

SUPPLEMENTARY DEVELOPMENT APPLICATION ASSESSMENT REPORT

FILE No.	DA 215/2011/1
PROPERTY DETAILS	<p>88-96 Newcastle Street, Rose Bay</p> <p>Lot & DP No.: LOTS: 14, 15, and 16 SEC: D DP: 5092 LOT: 1 SEC: DP: 92579 LOT: 1 SEC: DP: 1079086</p> <p>Side of Street: East</p> <p>Site Area (m²): 3470.7m²</p> <p>Zoning: Residential 2(b)</p>
PROPOSAL:	<p>Development consisting of the following:</p> <ul style="list-style-type: none">- Demolition:- Demolition of the existing dwelling-house and ancillary structures at 88 Newcastle Street- Demolition of the existing dwelling-house and ancillary structures at 94 Newcastle Street; demolition of the former St Paul's Anglican Church and former Parish Hall (Possums Pre-School) at 96 Newcastle Street; removal of existing landscaping and trees- Retention of the existing Greek Orthodox Church at 90-92 Newcastle Street <p>Construction:</p> <ul style="list-style-type: none">- Construction of a new 34 place Childcare Centre- Construction of a new 4 storey residential flat building (RFB) comprising of 20 residential units with basement car parking; landscaping and siteworks- Consolidation of the existing allotments into one allotment
TYPE OF CONSENT:	Integrated - RTA
APPLICANT:	Beraldo Design Pty Ltd
OWNER:	Greek Orthodox Parish Of St George, Rose Bay
DATE LODGED:	31/05/2011
AUTHOR:	Ms E Smith
CONSENT AUTHORITY	Joint Regional Planning Panel (Regional Panel)

1. REASON FOR THE REPORT

The matter was heard by the Sydney East Region Joint Regional Planning Panel meeting held at Woollahra Council on Thursday 10 November 2011.

The resolution of the panel was as follows:

The Panel resolves by a majority of 3 to 2 (For: David Furlong, Sue Francis & Tim Moore) against (Malcolm Young & Toni Zeltzer) that it would approve the application subject to the following:

- 1. The removal of the external metal screen proposed along the north, south and eastern elevations of the building.*
- 2. Increasing the building setback from Newcastle Street to the balustrade of the balconies along the Newcastle Street length of units G.01, 1.01, 2.01 to 4m.*
- 3. At the third level along the Newcastle Street length of proposed unit 3.01, the floor slab shall be set back from the Newcastle Street property boundary by 4m and the building façade set back to 8m from that boundary. The current 2m deep roof overhang shall be maintained and not increased.*
- 4. The provision of a direct pedestrian access from Old South Head Road to the proposed ground level courtyard.*
- 5. In making the design amendments required in points 1 – 4 above, the rules of thumb within State Environmental Planning Policy No. 65 must be maintained. Any shading devices proposed should be shown on the proposed plans.*
- 6. Councillors Young and Zeltzer remain of the view that the non - compliances with Council's planning controls are excessive and support the recommendation for refusal contained in the Council staff assessment report.*
- 7. The Panel requests the applicant to submit the amended plans on or before 24 November 2011. The Panel requests the Council's assessment officer to provide a supplementary report, by 9 December 2011, on the extent to which the amended plans have responded to the requirements in paragraph 1 – 5 above. The supplementary report shall also incorporate appropriate conditions of approval.*
- 8. Following receipt of the supplementary report, the Panel will determined the application by communicating by electronic means, unless it considers that new issues require a further public meeting.*
- 9. In arriving at the above decision the majority of the Panel was of the view that the SEPP Objection was well founded and that the increased setbacks would result in a lower building bulk, height and FSR.*
- 10. Although the Panel did not accept the planning report's recommendations to refuse the application, the Panel recognises that the report was professionally prepared and on a sound basis.*

In accordance with paragraph 7 of the resolution this supplementary report assesses the extent to which the amended plans have responded to the requirements in paragraph 1-5. Without prejudice draft conditions of approval are also provided.

2. AMENDED PLANS

On 24 November 2011 the following amended plans were received: DA 02B, DA 04 B, DA 05 A, DA 07 B, DA09 B.

The amendments to the residential flat building result in a change from 20 residential dwellings (18 x 2 bedrooms and 2 x 1 bedroom plus study), to 19 residential dwellings (2 x 1 bedroom plus study, 15 x 2 bedroom, and 2 x 3 bedroom plus study).

The amendments are discussed in greater detail below.

3. REFERRALS

The amended plans were referred to the following internal referral officers:

- Tom Jones – Council’s Urban Design Planner
- Nick Tomkins – Council’s Team Leader for Development Assessment, Technical Services
- Louie Salvatore – Council’s Environmental Health Officer
- Andrew Simpson – Council’s Tree Officer

The comments provided by the internal referral officers have been incorporated within the assessment, and the ‘without prejudice’ draft conditions of consent, below.

4. NOTIFICATION AND ADVERTISEMENT OF THE AMENDED PLANS

Consideration has been given to the requirements of Council’s Advertising and Notifications DCP. It was determined that in accordance with the requirements of the above DCP the amended plans are not required to be advertised or notified for the following reasons:

1. The replacement application (as defined by Clause 90 of the *Environmental Planning and Assessment Regulation 2000*) was not renotified under clause 5.1 of the DCP because, having considered clause 9 of the DCP, the replacement application is substantially the same development as the original proposal. Furthermore those persons or authorities listed under Clause 5.1, 1, parts a), b), and c) of the DCP, would not be detrimentally affected by the amendment to the proposal if carried out.
2. In forming the view that the enjoyment of land would not be detrimentally effected by the proposed amendments consideration was given to Clause 9.0, 1 (a) to (k) of the DCP. It was considered that the proposal would not detrimentally affect the enjoyment of land in relation to the criteria set out in Clause 9.0 1(a) to (k) of the DCP.

5. ASSESSMENT

In accordance with paragraph 7 of the resolution this supplementary report assesses the extent to which the amended plans have responded to the requirements in paragraph 1-5. Each requirement is assessed as follows:

1. *The removal of the external metal screen proposed along the north, south and eastern elevations of the building.*

The external metal screen has been removed from the north, south and eastern elevations of the building.

2. *Increasing the building setback from Newcastle Street to the balustrade of the balconies along the Newcastle Street length of units G.01, 1.01, 2.01 to 4m.*

The original scheme provided a balcony balustrade setback of 2.7m from Newcastle Street. The elevation of the building was setback 4.3m-4.75m from Newcastle Street.

Under the amended scheme, the previously proposed balconies have largely been omitted from the design. This is with the exception of the corner balconies (which have been retained, but setback 4m from Newcastle Street). The amended scheme results in the elevation of the building being setback 4m from Newcastle Street.

Paragraph 2 makes no reference to the deletion of the proposed balconies. It is a matter for the Joint Regional Planning Panel to determine whether the amendments maintain the intent of paragraph 2.

3. *At the third level along the Newcastle Street length of proposed unit 3.01, the floor slab shall be set back from the Newcastle Street property boundary by 4m and the building façade set back to 8m from that boundary. The current 2m deep roof overhang shall be maintained and not increased.*

At the third level along the Newcastle Street length of proposed unit 3.01, the floor slab has been set back from the Newcastle Street property boundary by 4m and the building façade has been set back to 8m from that boundary. The current 2m deep roof overhang has been maintained.

4. *The provision of a direct pedestrian access from Old South Head Road to the proposed ground level courtyard.*

A pedestrian access has been included which provides direct access from Old South Head Road to the proposed ground level courtyard.

5. *In making the design amendments required in points 1 – 4 above, the rules of thumb within State Environmental Planning Policy No. 65 must be maintained. Any shading devices proposed should be shown on the proposed plans.*

The amended plans were reviewed by Council's Urban Design Planner who provided the following comments:

Background

This application was recommended for refusal by council's officers, but approved, subject to amendment, by the JRPP

Proposal

The amended submission fulfils the requirements of the JRPP conditions of approval. The amendments do not adversely impact on the SEPP 65 performance of the proposal as outlined in the assessment previously made. The addition of a pedestrian stair link provides for greater connectivity to the neighbourhood centre.

Recommendation

In my opinion, the amendments to the proposal illustrated in the submitted drawings (noted above) fulfil the requirements of the JRPP. Those requirements being as stated in the minutes of the Sydney East Region Joint Regional Planning Panel meeting held at Woollahra Council on Thursday, 10 November 2011 at 6.00pm

The amended plans are considered to maintain the rules of thumb within State Environmental Planning Policy No. 65. Furthermore, the amended plans clearly depict sliding sun screen louvres to a number of the windows.

6. CONCLUSION

In conclusion the amended plans comply with the requirements of paragraphs 1, 3, 4, and 5. Whilst the Council is not satisfied that the amended plans maintain the intent of paragraph 2 this is a matter for the Joint Regional Planning Panel to determine.

6. RECOMMENDATION: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT the Joint Regional Planning Panel, as the consent authority, is of the opinion that the objections under *State Environmental Planning Policy No. 1 – Development Standards* to the FSR development standard, set out under Clause 11 of the Woollahra Local Environmental Plan 1995, and the height development standard, set out under Clause 12 of the Woollahra Local Environmental Plan 1995, are well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case as the proposal upholds the objectives behind the FSR and Height standards.

AND

THAT the Joint Regional Planning Panel, as the consent authority, being satisfied that the objections under SEPP No. 1 are well founded and also being of the opinion that the granting of consent to DA 215/2011/1 is consistent with the aims of the Policy, grant development consent to DA 215/2011/1 for development consisting of the following:

- Demolition:
- Demolition of the existing dwelling-house and ancillary structures at 88 Newcastle Street
- Demolition of the existing dwelling-house and ancillary structures at 94 Newcastle Street; demolition of the former St Paul's Anglican Church and former Parish Hall (Possums Pre-School) at 96 Newcastle Street; removal of existing landscaping and trees
- Retention of the existing Greek Orthodox Church at 90-92 Newcastle Street

Construction:

- Construction of a new 34 place Childcare Centre
- Construction of a new 4 storey residential flat building (RFB) comprising of 20 residential units with basement car parking; landscaping and siteworks
- Consolidation of the existing allotments into one allotment

on land at 88-96 Newcastle Street, Rose Bay 2029, subject to the following conditions:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 80 of the Environmental Planning & 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 79C 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*.

PCA means the *Principal Certifying Authority* 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 mean 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.

WLEP 1995 means *Woollahra Local Environmental Plan 1995*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,

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

Note: Interpretation of Conditions - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council. Standard Condition: A2

A.3 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp "Approved DA Plans" unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
	Acid Sulphate Soil Management Plan		
Rev. No. 20110148.1/2903 A/R3/HP	Acoustic Report – Child Care Noise Emission Assessment	Acoustic Logic	29.03.11
Rev. No. 20110148.2/2609 A/R1/HP	Operational Noise Management Plan	Acoustic Logic	26.09.11
DA 02 B DA 03 A DA 04 B DA 05 A DA 07 B DA 08 A DA 08-A A DA 09 B	Architectural Plans	Beraldo Design	11.11 05.11 11.11 05.11 Received 24.11.11 11.11 05.11 05.11 11.11
366239M	BASIX Certificate	Department of Planning	08.04.11
10/1478/DA1 1-6 E	Landscape Plan	Paul Scrivener Landscape Architect	09.09.11
Aboricultural Impact Assessment	Arborist Report	Growing my way	09.11
Ref: 71087	Geotechnical Report	Douglas Partners P/L	06.09
SW01, 02, 03, 04 Issue A	Stormwater Management Plan	Michael Ell Engineers	10.05.10
2010/041	Traffic Report	McLaren Traffic Engineering	03.11

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 80A(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 Ancillary Aspect of the Development (s80A(2) of the Act)

The owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's "Specification for Roadworks, Drainage and Miscellaneous Works" dated January 2003 unless expressly provided otherwise by these conditions at the *owner's* expense.

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

Standard Condition: A8

A.5 RTA Requirements

The following requirements, provided by the RTA, must be complied with:

- a) Off street parking associated with the proposed development (including grades, aisle widths, aisle length, turning paths, sight distance requirements, and parking bay dimensions) should be designed in accordance with AS 2890.1 -2004 and AS 2890.2 – 2002 for loading areas.
- b) The proposed development should be designed such that road traffic noise from Old South Head Road is mitigated by durable materials and complies with the requirements of Clause 102 – (Impact of road noise or vibration on no-road development) of State Environmental Planning Policy (Infrastructure) 2007.
- c) The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment (prior to the approval of any Construction Certificate). The developer is to meet the full cost of the assessment by the RTA. This report would need to address the following key issues:
 - The impact of excavation/rock anchors on the stability of the Old South Head Road and detailing how the carriageway would be monitored for settlement.
 - The impact of the excavation on the structural stability of the Old South Head Road.
 - Any other issues that may need to be addressed (Contact: Suppiah Thillainadesan on Ph: 88492114) for details.
- d) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system shall be submitted to the RTA for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management
PO Box 973
Parramatta CBD NSW 2124

A plan checking fee may be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works PH: 88492114 or Fax 8849 2766.

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

B.1 Construction Certificate required prior to any demolition

Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" pursuant to section 81A(2) of the Act. In such circumstance all conditions in Part C and Part D of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA 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 Archival records

Individual archival records of all four buildings are to be produced in accordance with NSW Heritage Office guidelines and details as per below.

A full archival record of the building and landscape elements to be demolished 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 by the NSW Heritage Office or by another suitably qualified consultant who must demonstrate a working knowledge of archival principles.

The archival record is to include:

- a) The submitted heritage report including the heritage assessment undertaken in accordance with the current guidelines of the NSW heritage office, the statement of significance, the dilapidation report and the reasons for demolition.
- b) 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.
- c) Annotated measured drawings: floor plans, roof plans, elevations and at least one cross section, each at a scale of 1:100.
- d) 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 NSW Department of Planning Heritage Branch.

The archival record must include:

- Context Photographs- A recording of each site, place or movable item or collection in its context;
- Relationship of Buildings on the Site to Each Other;
- Individual Building or Structures- Photographs of each façade with details where appropriate including but not limited to: eaves, soffits, rainwater heads, downpipes, window reveals and sills, doorways and steps, and balustrades;
- Internal Spaces- Images should be taken in a sequence to show all internal elevations, including floors and ceilings, where possible. Special attention should be placed on structural elements, fittings and any movable items.

There should be three sets of the photographic report and film materials or digital materials. 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	3 copies of photographic report – paper copy 3 CD-Rs or DVD 1 set of 10.5x14.8cm prints	<u>Woollahra Council</u> Report (paper) + CD-R or DVD + prints <u>Local History Centre</u> Report (paper) + CD-R or DVD <u>Owner/client</u> Report (paper) + CD-R or DVD
Black & White Film (plus any supplementary colour film)	3 copies of photographic report 1 set of negatives 1 sets of proof sheets and catalogue	<u>Woollahra Council</u> Report + negatives + 1st set of proof sheets <u>Local History Centre</u> Report + 2nd set of proof sheets <u>Owner/client</u> Report + 3rd set of proof sheets
Colour Transparencies or Slides	3 copies of photographic report 1 set of original transparencies and two sets of duplicates OR 3 sets of original images taken concurrently	<u>Woollahra Council</u> Report + original transparencies <u>Local History Centre</u> Report + duplicate/concurrent transparencies: <u>Owner/client</u> Report + duplicate/concurrent transparencies

Note: The NSW Heritage Office Guidelines can be downloaded free of charge from http://www.heritage.nsw.gov.au/docs/info_photographicrecording.pdf
Standard Condition: B2

B.3 Heritage Design Interpretation

A design for the interpretation of the site is to be documented and provided to Council, using the following as guidelines and incorporating information provided by Rod Howard in the submitted 'Interpretation Strategy' of May 2010. Details of the interpretation design and details are to be submitted, and approved in writing by Council's heritage officer, prior to the commencement of any work and prior to the issue of a Construction Certificate.

- The interpretation design should use the Heritage Branch's Heritage Information Series: Interpreting Heritage Places and Items, Guidelines, August 2005 as a basis for the interpretation of the site.
- The two main items of importance to be retained on site and interpreted are the two foundation stones for the former church buildings.
- The interpretation of the site should include the following measures:
 - a) Proposals for location/siting of interpretive devices and items, including detail plans and fixing methods
 - b) Opportunities for further interpretation through descriptive plaques, panels, and images, brochures and web content
 - c) Opportunities to conserve any of the fabric of the existing church building on site, such as the stained glass windows, timber beams and other decorative joinery, windows, doors bricks etc. This should include discussion of options for re-use. For example, a timber pergola or outdoor structure using existing timbers or re-use and recycling of existing bricks.
 - d) The local community should be given the opportunity to be involved and consulted regarding the retention of meaning and association on the site.

B.4 Establishment of Tree Protection Zones

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

a) Tree Protection Zone areas

Council Ref No:	Species	Location	Radius from Trunk (metres)
5	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	6
6	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	6
21	<i>Cinnamomum camphora</i> (Camphor Laurel)	88 Newcastle Street adjacent to eastern boundary	10
22	<i>Harpephyllum caffrum</i> (Wild Plum)	88 Newcastle Street adjacent to eastern boundary	5
23	<i>Syzygium paniculatum</i> (Brush Cherry)	88 Newcastle Street adjacent to eastern boundary	5
25	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	4
26	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	4

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

- b) Tree Protection Fencing shall be installed at the perimeter of the Tree Protection Zones outlined above. The Tree Protection Fence shall consist of 1.8m high temporary chain wire panels supported by steel stakes. They shall be fastened together and supported to prevent sideways movement. The fence shall have a lockable opening for access. The trees' woody roots shall not be damaged during the installation of the Tree Protection Fencing.
- c) The area within the Tree Protection Zone shall be kept free of weeds and grass, and mulched to a depth of 70mm for the duration of works.
- d) Tree Protection Signage shall be attached to each Tree Protection Zone and displayed in a prominent position. The signs shall be repeated at 10m intervals or closer where the fence changes direction. The signage shall be installed prior to the commencement of works on-site and shall be maintained in good condition for the duration of the works. Each sign shall advise the following details:-
- This fence has been installed to prevent damage to the trees and their growing environment. **Access is restricted.**
 - If access, encroachment or incursion into this Tree Protection Zone is deemed essential, prior authorisation is required by the Site Arborist.
 - Name, address, and telephone number of the developer

- e) The Tree Protection Zone shall exclude the following activities, except as amended by the following conditions:
- Excavations and trenching
 - Modification of existing soil levels
 - Cultivation of the soil
 - Mechanical removal of vegetation
 - Soil disturbance
 - Movement of natural rock
 - Storage of materials, plant or equipment
 - Erection of site sheds
 - Affixing of signage or hoarding to the trees
 - Preparation of building materials
 - Disposal of waste materials and chemicals
 - Movement of pedestrian or vehicular traffic
 - Temporary or permanent location of services, or the works required for their installation
 - Any other activities that may cause damage to the trees
- f) A padding material eg. Hessian or thick carpet underlay, is to be wrapt around the trunks of the above trees. Harwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.
- g) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
- h) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- i) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- j) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.
- k) Site personnel must be made aware of all Tree Protection requirements, measures and any actions that constitute a breach of the Conditions of Development Consent with regard to tree protection on site during their site induction.

Standard Condition: B5

B.5 Demolition and Construction Management Plan.

A Demolition and Construction Management Plan in relation to trees to be retained must be submitted to Council for further assessment. The plan must consider and make allowance for all construction operations which will be undertaken within the Tree Protection Zone of trees to be retained. In particular the plan is to include:

A construction management strategy in relation to the Class B Hoarding along Old South Head Road Newcastle Street. The strategy shall address the impact of the hoarding on Council-managed street trees.

- a) Drawings and method statement showing details of hoarding and scaffold construction. Hoarding shall not be in contact with any part of trees to be retained. There shall be no

- pruning or damage to any street tree as part of the erection, maintenance and dismantling of the hoarding;
- b) Movement of heavy machinery, lifting cranes, Pier drilling gantry etc;
- c) How trees will be protected from storage and movements of materials;
- d) Site construction access, temporary crossings and movement corridors on the site defined;
- e) Contractors carparking;
- f) Phasing of construction works;
- g) The space needed for all foundation excavations and construction works;
- h) All changes in ground level;
- i) Space for cranes, plant, scaffolding and access during works;
- j) Space for site sheds, temporary latrines (including any drainage) and other temporary structures;
- k) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete and
- l) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.
- m) The Construction Management Plan shall be prepared in conjunction with a consultant Arborist with minimum qualifications of Level 5 under the Australian Qualification Framework.

B.6 Arborists Periodic Site Inspection and Log

To ensure the condition and health of existing trees are maintained an arboricultural log book for the subject property is to be prepared by a qualified arborist and retained by the site foreman. Details of the arborists site inspection are to be recorded in the log during each visit. At each site visit the arborist must check and monitor the condition of existing trees and compliance with approved protection measures or recommend action to improve site conditions. As a minimum the following intervals of site inspections by a qualified arborist must be made.

Stage of arboricultural inspection	Minimum considerations at each stage	Additional visits required determined by arborist notes/comments
Prior to the demolition of any building or construction.	Correct installation of Tree Protection Zone barriers.	Make additional site visits as deemed necessary for ongoing monitoring/supervisory work.
During development work.	Tree Preservation and approved works are complied with. Monitor condition of trees.	Visit site at two week intervals to monitor condition of protected trees.
Prior to the issue of a Final Occupation Certificate.	Supervise the dismantling of tree protection measures.	Make additional site visits as deemed necessary for ongoing monitoring of tree vigour.

B.7 Hazardous Materials

Prior to the execution of demolishing works, that a Hazardous Building Materials Assessment being undertaken of the building in accordance with NSW WorkCover requirements identifying all hazardous materials forming part of the building structure. Any hazardous materials identified must be reported to Council accompanied with predetermined clean-up objectives for the removal and disposal of such materials.

B.8 Noise Objectives during demolishing 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 *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

B.9 Protection of the Environment Operations Act 1997

During demolishing works, no equipment, building materials or other articles are to be used or placed in a manner on or off the site that will cause or likely to cause a 'pollution incident' as defined under the Protection of the Environment Operations Act 1997.

C. Conditions which must be satisfied prior to the issue of any construction certificate

C.1 Approval of finishes

To ensure a satisfactory streetscape presentation, prior to the approval of the construction certificate, a sample board of the external finishes and materials shall be provided to and approved in writing by Council staff.

C.2 Modification of details of the development (s80A(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:

Acoustics

To ensure an adequate level of acoustic privacy is maintained to the neighbouring properties:

- a) Boundary fencing to the northern and eastern boundaries shall be installed in accordance with Option 1 as detailed in section 6.1 of the Child Care Centre Noise Emission Assessment Acoustic Report, prepared by Acoustic Logic Consultancy with Reference: 20110148.1/2903A/R3/HP, dated 29.03.11. The design of the acoustic boundary fence must be prepared in conjunction with a consultant Arborist (with minimum qualifications of Level 5 under the Australian Qualification Framework) to ensure that the boundary fencing would not unreasonably impact upon the trees to be retained within and adjoining the subject site.
- b) Hard paved areas and pathways within the children's play area should be covered with a rubberised material to minimise ground impact noise.
- c) Elevated children's climbing equipment should be restricted to a maximum height of 1m above ground level to prevent noise from escaping from the play area.
- d) The rear bi-fold doors of studios 1 and 2 shall be a minimum of 6mm thick.
- e) The main entry door and all gates to the outdoor play area are to be fitted with automatic closers in accordance with Child Safety Regulations. Where possible within those Regulations, the automatic closers are to be adjusted to minimise door/gate impact noise as much as possible.

Basement car park

To ensure a satisfactory car parking arrangement is provided:

- f) The underground car park structure is to be tanked to prevent the continual drawdown of sub surface/seepage water.
- g) The internal ramp is to be widened to accommodate two way traffic to comply with AS2890.1.

Trees

To ensure a satisfactory impact upon the existing trees on and adjacent to the subject site, and to maintain sufficient landscaping:

- h) The rubberised soft fall material in the play area of the childcare centre within Zone A shall be deleted. With the exception of the sand pit and timber decking, the surface of the play area within the rear of the childcare centre shall be turfed.
- i) The sandpit in the rear of the childcare centre shall be relocated to north-western corner of the play area. Excavations for the sand pit shall not be undertaken closer than 8m from the base of Tree 21.
- j) The details of the construction management strategy prepared in relation to the Class B Hoarding along Old South Head Road Newcastle Street, approved under condition B.5 of this consent shall be detailed on the construction certificate plans. The hoarding shall not be in contact with any part of trees to be retained. There shall be no pruning or damage to any street tree as part of the erection, maintenance and dismantling of the hoarding.
- k) The area to the front (west) of unit G.01 shall comprise of soft landscaping.

Views

To ensure the proposal retains an adequate level of views to the neighbouring properties:

- l) No approval is granted for any lift overruns, or services located upon the roof of the residential flat building.

Fences

To ensure a satisfactory streetscape outcome:

- m) The fence to Newcastle Street (to the western boundary) located above the existing sandstone wall shall be a maximum height of 1.5m as measured from the Newcastle Street pavement.
- n) The fence to Old South Head Road (to the south eastern boundary) shall be a maximum height of 1.5m as measured from the Old South Head Road pavement.

Child Care Centre

- o) The child care centre must have at least 7sqm of useable outdoor play space per child.
- p) The outdoor play area must be adequately shaded in accordance with guidelines published by the New South Wales Cancer Council under the title Shade for Child Care Services.
- q) The child care centre must have separate facilities (including a sink, bench top and lockable cupboard) for use in craft activities.
- r) The sanitary facilities must comply with the requirements for class 9b buildings (Early childhood centres) of clause F2.3 of the Building Code of Australia. Table F2.3—9b provides that for every 15 children or part thereof there must be a junior toilet or adult toilet with a firm step and a junior seat one hand basin with a rim height not exceeding 600mm.

- s) Appropriate waste storage facilities being provided on the premises, sufficiently sized so as to store the waste generated by the proposed use with allowance for separation of putrescible waste from recyclables. Council's Waste Services Section be contacted as to the appropriate size and location of the proposed waste storage facility.

Heritage

- t) Construction plans must include the recommendations of the approved heritage interpretation design required by condition B.3 of this consent.

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 79C 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.3 Payment of Security, Levies and Fees (Section 80A(6) and Section 94 of the Act, Section 608 of the Local Government Act 1993)

The certifying authority must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a *construction certificate, subdivision certificate or occupation certificate*, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY			
under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use online calculator	No	
SECURITY			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit -making good any damage caused to any property of the <i>Council</i>	\$185,896.00	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	\$ 36,200.00	No	T114
Infrastructure Works Bond -completing any public work required in connection with the consent.	\$79,000.00	No	T113
DEVELOPMENT LEVY			
under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au .			
Development Levy (Section 94A)	\$101,142.80 + Index Amount	Yes, quarterly	T96
INSPECTION FEES			
under Section 608 of the Local Government Act 1993			
Public Tree Management Inspection Fee	\$166.00	No	T45
Public Road/Footpath Infrastructure Inspection Fee	\$420.00	No	
Security Administration Fee	\$180.00	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$403,004.80 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 Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.lspc.nsw.gov.au/> or the Long Service Payments Corporation on 13 14 41.

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 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 s.94A levy.

Do you need HELP indexing the levy?

Please contact our customer service officers. Failure to correctly calculate the adjusted development levy will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

Deferred periodic payment of section 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 94A 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 this plan; and
- Whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

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

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

Any deferred or outstanding component of the section 94A levy will be adjusted in accordance with clause 3.13 of the plan. The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid. Standard Condition: C5

C.4 BASIX commitments

The *applicant* must submit to the *Certifying Authority* *BASIX Certificate* No. 366239M with any application for a *Construction Certificate*.

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

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

Note: Clause 145(1)(a1) of the *Environmental Planning & Assessment Regulation* 2000 provides: "A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,"
Standard Condition: C7

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

Pursuant to Clause 143A of the *Regulation* a *Certifying Authority* must not issue a *Construction Certificate* for residential flat development unless the *certifying authority* has received a *design verification statement* from a *qualified designer*, being a statement in which the *qualified designer* verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of SEPP 65: Design Quality of Residential Flat Development.

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

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

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

Standard Condition: C11

C.6 Road and Public Domain Works – Council approval required

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and approved by Council prior to the issuing of a *Construction Certificate* for the following infrastructure works, which must be carried out at the applicant's expense:

Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to **Council's Development Engineer** and approved by *Council*.

Road & Footpath

- Full width vehicular crossings for the Child Care (No.88) and Residential Centres (No.s 94, 96) to be 5.5m width including new layback and gutter in accordance with Council's standard drawing RF2B.
- Removal and replacement of the existing footpath for the full width of the property in accordance with Council's standard drawing RF3.
- Removal of all driveway crossings and kerb laybacks which will be no longer required.
- Replacement of the Kerb & Gutter outside the Church (No.s 90, 92) in accordance with Council's standard drawing RF3
- Reinstatement of footpath, kerb and gutter to match existing.
- 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.

Drainage

- Construction of a standard gully pit in the kerb fronting the subject site in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- Construction of approximately 48m of 375mm RCP in-ground drainage line under the kerb and gutter at standard depth. The line must connect the existing gully pit located downstream of the Child Care centre.
- The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

Bond

- A bond of **\$79,000** will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original and not have an expiry date.
- 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.
- The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements

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

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

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

Note: See condition K24 in *Section K. Advising*s of this Consent titled *Roads Act Application*.
Standard Condition: C13

C.7 Waste Storage - Commercial

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

- a) A dedicated and enclosed waste and recycling storage area behind the building line of the child care centre.

Standard Condition: C14

C.8 Waste Storage - Residential Units (more than four units)

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

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

Standard Condition: C17

C.9 Utility Services Generally

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

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

Note: Where adequate provision has not been made for an electrical sub-station within the building, this may necessitate the lodgement of an application to amend this consent under section 96 of the Act to detail the location, landscape/streetscape impacts and compliance with AS2890 as applicable.

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

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

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

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

Note: This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main, such that clause 25(1) of WLEP 1995 be satisfied. Further, leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest
Standard Condition: C20

C.10 Provision for Energy Supplies

The applicant must provide to the *Certifying Authority* a letter from 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 a section 96 application 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 set back 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 set back 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 set back 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 are not to 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 96 of the *Act* to allow assessment under section 79C of the *Act*.

Note: Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set)-2004 Parking Facilities Set whether such driveways service the site or any adjoining land.
Standard Condition: C21

C.11 Tree Management Details

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation* must, show the following information;

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

Standard Condition: C30

C.12 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, hydro-geological, 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.13 Geotechnical and Hydrogeological Design, Certification & 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 preset acceptable limits for peak particle velocity and ground water fluctuations;
 - Details recommended hold points to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - Details a contingency plan.

Standard Condition: C40

C.14 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 Councils web-site <http://www.woollahra.nsw.gov.au>. 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.15 Parking Facilities

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

- The base of the proposed driveway ramp must be widened to accommodate two way traffic flows in accordance with AS2890.1
- Access levels and grades must comply with access levels and grade required by Council under the *Roads Act* 1993.

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

C.16 Stormwater management plan Clause 25(2) WLEP 1995)

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 the stormwater disposal concept plan prepared by Michael Ell Sheet No SW01, 02, 03, 04 dated Issue A 10.05.10 other than amended by this and other conditions
 - 2 discharge points to the kerb in Newcastle Street are to be connected to a new underground pipeline
 - The direct connection to Council's underground pipeline in Newcastle Street via new pit in kerb and approx 48m of 375mm dia RCP to the existing pit located near the northern boundary of No 88 Newcastle St. All works are to be to Council's specification.
 - Subsoil drainage around the outside of the underground carpark is not permitted as the structure is to be tanked to prevent the continual drawdown of sub surface water
- b. compliance the objectives and performance requirements of the BCA;
- c. any rainwater tank required by BASIX commitments including their overflow connection to the *Stormwater Drainage System*, and
- d. general compliance with the Council's draft Development Control Plan Stormwater Drainage Management (draft version 1.1, public exhibition copy dated 14/12/2006) and
- e. on-site stormwater detention ("OSD").

OSD Requirements

The minimum (OSD) Site Storage Requirements (“SSR”) and the Peak Site Discharge (“PSD”) from the site must be in accordance with the following minimum storage/discharge relationships based upon a 1000m² site area:

Average Reoccurrence Interval	PSD L/s	Minimum Site Storage Requirement (SSR) m ³
2 year	23.5 L/s	4m ³
100 year	34 L/s	25m ³ – Dwelling House 27m ³ – Residential Flat Building 29m ³ – Other Development
All values based on per 1000m ² site area (interpolate to site area).		

Where a rainwater tank is proposed in conjunction with OSD, the volume of the rainwater tank may contribute to the SSR as follows:

- i. Where the rainwater tank is used for external uses only, 40% of the rainwater tank volume to a maximum of 4m³ or
- ii. Where the rainwater tank is used for external and internal uses, 75% of the rainwater tank volume to a maximum of 7.5m³.

Example: The Site Storage Requirements may be 25,000 litres and a 10,000 litre rainwater tank is to be used for garden irrigation. Therefore, the rainwater tank contributes 4,000 litres toward SSR. Therefore, the OSD tank needs to be 21,000 litres (25,000 litres less the 4,000 litres allowance). Note: 1m³ = 1,000 litres.

The *Stormwater Management Plan* must 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:

- All pipe layouts, dimensions, grades, lengths and material specification,
- Location of On-Site Detention,
- All invert levels reduced to Australian Height Datum (AHD),
- Location and dimensions of all drainage pits,
- Point and method of connection to Councils drainage infrastructure, and
- Overland flow paths over impervious areas.

On-site Detention (OSD) details:

- Any potential conflict between existing and proposed trees and vegetation,
- Internal dimensions and volume of the proposed detention storage,
- Diameter of the outlet to the proposed detention storage basin,
- Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures,
- Details of access and maintenance facilities,
- Construction and structural details of all tanks and pits and/or manufacturer’s specifications for proprietary products,

- Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the on-site detention system,
- Non-removable fixing details for orifice plates where used,

Copies of certificates of title, showing the creation of private easements to drain water by gravity, if required.

Subsoil Drainage - Subsoil drainage details, clean out points, discharge point.

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

Standard Condition: C51

C.17 Amended Stormwater Drainage Plan (Tree Protection)

The Stormwater Management Plan reference SW 01, 02, 03, 04 Issue A, prepared by Michael Ell Engineers, dated 10 May 2010, shall be amended to conform to the Conditions of this Development Consent. The amended stormwater plan must detail:

- a) The excavations required for the installation of sewer pipes, storm water pipes and stormwater drainage pits, which are positioned within the Tree Protection Zone of trees to be retained are to be undertaken by hand.
- b) The plan must maintain the following distances between existing trees within and adjoining the subject property, and the location of proposed underground services.

Council Ref No:	Species	Location	Radius from Trunk (metres)
5	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	4
6	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	4
21	<i>Cinnamomum camphora</i> (Camphor Laurel)	88 Newcastle Street adjacent to eastern boundary	8
22	<i>Harpephyllum caffrum</i> (Wild Plum)	88 Newcastle Street adjacent to eastern boundary	2
23	<i>Syzygium paniculatum</i> (Brush Cherry)	88 Newcastle Street adjacent to eastern boundary	3
25	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	4
26	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	4

- c) Where it is unavoidable for underground services to pass within the specified radius of the following trees, the installation of underground services must kept together and a trenchless technique employed to minimise tree root disturbance. Detailed plans showing the proposed routeing must be prepared in conjunction with a qualified arborist.

C.18 Carpark Ventilation & General Ventilation

1. The basement car park proposing to accommodate 43 car parking spaces, in which vehicles powered by internal combustion engines are parked is required to comply with Section 4 'Ventilation Of Enclosures Used By Vehicles With Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.
2. The basement car park must be naturally ventilated or provided with a combination of both supply and exhaust mechanical ventilation. The applicant is to determine the method of ventilation of the basement car park and provide details to the Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the 43 vehicle basement car park shall be mechanically ventilated by a combination of general exhaust with flow rates in accordance with Clause 4.4.2, and supply with flow rates specified in Clause 4.8 of Australian Standard 1668.2-1991.

C.19 Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

Note: Clause 98 of the *Regulation* requires compliance with the *BCA*. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *Regulation* details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the *Construction Certificate* application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act 1997* have overriding effect if offensive noise or odour arises from the use. Applicant's must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#).

Standard Condition C59

C.20 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

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

Where sound attenuation is required this must be detailed.

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

1. **Australian Acoustical Society**—professional society of noise-related professionals (www.acoustics.asn.au/index.php).
 2. **Association of Australian Acoustical Consultants**—professional society of noise related professionals (www.aaac.org.au).
- Standard Condition: C62

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 80A (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*,
- b) to the erection of a temporary building.

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

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

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: D1

D.2 Dilapidation Reports for existing buildings

Dilapidation surveys must be conducted and dilapidation reports prepared by a *professional engineer* (structural) of all buildings on land whose title boundary abuts the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration.

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

- a. 458 Old South Head Road

The dilapidation reports must be completed and submitted to *Council* with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by s81A(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Standard Condition: D4

D.3 Adjoining buildings founded on loose foundation materials

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

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

Standard Condition: D6

D.4 Construction Management Plan

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

A construction management plan must be submitted and approved by Council's Development Engineer. Staff at Waverly Council must be consulted during the preparation of the Construction Management Plan. The plan must:-

- a) Describe the anticipated impact of the demolition, excavation and construction works on:
 - Local traffic routes
 - Pedestrian circulation adjacent to the building site
 - On-street parking in the local area
- b) Describe the means proposed to:
 - Manage construction works to minimise such impacts,
 - Provide for the standing of vehicles during construction,
 - Provide for the movement of trucks to and from the site, and deliveries to the site
- c) Show the location of:
 - Any site sheds and any anticipated use of cranes and concrete pumps,
 - Any areas of Council property on which it is proposed to install a Works Zone (Construction Zone)
 - Structures to be erected such as hoardings, scaffolding or shoring
 - Any excavation

- d) Describe the excavation impact on the area including
- Number and types of trucks to be used
 - Time frame
 - Streets to be used
 - Routes to be taken
 - Directions of travel
 - Truck storage areas
 - It is recommended that vehicle routes be shared
 - Excavation is to only be carried out outside peak and school hours between 9.30am to 2.30pm week days
- e) Protect Trees, Bushland and Public Open Space:
- Show the location of all Tree Protection (Exclusion) Zones as required within the conditions of this development consent.

The Plan must make provision for all materials, plant, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding, shoring or excavation need separate approval from Council. Standing of cranes and concrete pumps on Council property will need approval on each occasion.

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.5 Works (Construction) Zone – Approval & Implementation

A works zone is required for this development. The *principal contractor* or *owner* must apply for a works zone. If the works zone is approved the *principal contractor* or *owner* must pay all fees for and implement the required works zone before commencement of any work.

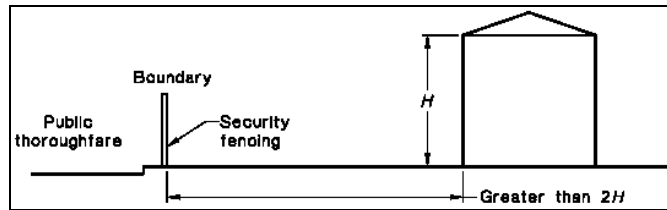
The *principal contractor* must pay all fees associated with the application and occupation and use of the road as a works zone. All works zone signs must have been erected by Council to permit enforcement of the works zone by Rangers and Police before commencement of any work. Signs are not erected 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 Traffic Authority under Section 50 of the *Transport Administration Act 1988*.

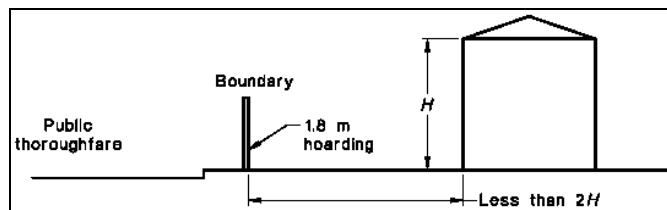
Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The principal contractor must report any breach of the works zone to either Council or the NSW Police Service.
Standard Condition: D10

D.6 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 1.8 m adjacent to the thoroughfare.

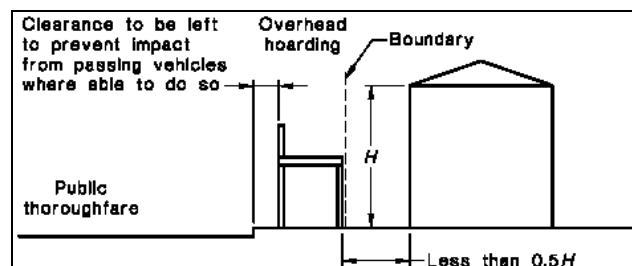


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either:

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

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

- Extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- Have a clear height above the footpath of not less than 2.1 m;
- 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 0.5 m above the platform surface; and
- Together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The *principal contractor* or *owner builder* must 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 WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995. This can be downloaded from:
<http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/oheadprotstr ucts.htm>.

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.7 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 80A (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 certifying authority 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 116G of the *Act*, to comply with the technical provisions of the State's building laws."

Clause 227A of the *Regulation* provides:

Signs on development sites

If there is a person who is the PCA 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 *PCA* 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.8 Toilet Facilities

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

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

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

In this condition:

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

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

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

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

Note: This condition does not set aside the requirement to comply with Workcover NSW requirements.
Standard Condition: D13

D.9 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*” published by the NSW Department of Housing 4th Edition” (‘The Blue Book’).

Where there is any conflict The Blue Book takes precedence.

Note: The International Erosion Control Association – Australasia (<http://www.austieca.com.au/>) lists consultant experts who can assist in ensuring compliance with this condition. Where 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” publications can be down loaded free of charge from www.woollahra.nsw.gov.au.

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.10 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) 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 certifying authority for the building work, and
 - Notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- c) the principal certifying authority 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 certifying authority 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 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 109H 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 82A(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, *PCA Service Agreement* and *Notice of Commencement* forms can be downloaded from Council's website www.woollahra.nsw.gov.au.

Note: It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 81A(2) of the *Act*.

Standard Condition: D15

D.11 Notification of Home Building Act 1989 requirements

- a) For the purposes of section 80A (11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - In the case of work for which a *principal contractor* is required to be appointed:
 - the name and licence number of the principal contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
 - In the case of work to be done by an owner-builder:
 - the name of the owner-builder, and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

Standard Condition: D17

D.12 Establishment of boundary location, building location and datum

Prior to the commencement of any work the principal contractor or owner builder must ensure that a surveyor registered under the *Surveying Act 2002* sets out:

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

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

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

Standard Condition: D18

E. Conditions which must be satisfied during any development work

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

For the purposes of section 80A (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,
- 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—1991: The Demolition of Structures, published by Standards Australia, and as in force at 1 July 1993.

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. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the *PCA* 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 Certifying Authority..

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 PCA, any PCA service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the *Act*. *critical stage inspections* means the inspections prescribed by the *Regulations* for the purposes of section 109E(3)(d) of the *Act* or as required by the PCA and any PCA Service Agreement.

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

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

Standard Condition: E5

E.6 Hours of Work –Amenity of the neighbourhood

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

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

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

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

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

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

Note: EPA Guidelines can be down loaded from <http://www.epa.nsw.gov.au/noise/nglg.htm> .

Note: see http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf
Standard Condition: E6

E.7 Public Footpaths – Safety, Access and Maintenance (Apply to all development)

The *principal contractor* or *owner builder* and any other person acting with the benefit of this consent must:

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

This condition does not apply to the extent that a permit or approval exists under the section 73 of the *Road Transport (Safety and Traffic Management) Act 1999*, section 138 of the *Roads Act 1993* or section 94 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 to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

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

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.”

- c. Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.
Standard Condition: E7

E.8 Tree Preservation

All persons must comply with Council's *Tree Preservation Order* ("the TPO"), other than where varied by this consent. The order applies to any tree, with a height greater than 5 metres or a diameter spread of branches greater than 3 metres, is subject to Council's Tree Preservation Order unless, exempted by specific provisions. Works to be carried out within a 5 metre radius of any tree, subject to the Tree Preservation Order, require the prior written consent of Council.

General Protection Requirements:

- a) Unless specified in this Consent, there must be no excavation or *work* within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all *development work*.
- b) Roots with a diameter equal to or greater than 30mm which are located within the Tree Protection Zones of trees to be retained must not be damaged or severed. A qualified Arborist (minimum AQF Level 5) must inspect and note all exposed roots. Excavation must only recommence when the Arborist is satisfied works can be achieved in accordance with the Conditions in this Development Consent.
- c) Any damage to above or below parts of the tree must be inspected by the Site Arborist. The *principal contractor* must immediately implement treatment as directed by the arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.
- d) No tree pruning shall be undertaken as part of these works.

Standard Condition: E8

E.9 Tree Preservation & Approved Landscaping Works

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

- a) The following trees must be retained

- Trees on Private Land

Council Ref No	Species	Location	Dimension (metres)
21	<i>Cinnamomum camphora</i> (Camphor Laurel)	88 Newcastle Street adjacent to eastern boundary	16 Height x 15 crown spread
22	<i>Harpephyllum caffrum</i> (Wild Plum)	88 Newcastle Street adjacent to eastern boundary	8 Height x 5 crown spread
23	<i>Syzygium paniculatum</i> (Brush Cherry)	88 Newcastle Street adjacent to eastern boundary	8 Height x 5 crown spread

25	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	10 Height x 3 crown spread
26	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	10 Height x 3 crown spread

• Trees on Council Land

Council Ref No	Species	Location	Dimension (metres)	Tree Value
1	<i>Hibiscus tileaceus</i> (Cottonwood tree)	Road reserve Newcastle Street	5 Height x 5 crown spread	2200.00
2	<i>Hibiscus tileaceus</i> (Cottonwood tree)	Road reserve Newcastle Street	5 Height x 5 crown spread	2200.00
4	<i>Hibiscus tileaceus</i> (Cottonwood tree)	Road reserve Newcastle Street	5 Height x 5 crown spread	2200.00
5	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	12 Height x 11 crown spread	14,800.00
6	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	12 Height x 11 crown spread	14,800.00

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

b) The following trees may be removed:

Council Ref No	Species	Location	Dimension (m)
3	<i>Hibiscus tileaceus</i> (Cottonwood tree)	Road reserve Newcastle Street	5 Height x 5 crown spread
7	<i>Schinus molle var. areira</i> (Peppercorn Tree)	Within rear of church	5 Height x 7 crown spread
8	<i>Syzygium paniculatum</i> (Brush Cherry)	Within rear of 94 Newcastle Street	5 Height x 5 crown spread
9	<i>Olea europea var. africana</i> (African Olive)	Within rear of church	4 Height x 5 crown spread
10	<i>Cupressus spp</i> (Cypress Pine)	Within church, southern corner	5 Height x 2 crown spread
11	<i>Cupressus spp</i> (Cypress Pine)	Within church, southern corner	5 Height x 2 crown spread
12	<i>Olea europea var. africana</i> (African Olive)	Within church, Newcastle Street frontage	4 Height x 5 crown spread
13	<i>Grevillea robusta</i> (Silky Oak)	Adjacent to brick garage of 94 Newcastle	13 Height x 9 crown spread
14	<i>Celtis sinensis</i> (Chinese Nettle Tree)	Adjacent to brick garage of 94 Newcastle	8 Height x 8 crown spread

15	<i>Celtis sinensis</i> (Chinese Nettle Tree)	Adjacent to brick garage of 94 Newcastle	8 Height x 8 crown spread
16	<i>Camellia sp.</i> (Camellia)	88 Newcastle Street, northern boundary	4 Height x 5 crown spread
18	<i>Lophostemon confertus</i> (Brush Box)	88 Newcastle Street, northern boundary	8 Height x 6 crown spread
19	<i>Eucalyptus sp.</i> (Gum tree)	88 Newcastle Street, northern boundary	12 Height x 10 crown spread
20	<i>Celtis sp.</i> (Celtis)	88 Newcastle Street, rear	8 Height x 5 crown spread

Note: The tree/s that may be removed should appear coloured red on the construction certificate plans.

E.10 Replacement trees which must be planted

The following replacement trees must be planted to ensure the preservation of the landscape character of the area. Areas for future planting must be plotted on the submitted landscape or architectural plans. These trees must be protected from direct and indirect damage such as grade alterations and soil compaction.

Any replacement plant is to be maintained in a healthy and vigorous condition until it is protected by Council's Tree Preservation Order. If the replacement plant is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council's 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 or Size of Tree (@ time of planting)	Minimum Dimensions at Maturity
As detailed within Planting Plans Sheets 3 and 5 prepared by Paul Scrivener Landscape Architect, dated 09.09.11			
All replacement trees are to be NATSPEC grown.			

E.11 Level changes in the vicinity of trees

No level changes are to occur within the specified radius from the trunks of the following trees to allow for the preservation of their root zones.

Council Ref No:	Species	Location	Radius from Trunk (metres)
5	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	4
6	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	4
21	<i>Cinnamomum camphora</i> (Camphor Laurel)	88 Newcastle Street adjacent to eastern boundary	8
22	<i>Harpephyllum caffrum</i> (Wild	88 Newcastle Street	2

	Plum)	adjacent to eastern boundary	
23	<i>Syzygium paniculatum</i> (Brush Cherry)	88 Newcastle Street adjacent to eastern boundary	3
25	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	4
26	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	4

E.12 Hand excavation within tree root zones

Excavation undertaken within the specified radius from the trunks of the following trees must be hand dug using non-motorised hand tools only. Roots with a diameter equal to or greater than 30mm are to be retained, protected and not damaged. Mechanical excavation is permitted beyond this radius.

All root pruning is to be undertaken by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

All roots pruned must be recorded in the Arborist Periodic Site Inspection Log. The likely impact on the tree resultant from the root pruning must also be stated.

Roots exposed during excavation must be covered with a mulch or geotextile fabric. Exposed roots shall also be watered to prevent drying out.

Council Ref No:	Species	Location	Radius from Trunk (metres)
5	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	4
6	<i>Eucalyptus sp.</i> (Gum tree)	Road reserve Old South Head Road	4
21	<i>Cinnamomum camphora</i> (Camphor Laurel)	88 Newcastle Street adjacent to eastern boundary	8
22	<i>Harpephyllum caffrum</i> (Wild Plum)	88 Newcastle Street adjacent to eastern boundary	2
23	<i>Syzygium paniculatum</i> (Brush Cherry)	88 Newcastle Street adjacent to eastern boundary	3
25	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	4
26	<i>Syagrus romanzoffianum</i> (Cocos Palm)	Within 460 Old South Head Road	4

E.13 Maintenance of Environmental Controls

The *principal contractor* or *owner builder* must ensure that the following monitoring, measures and controls are maintained:

- Erosion and sediment controls,
- Dust controls,
- Dewatering discharges,
- Noise controls;
- Vibration monitoring and controls;

f) Ablutions;

Note: See http://www.epa.nsw.gov.au/small_business/builders.htm for additional information.
Standard Condition: E11

E.14 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.15 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 & 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 (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.

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.16 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 Certifying Authority* 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 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 section 88K of the Conveyancing Act 1919.

Standard Condition: E14

E.17 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*” published by the NSW Department of Housing 4th Edition (“*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.18 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.19 Placement and use of Skip Bins

The *principal contractor* or *owner builder* must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 94 of the *Local Government Act* 1993 to place the waste storage container in a public place, and
- b) Where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation* 1999.

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

Standard Condition: E21

E.20 Prohibition of burning

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

Note: Pursuant to the *Protection of the Environment Operations (Control of Burning) Regulation 2000* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.
Standard Condition: E22

E.21 Dust Mitigation

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

This generally requires:

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

Note: “*Dust Control - Do it right on site*” can be down loaded free of charge from Council’s web site www.woollahra.nsw.gov.au or obtained from Council’s office.

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

Note: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
Standard Condition: E23

E.22 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* dated January 2003.

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 down loaded free of charge from Council’s website www.woollahra.nsw.gov.au
Standard Condition: E24

E.23 Soil Removal

Any disposal of soil from the site, such soil must be classified in accordance with the provisions of both the Protection of the Environment Operations Act 1997 and the NSW EPA Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

E.24 Soil Classification (Acid Sulfate Soils)

Prior to any off-site disposal of excavated soils, such soils must be classified on the basis of soil quality in accordance with the DECCW Waste Classification Guidelines 2009 for disposal at an appropriately licensed landfill facility.

E.25 Classification of imported soils

Imported soils onto the site for the purpose of back-filling and re-instatement of excavated areas must be validated in accordance with NSW EPA Sampling Design Guidelines (1995) with appropriate documentation classifying the imported material suitable and compatible with the intended land use.

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Occupation Certificate (section 109M 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 109H (4) 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 Childcare Centre-Children's Services Regulation 2004

Full compliance with the requirements of the Children's Services Regulation 2004:

Part 3 Licence conditions – facilities and equipment requirements

- Division 1 Facilities
- Division 2 Equipment
- Division 3 General

Part 4 Licence conditions – staffing requirements

- Division 1 Staff (Part 54 – Cooking staff)

Part 6 Licence conditions – operational requirements

- Division 1 General (Part 68- Food and nutrition) & (Part 70- Storage of dangerous substances and equipment)

Additional Considerations

Some of the other important requirements relating to the childcare facility are:

- A room or an area that is used only for sleeping for children under 2 years of age.

- The premises of a centre based children's service must have at least 3.25sqm of unencumbered indoor play space per child.
- The premises of a centre based children's service must have at least 7sqm of useable outdoor play space per child.
- The outdoor play area must be adequately shaded in accordance with guidelines published by the New South Wales Cancer Council under the title Shade for Child Care Services.
- The premises of a centre based children's service must have separate facilities (including a sink, bench top and lockable cupboard) for use in craft activities.
- Childcare Centres serving meals have been identified under the ANZFA priority classification system as P1 (high risk) requiring a minimum of two (2) inspections per year, this inspection frequency may be varied based on business performance.
- Sanitary facilities must comply with the requirements for class 9b buildings (Early childhood centres) of clause F2.3 of the Building Code of Australia. Table F2.3—9b provides that for every 15 children or part thereof there must be a junior toilet or adult toilet with a firm step and a junior seat one hand basin with a rim height not exceeding 600mm.
- A bench type baby bath must be provided on the premises for children aged under 3 years in accordance with Table F2.3-9b of the Building Code of Australia.
- Appropriate waste storage facilities being provided on the premises, sufficiently sized so as to store the waste generated by the proposed use with allowance for separation of putrescible waste from recyclables. Council's Waste Services Section be contacted as to the appropriate size and location of the proposed waste storage facility.
- No amplification equipment, musical instruments and the like being permitted to be used in any outdoor play areas.
- The external play activity areas shall be continuously supervised in accordance with the Department of Community Services guidelines and the children encouraged to play and participate in quiet activities to ensure compliance with the required noise criteria.
- The childcare centre shall incorporate a system for logging complaints in relation to noise arising from the childcare centre so that such related complaints can be responded to and actioned upon.
- The complaint logging system shall be kept on the premises and made available when required by Council staff.

F.3 Licence to operate childcare centre

The applicant is to obtain a license to operate a child care centre from the Department of Community Services (DoCS) and must submit full scale plans to DoCS and satisfy licensing requirements. (The contact point for information is the Children's Services Advisor for DoCS South Eastern Region on 9245 1666.)

F.4 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.

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

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

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

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

Note: In this condition:

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

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

new building has the same meaning as it has in section 109H of the Act.

Standard Condition: F4

F.5 Amenity Landscaping

The *owner* or *principal contractor* must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

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

Standard Condition: F6

F.6 Commissioning and Certification of Systems and Works

The *principal contractor* or *owner builder* must submit to the satisfaction of the *PCA* works-as-executed ("WAE") plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the *BCA* confirming that the *works*, as executed and as detailed, comply with the requirement of this consent, the *Act*, the *Regulations*, any relevant *construction certificate*, the *BCA* and relevant *Australian Standards*.

Works-as-executed ("WAE") plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the *BCA* must include but may not be limited to:

- a) Certification from the supervising professional engineer that the requirement of the Geotechnical / Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b) All flood protection measures.
- c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1 – "Off-Street car parking."
- d) All stormwater drainage and storage systems.
- e) All mechanical ventilation systems.

- f) All hydraulic systems.
- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifying Authority 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 executed is maintained.

Note: The *PCA* 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 *PCA* must submit to Council, with any *Occupation Certificate*, copies of works-as-executed (“WAE”) plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the *BCA* upon which the *PCA* has relied in issuing any *Occupation Certificate*.

Standard Condition: F7

F.7 Commissioning and Certification of Public Infrastructure Works

The *principal contractor* or *owner builder* must submit, to the satisfaction of Woollahra Municipal 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* dated January 2003.

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.8 State Environmental Planning Policy 65 – Design Verification Statement

Pursuant to clause 154A of the *Regulation* a *Certifying Authority* must not issue an *Occupation Certificate* to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a *qualified designer*, being a statement in which the *qualified designer* verifies that the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

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

Note: Qualified designer means a person registered as an architect in accordance with the *Architects Act 1921*.

Standard Condition: F10

F.9 Street Numbering

The development must be provided with street and sole occupancy unit numbers determined by Council. This condition has been imposed to ensure that emergency services, utility services, and the general public are able to clearly and readily locate any property. Further, this condition has been imposed to protect the integrity of street numbering and land information.

Note: Applications for the allocation of street and sole occupancy unit numbers should be made together with any application for a strata certificate or Torrens or community title subdivision certificate. Council will

determine at its discretion in accordance with its policy street numbers and street addresses that best suit the public interest.
Standard Condition: F11

F.10 Letter Box(es)

All letter boxes must be constructed and located in accordance with AS/NZS 4253:1994 Mailboxes and to Australia Post's satisfaction.

Note: This condition has been imposed to ensure that mail can be delivered to occupiers of the site.
Standard Condition: F12

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

G.1 Electricity Substations – Dedication as road and/or easements for access

If an electricity substation, is required on the site the owner must dedicate to the appropriate energy authority (to its satisfaction), free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors are not to intrude onto the public road (footway or road pavement).

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

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

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

Standard Condition: G4

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(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 *PCA* a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works 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 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in accordance with the *Roads Act 1993* approvals and comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated January 2003 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 80A(6) of the Act will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the *Final Occupation Certificate* to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
Standard Condition: H13

H.3 Dilapidation Report for public infrastructure works

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

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

The dilapidation report must include:

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

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

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

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

Standard Condition: H14

H.4 Positive Covenant & 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 *PCA* detailing:

- a) Compliance with conditions of development consent relating to stormwater;
- b) The structural adequacy of the On-Site Detention system (OSD);
- c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- d) Pipe invert levels and surface levels to Australian Height Datum;
- e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.
- f) A positive covenant pursuant to Section 88E of the *Conveyancing Act* 1919 must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-detention system and/or absorption trenches, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered at the Land Titles Office.

Note: The required wording of the Instrument can be downloaded from Council's web site www.woollahra.nsw.gov.au. The PCA must supply a copy of the WAE Plans to Council together with the *Final Occupation Certificate*. The *Final Occupation Certificate* must not be issued until this condition has been satisfied.

Standard Condition: H20

H.5 Consolidation of Allotments

Prior to the issue of any Occupation Certificate a final Plan of Survey prepared and certified by a Registered Surveyor must be submitted and approved by the Accredited Certifier showing the consolidation of the five lots (LOTS: 14, 15, and 16 SEC: D DP: 5092, LOT: 1 SEC: DP: 92579, and LOT: 1 SEC: DP: 1079086) into a single lot.

A new deposited plan of the consolidated lot must be registered at the Land Titles Office and a copy provided to Council with copies of certificates of title, prior to the issue of the Occupation Certificate.

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

I.1 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 366239M.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
Standard Condition: I7

I.2 Acoustic controls

To ensure an adequate level of acoustic privacy is maintained to the neighbouring properties, the recommended acoustic controls as detailed in section 2 of the Operational Noise Management Plan (Document Reference 20110148.2/2609A/R0/HP dated 26 September 2011) must be fully adopted and provided for at the proposed child care facility during the ongoing use of the development. The acoustic controls detail:

General

- a) The rear bi-fold doors of studios 1 and 2 (min 6mm thick) are to be closed when children are playing indoors, unless the indoor play period is a substitute for outdoor play.
- b) Standard glazing throughout minimum 4mm thick.
- c) Signs reminding staff and visitors to minimise noise at all times shall be installed at ingress/egress points from the child care centre.
- d) Management is to ensure children are supervised at all times to minimise noise generated by the children whenever practical and possible.

Arrivals and Departures

- e) Parents and Children of the Centre should be counselled to reduce noise emissions to the nearest residential receivers. Parents should be encouraged to socialise with other parents/children inside the centre, rather than congregate outside the centre in the morning or afternoon periods.
- f) The main entry door and all gates to the outdoor play area are to be fitted with automatic closers in accordance with Child Safety Regulations. Where possible within those Regulations, the automatic closers are to be adjusted to minimise door/gate impact noise as much as possible.

Outdoor Play - Operational Details and Engineering Controls

- g) The outdoor play area caters for a maximum of 34 children at a time for up to 2 hours (total) per day. This can be broken up into a number of shorter periods, but the total must not exceed 2 hours per day.
- h) Boundary fencing is to be installed in accordance with Option 1 of the Centre Acoustic Report by Acoustic Logic Consultancy with Reference: 20110148.1/2903A/R3/HP.
- i) Hard paved areas and pathways within the children's play area should be covered with a rubberised material to minimise ground impact noise.
- j) Music is not to be played outdoors.
- k) Elevated children's climbing equipment should be restricted to a maximum height of 1m above ground level to prevent noise from escaping from the play area.

Management Controls Outdoor Play Noise

- l) New members of staff should read this management plan and associated file notes prior to starting work on site.

- m) Staff are to be trained in the minimisation of noise emissions from children during outdoor play. Compliance with noise emission goals requires that consistent shouting/screaming be prevented.
- n) Generally noisy activities are limited to arguments or conflicts over toys/equipment and games such as soccer which include a number of children simultaneously. Ball games should be supervised to prevent ball being consistently hit/thrown against boundary fences if constructed of Colorbond or lapped and capped timber.
- o) Children at play are to be monitored by staff. In the event that a specific activity is deemed to be particularly noisy (consistent shouting/screaming by children), children should be encouraged to undertake a different quieter activity. If any particular activity consistently causes high noise levels (consistent shouting/screaming) and cannot be controlled with consistency - a suitable substitute activity for that element of childhood development should be found. The problematic activity should then be removed from the Centre program.
- p) If an activity has been removed from the centre program on grounds of noise, a file note should be added to this Management Plan. The note should identify a suitable alternate activity, if one has been determined.

Mechanical Plant and Equipment

- q) Mechanical plant and equipment is to be installed in compliance with the noise emission limits contained within the Centre Acoustic Report by Acoustic Logic Consultancy with Reference: 20110148.1/2903A/R3/HP.
- r) Acoustic advice should be sought prior to the purchase/installation of any new plant to determine if any treatments are needed (screens, in-duct treatment etc).

Complaints Handling

- s) Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.
- t) A register of complaints is to be kept on site and is to include the following information:
 - The name and address of the complainant (if provided);
 - The time and date the complaint was received;
 - The nature of the complaint and the time and date the noise was heard;
 - The name of the employee who received the complaint;
 - Actions taken to investigate the complaint, and a summary of the results of the investigation;
 - Required remedial action, if required;
 - Validation of the remedial action; and
 - Summary of feedback to the complainant.
- u) All complaints received should be fully investigated and reported to management. The complainant should also be notified of the results and actions arising from the investigation.

I.3 Outdoor lighting – Commercial

Outdoor lighting must comply with AS 4282-1997: *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 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with Table 2.1 of AS 4282.

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

Note: Council may consider, subject to an appropriate section 96 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.

I.4 Noise Control

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

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

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

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

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

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

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

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

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

Standard Condition: I50

I.5 Noise from mechanical plant and equipment

Noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

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

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671, dated December 2004.

I.6 Hours of use

The child care centre hours of use are limited to the following:

- a) Monday to Friday: 7am to 6pm.

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

Note: Deliveries to or dispatches from the site must not be made outside these hours. 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 then 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.7 Number of children

A maximum of 34 children, aged 3-5years old, shall be present at the child care centre at any one time.

I.8 Childcare Centre-Children's Services Regulation 2004

The operation of the child care facility must comply with the requirements of the Children's Services Regulation 2004:

Part 3 Licence conditions – facilities and equipment requirements

- Division 1 Facilities
- Division 2 Equipment
- Division 3 General

Part 4 Licence conditions – staffing requirements

- Division 1 Staff (Part 54 – Cooking staff)

Part 6 Licence conditions – operational requirements

- Division 1 General (Part 68- Food and nutrition & Part 70- Storage of dangerous substances and equipment).

I.9 Inspections of premises

Childcare Centres serving meals have been identified under the ANZFA priority classification system as P1 (high risk) requiring a minimum of two (2) inspections per year, this inspection frequency may be varied based on business performance.

I.10 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)

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

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

I.11 Clothes drying etcetera

No clothes, linen or the like must be hung from any balcony, terrace or veranda such that they are visible from any public place.

This condition has been imposed to ensure that the visual amenity of the neighbourhood is not detrimentally affected by a proliferation of such practices.

Standard Condition: I9

I.12 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.

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 Titled "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.

Standard Condition: I8

I.13 On-going maintenance of the on-site-detention system

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

- a) Permit stormwater to be temporarily detained by the system;
- b) Keep the system clean and free of silt rubbish and debris;
- c) If the car park is used as a 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 (c) 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 anytime and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- h) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;
- i) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;
- 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.

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: I12

I.14 Waste Management - Commercial

The owner and/or occupier must comply with the approved Site Waste Minimisation and Management Plan (SWMMP) and with Council's Site Waste Minimisation and Management Development Control Plan 2010.

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 anytime. 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.

This condition has been imposed to ensure that the provisions of the approved SWMMP and of Council's Site Waste Minimisation and Management Development Control Plan 2010 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: I15

I.15 Waste Management - Residential

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

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

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

This condition has been imposed to ensure that the provisions of the approved SWMMP and of Council's Site Waste Minimisation and Management Development Control Plan, 2010 are complied with during the ongoing operations of the development.

Note: For further residential wastes management policy information go to www.woollahra.nsw.gov.au or contact Council's Waste Education Officer.
Standard Condition: I45

J. Miscellaneous Conditions

No relevant conditions.

K. Advising

K.1 Criminal Offences – Breach of Development Consent & Environmental laws

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

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

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

Warnings as to potential maximum penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

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

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

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

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

Standard Advising: K1

K.2 Dial before you dig



The *principal contractor, owner builder* or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and Dial 1100 Before You Dig or visit www.dialbeforeyoudig.com.au.

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

Standard Advising: K2

K.3 Commonwealth Disability Discrimination Act 1992 ("DDA")

The Disability Discrimination Act 1992 (DDA) makes it against the law for public places to be inaccessible to people with a disability. Compliance with this development consent, Council's Access DCP and the BCA does not necessarily satisfy compliance with the DDA.

The DDA applies to existing places as well as places under construction. Existing places must be modified and be accessible (except where this would involve "unjustifiable hardship").

Further detailed advice can be obtained from the Human Rights and Equal Opportunity Commission ("HEROC"):

- a) <http://www.hreoc.gov.au/index.html>
- b) http://www.hreoc.gov.au/disability_rights/dda_guide/ins/ins.html

If you have any further questions relating to the application of the DDA you can send an email to HEROC at disabdis@humanrights.gov.au.

Standard Advising: K3

K.4 Builders Licences and Owner Builders Permits

Section 81A of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a *principal contractor* for residential building work who must be the holder of a contractor licence.

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

The Owner(s) must appoint the PCA. The PCA must check that Home Building Act insurance is in place before the commencement of building work. The Principal Contractor (Builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the Home Building Act 1989 for the residential building work.

Standard Condition: K5

K.5 Building Standards - Guide to Standards and Tolerances

The PCA does not undertake detailed quality control inspections and the role of the PCA is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia. Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the "Guide to Standards and Tolerances©" ISBN 0 7347 6010 8 are achieved.

The quality of any development is a function of the quality of the *principal contractor's* or *owner builder's* supervision of individual contractors and trades on a daily basis during the development. The PCA does not undertake this role.

The NSW Office of Fair Trading have published a "Guide to Standards and Tolerances©" ISBN 0 7347 6010 8. The guide can be obtained from the Office of Fair Trading by calling 13 32 20 or by Fax: 9619 8618 or by post to: Marketing Branch, PO Box 972, Parramatta NSW 2124.

The Guide can be down loaded from:

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

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

Standard Condition: K6

K.6 Workcover requirements

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

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

<http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office:

Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

Standard Condition: K7

K.7 Asbestos Removal, Repair or Disturbance

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

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

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

- a) The Occupational Health and Safety Act 2000;
- b) The Occupational Health and Safety Regulation 2001;
- c) The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];
- d) The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au/> ;
- e) The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.

Note: The Code of Practice and Guide referred to above are known collectively as the Worksafe Code of Practice and Guidance Notes on Asbestos. They are specifically referenced in the Occupational Health and Safety Regulation 2001 under Clause 259. Under the Occupational Health and Safety Regulation 2001, the Worksafe Code of Practice and Guidance Notes on Asbestos are the minimum standards for asbestos removal work. Council does not control or regulate the Worksafe Code of Practice and Guidance Notes on Asbestos. You should make yourself aware of the requirements by visiting www.workcover.nsw.gov.au or one of Workcover NSW's offices for further advice.

Standard Advising: K8

K.8 Lead Paint

It is beyond the scope of this consent to provide detailed information about dealing with lead paint. Painters working in an area containing lead-based paint should refer to Australian Standard AS 4361.1–1995, Guide to Lead Paint Management—Industrial Applications, or AS 4361.2–1998, Guide to Lead Paint Management—Residential and Commercial Buildings.

Industrial paints, may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial

buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings.

Lead hazards - Lead particles are released when old lead paint flakes and peels and collects as dust in ceiling, wall and floor voids. If dust is generated it must be contained. If runoff contains lead particles it must be contained. Lead is extremely hazardous, and stripping of lead-based paint and the disposal of contaminated waste must be carried out with all care. Lead is a cumulative poison and even small levels in the body can have severe effects.
Standard Advising: K9

K.9 Dividing Fences

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

Note: Further information can be obtained from the NSW Department of Lands - <http://www.lands.nsw.gov.au/LandManagement/Dividing+Fences.htm>. Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Over 85% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. Contact the Community Justice Centre either by phone on 1800 671 964 or at <http://www.cjc.nsw.gov.au/>.
Standard Advising: K10

K.10 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Eleanor Smith Assessment Officer, on (02) 9391 7090.

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

This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed commissioner having the full authority to completely determine the matter at the conference.

Standard Condition: K14

K.11 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 80A of the *Act*.

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

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

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

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

Note: The Application for Refund of Security form can be downloaded from
<http://www.woollahra.nsw.gov.au/pdf/Forms/Planning/RefundofSecurity.pdf>
Standard Condition: K15

K.12 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.13 Owner Builders

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

Standard Condition: K18

K.14 Pruning or Removing a Tree Growing on Private Property

Woollahra Municipal Council's *Tree Preservation Order 2006* (TPO) may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

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

Standard Condition: K19

K.15 Model

If you submitted a model with the application it must be collected from the Council offices within fourteen (14) days of the date of this determination. Models not collected will be disposed of by Council.

Standard Condition: K21

K.16 Dilapidation Report Condition

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 Council 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.17 Roads Act Application

Works or structures over, on or under public roads or footpaths are subject to Sections 138, 139 & 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 roadway
- Installation of soil/rock anchors under the roadway

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 counter. 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 & 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 Council's draft Development Control Plan Stormwater Drainage Management (Draft Version 1.1, Public Exhibition Copy dated 14 December 2006), and

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

All public domain works must comply with Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" dated January 2003 unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au.

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

Note: When a large *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

Ms E Smith
ASSESSMENT OFFICER

Mr P Kauter
EXECUTIVE PLANNER

ANNEXURES

1. Plans and elevation