

Application Assessment Panel Minutes

Tuesday 23 January 2007

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Application Assessment Panel Minutes

**Minutes of the Meeting held on
Tuesday 23 January 2007 at 3.00pm**

Present: Application Assessment Panel:

T Tuxford	(Manager – Compliance) (Chair)
G Clarke	(Director – Corporate Services)
M Zulaikha	(Team Leader – Urban Design)

Staff:	L Apostolou	(Assessment Officer)
	G Fotis	(Team Leader)
	M Karp	(Team Leader – Governance)
	M Kelly	(Secretary – Administration)
	B Thomas	(Assessment Officer)
	S Taylor	(Assessment Officer)
	T Wong	(Senior Assessment Officer)
	Cr C Cullen	(To call Item D4)

Apologies: Apologies were received and accepted from
A Coker (Director – Planning & Development)
C Bluett (Manager – Strategic Planning)

Also in attendance: Councillor Claudia Cullen (To call Item D4)

Late Correspondence

Late correspondence was submitted to the Panel in relation to Items: D2, D4

Declarations of Interest

Nil

Items Decided by the Panel using its delegated authority (Items D1 to D9)

Item No: D1 Delegated to the Panel
Subject: **Confirmation of Minutes of meeting held on 16 January 2007**
Author: Marie Kelly, Secretary – Administration
File No: See Application Assessment Panel Minutes
Reason for Report: The Minutes of the Meeting of Tuesday 16 January 2007 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Zulaikha/Clarke)

Resolved:

That the Minutes of the Application Assessment Panel Meeting of 16 January 2007 be taken as read and confirmed.

D2 DA 380/2005/2 – 30A Victoria Road, Bellevue Hill - Section 96 Modification - Construction of a two-storey dwelling house with underground car parking and swimming pool – 2 November 2006

Note: Late correspondence from Mrs R Raiz, dated 18 January 2007, was noted.

Note: Mrs E Sapir representing Mrs R Raiz an Objector of 30 Victoria Road, Bellevue Hill and Mr T Mithen, Planning Consultant for the Applicant, addressed the Panel.

Note: The Panel added a new Condition No. 58 (Water Feature)

(Clarke/Zulaikha)

Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, modify development consent to DA 380/2005/2 for the construction of a two-storey dwelling house with underground car parking on land at 30A Victoria Road, Bellevue Hill, in the following manner:

The modification of Condition 1: -

1. Approved Section 96 Plans

This consent relates to the work, shown in colour, on plans numbered DA2 and DA3 (Issue A), dated June 2005, the plan numbered DA8A, dated October 2005 and the plan entitled "Elevation of Boundary Wall to Victoria Road", all of which were drawn by Michael Dysart and Partners, including the landscape plans numbered DA-0506-01 and DA0506-02, dated 3 May 2005 and drawn by Guy Sturt and Associates, all of which carry a Council stamp "Approved DA Plans" and the signature of a Council officer, and as amended by the works, shown in colour on the plans numbered DA2 and DA3 (Issue B), dated October 2006 and drawn by Michael Dysart and Partners, all of which carry a Council stamp "Approved Section 96 Plans" and the signature of a Council officer, except where amended by the following conditions.

The addition of Condition 57: -**57. Water feature**

The water feature adjacent to the terrace on the northern boundary must be fitted with a time switch so that its operation is limited to between the hours of 7.00am-10.00pm, Monday to Saturday and 8:00am-10:00pm on Sundays and public holidays. Details demonstrating compliance shall be submitted with the Construction Certificate Application.

58. Water feature

The operation of the water feature shall be designed so as not to generate noise that exceeds the existing background noise level when measured at any boundary of the subject site.

D3 DA 476/2006/1 – 1A Clairvaux Road, Vacluse – Alterations and additions to convert the existing dwelling-house into a dual occupancy, new swimming pool, landscaping and site works – 3/8/2006

Note: Mr R Jarret an Objector of 2 Clairvaux Road, Vacluse, Ms F Casteran an Objector of 8A New South Head Road, Vacluse, Mr H Sanders Planning Consultant and Mr Tzannes the Architect, addressed the Panel.

(Clarke/Zulaikha)

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

THAT the Council, as the consent authority, grant development consent to DA 476/2006/1 for alterations and additions to the existing dwelling-house including its conversion to a dual occupancy; new swimming pool, landscaping and site works on land at 1A Clairvaux Road, Vacluse, subject to the following conditions: -

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered DA 001, DA 002, DA 003, DA 004, DA 005 and DA 006, all Revision A, dated 27 June 2006 and drawn by Tzannes Associates, including the landscape plan numbered LCP.01/A, dated 25 July 2006 and drawn by Narelle Sontar Botanica, 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. Skylight structure above the entry foyer

In accordance with Clause 12(a) of Woollahra LEP 1995 and C5.5.6 of Section 5.5 of Woollahra RDCP 2003 and in order to preserve views from adjoining properties, the proposed skylight structure above the entry foyer is to be limited to a maximum RL of 89.29. Details are to be included in the application for a Construction Certificate.

3. Western addition to bedroom 1

In accordance with Clause 12(a) of Woollahra LEP 1995 and C5.5.6 of Section 5.5 of Woollahra RDCP 2003 and in order to preserve views from adjoining properties, the proposed extension to the western side of bedroom 1 on the first floor level is to be deleted in its entirety. Details are to be included in the application for a Construction Certificate.

4. Deep soil landscaping

In order to alleviate the non-compliance with C5.3.2 of Section 5.3 of Woollahra RDCP 2003 and to improve the landscape character and on-site water infiltration on the subject site, an additional 30m² of deep soil landscaping is to be provided within the subject site. Details are to be included in the application for a Construction Certificate.

5. Pedestrian and vehicular gates

In accordance with C4.14.7.4 of Section 4.14 of Woollahra RDCP 2003 and to improve the visibility of the dwelling house when viewed from Clairvaux Road, The new pedestrian and vehicular gates must be at least 50% open. Details are to be included in the application for a Construction Certificate.

6. Metal louvres

In accordance with the streetscape objectives in Section 5.1 of Woollahra RDCP 2003 and in order to establish a suitable level of passive surveillance, the sun louvres to the windows and first floor level balcony are to be fully retractable. Details are to be included in the application for a Construction Certificate.

7. Roof terrace

In accordance with C5.8.6 of Section 5.8 of Woollahra RDCP 2003 and to particularly limit overlooking to the adjoining properties to the south west, the roof top terrace and associated staircase to the roof top terrace is to be deleted in its entirety. Details are to be included in the application for a Construction Certificate.

8. Swimming Pools and Spa Pools

The pool must comply with the following requirements: -

- all waste water must be drained into the main sewer with the permission of Sydney Water
- filtration or other mechanically operated equipment must be operated by a time switch and must be installed set and sealed so that the operation of such equipment is limited to between the hours of 7.00 am and 8.00 p.m. Monday to Saturday and 8:00am and 8:00pm on Sundays and public holidays
- filtration or other mechanically operated equipment must be installed in a masonry housing and treated to prevent the noise level, when the equipment is in operation, from rising above the background noise level, when measured at the boundaries of the site
- vertical depth markers must be permanently fitted and clearly visible at the deep and shallow ends of the pool to ensure reasonable levels of safety
- where the pool concourse is higher than 1 metre above the adjacent ground level, a protective guard or handrail complying with the provisions of Clause D2.16 of the Building Code of Australia must be fitted
- an egress ladder or steps into the pool must be provided to ensure reasonable levels of safety
- the pool must be fenced, prior to filling the structure with water to a depth of 300 mm or more in such a manner so as to obstruct the entry to the pool in accordance with the provisions of the *Swimming Pools Act 1992* and Regulations and *Australian Standard 1926 "Fences and Gates for Private Swimming Pools;"*
- all overflow and splash must be contained within the boundaries of the site, to ensure reasonable levels of amenity for neighbouring properties and the locality
- warning notices must be provided in accordance with the provisions of the *Swimming Pools Act 1992* Section 17 and Regulation 8, to ensure reasonable levels of safety

9. BASIX Commitments

The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 82706M other than superseded by any further amended consent and BASIX certificate.

Note: Clause 145(1)(a1) of the *Environmental Planning & Assessment Regulation 2000* provides: "A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,"

Note: Clause 154B(2) of the *Environmental Planning & Assessment Regulation 2000* provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Note: For further information please see <http://www.basix.nsw.gov.au>

10. Amended Landscape Plan

An Amended Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer, to a scale of 1:100 or 1:200, conforming to the conditions of this Development Consent is to be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. The plan must include the following amendments;

- relocation of the proposed three Blueberry Ash (*Elaeocarpus reticulatus*) a minimum of 5.0m from the south western boundary.

The plan must also include a detailed planting schedule, which must include species to be planted listed by botanical and common names, quantities of each species, pot sized, and the estimated size of the plant at maturity. Any plant, with a minimum mature height of equal to or in excess of 2 meters, is to have its mature spread shown to scale.

To provide for the best quality of landscape, all plants used on this site are to have been grown, selected and planted in accordance with the Natspec specifications. Planting, is to be overseen by, and plant selection, is to be carried out by, a qualified Horticulturist (minimum Australian Qualification Framework Level 4).

11. Existing trees which must be retained

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

- Trees on Council Land

Council Ref No	Species	Location	Dimension (metres)	Valuation /Bond
A	Water Gum <i>Tristaniopsis laurina</i>	Within road reserve (nature strip) along Dalley Avenue frontage	H: 3m W: 3m Ø: Multiple μ 0.2m.	\$700
B			H: 3m W: 5m Ø: 0.3m	\$1,100
			Total Bond	\$1 800

- Trees on Private Property

Council Ref No	Species	Location	Dimension (metres)
1	Canary Island Date Palm <i>Phoenix canariensis</i>	Adjacent northern boundary (Clairvaux Road frontage) of subject site	H: 6m W: 5m Ø: 0.4m

A Tree Damage Security Deposit has been applied to trees located on Council land in accordance with Council's policy. The Tree Damage Security Deposit is required for individual trees when considered appropriate by Council's Tree Officer. The value of the Deposit represents the full value of the tree as calculated using the Thyer Tree Valuation method. The Tree Damage Security Deposit will not be released until Council has inspected and is satisfied with the condition of the trees to which it applies. Council may use part or the entire Deposit to carry out works to trees or replace them if they are not in a satisfactory condition. Where trees have not been preserved and retained in accordance with this Consent, the applicant may forfeit the total Deposit amount.

Where a bonded Council tree is found to have been removed, has died or has sustained damage sufficient to require its removal, the entire bond associated with that particular tree will be retained by Council. Where a tree is damaged, but such damage is insufficient to warrant removal of the tree, a proportion of the bond money for that particular tree will be retained by Council. The amount to be retained by Council will be calculated following the design of a Management Plan, appropriate to the tree and the sustained damage, and the costing of that plan in accordance with Councils adopted fees and charges.

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

12. Trees which may be removed

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

Council Ref No	Species	Location	Dimension (metres)
2	Chamaecyparis spp.	Adjacent northern (Clairvaux Road frontage) boundary of subject site.	H: 5m W: 2m Ø: 0.35m
3	African Olive <i>Olea Africana</i>	Adjacent south-eastern boundary.	N/A
4	Sweet Pittosporum		
5	<i>Pittosporum undulatum</i>		

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

13. 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 (at time of planting)	Min Dimensions at Maturity
3 x Blueberry Ash <i>Elaeocarpus reticulatus</i>	In viable and sustainable location along the south western boundary of subject site, setback a minimum of 5.0m from the south western boundary.	45L or 1.5m	H: 6m W: 4m

14. 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 Ref No	Species	Location	Radius from Trunk(metres)
1	Canary Island Date Palm <i>Phoenix canariensis</i>	Adjacent northern boundary (Clairvaux Road frontage) of subject site	2m

15. 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 Ref No	Species	Location	Radius from Trunk (metres)
1	Canary Island Date Palm <i>Phoenix canariensis</i>	Adjacent northern boundary (Clairvaux Road frontage) of subject site	2m

16. Tree Protection Zones

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

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

Council Ref No	Species	Location	Radius from Trunk (metres)
1	Canary Island Date Palm <i>Phoenix canariensis</i>	Adjacent northern boundary (Clairvaux Road frontage) of subject site	2m

- b) Tree Protection Zones are to be fenced with a 1.8 meter high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works
- d) installation of all Tree Protection measures is to be at the direction of and overseen by a qualified Arborist (minimum Australian Qualification Framework Level 4 or recognised equivalent)
- e) 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
- f) 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
- g) sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels
- h) 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.

17. 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.

18. Landscaping

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

19. Maintenance of Landscaping

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

20. Vehicular access and garaging

Driveways and access ramps must be designed not to scrape the underside of cars.

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

21. Driveways and associated works

The following works must be undertaken at the applicant’s expense prior to the final building inspection and the issue of the Occupation Certificate: -

- construction of a new full width concrete driveway crossing 6m wide and layback in accordance with Council’s Standard Drawing RF2 in Dalley Avenue. Levels in the footpath area are to be raised to suit RF2 and must match adjoining path. (There is no approval for proposed stone paving on Clairvaux Road)
- reinstatement of footpath, kerb and gutter to match existing.
- where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

An “Application to carry out works in a public road” must be completed and submitted to Council’s Customer Service Centre and approved by Council prior to commencement of construction of a new driveway. For any technical enquiries regarding alteration to existing footpath levels, alignments or inspections, please contact Council’s Works Supervisor on 9391 7982.

22. Connection to existing drainage system

Stormwater run-off from the proposed roof and paved area must drain to the existing stormwater drainage system.

The existing stormwater drainage pipes on the property affected by the development must be checked and certified by a practising hydraulic engineer to ensure that existing stormwater pipes are in good condition and are operating satisfactorily. Certification and a plan showing pipe locations and diameters must be submitted to the Accredited Certifier prior to the issue of the final Occupation Certificate.

If the existing stormwater pipes are not in good condition and/or not operating satisfactorily, the existing drainage system must be upgraded. Certification and a plan showing pipe locations and diameters of the upgraded system must be submitted to the Accredited Certifier prior to the issue of the final Occupation Certificate.

Stormwater disposal is to comply with the requirements and conditions as set out in 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>.

Note: connection of stormwater run-off to the Sydney Water sewer system is not permitted.

23. 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: -

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

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. Erosion and sediment control

Erosion and sediment controls, designed in accordance with the SSROC Soil and Water Management Brochure and the NSW Environmental Protection Authority's *Managing Urban Stormwater: Construction Activities*, must be implemented during demolition, excavation and construction of the development. All controls must be maintained at all times.

31. 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.

32. 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.

33. 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.

34. Footpath levels

The existing footpath level is to be adjusted to the correct levels and the grade at the street alignment of the property must be maintained.

35. 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.

36. 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.

37. 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.

38. 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.

39. Public footpaths

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

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

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

40. 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.

41. 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.

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

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 prior to the issue of a construction certificate.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY			
under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation	No	
SECURITY			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Tree Damage Security Deposit - Making good any damage caused to any public tree as a consequence of the doing of anything to which the consent relates.	\$1,800	Yes	
Property Damage Security Deposit - making good damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates	\$59,500	No	T600
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	\$28,749 + Index Amount	Yes, quarterly	T94

INSPECTION FEES			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
Public Tree Management Inspection Fee	\$155	No	T95
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$90,367 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 the section 94A levy be indexed?

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

Do you need HELP indexing the levy?

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

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

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

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities;
- c) whether any prejudice will be caused to the efficacy and operation of this plan; and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

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

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

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

43. Water conservation

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

44. Standard for demolition

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

45. 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.

46. 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.

47. Excavations and backfilling

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

48. Retaining walls and drainage

If the soil conditions require it:

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

49. 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.

50. 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.

51. 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 DA 319/2006/1 – 9 Albert Street, Edgecliff – Alterations and additions including new swimming pool, garage with studio above, rear extension, fencing and air-conditioning- 2/6/06

Note: Late correspondence from Mrs B Markovic, dated 22 January 2007, was noted.

Note: This item was called, at the commencement of the meeting, to the Development Control Committee meeting to be held on Monday 5 February 2007 by Councillor Cullen in accordance with the Terms of Reference of the Application Assessment Panel.

Reasons: Objector concerns re overshadowing of rear garden at 111 Ocean Avenue, Woollahra and excessive floor space ratio.

D5 DA 751/2006/1 – 62 Wunulla Road, Point Piper - Air conditioning and concrete support platform to roof – 30/10/2006

Note: Mr K Wolf, an Objector of 7/62 Wunulla Road, Point Piper and Mr R Gneccchi, the Architect, addressed the Panel.

Note: The Panel amended Conditions Nos. 9, 11 and added new Conditions Nos. 13 (Overall height of Condensers) and 14 (Vibration control)

(Clarke/Zulaikha)

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

THAT the Council, as the consent authority, grant development consent to DA 751/2006/1 for air conditioning and concrete support platform to roof on land at 62 Wunulla Road, Point Piper subject to the following conditions:

1. Approved Plans

The development must be carried out in accordance with plans numbered 1.00 A, 1.01A, 2.01 A, 2.02A, 3.01A, dated 27.10.06, drawn by ps, 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. 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.

3. 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.

4. 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.

5. 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.

6. Standard for demolition

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

7. 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, 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.	\$4200	No	T600
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$4363 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.

8. Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*.

This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

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

Standard Condition C59

9. Sound Attenuation of the Air Conditioning Unit

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 the Air Conditioning Unit to ensure that noise from the Air Conditioning Unit does not exceed the background noise level when measured at any boundary of the site or within any sole occupancy unit on 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

10. 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

11. 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 or within any sole occupancy unit on 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

12. 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.

13. Overall height of Condensers

The proposed condenser units and any other rooftop equipment shall not have a finished height greater than approved parapet of RL16.640

14. Vibration control

Vibration dampening shall be installed between the condenser units and roof slab so as to prevent vibration to any sole occupancy unit within the building. Details are to be submitted with the Construction Certificate application.

D6 DA 364/2006/1 – 10 Glendon Road, Double Bay – alterations and additions including new second storey, water tank and landscape works – 23/6/06 Original plans, 26/10/06 Replacement plans

Note: Mr R Nahum, the Architect, addressed the Panel.

Note: The Panel amended Condition No. 3 and deleted Condition No. 28.

(Clarke/Zulaikha)

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

THAT the Council, as the consent authority, grant development consent to DA 364/2006/1 for Alterations and additions including new second storey, water tank and landscape works on land at 10 Glendon Road Double Bay, subject to the following conditions:

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered DA1 to DA5 all issue B, drawn by Roger Nahum 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. Front fence and vehicle and pedestrian gates

The approved new front fence and vehicle and pedestrian gates must have a maximum height of 1.5m and at least 50% transparent. The plans are to be amended accordingly prior to issue of the Construction Certificate.

This condition has been imposed to comply with Clause 4.4.6.5 of the Woollahra Residential DCP, 2003.

3. Deep Soil Landscaping

The two approved landscape planters in the front setback must both be increased in size in order to provide for an additional 4.4m² deep soil landscaping in the front setback. The plans are to be amended accordingly prior to issue of the Construction Certificate.

This condition has been imposed to provide additional deep soil landscaping in accordance with the aims and objectives of Part 5.3 of the Woollahra Residential DCP, 2003.

4. South elevation windows

The two first floor bathroom windows on the south side elevation must be translucent glazed. The plans are to be amended accordingly prior to issue of the Construction Certificate.

This Condition has been imposed to preserve the visual privacy of the subject dwelling and No 12 Glendon Road.

5. 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>. The plan must generally be in accordance with the drainage plans and documentation prepared by Roger Nahum (Refer to Project No. 06:339 Dwg DA1 Iss B.)

Stormwater run-off from the proposed development must drain to Council's kerb in Glendon Road or the Sydney Water trunk drainage system at the rear of the site. New drainage systems must be designed in accordance with Section 6 - "Connection to drainage system" of Council's Draft Stormwater Drainage Management DCP.

Where the drainage system requires a new connection to the Sydney Water trunk drainage system, the developer must obtain written approval from Sydney Water to discharge stormwater from the subject property directly into the open channel located at the rear of the site. The approval and requirements of Sydney Water must be submitted to the Accredited Certifier with the Stormwater Management Plan.

All requirements of Sydney Water must be met prior to the issue of the final Occupation Certificate.

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, materials), clean out points and discharge point.

6. Rainwater Reuse

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

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

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

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

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

7. 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.
 - That all drainage components, including the rainwater tank, are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications.
- 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 the Sydney Water or Council drainage system.

8. 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.

9. 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.

10. 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.

11. Driveways and associated works

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

- Full reconstruction of the concrete driveway crossover, no greater than 5 metres wide and in accordance with Council's Standard Drawing RF2. Levels in the footpath area must match existing.
- The sandstone kerbing remains the property of Woollahra Council. The kerbing shall be removed, handled and delivered to Councils Works Depot in such a manner to prevent damaging the stones. The developer must liaise with Council's Works Depot regarding appropriate delivery times and to allow for the allocation of storage for the kerbing.

An "Application to carry out works in a public road" must be completed and submitted to Council's Customer Service Centre and approved by Council prior to commencement of construction of a new driveway. For any technical enquiries regarding alteration to existing footpath levels, alignments or inspections, please contact Council's Works Supervisor on 9391 7982.

12. Works on Council land - 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 \$6,000 (Six thousand Dollars). The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site and is satisfied that the works have been carried out to Council's requirements. Council may use part or the entire Bond to complete the works to its satisfaction if the works do not meet Council's requirements.

13. Brickwork kerb and footpath

Any bricks removed to construct the new driveway crossover remain the property of Council. The bricks must be delivered on pallets between 7am to 4 pm Monday to Friday by the applicant to:

Woollahra Council's Works Depot
52-54 O'Dea Avenue
Waterloo

Prior to delivery, please contact Councils Purchasing Officer Mr. Joe Cavagnino on 9391 7973.

14. 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.

15. Footpath levels

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

16. 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.

17. 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.

18. 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.

19. 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.

20. Vehicular access and garaging

Driveways and access ramps must be designed and constructed not to scrape the underside of cars.

In all other respects the proposed double carport, driveway and access ramp must be designed to comply with Australian Standard 2890.1 – “Off-Street car parking”.

21. Amended Landscape Plan

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

22. Existing trees which must be retained

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

Trees on Council Land

Council Reference No:	Species	Location	Dimension (Metres)
1	<i>Lophostemon confertus</i> (Brush Box)	Council road reserve	5 x 3

23. 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 trees. 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>Lophostemon confertus</i> (Brush Box)	Council road reserve	3
2	<i>Ulmus parvifolia</i> (Chinese Weeping Elm)	8 Glendon road	South side of wall if roots are found

24. Hand excavation within tree root zones

To prevent damage to roots and compaction within the root zone, excavation undertaken within the specified radius from the trunks of the following trees must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not to be used within these areas. No root with a diameter equal to or in excess of 30mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

All root pruning must be undertaken in accordance with the Australian Standard 4373 Pruning of amenity trees and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent)

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Lophostemon confertus</i> (Brush Box)	Council road reserve	3
2	<i>Ulmus parvifolia</i> (Chinese Weeping Elm)	8 Glendon road	South side of wall

25. 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>Lophostemon confertus</i> (Brush Box)	Council road reserve	3
2	<i>Ulmus parvifolia</i> (Chinese Weeping Elm)	8 Glendon road	South side of wall if roots are found

26. Tree Protection Zones

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

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

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Lophostemon confertus</i> (Brush Box)	Council road reserve	3

- Tree Protection Zones are to be fenced with a 1.8 meter high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- Installation of all Tree Protection measures is to be at the direction of and overseen by a qualified Arborist (minimum Australian Qualification Framework Level 4 or recognised equivalent).
- 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.
- 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.
- Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- 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.

27. Driveways/car parking areas in the vicinity of trees

The driveway/car parking area must be constructed utilising materials/techniques designed to ensure that the existing water infiltration and gaseous exchange to the trees root system. Driveways are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent) and are to utilise such measures as semiporous material.

28. Sewer pipe connection

All existing underground sewer pipes affected by the works in this consent must be replaced as far as Sydney Water's sewer main. These pipes must be welded or jointed in such a manner so as to prevent leakage and must not be located less than five (5) metres from the base of any Council street tree. The replacement work must be inspected by a registered plumber who must certify, by way of a compliance certificate submitted to Council, that this condition has been satisfied.

29. 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.

30. Landscaping

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

31. Maintenance of Landscaping

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

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.	\$14,160.00	No	T600
Tree Damage Security Deposit – Making good any damage caused to any public tree as a consequence of the doing of anything to which the consent relates.	Tree Damage Security Deposit - Making good any damage caused to any public tree as a consequence of the doing of anything to which the consent relates.	\$650	Yes
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	\$6,080.00 + Index Amount	Yes, quarterly	T94
INSPECTION FEES under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$20,403.00 Plus any relevant indexed amounts and long service levy		

A Tree Damage Security Deposit has been applied to trees located on Council land in accordance with Council’s policy. The Tree Damage Security Deposit is required for individual trees when considered appropriate by Council’s Tree Officer. The value of the Deposit represents the full value of the tree as calculated using the Thyer Tree Valuation method. The Tree Damage Security Deposit will not be released until Council has inspected and is satisfied with the condition of the trees to which it applies. Council may use part or the entire Deposit to carry out works to trees or replace them if they are not in a satisfactory condition. Where trees have not been preserved and retained in accordance with this Consent, the applicant may forfeit the total Deposit amount.

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

How must the payments be made?

Payments must be made by:

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

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

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

How will the section 94A levy be indexed?

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

Do you need HELP indexing the levy?

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

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

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

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities;
- c) whether any prejudice will be caused to the efficacy and operation of this plan; and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

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

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first;

- c) the bank agrees to pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent; and
- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

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

40. External Service Pipes and the like prohibited

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on construction certificate plans and detailed with construction certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on construction certificate plans and detailed with construction certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like this must be detailed in an amended development (S96) application and submitted to Council for determination.

Vent pipes required by Sydney Water must not be placed on the front elevation of the building or front roof elevation. The applicant, owner and builder must protect the appearance of the building from the public place and the appearance of the streetscape by elimination of all external services excluding vent pipes required by Sydney Water and those detailed upon development consent plans.

41. Details of External structures

Details of any external vents or structures on the roof or above the eaves must be submitted to Council for approval with or before the application for a Construction Certificate.

42. Downpipes

Downpipes must not project or discharge from the property boundary onto the footway.

43. Water conservation

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

44. Standard for demolition

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

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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*.

D7 DA 253/2006/1 – 19 Fairfax Road, Bellevue Hill – Alterations and additions to dwelling including new garage and spa pool and changes to roof form – 8/5/06 (Revised Landscaping), 19/7/06 (Revised Architectural and Landscaping Changes), 3/11/06 (Revised Architectural Changes), 14/12/06 (Revised Architectural Changes)

Note: Mr J Farkash on behalf of Mr & Mrs Finkelstein Objectors of 21 Fairfax Rd, Bellevue Hill, Mr L Rosselli, the Architect and Mr B Napier the Owner, addressed the Panel.

Note: The Panel amended Condition 2(c) (Modification of details of the development (s80A(1)(g) of the Act))

(Clarke/Zulaikha)

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

THAT the Council, as the consent authority, grant development consent to DA 253/2006/1 for Alterations and additions to dwelling including new garage and spa pool and changes to roof form on land at 19 Fairfax Road Bellevue Hill, subject to the following conditions:

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered:
0517 / DA 1A, 2A (revised drawings), dated September 2006,
0517/ DA 3B (revised drawing), dated December 12 2006,
0517 / DA 4A, (revised drawings) dated November 1, 2006
0517/DA 5C and 6A (revised drawing), dated December 12 2006,
0517/DA 7A (revised drawing), dated December 12 2006, and
0517/ DA 13, dated July 2006, drawn by Luigi Rosselli all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, except where amended by the following conditions.

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

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

- (a) The proposed raised spa/swimming pool located to the front property is to be deleted.
- (b) First Floor:
 - (i) The glazing to the master bedroom and bed 2 (north-western elevation) is to be reduced by incorporating masonry ends to a width of 1000mm.
 - (ii) The proposed planters on the ends of the first floor are to be integrated into the balcony and to be a minimum width of 1000mm.
 - (iii) Fixed privacy screen to the inside face of the planter is to be provided to a height of 1600mm adjacent to the master bedroom.
 - (iv) Fixed vertical metal louvered privacy screens angled towards the rear of the site is to be provided to the north-eastern elevation of the master bedroom and bathroom.
- (c) The overall garage opening width is to be a maximum of 30% (5130mm) of the width of the front boundary
- (d) The proposed timber shutter/ screen pedestrian gate and fence is to be at a height of 1500mm measured from the adjacent footpath.
- (e) Garage and Garden Terrace
 - (i) The proposed garage as viewed from the street including the parapet, planter and the lawn terrace shall not exceed a height of 3100mm (RL 37.9) as measured from RL 34.80 (Garage FFL).

- (ii) The proposed wire fence to the front yard shall not exceed a height of 1000mm (RL 38.9) and setback from the north-western front boundary and south western parapet by 1500mm.

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

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

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

3. Structural Certification of excavation works and associated structures.

The following development works have been identified as possibly affecting the stability of surrounding property and structures during their construction;

- *North-eastern and north-western boundary retaining wall*

Due to this, the excavation and construction of these development works must be overseen by an engineer. This is to ensure the stability of surrounding property / infrastructure is not adversely affected by such works.

Excavation, retention, underpinning and construction must be undertaken on-site by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical or structural engineer, specialising in excavation, must supervise the excavation procedure.

This engineer is to provide certification to the Accredited Certifier, prior to issue of the final Occupation Certificate, that excavation, retention, underpinning and construction of all the excavation works stated above has been conducted:

- a. According to the relevant Australian Standards and Codes of Practice, and
- b. In a manner that does not compromise the structural integrity of all adjacent structures and property.

4. 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.

5. 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.

6. 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.

7. 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.

8. Demolition, excavation and construction hours

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

9. Machine excavation

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

10. Levels

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

11. Existing trees which must be retained

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

(a) Trees on Private Property

Council Reference No:	Species	Location	Dimension (Metres)
1	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front of property, north-western corner	8 (h) x 15 (w)
2	<i>Magnolia sp.</i> Magnolia	Front of property, north-eastern boundary	

The Construction Certificate plans must include reference to the retention of the above mentioned trees and identify the trees by Councils reference number (Ref No:1 and 2) and colour or shade them in the colour green for trees to be retained and yellow for trees to be transplanted.

(b) Excavation

Excavations shall not occur within the garden area that abuts the existing garage and the south-western boundary wall. The inner face of the proposed retaining wall adjacent to the entry steps (that is the face of the wall that retains the garden) is to be positioned and run parallel with the inner face of the existing garage wall.

12. Trees which may be removed

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

Council Reference No:	Species	Location	Dimension (Metres)
3	<i>Camellia sp.</i> (Camellia)	Front of property	4 (h) x 3 (w)
4	<i>Gordonia axillaris</i> (Gordonia)	Front of property	5 (h) x 3 (w)

The Construction Certificate plans must include reference to the removal of the above mentioned trees and identify the trees by Council's reference number (Council Ref No:3 and 4) and colour or shade them in the colour red.

13. Tree Protection Zones

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

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

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front of property, north-western corner	4
2	<i>Magnolia sp.</i> (Magnolia)	Front of property, north-eastern boundary	3

- Tree Protection Zones are to be fenced with a 1.8 meter high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- Installation of all Tree Protection measures is to be at the direction of and overseen by a qualified Arborist (minimum Australian Qualification Framework Level 4 or recognised equivalent).
- 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.
- 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.
- Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- 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.

14. Hand excavation

To prevent damage to roots and compaction within the Tree Protection Zone, excavation undertaken within the specified radius from the trunks of the following trees must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not to be used within these areas. No root with a diameter equal to or in excess of 30mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed.

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front of property, north-western corner	6
2	<i>Magnolia sp.</i> (Magnolia)	Front of property, north-eastern boundary	5

15. Footings in the vicinity of trees

Footings for the southern side of the retaining wall adjacent to the entry steps are to be constructed with the toe of the wall facing north. Excavations into the existing garden area are not to be undertaken to accommodate any part of the wall or backfill material

16. Landscaping

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

17. 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>. The plan must generally be in accordance with the drainage plans and documentation prepared by Luigi Rosselli Architect Dwg no 0517 / DA 11 dated December 2005

Stormwater run-off from the proposed development must drain to Fairfax Road. 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 Councils 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.

18. 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:

- c) Certification that:
 - The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards.
 - That all drainage components are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications.
- d) 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

19. Compliance with erosion and sediment control plan

The erosion and sediment control plan must be implemented during site works and construction activities in accordance with the Soil & Water management plan prepared by Luigi Rosselli Architect Dwg no 0517 / DA 12 dated December 2005. 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 accredited certifier and Council officers on request.

20. 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.

21. 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.

22. 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.

23. 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 Guidelines For The Disposal Of Site Water During Construction and in Condition "**Dewatering Plan**" of this Consent. Disposal of site water to Council's stormwater system is not permitted unless an appropriate treatment method is provided. Proposed treatment methods are to be detailed and certified by an Environmental Engineer or suitable qualified professional and approved by Council's Drainage Engineer prior to implementation. A Section 138 Roads Act application is to be submitted for the pump out of water onto Council's road

In the event of contaminated water, the applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.

24. Footpath levels and Internal Garage Floor Transition

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

Any driveway slab adjustment required to match the internal garage or entrance crossfall is to be constructed entirely on private property. All grades and crossfalls are to be in accordance with AS2890.1.

25. 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.

26. 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.

27. 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.

28. Public footpaths

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

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

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

29. Driveways and associated works

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

- Construction of a new full width concrete driveway crossing 5.5m wide and layback in accordance with Council's Standard Drawing RF2. Levels in the footpath area must match existing.
- Removal of all other remaining driveway crossings and kerb laybacks and replacement of the K&G and footpath.
- Reinstatement of footpath, kerb and gutter to match existing.

An "Application to carry out works in a public road" must be completed and submitted to Council's Customer Service Centre and approved by Council prior to commencement of construction of a new driveway. For any technical enquiries regarding alteration to existing footpath levels, alignments or inspections, please contact Council's Works Supervisor on 9391 7982.

30. 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.

31. Vehicular access and garaging

Driveways and access ramps must be designed not to scrape the underside of cars.

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

32. Dilapidation survey

A dilapidation survey of the following property and infrastructure must be conducted prior to any site work. The extent of the survey must cover the likely “zone of influence” from the Garage/Bedroom works that may arise due to excavation works, including dewatering and/or construction induced vibration. A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at the following locations:

- 21 Fairfax Road
- 15 – 17 Fairfax Road

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 conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

33. Compliance with the recommendations of the geotechnical and hydrogeological reports

The development works are to be undertaken in accordance with the recommendations of the Geotechnical and Hydrogeological report/s prepared by Asset Geotechnical P/L ref 0923-A dated 8 April 2006

34. Hydrogeological and Geotechnical Monitoring Program

Excavation works associated with the proposed development must be overseen and monitored by a qualified and practising geotechnical engineer. A Hydrogeological and Geotechnical Monitoring Program must be produced to ensure that all geotechnical matters are regularly assessed during the construction to prevent adverse effects resulting from the excavation.

The Hydrogeological and Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical and Hydrogeological Report prepared by Asset Geotechnical P/L ref 0923-A dated 8 April 2006

Prior to the issue of a Construction Certificate, the applicant must submit to the Accredited Certifier details of the proposed Hydrogeological and Geotechnical Monitoring Program. A suitably qualified and practising geotechnical engineer must prepare the Program which must consist of the following;

- Recommendations as contained within the Geotechnical and Hydrogeological Report prepared by Asset Geotechnical P/L ref 0923-A dated 8 April 2006

- Recommended hold points to allow for inspection by a geotechnical engineer during the following construction procedures;
 - ▶ Excavation of the site (face of excavation, base, etc)
 - ▶ Installation and construction of temporary and permanent shoring/ retaining walls.
 - ▶ Foundation bearing conditions and footing construction.
 - ▶ Installation of sub-soil drainage.
- Location, type and regularity of further geotechnical/hydrogeological investigations and testing.

35. Compliance with the Hydrogeological and Geotechnical Monitoring Program

Excavation and construction works must be undertaken in accordance with the “Geotechnical and Hydrogeological Monitoring Program” submitted as required by condition of consent.

A qualified and registered geotechnical engineer shall provide certification to the Accredited Certifier that all earth works have been carried out;

- In accordance with the relevant Australian Standards and Codes of Practise.
- In a manner that does not compromise the structural integrity of all adjacent structures, property and infrastructure.
- In accordance with the Hydrogeological and Geotechnical Monitoring Program.

The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted in report form to the Accredited Certifier for approval, prior to the issue of a Final Building Certificate.

36. Payment of Long Service Levy, Security, Development Levy and Fees (G.1)

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.	\$15,600	No	T600
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	\$6800 + Index Amount	Yes, quarterly	T94
INSPECTION FEES under section 608 of the Local Government Act 1993			
Security Administration Fee	\$158	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$22,558 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 the section 94A levy be indexed?

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

Do you need HELP indexing the levy?

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

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

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

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities;
- c) whether any prejudice will be caused to the efficacy and operation of this plan; and
- d) whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

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

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

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

37. Ventilation

- (a) The premises being ventilated in accordance with the Building Code of Australia and AS/NZS 1668 Parts 1 & 2.
- (b) All sanitary compartments not provided with natural ventilation being provided with a system of mechanical exhaust ventilation compartments extracting a minimum of 10L/s per square metre of floor area or 25L/s per sanitary fixture, whichever the greater in accordance with Table B1 'Minimum Exhaust Air Requirements Based On Use Of Enclosure' of AS 1668.2-1991.
- (c) The new underground double car garage, 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.
- (d) The new underground double car garage must be naturally ventilated or provided with a combination of both supply and exhaust mechanical ventilation. The applicant is to determine the method of ventilation of the underground double car garage and provide details to the Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the 2 vehicle garage shall be mechanically ventilated by a combination of general exhaust with flow rates in accordance with Clause 4.4.2, and supply with flow rates specified in Clause 4.8 of Australian Standard 1668.2-1991.

- (e) All proposed mechanical ventilation system(s) must be installed and commissioned in accordance with Australian Standard 1668 Parts 1 & 2. The applicant shall provide detailed mechanical ventilation system(s) plans and specifications prepared by a professional engineer, as defined by the Building Code of Australia, and must be submitted to Council or an Accredited Certifier with the application for a Construction Certificate certifying compliance with Australian Standard 1668 Parts 1 & 2.
- (f) The relocation of the air conditioning unit to the cellar being operated in accordance with Section 52 of the Protection of the Environment Operations (Noise Control) Regulation 2000, which states:
- A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits 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):
- (a) before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
- (b) before 7 am or after 10 pm on any other day.
- (g) 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.
- (h) 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 drip line 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.
- (i) The principal contractor must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- (a) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- (b) “*Managing Urban Stormwater - Soils and Construction*” published by the NSW Department of Housing 4th Edition” (“The Blue Book”).

38. 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.

39. 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.

40. Excavations and backfilling

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

41. Retaining walls and drainage

If the soil conditions require it:

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

42. Support for neighbouring buildings

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

43. 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.

44. 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.

45. 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.

46. 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*.

D8 DA 651/2006/1 – 15 New Beach Road, Darling Point – Installation of ducted air conditioning – 27/9/06

Note: Mr W Solomons an Objector of 14 New Beach Road, Darling Point, and Ms K Martin, the Owner, addressed the Panel.

Note: The Panel amended Part A and deleted original Part B.

(Clarke/Zulaikha)

Resolved:

THAT Development Application No. 651/2006/1, for the installation of ducted air conditioning, on land at No. 15 New Beach Road, Darling Point, be referred to the meeting of the Application Assessment Panel to be held on 6 February 2007, for further consideration due to a substantive change to Parts A and B of the Officer's recommendation. This is in accordance with the Rules of the Panel and the Panel's recommendation is as follows:

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

- A.** THAT Council, as the consent authority, refuse development consent to Development Application No. DA 651/2006/1 for installation of ducted air conditioning on land at 15 New Beach Road, Darling Point for the following reasons;
- 1.** The works have already been carried out without development consent, where prior development consent was required.
 - 2.** The location of the air conditioning condensers in the western side passageway would unduly impact on the amenity of the adjoining property to the west.
 - 3.** The acoustic works required by the ‘Acoustic Logic Consultancy’ Report (Reference 2006266/0405A/R1TT) dated 5 April 2006 are unable to be carried out within the boundaries of the site and do not achieve the Council's objective of no increase in the existing background noise level as measured at any boundary of the site.
 - 4.** In the public interest.
- B.** THAT Council commence action pursuant to Section 121B of the *Environmental Planning & Assessment Act 1979* to require the removal of the unauthorised air conditioning condenser units located in the western side passageway.
- C.** THAT this matter be referred to the Manager –Compliance to take appropriate action under Part 6 of the *Environmental Planning and Assessment Act 1979* in accordance with Council's Policy on Unauthorised Uses, Buildings and Works for failure to obtain Council's prior development consent.”

D9 DA 502/2006/1 – 72 Wentworth Road, Vaucluse 2030 – New timber deck – 14/8/06

Note: Mr R Whitten representing Mrs B Whitten an Objector of 70 Wentworth Road, Vaucluse and Mr C Adams the Architect, addressed the Panel

(Zulaikha/Clarke)

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

- A.** THAT the Council, as the consent authority, refuse Development Application 502/2006 for new timber decks on land at 72 Wentworth Road Vaucluse, as the works have already been carried out without prior consent.
1. Council has no power under the Environmental Planning and Assessment Act 1979 to grant retrospective consent to a development application in respect of works undertaken without development consent.
- B.** THAT, as the unauthorised works are considered to be satisfactory with regard to the relevant objectives and controls of the Woollahra Local Environmental Plan 1995 and the Woollahra Residential Control Plan 2003, Council take no action to require these works to be removed subject to the owners making an application for, and Council issuing a Building Certificate under Section 149A – 149G of the Environmental Planning & Assessment Act 1979 for the works. The required Building Certificate application is to be submitted to Council within twenty-eight (28) days of this determination and is to be accompanied by the following:
1. A certificate from a practicing structural engineer certifying the structural adequacy of the works that have been undertaken without prior Council consent.
 2. A survey report prepared by a registered surveyor, showing the location of all structures on the subject property relative to the boundaries of the site.
 3. Details of the principal who has undertaken the works. If the principal contractor is a licensed building, the Council:
 - (i) The licensee's name and contractor, license number; and
 - (ii) A certificate issued by an approved insurer under Part 6 of the 'Home Building Act 1989' that a person is the holder of an insurance policy issued for the purposes of that Part of the Act.
- If the owners are the principal contractors, a copy of the owner builder permit issued by the Department of Fair Trading is required. Alternatively, documentary evidence from the Department of Fair Trading stating that an owner builder permit is not required under these circumstances.
- Failure to comply with such requirements may result in Council commencing action under Part 6 of the Environmental Planning and Assessment Act 1979 including appropriate orders and prosecution.
- C.** That the matter be referred to the Manager – Compliance to consider any further appropriate action against the person responsible for carrying out work without development consent under Part 6 of the Environmental Planning & Assessment Act 1979 in accordance with Council's Policy on Unauthorised Uses, Buildings & Works.

There being no further business the meeting concluded at 5.43pm.

We certify that the pages numbered 1 to 60 inclusive are the Minutes of the Application Assessment Panel Meeting held on 23 January 2007 and confirmed by the Application Assessment Panel on 30 January 2007 as correct.

Chairperson

Secretary