



ADDITONAL REPORT

Agenda: *Development Control Committee*

Date: *Monday 18 August 2008*

Time: *8.00pm*

Session: *Two*

Part: *Five of Five Parts*

Items: *D11*

Development Control Committee

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 four (4) 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 four (4) 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 recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Delegated Authority (“D” Items):

- To approve, disapprove and take action on Development and related applications submitted or any other matter referred by the Council or other Committee; to a site inspection for recommendation back to the Development Control Committee. (Except for those applications within the category of designated development, or matters as specified by resolution of the Council taken from time to time.
Note: This not to limit the discretions of nominated staff members exercising Delegated Authorities granted by the Council.)
- General implementation of matters touching upon or within the strategic goals and policy directives of the Council, and in respect of which due provision has been made in the Council's current budget.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolution).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Development Control Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below:

Recommendation only to the Full Council (“R” Items):

- Specified developments, as may be determined and listed by the Council by resolution taken from time to time.
- Matters which involve broad strategic or policy initiatives within the responsibilities of the Committee.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters not within the specified functions of the Committee,.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" (and substantive changes)

Committee Membership: 7 Councillors

Quorum: The quorum for a committee meeting is 4 Councillors.

Meeting Agenda
Session Two – Commencing 8.00pm
Part Five of Five Parts

Item	Subject	Pages
D11	DA 387/2007 – 2 Vacluse Road, Vacluse (Kincoppal School) – Construction of a multi-purpose building containing a swimming pool, gymnasium, basketball court, car parking & a pick up & drop off point– 14/6/2007 *See Recommendation Page 546	540-785

DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D11
FILE No.	DA 387/2007/1
PROPERTY DETAILS	2 Vaocluse Road, Vaocluse (Kincoppal School)
	Lot & DP No.: LOT: 104 DP: 1092747
	Side of Street: Eastern
	Site Area (m²): 6.017ha
	Zoning: Special Uses Existing (School/Convent)
TYPE OF CONSENT:	Local Development
APPLICANT & OWNER:	Kincoppal Rose Bay School
DATE LODGED:	14/06/2007
AUTHOR:	Mr D Waghorn

1. PREAMBLE

At its meeting on 19 May 2008, Council's Development Control Committee resolved as follows:

- A. *THAT the matter be referred to a site inspection meeting to be held at 8.00am on Wednesday 21 May 2008.*
- B. *THAT the applicant erect height poles and ribbon lines on specific areas of the site for the site inspection.*

A site inspection in relation to this Development Application was conducted on Wednesday 21 May 2008, where Council's Site Inspection Committee resolved as follows:

The Councillors at the Site Inspection amended part 2 and 3 of condition A.7 (Health Condition), added part 4 to condition A.7 (Health Condition) and added condition A.8 (Traffic Management Plan).

The proposal was referred back to the Development Control Committee with a recommendation for conditional approval.

At its meeting on 2 June 2008, Council's Development Control Committee resolved as follows:

That the Council defer consideration of granting development consent to Development Application No. 387/2007 for the construction of a multi-purpose building containing a swimming pool, gymnasium, basketball court, car parking and a pick up and drop off point on land at 2 Vaocluse Road, Vaocluse (Kincoppal School), pending receipt of the following:

- *A Traffic Management Plan that takes into account the needs of the school, local residents and the community at large, subject to public consultation so it can be considered by the Development Control Committee*

- *The details of the applicants venting of the carpark area, above ground so that it has no impact on the surrounding areas by noise or otherwise.*

The original development application report is attached as **Annexure 2**.

2. APPLICANTS AMENDMENTS

Traffic Management Plan

On 5 August 2008, the applicants traffic engineers – Thompson Stanbury Associates submitted a supplementary report detailing that the proposed pick-up and drop-off of students was feasible for the Multi-Purpose Building with all Year 2 – Year 12 students being picked up and dropped off at the Multi-Purpose Building with the remaining Early Learning Centre children, Kindergarten and Year 1 students continuing to use the existing pick-up and drop-off points on the western campus.

Council's Traffic Engineer has provided the following comment:

I refer to the following documents received for comments on Traffic in addition to those previously received:

- 1. Letter from Thompson Stanbury Associates dated 5 August 2008*
- 2. Supplementary information detailing pedestrian route supplied 6 August 2008*

Response:

The revised proposal for the pick-up and set-down of school children is that the Early Learning Centre (ELC), Kindergarten and Year 1 students continue to be picked-up and set-down within the campus on the western side of Vaocluse Road under similar arrangements to that which exist currently and that the Year 2 – Year 12 students be picked-up and set-down within the basement car parking area associated with the proposed multi-purpose centre.

Thompson Stanbury has analysed this option with the results indicating that the queuing vehicles would be contained within the relative sections of the school grounds with this option, thus removing the queuing from Vaocluse Road.

Assuming these calculations are accurate, this solution represents a significant improvement on the current operation of the school's pick-up and set-down activities and as such is supported.

Thompson Stanbury has provided the following information:

“An operational management plan will also need to be formulated and implemented by the school which provides for appropriate operational initiatives to ensure that the proposed arrangements provide a safe and efficient environment for the setting-down and picking up of school students.

The key elements to this operational management plan should be as follows:

- *ELC – Year 1 students continue to utilise the existing operational management arrangements within the junior school pick-up area;*
- *Similar operational management arrangements to that existing within the junior school pick-up area be implemented within the multi-purpose centre car parking area associated with Year 2 – Year 12 students whereby:*

- Parents display the names of children to be picked-up on the windscreen of the vehicle when entering the car park; and
- The supervising teacher arranges for the relevant student/s to be brought to the front of the assembly area upon the arrival of the parent vehicle to the pick-up location to maximise the efficiency of the operation.
- Students walking between the multi purpose centre and the junior and senior school campuses do so via the existing tunnel located under Vaocluse Road;
- Pedestrian connectivity between the student assembly area associated with the multi purpose centre car parking area and the tunnel be provided through the multi-purpose centre;
- Staff parking within the junior school or multi-purpose centre car parking area access the site prior to 8.00am and exit the site after 4.00pm;
- The school actively prohibits parents picking-up students after school to access the site prior to school finish time (ELC parents excepted);
- The existing 'No Parking' (school days) signposting along the western side of Vaocluse Road be converted to 'No Stopping' along the school frontage (commencing first term 2009); and
- The existing off-set centre line within Vaocluse Road (assumed to have been introduced to accommodate the current queuing of vehicles associated with student pick-up periods) be realigned to a standard central pavement location in association with the provision of the above signage."

The Operational Management Plan outlined above should be submitted to Council for approval.

A Traffic Management Plan should be prepared and submitted to Council for approval.

It should be noted that the last two items in the dot points above will need to be considered by the Local Traffic Committee and subsequent approval by Council. A report on these items should be prepared by the applicant after the approval, by Council, of the Operation Management Plan and Traffic Management Plan. The report will need to detail the reasons for the proposed changes. To allow sufficient time for these changes to be implemented prior to the commencement of the first term of 2009, this report will need to be received by Council's Traffic and Transport Section by 3 October 2008.

It is further recommended that a suitable bond be calculated to ensure that adequate funds are available, for the implementation of a suitable traffic control facility or management arrangement, should further traffic management be required. If this is required it should be funded by the developer.

As such, Council's Traffic Engineers consider the proposal to be satisfactory. With regard to the Operational Management Plan and Traffic Management Plan, **Condition A.8** requires these to be submitted and approved by Council.

With regard to the bond, **Condition C.3** stipulates a bond of \$100,000 is applicable for the provision of a suitable traffic facility or management arrangement.

Venting

On 14 July 2008, the applicants engineers Donnelley Simpson Cleary Consulting Engineers Pty Ltd commented on the proposed carpark ventilation system and provided additional details on the venting of the carpark area. Council's Senior Health Officer has examined the proposal and provided the following comment:

I refer to Council's Development Control Committee meeting of 2 June, 2008 where it was resolved to defer determination of the application pending receipt of:

"The details of the applicants venting of the carpark area, above ground so that it has no impact on the surrounding areas by noise or otherwise".

In response, the applicant has provided Council a letter by Donnelley Simpson Cleary Consulting Engineers Pty Ltd dated 4 July 2008 commenting on the proposed carpark ventilation system. The letter states:

- *The underground carpark to include natural air intake via mesh grilles on the Western façade with an exhaust system on the Eastern side.*
- *The exhaust system will comprise of exhaust ducts and plenums in the carpark, a fan with attenuation, duct to a riser location in the proposed sports building and a discharge above the roof of the building.*
- *The fan to be located in a plant room at the rear of the carpark level or under the new building to minimise noise emissions.*
- *It is proposed that vertical discharge will be a minimum of 6m from air intakes and trafficable areas.*
- *Noise emissions from the system are proposed to be minimised to comply with Council requirements with fan installed in plant room with acoustic lining and attenuators installed in the ductwork.*
- *The exhaust system will operate under the control of an atmospheric contaminant monitoring system.*

Comments

The proposed basement carpark intends to accommodate 53 car parking spaces and ventilated by a system comprising of both natural and mechanical exhaust ventilation with an atmospheric contaminant monitoring system.

Under Australian Standard 1668.2-1991 effluent discharges from a carpark are deemed objectionable and shall comply with the requirements of Section 3.7.2 and 3.7.3. In particular discharges shall be:

- a) *Located and arranged so that the effects of wind, adjacent structures or other factors do not cause the airflow rates to be reduced below the minimum requirements of the Standard*
- b) *Not less than 6m from any outdoor air intake opening, natural ventilation device*
- c) *Not less than 6m from the boundary to an adjacent allotment*
- d) *Treated in an approved manner to reduce the concentration of contaminants when required*
- e) *Arranged vertically with discharge velocities not less than 5m/s*
- f) *Be situated 1m above the ridge of a pitched roof or 3m above a flat roof.*

The ventilation system proposed for the basement carpark comprises of both natural ventilation (mesh grilles on western façade) and an exhaust system. As a mechanical supply-air system has been omitted, the proposed system is required to comply with Section 4.4.1(a) 'Carparks General', Section 4.4.3.2 'Location of Openings' and Section 4.11 'Location of Exhausts in Below Ground Enclosures' of AS 1668.2-1991. Further, as an atmospheric contaminant monitoring system is proposed, the air quantity and continuous operation of the system may be varied provided that the mechanical ventilation is automatically controlled by

an approved atmospheric contaminant (AC) monitoring system(s) in accordance with Section 4.13 'Monitoring of Atmospheric Contaminants' of AS 1668.2-1991.

Should the proposed basement carpark ventilation system be designed and operated in accordance with AS 1668.2-1991, all exhaust air discharged from the carpark ventilation system should not cause danger or nuisance to occupants within the school, occupants of neighbouring buildings or members of the public.

There is no detail provided by Donnelley Simpson Cleary Consulting Engineers Pty Ltd in regards to noise emissions likely from the fan to be installed in the plant room. As such it is difficult to assess the likely noise impact from the operation of the fan on residential receivers.

Recommendations

- 1. The basement car park proposing to accommodate 53 car parking spaces, in which vehicles powered by internal combustion engines are parked is required to comply with Section 4 'Ventilation Of Enclosures Used By Vehicles With Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the carpark and maintain contaminant concentrations below recommended exposure standards.*
- 2. The basement car park being ventilated with a combination of both natural ventilation and exhaust mechanical ventilation as recommended by Donnelley Simpson Cleary Consulting Engineers Pty Ltd in letter dated 4 July 2008. The 53 vehicle basement car park shall be ventilated by a combination of natural and general exhaust with flow rates in accordance with Clause 4.4.2 and performance standard in accordance with Section 4.4.1(a) 'Carparks General', Section 4.4.3.2 'Location of Openings' and Section 4.11 'Location of Exhausts in Below Ground Enclosures' of AS 1668.2-1991. The mechanical ventilation is being automatically controlled by an approved atmospheric contaminant (AC) monitoring system(s) and shall be designed to operate in accordance with Section 4.13 'Monitoring of Atmospheric Contaminants' of AS 1668.2-1991.*
- 3. The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail the proposed **ventilation system for the proposed 53 vehicle basement carpark** complying with the Building Code Australia 2007 and [AS 1668.1](#) and [AS 1668.2](#). 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.*

***Note:** Clause 98 of the Regulation requires compliance with the BCA. Clause 145 of the Regulation prevents the issue of a Construction Certificate unless the Accredited Certifier/Council is satisfied that compliance has been achieved. Schedule 1, Part 3 of the Regulation details what information must be submitted with any Construction Certificate. It is the Applicant's responsibility to demonstrate compliance through the Construction Certificate application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the Protection of the Environment Operations Act 1997 have overriding effect if offensive noise or odour arises from the use. Applicant's must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#). Standard Condition C59 (Autotext CC59)*

4. *The Construction Certificate plans and specification required to be submitted pursuant to clause 139 of the Regulation must be accompanied by a certificate from a professional engineer (acoustic engineer) certifying that noise from the operation of basement carpark fan will not exceed the background noise level when measured at any boundary of the site.*

Where sound attenuation is required this must be detailed.

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

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

Standard Condition: C62 (Autotext CC62)

In lieu of the new recommendation from Council's Senior Health Officer, **Condition A.7** is to be modified to reflect the above-mentioned recommendation. With regard to the noise, Condition I.7 ensures noise from mechanical plant does not exceed background noise levels at any boundary.

3. SUBMISSIONS

The replacement application (as defined by Clause 90 of the *Environmental Planning and Assessment Regulation 2000*) was not renotified under clause 5.1 of the DCP because, having considered clause 9 of the DCP, the replacement application is substantially the same development as the original proposal and considered to have no greater environmental impact upon neighbours. Furthermore, the pick-up and drop-off of students was originally advertised on 27 June 2007.

4. CONCLUSION

The amended proposal has provided details that the pick-up and drop-off of students as part of the multi-purpose centre proposal is feasible. This has the potential to considerably improve the existing traffic situation in Vaocluse Road. As such, the amended proposal is considered to be acceptable against the relevant considerations under s79C of EPA Act 1979.

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

THAT the Council, as the consent authority, grant development consent to Development Application No. 387/2007 for the construction of a multi-purpose building containing a swimming pool, gymnasium, basketball court, car parking and a pick up and drop off point on land at 2 Vaocluse Road, Vaocluse (Kincoppal School), subject to the following conditions:

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 80 of the Environmental Planning & Assessment Act 1979 ("the *Act*") and the provisions of the Environmental Planning and Assessment Regulation 2000 ("the *Regulation*") such conditions being reasonable and relevant to the development as assessed pursuant to section 79C of the Act.

Standard Condition: A1

A.2 Definitions

Unless specified otherwise words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this Consent.

Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or *AS/NZS* means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

BCA means the Building Code of Australia as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Local native plants means species of native plant endemic to Sydney's eastern suburbs (see the brochure titled "Local Native Plants for Sydney's Eastern Suburbs published by the Southern Sydney Regional Organisation of Councils).

Stormwater Drainage System means all works, facilities and documentation relating to:

- a. The collection of stormwater,
- b. The retention of stormwater,
- c. The reuse of stormwater,
- d. The detention of stormwater,
- e. The controlled release of stormwater; and
- f. Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

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

PCA means the *Principal Certifying Authority* under the *Act*.

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

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

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

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

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

Site means the land being developed subject to this consent.

WLEP 1995 means Woollahra Local Environmental Plan 1995

Work for the purposes of this consent means:

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

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

A.3 Approved Plans and supporting documents

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

Reference	Description	Author/Drawn	Date(s)
2006436SY 001 R04	Acoustic Report	Marshall Day Acoustics	18 May 2007
SA-01B SK-01C SK-02A SK-03A SK-04A SK-05B	Architectural Plans	Denis Leech & Associates Architects	May 2007
	Landscape Plan	Site Image	06.03.08 and 14.11.07
Dwg No SK-01 A to 05 A Rev A	Carpark Plan	Denis Leech & Assoc	dated 04/5/07
Rev B	Construction Management Plan	Walton Constructions P/L	dated May 2007
Review of Access Provisions for People with Disabilities	Access Report	Access Associates Sydney	10 May 2007
Ref:20848ZRpt	Geotechnical Hydrogeological Report	Jeffery & Katauskas P/L	dated 5 January 2007
Dwg No H- 06 Issue P1	Soil and water management plan	VOS Group Engineers	22/05/07
Report and Dwg No H-01 to 05 Issue P1	Stormwater Management Plan	VOS Group Engineers	Report dated 22 May 2007 and Dwg No H-01 to 05 22/05/07

Ref: 03-150-5	Traffic Report	Thompson Stanbury Assocs	dated May 2007
	Letter from Thompson Stanbury Associates showing pick-up and drop off	Thompson Stanbury Associates	5 August 2008
	Report by Council's Traffic Engineer	Woollahra Council	3 October 2007

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A5

A.4 Ancillary Aspect of the Development (s80A(2) of the Act)

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

Note: This condition does not affect the *principal contractor's* or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.
Standard Condition: A8

A.5 Fire Condition

The following condition be applied:

- Any alternative solution implemented within the building shall be documented upon the fire safety schedule. A copy of the fire safety schedule and fire safety engineers report and construction certificate shall be provided to the council with the notice of commencement of the relevant part.

A.6 Heritage Condition

Archaeological potential ***Claremont assorted outbuildings associated with Claremont and the old school***. An archaeologist must be present on site to monitor all excavations. Should any archaeological object be found then work shall cease until the significance of the evidence has assessed and presented to Council and the NSW Heritage Office. Work must not recommence until the archaeologist is satisfied that all obligations under the NSW Heritage Act have been met.

A.7 Health Condition

1. The basement car park proposing to accommodate 53 car parking spaces, in which vehicles powered by internal combustion engines are parked is required to comply with Section 4 'Ventilation Of Enclosures Used By Vehicles With Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the garage and maintain contaminant concentrations below recommended exposure standards.
2. The basement car park being ventilated with a combination of both natural ventilation and exhaust mechanical ventilation as recommended by Donnelley Simpson Cleary Consulting Engineers Pty Ltd in letter dated 4 July 2008. The 53 vehicle basement car park shall be ventilated by a combination of natural and general exhaust with flow rates in accordance with Clause 4.4.2 and performance standard in accordance with Section 4.4.1(a) 'Carparks General', Section 4.4.3.2 'Location of Openings' and Section 4.11 'Location of Exhausts in Below Ground Enclosures' of AS 1668.2-1991. The mechanical ventilation is being automatically controlled by an approved atmospheric contaminant (AC) monitoring system(s) and shall be designed to operate in accordance with Section 4.13 'Monitoring of Atmospheric Contaminants' of AS 1668.2-1991.
3. The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail the proposed **ventilation system for the proposed 53 vehicle basement carpark** complying with the Building Code Australia 2007 and [AS 1668.1](#) and [AS 1668.2](#). 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.

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

Standard Condition C59 (Autotext CC59)

4. The Construction Certificate plans and specification required to be submitted pursuant to clause 139 of the Regulation must be accompanied by a certificate from a professional engineer (acoustic engineer) certifying that noise from the operation of basement carpark fan will not exceed the background noise level when measured at any boundary of the site.

Where sound attenuation is required this must be detailed.

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

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

2. Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au). Standard Condition: C62 (Autotext CC62)

A.8 Management Plans

A Traffic Management Plan is to be submitted and approved by Council prior to the commencement of any works.

An Operational Management Plan is to be submitted and approved by Council prior to the commencement of any works. The Operational Management Plan is to address the following:

- ELC – Year 1 students continue to utilise the existing operational management arrangements within the junior school pick-up area;
- Similar operational management arrangements to that existing within the junior school pick-up area be implemented within the multi-purpose centre car parking area associated with Year 2 – Year 12 students whereby:
 - Parents display the names of children to be picked-up on the windscreen of the vehicle when entering the car park; and
 - The supervising teacher arranges for the relevant student/s to be brought to the front of the assembly area upon the arrival of the parent vehicle to the pick-up location to maximise the efficiency of the operation.
- Students walking between the multi purpose centre and the junior and senior school campuses do so via the existing tunnel located under Vaocluse Road;
- Pedestrian connectivity between the student assembly area associated with the multi purpose centre car parking area and the tunnel be provided through the multi-purpose centre;
- Staff parking within the junior school or multi-purpose centre car parking area access the site prior to 8.00am and exit the site after 4.00pm;
- The school actively prohibits parents picking-up students after school to access the site prior to school finish time (ELC parents excepted);
- The existing ‘No Parking’ (school days) signposting along the western side of Vaocluse Road be converted to ‘No Stopping’ along the school frontage (commencing first term 2009); and
- The existing off-set centre line within Vaocluse Road (assumed to have been introduced to accommodate the current queuing of vehicles associated with student pick-up periods) be realigned to a standard central pavement location in association with the provision of the above signage.

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

B.1 Establishment of Tree Protection Zones

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

(a) Tree Protection Zone areas

Council Reference No:	Species	Location	Radius from Trunk (Metres)*
1	<i>Pinus radiata</i> Monnnterey Pine	North western frontage of property	5
1a	<i>Lophostemon confertus</i> Brush Box	North western frontage of property adjacent tree No. 1	2.25

1b	<i>Lophostemon confertus</i> Brush Box	North western frontage of property adjacent tree No. 1	2.25
2	<i>Glochidion ferdinandii</i> Cheese Tree	North western frontage of property	2.25
3	<i>Erythrina x sykesii</i> Coral tree	North western frontage of property	3.75
4	<i>Ficus rubiginosa</i> Port Jackson Fig	North western frontage of property	3.75
5	<i>Pinus radiata</i> Monterey Pine	North western frontage of property	4.5
8	<i>Lophostemon confertus</i> Brush Box	Eastern side of existing tennis courts in north western corner	2.5
9	<i>Ficus macrophylla</i> Moreton Bay Fig	Northern side of existing stairs on western side entrance	6
10	<i>Ficus macrophylla</i> Moreton Bay Fig	Southern side of existing stairs on western side entrance	9
11	<i>Cinnamomum camphora</i> Camphor Laurel	Western side of property	3
17	<i>Harpephyllum caffrum</i> Wild Plum	Western side of property	2.5
18	<i>Ficus macrophylla</i> Moreton Bay Fig	Western side of property	3
26	<i>Lophostemon confertus</i> Brush Box	South western frontage of property	2.5
27	<i>Lophostemon confertus</i> Brush Box	South western frontage of property	2.25
46 – 52	<i>Populus nigra "Italica"</i> Lombardy Poplar	Eastern embankment	2
53	<i>Phoenix canariensis</i> Canary Island Date Palm	Eastern embankment	2
54	<i>Glochidion ferdinandii</i> Cheese Tree	Eastern embankment	4
55a	<i>Casuarina sp.</i> She-oak	Eastern embankment	1
55b	<i>Casuarina sp.</i> She-oak	Eastern embankment	1
56	<i>Lophostemon confertus</i> Brush Box	Eastern embankment	2.5
59	<i>Syncarpia glomulifera</i> Turpentine	Eastern embankment	3
61	<i>Lophostemon confertus</i> Brush Box	North eastern corner	3
62	<i>Eucalyptus microcorys</i> Tallowwood	North eastern corner	2
62a	<i>Lophostemon confertus</i> Brush Box	North eastern corner	2
63	<i>Eucalyptus sp.</i> Gum tree	North eastern corner	3
64	<i>Eucalyptus sp.</i> Gum tree	North eastern corner	3
65	<i>Lophostemon confertus</i> Brush Box	North eastern corner	2
66	<i>Lophostemon confertus</i> Brush Box	North eastern corner	2.5
67	<i>Erythrina x sykesii</i> Coral tree	Northern boundary	2.5

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

- (b) Tree Protection Zones are to be fenced with a 1.8 metre 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.
- (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.

Standard Condition: B5

B.2 Construction Certificate required prior to any demolition

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

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

Standard Condition: B1

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

C.1 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 roof materials are to be a dark recessive colour so as to minimise glare and to maintain the amenity of adjoining properties
- b. the proposed landscaping between the eastern elevation and New South Head Road is to comprise of a species that will screen the eastern elevation of the multi-purpose building from New South Head Road, but not exceed a height of RL64.1 in order to protect the amenity of properties on the eastern side of New South Head Road

- c. the proposed roof shall be non-trafficable (with the exception for maintenance purposes) and contain no additional plant, equipment, antenna, lift overrun or any other like structures above a height of RL64.1

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

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

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.
Standard Condition: C4

C.2 Payment of Security, Levies and Fees (S80A(6) & S94 of the Act, Section 608 of the Local Government Act 1993)

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
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy Use Calculator: http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use their online calculator	No	
SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$178,780	No	T115
Infrastructure Works Bond - Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.	\$63,750	No	T112
Works Bond - Completing any public work required in connection with the consent.	\$100,000	No	T113

DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2005 This plan may be inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au .			
Development Levy (S94A)	\$88,390 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the Local Government Act 1993			
Public Road and Footpath Infrastructure Inspection Fee	\$363.25	No	T45
Security Administration Fee	\$168	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$431,451.25 Plus any relevant indexed amounts and long service levy		

Building & Construction Industry Long Service Payment

The Long Service Levy under Section 34 of the *Building & Construction Industry Long Service Payment Act, 1986*, must be paid and proof of payment provided to the *Certifying Authority* prior to the issue of any *Construction Certificate*.

Note: The Levy can be paid directly to the Long Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.lspc.nsw.gov.au/> or by telephoning the Long Service Payments Corporation on 13 14 41.

How must the payments be made?

Payments must be made by:

- a. Cash deposit with Council,
- b. Credit card payment with Council, or
- c. 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 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 adjusted 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.

Standard Condition: C5

C.3 Road and Public Domain Works – Council approval required

This development consent does NOT give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.

Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to and approved by *Council* under the *Roads Act 1993*, before the issue of any *Construction Certificate*. (Note: 4 weeks is required by Council to assess the application)

Specific works include:

- a) Proposed works

Vaocluse Road

- The kerblineline and footpath in Vaocluse Road is to be continuous and dish crossings used in lieu of the proposed kerb return into the property. To ensure that the access does not appear to be a public road clear delineation is to be provided
- The ingress and egress driveway are both to have a full width vehicular crossing at 90 degrees to the kerb line and having a width of 6.0m in accordance with Council's standard drawing RF2.
- Reconstruction of the footpath for the full remaining length of the boundary along the Vaocluse Rd frontage in accordance with Council's standard drawing RF3.
- Removal of the existing driveway and restoration of kerb and footpath in accordance with Council's standard drawing RF3.

- Access levels and grades to and within the development must match access levels and grades within the road approved under the *Roads Act 1993*.

Gilliver Av/Vaocluse Rd intersection

The provision of alternate traffic control measures (which may or may not involve a new roundabout) at Gilliver Av/Vaocluse Rd intersection to control the impacts of left and right turns into and out of the carpark or other measures that may be considered appropriate by Council.

A bond is applied to ensure the satisfactory implementation and completion of either the roundabout or other traffic control measures as considered appropriate by Council. The bond is to be held by Council up to 2 years after the issue of the Occupation Certificate and the commencement of operation of the Multi Purpose Facility. The works are to be commenced in that time or should Council decide that no further traffic controls are warranted then the bond can be refunded. Any traffic control measures will be subject to the approval by the Woollahra Traffic Committee

The provision of traffic control measures in Vaocluse Rd to accommodate this requirement is to be carried out by the Applicant and at the Applicant's expense.

b) Approval

Development Consent does NOT give approval to these works on Council property.
SEPARATE APPROVAL IS REQUIRED:

- From Woollahra Traffic Committee
- under section 138 and 139 of the roads act 1993 for the works required by this condition.

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, sections and elevation views) and specifications of the new traffic control measures.

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, the developer must lodge a bond to the value of \$100,000 (One hundred thousand dollars – see **Condition C.2**). 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 the traffic control measures have been inspected and the works have been carried out to Council's requirements. 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.

The Bond can also be released should Council decide not to proceed with any of the Traffic Control measures.

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

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

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

Note: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Road Act 1993* approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent. Standard Condition: C13

C.4 Utility Services Generally

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

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

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

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

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

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

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

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

C.5 Professional Engineering Details

The *Construction Certificate* plans and specifications, required by clause 139 of the Regulation, must include detailed *professional engineering* plans and/or specifications for all structural, electrical, hydraulic, hydro-geological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

Detailed professional engineering plans and/or specifications must be submitted to the *Certifying Authority* with the application for any *Construction Certificate*.

Note: This does not affect the right of the developer to seek staged Construction Certificates
Standard Condition: C36

C.6 Geotechnical and Hydrogeological Design, Certification & Monitoring

The *Construction Certificate* plans and specification required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* must be accompanied by a *Geotechnical / Hydrogeological Monitoring Program* together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a *professional engineer*, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the *professional engineer* to:

- a. Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b. Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c. Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d. Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- e. Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - i. Will detect any settlement associated with temporary and permanent works and structures;
 - ii. Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like);

- iii. Will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity);
- iv. Will detect groundwater changes calibrated against natural groundwater variations;

details:

- the location and type of monitoring systems to be utilised;
- the preset acceptable limits for peak particle velocity and ground water fluctuations;
- recommended hold points to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and
- a contingency plan.
Standard Condition: C40

C.7 Bicycle and Car Parking Details

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

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

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

C.8 Relocation or reconstruction of Council's stormwater drainage system

The developer must meet all costs of relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development. All engineering drawings (plan, sections and elevation views) and specifications of the new stormwater drainage system to be constructed are to be prepared by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

Note: Four weeks should be allowed for assessment.

The design and construction of the works must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004) and "Specification for Road Works, Drainage and Miscellaneous Works" which include Council's Standard Drawings. Both documents are available from Council's website <http://www.woollahra.nsw.gov.au>.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.
Standard Condition: C.48

C.9 Stormwater management plan (Site greater than 500m²)(Clause 25(2) WLEP 1995)

The *Construction Certificate* plans and specifications, required by clause 139 of the Regulation, must include a *Stormwater Management Plan* for the site.

The *Stormwater Management Plan* must detail:

- a. general design in accordance with Stormwater Management Report dated 22 May 2007 and concept plan prepared by VOS Group Engineers Dwg No H-01 to 05 Issue P1 dated 22/05/07 other than amended by this and other conditions;
- b. the discharge of stormwater, by direct connection, to existing drainage system in Vaucluse Road;
- c. compliance the objectives and performance requirements of the BCA;
- d. any rainwater tank required by BASIX commitments including their overflow connection to the *Stormwater Drainage System*, and
- e. general compliance with the Council’s draft Development Control Plan Stormwater Drainage Management (draft version 1, public exhibition copy dated 23 August 2004), and
- f. on-site stormwater detention (“OSD”).

OSD Requirements

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

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

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

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

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

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

Layout plan

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

It must include:

- All pipe layouts, dimensions, grades, lengths and material specification,
- Location of On-Site Detention,
- All invert levels reduced to Australian Height Datum (AHD),

- Location and dimensions of all drainage pits,
- Point and method of connection to Councils drainage infrastructure, and
- Overland flow paths over impervious areas.

On-site Detention (OSD) details:

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

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

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

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.
Standard Condition: C51

C.10 Tree Management Details

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

- trees to be numbered in accordance with these conditions,
- shaded green where required to be protected and retained,
- shaded yellow where required to be transplanted,
- shaded blue where required to be pruned,
- shaded red where authorised to be removed and,
- references to applicable tree management plan, arborists report, transplant method statement or bush regeneration management plan.

Standard Condition: C30

C.11 Swimming and Spa Pools – Backwash

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: The plans must show the location of Sydney Waters sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: The discharge of backwash water to any stormwater system is water pollution and an offence under the *Protection of the Environment Operations Act 1997*. The connection of any backwash pipe to any stormwater system is an offence under the *Protection of the Environment Operations Act 1997*.
Standard Condition: C56

C.12 Swimming and Spa Pools – Child Resistant Barriers

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation* must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the *Swimming Pools Act 1992*.

Note: A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the *Construction Certificate* plans.
Standard Condition: C55

C.13 Sound Attenuation of mechanical plant and equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must detail the sound attenuation works required to all mechanical plant and equipment to ensure that noise from all mechanical plant and equipment does not to exceed the background noise level when measured at any boundary of the site.

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

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

Standard Condition: C61 (Autotext CC61)

C.14 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that noise from the operation of mechanical plant and equipment will not exceed the background noise level when measured at any boundary of the site.

Where sound attenuation is required this must be detailed.

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

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

Standard Condition: C62

C.15 Food Preparation Area – Construction Certificate Plans & Specifications

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

No *Construction Certificate* relating to the construction or fitout of the food preparation area located on the ground floor must be issued until Council's Environmental Health Officers' have advised in writing that the plans and specification are considered satisfactory. The details for the construction and fit out of the food preparation area, as considered satisfactory by Council's Environmental Health Officers' must form part of any *Construction Certificate*.

Note: The assessment of food premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of food premises is not listed under clause 161 of the *Environmental Planning & Assessment Regulation 2000* as a matter that a *Certifying Authority* may be satisfied as to. Hence, the detailed plans & specifications must be referred to Council and be to Council's satisfaction prior to the issue of any *Construction Certificate* for such works.
Standard Condition: C65 (Autotext CC65)

C.16 RTA Condition

The applicant is to contact the RTA Traffic Management Centre to gain the relevant approval, concurrence, or otherwise, for the truck movements on Vaucluse and New South Head Roads. Details demonstrating compliance are to be submitted with the construction certificate application.

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

D.1 Dilapidation Reports for existing buildings

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

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

- a. 2 New South Head Road
- b. 1 St Michaels Place

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

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

Standard Condition: D4

D.2 Dilapidation Reports for public infrastructure

To clarify the existing state of public infrastructure prior to the commencement of any development (including prior to any demotion), the *Principal Contractor* must submit a dilapidation report on Council's infrastructure within and near the development site.

1. The existing 450 mm dia from New South Head Rd to Vacluse Road bisects the lot and runs immediately to the north of the new carpark under the playing field.
2. Road pavement, kerb and gutter east side from road centreline to boundary from Gilliver Rd to New South Head Road.

The dilapidation report must be submitted to Council prior to the commencement of any 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, and
- e. Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site.

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 work. 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 work under this consent.

Note: If the Principal Contractor fails to submit the dilapidation report required by this condition and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose.
Standard Condition: D5

D.3 Piezometers for the monitoring of Ground Water Levels (GWL)

The *principal contractor* must provide piezometers within the excavation area and further piezometers around the perimeter of the wall. The piezometers are to be installed to monitor groundwater levels before and during all dewatering works for the construction phase.

The Ground Water Levels monitoring wells and monitoring program must be maintained until the issue of the *Final Occupation Certificate*.

Ground Water Levels are to be regularly monitored during the course of the works as required by the Work Method Statement for the control of Ground Water Levels. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.

Where there are any movements in the Ground Water Levels outside a safe range set by the Work Method Statement for the control of Ground Water Levels corrective action must be undertaken under the direction of the *professional engineer* (hydrological/geotechnical engineer).

Standard Condition: D7

D.4 Construction Management Plan – Approval & Implementation

A construction management plan must be submitted to and approved by Council's Development Engineer before the commencement of demolition, excavation or construction works.

The Plan must:-

- a. describe the anticipated impact of the construction works on:
 - i. local traffic routes,
 - ii. pedestrian circulation adjacent to the building site,
 - iii. the public place including crown land and community land,
 - iv. and on-street parking in the local area.
- b. describe the means proposed to:
 - v. manage construction works to minimise such impacts,
 - vi. provide for the standing of vehicles during construction, and
 - vii. provide for the movement of trucks to and from the site, and deliveries to the site.
- c. show the location of:
 - viii. all proposed site sheds and any anticipated use of cranes and concrete pumps,
 - ix. any areas of Council property on which it is proposed to install a Work (construction) Zone, and
 - x. proposed structures such as hoardings, scaffolding or shoring, or to excavate.

The Plan must make provision for all materials, plant, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding, shoring or excavation need separate approval from Council under the Roads Act 1993. Standing of cranes and concrete pumps on Council property or the road will need consent on each occasion.

The Construction Management Plan prepared by Walton Constructions P/L Rev B dated May 2007 the following amendments and clarifications :

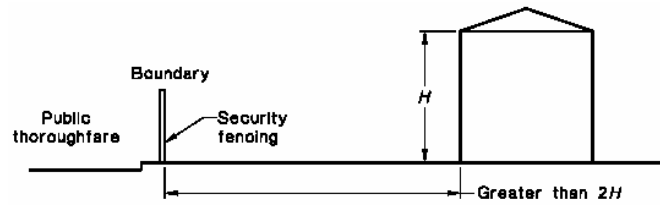
- Sect 4 Traffic Issue, P6 – Where are large trucks to be parked
- Sect 4a. P7 – Truck access to the site is to be at 90 degrees to the kerb and driveway should have sufficient width to allow vehicle to enter in this manner – details required
- Sect 4 iii Finishes P7 – Where is parking proposed in Council's carparks – there is insufficient parking already - details required
- Sect 4 b. Pedestrian Traffic P8 – This will require RTA approval
- Sect 4 h. Queuing – the CMP proposes to par vehicle “along the shoreline at Rose Bay” where is this to occur and what approvals if any have been issued
- Stage 1 Drawing – Where do pedestrian cross the road? A TCP is to be provide with revised CMP and approved by the RTA

The CMP is to be revised as required above and resubmitted to Council and approved by Council prior to the commencement of any development work

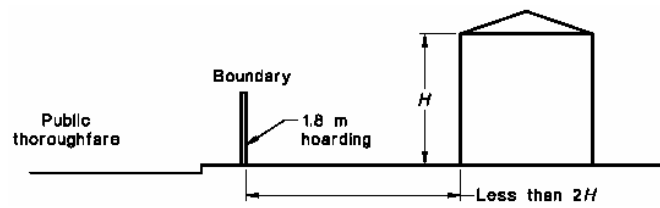
Note: Separate approval is required for any proposed site crane, hoarding, work zone, road opening, road closure or the standing of any plant (crane or pump or the like) in any public place.
Standard Condition: D9

D.5 Security Fencing, Hoarding and Overhead Protection

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



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

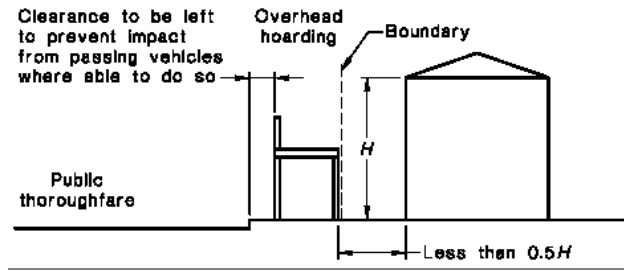


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either

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

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

- extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- have a clear height above the footpath of not less than 2.1 m; terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5 m above the platform surface; and
- together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The *principal contractor* or *owner builder* must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

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

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

Note: The *principal contractor* or *owner* must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act* 1993 will be subject to its own conditions and fees.
Standard Condition: D11

D.6 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 prepared by Plan prepared by VOS Group Engineers Dwg No H - 06 Issue P1 dated 22/05/07;
- b. “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c. “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition” (“The Blue Book”).

Where there is any conflict The Blue Book takes precedence.

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

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

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

Note: Section 257 of the *Protection of the Environment Operations Act* 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”

Warning, irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
Standard Condition: D14

D.7 Site Signs

The *Principal Contractor* or *owner builder* must ensure that the sign required by clauses 98A and 227A of the *Regulation* is erected and maintained at all times.

“Erection of signs

1. For the purposes of section 80A (11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. 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.
4. 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.
5. This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State’s building laws.”

Note: *PCA* and *principal contractors* must also ensure that signs required by this clause are erected and maintained (see clause 227A which imposes a penalty exceeding \$1,000).

Note: If *Council* is appointed as the *PCA* it will provide the sign to the *principal contractor* or *owner builder* who must ensure that the sign is erected and maintained as required by Clause 98A of the *Regulation*.
Standard Condition: D12

D.8 Toilet Facilities

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

Each toilet provided:

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

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

In this condition:

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

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

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

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

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

D.9 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) of the Act)

The erection of the building in accordance with this development consent must not be commenced until:

- a. a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
- b. the person having the benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1. the principal certifying authority has, no later than 2 days before the building work commences:
 - i. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii. 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
- b2. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i. 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
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. 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

- iv. given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

Note: *building* has the same meaning as in section 4 of the *Act* and includes part of a building and any structure or part of a structure.

Note: *new building* has the same meaning as in section 109H of the *Act* and includes an altered portion of, or an extension to, an existing building.

Note: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 82A(2) of the *Act* (including the need for a *Construction Certificate*) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Note: *Construction Certificate* Application, *PCA Service Agreement* and *Notice of Commencement* forms can be downloaded from Council's website www.woollahra.nsw.gov.au.

Note: It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 81A(2) of the *Act*.
Standard Condition: D15

D.10 Compliance with Building Code of Australia

For the purposes of section 80A (11) of the *Act*, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- a. that the work must be carried out in accordance with the requirements of the Building Code of Australia,

This condition does not apply:

- a. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4),
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.

Note: This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.
Standard Condition: D1

D.11 Establishment of boundary location, building location and datum

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

- a. the boundaries of the *site* by permanent marks (including permanent recovery points);
b. the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum ("AHD") in compliance with the approved plans;
c. establishes a permanent datum point (bench mark) within the boundaries of the *site* relative to AHD; and

- d. provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the PCA.

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

Note: On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks should be considered by the registered surveyor.
Standard Condition: D18

E. Conditions which must be satisfied during any development work

E.1 Compliance with Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the revised construction management plan (refer to **Condition D.4**).

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

Note: Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.
Standard Condition: E3

E.2 Maintenance of Vehicular and Pedestrian Safety and Access

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

- a. Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b. Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c. Not use the road or footway for any *work*.
- d. Keep the road and footway in good repair free of any trip hazard or obstruction.
- e. Not stand any plant and equipment upon the road or footway.

This condition does not apply to the extent that a permit or approval exists under the section 73 of the *Road Transport (Safety and Traffic Management) Act 1999*, section 138 of the *Roads Act 1993* or section 94 of the *Local Government Act 1993* except that at all time compliance is required with:

- a. Australian Standard AS 1742 (Set) Manual of uniform traffic control devices and all relevant parts of this set of standards.
- b. Australian Road Rules to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

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

Note: Section 138 of the *Roads Act* 1993 provides that a person must not:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Note: Section 68 of the *Local Government Act* 1993 provides that a person may carry out certain activities only with the prior approval of the council including:

Part C Management of Waste:

- “1. For fee or reward, transport waste over or under a public place
2. Place waste in a public place
3. Place a waste storage container in a public place.”

Part E Public roads:

- “1. 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
2. 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.”

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

E.3 Maintenance of Environmental Controls

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

- a) Erosion and sediment controls,
- b) Dust controls,
- c) Dewatering discharges,
- d) Noise controls;
- e) Vibration monitoring and controls;
- f) Ablutions;

Note 1: See http://www.epa.nsw.gov.au/small_business/builders.htm for additional information.
Standard Condition: E11

E.4 Compliance with Geotechnical/Hydrogeological Monitoring Program

Excavation must be undertaken in accordance with the recommendations of the *Geotechnical / Hydrogeological Monitoring Program* and any oral or written direction of the supervising *professional engineer*.

The *principal contractor* and any sub-contractor must strictly follow the *Geotechnical / Hydrogeological Monitoring Program* for the development including, but not limited to;

- a) the location and type of monitoring systems to be utilised;
- b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the *professional engineer*; and
- c) the contingency plan.

Note: The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the Development Application to be appointed as the *professional engineer* supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.
Standard Condition: E12

E.5 Vibration Monitoring

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

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

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

Where the event requires, in the opinion of the *professional engineer*, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the *professional engineer* as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the *professional engineer* to the *principal contractor* and any sub-contractor clearly setting out required work practice.

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

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

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

Note: *Professional engineer* has the same mean as in Clause A1.1 of the BCA.

Note: *Building* has the same meaning as in section 4 of the Act i.e. "**building** includes part of a building and any structure or part of a structure".

Note: *Supported land* has the same meaning as in section 88K of the Conveyancing Act 1919.
Standard Condition: E14

E.6 Erosion and Sediment Controls – Maintenance

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

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

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



Note 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.
Standard Condition: E15

E.7 Disposal of site water during construction

The principal contractor or owner builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from *Council* under section 138(1)(d) of the *Roads Act* 1993;
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act* 1997, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water;
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

Note: This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.
Standard Condition: E17

E.8 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works Road works and work within the Road and Footway

All work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the *development* to which this consent relates must comply with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003.

The *owner, principal contractor or owner builder* must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the *Roads Act 1993* or *Local Government Act 1993* for works within Roads and other public places.

Note: A copy of Council's "*Specification for Roadworks, Drainage and Miscellaneous Works*" can be downloaded free of charge from Council's website www.woollahra.nsw.gov.au
Standard Condition: E24

E.9 Existing drainage easement, drainage reserve or stormwater drainage system benefiting Council

Council drainage easement(s) drainage reserve(s) or stormwater system passes through the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The *principal contractor or owner builder* must locate all *Stormwater Drainage Systems* without causing any damage to the public system and ensure its protection. The *owner, principal contractor or owner builder* must not obstruct or otherwise remove, disconnect or render inoperable the *Stormwater Drainage System*.

Works such as fences must not obstruct the natural floodway or alter the natural floodway in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council, in connection with the *development* to which this consent relates, must comply with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003.

The *owner, principal contractor or owner builder* must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the *Roads Act 1993* or *Local Government Act 1993* for works within Roads and other public places.

Note: The Local Government Act 1993 provides:

"59A Ownership of water supply, sewerage and stormwater drainage works

- (1) *Subject to this Division, a council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by the council (whether or not the land is owned by the council).*
- (2) *A council may operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of the council, the works are used in an efficient manner for the purposes for which the works were installed."*

Standard Condition: E27

E.10 Tree Preservation

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

General Protection Requirements:

- a) There must be no excavation or *work* within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all *development work*.
- b) Where excavation encounters tree roots with a diameter exceeding 50mm excavation must cease. The *principal contractor* must procure an inspection of the tree roots exposed by a qualified arborist. Excavation must only recommence with the implementation of the recommendations of the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

Note: Trees must be pruned in accordance with Australian Standard AS 4373 – 2007 "Pruning of Amenity Trees" and Workcover NSW Code of Practice Amenity Tree Industry 1998.
Standard Condition: E8

E.11 Tree Preservation & Approved Landscaping Works

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

- a) The following trees must be retained:

Trees on Private Land

Council Reference No:	Species	Location	Dimension (Metres)
1	<i>Pinus radiata</i> Monnnterey Pine	North western frontage of property	15 x 12
1a	<i>Lophostemon confertus</i> Brush Box	North western frontage of property adjacent tree No. 1	13 x 10
1b	<i>Lophostemon confertus</i> Brush Box	North western frontage of property adjacent tree No. 1	13 x 10
2	<i>Glochidion ferdinandii</i> Cheese Tree	North western frontage of property	7 x 5
3	<i>Erythrina x sykesii</i> Coral tree	North western frontage of property	15 x 12
4	<i>Ficus rubiginosa</i> Port Jackson Fig	North western frontage of property	9 x 7
5	<i>Pinus radiata</i> Monterey Pine	North western frontage of property	14 x 8
8	<i>Lophostemon confertus</i> Brush Box	Eastern side of existing tennis courts in north western corner	10 x 8
9	<i>Ficus macrophylla</i> Moreton Bay Fig	Northern side of existing stairs on western side entrance	10 x 14

10	<i>Ficus macrophylla</i> Moreton Bay Fig	Southern side of existing stairs on western side entrance	14 x 16
11	<i>Cinnamomum camphora</i> Camphor Laurel	Western side of property	14 x 12
17	<i>Harpephyllum caffrum</i> Wild Plum	Western side of property	11 x 6
18	<i>Ficus macrophylla</i> Moreton Bay Fig	Western side of property	12 x 6
26	<i>Lophostemon confertus</i> Brush Box	South western frontage of property	10 x 6
27	<i>Lophostemon confertus</i> Brush Box	South western frontage of property	10 x 6
46 – 52	<i>Populus nigra "Italica"</i> Lombardy Poplar	Eastern embankment	8 x 3
53	<i>Phoenix canariensis</i> Canary Island Date Palm	Eastern embankment	4 x 3
54	<i>Glochidion ferdinandii</i> Cheese Tree	Eastern embankment	5 x 4
55a	<i>Casuarina sp.</i> She-oak	Eastern embankment	4 x 3
55b	<i>Casuarina sp.</i> She-oak	Eastern embankment	4 x 3
56	<i>Lophostemon confertus</i> Brush Box	Eastern embankment	10 x 8
59	<i>Syncarpia glomulifera</i> Turpentine	Eastern embankment	12 x 5
61	<i>Lophostemon confertus</i> Brush Box	North eastern corner	10 x 8
62	<i>Eucalyptus microcorys</i> Tallowwood	North eastern corner	11 x 7
62a	<i>Lophostemon confertus</i> Brush Box	North eastern corner	9 x 5
63	<i>Eucalyptus sp.</i> Gum tree	North eastern corner	14 x 10
64	<i>Eucalyptus sp.</i> Gum tree	North eastern corner	10 x 6
65	<i>Lophostemon confertus</i> Brush Box	North eastern corner	10 x 6
66	<i>Lophostemon confertus</i> Brush Box	North eastern corner	14 x 10
67	<i>Erythrina x sykesii</i> Coral tree	Northern boundary	10 x 10

c) The following trees may be removed:

Council Reference No:	Species	Location	Dimension (Metres)
7	<i>Ligustrum lucidum</i> Large-leaf Privet	Western side of property adjacent entry stairs	6 x 4
12	<i>Phoenix canariensis</i> Canary Island Date Palm	Western side of property within the canopy spread of tree No. 10kk	
13	<i>Cinnamomum camphora</i> Camphor Laurel	Western side of property	14 x 10
14	<i>Cinnamomum camphora</i> Camphor Laurel	Western side of property	14 x 10
15	<i>Cinnamomum camphora</i> Camphor Laurel	Western side of property	9 x 6
16	<i>Pinus radiata</i> Monterey Pine	Western frontage pf property	12 x 4
19	<i>Melaleuca quinquenervia</i> Broad-leafed Paperbark	Western side of existing sports oval	6 x 3
20	<i>Melaleuca quinquenervia</i> Broad-leafed Paperbark	Western side of existing sports oval	6 x 3
21	<i>Lophostemon confertus</i> Brush Box	Western side of existing sports oval	12 X 6

22	<i>Lophostemon confertus</i> Brush Box	Western side of existing sports oval	11 X 7
23	<i>Erythrina x sykesii</i> Coral tree	Western frontage of property within footprint of proposed pull in bay	12 x 6
24	<i>Lophostemon confertus</i> Brush Box	Western frontage of property within footprint of proposed pull in bay	12 x 10
25	<i>Lophostemon confertus</i> Brush Box	Western frontage of property within footprint of proposed pull in bay	14 x 10
28 – 33	<i>Casuarina glauca</i> Swamp She-oak	Southern side of proposed development	12 x 4
34 – 44	<i>Casuarina glauca</i> Swamp She-oak	Southern side of proposed development	12 x 4
44a	<i>Olea europea var. africana</i> African Olive <i>*exempt species</i>	Southern side of proposed development	5 x 5
57	<i>Erythrina x sykesii</i> Coral tree	Eastern embankment northern end	8 x 8

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

E.12 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
5 x <i>Eucalyptus haemastoma</i> Scribbly Gum	Set back 4 metres from the southern extent of the proposed development. The replacement trees are not to be planted up against the existing Claremont cottage.	75 litre	Natural dimensions
8 x <i>Eucalyptus haemastoma</i> Scribbly Gum	Northern boundary as per the submitted Site Image landscape plan dated 06.03.08	75 litre	Natural dimensions
4 x <i>Eucalyptus haemastoma</i> Scribbly Gum	Western frontage as per the submitted Site Image landscape plan dated 06.03.08	75litre	Natural dimensions
3 x <i>Callicoma serratifolia</i> Black Wattle	As per the submitted Site Image landscape plan dated 06.03.08	75 litre	Natural dimensions
3 x <i>Corymbia</i> "Summer Beauty"	As per the submitted Site Image landscape plan dated 06.03.08	75 litre	Natural dimensions
3 x <i>Lophostemon confertus</i> Brush Box	As per the submitted Site Image landscape plan dated 06.03.08	75 litre	Natural dimensions
2 x <i>Tristaniopsis laurina</i> Water gum	As per the submitted Site Image landscape plan dated 06.03.08	75 litre	Natural dimensions
Selected native tree species	As per the plant matrix species schedule contained within the submitted Site Image landscape details plan dated 14.11 07	50 litre	Natural dimensions

E.13 No excavation within tree root zones

To allow for the preservation of a viable root zone, excavation work must not be undertaken within the specified radius of the trunks of the following tree#s. Beyond this radius, excavation is permissible only after root pruning by hand along the perimeter line of such works has been carried out.

Council Reference No:	Species	Location	Radius from Trunk(Metres)
1	<i>Pinus radiata</i> Monnnterey Pine	North western frontage of property	5
1a	<i>Lophostemon confertus</i> Brush Box	North western frontage of property adjacent tree No. 1	2.25
1b	<i>Lophostemon confertus</i> Brush Box	North western frontage of property adjacent tree No. 1	2.25
2	<i>Glochidion ferdinandii</i> Cheese Tree	North western frontage of property	2.25
3	<i>Erythrina x sykesii</i> Coral tree	North western frontage of property	3.75
4	<i>Ficus rubiginosa</i> Port Jackson Fig	North western frontage of property	3.75
5	<i>Pinus radiata</i> Monterey Pine	North western frontage of property	4.5
8	<i>Lophostemon confertus</i> Brush Box	Eastern side of existing tennis courts in north western corner	2.5
9	<i>Ficus macrophylla</i> Moreton Bay Fig	Northern side of existing stairs on western side entrance	6
10	<i>Ficus macrophylla</i> Moreton Bay Fig	Southern side of existing stairs on western side entrance	9
11	<i>Cinnamomum camphora</i> Camphor Laurel	Western side of property	3
17	<i>Harpephyllum caffrum</i> Wild Plum	Western side of property	2.5
18	<i>Ficus macrophylla</i> Moreton Bay Fig	Western side of property	3
26	<i>Lophostemon confertus</i> Brush Box	South western frontage of property	2.5
27	<i>Lophostemon confertus</i> Brush Box	South western frontage of property	2.25
46 – 52	<i>Populus nigra "Italica"</i> Lombardy Poplar	Eastern embankment	2
53	<i>Phoenix canariensis</i> Canary Island Date Palm	Eastern embankment	2
54	<i>Glochidion ferdinandii</i> Cheese Tree	Eastern embankment	4
55a	<i>Casuarina sp.</i> She-oak	Eastern embankment	1
55b	<i>Casuarina sp.</i> She-oak	Eastern embankment	1
56	<i>Lophostemon confertus</i> Brush Box	Eastern embankment	2.5
59	<i>Syncarpia glomulifera</i> Turpentine	Eastern embankment	3
61	<i>Lophostemon confertus</i> Brush Box	North eastern corner	3
62	<i>Eucalyptus microcorys</i> Tallowwood	North eastern corner	2
62a	<i>Lophostemon confertus</i> Brush Box	North eastern corner	2
63	<i>Eucalyptus sp.</i> Gum tree	North eastern corner	3
64	<i>Eucalyptus sp.</i> Gum tree	North eastern corner	3
65	<i>Lophostemon confertus</i> Brush Box	North eastern corner	2
66	<i>Lophostemon confertus</i> Brush Box	North eastern corner	2.5
67	<i>Erythrina x sykesii</i> Coral tree	Northern boundary	2.5

E.14 Level changes in the vicinity of trees

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

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Pinus radiata</i> Monnnterey Pine	North western frontage of property	5
1a	<i>Lophostemon confertus</i> Brush Box	North western frontage of property adjacent tree No. 1	2.25
1b	<i>Lophostemon confertus</i> Brush Box	North western frontage of property adjacent tree No. 1	2.25

2	<i>Glochidion ferdinandii</i> Cheese Tree	North western frontage of property	2.25
3	<i>Erythrina x sykesii</i> Coral tree	North western frontage of property	3.75
4	<i>Ficus rubiginosa</i> Port Jackson Fig	North western frontage of property	3.75
5	<i>Pinus radiata</i> Monterey Pine	North western frontage of property	4.5
8	<i>Lophostemon confertus</i> Brush Box	Eastern side of existing tennis courts in north western corner	2.5
9	<i>Ficus macrophylla</i> Moreton Bay Fig	Northern side of existing stairs on western side entrance	6
10	<i>Ficus macrophylla</i> Moreton Bay Fig	Southern side of existing stairs on western side entrance	9
11	<i>Cinnamomum camphora</i> Camphor Laurel	Western side of property	3
17	<i>Harpephyllum caffrum</i> Wild Plum	Western side of property	2.5
18	<i>Ficus macrophylla</i> Moreton Bay Fig	Western side of property	3
26	<i>Lophostemon confertus</i> Brush Box	South western frontage of property	2.5
27	<i>Lophostemon confertus</i> Brush Box	South western frontage of property	2.25
46 – 52	<i>Populus nigra "Italica"</i> Lombardy Poplar	Eastern embankment	2
53	<i>Phoenix canariensis</i> Canary Island Date Palm	Eastern embankment	2
54	<i>Glochidion ferdinandii</i> Cheese Tree	Eastern embankment	4
55a	<i>Casuarina sp.</i> She-oak	Eastern embankment	1
55b	<i>Casuarina sp.</i> She-oak	Eastern embankment	1
56	<i>Lophostemon confertus</i> Brush Box	Eastern embankment	2.5
59	<i>Syncarpia glomulifera</i> Turpentine	Eastern embankment	3
61	<i>Lophostemon confertus</i> Brush Box	North eastern corner	3
62	<i>Eucalyptus microcorys</i> Tallowwood	North eastern corner	2
62a	<i>Lophostemon confertus</i> Brush Box	North eastern corner	2
63	<i>Eucalyptus sp.</i> Gum tree	North eastern corner	3
64	<i>Eucalyptus sp.</i> Gum tree	North eastern corner	3
65	<i>Lophostemon confertus</i> Brush Box	North eastern corner	2
66	<i>Lophostemon confertus</i> Brush Box	North eastern corner	2.5
67	<i>Erythrina x sykesii</i> Coral tree	Northern boundary	2.5

E.15 Compliance with Building Code of Australia

For the purposes of section 80A (11) of the Act, the following condition is prescribed in relation to a development consent for development that involves any building work:

- a. that the work must be carried out in accordance with the requirements of the Building Code of Australia,

This condition does not apply:

- a. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the Regulation, or
- b. to the erection of a temporary building.

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

Standard Condition: E1

E.16 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—1991: The Demolition of Structures, published by Standards Australia, and as in force at 1 July 1993.

Standard Condition: E2

E.17 Requirement to notify about new evidence

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifying Authority.

Standard Condition: E4

E.18 Critical Stage Inspections

Critical stage inspections must be called for by the *principal contractor* or *owner builder* as required by the PCA, any PCA service agreement, the *Act* and the *Regulation*.

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

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

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

Standard Condition: E5

E.19 Hours of Work –Amenity of the neighbourhood

- a. No *work* must take place on any Sunday or public holiday,
- b. No *work* must take place before 7am or after 5pm any weekday,
- c. No *work* must take place before 7am or after 1pm any Saturday, and
- d. No piling, piercing, cutting, boring, drilling, rock breaking, rock sawing, jack hammering or bulk excavation of land or loading of material to or from trucks must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday.
- e. No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

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

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

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

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

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

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

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

E.20 Support of adjoining land and buildings

A person must not do anything on or in relation to the *site* (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).

For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.

Note: This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the *principal contractor* or *owner builder* must obtain:

- a) the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b) an access order under the Access to Neighbouring Land Act 2000, or
- c) an easement under section 88K of the *Conveyancing Act 1919*, or
- d) an easement under section 40 of the *Land & Environment Court Act 1979* as appropriate.

Note: Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

Note: Clause 20 of the *Roads (General) Regulation 2000* prohibits excavation in the vicinity of roads as follows: “**Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road.” Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

Note: The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, crown land under Council’s care control or management, or any community or operational land as defined by the *Local Government Act 1993*. Standard Condition: E13

E.21 Filling of site

To the extent that this consent permits filling of the site such fill must be *virgin excavated natural material* (“VENM”).

VENM means “*Virgin excavated natural material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.*”

Note: This definition is the same as in Schedule 1 of the *Protection of the Environment Operations Act 1997*, Appendix IX: Types of waste.

Note: Sulphidic ores and soils are commonly known as Acid Sulphate Soils.

Note: If a person transports waste to a place (the site) that cannot lawfully be used as a waste facility for that waste: (a) the person, and, (b) if the person is not the owner of the waste, the owner, are each guilty of an offence under section 143 of the *Protection of the Environment Operations Act 1997*.

Note: A person who is the owner or occupier (principal contractor) of any land that cannot lawfully be used as a waste facility and who permits the land to be used as a waste facility is guilty of an offence under section 144 of the *Protection of the Environment Operations Act 1997*.

Note: Additional information is available from the following websites:

Illegal waste dumping - <http://www.epa.nsw.gov.au/waste/dumping.htm>

Is that fill legal? <http://www.epa.nsw.gov.au/resources/012648web.epa%20fill.dl%20bro.pdf>
Standard Condition: E18

E.22 Check Surveys - boundary location, building location, building height and stormwater drainage system relative to Australian Height Datum

The *Principal Contractor* or *Owner Builder* must ensure that a surveyor registered under the *Surveying Act 2002* carries out check surveys and provides survey certificates confirming the location of the building(s) and the stormwater drainage system relative to the boundaries of the *site* and that the height of buildings and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

The *Principal Contractor* or *Owner Builder* must ensure that work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the *PCA'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 structures, swimming pool or spa pool or the like;
- e) Driveway transitions and crest thresholds prior to pavement of driveways;
- f) Stormwater Drainage Systems prior to or post construction confirming location, height and capacity of works.

Note: This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent.
Standard Condition: E20

E.23 Site Cranes

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 *principal contractor* or *owner builder* have the relevant approval 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.

Note: Where it is proposed to swing a crane over a public place the *principal contractor* or *owner builder* must make a separate application to Council under section 68 of the *Local Government Act 1993* and obtain activity approval from Council prior to swinging or hoisting over the public place.

Note: Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the *principal contractor* or *owner builder* must obtain 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 & Environment Court Act 1979* as appropriate. 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.
Standard Condition: E19

E.24 Placement and use of Skip Bins

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

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

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.
Standard Condition: E21

E.25 Dust Mitigation

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

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.

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

Note 1: “*Dust Control - Do it right on site*” can be down loaded free of charge from Council’s web site www.woollahra.nsw.gov.au or obtained from Council’s office.

Note 2: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.workcover.nsw.gov.au and www.epa.nsw.gov.au . Other specific condition and advice may apply.

Note 3: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
Standard Condition: E23

E.26 Swimming and Spa Pools – Temporary Child Resistant Barriers and other matters

Temporary child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* where any swimming pool or spa pool as defined by the *Swimming Pools Act 1992* contains more than 300mm in depth of water at any time. Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* as soon as practical.

Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the *Swimming Pools Act 1992* must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

Note: This condition does not prevent Council from issuing an order pursuant to section 23 of the *Swimming Pool Act 1992* or taking such further action as necessary for a breach of this condition or the *Swimming Pools Act 1992*.
Standard Condition: E26

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

F.1 Commissioning and Certification of Systems and Works

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

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

- a. Certification from the supervising professional engineer that the requirement of the Geotechnical / Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b. All flood protection measures.
- c. All stormwater drainage systems.
- d. All mechanical ventilation systems.
- e. All hydraulic systems.

- f. All parking and access in accordance with AS21890.1 and Councils Drawing RF2
- g. All structural work.
- h. All acoustic attenuation work.
- i. All waterproofing.
- j. Such further matters as the *Principal Certifying Authority* may require.

Note: This condition has been imposed to ensure that systems and works as completed meet *development standards* as defined by the *Act*, comply with the BCA, comply with this consent and so that a public record of works as executed is maintained.

Note: The *PCA* may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the *Act*, *Regulation*, Development Standards, *BCA*, and relevant *Australia Standards*. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

Note: The *PCA* must submit to Council, with any *Occupation Certificate*, copies of works-as-executed (“WAE”) plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the *BCA* upon which the *PCA* has relied in issuing any *Occupation Certificate*.
Standard Condition: F7

F.2 Commissioning and Certification of Public Infrastructure Works

The *principal contractor* or *owner builder* must submit, to the satisfaction of Woollahra Municipal Council, certification from a *professional engineer* that all public infrastructure works have been executed in compliance with this consent and with Council’s *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003.

The certification must be supported by closed circuit television / video inspection provided on DVD of all stormwater drainage together with works as executed engineering plans and a survey report detailing all finished reduced levels.

Standard Condition: F9

F.3 New Drainage Easement (Council drainage infrastructure)

A new deposited plan, including a 2 metre wide drainage easement in Council’s favour over the drainage infrastructure, giving Council access rights for personnel and equipment to inspect and maintain and/or replace the drainage pipeline, must be registered at the Land Titles Office, prior to the issue of any *Occupation Certificate*.

Standard Condition: F14

F.4 Amenity Landscaping

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

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

Standard Condition: F6

F.5 Occupation Certificate (section 109M of the Act)

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

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

Standard Condition: F1

F.6 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>
Standard Condition: F13

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

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

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

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

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

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

Standard Condition: G4

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

H.1 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in compliance with Council's "Specification for Roadworks, Drainage and Miscellaneous Works" dated January 2003 unless expressly provided otherwise by these conditions at the *principal contractor's* or *owner's* expense:

- a. stormwater pipes, pits and connections to public stormwater systems within the *road*;
- b. driveways and vehicular crossings within the *road*;
- c. removal of redundant driveways and vehicular crossings;
- d. new footpaths within the *road*;
- e. new or replacement street trees;
- f. new footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- g. new or reinstated kerb and guttering within the *road*; and
- h. new or reinstated road surface pavement within the *road*.

Note: Security held by Council pursuant to section 80A(6) of the Act will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the *Final Occupation Certificate* to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
Standard Condition: H13

H.2 Dilapidation Report for public infrastructure works

To clarify the state of public infrastructure prior to the issue of the Final Occupation Certificate, the *Principal Contractor* must submit a dilapidation report, prepared by a *professional engineer*, on Council's infrastructure within and near the development site to Council.

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

The dilapidation report must include:

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

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

Note: If the Principal Contractor fails to submit the dilapidation report required by this condition and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose.
Standard Condition: H14

H.3 Positive Covenant & Works-As-Executed certification of stormwater systems

On completion of construction work, stormwater drainage works are to be certified by a *professional engineer* with Works-As-Executed drawings supplied to the *PCA* detailing:

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

Note: The required wording of the Instrument can be downloaded from Council's web site www.woollahra.nsw.gov.au. The PCA must supply a copy of the WAE Plans to Council together with the *Final Occupation Certificate*. The *Final Occupation Certificate* must not be issued until this condition has been satisfied.
Standard Condition: H20

H.4 Landscaping

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

Note: This condition has been imposed to ensure that all Landscaping work is completed prior to the issue of the *Final Occupation Certificate*.
Standard Condition: H9

H.5 Removal of Ancillary Works and Structures

The *principal contractor* or *owner* must remove 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.

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the *Final Occupation Certificate*.
Standard Condition: H12

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

I.1 Provision of off-street Public and Visitor Parking

The owner and occupier, in compliance with AS/NZS 2890.1:2004: Parking facilities - Off-street car parking, must maintain unimpeded public access to off-street parking.

I.2 On-going maintenance of the on-site-detention system

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

- a. permit stormwater to be temporarily detained by the system;
- b. keep the system clean and free of silt rubbish and debris;
- c. if the car park is used as a detention basin, a weather resistant sign must be maintained in a prominent position in the car park warning residents that periodic inundation of the car park may occur during heavy rain;
- d. maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;
- e. carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- f. not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- g. permit the Council or its authorised agents from time to time upon giving reasonable notice (but at anytime and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- h. comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;
- i. where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;
- j. indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

Reason: This condition has been imposed to ensure that owners are aware of require maintenance requirements for their stormwater systems.

Note: This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
Standard Condition: I12

I.3 Maintenance of Landscaping

All landscaping must be maintained in general accordance with this consent.

This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.

Reason: This condition has been imposed to ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

Note: This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. Owners should have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the Brochure Titled "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.

Standard Condition: I8

I.4 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>

Standard Condition: I13

I.5 Outdoor lighting – Sports Lighting

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

No sports lighting must operate after 11pm and must, by automatic timer, switch off at the 11.00pm curfew.

The intensity of light provided to the sporting area should comply with AS2560 and relevant parts to this Australian Standard.

Reason: This condition has been imposed to control the obtrusive effects of outdoor lighting, to limit the hours of use to protect the amenity of neighbours and to maintain safe conditions for sporting activities.

Note: The height of the poles as proposed may be too low to comply with both AS4282 and AS2560. Where this is disclosed, it will be necessary to seek an amendment to this consent if it is proposed to increase the height of the poles and lights to achieve compliance with both standards.

Note: Council may consider, subject to an appropriate section 96 application relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.
Standard Condition: I40

I.6 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).

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

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

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

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

Department of Gaming and Racing - (www.dgr.nsw.gov.au).
Standard Condition: I50

I.7 Noise from mechanical plant and equipment

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

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

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671, dated December 2004.
Standard Condition: I53

J. Miscellaneous Conditions

None relevant.

K. Advisings

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

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

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

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

Warnings as to potential maximum penalties

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

Warning as to enforcement and legal costs

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

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

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

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

Standard Advising: K1

K.2 Dial before you dig



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

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

Standard Advising: K2

K.3 Builders Licences and Owner Builders Permits

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

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

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

Standard Condition: K5

K.4 Building Standards - Guide to Standards and Tolerances

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

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

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

The Guide can be down loaded from:

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

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

Standard Condition: K6

K.5 Workcover requirements

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

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

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

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

Standard Condition: K7

K.6 Asbestos Removal, Repair or Disturbance

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

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

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

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

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

Standard Advising: K8

K.7 Lead Paint

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

Industrial paints may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings.

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

Standard Advising: K9

K.8 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact:

Mr D Waghorn, Senior Assessment Officer on (02) 9391 7138

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

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

Standard Condition: K14

K.9 Release of Security

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

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

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

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

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

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

K.10 Recycling of Demolition and Building Material

It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.

K.11 Owner Builders

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

Standard Condition: K18

K.12 Pruning or Removing a Tree Growing on Private Property

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

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

Standard Condition: K19

Mr D Waghorn
SENIOR ASSESSMENT OFFICER

Mr N Economou
TEAM LEADER

ANNEXURES

1. Plans and elevations
2. Original development application assessment report
3. Applicants letters and traffic plan