

Application Assessment Panel Minutes

Tuesday 9 January 2007

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Application Assessment Panel Minutes

**Minutes of the Meeting held on
Tuesday 9 January 2007 at 3.04pm**

Present: Application Assessment Panel:

T Tuxford (Manager – Compliance) (Chair)
C Bluett (Manager – Strategic Planning)
A Coker (Director – Planning & Development)

Staff: G Fotis (Team Leader)
M Kelly (Secretary – Administration)
J La Posta (Assessment Officer)

Apologies: Nil

Late Correspondence

Late correspondence was submitted to the Panel in relation to Items: D4

Declarations of Interest

Nil

Items Decided by the Panel using its delegated authority (Items D1 to D4)

Item No: D1 Delegated to the Panel
Subject: **Confirmation of Minutes of meeting held on 19 December 2006**
Author: Marie Kelly, Secretary – Administration
File No: See Application Assessment Panel Minutes
Reason for Report: The Minutes of the Meeting of Tuesday 19 December 2006 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Bluett/Coker)

Resolved:

That the Minutes of the Application Assessment Panel Meeting of 19 December 2006 be taken as read and confirmed.

D2 DA562/2006 – 61 Dover Road, Rose Bay – Alterations & additions to the existing dwelling-house – New gazebo structure – 1/9/2006

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

Note: This matter was called to the Development Control Committee Meeting of 22 January 2007 by Councillors Gardner.

Reasons: Loss of Privacy and Negative Acoustic Impact.

D3 DA593/2006 – 85 Yarranabbe Road, Darling Point – Replacement of pool fence & tiling – 13/9/2006

Note: Ms A Blau an objector 27/85 Yarranabbe Road, Darling Point and Mr D Mulley the applicant, addressed the Panel.

Note: The Panel amended the Preamble, Conditions Nos. 4 (Materials), 6 (Structural adequacy) and deleted original Condition No. 8 (Structural details).

(Bluett/Coker)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 Development Standards* to the 30 metres foreshore building line development standard under the Woollahra LEP 1995 is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposed works to upgrade of the existing swimming pool are minor and would not increase the existing non-compliance.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to Development Application No. 593/2006/1 is consistent with the aims of the Policy, grant development consent to DA No. 593/2006/1 for replacement of pool fence and tiling on land at 85 Yarranabbe Road Darling Point, subject to the following conditions:

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered 010801, 010802 and 010801, all dated 20.08.06 drawn by Michael Franck Architect, all which carry a Council stamp "**Approved DA Plans**" and the signature of a Council officer, except where amended by the following conditions.

2. Protection of Sydney Harbour (N.S.W Maritime Authority)

- a) The works are to be carried out so that:
 - No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Sydney Harbour; and
 - No materials are likely to be carried by natural forces to the bed, shore or waters of Sydney Harbour.
- b) Any material that does enter Sydney Harbour must be removed immediately.
- c) Best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction.

Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater- Soils & Construction* issued by the NSW Department of Housing/Landcom in 2004 and any other relevant Council requirements.

- d) The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works. This does not include the works associated with the construction of the appropriate controls.
- e) The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground distributed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- f) Any material that is to be stockpiled on site is to be stabilised to prevent erosion or dispersal of the material.
- g) Demolition and construction works are carried out in a manner that minimises the potential for materials, including sediment and other pollutants, to enter Sydney harbour. In this regard, a combination of temporary measures such as tarpaulins, booms, silt screens and barriers may be required when carrying out particular works.

- h) The foreshore is to be fully protected for the duration of the works. This includes preventing the storage of any machinery, materials, equipment, supplies, or waste receptacles within the inter-tidal area.
- i) Access for the delivery and removal of materials to and from the site is not to make use of the waterway and the adjoining foreshore.
- j) No works are to be undertaken on land owned by MSW Maritime (i.e. below MHW) without the relevant approvals being granted by NSW Maritime.

3. Notification to NSW Maritime

Any Construction Certificate issued by a Private Certifying Officer or Council must be submitted to NSW Maritime before physical works are undertaken on site.

4. Materials

The approved glass fence must be treated with a 'Diamond Fusion' coating and in such a manner to minimise reflectivity. The plans are to be amended accordingly prior to issue of the Construction Certificate.

This condition has been imposed to comply with the objectives of the SREP (Sydney Harbour Catchment) 2005.

5. Requirement for a Construction Certificate

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

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

6. Structural adequacy

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

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

7. Demolition, excavation and construction hours

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

8. Machine excavation

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

9. Building Inspections

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

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

10. Occupation of premises

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

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

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

11. Payment of Long Service Levy, Security, Development Levy and Fees

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

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

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

Description	Amount	Indexed	Council Fee Code
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 Council as a consequence of the doing of anything to which the consent relates.	\$2,000.00	No	T600
INSPECTION FEES under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$2,663.00 Plus any relevant indexed amounts and long service levy		

How must the payments be made?

Payments must be made by:

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

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

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

12. Stockpiles

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

13. Location of building operations

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

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

14. Disposal of site water during construction

The disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) must be in accordance with the requirements contained within Council's "*Stormwater Development Control Plan and Local Approvals Policy*". **Disposal of site water to Council's stormwater system is not permitted. The applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.**

15. Standard for demolition

All demolition work must be undertaken in accordance with the provisions of *Australian Standard AS2601-2001: The Demolition of Structures*.

16. Compliance with Building Code of Australia

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

17. Residential building work

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

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

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

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

18. Signs to be erected on building and demolition sites

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

19. Toilet facilities

- (a) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (b) Each toilet provided:
 - (a) must be a standard flushing toilet; and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

- (c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (d) In this condition:

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

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

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

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

20. Residential building work over \$12,000 in value

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

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

D4 DA306/2006 – 1 Transvaal Avenue, Double Bay – Substantial alterations to existing building including additional storey – 29/5/2006

Note: Late correspondence from Mr B Meyerson the Architect, dated 8 January 2007, in relation to the operation of Draft State Environmental Planning Policy (Application of Development Standards) 2004, was considered and noted.

Note: Mr T Moody Consultant Planner and Mr B Meyerson the Architect, addressed the Panel.

Note: The Panel amended the Preamble and Condition No. 5 (Triple 'AAA' Rating)

.(Bluett/Coker)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 Development Standards* to the 2.5:1 Floor Space Ratio development standard under Clause 11 of the Woollahra LEP 1995 is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposed works for substantial alterations to existing building including additional storey will achieve the underlying objectives of the Floor Space Ratio Standard.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to Development Application No.306/2006/1 is consistent with the aims of the Policy, grant development consent to DA No. 306/2006/1 for substantial alterations to existing building including additional storey on land at 1 Transvaal Avenue Double Bay, subject to the following conditions:

1. Approved Plans

The development must be carried out in accordance with plans numbered A02, A03 & A04, dated 1 May 2006, drawn by Brian Meyerson Architects, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, except where amended by the following conditions.

2. Roof form

The proposed roof is to be non-trafficable and is not to be used for any other purpose other than servicing the ancillary equipment.

3. Deletion of advertising sign

This consent does not approve the proposed vertical advertising sign descending down the southern elevation of the building. All reference to this element must be deleted from the plans.

4. Paving

Paving within the setback areas fronting Transvaal Avenue is to match the existing brick paving in Transvaal Avenue (Refer to the *Double Bay Centre Public Domain Improvements Plan Section 6.2*).

5. Triple ‘AAA’ Rating

All water devices installed in the building are to be “AAA” rated.

6. Fire safety

A schedule of all existing and proposed safety measures within the building must be submitted to Council with or before the application for a Construction Certificate.

7. Requirement for a Construction Certificate

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

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and

- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

8. Materials

Details of the colour, texture and substance of all external materials must be submitted to Council or the accredited certifier prior to the issue of a Construction Certificate and are to be to the satisfaction of an authorised Council assessment officer or the accredited certifier. For properties that are located in a Conservation Area or that are Heritage Items, the proposed materials must be to the satisfaction of Council's Heritage Officer.

9. Drawings to show levels and heights

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

10. Compliance with Disability Discrimination Act

The development must be designed to comply with the requirements of the *Disability Discrimination Act* and AS 1428 – “*Design for Access and Mobility*”, Parts 1, 2, 3 and 4.

11. Structural adequacy

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

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

12. Structural details

Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with Construction Certificate application, for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members.

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

13. Services and electrical sub-station

All electrical and telephone services to the subject property must be placed underground. If an electrical sub-station is required, it must be situated within the boundaries of the subject property and suitably screened.

14. Layout of buildings

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

15. Demolition, excavation and construction hours

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

16. Machine excavation

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

17. Levels

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

18. Building Inspections

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

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

19. Occupation of premises

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

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

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

20. Landscaping plan - Class 2-9 buildings

A landscape plan, prepared by a qualified Landscape Architect or Landscape Consultant, to a scale of 1:100 or 1:200, conforming to Council's Landscaping Code and all other relevant conditions of this Consent, must be submitted to Council or the accredited certifier for approval with or before the application for a Construction Certificate. If submitted to Council, four weeks should be allowed for this assessment.

The Plan must provide for the following:-

- a) A plan showing the existing location, canopy spread, trunk diameter, height and names of all existing trees protected by Council's Tree Preservation Order on or directly adjacent to the site. The Plan must also include the existing ground levels at the base of the trunk of such trees and a schedule of works proposed to protect the trees.
- b) Planting plans indicating the location of all proposed planting and all existing planting to be retained, delineating each species type and showing existing and proposed ground levels (shown as spot heights over the site and at the base of the trees that are to be retained). The plan must include a detailed planting schedule, which must include species listed by botanical and common names, quantities of each species, pot sizes, the estimated size of the plant at maturity.
- c) The minimum soil depth for plantings on any slab must be 1000mm for trees, 600mm for shrubs and 300mm for turf. These dimensions for trees must include 75mm depth of mulch.
- d) Construction details of planter boxes, paving, edging, fencing, screening panels & other (specify) must be provided.
- e) Planting details must be provided for the preparation and laying of turf, tube and potted plants, super-advanced plants, bare-rooted stock and proposed methods of staking trees.

21. Stormwater disposal

Stormwater must be disposed of by an appropriate method specified in Council's Draft Stormwater Development Control Plan and Local Approvals Policy. Details of the proposed method/s of disposal must be submitted with the Construction Certificate Application.

22. Stormwater management plan

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

The Stormwater Management Plan must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>.

Stormwater run-off from the proposed development must drain to Council's kerb in Transvaal Avenue. New drainage systems must be designed in accordance with Section 6 - "Connection to drainage system" of Council's Draft Stormwater Drainage Management DCP.

A detailed Stormwater Management Plan must be produced by a suitably qualified civil or hydraulic engineer. The plan must be at a scale of 1:100 and 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 (as appropriate for the site and determined by the Hydraulic Consultant):

- All pipe layouts, dimensions, grades, lengths and material specifications
- All invert levels reduced to Australian Height Datum (AHD)
- Location and dimensions and of all drainage pits
- Point of connection to Council's drainage infrastructure
- Overland flow paths over impervious areas.
- Copies of certificates of title, showing the creation or existence of private easements to drain water by gravity, if required.
- Subsoil drainage details (layout, grades, material), clean out points and discharge point.

23. Stormwater Certification and Work-As-Executed (WAE) Plans

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

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

The following must be provided:

- a) Certification that:
 - The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards.
- b) Work-As-Executed (WAE) plans showing:
 - Pipe and drainage system layout, including all pits, pipe diameters, grades, materials, invert levels and surface levels.
 - Details (exact point and method) of connection to Council system.

24. Flood Proofing

During large storm events, there is potential for stormwater ponding to occur in the road and footway areas fronting and/or adjoining the proposed development site. An assessment of these flows must be undertaken to ensure that suitable flood proofing of the proposed development may be incorporated.

To this end, the applicant is to engage a suitably qualified hydraulic engineer to determine the likely 1 in 100 year flow level conveyed within the adjacent roadway and footway. It is expected that a hydrological (hydrograph model), and hydraulic analysis of the upstream catchment will be required. The existing in-ground drainage capacity in the catchment must be considered. The extent of Councils drainage infrastructure in the subject catchment may be ascertained by visual inspection of drainage plans at Councils Customer Services Counter. A registered surveyor must provide levels within the adjacent roadway if necessary.

Subject to this, the applicant must:

- a) Provide certification from a qualified structural engineer that all building works associated with the development, potentially subject to inundation, are built from flood/overland flow compatible materials; and that the building will not sustain structural damage from the passage of floodwaters/overland flow or from the forces or impact of debris associated with the floodwaters/overland flow. Certification must be provided to the Accredited Certifier prior to the issue of the Occupation Certificate.
- b) The proposed building materials have been selected to minimise potential damage by floodwaters/overland flow to the extent feasible (ie consistent with use and cost/benefits).
- c) Ground floor services, flood sensitive equipment (including non-submersible electrical equipment and switches) and storage areas (shelving) must be located no less than 300mm above the determined flood level.

25. Payment of Long Service Levy, Security, Contributions and Fees

The person(s) with the benefit of this consent must pay the following long service levy, security, contributions, 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 Council as a consequence of the doing of anything to which the consent relates.	\$16,600.00	No	T600
CONTRIBUTIONS			
under Woollahra Section 94 Contributions Plan 2002 (March 2005 update) This plan may be inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au .			
Contribution towards provisions of civic improvements in the Double Bay Commercial Centre	\$8866.00	Yes, yearly	T94
Contribution towards the provision of public car parking in the Double Bay Commercial Centre	\$307,968.00	Yes, yearly	T94
Administration of the Woollahra Section 94 Contributions Plan 2002	\$4752.51	Yes, yearly	T94
INSPECTION FEES			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163.00	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$338349.51 Plus any relevant indexed amounts and long service levy		

How must the payments be made?

Payments must be made by:

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

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

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;
- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

How will section 94 contributions be indexed?

To ensure that the monetary value of the contributions are not eroded over time by increases in costs the contributions will be increased annually. Clause 3.13 of Woollahra Section 94 Contributions Plan 2002 sets out the formula and index to be used in adjusting the contributions.

Do you need HELP indexing the contributions?

Please contact our customer service officers on 9391-7000. Failure to correctly calculate the indexed contributions 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 94 contributions under Woollahra Section 94 Contributions Plan 2002

Where the applicant makes a written request supported by reasons for payment of the contribution other than as required by clause 3.7 of the plan, 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 required by the proposed development;
- 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.

Where Council accepts periodic payment by way of instalments, it will be on the basis that each instalment is paid before work commences on the corresponding stage of the development and the amount of each instalment will be calculated on a pro-rata basis in proportion to the cost of the overall development.

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 contribution will be indexed in accordance with clause 3.13 of the plan. Under the indexation provisions, if a deferred or periodic payment is made before the next anniversary of the Plan, there will be no increase in the amount payable. 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.

26. Stockpiles

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

27. Location of building operations

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

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

28. Temporary disposal of roof water

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

29. Disposal of site water during construction

The disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) must be in accordance with the requirements contained within Council's "*Stormwater Development Control Plan and Local Approvals Policy*". **Disposal of site water to Council's stormwater system is not permitted. The applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.**

30. Water conservation

Water saving showerheads must be fitted to all showers within the development to reduce water consumption and promote energy efficiency.
(Energy Development Authority).

31. Standard for demolition

All demolition work must be undertaken in accordance with the provisions of *Australian Standard AS2601-2001: The Demolition of Structures*.

32. Construction Management

A construction management plan must be submitted for the approval of 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:**
 - local traffic routes
 - pedestrian circulation adjacent to the building site
 - and on-street parking in the local area, and;
- b) **describe the means proposed to:**
 - manage construction works to minimise such impacts,
 - provide for the standing of vehicles during construction,
 - provide for the movement of trucks to and from the site, and deliveries to the site, and;
- c) **show the location of:**
 - any site sheds and any anticipated use of cranes and concrete pumps,
 - location and extent of construction/ work zone,
 - structures to be erected such as hoardings, scaffolding or shoring.

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. Standing of cranes and concrete pumps on Council property will need approval on each occasion.

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

33. Compliance with the construction management plan

All excavation, demolition and construction work and traffic movements must be carried out in accordance with the approved construction management plan. 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.

34. Site fencing

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

35. Works Zone

A Works Zone (Construction Zone) is required for this development.

Prior to issue of the Construction Certificate an application for the required Works Zone must be submitted to Woollahra Council, for consideration by the Woollahra Local Traffic Committee.

Prior to commencement of any demolition, land clearing, piling, piling, excavation, construction or like work or the issue of a Notice of Commencement of building works, approval for the required Works Zone must have been obtained, the prescribed permit fees paid to Council and the Works Zone signs erected by Council. Should Council, following consideration by the Woollahra Local Traffic Committee, not approve the installation of a Works Zone for the site, a Works Zone will not be required.

Note:

- The Woollahra Local Traffic Committee meets monthly.
- A minimum of eight weeks is required for assessment and determination of a Works Zone application.
- Failure to comply with this condition may result in fines and proceedings pursuant to Part 6 of the EP&A Act 1979.

36. Hoarding

A Class B (Overhead) Hoarding or Scaffolding is required for this development. An application for the required Hoarding must be submitted to Woollahra Council prior to any Construction Certificate being issued. Prior to commencement of any demolition, land clearing, piling, piling, excavation, construction or like work or the issue of a Notice of Commencement, approval for the required Hoarding must be obtained and the required Hoarding erected.

Note: A minimum of two weeks is required for assessment of a Hoarding application. Failure to comply with this condition may result in fines and proceedings to stop work.

37. Footpath Pavers

To prevent the degradation of Council's footpath pavers fronting the site, the applicant must remove all existing pavers in the footpath area fronting the site and install a temporary footpath prior to the commencement of works. Temporary footpath levels must generally match existing and be free of trip hazards.

The pavers must be stored appropriately off the footpath and Council property for the duration of the construction works.

Upon completion of the development works, the applicant must reinstate the footpath with the original pavers or otherwise as directed by Council. Council may utilise the damage security deposit to rectify the reinstated footpath if the footpath works are not to Council's satisfaction.

38. Works on Council land

(a) Approval

Development Consent does NOT give approval to works on Council property. Detailed plans and specifications of any new works which are proposed to be carried out on Council property, including works on roadways, footways, parks and reserves, drainage reserves and easements, etc. must be submitted for the approval of Council's Development Engineer, with or before the application for a Construction Certificate. Four weeks should be allowed for assessment. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

(b) Infrastructure works Bond

To ensure that works on Council property are carried out to Council's requirements, the developer must lodge a bond to the value of \$(*Development Engineer to insert \$ amount here*). The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site and is satisfied that the works have been carried out to Council's requirements. 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.

After Council's final inspection of these works 10% of the Bond will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

39. Damage security deposit

A security deposit of \$16,600 (Sixteen thousand, six hundred Dollars) for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of \$163.00, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

Estimated cost of work	Deposit
Works up to \$50,000	\$2,000
Works in excess of \$50,000 & up to \$100,000	\$4,000
Works in excess of \$100,000	\$4,000+\$200/\$10,000 estimated cost>\$100,000

The security or bank guarantee must not have an expiry date.

Council may use all or part of the Damage Security Deposit to complete damage restoration works if they do not meet Council's requirements.

40. Footpath levels

The existing footpath level and grade at the street alignment of the property must be maintained.

41. Protection of services

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

42. Road Opening Permit

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

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

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

44. Public footpaths

A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of Council's document "Standard Specifications for Roadworks, Drainage and Miscellaneous Works dated Jan 2003.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Australian Standard AS1742-3 2002 "*Traffic Control Devices for Work on Roads*". Should the applicant propose to direct pedestrians onto the road pavement of a State road then an application is to be made to the RTA for a Road Occupancy Licence. Licence approval is to be submitted to Council.

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

45. Completion of infrastructure work

All infrastructure works must be completed and be certified by the accredited certifier as meeting all Council requirements and as-built drawings are to be submitted to Council's Development Engineer, prior to the release of the Infrastructure Works Bond. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

46. Repair of Damaged Infrastructure

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

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

47. Dilapidation reports

A dilapidation report on the current structural condition of the existing buildings at 3 Transvaal Avenue, Double Bay must be prepared by a practicing structural engineer. The Report must be completed and submitted to Council prior to the commencement of any demolition, excavation or construction works.

A second dilapidation report recording structural condition must be carried out on 3 Transvaal Avenue, Double Bay at the completion of the works and be submitted to Council.

48. Demolition and disposal of hazardous materials

Removal, cleaning and disposal of lead-based paint must conform to the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the *Australian Standard AS2601-1991, Demolition of Structures*.

Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other measures is recommended. Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work must be suppressed by a fine water spray. Water must not be allowed to enter the street or stormwater systems. Demolition must not be performed during high winds, which may cause dust to spread beyond the site boundaries.

All contractors and employees directly involved in the removal of hazardous dusts and substances must wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices and must adopt work practices in accordance with the requirements of WorkSafe's *Control of Inorganic Lead At Work* (NOHSC:102(1994) and NOHSC:2015(1994)). All lead-contaminated materials must be disposed of in accordance with the EPA's requirements.

49. Mechanical ventilation/services

Prior to the issue of any Construction Certificate

Detailed mechanical ventilation system plans and specification prepared by a *professional engineer*, as defined by the Building Code of Australia, must be submitted to Council or an Accredited Certifier with the application for a Construction Certificate certifying compliance with AS/NZS 1668 *The Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality*.

Installation and Commissioning

The mechanical ventilation system must be installed and commissioned in accordance with AS/NZS 1668 *The Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality* under the supervision of a *professional engineer*.

Prior to the issue of any Occupation Certificate

Detailed "works as executed" mechanical ventilation system plans and specification prepared by a professional engineer, as defined by the Building Code of Australia, must be submitted to Council or an Accredited Certifier together with certification from the supervising *professional engineer* that the system as commissioned complies with AS/NZS 1668 *The Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-1998: *Fire and smoke control in multi-compartment buildings* and Part 2-1991: *Mechanical ventilation for acceptable indoor-air quality*.

Note: Part 1 of AS/NZS 1668 only applies to multiple compartment buildings.

50. Lighting

Any lighting on the site must be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting must comply with the *Australian Standard AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*.

51. Compliance with Building Code of Australia

- (a) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

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

52. Change of building use

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

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

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

53. Protection of public places

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

Note: Prior to the erection of any hoarding, fence or the like on any footpath or other property owned or controlled by Council, permission must be sought and obtained from Council and the prescribed rental fee paid. (*See Condition No. 25*)

54. Signs to be erected on building and demolition sites

- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) stating that unauthorised entry to the work site is prohibited; and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (b) Any such sign must be removed when the work has been completed.

- (c) This clause does not apply to:
 - (i) building work carried out inside an existing building; or
 - (ii) building work carried out on premises that must be occupied continuously (both during and outside working hours) while the work is being carried out.

55. Toilet facilities

- (a) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (b) Each toilet provided:
 - (a) must be a standard flushing toilet; and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (d) In this condition:

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

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

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

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

There being no further business the meeting concluded at 4.03pm.

We certify that the pages numbered 1 to 28 inclusive are the Minutes of the Application Assessment Panel Meeting held on 9 January 2007 and confirmed by the Application Assessment Panel on 16 January 2007 as correct.

Chairperson

Secretary