

# Sydney Eastern City Planning Panel

## 17 July 2025

### Recommended Conditions of Consent

**DA No:** DA557/2024/1

**Address:** 4-8 Manning Road DOUBLE BAY

**Proposal:** Demolition of existing structures and construction of a new 4 storey building for health services facility with basement car parking

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

#### Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below:

### **ALL DEVELOPMENT TYPES**

#### **A. GENERAL CONDITIONS**

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

Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 ("the Act"), and the provisions of the Environmental Planning and Assessment Regulation 2021 ("the Regulations") and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 ("the Development Certification and Fire Safety Regulations"), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.

##### **Notes:**

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

- 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.

**Condition Reason:** To ensure all parties are aware of the relevant legislation that applies to the development.

(Autotext 1A)

## A.2 Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulations*, the *Development Certification and Fire Safety Regulations* 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.

**Local native plants** means species of native plant endemic to Sydney's eastern suburbs.

**Owner-builder** has the same meaning as in the *Home Building Act 1989*.

**PC** means the Principal Certifier under the *Act*.

**Principal Contractor** has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.

**Professional engineer** has the same meaning as in the BCA.

**Public place** has the same meaning as in the *Local Government Act 1993*.

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

**SEE** means the final version of the Statement of Environmental Effects lodged by the Applicant.

**Site** means the land being developed subject to this consent.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Woollahra LEP** means *Woollahra Local Environmental Plan 2014*

**Woollahra DCP** means *Woollahra Development Control Plan 2015*

**Work** for the purposes of this consent means:

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

**Condition Reason:** To ensure all parties are aware of the relevant definitions.

(Autotext 2A)

### A.3 Approved Plans and Supporting Documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below 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	Date
Drawing No. 942.10.10 to 942.10.16,	Architectural Plans	All prepared by Shellshear Young Pty Ltd	26/05/2025
Drawing No.942.50.00			20/06/2025
Drawing No. 942.20.00 to 942.20.03,			26/06/2025
Drawing No. 942.30.00 to 942.30.02			19/05/2025
P2286_01rev2	Geotechnical Report	Morrow Geotechnics	02/12/2024
210376 D00-Rev A D01-Rev A D02-Rev A D03-Rev A D09-Rev A D15-Rev A D16-Rev A	Stormwater Management Plans	Smart Structures	12/12/2024 12/12/2024 12/12/2024 12/12/2024 12/12/2024 12/12/2024 12/12/2024
DA_00, DA_01, DA_02, DA_03, DA_04.	Landscape Plan	Wyer & Co	11/12/2024

Reference	Description	Author	Date
25010	Traffic Response to Council's Request for Information	Hutcheson & Partners Traffic Engineering	16/05/2025
Unreferenced	Functional Design Statement	Shellshear Young Architects	30/05/2025
6004R20241212rcf4-8Mannig RdDoubleBay_Dav3	Acoustic Report	Koikas Acoustics	27/02/2025
E25001DB_R02 F	Contaminated Land - Detailed Site Investigation Report (Stage 2)	Geo-Environmental Engineering	11/04/2025 (rev0)
P2286_02_rev2	Geotechnical Report	Morrow	13/03/2025

**Notes:**

- Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must 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 plans.
- These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.

**Condition Reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(Autotext 5A)

#### **A.4 Ancillary Aspects of Development (section 4.17(2) of the Act)**

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

**Notes:**

- 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.

**Condition Reason:** To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.

(Autotext 8A)

#### **A.5 No Underpinning works**

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

**Condition Reason:** To ensure all works are located within the boundaries of the site and to confirm that no consent is granted for underpinning works to any structures on adjoining properties.

(Autotext 31A)

#### **A.6 General Terms of Approval – Water Management Act 2000 Water Licenses and Approval (WaterNSW)**

The following general terms of approval have been imposed by WaterNSW:

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**The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

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Condition Number	Details
<b>Dewatering</b>	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a)any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b)obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to

**The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
	ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website <a href="http://www.watarnsw.com.au/customer-service/water-licensing/dewatering">www.watarnsw.com.au/customer-service/water-licensing/dewatering</a>
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report
	for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

**The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report
GT0174-00001	Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
GT0241-00001	A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

Sections 89, 90 - Water use approval, water management work approval or activity approval under Part 3 of Chapter 3.

**Condition Reason:** To ensure all parties are aware of the general terms of approval.

#### **A.7 Retail/Commercial Premises (Ground Floor)**

A separate Development Application or Complying Development Certificate must be submitted and approved by the consent authority before the first use of the retail/commercial premises including their hours of operation.

**Condition Reason:** To ensure all works are located within the boundaries of the site and to confirm that no consent is granted for underpinning works to any structures on adjoining properties.

(Autotext 31A)

## DEMOLITION WORK

### B. BEFORE DEMOLITION WORK COMMENCES

#### 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" under section 6.6 of the Act.

In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:

- Before issue of a construction certificate
- Before building work commences

This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act.

**Note:**

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

**Condition Reason:** To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.

(Autotext 1B)

#### B.2 Erosion and Sediment Controls – Installation

Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:

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

Where there is any conflict The Blue Book takes precedence.

**Notes:**

- The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) and The Blue Book is available at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)
- 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.



- 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.

**Condition Reason:** To prevent potential water pollution and dust nuisance.

(Autotext 4B)

### **B.3 Identification of Hazardous Material**

Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.

In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:

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

**Condition Reason:** To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.

(Autotext 6B)

### **B.4 Public Road Assets Prior to Any Work/Demolition**

Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.

The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:

- road pavement,
- street signage including street lights,
- kerb and gutter,
- footway including pedestrian crossings, footpath, and driveways,
- retaining walls, or other significant structures,
- Heritage Items, including street name inlays,
- utility service items including historical utility covers, and
- drainage structures/pits/pipes (CCTV footage).

The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.

If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.

**Condition Reason:** To clarify the condition of the existing public infrastructure prior to the commencement of any site works.

(Autotext 7B)

## **B.5 Skeletal Remains**

While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:

- a) NSW Police, and
- b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.

Details of the remains and their precise location are to be provided.

Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.

**Condition Reason:** To ensure the appropriate management of skeletal remains.

(Autotext 9B)

## **B.6 Aboriginal Objects – Unexpected Findings**

While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:

- a) Not further disturb or move these objects or bones.
- b) Immediately cease all work at the particular location.
- c) In the case of suspected human remains, notify NSW Police.
- d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.
- e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.
- f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

### **Notes:**

- The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Condition Reason:** To protect Aboriginal objects

(Autotext 10B)

## **B.7 Aboriginal Heritage – Induction**

Prior to any site works, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974. This must be implemented as a heritage induction programme provided by a heritage consultant with Aboriginal heritage expertise.

**Condition Reason:** To protect Aboriginal heritage.

(Autotext11B)

## **B.8 Aboriginal Heritage Due Diligence Responsibilities**

While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.

**Condition Reason:** To protect Aboriginal heritage.

(Autotext 12B)

## **B.9 Payment of Security and Fees**

Prior to any site works, the following security and fees must be paid in full:

Description	Amount	Indexed	Council Fee Code
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Property Damage Security Deposit</b> Making good any damage caused to any property of the Council	\$375,770	No	T115
<b>INSPECTION FEES</b> under section 608 of the Local Government Act 1993			
Security Deposit Administration Fee	\$235.00	No	T16
<b>TOTAL SECURITY AND FEES</b>	\$376,005		

**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:**

- 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.
- 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.
- The Refund of Security Bond Application form can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

**Condition Reason:** To ensure any relevant security and fees are paid.

(Autotext 14B)

## **B.10 Adjoining Buildings Founded on Loose Foundation Materials**

The report is to be supplied in both paper copy and electronic format in PDF. 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 prior to the commencement of any site work. If the required report is not submitted, Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site work under this consent.

**Notes:**

- If a dilapidation report is not submitted as required by this condition, and damage is occasioned to public assets, which adjoin 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.

**Condition Reason:** To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.

(Autotext 18B)

### **B.11 Works (Construction) Zone – Approval and Implementation**

If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.

If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.

All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.

**Notes:**

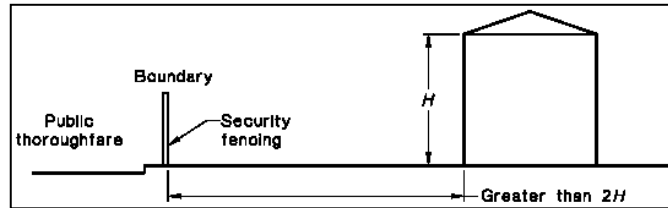
- A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988.
- The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service.

**Condition Reason:** To facilitate the efficient operation of construction projects and to minimise traffic disruption.

(Autotext 21B)

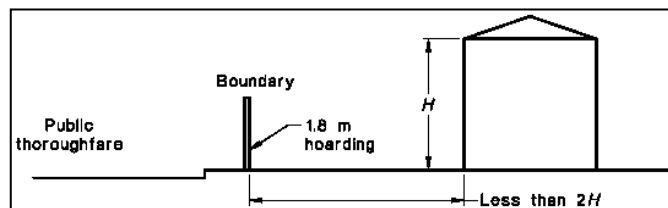
### **B.12 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection**

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



### Type A Hoarding

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



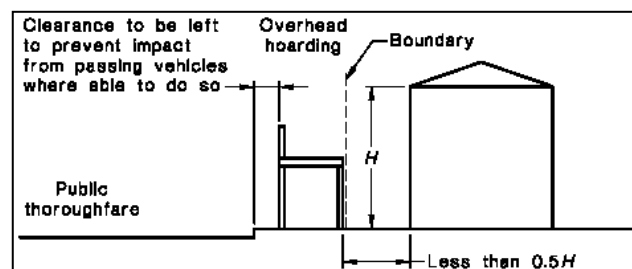
### Type B Hoarding

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

- the vertical height above footpath level of the structure being demolished is less than 4.0m; 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 2.1m,
- terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



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

### **All Hoardings**

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

### **Hoardings on Public Land including 'Creative Hoardings'**

All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full.

A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council's Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

#### **Notes:**

- A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees.
- Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:
  - a) Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more  
OR
  - b) Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more  
OR
  - c) Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:
    - 1. the capital investment value of the work to which the hoarding relates is less than \$1 million, or
    - 2. the land is zoned R2 Low Density Residential, or
    - 3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road).
- Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

**Condition Reason:** To ensure public safety.

(Autotext 22B)

## B.13 Site Signs

Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.

Clause 70 of the Regulation provides:

### Erection of signs

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

Clause 75 of the Development Certification and Fire Safety Regulation provides:

### Signs on development sites

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

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

### Notes:

- Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with.
- If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.

**Condition Reason:** To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.



(Autotext 23B)

## **B.14 Toilet Facilities**

Before any site work commences, 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.

### **Notes:**

- In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999.
- This condition does not set aside the requirement to comply with SafeWork NSW requirements.

**Condition Reason:** To ensure toilet facilities are provided for workers at the work site.

(Autotext 24B)

## **B.15 Establishment of Boundary Location, Building Location and Datum**

Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:

- a) set out the boundaries of the site by permanent marks (including permanent recovery points),
- b) set out 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) establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and
- d) provide a copy of a survey report, prepared by the registered surveyor, detailing the title boundaries, pegs/profiles, recovery points and bench mark locations as established under this condition to the Principal Certifier.

### **Notes:**

- Where there is 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 site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent.

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

**Condition Reason:** To ensure that the boundary locations, building location, and a datum point is established by a surveyor.

(Autotext 25B)

## **B.16 Compliance with Australian Standard for Demolition**

While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.

**Condition Reason** To control the risks of demolition work.

(Autotext 27B)

## **B.17 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.

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

- a) No. 10-12 Manning Road Double Bay
- b) No. 11 Patterson Street Double Bay

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.

## **B.18 Dilapidation Reports for Public Infrastructure**

Before any site work commences, to clarify the existing state of public infrastructure prior to the commencement of the development (including prior to any demolition), a dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site must be prepared.

The dilapidation report must be submitted to Council prior to the commencement of any site work and 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,
- e) photographs showing any existing damage to street signs, heritage name plates, and historical items,
- f) the full name and signature of the Chartered Professional Engineer.

The report is to be supplied in both paper copy and electronic format in PDF. 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 prior to the commencement of any site work. If the required report is not submitted, Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site work under this consent.

### **Notes:**

- If a dilapidation report is not submitted as required by this condition, and damage is occasioned to public assets, which adjoin 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.

**Condition Reason:** To establish and document the structural condition of public land for comparison as site work progresses and is completed and ensure Council is provided with the dilapidation report.

## **B.19 Piezometers for the Monitoring of Ground Water Levels**

Before any site work commences, 2 piezometers within the excavation area and a further 2 piezometers around the perimeter of the wall must be provided. The piezometers are to be installed to monitor ground water levels (GWL) before and during all dewatering works for the construction phase.

The GWL monitoring wells and monitoring program must be maintained until the issue of the occupation certificate.

The GWL are to be regularly monitored during the course of the works as required by the work method statement for the control of GWL. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.

Where there are any movements in the GWL outside a safe range set by the work method statement for the control of GWL, corrective action must be undertaken under the direction of the professional engineer (hydrological/geotechnical engineer).

**Condition Reason:** To ensure that piezometers are provided to monitor ground water levels.

## **B.20 Construction Traffic Management Plan**

Before any site work commences, and as a result of the site constraints, limited space and access, a Construction Traffic Management Plan (CTMP) is to be submitted to Council for approval. Also, due to lack of on-street parking a Work Zone may be required during construction.

An application for the CTMP must be submitted for approval, and all associated application fees must be paid.

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

- a) Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage.
- b) Identify local traffic routes to be used by construction vehicles.
- c) Identify ways to manage construction works to address impacts on local traffic routes.
- d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments.
- e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access, or reversing manoeuvres onto a public road, and provide Traffic Guidance Schemes (TGSs) prepared by an accredited SafeWork NSW Control Work Training Card holder to manage these temporary changes.
- g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- h) Provide for the standing of vehicles during construction.
- i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all

adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).

- k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
- l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Guidance Schemes (TGSs) prepared by an approved SafeWork NSW Control Work Training Card holder.
- m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)
- o) Show the location of any proposed excavation and estimated volumes.
- p) When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work must only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.
- q) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).

**Notes:**

- A minimum of eight weeks will be required for assessment. Site work must not commence until the Construction Traffic Management Plan is approved.
- Failure to comply with this condition may result in fines and proceedings to stop work.
- Council and NSW Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Eastern Suburbs Police Area Command.
- If you partial or full close a road without compliance with Council and NSW Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.
- Traffic Supervisors at the Eastern Suburbs Police Area Command can be contacted on [eastsubtraffic@police.nsw.gov](mailto:eastsubtraffic@police.nsw.gov)

**Condition Reason:** To facilitate the efficient operation of construction projects, minimise traffic disruption, and protect the public, and the surrounding environment, during site works and construction.

## **B.21 Noise Control Objectives during Demolition Works**

Prior to any siteworks, the *NSW Department of Environment & Climate Change: Construction Noise Guideline* must 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.

**Condition Reason:** To assist in managing impacts of noise from the demolishing of the existing building and outbuildings on residences and other sensitive land uses.

## REMEDIATION WORK

### C. ON COMPLETION OF REMEDIATION WORK

Nil.

## BUILDING WORK

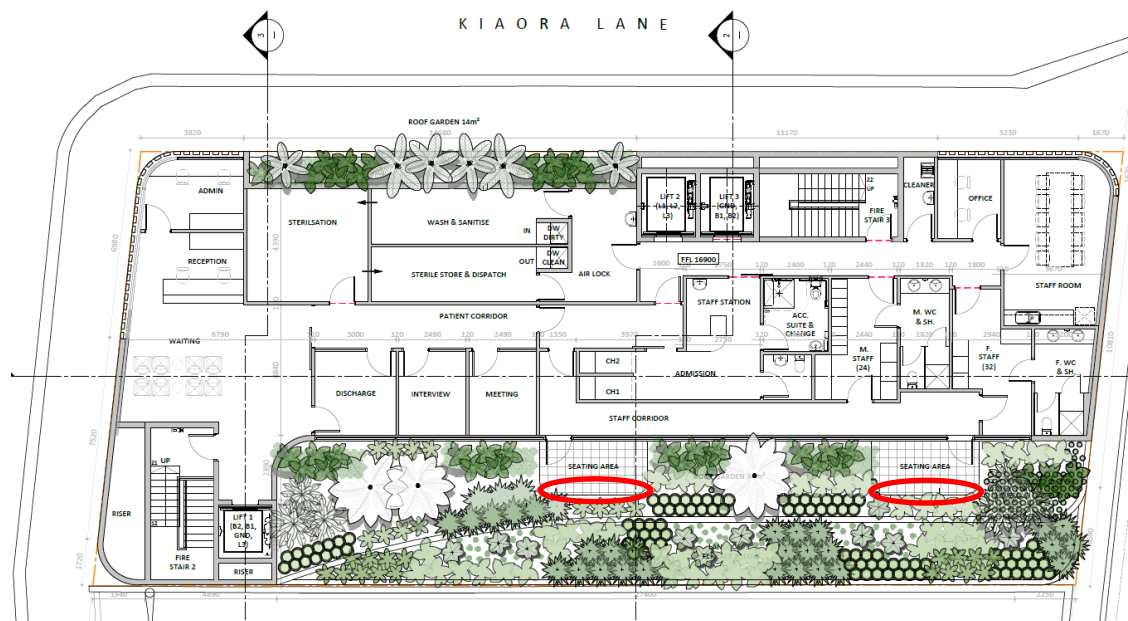
### D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

#### D.1 Modification of Details of the Development (section 4.17(1)(g) of the Act

Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:

#### Solar Panels & Privacy

- The proposed solar panels must be located no more than 500mm above the finished floor level of the roof level and located parallel with the roof surface.
- All south-facing windows must be treated with fixed obscure glazing to a minimum height of 1.5m measured from the respective finished floor levels.
- South-facing seating areas proposed at Level 3 must feature a fixed privacy screen, along its southern elevation, to a minimum height of 1.5m measured from the finished floor level.



*Location of fixed privacy screening in accordance with Condition D.1(c)*

#### Landscape Plan

- d) The Landscape Plan and construction certificate drawings shall be amended to include the following:
- i. To ensure the viability of the proposed *Livistona australis* trees in the Level 1 Landscape area, the proposed soil depth for the Level 1 Landscape area shall be increased from 800 mm to 1 metre (as per Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures).
  - ii. The required planter bed depth of 1 metre on both the Level 1 Landscaped area and the Level 3 planter beds shall be specified on the construction certificate drawings.

### Vehicle Access & Bicycle Parking

- e) The vehicular access shall be reduced to 3.6m in width at property boundary to retain the existing parking provision in Kiaora Lane, Double Bay.
- f) Additional three (3) bicycle parking spaces shall be provided on Ground Level within the area for bike hoops.

#### Notes:

- Clause 20 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.
- Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.

**Condition Reason:** To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.

## D.2 Payment of Long Service Levy

Before the issue of any construction certificate, the original receipt(s) for the payment of the following levy must be provided to the Principal Certifier:

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
<b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a>	Contact LSL Corporation or use online calculator	No	

### 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 Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website [www.longservice.nsw.gov.au](http://www.longservice.nsw.gov.au) or the Long Service Corporation on 131 441.

**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.

**Condition Reason:** To ensure any relevant levy is paid.

(Autotext 5D)

**D.3 Provision for Energy Supplies**

Before the issue of any construction certificate:

- a) A survey is to be carried out of all utility services within and adjacent to the site. If necessary, this shall include relevant information from utility authorities and excavation, to determine the position and level of services.
- b) The applicant is to obtain written approval from Ausgrid for the relocation, adjustment or installation of new services, or existing services affected by, or required for the development.
- c) The applicant shall provide to the Principal Certifier a true copy of the plans developed by the applicant's Accredited Service Provider outlining the design and requirements for network modification and customer connection for the proposed development. The plans must have been reviewed and certified by Ausgrid to be deemed compliant of meeting this requirement.

Any required substation must be located within the boundaries of the site. Where an electricity substation is required, but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans an application under section 4.55 of the Act is required to be submitted to Council.

The design and location of any substation should have regard to the electrical substation provisions within the Woollahra Development Control Plan 2015, which require substations to be located and/or concealed so they are not visible from the street. The design and placement of electrical substations shall comply with Ausgrid's relevant Network Standards and will prioritise the placement of the substation at the front of the property.

Where an electrical pillar is required, the electrical designer must consider the impact of all existing and proposed work when preparing their connection or relocation design. Site specific conditions such as existing/proposed property boundaries, building setbacks, other street furniture, street trees and pedestrian pathways will all be taken into account when specifying the final location of the pillar. The design should be compliant with Ausgrid's Network Standards and satisfy Council's objective to maintain a safe and accessible public domain for pedestrians:

- a) The design and location of underground and aboveground utility infrastructure shall consider the finished streetscape and not adversely impact existing pedestrian footpath, or, where the only permissible location for aboveground infrastructure will impact the footpath, the applicant shall widen the footpath to meet minimum accessibility requirements.



The construction certificate plans and specifications, required to be submitted under clause 7 of the Development Certification and Fire Safety Regulation, must detail provisions to meet the requirements of Ausgrid.

Where an electricity pillar and/or substation is required, the construction certificate plans and specifications must provide:

- a) The substation shall be located or concealed so not visible from the street.
- b) A setback not less than 3m from any side or rear site boundary (or fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility under clause 3.2.4 of AS2890.1 (See: Figures 3.2 and 3.3).
- c) That vegetation does not overhang or encroach within the substation site.
- d) That the substation is installed outside of the mature growth root zone of any trees to be retained, or proposed to be planted, to prevent root damage to underground cables. 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 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 under clause 5.6.3(c)(ii) of AS 2419.1, and
- e) The Owner must dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable a substation to be established, if required. The size and location of the substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road reserve.

**Notes:**

- If the substation is not located within the building its location, 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 Principal Certifier prior to issue of the construction certificate. The Principal Certifier must be satisfied that the requirements of the energy authority have been met prior to issue of the construction certificate.
- Where it is proposed to shield any booster connection or any building from any electricity pillar and/or substation under clause 5.6.3(c)(ii) of AS 2419.1 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 under clause 19 of the Development Certification and Fire Safety Regulation. The Applicant must lodge with Council details for any such construction under section 4.55 of the Act to allow assessment under section 4.15 of the Act.
- Electricity pillar and/or Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set) Parking Facilities Set whether such driveways service the site or any adjoining land.

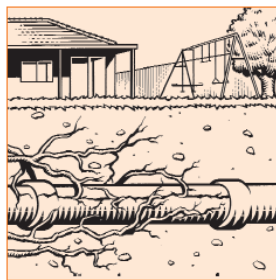
**Condition Reason:** To ensure the adequate provision of energy supply, and to ensure that any proposed electricity substation or the like does not compromise the design quality of the development.

(Autotext 21D)

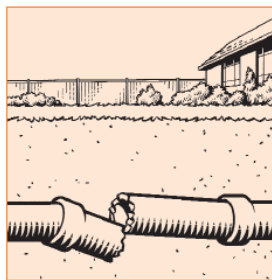
#### D.4 Water and Waste Water - section 73 Developers Certificate and Upgrading of Existing System

Prior to the issue of any construction certificate, a Compliance Certificate must be obtained from Sydney Water under section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains.

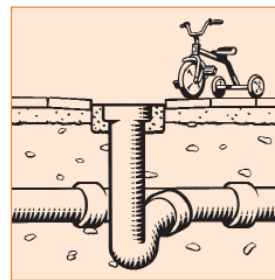
The construction certificate plans and specifications, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be sewer grade UPVC or copper with continuously welded joints.



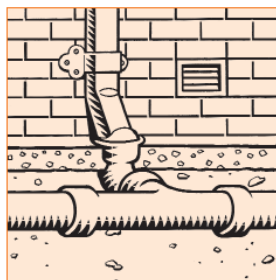
*Cracked pipes*



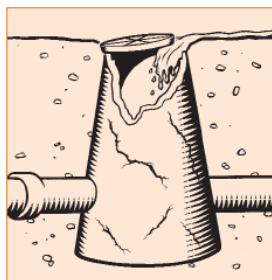
*Broken pipes*



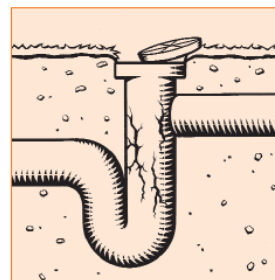
*Damaged or low-lying gullies*



*Direct stormwater connections*



*Hidden or damaged maintenance holes*



*Hidden or damaged inspection points*

#### Notes:

- Sydney Water will assess the development and if required will issue a 'Notice of Requirements' letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Please make early contact with Sydney Water or a WSC, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- For more information go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
- 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 systems are replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main as part of the development. Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.

**Condition Reason:** To ensure that private sewer pipes are upgraded where required to prevent water pollution, and unsafe and unhealthy conditions.

(Autotext 22D)

#### **D.5 Erosion and Sediment Control Plan – Submission and Approval**

Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:

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

Where there is any conflict The Blue Book takes precedence.

The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.

**Notes:**

- The International Erosion Control Association – Australasia [www.austieca.com.au](http://www.austieca.com.au) lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans.
- The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au), and The Blue Book is available at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)
- Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter.

**Condition Reason:** To prevent potential water pollution and dust nuisance.

(Autotext 25D)

#### **D.6 Payment of S7.12 Contributions Levy**

A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022.

A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021.

The cost estimate report must be in the form of:

- A cost summary report, prepared by the applicant or a person acting on the behalf of the applicant for a development up to \$150,000;
- A cost summary report, prepared by a suitably qualified person, at the applicant's cost, where the cost of development is between \$150,000 and \$749,999; or
- A quantity surveyor's report, at the applicant's cost, for development over \$750,000.

Note: A 'suitably qualified person' is defined in the Woollahra Section 7.12 Development Contributions Plan 2022.

The applicable levy rate is to be calculated using the summary schedule below.

Summary Schedule	
Development Cost	Levy Rate
• Up to and including \$100,000	Nil
• More than \$100,000 and up to and including \$200,000	0.5% of the cost
• More than \$200,000	1% of the cost

#### 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.

#### Deferred or periodic payment of section 7.12 levy

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- the reasons given,
- whether any prejudice will be caused to the community deriving benefit from the public facilities,
- whether any prejudice will be caused to the efficacy and operation of the Plan, and
- whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

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

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate,
- 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 recourse 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, and

- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 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.

#### **Do you need HELP indexing the levy?**

Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).

**Condition Reason:** To ensure any relevant contributions are paid.

(Autotext 27D)

### **D.7 Housing and Productivity Contribution Order 2024**

- The housing and productivity contribution (HPC) set out in the table below is required to be made:

<b>Housing and productivity contribution</b>	<b>Amount</b>
Total housing and productivity contribution	\$27,826.87

- The HPC must be paid before the issue of the first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

<b>HPC component of development</b>	<b>Time by which HPC must be paid</b>
<b>Residential subdivision</b>	Before the issue of the first subdivision certificate for the residential subdivision.  <b>Note:</b> This is subject to clause 20 relating to staged subdivision
<b>Residential subdivision and other residential development, or commercial or industrial development</b> , that requires a construction certificate.	Before the issue of: <ul style="list-style-type: none"> <li>the first subdivision certificate for the residential subdivision, or</li> <li>the first construction certificate for the other residential development or the commercial or industrial development,</li> </ul> whichever is the earlier.
<b>Medium or high-density residential development</b> for which a construction certificate is not required.  <b>Note:</b> Medium or high-density residential development may not	Before the issue of the first strata certificate for the medium or high density residential development.

require a construction certificate if the medium or high-density residential accommodation authorised by the consent will result from a change of use of existing building.	
<b>Residential subdivision and medium or high-density residential development</b> for which a construction certificate is not required.	Before the issue of: <ul style="list-style-type: none"> <li>the first subdivision certificate for the residential subdivision, or</li> <li>the first strata certificate (if any is required) for the medium or high density residential development,</li> </ul> whichever is the earlier.
Development for the purposes of <b>manufactured home estate</b> for which a construction certificate is not required	Before the installation of the first manufactured home on a dwelling site.

- 3) In this condition, HPC Order means the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.
- 4) The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- 5) At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).
- 6) The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.
- 7) The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.
- 8) The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

**Notes:**

- This condition is to be used for development consents (other than complying development certificates, concept DAs or staged residential subdivision).
- This condition is based upon the Department of Planning and Environment's standard HPC condition.

(Autotext 28D)

## D.8 Structural Adequacy of Existing Supporting Structures

Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.

**Condition Reason:** To ensure that the existing structure is able to support the additional loads proposed.

(Autotext 35D)

## **D.9 Professional Engineering Details**

Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.

**Notes:**

- This does not affect the right of the developer to seek staged construction certificates.

**Condition Reason:** To ensure professional engineering details and technical specifications are provided.

(Autotext 36D)

## **D.10 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 removal of the existing vehicular crossing including layback and gutter and the construction of a new 6 metre wide vehicular crossing in accordance with Council's Crossing Specification and standard driveway drawing RF2\_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment,
- b) In light of point (a) above, the existing street parking signage on Kiaora Lane, in the vicinity of the new vehicular crossing, must be relocated to suit the new arrangement. As such, the applicant is required to liaise with Council's Traffic Engineers regarding any required modifications to the existing street parking signage. Street parking signage must be installed to the satisfaction of Council's Traffic Engineers,
- c) The removal and replacement/upgrade of the existing 2.5 metre wide footpath for the full frontage of the site in accordance with Council's Specification, Council's standard drawing RF3 and to the satisfaction of Council's Assets Engineers. A maximum cross-fall of 3% must be provided for the footpath, graded from the property boundary towards the top of kerb. A design longitudinal surface profile (scale 1:100) and cross sections (scale 1:50) at 5 metre intervals must be submitted for assessment,

- d) In light of point (c) above, the existing bus stop (ID 202813) fronting the site on Manning Road, must be upgraded and reconstructed. As part of the upgrade process, the applicant shall liaise with Council's Traffic Team for the following requirements:
- (i) Consultation with affected residents regarding the bus stop,
  - (ii) Consultation with bus operator Transdev John Holland to determine effect to bus services,
  - (iii) A 30m bus zone is maintained for the existing bus stop location,
  - (iv) The new bus stop must comply with *Disability Discrimination Act 1992* and Transport for New South Wales guidelines.

Note that the upgrade of the bus stop is required to be referred to Woollahra Traffic Committee for approval and the process can take up to 8 weeks. All costs associated with the bus stop upgrade are to be borne by the applicant,

- e) The stormwater outlet pipe across the nature strip must be galvanised steel and 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.
- f) A bond of \$126,120 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original unconditional bank guarantee with no expiry date,
- g) 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,
- h) 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,
- i) 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
- j) 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.
- k) The removal of the existing vehicular crossing including layback and gutter and the construction of a new 3.6 metres wide vehicular crossing for the loading dock in accordance with Council's Crossing Specification, standard driveway drawing RF2\_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment.
- l) The applicant must liaise with Council's Engineering Services Department on the relocation of the existing bus stop seat on Manning Road. All costs associated with the relocation must be borne by the applicant.



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
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Infrastructure Works Bond</b> - completing any public work required in connection with the consent.	\$126,120	No	T113
<b>Infrastructure Works Bond</b> – remedying any defects in any public work that arise within 6 months after the work is completed	Nil	No	T113
<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>			
Public Road and Footpath Infrastructure Inspection Fee	\$674	Yes	T45
<b>TOTAL SECURITY AND FEES</b>	\$126,794		

#### 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:
  - a) Construction of driveways and/or new or alterations to footpath paving
  - b) Alteration and/or extension to Council drainage infrastructure
  - c) Alteration and/or addition of retaining walls
  - d) Pumping of water to Council's below ground stormwater system
  - e) Installation of soil/rock anchors under the roadway
  - f) 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:
  - a) 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.
  - b) 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](http://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.11 Engineer Certification

Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property.

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

**Condition Reason:** To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.

(Autotext 37D)

### D.12 Ground Anchors

This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths.

Before the issue of any construction certificate, if ground anchors are proposed:

- Prior written consent must be obtained from all relevant adjoining property owner(s) for the use of any ground anchors extending beyond the boundaries of the subject property.
- The use of permanent ground anchors under Council land is not permitted. Temporary ground anchors under Council's land may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.
- If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section

138 of the Roads Act 1993. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. A minimum of four weeks should be allowed for assessment.

**Notes:**

- To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.
- Road has the same meaning as in the Roads Act 1993.
- Clause 17 of the Roads (General) Regulation 2018 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.

**Condition Reason:** To ensure the relevant approval is gained for any temporary ground anchors.

(Autotext 41D)

### **D.13 Parking Facilities**

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3: Parking Facilities - Bicycle Parking Facilities, AS 2890.6: Parking facilities - Off-street parking for people with disabilities, AS/NZS 2890.1: Parking Facilities - Off-Street Car Parking and AS 2890.2: Off-Street Parking: Commercial Vehicle Facilities respectively.

The plans must satisfy the following requirement(s):

- a) A 2m x 2.5m driveway sightline splay be provided, clear of sight obstruction, along both sides of the driveway to ensure visibility between vehicles leaving the car park. This should be clearly depicted on the architectural plans.
- b) Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS2890.1:2004.
- c) Signage and/or line marking be provided to ensure compliant allocation of parking spaces to retail, day surgery staff and patients.
- d) Accessible parking space and the adjacent shared space must be designed to comply with parking configurations stipulated in AS 2890.6.
- e) A Green Travel Plan and Travel Access Guide be developed, to the satisfaction of Council's Traffic & Transport Development, to demonstrate the goals, targets and measures to facilitate alternative travel modes and reduce reliance on private cars. The goals and targets should be consistent with the traffic letter, referenced 25010, prepared by Hutcheson & Partners Traffic Engineering and dated 16 May 2025, that a maximum 30% of all day surgery staff will drive to and from the site.

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

The Principal Certifier 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.

**Condition Reason:** To ensure parking facilities are designed in accordance with the Australian Standard.

(Autotext 45D)

#### **D.14 Non-Gravity Drainage Systems**

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Stormwater Management Plan for the site.

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

**Notes:**

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

(Autotext 52D)

#### **D.15 Electric vehicle circuitry and electric vehicle charging point requirements**

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include an accurate electrical plan and specifications for all off-street car parking, prepared by a suitably qualified person, demonstrating the following;

- a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:
  - Identify the power capacity to each car parking space.
  - Identify the load management system on each level of parking such as a distribution board.
  - Identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system must allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).
- b) A minimum of one Level 2 electric charger must be provided and Level 2 chargers must be provided to not less than 10% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.
- c) The Principal Certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate.

**Notes:**

- The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:
  - Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and
  - Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power.

**Condition Reason:** To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s), and electric charging points if 10 or more car parking spaces are provided.

(Autotext 57D)

#### **D.16 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 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 0.2m 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 to comply with Chapter E2.2.5 and E2.2.10 of the Council's DCP.
- 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.17 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 by a chartered professional civil engineer, which detail the following:

- a) General design in accordance with the stormwater management plans, referenced 210376-Rev A, prepared by Smart Structures, dated 12/12/2024, other than amended by this and other conditions,
- b) 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. Notation to this requirement must be clearly depicted on the drawings,
- c) The discharge of stormwater from the site, by direct connection, to the street kerb. Only one stormwater outlet will be permitted. The discharge pipe must be located within the frontage of the site,
- d) A minimum 450mm x 450mm boundary junction pit must be provided prior to discharging stormwater from the site to the street drainage system. 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,
- e) A pump out system with a minimum storage volume of 3m<sup>3</sup> must be installed to collect any surface/basement runoff which cannot drain to the boundary junction pit by gravity. The pump out system must pump to a filtration chamber prior to discharging to the street kerb by gravity. The pump out system must be designed in accordance with AS3500.3,
- f) The provision of stormwater treatment system including but not limited to 5m<sup>3</sup> Rainwater Tank (RWT) and 4 x Ocean Protect 460mm PSorb StormFilter to meet the water quality targets stipulated in Chapter E2.2.3 of Council's DCP. Stormwater runoff from min. 413.13m<sup>2</sup> roof area must be directed to the 5m<sup>3</sup> RWT for reuse purposes to comply with the MUSIC model,
- g) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath,
- h) Dimensions of all drainage pits and access grates must comply with AS3500.3,
- i) Compliance with the objectives and performance requirements of the BCA, and
- j) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

### 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.

### 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.18 Waste Storage – Commercial**

Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must make provision for:

- a) A dedicated and enclosed waste and recycling storage area behind the building line or within non-habitable areas of the building.

**Condition Reason:** To ensure a waste and recycling storage area is provided.

#### **D.19 Light and Ventilation**

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail all 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 for 'Legionella Control' under the Public Health Act 2010 and Public Health Regulation 2022 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.

**Notes:**

- Clause 69 of the Regulation requires compliance with the BCA. Clause 19 of the Development Certification and Fire Safety Regulation prevents the issue of a construction certificate unless the Principal Certifier is satisfied that compliance has been achieved.
- Part 3, Division 1 of the Development Certification and Fire Safety 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.
- Applicants 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

**Condition Reason:** To ensure the development is provided with adequate light and ventilation.

(Autotext 59D)

## **D.20 Acoustic Certification of Mechanical Plant and Equipment**

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must be accompanied by a certificate from a professional 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 LA90, 15 minute level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

### **Notes:**

- Further information including lists of Acoustic Engineers can be obtained from:
  - Australian Acoustical Society - professional society of noise-related professionals [www.acoustics.asn.au](http://www.acoustics.asn.au)
  - Association of Australian Acoustical Consultant - professional society of noise related professionals [www.aaac.org.au](http://www.aaac.org.au)

**Condition Reason:** To ensure the development does not result in any unreasonable acoustic impacts.

(Autotext 62D)

## **D.21 Skin Penetration – Construction Certificate Plans and Specifications**

Before the issue of any construction certificate, the person with the benefit of this consent must submit to Council details for the construction and fit out of skin penetration premises. Such details must demonstrate compliance with the Public Health Act 2010, the Public Health Regulation 2022, and the Local Government (General) Regulation 2021.

No construction certificate relating to the construction or fitout of skin penetration premises must be issued until Council's Environmental Health Officer has advised in writing that the plans and specification are considered satisfactory.

The details for the construction and fit out of skin penetration premises, as considered satisfactory by Council's Environmental Health Officer must form part of any construction certificate.

**Notes:**

- The assessment of skin penetration premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of skin penetration premises is not listed under clause 73 of the Development Certification and Fire Safety Regulation as a matter that a Principal Certifier may certify. Hence, the detailed plans and specifications must be referred to Council for its approval prior to the issue of any construction certificate for such works.

**Condition Reason:** To ensure that the skin penetration premises fitout plans and specifications are assessed and approved by Council.

(Autotext 66D)

**D.22 Ventilation - Enclosures used by Vehicles (Car parks, automotive service, enclosed driveways, loading docks and the like)**

Before the issue of any construction certificate, the *carpark* in which vehicles powered by internal combustion engines are parked, serviced or operated are required to comply with Section 4 'Ventilation of Enclosures used by Vehicles with Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.

The *carpark* 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 *carpark* and provide details to the Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the *carpark* shall be mechanically ventilated by a combination of general exhaust and supply flow rates in accordance with Australian Standard 1668.2-1991.

**Condition Reason:** To ensure the development is adequately ventilated.

**D.23 Ventilation - Internal Sanitary Rooms**

Before the issue of any construction certificate, 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) must be submitted with the Construction Certificate plans and specifications to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.

**Condition Reason:** To ensure the development is adequately ventilated.

**D.24 Flood Protection**

Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).

The flood planning level must be based on a 1 in 100 year AEP flood level which varies across the site.

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

**Notes:**

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

**Condition Reason:** To ensure the development incorporates flood inundation protection measures.

**D.25 Special Condition – Flooding**

- a. A permanent flood risk management plan shall be installed in a prominent area of the basement carpark,
- b. All fences traversing the over land flow path shall be designed to be flow through,
- c. The driveway entry shall be protected by an automatic mechanical flood barrier with the threshold set to the flood planning level of 4.68m AHD,
- d. All below ground construction shall be fully tanked,
- e. Emergency self-powered lights, indicating the safe exit to a flood free area above the probable maximum flood (PMF) shall be installed in the car parking area,
- f. The fire stair entry shall be protected by an automatic mechanical flood barrier with the threshold set to the flood planning level of 4.9m AHD,
- g. The pedestrian entries to the ground floor off Kiora lane shall be protected by an automatic mechanical flood barriers with the threshold set to the flood planning level of 5.85m AHD,
- h. The pedestrian entry to the ground floor off Manning Rd shall be protected by an automatic mechanical flood barrier with the threshold set to the flood planning level of 7.3m AHD,
- i. The pedestrian entry to the fire stair 1 off Manning Rd shall be protected by an automatic mechanical flood barrier with the threshold set to the flood planning level of 7.1m AHD,
- j. The pedestrian entry to the fire stair 2 off Manning Rd shall be protected by an automatic mechanical flood barrier with the threshold set to the flood planning level of 7.1m AHD,
- k. Flood compatible materials shall be used for all flood exposed construction,
- l. All flood exposed electrical wiring and equipment shall be waterproofed,

- m. All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation,

**Condition Reason:** To ensure the development incorporates flood inundation protection measures.

## **E. BEFORE BUILDING WORK COMMENCES**

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

Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

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

This condition does not apply:

- a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or
- b) to the erection of a temporary building.

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

**Notes:**

- 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.
- All new guttering is to comply with the provisions of AS3500.

**Condition Reason:** To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.

(Autotext 1E)

### **E.2 Erosion and Sediment Controls – Installation**

Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained 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” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and
- c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).

Where there is any conflict The Blue Book takes precedence.

**Notes:**

- The International Erosion Control Association – Australasia ([www.austieca.com.au/](http://www.austieca.com.au/)) lists consultant experts who can assist in ensuring compliance with this condition.
- Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.
- The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) and The Blue Book is available at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)
- 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.
- 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.

**Condition Reason:** To prevent potential water pollution and dust nuisance.

(Autotext 14E)

**E.3 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)**

Building work must not commence, until:

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

- unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

**Notes:**

- **Building** has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure.
- **New building** has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building.
- The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.
- Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)
- It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act.
- Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.

**Condition Reason:** To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.

(Autotext 15E)

## **F. DURING BUILDING WORK**

### **F.1 Compliance with BCA and Insurance Requirements under the Home Building Act 1989**

While site work is being carried out:

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

This condition does not apply:

- a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, 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.

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

**Notes:**

- All new guttering is to comply with the provisions of AS 3500.

**Condition Reason:** To ensure compliance with the BCA and Home building Act 1989.

(Autotext 1F)

## **F.2 Requirement to Notify about New Evidence**

While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.

**Condition Reason:** To ensure Council and the Principal Certifier are made aware of new information.

(Autotext 4F)

## **F.3 Critical Stage Inspections**

While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.

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

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

**Notes:**

- The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent.
- The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development.

**Condition Reason:** To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.

(Autotext 5F)

## **F.4 Hours of Work –Amenity of the Neighbourhood**

While site work is being carried out:

- 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:
  - piling,
  - piling,
  - rock or concrete cutting, boring or drilling,
  - rock breaking,
  - rock sawing,
  - jack hammering, or
  - 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 interval break within every hour.

**Notes:**

- 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.
- Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.
- The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.
- Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017.
- NSW EPA Noise Guide is available at [www.epa.nsw.gov.au/noise/nglg.htm](http://www.epa.nsw.gov.au/noise/nglg.htm)

**Condition Reason:** To mitigate the impact of work upon the amenity of the neighbourhood.

(Autotext 6F)

## **F.5 Public Footpaths – Safety, Access and Maintenance**

While site work is being carried out, any person acting with the benefit of this consent must:



- a) Not erect or maintain any gate or fence that swings out, or encroaches 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) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council.
- f) Not stand any plant and equipment upon the road or footway.
- g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand.
- h) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development.

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

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

**Notes:**

- Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose.
- 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.
- 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.

**Condition Reason:** To ensure safe access is maintained to footpaths and roads during building works.

(Autotext 7F)

## **F.6 Maintenance of Environmental Controls**

While site work is being carried out, the following monitoring, measures and controls must be maintained:

- a) erosion and sediment controls,
- b) dust controls,
- c) dewatering discharges,
- d) noise controls,
- e) vibration monitoring and controls, and
- f) ablutions.

(Autotext 11F)

## **F.7 Compliance with Geotechnical / Hydrogeological Monitoring Program**

While site work is being carried out, 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
- c) hydrogeological measures by the professional engineer, and
- d) the contingency plan.

### **Notes:**

- 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.

**Condition Reason:** To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.

(Autotext 12F)

## **F.8 Support of Adjoining Land and Buildings**

While site work is being carried out, 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.

### **Notes:**

- 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:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the Access to Neighbouring Land Act 2000, or
- an easement under section 88K of the Conveyancing Act 1919, or
- an easement under section 40 of the Land and Environment Court Act 1979 as appropriate.
- 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).
- Clause 17 of the Roads Regulation 2018 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.
- 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.

**Condition Reason:** To ensure that the support of adjoining land is not removed.

(Autotext 13F)

## **F.9 Vibration Monitoring**

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

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

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

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional

engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice.

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

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

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

**Notes:**

- **Professional engineer** has the same mean as in Schedule 1 of the BCA.
- **Building** has the same meaning as in section 1.4 of the Act i.e. “building includes part of a building and any structure or part of a structure....”
- **Supported land** has the same meaning as in the Conveyancing Act 1919.

**Condition Reason:** To monitor and manage vibration impacts from development.

(Autotext 14F)

## **F.10 Erosion and Sediment Controls – Maintenance**

While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained 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” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and
- c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).

Where there is any conflict The Blue Book takes precedence.

**Notes:**

- 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.
- 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.

**Condition Reason:** To prevent potential water pollution and dust nuisance.

(Autotext 15F)

## **F.11 Disposal of Site Water During Construction**

While site work is being carried out:

- a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993.
- b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of 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.

**Condition Reason:** To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.

(Autotext 17F)

## **F.12 Site Cranes**

While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.

Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.

The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).

No illuminated sign(s) must be erected upon or displayed upon any site crane.

### **Notes:**

- Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place.
- Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate must be obtained. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.

**Condition Reason:** To ensure site cranes are used safely with the relevant approvals.

(Autotext 19F)

### **F.13 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**

While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:

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

**Condition Reason:** To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.

(Autotext 20F)

### **F.14 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway**

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

The person with the benefit of this consent 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.

**Notes:**

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

**Condition Reason:** To ensure that any road, drainage, or miscellaneous works comply with Council's specifications.

(Autotext 24F)

## F.15 Placement and Use of Skip Bins

While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and
- 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.

**Notes:**

- 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.

**Condition Reason:** To ensure waste storage containers are appropriately located.

(Autotext 21F)

## F.16 Prohibition of Burning

While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.

**Notes:**

- Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.

**Condition Reason:** To ensure no burning of waste occurs.

(Autotext 22F)

## F.17 Dust Mitigation

While site work is being carried out, dust mitigation must be implemented in accordance with "Dust Control - Do it right on site" and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- Dust screens to all hoardings and site fences.
- All stockpiles or loose materials to be covered when not being used.
- All equipment, where capable, being fitted with dust catchers.
- 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.

**Notes:**

- “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)
- Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au) and [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au). Other specific conditions and advice may apply.
- 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.

**Condition Reason:** To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.

(Autotext 23F)

## **F.18 Site Waste Minimisation and Management – Demolition**

While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:

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

When implementing the SWMMP the Applicant must ensure:

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

**Notes:**



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

**Condition Reason:** To maximise resource recovery and minimise residual waste from demolition activities.

(Autotext 31F)

## **F.19 Site Waste Minimisation and Management – Construction**

While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:

- a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,
- b) deliveries of materials must be arranged so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,
- c) consideration must be given to returning excess materials to the supplier or manufacturer,
- d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),
- e) the purpose and content of the storage areas must be clearly 'signposted',
- f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,
- g) separate collection bins or areas for the storage of residual waste must be promoted,
- h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,
- i) site disturbance must be minimised and unnecessary excavation limited,
- j) all waste must be transported to a place that can lawfully be used as a waste facility, and
- k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.

**Condition Reason:** To maximise resource recovery and minimise residual waste from construction activities.

(Autotext 32F)

## **F.20 Asbestos Removal**

While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.

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

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

**Notes:**

- Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence.
- All removal, repair or disturbance of or to asbestos material must comply with:
  - Work Health and Safety Act 2011,
  - Work Health and Safety Regulation 2017,
  - SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and
  - SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016).
- For more information go to the SafeWork NSW website on asbestos [www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos](http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos), and [www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice](http://www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice) or call 131 050

**Condition Reason:** To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public

(Autotext 39F)

## **F.21 Classification of Hazardous Waste**

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

**Condition Reason:** To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.

(Autotext 40F)

## **F.22 Disposal of Asbestos and Hazardous Waste**

While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

**Condition Reason:** To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.

(Autotext 41F)

### F.23 Asbestos Removal Signage

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

**Condition Reason:** To ensure awareness of any hazard to the health and safety of persons working on the site and public.

(Autotext 42F)

### F.24 Notification of Asbestos Removal

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

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

**Condition Reason:** To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.

(Autotext 43F)

### F.25 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.

### F.26 Compliance with Construction Traffic Management Plan

While site work is being carried out, all development activities and traffic movements must be carried out in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times. A copy of the CTMP must be kept on-site at all times and made available to the Principal Certifier on request.

**Notes:**

- Irrespective of the provisions of the Construction Traffic Management Plan the provisions of traffic and parking legislation prevails.

**Condition Reason:** To ensure compliance with the Construction Traffic Management Plan.

## **G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

### **G.1 Occupation Certificate (section 6.9 of the Act)**

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

**Notes:**

- New building includes an altered portion of, or an extension to, an existing building.

**Condition Reason:** To ensure the building is suitable to occupy.

(Autotext 1G)

### **G.2 Amenity Landscaping**

Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.

**Condition Reason:** To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.

Standard Condition G.6 (Autotext 6G)

### **G.3 Commissioning and Certification of Systems and Works**

Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 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 must be submitted to the satisfaction of the Principal Certifier.

Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:

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

- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifier may require.

**Notes:**

- The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).
- The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.

**Condition Reason:** To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.

(Autotext 7G)

#### **G.4 Certification of Electric Vehicle Charging System**

Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by Condition D.11. must be submitted to the satisfaction of the Principal Certifier.

**Condition Reason:** To ensure the certification of the electric vehicle charging system.

(Autotext 22G)

#### **G.5 Landscaping**

Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with 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 landscaping and replacement/supplementary tree planting works comply with this consent.

**Condition Reason:** To ensure that all landscaping work is completed prior to occupation.

(Autotext 26G)

#### **G.6 Removal of Ancillary Works and Structures**

Before the issue of any occupation certificate for the whole of the building, the following articles must be removed from the land and any adjoining public place:

- a) the site sign,
- b) ablutions,
- c) hoarding,

- d) scaffolding, and
- e) waste materials, matter, article or thing.

**Condition Reason:** To ensure that all ancillary matter is removed prior to occupation.

(Autotext 28G)

#### **G.7 Works within Public Land (including Council, State or Federal owned land or property)**

Before the issue of any occupation certificate, the following works within public land, whether new/existing/renewed must be completed to the satisfaction of Council, in compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the person with the benefit of this consents expense:

- a) stormwater pipes, pits, structures and connections to public stormwater systems within the road,
- b) driveways and vehicular crossings,
- c) renew/new retaining structures,
- d) overhang structures,
- e) encroachments or occupation or alienation of public land or property,
- f) removal of redundant driveways and any other structure,
- g) new footpaths, pathways, walkways, or dunny lanes,
- h) relocation of existing power/light pole, if applicable,
- i) relocation/provision of street signs, if applicable,
- j) new or replacement street trees, if applicable,
- k) verge landscape items, 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,
- l) new or reinstated kerb and guttering within the road, and
- m) new or reinstated road surface pavement within the road.

**Notes:**

- 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.
- Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or obtained from Council's customer service centre.

**Condition Reason:** To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.

(Autotext 29G)

#### **G.8 Commissioning and Certification of Public Infrastructure Works**

Before the issue of any occupation certificate, certification from a professional engineer that all public infrastructure works have been executed in compliance with this consent and with Council's Specification for Roadworks, Drainage and

Miscellaneous Works (2012) must be submitted to the satisfaction of Council, and the Principal Certifier must be provided with correspondence from Council to this effect.

The certification must be supported by works-as-executed engineering plans and a survey report detailing all finished reduced levels.

**Condition Reason:** To ensure that any road, drainage, or miscellaneous works have been completed in accordance with Council's specifications to the satisfaction of Council.

## **G.9 Dilapidation Report for Public Infrastructure Works**

Before the issue of an occupation certificate for the whole of the building, a follow up dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site upon completion of the work must be submitted to Council.

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,
- e) photographs showing any existing damage to street signs, heritage name plates, and historical items,
- f) the full name and signature of the Chartered Professional Engineer.

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

Before the issue of an occupation certificate for the whole building, written correspondence must be obtained from Council attesting to this condition being appropriately satisfied, and be provided to the Principal Certifier.

### **Notes:**

- If the dilapidation report required by this condition is not provided 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.

**Condition Reason:** To ensure that any damage to public infrastructure is identified and rectified prior to the occupation of the whole building.

## **G.10 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 professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:

- a) compliance with conditions of development consent relating to stormwater,

- b) the structural adequacy of the pump out system and stormwater filtration chamber,
- c) that all below ground structures are fully tanked such that subsoil drainage / seepage water is NOT discharged to the kerb and gutter in accordance with the approved stormwater drawings,
- d) that a pump out system with minimum storage volume of 3m<sup>3</sup> has been installed to comply with AS3500.3,
- 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 all mechanical flood barriers have been installed in accordance with the approved flood management plans,
- g) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans,
- h) that the works have been constructed in accordance with the approved design,
- 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 stormwater treatment system, pump out system and mechanical flood barriers. 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](http://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 and ongoing maintenance of the stormwater system prior to the occupation of the whole building.

## **G.11 3D Digital Model**

Before the issue of any occupation certificate, an accurate "as built" 3D digital model of the building must be submitted to Council for use in the Woollahra 3D digital model.

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

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

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



**Notes:**

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

**Condition Reason:** To ensure an accurate 3D digital model of the development is recorded by Council.

## **H. OCCUPATION AND ONGOING USE**

### **H.1 Maintenance of Landscaping**

During the occupation and ongoing use, 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.

**Notes:**

- 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 must have regard to the amenity impact of trees upon the site and neighbouring land.

**Condition Reason:** To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

(Autotext 25H)

### **H.2 Outdoor Lighting – Commercial**

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

**Notes:**

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

**Condition Reason:** To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

(Autotext 50H)

### **H.3 Noise from Mechanical Plant and Equipment**

During the occupation and ongoing use, 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 LA90, 15 minute level measured by a sound level meter.

**Notes:**

- Words in this condition have the same meaning as in the Noise Policy for Industry (2017) [www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)) and Noise Guide for Local Government (2013) [www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government](http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government)

**Condition Reason:** To protect the amenity of the neighbourhood.

(Autotext 59H)

#### **H.4 Ongoing Maintenance of the Stormwater Treatment System, Mechanical Flood Barriers and Pump Out 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:

- Permit stormwater to be temporarily detained by the System.
- Keep the system clean and free of silt rubbish and debris,
- 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.
- Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense.
- 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.
- 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.
- 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.
- 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:

- 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
- 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.

## H.5 Provision of Off-street Public and Visitor Parking

During the occupation and ongoing use, in compliance with AS2890.3: Parking Facilities - Bicycle Parking Facilities, AS 2890.6: Parking facilities - Off-street parking for people with disabilities and AS/NZS 2890.1: Parking Facilities - Off-Street Car Parking and AS 2890.2: Off-Street Parking: Commercial Vehicle Facilities, unimpeded public access to off-street parking must be maintained as follows:

Use	Number of spaces
Car parking (retail)	5
Day surgery (staff)	12
Day surgery (patient)	4 (including 1 accessible)
Bicycle parking (residential)	13
Motorbike parking	12

**Notes:**

- Where there is a potential for the trespass of private motor vehicles upon private parking servicing the owner of the site may seek to enter into a free parking area agreement with Council. Council may under such agreement enforce parking restrictions under section 650 of the Local Government Act 1993.
- Further information can be obtained from Council's Compliance Team by calling 9391 7000 or from the Office of Local Government at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) or call 4428 4100.

**Condition Reason:** To ensure adequate on-site parking is maintained.

## H.6 Provision of Off-street Commercial Vehicle Facilities

During the occupation and ongoing use, in compliance with AS 2890.2: Parking facilities - Off-street commercial vehicle facilities, unimpeded access to off-street parking must be maintained as follows:

Use	Number of spaces
Loading bay	1

All deliveries to and dispatch from the site, excluding retail sales, must occur within the curtilage of the development and within the commercial vehicle parking facilities required to be maintained by this condition.

**Notes:**

- Where there is a potential for the trespass of private motor vehicles upon private parking servicing the owner of the site may seek to enter into a free parking area agreement with Council. Council may under such agreement enforce parking restrictions under section 650 of the Local Government Act 1993.

- Further information can be obtained from Council's Compliance Team by calling 9391 7000 or from the Office of Local Government at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) or call 4428 4100.

**Condition Reason:** To ensure that commercial vehicles use loading facilities within the site to reduce impacts on the neighbourhood including noise and parking impacts.

## **H.7 On-going Maintenance of the Mechanical Parking Installations**

During the occupation and ongoing use, the Owner must ensure the ongoing maintenance of the mechanical parking installations in accordance with this condition and any positive covenant if applicable. The Owner must:

- keep the system clean and free of silt rubbish and debris;
- maintain renew and repair as reasonably required from time to time the whole of the system so that it functions in a safe and efficient manner;
- carry out the matters referred to in paragraphs (a) and (b) at the Owners expense;
- 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;
- 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;
- comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice; and
- 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

- 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; and
- 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.

**Notes:**

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

**Condition Reason:** To ensure the ongoing maintenance of the mechanical parking installations.

## **H.8 Operation in Accordance with Green Travel Plan (GTP) and Travel Access Guide (TAG)**

During the occupation and ongoing use:

- The operation and management of the premises shall be in accordance with the approved GTP/TAG.
- The GTP/TAG cannot be altered without the written consent of Council.
- Monitoring annual reports must be submitted for a minimum of 5 years post occupation.

**Condition Reason:** To maximise road safety and performance.

## H.9 Hours of use

The hours of use are limited to the following:

- a) Monday to Friday: 6:00am to 6:00pm.

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

## H.10 Skin Penetration – Registration and Maintenance of Skin Penetration Premises

During the occupation and ongoing use, the skin penetration premises must be registered with Council and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2022, and any associated guidelines.

**Notes:**

- A fee is charged by Council for an inspection of such premises.
- For more information go to the NSW Health website [www.health.nsw.gov.au](http://www.health.nsw.gov.au).

**Condition Reason:** To protect public safety.

## H.11 Noise Control

During the occupation and ongoing use, 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.

**Notes:**

- Council will generally enforce this condition in accordance with the Noise Guide for Local Government ([www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government](http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government)) and the NSW Industrial Noise Policy ([www.epa.nsw.gov.au/your-environment/noise/industrial-noise](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise)) published by the NSW Environment Protection Authority. 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](http://www.cjc.nsw.gov.au).
  - NSW Environment Protection Authority— see “noise” section [www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise).
  - NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

- Australian Acoustical Society—professional society of noise related professionals [www.acoustics.asn.au](http://www.acoustics.asn.au).
- Association of Australian Acoustical Consultants—professional society of noise related professionals [www.aaac.org.au](http://www.aaac.org.au).
- Liquor and Gaming NSW—[www.liquorandgaming.nsw.gov.au](http://www.liquorandgaming.nsw.gov.au).

**Condition Reason:** To protect the amenity of the neighbourhood.

(Autotext 55H)

## H.12 Maintenance of Sound Attenuation

During the occupation and ongoing use, sound attenuation must be maintained in accordance with the acoustic report.

**Condition Reason:** To protect the amenity of the neighbourhood.

(Autotext 56H)

## H.13 Noise from Mechanical Plant and Equipment

During the occupation and ongoing use, 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 LA90, 15 minute level measured by a sound level meter.

### Notes:

- Words in this condition have the same meaning as in the Noise Policy for Industry (2017) [www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)) and Noise Guide for Local Government (2013) [www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government](http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government)

**Condition Reason:** To protect the amenity of the neighbourhood.

(Autotext 59H)

## H.14 Skin Penetration - Infection Control Standards

During the occupation and ongoing use, Infection control standards at the proposed medical practice are to be applied in accordance with the requirements set out in Schedule 1 of the *Health Practitioner Regulation (NSW) 2010*.

### **General precautions and aseptic techniques**

- Precautions must be taken to avoid direct exposure to a patient's blood or body substance. This requirement applies regardless of whether there is any perceived risk of infection.
- Aseptic techniques must be used in the course of complying with the requirements of this Schedule.

### ***Hand and skin cleaning***

- a) Hands must be cleaned:
  - immediately before and after any direct patient care, and
  - immediately after handling blood or body substances.
- b) Subclause (a) does not apply in circumstances where medical treatment is required to be performed urgently and cleaning facilities are not readily available.
- c) Hands may be cleaned by:
- d) using washing facilities involving water and a soap or antiseptic, or
- e) using non-water cleansers or antiseptics.
- f) Hands or other skin surfaces that are contaminated with a patient's blood or body
- g) substance must be cleaned as soon as it is practicable to clean them.
- h) The requirement to clean hands applies regardless of whether gloves are also required to be worn.

### ***Hand washing facilities***

The two medical consulting rooms being fitted with a hand basin supplied with warm running potable water through a common outlet. A soap dispenser and disposable paper towels must be made available near the hand basin for use by the medical practitioners.

### ***Protective gowns and aprons***

A gown or apron made of impervious material must be worn during any procedure where there is a likelihood of clothing being splashed or contaminated with blood or body substances.

### ***Gloves***

- a) Gloves must be worn while handling blood or body substances.
- b) In particular, gloves must be worn:
  - during any procedure where direct contact is anticipated with a patient's blood or body substance, mucous membranes or skin that is not intact, and
  - while suctioning a patient, and
  - while handling items or surfaces that have come into contact with blood or body substances, and
  - while performing an invasive procedure, venipuncture or a finger or heel stick.
- c) Sterile gloves must be worn if the procedure involves contact with tissue that would be sterile under normal circumstances.
- d) Gloves must be discarded:
  - as soon as they are torn or punctured, and
  - after contact with each patient.
- e) Nothing in subclause (d) affects the operation of subclauses (a)–(c).
- f) Gloves must be changed if separate procedures are being performed on the same patient and there is a risk of infection from one part of the body to another.

### ***Masks and protective eye wear***

- a) A fluid repellent mask and protective eye wear must be worn while performing any procedure where there is a likelihood of splashing or splattering of blood or body substances.
- b) A mask must be worn when in close contact with patients known by the registered medical practitioner to have an infectious disease (or suspected by the medical practitioner of having such a disease) if the disease is capable of

- being transmitted by the airborne or droplet route. If the disease is tuberculosis, the mask must be a particulate mask that is capable of filtering to 0.3µm.
- c) In cases where a mask is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
  - d) A mask must be discarded once it has been worn and it must not be used again.
  - e) In cases where protective eye wear is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
  - f) Protective eye wear must be discarded once it has been worn and not used again unless it is reusable (in which case it is to be cleaned in accordance with the manufacturer's instructions).

### ***Sharps***

- a) Sharps must not be passed by hand between a registered medical practitioner and any other person. However, this requirement does not apply if, in any case involving an invasive procedure, the proper conduct of the procedure would be adversely affected.
- b) A puncture resistant tray must be used to transfer sharps.
- c) A needle must not be removed from a disposable syringe for disposal, or be purposely broken or otherwise manipulated by hand, unless:
  - it is necessary to remove the needle for technical reasons, or
  - the medical practitioner is performing a procedure in which the needle is required to be bent.
- d) A needle must not be bent after it is contaminated with blood or body substances.
- e) In any case where resheathing of a needle is required:
  - the needle must be properly recapped, and
  - the sheath must not be held in the fingers, and
  - either a single handed technique or forceps, or a suitable protective guard designed for the purpose, must be used.
- f) Reusable sharps must, immediately after being used, be placed in a puncture resistant container specially kept for that purpose and labelled as such.
- g) Non-reusable sharps must, immediately after being used, be disposed of in a puncture resistant container.

### ***Management of waste***

- a) Clinical waste must be properly packaged to protect against potential exposure to infectious agents and to facilitate the proper handling, storage and treatment or disposal of the waste.
- b) Splashing or contamination of skin while disposing of blood or body substances must be avoided as far as practicable.
- c) Nothing in this clause limits any other requirement under this Part.

### ***Sterile medications and solutions***

- a) A sterile needle and syringe must be used to withdraw any medication or solution from a vial or ampoule (or other similar container).
- b) The needle and syringe must be discarded once the needle and syringe have been used.
- c) A medication or solution may be taken from a multi-dose vial or ampoule (or other similar container) only if the medication or solution is not reasonably available in another form.
- d) Precautions must be taken to ensure that contaminated material or fluid is not injected into a multi-dose vial or ampoule (or other similar container).

### ***Anaesthetic apparatus***



- a) This clause applies in any case where anaesthetic apparatus is used.
- b) Any anaesthetic apparatus that comes into contact with a patient or is contaminated with blood or body substances must be discarded, or cleaned and disinfected, after each patient.
- c) If the anaesthetic apparatus is a breathing circuit and the breathing circuit uses a filter:
  - the filter must be discarded after each patient, and
  - the part of the breathing circuit between the patient and the filter must be discarded, or cleaned and disinfected, after each patient, and
  - in any case where a carbon dioxide absorber is also used—the part of the breathing circuit between the carbon dioxide absorber and the filter must be discarded, or cleaned and disinfected, at the end of each procedure list or operation list (as applicable), and
  - in those cases where a carbon dioxide absorber is not used—the breathing circuit tubing that conducts the gas to and from the filter must be discarded, or cleaned and disinfected, at the end of each procedure list or operation list (as applicable).

### ***Invasive procedures***

- a) In cases where it is technically feasible, retractors must be used for exposure and access during an invasive procedure.
- b) Fingers must not be used for the purposes of an invasive procedure to expose or increase access for the passage of a suture.
- c) Only one sharp at a time is to be placed in a puncture resistant tray that is being used in connection with an invasive procedure.
- d) Forceps or a needle holder must be used when carrying out suturing both to pick up the suture needle and to draw it through tissue.

### ***Cleaning of instruments and equipment***

- a) Any instrument or equipment that comes into contact with intact skin must be cleaned before it is used.
- b) Any instrument or equipment that is required under this Part to be sterilised or disinfected must be cleaned before it is sterilised or disinfected.
- c) The process of cleaning:
  - must involve water and mechanical or physical action (such as washing machines) and a cleaning agent (with the cleaning agent being removed from instruments and equipment by rinsing), and
  - must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
- d) In this clause cleaning agent means a detergent and includes proteolytic enzyme substances.

### ***Disinfection of instruments and equipment***

- a) Any instrument or equipment that comes into contact with non-sterile tissue (other than intact skin) must, before it is used, be disinfected with a disinfectant specified in the Australian Register of Therapeutic Goods that is maintained under the Therapeutic Goods Act 1989 of the Commonwealth, and the relevant manufacturer's instructions must be followed.
- b) The process of disinfection:
  - must involve either thermal methods or (if thermal methods are unsuitable) chemical methods, and
  - must be consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.

### ***Sterilisation of instruments and equipment***

Any instrument or equipment used to enter, or that is capable of entering, tissue that would be sterile under normal circumstances, or the vascular system of a patient, must be sterilised before it is used.

- a) The method of sterilisation must be:
  - compatible with the particular type of instrument or equipment concerned, and
  - consistent with AS/NZS 4187 or (in the case of an office-based practice) AS/NZS 4815.
- b) If a steriliser is used (whether it is a benchtop or portable steriliser or a permanently plumbed or wired steriliser), the following criteria must be met:
  - the relevant manufacturer's instructions must be followed,
  - an ongoing monitoring program must be followed which reflects the requirements of Table 7.1 Calibration, Monitoring and Maintenance of Sterilizers of AS/NZS 4187 or (in the case of an office-based practice) Table 7.1 Performance Testing, Monitoring, Calibration and Maintenance of Sterilizers of AS/NZS 4815.

**Notes:**

- AS/NZS 4187 means AS/NZS 4187:2003, Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of associated environments in health care facilities, as in force from time to time.
- AS/NZS 4815 means AS/NZS 4815:2006, Office-based health care facilities—Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment, as in force from time to time.

**Condition Reason:** To ensure infection control standards are complied with.

## **SUBDIVISION WORK**

### **I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

#### **I.1 Electricity Substations – Dedication as Road and/or Easements for Access**

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

Documentary evidence of compliance, including correspondence from the network authority is to be provided to the Principal Certifier prior to issue of the construction certificate detailing energy authority requirements.

The Accredited Certifier must be satisfied that the requirements of the 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 substation is located must be dedicated as public road. Where access is required across the site to access an electricity pillar and/or substation an

easement for access across the site from the public place must be created upon the linen plans burdening the subject site and benefiting the Crown in right of New South Wales and any statutory corporation requiring access to the electricity pillar and/or substation.

**Condition Reason:** To ensure that the energy authority is provided with access to electricity pillars and/or substations.

(Autotext 1.I)

**J. BEFORE SUBDIVISION WORK COMMENCES**

Nil.

**K. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (SUBDIVISION WORKS)**

Nil.

**L. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (NO SUBDIVISION WORKS)**

Nil.

**M. BEFORE THE ISSUE OF A STRATA CERTIFICATE**

Nil.