Woollahra Municipal Council

17 October 2024

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO:	**Development Applications:** 200/2024/1
ADDRESS:	19 Darling Point Road DARLING POINT 2027
PROPOSAL:	Change of use and alterations and additions of the existing residential flat building for campus student accommodation
FROM:	Mr R Lam
TO:	Mrs L Holbert

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced P0043496, prepared by Urbis, dated June 2024.
- Revised Architectural Plans, referenced 1007-DA2, prepared by Tribe Studio Architects, dated 05/09/2024.
- Survey, referenced 79877, prepared by Rygate, dated 28/06/2024.
- Revised Stormwater Management Plan, referenced 7224-B, prepared by Harris Page & Associates P/L, dated 17/11/2023.
- Geotechnical Report, referenced 2022-273-1, prepared by Crozier Geotechnical Consultants, dated 12 December 2023.

3. ASSESSMENT

Comments have been prepared on the following.

a. Site Drainage comments

The subject site has a total area of greater than 500m^2, in which case the installation of an on-site stormwater detention (OSD) system is required. The submitted concept stormwater plans are considered satisfactory in principle. The applicant has provided a Drains model to demonstrate that the total site discharge to the street kerb is limited to 20l/s to comply with the Council's DCP. Conditions will be imposed to ensure no subsoil drainage/seepage water is collected and discharged to the kerb and gutter.

Council's Infrastructure & Sustainability Division is satisfied that adequate provision could be made for the disposal of stormwater from the land it is proposed to develop and complies with Chapter E2 "Stormwater and Flood Risk Management" DCP.

b. Flooding & Overland Flow comments

Not relevant

c. Impacts on Council Infrastructure comments

There are no works proposed within the Council's property other than the installation of stormwater outlet pipes, which will be conditioned accordingly. This work will be assessed as part of the S138 application.

d. Traffic comments

Refer to comments and conditions from Council's Traffic Engineer separately.

e. Vehicle Access & Accommodation comments

Not relevant

f. Geotechnical, Hydrogeological and/or Structural comments

A Geotechnical Report by Crozier Geotechnical Consultants, ref 2022-273-1, dated 12 December 2023 has been submitted in support of the application. The proposal involves excavation with a maximum depth of about 2.5 metres from the existing ground surface levels.

The report identified that the subsurface conditions as:

a) Fill comprising sand to a maximum depth of 0.15, 0.75m,0.15, 0.5m and 0.4m in BH1, BH2, BH3, BH4 and BH5 respectively,
b) Depth of natural sand was encountered beneath the fill to a refusal depth of 3.1m, 2.5, 3m, 2m and 3m in BH1, BH2, BH3, BH4 and BH5 respectively.
c) Sandstone bedrock was not encountered beneath the sand layer in all boreholes.
d) Groundwater seepage was not observed during field investigation

The report made comments and recommendations on the following:

- *Shoring and support,*
- *Vibration Monitoring,*
- *Excavation method,*
- *Dewatering,*
- *Further Geotechnical input.*

Council's Infrastructure & Sustainability Services Division has no objections to the proposed excavation on technical grounds. Notwithstanding this, Council's Planning Officer is also to undertake an assessment of the proposed excavation against the relevant excavation objectives and controls prescribed under the LEP and DCP.

4. RECOMMENDATION

Council's Development Engineer has determined that the proposal is satisfactory, subject to the following conditions:

Woollahra Municipal Council

A. GENERAL CONDITIONS

A.5 Approved Plans and Supporting documents

Reference	Description	Author	Date
2022-273-1	Geotechnical Report	Crozier Geotechnical Consultants	12 Dec 2023
7224 SW-00-A SW-01-B SW-02-B SW-03-A	Stormwater Management Plan	Harris Page & Associates P/L	 29/09/2023 17/11/2023 23/11/2023 29/09/2023

A.8 Ancillary Aspects of Development (section 4.17(2) of the Act)
A.31 No Underpinning Works

B. BEFORE DEMOLITION WORK COMMENCES

B.4 Erosion and Sediment Controls - Installation
B.7 Public Road Assets Prior to Any Work/Demolition

B.14 Payment of Security and Fees

Property Damage Security Deposit (S138)	$166,197	No	T115

B.16 Dilapidation Reports for Existing Buildings

B. 16.	Dilapidation Reports for Existing Buildings
	Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer. These properties must include (but is not limited to): a) No. 3-17 Darling Point Road b) No. 23 Darling Point Road Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access. The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work. No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).

	Notes: • The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • 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. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
	Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

B.18 Adjoining buildings founded on loose foundation materials
B.21 Work (Construction) Zone – Approval & Implementation

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D.13 Road and Public Domain Works

D. 13.	**Road and Public Domain Works**
	Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense: a) The installation of stormwater outlet pipe(s) across the nature strip must be made by using 152mm x 76mm galvanised rectangular hollow section (RHS) in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers, Note: All below ground structures are to be fully tanked such that subsoil drainage / seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. b) The reinstatement of all damaged footpath, kerb and gutter and road pavement to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers, and c) 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.

Before the issue of any construction certificate, the principal certifier must be provided with the original receipt(s) for the payment of all of the following security bonds and fees:

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the *Environmental Planning and Assessment Act 1979*			
Infrastructure Works Bond - completing any public work required in connection with the consent.	$ Nil	No	T113
Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed	$ Nil	No	T113
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Public Road and Footpath Infrastructure Inspection Fee	$ 674	No	T45
TOTAL SECURITY AND FEES	$ 674		

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 any site works being undertaken, 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.

Notes:
- ***Road*** has the same meaning as in the Roads Act 1993.
- 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. • Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the Roads Act 1993 and specifically: • Construction of driveways and/or new or alterations to footpath paving • Alteration and/or extension to Council drainage infrastructure • Alteration and/or addition of retaining walls • Pumping of water to Council's below ground stormwater system • Installation of soil/rock anchors under the roadway • Installation of Stormwater outlet pipes across the nature strip • An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the Roads Act 1993, before the issue of any construction certificate. • Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following: • Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). 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. • Any adjustments required from the garage slab and the street levels are to be carried out internally on private property • Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. • Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy". • Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents. • All public domain works must comply with the latest version of Council's "Specification for Roadworks, Drainage and Miscellaneous Works" unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au. • When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment.

	• An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • 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.
	Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.

D.25 Erosion and Sediment Control Plan – Submissions & Approval
D.35 Structural Adequacy of Existing Supporting Structures
D.36 Professional Engineering Details
D.37 Engineer Certification

D.40 Geotechnical and Hydrogeological Design, Certification and Monitoring

D. 40.	**Geotechnical and Hydrogeological Design, Certification and Monitoring**
	Before the issue of the construction certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Chapter E2.2.10 of Council's DCP and Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". The report must include 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 details of cut-off walls or similar controls 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 to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter. 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 Appendix J including acceptable velocity of vibration (peak particle velocity), • will detect groundwater changes calibrated against natural groundwater variations, • details the location and type of monitoring systems to be utilised, • details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, • details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and • details a contingency plan.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D.41 Ground Anchors

D.51 Stormwater Management Plan

D. 51.	**Stormwater Management Plan**
	Before the issue of any construction certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared and certified by a Chartered Professional Civil Engineer, which detail the following: a) General design in accordance with stormwater management plans, referenced 7224-B, prepared by Harris Page & Associates P/L, dated 23/11/2023, other than amended by this and other conditions, b) Subsoil drainage/seepage water must NOT be discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP. Notation to this requirement must be clearly depicted on the drawings,

c) The discharge of stormwater from the site, by direct connection, to the kerb and gutter. Only one stormwater outlet point will be permitted. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3,
d) The installation of On-site Stormwater Detention system (OSD) with a minimum storage volume of 24.5m^3 to comply with Chapter E2.2.4 of Council's DCP,
e) The installation of rainwater tank (RWT) with a minimum storage volume of 5m^3. Overflow from the RWT must be directed to the proposed OSD system by gravity.
f) The OSD system must be designed with a safe emergency surcharge/overflow route to Council's street drainage system in Darling Point Road,
g) The installation of rainwater tank (RWT) to comply with BASIX certificate. Overflow from the RWT must be directed to the OSD system by gravity,
h) The provision of stormwater treatment system including but not limited to 2 x 690PSorb StormFilter by Ocean Protect to meet the water quality targets stipulated in Chapter E2.2.3 of Council's DCP. Result of the MUSIC modelling must be included in the drawings,
i) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans,
j) The dimensions of all drainage pits and access grates must comply with AS3500.3,
k) Compliance with the objectives and performance requirements of the BCA,
l) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

On-site Stormwater Detention (OSD) Requirements
The minimum Site Storage Requirements ("SSR") for the required On-site Stormwater Detention (OSD) system must be 24.5m^3 and the Total Site Discharge for the proposed development must not exceed 20l/s.

Rainwater Tank (RWT) Requirements
The minimum storage volume for the required rainwater tank (RWT) must be 5m^3.

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

Layout Plan
A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, Australian Rainfall and Run-off, 2019 edition or most current version thereof. It must include:
a) All pipe layouts, dimensions, grades, lengths and material specification.
b) Location of proposed rainwater tanks.

c) All invert levels reduced to Australian Height Datum (AHD).
d) Location and dimensions of all drainage pits.
e) Point and method of connection to Councils drainage infrastructure.
f) Overland flow paths over impervious areas.

On-site Stormwater Detention (OSD) System Details:
a) Any potential conflict between existing and proposed trees and vegetation.
b) Internal dimensions and volume of the proposed detention storage.
c) Diameter of the outlet to the proposed detention storage basin.
d) 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.
e) Details of access and maintenance facilities.
f) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.
g) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the OSD System.
h) Non-removable fixing details for Orifice plates where used.

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

For Stormwater Drainage works on Council's property, separate approval under Section 138 of the Roads Act 1993 must be obtained from Council for those works before the issue of any construction certificate.

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

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

Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.

D.52 Non-gravity Drainage System

E. BEFORE BUILDING WORK COMMENCES

E.14 Erosion and Sediment Controls – Installation

F. DURING BUILDING WORK

F.7 Public Footpaths – Safety, Access and Maintenance
F.11 Maintenance of Environmental Controls
F.12 Compliance with Geotechnical/Hydrogeological Monitoring Program
F.13 Support of Adjoining Land and Buildings
F.14 Vibration Monitoring
F.15 Erosion and Sediment Controls – Maintenance
F.17 Disposal of Site Water during Construction
F.19 Site Cranes
F.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

F.33 Shoring and Adequacy of Adjoining Property

F. 33.	**Shoring and Adequacy of Adjoining Property**
	While site work is being carried out, the person having the benefit of the development consent must, at the person's own expense: a) protect and support the adjoining premises from possible damage from the excavation. For the purposes of section 4.17(11) of the Act, the following condition is prescribed in relation to a development consent for development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land. **Notes:** • This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
	Condition Reason: To protect and support the adjoining premises from possible damage from the excavation.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G.7 Commissioning and Certification of Systems and Works
G.29 Works within Public Land (including Council, State or Federal owned land or property)

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G.32 Positive Covenant & Works-As-Executed Certification of Stormwater Systems

G. 32.	**Positive Covenant & Works-As-Executed Certification of Stormwater Systems**
	Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a chartered professional civil engineer with works-as-executed drawings prepared by a registered surveyor supplied to the Principal Certifier detailing: a) compliance with conditions of development consent relating to stormwater, b) the structural adequacy of the On-site Stormwater Detention (OSD) system and Rainwater Tank (RWT), c) that subsoil drainage/seepage water is NOT discharged to the kerb and gutter, d) that an OSD system with minimum storage of 24.5m^3 and RWT with minimum storage capacity of 5m^3 have been constructed in accordance with the approved stormwater plans, e) that any required stormwater treatment systems have been constructed in accordance with the approved construction stormwater plans and that the system meets the water quality targets stipulated in the Council's DCP, f) that only one stormwater outlet has been constructed in accordance with the approved stormwater plans, g) that the OSD system has been provided with a safe emergency surcharge/overflow route to Council's street drainage system, h) 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, i) pipe invert levels and surface levels to Australian Height Datum, and j) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the OSD system, rainwater retention and reuse system, stormwater treatment system and pump out system, The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant **Notes:** • The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.

	Condition Reason: To ensure the certification of the stormwater system prior to the occupation of the whole building.

H. OCCUPATION AND ONGOING USE

H.29 Ongoing Maintenance of the On-Site Stormwater Detention, Rainwater Tank and Stormwater Treatment System

H. 29.	**Ongoing Maintenance of the On-Site Stormwater Detention, Rainwater Tank and Stormwater Treatment System**
	During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must: a) Permit stormwater to be temporarily detained, treated, retained and reused by the System; b) Keep the system clean and free of silt rubbish and debris, c) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner. d) Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense. e) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly. f) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant. g) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice. h) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations. The owner: a) Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.

	Notes: • This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil