



# Application Assessment Panel

**Agenda:** *Application Assessment Panel*

**Date:** *Tuesday 27 March 2007*

**Time:** *3.00pm*

**Part:** *One of One Part*

## **Outline of Meeting Protocol & Procedure:**

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed three (3) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the objector speaks first.
- At the conclusion of the allotted three (3) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a resolution.

Note: Matters where there is a substantive change to the recommendation of the Council Officer are referred to the next appropriate meeting of the Application Assessment Panel.

Note: Matters can be “called” from this Committee to the Development Control Committee (DCC) by Councillors subject to the following requirements:

- Calling requires one Councillor
- Calling must be lodged before 3.00pm on the business day preceding the Application Assessment Panel meeting at which the item is listed.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

19 March 2007

To: General Manager  
Director – Technical Services  
Director – Planning & Development  
Manager – Compliance  
Manager – Strategic Planning

CC: The Mayor  
All Councillors

### **Application Assessment Panel Meeting – 27 March 2007**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Application Assessment Panel** to be held in the **Committee Room, 536 New South Head Road, Double Bay, on Tuesday 27 March 2007 at 3.00pm.**

Gary James  
General Manager

# Meeting Agenda

## Part One of One Part

Item	Subject	Pages
1	Apologies	
2	Late Correspondence	
3	Declarations of Interest	

### Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 20 March 2007	1
D2	DA594/2006 – 22 March Street, Bellevue Hill – Alterations & additions to existing two storey residence including new upper storey & swimming pool – 13/9/2006 <b>*See Recommendation Page 3</b>	2-88
D3	DA743/2005 Part 2 – 31 Latimer Road, Bellevue Hill – Section 96 application – Proposed modification including changes to windows & new sections of roofing to deck & changes to Conditions of consent including Condition No. 3 (Privacy), Condition No. 14 (Stormwater Management Plan, Condition No. 16 (Positive Covenant-Drainage System) – 14/11/2006 <b>*See Recommendation Page 99</b>	89-102

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 20 March 2007**  
**Author:** Les Windle, Manager - Governance  
**File No:** See Application Assessment Panel Minutes  
**Reason for Report:** The Minutes of the Meeting of Tuesday 20 March 2007 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**Recommendation:**

That the Minutes of the Application Assessment Panel Meeting of 20 March 2007 be taken as read and confirmed.

Les Windle  
Manager - Governance

## APPLICATION ASSESSMENT PANEL SITE INSPECTION REPORT

<b>ITEM No.</b>	<b>D2</b>
<b>FILE No.</b>	<b>DA 594/2006/1</b>
<b>ADDRESS:</b>	22 March Street BELLEVUE HILL 2023
<b>PROPOSAL:</b>	Alterations & Additions to existing two storey residence including new upper storey & swimming pool.
<b>TYPE OF CONSENT:</b>	Local
<b>APPLICANT:</b>	Mr C Porter
<b>OWNER:</b>	Mr C & Mrs J A Porter
<b>DATE LODGED:</b>	13/09/2006
<b>AUTHOR:</b>	Mr T Wong

### 1. SITE INSPECTION

The subject Development Application was considered by the Application Assessment Panel on 6 March 2007. The panel resolved:

*THAT Development Application No. 594/2006 for alterations and additions to existing two storey residence including new upper storey & swimming pool on land at No. 22 March Street, Bellevue Hill, be deferred to the Application Assessment Panel meeting to be held 20 March 2007 to allow for a site inspection and to further examine privacy issues and mitigation measures to be provided by the applicant.*

Following the Panel meeting on 6 March 2007, amended plans (No. 01B and 02B) and a letter from Insite Land Solutions were received on 9 March 2007.

A site inspection in relation to this Development Application was conducted on Monday, 12 March 2007 with the following staff present:

Present:                   Application Assessment Panel  
                              A Coker   (Director – Planning & Development) (Chair)  
                              W Hatton   (Director – Technical Services)  
                              M Zulaikha (Team Leader – Urban Design)

Staff:                     Thomass Wong   (Senior Assessment Officer)

### 2. CONSIDERATION

The Panel inspected the subject property with respect to the following areas of concerns:

- The existing terrace area and BBQ bordering the neighbouring property at No. 24 March Street
- The balcony on the upper level with regard to the proposed planter boxes addressing the privacy issue.

Following the site inspection, the Panel reviewed the documentations of the application and considered the proposal acceptable subject to conditions with regard to:

- The required soil depth (500mm) of planter boxes (**Condition No. 2c**); and
- Extending the garden bed area on the lower ground floor by removing the existing BBQ chimney (**Condition No. 2d**).

### 3. RECOMMENDATION

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to the height development standard under Clause 12 is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposal complies with the objectives of the height control

**AND**

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to Development Application No. 703/2006 is consistent with the aims of the Policy, grant development consent to DA No. 703/2006 for alterations and additions to the existing dwelling including a new swimming pool on land at 22 March Street, Bellevue Hill, subject to the following conditions:

#### 1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered 01B and 02B, dated March 2007, drawn by David E Phillips & Associates Pty Ltd Architects, including landscape plan dated September 2006, drawn by Ari Anderson Landscape Architect, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, except where amended by the following conditions.

#### 2. Modification of details of the development (s80A(1)(g) of the Act)

The *approved plans* must be amended and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail:

- a. The front fence is to have a maximum height of 1.8 metres and is to a maximum of 50% solid.
- b. Any reference to air conditioning is deleted from this proposal as insufficient information has been provided in this regard.
- c. The planter boxes to the northeastern side of the balconies on the ground and first floors must not be less than 600mm in height as measured from the finished floor levels with a minimum soil depth of 500mm.

- d. The chimney of the existing barbecue stove is removed and the garden bed to the northeastern side of the lower ground floor terrace is extended to the northwest by 1.5 metres covering this area.

**Note:** The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

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

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

### **3. Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of *the Environmental Planning and Assessment Act 1979*, the erection of the building must not be commenced until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
- (i) Council; or
  - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

### **4. Drawings to show levels and heights**

The reduced levels of the ground floor, first floor and the overall height of the roof in relation to Australian Height Datum must be shown on the drawings submitted with the Construction Certificate Application to ensure that building construction complies with the development consent.

### **5. Structural adequacy**

A statement from a qualified practising Structural Engineer, certifying to the adequacy of the existing structural members, walls and footings to support the additional loads imposed by the proposed development, must be submitted with the Construction Certificate application.

This condition is imposed to ensure the structural integrity of the proposed building work.

### **6. Structural details**

Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with Construction

Certificate application, for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members.

This condition is imposed to ensure the structural integrity of the proposed building work.

#### **7. Layout of buildings**

The layout of all external walls, including retaining walls and contiguous piling must be checked and verified by survey prior to the commencement of construction to ensure that building construction complies with the development consent and does not encroach beyond the boundaries of the site.

#### **8. Demolition, excavation and construction hours**

Demolition, excavation and construction work must not take place outside the hours of 7.00am to 5.30pm Monday to Friday and 7.00am to 1.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays. Noise from construction activities associated with the development must comply with the guidelines contained in the NSW EPA *Environmental Noise Control Manual* Chapter 171.

#### **9. Machine excavation**

Excavation or removal of any materials involving the use of machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00 pm Mondays to Fridays, with regular breaks of 15 minutes each hour. This condition is imposed to ensure reasonable standards of amenity for occupants of neighbouring properties.

#### **10. Levels**

For the purpose of indicating relative levels in terms of Australian Height Datum and boundary clearances, and to ensure that building construction complies with the development consent, survey certificates must be provided to the PCA in respect of the building/s layout and ground floor level/s prior to pouring of concrete or laying of timber floor boards.

#### **11. Building Inspections**

The Applicant, Owner and Builder, jointly and severally, must ensure that they call their Principal Certifying Authority ("the PCA") to carry out such critical phase building inspections required by the PCA, the PCA Service Agreement and that the PCA is satisfied with the level of compliance achieved before the Builder proceeds to the next phase of construction. Ample notice of required inspections must be given to the PCA in accordance with the PCA Service Agreement. The Applicant, Owner and Builder must comply with the PCA Service Agreement (Service Contract) and any lawful direction given by the Principal Certifying Authority.

**Note:** It is the responsibility of the PCA to ensure that critical phase building inspections are undertaken in accordance with a PCA Service Agreement and issue to the Applicant, Owner and Builder appropriate Notice under Section 109L of the Environmental Planning & Assessment Act 1979 ("the Act") where any breach of this consent occurs. Failure of the PCA to issue such notice may result in Council taking action under Section 109V of the Act. Failure of the Applicant, Owner and Builder to comply with a PCA Service Agreement and comply with lawful directions of the PCA under this condition may result in Council issuing fines, notices, orders and commencing legal proceedings. Council will only enter into PCA Agreements with the Owner of the land being developed. Council, if appointed as the PCA, will report to the owner of the land being developed.

## 12. Occupation of premises

A person must not commence occupation or use of the whole or any part of a *new building* (within the meaning of section 109H (4) of the *Act*) unless an occupation certificate has been issued in relation to the building or part.

**Note:** *New building* includes an altered portion of, or an extension to, an existing building.

**Note:** In circumstance where the works do not relate to occupation the required *occupation certificate* is essentially a certificate of completion of the approved work.

## 13. Amended Landscape Plan

An Amended Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer, to a scale of 1:100 or 1:200, conforming to the conditions of this Development Consent is to be submitted to Council for approval prior to issue of the Construction Certificate. The plan must include a detailed planting schedule, which must include species listed by botanical and common names, quantities of each species, pot sized, and the estimated size of the plant at maturity.

## 14. Existing trees which must be retained

The following trees are to be retained on the site and protected during all works.

### Trees on Private Property

Council Reference No:	Species	Location	Dimension (Metres)
1	<i>Lophostemon confertus</i> (Brush Box)	Rear yard adjacent to north-western boundary	10 (h) x 6 (s)

The Construction Certificate plans must include reference to the retention of the above mentioned trees and identify the trees by Councils reference number (Ref No:) and colour or shade them in the colour green for trees to be retained and yellow for trees to be transplanted.

## 15. Trees which may be removed

This consent includes approval under Council's Tree Preservation Order to remove the following trees:

Council Reference No:	Species	Location	Dimension (Metres)
2	<i>Agonis flexuosa</i> (Willow Myrtle)	Rear yard	3 (h) x 5 (s)

The Construction Certificate plans must include reference to the removal of the above mentioned trees and identify the trees by Council's reference number (Council Ref No:) and colour or shade them in the colour red.

#### 16. Replacement trees which must be planted

The following compensatory replacement plantings must be planted to ensure the preservation of the landscape character of the area.

Species/Type	Planting Location	Container Size or Size of Tree (@ time of planting)	Minimum Dimensions at Maturity
As per Landscape Plan designed by Insite land Solutions, dated September 2006.			
Additional canopy tree	Within rear yard of property	100 Litre	10 (h) x 6 (s)

#### 17. Tree Protection Zones

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

- a) Tree Protection Zones are to be established within the specified radius from the trunks of the following trees;

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Lophostemon confertus</i> (Brush Box)	Rear yard adjacent to north-western boundary	5

- b) Tree Protection Zones are to be fenced with a 1.8 meter high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- c) Installation of all Tree Protection measures is to be at the direction of and overseen by a qualified Arborist (minimum Australian Qualification Framework Level 4 or recognised equivalent).
- d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.

- e) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

Site personnel must be made aware of all Tree Protection requirements, measures and any actions that constitute a breach of the Conditions of Development Consent with regard to tree protection on site during their site induction.

### **18. Amenity Landscaping**

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

### **19. Landscaping**

All landscape work including all planting must be completed by the *principal contractor* or *owner* in compliance with the approved landscape plan, arborist report, transplant method statement and tree management plan. The *principal contractor* or *owner* must provide to *PCA* a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable that the works as completed comply with this consent.

### **20. Maintenance of Landscaping**

All landscaping must be maintained in accordance with the approved landscape plans. Any alteration from that plan will require the prior written consent of Council.

### **21. Stormwater Management Plan including On-Site Detention**

A Stormwater Management Plan for the site must be submitted with the application for a Construction Certificate. This Condition is imposed to ensure site stormwater is disposed in a controlled and sustainable manner.

The Stormwater Management Plan must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>. The plan must generally be in accordance with the drainage plans and documentation prepared by Sparks & Partners Hydraulic Consultants Dwg No H-01, 02 dated 4.10.06

Stormwater run-off from the proposed development must drain by:

- Gravity drainage from the majority of the roof area to March Street

- Gravity drainage from the remainder of the new development from the rear to new absorption systems

New drainage systems must be designed in accordance with Section 6 - "Connection to drainage system" of Council's Draft Stormwater Drainage Management DCP.

**An on-site stormwater detention (OSD) system must be provided.** The design and construction of the OSD system must be in accordance with Section 4 - "On-site stormwater detention" of Council's Draft Stormwater Drainage Management DCP.

The minimum (On) Site Storage Requirements (SSR) and the Peak Site Discharge (PSD) from the site must be designed according to the following storage/discharge relationships.

<b>2 year ARI</b>	<b>P.S.D</b>	18.8	L/s
	<b>Min. Volume</b>	3.1	m <sup>3</sup>
<b>100 Year ARI</b>	<b>P.S.D</b>	26.6	L/s
	<b>Min. Volume</b>	19.5	m <sup>3</sup>
<u>Values based upon:</u>			
Site Area (m2) =	781.5		
Area bypassing (%) =	0	Residential	development

The Stormwater Management Plan must include the following specific requirements:

a) Layout plan

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

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

b) On-site Detention (OSD) details:

- Internal dimensions and volume of the proposed detention storage.
- Diameter of the outlet to the proposed detention storage basin.

- Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures.
- Details of access and maintenance facilities.
- Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products.
- Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the on-site detention system.
- Non-removable fixing details for orifice plates where used.

## 22. Rainwater Reuse

Council encourages re-use of stormwater through the use of rainwater tanks. The rainwater tank can be constructed to form part of the OSD system.

Where a rainwater tank is proposed in conjunction with an OSD system, the SSR may be reduced as per the following table;

Use of rainwater tank	Reduction of SSR
Stormwater tank is for outdoor use such as gardening only.	Minimum of 40% of the rainwater tank volume OR 4 m <sup>3</sup>
Stormwater tank is connected to household internal use such as toilet flushing.	Minimum of 75% of the rainwater tank volume OR 7.5 m <sup>3</sup>

Rainwater tanks and any stormwater retention devices topped up by mains water must be designed and installed in accordance with the requirements of Sydney Water authority outlined within the document "Guidelines for rainwater tanks on residential properties". This document is available from <http://www.sydneywater.com.au>.

Rainwater tanks must be designed and constructed in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). In particular, Section 4.4.4 – "Rainwater use", 5 "Water Sensitive Urban Design", 5.4 "Rainwater tanks".

## 23. Absorption trenches

Areas that cannot be drained in the above condition are to be drained to an absorption trench. This system must be designed:

- a) by a Consulting Engineer with appropriate geotechnical and hydraulic experience, using the soil permeability coefficient and estimate of mean water table level using field observations.
- b) to comply with the requirements of Council's *Draft Stormwater Drainage Management DCP*.
- c) to disperse a 1 in 20 years average recurrence interval storm. If the overland flow is directed into downstream properties, the system must be designed to cater for a 1 in 100 years average recurrence interval storm event.

- d) so that trenches are located a minimum of three (3m) metres away from building footings, with the base of the trench being lower than the base of adjacent footings.

Plans, designed and certified by a suitably qualified engineer, must be submitted and approved by the Accredited Certifier before the commencement of works.

#### **24. Stormwater Certification and Work-As-Executed (WAE) Plans**

Prior to the release of the Final Building Certificate, Certification and Work-As-Executed (WAE) plans must be submitted and approved by the Accredited Certifier demonstrating that the site drainage system has been provided according to the submitted calculations and/or approved plans.

Certifications must be provided by a suitably qualified engineer. WAE plans must be prepared and certified by a Registered Surveyor.

The following must be provided:

- a) Certification that:
- The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards.
  - That all drainage components including the absorption and charged head system are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications.
  - compliance with conditions of development consent relating to stormwater.
  - that the works have been constructed in accordance with the approved designs.
- b) Work-As-Executed (WAE) plans showing:
- Pipe and drainage system layout, including all pits, pipe diameters, grades, materials, invert levels and surface levels.
  - Details (exact point and method) of connection to Council system
  - compliance with conditions of development consent relating to stormwater.
  - that the works have been constructed in accordance with the approved design.
  - pipe invert levels, surface levels, dimensions and volume of the absorption trench, materials used and distances from boundaries, structures and footings.
  - contours indicating the direction in which water will flow should the capacity of the absorption trench be exceeded.

**25. Positive covenant**

A Positive Covenant, pursuant to Section 88E of the Conveyancing Act, must be created on the title of the subject property. The Covenant must provide for the indemnification of Council from any claims or actions and the on-going maintenance of the on-site absorption and charged head system in the development. This includes all ancillary gutters, pipes, drains, walls, kerbs, pits, pumps, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater.

The wording of the Instrument must be in accordance with Council's standard format (available from Councils web-site <http://www.woollahra.nsw.gov.au>) and the Instrument must be registered at the Land Titles Office prior to the Final Building Inspection and issuance of the Certificate of Occupation.

**26. Payment of Long Service Levy, Security, Development Levy and Fees**

The person(s) with the benefit of this consent must pay the following long service levy, security, development levy, and fees prior to the issue of any *construction certificate*, *subdivision certificate* or *occupation certificate*, as will apply.

The *certifying authority* must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees. Specifically;

- a) prior to the issue of a *construction certificate*, where a construction certificate is required; or
- b) prior to the issue of a *subdivision certificate*, where only a subdivision certificate is required; or
- c) prior to the issue of an *occupation certificate* in any other instance.

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> Use Calculator: <a href="http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use their online calculator	No	
<b>SECURITY</b> under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit</b> - Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$14,690	No	T600
<b>DEVELOPMENT LEVY</b> under Woollahra Section 94A Development Contributions Plan 2005 This plan may be inspected at Woollahra Council or downloaded from our website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> .			
Development Levy	\$6,480.00 + Index Amount	Yes, quarterly	T94

<b>INSPECTION FEES</b>			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>		\$21,333	
	<b>Plus any relevant indexed amounts and long service levy</b>		

**How must the payments be made?**

Payments must be made by:

1. Cash deposit with Council,
2. Credit card payment with Council, or
3. Bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) 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;
- c) 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; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

**How will the section 94A levy be indexed?**

To ensure that the value of the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2005 sets out the formula and index to be used in adjusting the s.94A levy.

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

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

**Deferred periodic payment of section 94A levy under the Woollahra Section 94A Development Contributions Plan 2005**

Where the applicant makes a written request supported by reasons for payment of the section 94A levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities;
- c) whether any prejudice will be caused to the efficacy and operation of this plan; and
- d) 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:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) 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;
- c) 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; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

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

## **27. Stockpiles**

Stockpiles of topsoil, sand, aggregate, soil or other material must not be located on any drainage line or easement, natural watercourse, footpath or roadway, or within the dripline of any Street Tree. Stockpiles within the construction site must be protected with adequate sediment controls, in accordance with Council's Code for Sediment Control.

## **28. Location of building operations**

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system.

Footpaths, gutters and roadways must be swept regularly to keep them free from sediment.

## **29. Temporary disposal of roof water**

Stormwater from any roof areas must be linked, via a temporary downpipe, to a Council approved stormwater disposal system immediately upon completion of the roof installation.

## **30. Swimming and Spa Pools – Permanent Child Resistant Barriers and other matters**

Prior to any occupation or use of the development and prior to filling any swimming pool as defined by the *Swimming Pool Act 1992*:

- a) Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992*.
- b) The *Principal Contractor* or *owner* must apply for and obtain a Compliance Certificate under section 24 of the *Swimming Pools Act 1992*.

- c) Public Pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable.
- d) Water recirculation and filtration systems must be installed in compliance with AS 1926.3-2003:*Swimming pool safety - Water recirculation and filtration systems*.  
Backwash must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.
- e) Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate:
- f) before 8 am or after 8 pm on any Sunday or public holiday, or  
before 7 am or after 8 pm on any other day.

**Note:** The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from:  
<http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>

### 31. Swimming and Spa Pools – Maintenance

Swimming and Spa Pools must be maintained

- (a) in compliance with the *Swimming Pools Act* 1992 with regard to the provision of child-resistant barriers and resuscitation signs;
- (b) in compliance with the NSW Health “Public Swimming Pool and Spa Pool Guidelines” in force at that time. Private pools are encouraged to comply with the same standards as applicable;
- (c) in compliance with AS 1926.3-2003:*Swimming pool safety - Water recirculation and filtration systems* ;
- (d) with backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996, and
- (e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
  - before 8 am or after 8 pm on any Sunday or public holiday, or
  - before 7 am or after 8 pm on any other day.

**Note:** Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained.

**Note:** The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from:  
<http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>

### 32. Outdoor lighting – Residential

Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminare must not exceed the level 1 control relevant under table 2.2 of AS 4282. The maximum illuminance and the threshold limits must be in accordance with table 2.1 of AS 4282.

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

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

### 33. Light & Ventilation

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

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

### 34. Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures, published by Standards Australia, and as in force at 1 July 1993.

### 35. Noise Control

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

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

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

**Useful links:**

**Community Justice Centres**—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).

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

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

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

**Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

**Department of Gaming and Racing** - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

### 36. Erosion and Sediment Controls – Installation

The *principal contractor* or *owner builder* must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The *Soil and Water Management Plan* if required under this consent;
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition” (“The Blue Book”).

Where there is any conflict The Blue Book takes precedence.

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

**Note:** The “Do it Right On Site, Soil and Water Management for the Construction Industry” publications can be down loaded free of charge from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).

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

**Note:** Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution” **Warning**, irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.  
Standard Condition: D14

### 37. Erosion and Sediment Controls – Maintenance

The *principal contractor* or *owner builder* must maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan required under this consent;
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and

- c) “*Managing Urban Stormwater - Soils and Construction*” published by the NSW
- d) Department of Housing 4th Edition (“*The Blue Book*”).

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



**Note 1:** A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

**Note 2:** 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.

### 38. Rainwater Storage – Installation

- Water is to be collected from the roof only
- All plumbing and drainage work is to be undertaken by a licensed plumber in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage 3<sup>rd</sup> Edition 2006.
- Where reticulated water supply is available, cross connection control and backflow prevention shall be in accordance with the requirements of Sydney Water.
- Overflow from the rainwater tank is to be directed to the stormwater drainage system in accordance with Councils requirements.
- Rainwater tank inlets should be screened and tanks provided with tight fitting access covers to prevent ingress of foreign matter and are to be child proofed.
- The rainwater tank is to be mosquito proofed to prevent breeding.
- Signage for rainwater tank outlets and pipes shall be in accordance with the requirements of Sydney Water.

### 39. Rainwater Tank – Operation and Maintenance

All rainwater tank systems shall be operated and maintained in accordance with the technical provisions of the NSW Code of Practice for Plumbing and Drainage 3<sup>rd</sup> Edition 2006, AS/NZS 3500 and NSW Health “*Rainwater Tanks*” brochure available from NSW Health or their website at [www.health.nsw.gov.au](http://www.health.nsw.gov.au).

Maintenance of the rainwater tank system, including the backflow prevention devices, is the responsibility of the property owner/occupier.

### **Permitted Uses of Stored Rainwater**

- Toilet/urinal flushing;
- Clothes washing machines;
- Garden irrigation;
- Car washing and similar outdoor use;
- Filling ornamental ponds
- Filling of swimming pools and spas; and

#### **40. Footpath levels**

The existing footpath level and grade at the street alignment of the property must be maintained. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawing RF2. There may be occasions where both these requirements conflict and you are required to carefully check the driveway/garage slab and footpath levels for any variations.

Where this is the case an "Application to carry out works in a public road" available from Council's website <http://www.woollahra.nsw.gov.au>, must be completed with plans/sections complying with the above and submitted to Council's Customer Service Centre and approved by Council prior to the issue of a Construction Certificate. For any technical enquiries regarding alteration to existing footpath levels, alignments or inspections, please contact Council's Works Supervisor on 9391 7982.

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

#### **41. Protection of services**

Prior to any excavation works, the location and depth of all services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The developer must meet all costs of any adjustment, relocation or reinstatement of any services.

#### **42. Road Opening Permit**

Prior to the commencement of any excavation in Council controlled roadways or footpath areas, the developer must obtain a road opening permit from Council's Customer Services Counter. Restoration of roads, footpaths, retaining walls, kerbs and gutters must be carried out in accordance with the relevant clauses of the current edition of AUS-SPEC.

#### **43. Storage of materials and plant on Council's footpath**

Building, excavation or demolition materials and plant must not be stored on Council's footpath and/or roadway unless prior written approval has been obtained from Council's Development Engineer.

#### 44. Public footpaths

A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*".

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

#### 45. Infrastructure Works – Drainage and Road works

##### a) Works Required

The following drainage and road infrastructure works must be carried out on Council property at the Applicants expense:

Roadworks – the following roadworks are required in March St:

- New K&G for full width between crossings at No. 20 and 24 March St
- Removal of narrow concrete strip behind the kerb between crossings at No. 20 and 24 March St and area turfed
- Remove concrete path at western side of the property and restore with turf.
- Construction of a new 1.8m path between crossings at No. 20 and 24 March St. The path is align with the existing path at No 20
- Existing driveway is to be removed and a 4.8m wide full width new driveway constructed to correct levels as shown on Council's standard drawing RF2 and at 90deg to the garage.
- Removal of all driveway crossings and kerb laybacks which will be no longer required.
- Reinstatement of footpath, kerb and gutter to match existing.

Driveway - The application is to include the following driveway design details:

- New garage floor levels at the boundary are to be raised to match 3% up from the nominal top of kerb i.e.:
  - **Boundary RL (West) 93.93 AHD**
  - **Boundary RL (East) 93.29 AHD**
- Plan of the proposal including works on the street and associated internal driveway/garage (must contain all relevant details, features, reduced levels, services and distances to a minimum scale 1:200)

- A longitudinal surface profile for each side of the proposed driveway. The driveway profile is to start from the kerb and be along the worst case edge of the proposed driveway.
- Gradients and transitions must be in accordance with the following:
  1. 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 in accordance with AS2890.1
  2. The crossing and layback must be designed in accordance with Council's Standard Drawing RF2. Levels in the footpath area must match existing

Copies of Council's Standard Drawings and Specifications are available on web-site <http://www.woollahra.nsw.gov.au>

b) **Approval**

Development Consent does NOT give approval to these works on Council property. A SEPARATE APPROVAL IS REQUIRED UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993 FOR THE WORKS REQUIRED BY THIS CONDITION. The Construction Certificate must not be issued until Council's Manager - Public Infrastructure has issued the Applicant with a written consent under the Roads Act.

An "Application to carry out works in a Public Road" form (available from Councils web-site <http://www.woollahra.nsw.gov.au>) must be completed and lodged, with the Application fee, at Councils Customer Services counter. Detailed engineering plans and specifications of the works required by this Condition must accompany the Application form. The plans must clearly show the following:

- Engineering drawings (plan, long sections and elevation views) and specifications of the
  - a. kerb and gutter , footpath reconstruction
  - b. driveway removal and reconstruction
  - c. all services

Four weeks should be allowed for assessment. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

c) **Infrastructure works bond**

To ensure that works on Council property required by this Condition are carried out to Council's requirements and at the applicant's expense prior to the final Occupation Certificate the developer must lodge a bond to the value of **\$27,500 (Twenty seven thousand five hundred dollars)**. The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate.

The Bond will not be released until:

- Council has inspected the site and is satisfied that the works have been carried out to Council's requirements.
- Certification and Work-As-Executed (WAE) plans have been submitted to Council demonstrating that the works have been provided according to the approved plans.
- Certifications must be provided by a suitably qualified engineer. WAE plans must be prepared and certified by a Registered Surveyor.
- A Certificate from a suitably qualified civil engineer that the works have been carried out in accordance with the approved plans and in a satisfactory manner.

Council may use part or all of the bond to complete the works to its satisfaction if the works do not meet Council's requirements.

#### **46. Repair of Damaged Infrastructure**

If Council's infrastructure is damaged during the course of works, Council's Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council's specifications, and at no cost to Council. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

#### **47. Vehicular access and garaging**

The following vehicular access and garaging detail must be submitted and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

- Driveway details are to be provided of the new driveway to the new garage. The driveway profile is to comply with AS 2890.1
- new garage floor levels at the boundary are to match the following levels:
  - 1. Boundary RL (West) 93.93 AHD**
  - 2. Boundary RL (East) 93.29 AHD**
- Driveways and access ramps must be designed not to scrape the underside of cars.

In all other respects, proposed garage/car park/basement car park, driveways and access ramps must be designed to comply with Australian Standard AS 2890.1 – "Off-Street car parking."

These works must be undertaken at the applicant's expense and completed prior to the final building inspection and the issue of the Occupation Certificate.

#### **48. Compliance with Building Code of Australia**

- (a) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- (b) This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188, of the *Environmental Planning and Assessment Regulation 2000*, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4) of the Regulation.

#### **49. Change of building use**

- (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

**Note.** The obligation under this condition to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

- (b) This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the *Environmental Planning and Assessment Regulation 2000*, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4).

#### **50. Residential building work**

- (a) Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates:
  - in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor license number; and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - in the case of work to be done by any other person:
    - (iii) has been informed in writing of the person's name and owner-builder permit number; or
    - (iv) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

**Note:** The amount referred to in paragraph (a) (iv) above is prescribed by regulations under the *Home Building Act 1989*. As at the date on which this Regulation was Gazetted, that amount was \$5,000. As those regulations are amended from time to time, so that amount may vary.

- (b) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

#### **51. Excavations and backfilling**

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

#### **52. Retaining walls and drainage**

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
- (b) adequate provision must be made for drainage.

#### **53. Support for neighbouring buildings**

- (a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (i) must preserve and protect the building from damage; and
  - (ii) if necessary, must underpin and support the building in an approved manner; and
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

- (c) In this condition, allotment of land includes a public road and any other public place.

#### **54. Protection of public places**

- (a) If the work involved in the erection or demolition of a building:
  - (i) is likely to cause pedestrian or vehicular traffic on a public place to be obstructed or rendered inconvenient, or
  - (ii) building involves the enclosure of a public place;a hoarding or fence must be erected between the work site and the public place.
- (b) If necessary, an awning must be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d) Any such hoarding, fence or awning must be removed when the work has been completed.

**Note:** Prior to the erection of any hoarding, fence or the like on any footpath or other property owned or controlled by Council, permission must be sought and obtained from Council and the prescribed rental fee paid.

#### **55. Signs to be erected on building and demolition sites**

- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (i) stating that unauthorised entry to the work site is prohibited; and
  - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (b) Any such sign must be removed when the work has been completed.
- (c) This clause does not apply to:
  - (i) building work carried out inside an existing building; or
  - (ii) building work carried out on premises that must be occupied continuously (both during and outside working hours) while the work is being carried out.

#### **56. Toilet facilities**

- (a) Toilet facilities must 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.

- (b) Each toilet provided:
  - (a) must be a standard flushing toilet; and
  - (b) must be connected:
    - (i) to a public sewer; or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
    - (iii) 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.
- (c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (d) In this condition:

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

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

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

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

## **57. Residential building work over \$12,000 in value**

Council must be provided with the following information prior to the commencement of any works;

- (a) the proposed builder's details (in writing); and
- (b) proof of payment of the required insurance premium pursuant to Part 6 of the *Home Building Act 1989*.

Mr T Wong  
**SENIOR ASSESSMENT OFFICER**

George Fotis  
**TEAM LEADER**

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## **ADVISING**

### **1. Other approvals**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for an activity under that Act, including the erection of a hoarding. All such applications must comply with the Building Code of Australia.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.
- An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

## 2. Works and requirements of other authorities

- *Sydney Water* may require the construction of additional works and/or the payment of additional fees. Other *Sydney Water* approvals may also be necessary prior to the commencement of construction work. You should therefore confer with *Sydney Water* concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.

Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.

- *Australia Post* has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- *AGL Sydney Limited* has requirements for the provision of gas connections.
- *Sydney Electricity* has a requirement for the approval of any encroachments including awnings, signs etc, over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- *Telstra* has requirements concerning access to services that it provides.

## 3. Application for a Construction Certificate

The required Application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

**WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.**

## 4. Occupational health and safety

All site works must comply with the occupational health and safety requirements of the NSW WorkCover Authority.

**5. Waste collection**

Liquid and solid wastes generated on the site must be collected, transported and disposed of in accordance with the requirements of the *Protection of the Environment Operations Act 1997*. Records must be kept of all waste disposal from the site.

**6. Relocation of stormwater drainage**

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

**7. Hazardous Material Management**

"Builders are advised to obtain a copy of the EPA publication *Solutions to Pollution for Builders* which provides environmental information including hazardous material management. The EPA can be contacted by phone on 131 555 or at [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) "

**8. Hazardous waste removal**

Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover and the EPA, and in accordance with the provisions of:

- New South Wales *Occupational Health and Safety Act, 1983*;
- New South Wales *Construction Safety Act, 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983*;
- The *Occupational Health and Safety (Hazardous Substances) Regulation 1996*;
- The *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996*;
- and
- The *Waste Minimisation and Management Act and Regulations*.

**9. Storage of dangerous goods**

Details of the exact nature, quantity, location, method of storage and packing of any material covered by the *Dangerous Goods Act, 1975*, must be submitted to the WorkCover Authority in accordance with its requirements.

**10. Model**

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

**11. Compliance with the Disability Discrimination Act**

This decision does not ensure compliance with the *Disability Discrimination Act*. You should therefore investigate your liability under that Act. *Australian Standard 1428 - Design for Access and Mobility*, Parts 2, 3 and 4 may assist in determining compliance with the Disability Discrimination Act.

## **12. Modifications to the consent**

Changes to the external configuration of the building, changes to the site layout or any changes to the proposed operation or use *will* require the submission and approval of an application under Section 96 of the *Environmental Planning & Assessment Act 1979* before the issue of a Construction Certificate.

## **13. Tree preservation**

Where tree work has not been approved by this Development Consent the developer is notified that a general Tree Preservation Order applies to all trees in the Municipality of Woollahra with a spread of branches greater than three (3) metres and also on all trees, irrespective of the spread of branches, with a height greater than five (5) metres. This order prohibits the ringbarking, cutting down, topping, lopping, pruning, transplanting, injuring, or wilful destruction of such trees except with the prior written consent of the council. Written consent from Council for such tree works must be in the form of a Tree Preservation Order Permit for Pruning or Removal of Protected Trees obtained from the Parks and Streetscape Section of Council.

## **14. Storage bins on footpath and roadway**

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

## **15. Home Building Act insurance**

Home Building Act Insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of demolition or construction work.

## **16. Appeal**

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr T Wong. However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing. This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed assessor having the full authority to completely determine the matter at the conference.

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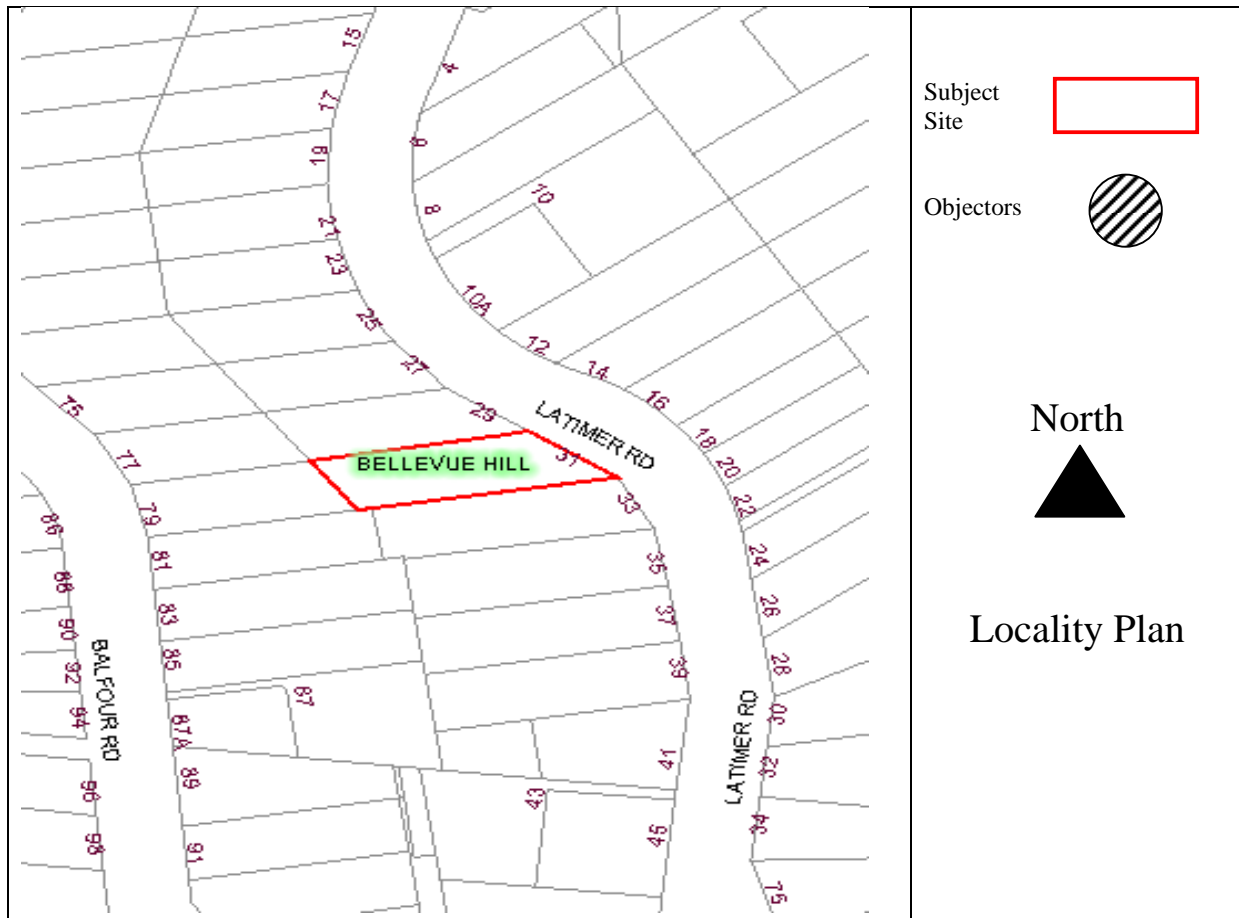
## **ANNEXURE**

Annexure A: Development Assessment Report submitted to the Application Assessment Panel on 6 March 2007.

## SECTION 96 APPLICATION ASSESSMENT REPORT

<b>ITEM No.</b>	D3
<b>FILE No.</b>	DA 743/2005/2
<b>ADDRESS:</b>	31 Latimer Road BELLEVUE HILL 2023
<b>EXISTING CONSENT:</b>	Alterations and additions to the existing dwelling house, new double garage, landscaping and site works.
<b>TYPE OF CONSENT:</b>	Local
<b>DATE OF CONSENT:</b>	18 <sup>th</sup> July 2006
<b>ZONING:</b>	2 (a) Residential
<b>PROPOSED MODIFICATION:</b>	Modifications including changes to windows and new sections of roofing to deck and changes to conditions of consent including Condition 3 (Privacy), Condition 14 (stormwater management plan), Condition 16 (Positive Covenant-Drainage system).
<b>DATE S96 LODGED:</b>	14/11/2006
<b>CONSENT AUTHORITY:</b>	Council
<b>APPLICANT:</b>	Mr G Engelman & Mrs A Engelman
<b>OWNER:</b>	Mr J L & Mrs A Engelman
<b>AUTHOR:</b>	Ms B Thomas

### LOCALITY PLAN



## 1. SUMMARY

### Reason for report

In accordance with Council's delegations, this matter is referred to the AAP as the application for modification of consent under 96(2) of the EPA Act relates to a condition additionally imposed by the AAP to address objector's concerns that is now proposed to be deleted.

### Issues

- Privacy, Stormwater

### Objections

No Objections

### Recommendation

Approval

## 2. DESCRIPTION OF APPROVED PROPOSAL

Alterations and additions to the existing dwelling house, new double garage, landscaping and site works.

### 3. DESCRIPTION OF PROPOSED MODIFICATION

The proposed modifications include the following:

#### Ground Floor

- Existing window deleted on southern side
- Revised windows at rear
- Window deleted on northern side
- Window deleted from rumpus room
- Skylight at entrance modified

#### First floor

- New roof over deck below at rear
- 4 amended windows on southern side
- Amended window on northern side
- Amended stair landing on northern side
- Relocated Flue

The application also proposes the modification of the following conditions:-

- **Condition 3a** (Privacy) -deletion of “*each of the privacy screens are to contain a 1 m return along the western elevation.*”
- **Condition 14** (storm water management plan) - deletion of references to a new absorption system and for Geotechnical report to be prepared.
- **Condition 16** (Positive Covenant-Drainage system) -deletion of reference to absorption system.

### 4. DESCRIPTION OF SITE AND LOCALITY

The site is located on the western side of Latimer Road, is irregular in shape and has a site area of 912.2m<sup>2</sup>. The topography of the site is such that land slopes downwards from Latimer Road (front) boundary to the western (rear) boundary; a fall of approximately 2.5m. The site is currently occupied by a two-storey dwelling house. The locality is predominantly characterised by one and two-storey dwelling houses of various architectural styles and designs.

### 5. PROPERTY HISTORY

Development Application DA 743/2005/1 was lodged with Council on 1/12/2005 for alterations and additions to the existing dwelling house, new double garage, landscaping and site works and was approved on 18<sup>th</sup> July 2006.

### 6. REFERRALS

#### 6.1 Comments from external approval bodies

No comment required.

#### 6.2 Building

No comment required.

### **6.3 Health**

No comment required.

### **6.4 Heritage**

No comment required.

### **6.5 Urban Design**

No comment required.

### **6.6 Technical Services**

Council's Development Engineer –Daniel Pearse provided the following comment:

#### ***“Site Drainage comments***

*There are no objections to the revised drainage system which has removed the absorption pit and provided rainwater storage and an OSD system in accordance with Council's requirements.*

*It is noted that the discharge line will need to be extended down Councils verge approximately 10 metres to discharge to Council infrastructure. Whilst this is not desirable, it is accepted given;*

- *Neighbouring lots are most likely to have the same arrangement.*
- *The design provides an acceptable drainage solution in comparison to an absorption system. A charged/ pumped system will not be accepted given the level difference between the boundary and kerb. A drainage easement will need to be extended through more than 2 properties.*
- *It enables OSD to be incorporated within the design.*

*Compliance with the drainage plan is addressed by condition of consent and other relevant conditions have been amended.*

#### **RECOMMENDATION**

- ***Council's Development Engineer has determined that the revised drainage plans satisfies Technical Services concerns, subject to the amendments to the original conditions of consent.”***

The recommendation is supported and the modified conditions form part of the recommendation (see Condition No. 14-16)

### **6.7 Landscaping/Trees Management**

No comment required.

## **ASSESSMENT UNDER S96**

### **7.1 S96 (1) Correction of minor error, misdescription or miscalculation**

Not applicable.

## **7.2 S96 (1A) Modification involving minimal environmental impact**

Not applicable.

## **7.3 S96 (2) Other modifications**

A potential adverse environmental impact associated with the proposed modifications includes the loss of privacy to the adjoining neighbours. Accordingly, the subject Section 96 Application is deemed to fall within this category.

## **7.4 S96AA Modification of a consent granted by the Court**

Not applicable.

## **7.5 Substantially the same development**

The provisions of S96(2) of the Environmental Planning & Assessment Act 1979, require Council to be satisfied that the proposed development is substantially the same as the originally approved development.

The original approval granted consent to alterations and additions to the dwelling including a new garage. The modifications to the consent does not change the essential nature of the development.

The approved and proposed developments are substantially the same.

## **7.6 S96 (2) (b) Consultation with Minister, public authority or approval body**

Not applicable.

## **7.7 Threatened species**

Not applicable.

## **ENVIRONMENTAL ASSESSMENT UNDER S.79C**

The relevant matters for consideration under section 79C of the *Environmental Planning and Assessment Act 1979* are assessed under the following headings:

## **8. RELEVANT STATE/REGIONAL INSTRUMENTS AND LEGISLATION**

### **8.1 SEPPs**

#### **State Environmental Planning Policy No. 55**

Under clause 7 (1) (a) of State Environmental Planning Policy No. 55 – Remediation of Land, consideration has been given as to whether the land is contaminated. An assessment of the site indicates the land does not require further consideration under clause 7 (1) (b) and (c) of SEPP 55.

### **8.2 REPs**

#### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The proposal will not affect the urban landscape and will not have any adverse visual impact on the Harbour foreshore. The proposal is therefore consistent with the objectives of the SREP and would not satisfy the relevant requirements of the SREP.

### 8.3 Section 94 contribution

Not applicable to this development.

### 8.4 Other relevant legislation

There is no other relevant legislation.

## 9. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 1995

### 9.1 Aims and objectives of WLEP 1995 and zone (Clause 8(5))

The proposal is permissible and is consistent with the aims and objectives of the LEP and the relevant objectives of the Residential 2(a) zone.

### 9.2 Statutory compliance table

Site Area: 912.2m <sup>2</sup>	Approved Development	Proposed Modification	Control	Complies
Overall Height	8.6m	9.4m	9.5m	Yes

\* Existing non-compliance

### 9.3 Site area requirements

Not applicable.

### 9.4 Height

The proposal would comply with the height control and satisfy the relevant objectives prescribed by the LEP.

### 9.5 Floor space ratio

Not applicable.

### 9.6 FSBL

Not applicable.

### 9.7 Other special clauses/development standards

**Clause 18 Excavation:** The proposed excavation is acceptable in terms of Clause 18.

**Clause 19 HFSPA:** The proposal is acceptable in terms of Clause 19(2).

**Clause 24 Land adjoining public open space:** The proposal is acceptable in terms of Clause 24(2).

**Clause 25 Water, wastewater and stormwater:** The proposal is acceptable in terms of Clause 25(1) and (2).

**Clause 25D Acid Sulfate Soils:** The proposed works do not require the need for an assessment of acid sulfate soils under clause 25D of Woollahra LEP 1995.

**Clauses 26-33 Heritage and conservation area provisions:** The subject site is not a heritage item, is not within a heritage conservation area and is not within the vicinity of a heritage item.

## 9. DRAFT AMENDMENTS TO STATUTORY CONTROLS

None apply.

## 10. DEVELOPMENT CONTROL PLANS

### 10.1 Numeric Compliance table - Woollahra Residential Development Control Plan 2003

Site Area: 912.2m <sup>2</sup>	Approved Development	Proposed Modification	Control	Complies
Floor Space Ratio	0.52:1 (473.6m <sup>2</sup> )	0.53:1 (482.02m <sup>2</sup> )	0.55:1 (501.7m <sup>2</sup> )	Yes

\* Existing non-compliance

### Site analysis performance criteria (*Part 3*)

Criteria 3.2.1 requires development to fit into the surrounding environment and pattern of development by responding to the surrounding neighbourhood character in streetscape.

The proposed changes will not be visible from the streetscape and would therefore satisfy the relevant criteria prescribed by the DCP.

### Desired future precinct character objectives and performance criteria (*Part 4*)

The future character objectives of the Bellevue Hill North Precinct aim to maintain public views, minimise alterations to the landform, preserve the existing tree canopy and establish a transition of development scale from detached dwelling houses to residential flat buildings.

The proposed modifications will be comparable and consistent with the architectural style, scale and form of the surrounding area, and would therefore satisfy the relevant criteria prescribed by the DCP.

### Streetscape performance criteria (*Section 5.1*)

The proposed works do not adversely affect the predominant streetscape qualities. Criteria 5.1.3 necessitates that alterations and additions reflect the architectural design, materials and finishes of the existing building, the proposed modifications will meet this criteria. The proposed modifications can't be viewed from the street, in accordance with O5.1.1 which requires housing forms to achieve a scale and character in keeping with a desired future character of the locality. The proposal would satisfy the relevant criteria prescribed by the DCP.

### **Building size and location performance criteria (Section 5.2)**

The proposed modifications to the windows will maintain privacy for adjoining neighbours. The proposed new roof above BBQ area will not be excessive development or adversely impact the sunlight access of adjoining neighbours. The overall modifications will be substantially the same as the approved development and relate to the topography of the site and protect the amenity of the adjoining properties. The proposal would satisfy the relevant criteria prescribed by the DCP.

### **Open space and landscaping performance criteria (Section 5.3)**

No amendment to landscaping is proposed. O5.3.5 requires the proposal to enhance stormwater management. Council's engineer has reviewed the stormwater management plan and is satisfied (refer to Section 5.7). The proposal would satisfy the relevant criteria prescribed by the DCP.

### **Fences and walls performance criteria (Section 5.4)**

Not relevant.

### **Views performance criteria (Section 5.5)**

The proposed modifications will not obstruct any significant views or vistas. The proposal would satisfy the relevant criteria prescribed by the DCP.

### **Energy efficiency performance criteria (Section 5.6)**

The design of the modified skylight and windows will reduce the need for artificial lighting during daylight hours. The proposal would satisfy the relevant criteria prescribed by the DCP.

### **Stormwater management performance criteria (Section 5.7)**

Council's Development Engineer had no objections to the revised drainage system which has removed the absorption pit and provided rainwater storage and an OSD system in accordance with Council's requirements.

Objective 5.7.1 aims to control storm water quality and quantity and avoid discharge impacts on adjoining properties and natural waterways. Council has imposed conditions to maintain this objective. The proposal would satisfy the relevant criteria prescribed by the DCP.

### **Acoustic and visual privacy performance criteria (Section 5.8)**

Objective 5.8.1 aims to ensure adequate acoustic and visual privacy for occupants and neighbours. The proposed modifications will maintain all acoustic and visual privacy to adjoining neighbours, however, the S96 application proposes to remove part of Condition 3b "*Further, each of the privacy screens are to contain a 1 m return along the western elevation.*" The original condition was imposed to protect the visual and acoustic privacy of 29 and 33 Latimer Road. The applicant provided reasons for the removal of the 1 metre return, being;

- The balcony will not be used as a major recreational space and is located off a bedroom.
- The return screens will unnecessarily enclose the balcony, compromise the aesthetics at the rear and increase the perceived bulk of dwelling.
- No objections from the neighbours.

The reasons are supported and the removal of the 1 m return along the western elevation on each of the privacy screens would protect the visual and acoustic privacy of 29 and 33 Latimer Road, therefore the condition should be deleted. The proposal would satisfy the relevant criteria prescribed by the DCP.

**Car parking and driveways performance criteria (*Section 5.9*)**

Not relevant.

**Site facilities performance criteria (*Section 5.10*)**

Not relevant.

**Harbour foreshore development performance criteria (*Section 5.11*)**

Not relevant.

**Mixed development in business zones performance criteria (*Section 5.12*)**

Not relevant.

**Access and mobility performance criteria (*Section 5.13*)**

Not relevant.

**Inter-war flat buildings performance criteria (*Section 5.14*)**

Not relevant.

**11.2 DCP for off-street car parking provision and servicing facilities**

Not relevant.

**11.3 Woollahra Access DCP**

Not relevant.

**11.4 Other DCPs, codes and policies**

No other relevant codes.

**12. APPLICABLE REGULATIONS**

Clause 92 of the EPA Regulation 2000 requires us to consider Australian Standard AS 2601-1991: The **demolition of structures**. The proposal would be covered by the original condition.

**13. THE LIKELY IMPACTS OF THE MODIFIED DEVELOPMENT**

All likely impacts of the development have been assessed elsewhere within this report.

## 14. SUBMISSIONS

The proposal was advertised and notified under Council's Advertising and Notifications DCP. No submissions were received.

## 15. CONCLUSION - THE PUBLIC INTEREST

The proposal is acceptable against the relevant considerations under s96 and s79C and would be in the public interest.

## 16. RECOMMENDATION: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, modify development consent to Development Application No. 743/2005/2 for alterations and additions to the existing dwelling house, new double garage, landscaping and siteworks on land at 31 Latimer Road Bellevue Hill, in the following manner:

**Condition No. 1 is deleted and replaced with the following:-**

### 1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered DA A1001 and DA A1002, dated 15 November 2005, drawn by Brian Meyerson Architects, all of which carry a Council stamp "*Approved DA Plans*" and the signature of a Council officer; as amended by the works shown in colour on plans numbered DA A 1001 Revision B and DA A1002 Revision B, dated 13 November 2006, drawn by Brian Meyerson Architects, on which there is a Council stamp "*Approved Section 96 plans*" and signature of a Council officer, except where amended by the following conditions.

**Condition No. 3 is modified and replaced with the following:-**

### 3. Privacy

The following privacy measures are to be incorporated into the proposed development:

- (a) the southern and northern edges of the first floor level rear balcony are to contain horizontal timber louvers, angled upwards at 45°, to a maximum height of 1.7m from the floor level.
- (b) the habitable room windows for bedroom 2 and the study on the southern elevation of the first floor level are to contain fixed translucent glazing to a height of 1.7m above floor level

This condition has been imposed to protect the visual and acoustic privacy of 29 and 33 Latimer Road. Details demonstrating compliance are to be submitted with the construction certificate application.

**Condition No. 14 is deleted and replaced with the following:-**

## 14. Compliance with the Stormwater Management Plan

The stormwater drainage system must be constructed in accordance with the Stormwater Management Plan as prepared by Chapman Hutchison Pty Ltd (Refer Dwg No. 6669/H1A dated 19<sup>th</sup> October 2006)

**Condition No. 16 is deleted and replaced with the following:-**

**16. Positive Covenant - Drainage system**

A Positive Covenant, pursuant to Section 88E of the Conveyancing Act, must be created on the title of the subject property. The Covenant must provide for the indemnification of Council from any claims or actions and the on-going maintenance of the on site detention system in the development. This includes all ancillary gutters, pipes, drains, walls, kerbs, pits, pumps, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater.

The wording of the Instrument must be in accordance with Council's standard format (available from Councils web-site <http://www.woollahra.nsw.gov.au>) and the Instrument must be registered at the Land Titles Office prior to the issue of the final Occupation Certificate.

**Condition No. 19 is deleted.**

Ms B Thomas  
**ASSESSMENT OFFICER**

Dimitri Lukas  
**ACTING TEAM LEADER**

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**ANNEXURES**

1. Plans and elevation