I.2B Review of Extended Hours of Operation for the Registered Club Premises**

Council will review the extended trading hours as referred to in **Condition I.2A** generally as follows:

- a) Within one (1) year following the issue of any Occupation Certificate applicable to this application (if works are proposed) or the date of development consent (if no works are proposed),
- b) every two (2) years thereafter following the first review. The review will be undertaken in accordance with clause 124D of the *Regulation*. This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

**Note:** A review will only be undertaken if Council has satisfactory evidence to suggest the extended trading hours are unduly impacting on the amenity of the neighbourhood or NSW Police has requested a review.

**Note:** As a result of a review a reviewable condition may be changed.

Standard Condition: I5

## **I.3 Neighbourhood Amenity – Licensed Premises**

The Management of the premises:

- a) Shall ensure persons entering and leaving the premises do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the Management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council or by NSW Police, the Management is to employ private security staff to ensure that this condition is complied with.
- c) Shall record in a Register full details of any disturbance complaint/s made by a person to Management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- d) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by Management / staff to resolve such complaint/s shall be recorded in the Register.
- e) Shall be subject to the hours permitted under conditions I2, I2A and I2B, where with that proviso, patrons permitted on Level 2 or Level 3 balconies of the Club building are limited as follows:
  - without food being served
    - o 55 in total from 7am to 10pm
    - o 20 in total from 10pm to midnight
  - seated for dining
    - o 140 in total from 7am to 10pm
    - o 55 in total from 10pm to midnight

And these numbers shall be reduced by 50% in the event that Level 2 and Level 3 balconies are used contemporaneously.

This condition has been imposed to mitigate amenity impacts upon the neighbourhood.

**Note:** The lead agency for the enforcement of this condition is NSW Police.

Standard Condition: I10

#### **I.4 Copies of Consents, Registers and Management Plans – Licensed Premises**

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Management must be kept on the premises and made available for inspection immediately upon request by Council, NSW Police and/or Liquor and Gaming NSW authorised officers.

Standard Condition: I12

#### **I.5 Operation in Accordance with Plan of Management (POM)**

- a) The operation and management of the premises shall be in accordance with the Plan of Management prepared by Projects & Infrastructure December 2019 as amended by **Condition C.1**.
- b) If any liquor is to be sold/supplied in parts of the site that are outside of level two of the registered club building, a supplementary plan of management must be submitted to the Council in relation to the sale or supply of that liquor. The relevant sale or supply of that liquor is not to commence until Council has expressed its satisfaction with the supplementary plan of management in writing. The relevant activities associated with the sale or supply of that liquor must be carried out in accordance with that supplementary plan of management. This requirement is in addition to (and does not replace) any requirement to obtain and comply with the appropriate liquor licence/authority.
- c) The POM and any supplementary plan of management shall be filed with the Licensing Police of the Eastern Suburbs Police Area Command prior to the commencement of the relevant operations.
- d) The POM and any supplementary plan of management cannot be altered without the written consent of Council.

Standard Condition: I15

#### **I.6 Glass Sorting and Collection**

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied/transferred within the premises and removed in containers.

No bottle or glass sorting, recycling or collection shall take place between 8.00pm and 8.00am Sunday to Friday and between 9.00pm Saturday and 10am Sundays and Public Holidays.

This condition has been imposed to protect the amenity of neighbouring residents.

Standard Condition: I17

## **I.7 Surveillance Cameras (CCTV)**

### **Licensed Premises**

The Management must maintain a closed-circuit television (CCTV) system on the premises.

The CCTV system must comply with the following requirements:

- a) It must operate continuously from opening time until one hour after closing.
- b) It must record in digital format at a minimum of six frames per second.
- c) Any recorded image must specify the time and date of the image.
- d) The system's cameras must be located within the property and cover:
  - i) all entry and exit points of the premises,
  - ii) the footpath immediately adjacent to the premises, and
  - iii) all publicly accessible areas (other than toilets) on the premises, from floor level to a minimum height of two metres.
- e) CCTV recordings must be retained for at least 30 days.
- f) Management shall ensure the system is accessible by at least one member of staff at all times it is in operations, and
- g) Provide any recordings made by the system to Council or NSW Police within 24 hours of any request by an authorised officer to provide such recordings.

**Note:** The lead agency for enforcement is NSW Police.

Standard Condition: I18

### **I.8 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](http://www.woollahra.nsw.gov.au).

Standard Condition: I22

### **I.9 Maintenance of Landscaping**

All landscaping must be maintained in general accordance with this consent.

This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.

**Note:** This condition has been imposed to ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

**Note:** This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. Owners should have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.

Standard Condition: I25

### **I.10 Ongoing Maintenance of the Pump-out System and Stormwater Treatment System**

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

- a) Permit stormwater to be temporarily detained by the system;

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

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

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

Standard Condition: I29

## **I.11 Waste Management - Commercial**

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

All waste must be presented for collection in a receptacle. Waste receptacles must be presented no earlier than the close of business on the day before collection. Waste and recycling bins/crates must be removed from the road or footpath within 1 hour of collection or otherwise is accordance with the approved SWMMP.



Receptacles are not to be stored in any public place at any time. Waste and recycling receptacles must be stored at all times within the boundaries of the site.

This condition does not apply to the extent that Activity Approval exists under the *Local Government Act 1993* or the *Roads Act 1993* and subject that all conditions of such approval(s) are complied with.

**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:** No waste will be collected by Council that isn't presented properly. The waste must be presented with lid closed to reduce littering.

Standard Condition: I32

### **I.12 Food Premises - Maintenance of Food Premises**

The food premises must be maintained in accordance with the *Food Act 2003*, *Food Regulation 2004*; the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises*.

**Note:** This condition has been imposed to protect public health.

Standard Condition: I41

### **I.13 Outdoor Lighting – Sports Lighting**

Outdoor sports lighting must generally comply with AS/NZS 4282:2019: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminaire must not exceed the level 1 control relevant under Table 3.3 of AS 4282.

The maximum illuminance and the threshold limits must be in accordance with Table 3.2 of AS 4282.

No sports lighting must operate after 10pm for the tennis courts and no sports lighting must operate after 9pm for the football field. All lighting must be by automatic timer, switch off at the 10.00pm curfew.

The intensity of light provided to the sporting area must comply with AS2560 and relevant parts to this Australian Standard.

**Note:** This condition has been imposed to control the obtrusive effects of outdoor lighting, to limit the hours of use to protect the amenity of neighbours and to maintain safe conditions for sporting activities.

**Note:** The height of the poles as proposed may be too low to comply with both AS4284 and AS2560. Where this is disclosed, it will be necessary to seek an amendment to this consent if it is proposed to increase the height of the poles and lights to achieve compliance with both standards.

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

Standard Condition: I47

#### **I.14 Operational Noise: Sporting Activities**

Operational noise from sporting activities that have the potential to affect residential receivers must not exceed the Appropriate Sound Level Margins defined in Appendix E Event Management Plan in Table E-1 'Event management plan' of the Renzo Tonin & Associates report 'White City Redevelopment Stage 2: Noise Impact Assessment', dated 7 July 2021, document reference TJ936-01F02. Any reference to 'Holidays' in that table is to be taken as a reference to Public Holidays.

The intrusiveness noise level shall be determined as an LAeq,15min.

The Rating Background Noise Level shall be as determined in the Tonin Report.

#### **I.15 Restaurant & Function Spaces**

The level of noise emanating from the restaurant, café and function spaces within the site shall adhere to the Liquor & Gaming NSW Noise Criterion for licensed premises.

The LA10\* noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence.

The LA10\* noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

\*For the purposes of this condition, the LA10\* can be taken as the average maximum deflection of the noise emission from the licensed premises.”

### **I.16 Sleep disturbance**

The operation of the site (for any activities, including patron or vehicles) during the EPA night-time period shall comply with the following noise criterion (night-time noise levels) at all residential locations:

- LAeq, 15 minute 40 dB or the prevailing RBL plus 5 dB (whichever is the greater); and/or
- LAmx 52 dB or the prevailing RBL plus 15 dB (whichever is the greater).

as assessed in accordance with section 2.5 “Maximum noise level event assessment” of the Noise Policy for Industry 2007:

The operation of the tennis courts prior to 7 am (Monday to Saturday) or to 8 am (on Sundays and public holidays) is required to satisfy these noise limits. To address this, the use of the tennis courts prior to 7am (Monday to Saturday) or at 8am (on Sundays and public holidays), is restricted to practice (rather than competition or doubles) using the 7 ground level tennis courts and shall involve no more than two players per court. The Plan of Management shall be updated requiring players to be informed that they should be aware there are noise restrictions in the first hour and to refrain from using loud voices

### **I.16A Additional traffic on public roads**

With respect to noise from road traffic on surrounding public roads the operation of the subject site is to be managed to ensure compliance with the assessment criteria set out in the NSW EPA’s Road Noise Policy (RNP).

### **I.17 Noise from Mechanical Plant and Equipment**

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

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

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

**Note:** Words in this condition have the same meaning as in the *Noise Policy for Industry* (2017)

[www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))

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

Standard Condition: I59

### **I.18 Operation of the Community Facilities**

To the extent that the proposed community spaces within the development are not used for the purposes of a registered club, recreation facilities (outdoor) and/or recreation facilities (indoor) they must function as 'community facilities' within the meaning of the Woollahra LEP 2014, which states that a community facility is a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community

But does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**I.19 DELETED**

**I.20 Restrictions on the Use of Amplified Noise Systems**

The use of external amplified sound equipment for the recreational use, must not cause a sound exceeding 60dB(A) LAmax at the nearest boundary, and must not be used outside of the hours of 11am – 7pm on any day. This condition does not affect the application of condition I.15.

In respect of the Club and Community Events identified in Section 2.3 of Appendix E of the Renzo Tonin & Associates report 'White City Redevelopment Stage 2: Noise Impact Assessment', dated 7 July 2021, document reference TJ936-01F02, the use of any sound amplification must not give rise to an LAeq,15min which exceeds the RBL by more than 5dB(A) when measured at the boundary of any residential property.

**I.21 Green Travel Plan Reporting**

For a period of 5 years from the completion of the development, annual reports must be submitted to Council to provide information on the number of individual trips, travel modes by times of day, journey purpose and origin/destination of trips.

**I.22 Waste Collection and Deliveries to the Site**

General waste collection is to be undertaken ONLY between the hours of:

8.00am to 6.00pm on all days.

Deliveries to the site are to occur ONLY between the hours of:

8.00am to 6.00pm on all days.

This condition has been imposed to protect the amenity of neighbouring residents.

Standard Condition: I31

**I.23 Ongoing implementation of the Local Area Traffic Management Scheme (interim drop-off and pick-up arrangement)**

Unless/until Sydney Grammar Preparatory School has implemented its intended ultimate drop-off /pick-up arrangement (as generally shown as figure 8 and figure 9 in the Local Area Traffic Management Scheme)

- (a) The applicant is to permit any reasonable action by Sydney Grammar Preparatory School within the site of the easement 'Right of Carriageway 7.3 Wide and variable Width' (imposed under DP1114604) to give effect to the interim drop-off and pick-up arrangement detailed in the Local Area Traffic Management Scheme (in order to allow traffic from the Sydney Grammar Preparatory School to queue within the White City site). This does not prejudice the rights of Sydney Grammar Preparatory School to make use of the full extent of the easement.
- (b) The applicant is to develop an ongoing pedestrian management plan for Alma Street in conjunction with the Sydney Grammar School (but only if, and to the extent that, the School is willing to agree to and implement such a plan) which may include the allocation of a volunteer or school staff member at the driveway into White City in order to control traffic and ensure the safety of pedestrians.'

#### **I.24 Paddington Greenway**

In this condition the 'Paddington Greenway' is any project pursued by a public authority to create a public access route within or over the Jersey Road Branch of Rushcutters Bay stormwater channel, ie 'Rushcutters Creek' (as shown in drawings A10006-A10008).

If the construction of the Paddington Greenway proceeds, the landowner and developer must (to the extent required for the construction of the Paddington Greenway) demolish as requested by Council the fence immediately adjacent to the boundary with 'Rushcutters Creek' and provide to the constructing body as required by that body all reasonable access to the one-metre wide strip for construction access until the completion of construction.

#### **I.25 Noise limiter/cut out switch**

The limiter/cut out switch settings required by condition F.14 are not to be accessible by management. (Normally for sound systems the limiters are only accessible by the sound contractor).

Within 60 days of the occupation of the club building, an acoustic compliance test is to be carried out during the use of the level 2 restaurant and level 3 community space when

entertainment is provided, to determine the noise limiter/cut-out switch device settings to ensure compliance with the LA 10 noise criteria for windows and doors closed and windows and doors opened as identified by condition F.14.

A certificate of compliance setting out the relevant residential boundary measurement results and internal noise levels corresponding to compliance with the LA 10 noise criteria for the two scenarios shall be provided and submitted to Council within 7 days of the testing.

The limiter/cut out switches and automatic doors must be maintained in a proper and efficient condition and operated in a proper and efficient manner to achieve the criteria.

The limiter/cut out switches are to be recalibrated and certified by an appropriately qualified acoustic consultant prior to each bi-annual anniversary of the date of this consent and copy of the certification lodged with the Council.

#### **J. Miscellaneous Conditions**

Nil.

#### **K. Advisings by Council**

##### **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

## **K.2 Dial Before You Dig**



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

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

Standard Advising: K2

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

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

The Owner(s) must appoint the Principal Certifier. The Principal Certifier must check that the required insurances are in place before the commencement of building work.



The Principal Contractor (builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the *Home Building Act 1989* for the residential building work.

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

Standard Condition: K5

#### **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](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

#### **K.5 SafeWork NSW Requirements**

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

**Note:** For more information go to the SafeWork NSW website [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au) or call 131 050.

Standard Condition: K7

## K.6 Asbestos Removal, Repair or Disturbance

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

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

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

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

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

Standard Advising: K8

## K.7 Dividing Fences

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

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

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

Standard Advising: K10

## **K.8 Release of Security**

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

The securities will not be released until 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](http://www.woollahra.nsw.gov.au)

Standard Condition: K15

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

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

Standard Condition: K17

### **K.10 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

### **K.11 Roads Act 1993 Application**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Standard Advising: K24

## **K.12 Use of Synthetic Turf**

On hot and sunny days synthetic turf surfaces may reach temperatures significantly higher (20° – 30°) than natural grass and the ambient air temperature. The management of the sporting facilities should be made aware of this, and plan accordingly to minimise health and safety risks for users of the soccer field during the summer months.