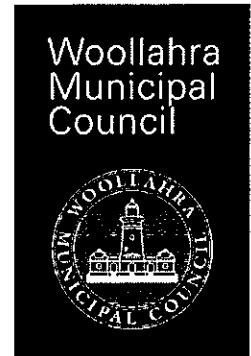


# Memorandum

Date 23 May, 2014  
File No. Development Applications: 72/2014/1  
To Joint Regional Planning Panel  
CC  
From Mrs L Holbert  
Address 250-290 JERSEY ROAD WOOLLAHRA 2025



ABN 32 218 483 245

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The purpose of this memorandum is to respond to the late correspondence received from Robert Player (on behalf of the applicant), dated 16<sup>th</sup> May 2014 and 22<sup>nd</sup> May 2014 and to make a correction to a condition of consent and to the Environmental Health Officer's referral. The applicant has requested the following changes to the recommended conditions of consent:

1. **Condition C.15** on pages 72-73 of the assessment report requires a 60,000 litre rainwater tank to be provided on the site. The applicant has requested that this requirement be deleted as:

*This is a substantial tank with equally substantially cost (filtering, plant room etc) which is considered onerous for a development with minimal increase in impervious area, existing rainwater tanks and BASIX compliance (excluding tanks). Accordingly there is no nexus for this request.*

Council's Drainage Engineer has provided the following response to the requested change to **Condition C.15**:

*After discussions with Robert Player it is agreed that the 60,000 litre rainwater tank is not required as the imperviousness of the site is not substantially changing and it would be impractical to retro fit the internal plumbing.*

**Condition C.15** should therefore be modified as stated below.

2. **Condition C.15** on pages 72-73 of the assessment report requires detailed plans of the existing stormwater system to be provided prior to the issue of a construction certificate. The applicant has requested that this condition be amended to only require the detail of any proposed connection into the existing stormwater system for the following reason:

*The proposal will result in a minor change to the existing system only with minimal increase in*

*discharge and therefore detailed information is not justified. This condition might be expected for alterations and additions that substantially increase impervious area and therefore stormwater discharge – which is not the case in this instance.*

Council's Development Engineer who imposed this condition provided the following response to the applicant request to modify **Condition C.15**:

*This is a matter for the applicant, however it would seem prudent to undertake this process given the age of the existing system so that any potential blockages could be identified, however this is not essential.*

**Condition C.15** should therefore be modified as stated below.

3. **Conditions C.7 and C.15** on pages 67-68 and 72-73 of the assessment report requires a new stormwater pipe to be constructed in Jersey Road. The applicant has requested that this requirement be deleted for the following reason:

*This requirement might be appropriate for a new development or redevelopment that substantially increased discharge, however, the cost of amplification of the existing stormwater system is considered onerous in the circumstances where:*

- *The development involves negligible increase in impervious area and thus discharge.*
- *ARV are a not for profit social housing provider.*

Council's Development Engineer who imposed this condition provided the following response to the request to modify **Conditions C.7 and C.15**:

*There is currently two discharge points to Jersey Road containing multiple outlets and as the development is being assessed on current standards this type of advoc discharge to a public road is inappropriate, thus the development should be piped as conditioned.*

Given the above response it is recommended that the requirement for a new stormwater pipe to Jersey Road be retained, thus no changes to **Condition C.15** and **Condition C.7** have been made in this regard. The recommended **Condition C.15** should be replaced with the following:

**C.15 Stormwater management plan (Site greater than 500m<sup>2</sup>)(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 Stormwater disposal Report and concept Plans prepared by WSP Buildings P/L Dwg No. H400 and H401 Rev B and A dated 18.12.2013 other than amended by this and other conditions;
- b. the discharge of stormwater, by direct connection, to Council's in-ground stormwater drainage system as follows;

Jersey Road:

- The construction of a new pipeline and pits connecting the 2 existing major stormwater discharge points in Jersey Road.

- The construction of approximately 50 m of 375dia RCP, from the discharge point with pits and crossing Jersey Road and connecting to Council's existing system at a pit outside No 117 Jersey Road
- Construction of a standard gully pits in the kerb fronting the subject site in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.

#### Bowling/Tennis Club:

- A silt/litter arrester pit is to be used to treat all stormwater before disposal off the site.
- c. Compliance the objectives and performance requirements of the BCA;
- 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).

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 proposed pipe layouts, dimensions, grades, lengths and material specification,
- All invert levels reduced to Australian Height Datum (AHD),
- Location and dimensions of all proposed drainage pits,
- Point and method of the proposed connection to Councils drainage infrastructure, and
- Proposed overland flow paths over impervious areas.
- Copies of certificates of title, showing the creation of private easements to drain water by gravity, if required.
- Proposed 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

4. The applicant has requested the S94A levy (\$245,903.31) to be deleted. This levy has been recommended to be deleted by Council's Development Control Committee and in previous late correspondence dated 14<sup>th</sup> May 2014.
5. **Condition C.6(j)** on pages 66-67 of the assessment report requires sound transmission levels to comply with the BCA (both new and existing). The applicant has requested this condition to be amended to only relate to new dwellings and not to the existing dwellings for the following reason:

*This requirement is considered reasonable for new units, however, retro-fitting of the entire existing facility to achieve current standards would be impractical, costly and onerous in the circumstances.*

Council's Fires Safety Officer who imposed this condition provided the following response to the request to modify **Condition C.6(j)**:

*The description of the development is for "extensive alterations & additions of the existing independent seniors living development including an internal and external upgrade*

*throughout and a new village centre". In considering a development application which involves rebuilding, alterations, enlargement or extension of an existing building, Council must give consideration to clause 94 of the Environmental Planning & Assessment Regulation 2000.*

**"94 Consent authority may require buildings to be upgraded**

*(cf clause 66B of EP&A Regulation 1994)*

*(1) This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:*

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

*(b) the measures contained in the building are inadequate:*

*(i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or*

*(ii) to restrict the spread of fire from the building to other buildings nearby.*

*(c) (Repealed)*

*(2) In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*

*(2A), (2B) (Repealed)*

*(3) The matters prescribed by this clause are prescribed for the purposes of section 79C (1)*

*(a) (iv) of the Act."*

*It is considered that the substantial refurbishment of the buildings requires that the sound transmission levels for each sole occupancy unit should comply with the current requirements of the BCA. Any extra cost may be determined as onerous by the developer. The refurbishment and additions to the building will lack current amenity standards for the residents if the sound transmission levels are not brought into conformity with the BCA throughout the buildings.*

Therefore given the above response it is recommended that **Condition C.6(j)** be retained.

6. **Condition A.3** on pages 58-59 of the assessment report should be deleted and replaced by the following:

**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)    |
|-----------------------------|---------------------|-----------------|------------|
| 003, Rev A                  | Architectural Plans | Environa Studio | 03/03/2014 |
| 008, 009 Rev A              |                     |                 | 17/03/2014 |
| 010, 1/101-1/06, 1/120,     |                     |                 | 03/03/2014 |
| 1/121, 1/130, 1/131, 2/101- |                     |                 |            |
| 2/106, 2/120, 2/130, 2/131, |                     |                 |            |
| 2/140-2/142, 3/101-3/110,   |                     |                 |            |
| 3/120, 3/130, 3/131, 3/140, |                     |                 |            |

|   |   |  |  |
|---|---|--|--|
| 3/141,210 Rev A   |   |  |  |
| A181731, A181736,<br>A181734, A181729,<br>A181762, A181757,<br>A181756, A181728,<br>A182230, A182228,<br>A181725, A181714,<br>A181681, A181642,<br>A181599, A181717,<br>A181674, A181669,<br>A181708, A181710,<br>A181680, A181655,<br>532881M, A181648,<br>A181655 | BASIX Certificate   | NSW Department of Planning<br>and Infrastructure | 04/03/2014                               |
| Not specified   | Access Compliance<br>Assessment                                       | Vista Design Architects Pty Ltd                  | Date received<br>03/03/2014              |
| H400 & H401 Rev B & A   | Stormwater disposal<br>concept plan                                   | WSP Buildings P/L                                | 18/12/2013                               |
| Report No. 13/1886  | Geotechnical Report   | SMEC Testing Services P/L.                       | October 2013                             |
| LP-1.0 Rev 02<br>LP-1.1 Rev 02<br>LP-1.2 Rev 02<br>LP-1.3 Rev 02<br>LP-2.0 Rev 01<br>LP-3.0 Rev 01<br>LP-3.1 Rev 01<br>LP-3.2 Rev 01  | Landscape Plan  | John Lock & Associates                           | 05/05/2014<br><br><br><br><br>19/12/2014 |
| Not specified   | Arboricultural Impact<br>Assessment                                   | Urban Tree Management                            | 02/05/2014                               |
| T2-929  | Traffic Report  | Parking & Traffic Consultants                    | December<br>2013                         |
| Report No 13/2039   | Contaminated Land -<br>Initial Site Investigation<br>Report (Stage 1) | SMEC Testing Services P/L                        | October 2013                             |

**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

- The referral response from Council's Environmental Health Officer (**Annexure 4** of the assessment report) has been updated in order to correct some minor typographical errors, refer to **Annexure 1**. No changes to the assessment and the recommended conditions within this referral have been made.

## ANNEXURES

- Environmental Health Officer referral

  
Mrs L Holbert  
**ASSESSMENT OFFICER**

  
Mr G Fotis  
**TEAM LEADER**

## **REFERRAL RESPONSE - ENVIRONMENTAL HEALTH**

**FILE NO:** DA 72/2014/1  
**ADDRESS:** 250-290 Jersey Road WOOLLAHRA 2025  
**PROPOSAL:** Extensive alterations & additions of the existing independent seniors living development including an internal and external upgrade throughout and a new Village Centre  
**FROM:** Graeme Reilly Environmental Health Officer  
**TO:** Mrs L Holbert

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### **1. ISSUES**

NONE

### **2. DOCUMENTATION**

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced ARV Goodwin Village Upgrade and Refurbishment prepared by DFP Planning Consultants, dated April 2014.
- Architectural Plans, referenced Project No 728, prepared by Environa Studio, dated 03/03/14,
- Survey, referenced 68738, prepared by Rygate&Company P/L, dated May 2002.
- Land Contamination Report, referenced Preliminary Site Investigation, prepared by SMEC Testing Services P/L, dated October 2013.

### **3. RESEARCH**

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date: 30/04/2014

### **4. SUMMARY OF PROPOSAL**

Approval is sought for the refurbishment of the existing independent living seniors housing development including an internal and external upgrade throughout and a new Village Centre. The New Village centre will improve the existing community and administration areas and will include a new foyer, reception, computer room, lounge, café, kitchen, amenities and store rooms at ground level (level 3) and a gym, change rooms, meeting, consultation and clinic rooms at Level 4 and a salon and new independent Living Units (ILUs) at Level 5.

The Retirement Village comprises three distinct areas, Macquarie Tower, Bourke and Gipps House and Taber Cottage. The building configurations are as follows:-

- Macquarie Towers is a 9 storey building located at the southern end of the site. It accommodates a total of 90 independent Living Units (ILUs);
- Gipps House and Bourke House are two 2-5 storey residential buildings that are located at the central and northern end of the site respectively. They accommodate a total of 78 ILUs.
- The community centre which is adjacent to Gipps House is 377m<sup>2</sup> and accommodates the following community facilities- village shop, library, computer room, guest room, dining room & kitchenette, hair salon and doctor's room; and
- Taber cottage on the southern side of the Village is a local heritage item and was constructed in 1879. It is currently without a specific use.

***Proposed Development:-***

- Existing Units – 168
- Proposed Units – 169 comprising the demolition of 6 units and construction of 7 new units;

Gipps House and Bourke House will include refurbishment of each of the units, with internal refurbishment typically including new bathroom fixtures and fittings, new bedroom and kitchen arrangement and fit-out. Externally, the proposal includes replacement of existing glazing doors, new tiled areas, new planters and picket fencing to balconies/terraces, replace existing west-facing awning structures with a new roof of steel insulated panels, new raised roof to the internal access courtyards and removal of staircase at levels 4 and 5 in these courtyards.

The upgrade of Macquarie Tower includes conversion of 2 units to a Village Centre use at Level 3, reorientation of the 2 north facing units at Levels 4, 5 and 6. The remaining units will be refurbished internally including new kitchen and bathroom fixtures and fittings in the same unit layout. Externally, each balcony will be modified and extended to a depth of 1.2m with windows replaced and sun shading devices installed.

No work is proposed to the existing heritage listed Taber cottage and associated building.

The proposal includes upgrading of the existing landscaped area including new feature landscape planting, new 1.8m open palisade security fencing around the perimeter, and changes to the car parking area to accommodate a total of 25 car spaces, including 1 accessible car space, plus two loading spaces.

An upgrade of building services will also be included to extend their serviceable life, including the installation of new air conditioners to each unit. All new paved car parking area will incorporate stormwater drainage that connects into the existing drainage system.

## 5. ASSESSMENT

Where Approval is recommended, Conditions of Consent follow at the end of the comments.

## 6. RECOMMENDATION

Council's Environmental Health Officer has determined that the proposal is satisfactory, subject to the following conditions:

### A. General Conditions

#### A.1 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                               |                           |              |
|                   | Acoustic Report  |                           |              |
|                   | Noise Management Plan  |                           |              |
|                   | Plan of Management   |                           |              |
| Report No 13/2039 | Contaminated Land - Initial Site Investigation Report (Stage 1)  | SMEC Testing Services P/L | October 2013 |
|                   | Contaminated Land - Detailed Site Investigation Report (Stage 2) |                           |              |
|                   | Contaminated Land - Remedial Action Plan (Stage 3)               |                           |              |

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**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

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

#### B.1 Noise Control Objectives during Demolition Works

To assist in managing impacts of noise from the demolishing of the existing dwelling and outbuilding on residences and other sensitive land uses, it is

recommended that the *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.

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

**C.1 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.2 Food Premises – Construction Certificate Plans & Specifications-Café within Village Centre Building**

The person with the benefit of this consent must submit to Council details for the construction and fit out of food premises. Such details must demonstrate compliance with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises*.

No *Construction Certificate* relating to the construction or fitout of food premises must be issued until Council's Environmental Health Officers' have advised in writing that the plans and specification are considered satisfactory.

The details for the construction and fit out of food premises, as considered satisfactory by Council's Environmental Health Officers' must form part of any *Construction Certificate*.

**Note:** The assessment of food premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of food premises is not listed under clause 161 of the *Environmental Planning & Assessment Regulation 2000* as a matter that a *Certifying Authority* may be satisfied as to. Hence, the detailed plans & specifications must be referred to Council and be to Council's satisfaction prior to the issue of any *Construction Certificate* for such works.  
Standard Condition: C65

### **C.3 Noise Control - Hydraulic Noise Control-Sound Insulation Rating of Services**

That the requirements of the Building Code of Australia BCA Clause F5.6: *Ducts, Hot and Cold Domestic Water, Stormwater, Soil and Waste Pipes*, which serves or passes through more than one sole occupancy unit must be separated from habitable rooms (other than a kitchen) in any other sole occupancy unit by a weighted sound reduction index + traffic noise spectrum adaptation term of not less than 40 if it is adjacent to a habitable room, and 25 if it is adjacent to a wet area (bathroom, laundry etc.) or kitchen.

Details are to be provided by the applicant clearly indicating how this requirement will be achieved in respect to controlling hydraulic noise emission to adjoining habitable rooms.

### **C.4 Noise Control - Acoustic Protection of adjoining residential units-Operation of Air Conditioning Plant**

The applicant must ensure that the operation of the proposed Air Condition Systems and associated plant does not create interior noise intrusion and vibration to occur within any adjoining residential unit.

### **C.5 Ventilation - Internal Sanitary Rooms**

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

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

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

### **E.1 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](http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf)

Standard Condition: E6

## E.2 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](http://www.woollahra.nsw.gov.au) or obtained from Council’s office.

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

## **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 Food Premises - Inspection and Registration**

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

- a) The *Principal Contractor* or *owner* must arrange an inspection of the fit out of the Food Premises by Council's Environmental Health Officer;
- b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- c) The *owner* or *occupier* must have registered the Food Premises (Notification of conduct under section 100 of the *Food Act* 2003).

**Note:** Notification can be done on-line at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

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

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

“100 Notification of conduct of food businesses

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

**Note:** *Accredited Certifiers* are unable to issue *Compliance Certificates* in relation to compliance with the *Food Act* 2003, *Food Regulation* 2004; the Food Standards Code and the Australian Standard AS 4674-2004; *Construction and fit out of food premises*; since these are not matters which an *Accredited Certifier* can be satisfied in relation to under Clause 161 of the *Regulation*. This condition can only be satisfied following an inspection and sign off from Council's Environmental Health Officers.  
Standard Condition: F15

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

Nil.

**H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))**

Nil.

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

**I.1 Outdoor lighting – Residential**

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:** This condition has been imposed to control the obtrusive effects of outdoor lighting.  
Standard Condition: I42

**I.2 Noise from mechanical plant and equipment**

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

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

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

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

*NSW Industrial Noise Policy*  
([http://www.environment.nsw.gov.au/resources/ind\\_noise.pdf](http://www.environment.nsw.gov.au/resources/ind_noise.pdf))  
ISBN 0 7313 2715 2, dated January 2000, and  
*Noise Guide for Local Government*  
(<http://www.environment.nsw.gov.au/noise/nglg.htm>)  
ISBN 1741370671 , dated December 2004.  
Standard Condition: 153

**J. Miscellaneous Conditions**

Nil.

**K. Advisings**

Nil

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**Graeme Reilly**  
**Environmental Health Officer**

**Date: 01/May/2014**