

# Application Assessment Panel Minutes

Tuesday 30 January 2007

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# Application Assessment Panel Minutes

**Minutes of the Meeting held on  
Tuesday 30 January 2007 at 3.00pm**

Present: Application Assessment Panel:

T Tuxford (Manager – Compliance) (Chair)  
C Bluett (Manager – Strategic Planning)  
W Hatton (Director – Technical Services)

Staff: J Lukas (Senior Assessment Officer)  
M McCubbery (Assessment Officer)  
S O'Connor (Secretary – Administration)  
D Waghorn (Acting Team Leader)  
T Wong (Acting Team Leader)

Apologies: Apologies were received and accepted from  
Nil

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## **Late Correspondence**

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

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## **Declarations of Interest**

Nil

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**Items Decided by the Panel using its delegated authority (Items D1 to D8)**

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**Item No:** D1 Delegated to the Panel  
**Subject:** **Confirmation of Minutes of meeting held on 23 January 2007**  
**Author:** Marie Kelly, Secretary – Administration  
**File No:** See Application Assessment Panel Minutes  
**Reason for Report:** The Minutes of the Meeting of Tuesday 23 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.

**(Tuxford/Hatton)**

**Resolved:**

That the Minutes of the Application Assessment Panel Meeting of 23 January 2007 be taken as read and confirmed.

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**D2 DA183/2006 – 20 Glendon Road, Double Bay – Demolition of the existing single storey dwelling & construction of new two storey, four bedroom dwelling with swimming pool – 7/4/2006**

**Note:** Ms M Doyle of 22 Glendon Road, & Mr Goodey representing 18 Glendon Road, Double Bay, objectors & David Younger the owner & David Edelman Architects addressed the Panel.

**Note:** The Panel added new bullet point Condition No. 14 (b) & new Condition Nos. 45 (Requirement for a Construction Certificate) & 46 (BASIX Commitments).

**(Bluett/Hatton)**

**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 Development Application No. 183/2006 for demolition of existing and erection of a new dwelling, with swimming pool, carport and balconies on land at 20 Glendon Road Double Bay, subject to the following conditions:

## 1. Approved Plans

The development must be carried out in accordance with the following plans:

Reference	Description	Author/Drawn	Date(s)
WD03-B	Architectural Plans	David Edelman Architects	19/10/2006
WD04-B	Architectural Plans	David Edelman Architects	19/10/2006
WD05-B	Architectural Plans	David Edelman Architects	19/10/2006
WD06-B	Architectural Plans	David Edelman Architects	19/10/2006
WD07-A	Architectural Plans	David Edelman Architects	19/6/2006
WD08-B	Architectural Plans	David Edelman Architects	19/10/2006
WD09-B	Architectural Plans	David Edelman Architects	19/10/2006
WD10-B	Architectural Plans	David Edelman Architects	19/10/2006
WD11-B	Architectural Plans	David Edelman Architects	19/10/2006
Page 1 of 1	Landscape Plan	Zenith Concepts – Landscape Design	March 2006 (Amendment)

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. Carport structure and vehicle crossover

Consent is not granted for the proposed double carport structure, including the fencing. The existing vehicle crossover must be retained and a single car hard-standing space only may be located on the front setback. The car space in front of the dwelling must remain uncovered at all times.

The plans are to be amended accordingly prior to issue of the Construction Certificate.

This Condition has been imposed to comply with Objectives 4.4.2 and 4.4.3, Criteria 4.4.5, 4.4.6.4 and 4.4.6.7 and Objective 5.9.3 of the WRDCP, 2003.

## 3. Windows on first floor south elevation

The first floor south elevation windows to the bathroom are to be translucent glazed. Details of this change are to be indicated on plans submitted with the application for a Construction Certificate.

This condition has been imposed to preserve the visual privacy of No. 22 Glendon Road.

## 4. Total soft landscaping

At least 50% (92.8m<sup>2</sup>) of the total unbuilt upon area of the site area must be soft landscaped. Details of this change are to be indicated on plans submitted with the application for a Construction Certificate.

This condition has been imposed to comply with Criteria 5.3.2 of the WRDCP, 2003.

## 5. Discharge to Sydney Water Channel

Prior to the issue of the Construction Certificate, the developer must obtain the written approval of Sydney Water to discharge stormwater from the subject property directly into concrete drainage channel.

All requirements of Sydney Water must be met prior to the Final Building Inspection.

## **6. 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 Bowdens Group Dwg No 41828/CO1 Rev A dated 07/03/06

Stormwater run-off from the proposed development must drain to the Sydney Water Channel to the rear. 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.

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

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

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

The following must be provided:

a) Certification that:

- The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards.
- That all drainage components 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 Council system

#### **8. Erosion and sediment control**

An erosion and sediment control plan, designed in accordance with the SSROC Soil and Water Management Brochures titled “Do it Right on Site” and the current version of the NSW Landcom publication “Managing Urban Stormwater: Soils and Construction” (*The Blue Book*), must be prepared to show erosion and sediment control measures which are to be installed. The Plan must be submitted to Council or the accredited certifier for approval before commencement of excavation or construction work.

#### **9. Compliance with erosion and sediment control plan**

The erosion and sediment control plan must be implemented during site works and construction activities. 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.

#### **10. Display of Council’s warning sign for soil and water management**

Throughout the demolition, excavation and construction period, Council’s warning sign for soil and water management must be displayed on the most prominent point of the building site, visible both from the street and site.

A copy of the sign is available from Council.

#### **11. 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.

#### **12. 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.

#### **13. 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.

#### 14. Construction management

A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:-

**a. describe the anticipated impact of the construction works on:**

- local traffic routes
- pedestrian circulation adjacent to the building site
- and on-street parking in the local area, and;

**b. describe the means proposed to:**

- manage demolition works to minimise dust impact,
- manage construction works to minimise such impacts,
- provide for the standing of vehicles during construction,
- provide for the movement of trucks to and from the site, and deliveries to the site, and;

**c. show the location of:**

- any site sheds and any anticipated use of cranes and concrete pumps,
- any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

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

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

#### 15. Compliance with the construction management plan

All excavation, demolition and construction work and traffic movements must be carried out in accordance with the approved construction management plan. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the PCA or Council on request.

#### 16. 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.

**17. Work Zone**

A Work Zone (Construction Zone) is required for this development the location and dimension are as specified by Council's Traffic Engineer. An application for the required Work Zone must be submitted to Woollahra Council's Local Traffic Committee prior to any Construction Certificate being issued. Prior to commencement of any demolition, land clearing, piling, piercing, excavation, construction or like work or the issue of a Notice of Commencement, approval for the required Work Zone must have been obtained, payment of prescribed Permit Fees to Council and the Work Zone signs must have been erected by Council.

Note:

- The Woollahra Local Traffic Committee meets monthly.
- A minimum of eight weeks is required for assessment and determination of a Work Zone application.
- Should Council, following consideration by the Woollahra Local Traffic Committee, not approve of the installation of a Work Zone for the site, a Work Zone will not be required
- Failure to comply with this condition may result in fines and proceedings to stop work.

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

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

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

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

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> Use Calculator: <a href="http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use their online calculator	No	
<b>SECURITY</b> under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit -</b> Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$16,700	No	T600

<b>DEVELOPMENT LEVY</b>			
under Woollahra Section 94A Development Contributions Plan 2005 This plan may be inspected at Woollahra Council or downloaded from our website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> .			
Development Levy	\$7,350 + Index Amount	Yes, quarterly	T94
<b>INSPECTION FEES</b>			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$24,213 <b>Plus any relevant indexed amounts and long service levy</b>		

### **Building & Construction Industry Long Service Payment**

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

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

#### **How must the payments be made?**

Payments must be made by:

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

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

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

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

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

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

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

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

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

**19. Footpath levels**

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

**20. 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.

**21. 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.

**22. 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.

### **23. 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.

### **24. 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.”

### **25. Provision of an Electricity Sub-Station**

An electricity sub station may be required on the site. The owner shall dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if required. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors are not to intrude onto the public road reserve.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Principal Certifying Authority prior to issue of the Construction Certificate. The Principal Certifying Authority must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

### **26. Trees which may be removed**

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

Species	Location
<i>Murraya paniculata</i> (Mock Orange)	rear of the yard

The Construction Certificate plans must include reference to the removal of the above mentioned trees and identify the trees by colour or shade them in the colour red.

**27. Swimming Pools and Spa Pools**

The spa 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 subject 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.
- The pool should be filled in accordance with water restriction requirements and permit requirements of Sydney Water.

**28. Air Conditioning**

No air conditioning units have been included in this proposal a separate development application must be provided in relation to this application.

**29. Discovery of additional information during remediation, demolition or construction.**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. Statement of Environmental Effects prepared by Planning Consortium dated December 2005 states "*the site is suitable for the proposal and is not likely to pose any risk to human health or the environment.*"

**30. Acid Sulphate Soil Management Plan**

All works on site must conform with the recommendation the "Acid Sulfate Soil Management Plan" prepared by Environmental Investigations Report E616.1AA dated 10<sup>th</sup> August 2006.

“All contractors must employ best practises in managing any off site water and soil quality impacts during site redevelopment. All waste materials must be classified under the EPA (1999) Environmental Guidelines: Assessment, Classification and Management of liquid and Non-Liquid Wastes, prior to the off-site disposal to appropriate landfill facilities.

Any soils to be imported to the site for the purpose of backfilling or landscaping must comply with condition 31.

### **31. Filling of site**

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

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

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

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

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

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

**Note:** Additional information is available from the following websites:

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

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

### **32. Lighting**

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

### **33. Water quality protection**

The operation of the premises must be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

### **34. 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*.

### **35. Photographic archival recording of buildings with little or no heritage significance that are to be demolished:**

A photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council’s heritage officer, prior to the commencement of demolition work and prior to the issue of a Construction certificate.

The photographic archival recording is to be bound in an A4 format and is to include the following:

- Site plan at a scale of 1:200 (or 1:500) if appropriate of all structures and major landscape elements including their relationship to the street and adjoining properties.
- Postcard sized photographs of:
  - (i) each elevation,
  - (ii) each structure and landscape feature;
  - (iii) internal or external details if nominated in Council's heritage officer's assessment report; and
  - (iv) views to the subject property from each street and laneway or public space.

Each photograph to be mounted, labelled and cross-referenced in accordance with recognised archival recording practice.

One original coloured photographic set and a coloured photocopy are to be submitted to the satisfaction of Council's heritage officer prior to the commencement of demolition work and prior to the issue of a construction certificate. The original will be retained by Council and the coloured photocopy will be provided to the Woollahra Local History Library.

### **36. 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.

### **37. 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.

### **38. 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.

### **39. 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.

### **40. 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.

**41. 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.

**42. 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.

**43. 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.

#### **44. 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*.

#### **45. 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.

#### 46. BASIX Commitments

The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 47914S 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>

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#### D3 DA620/2006 – 49 Dover Road, Rose Bay – Alterations & additions to house including two storey structure at the rear of the house – 22/9/2006

**Note:** This matter was called to the Development Control Committee Meeting of 5 February 2007 by Councillor Cullen.

**Reasons:** Loss of privacy & noise concerns for residents of 47 Dover Road.

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#### D4 DA621/2006 – 51 Dover Road, Rose Bay – Alterations & additions to house including new deck & two storey structure at the rear of the house – 22/9/2006

**Note:** Late correspondence was tabled by Aongus O'Grady.

**Note:** The Panel amended Condition No. 18.

**(Bluett/Hatton)**

**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 Development Application No. 621/2006 for alterations and additions to dwelling house including a new deck and 2 storey structure at the rear of the house on land at 51 Dover Road, Rose Bay, subject to the following conditions:

##### 1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered WD01-1 to WD01-6 inclusive, dated Oct 2006, drawn by Raven Fisher & Associates Pty Ltd, including landscape plans numbered LD01-7, dated Nov 2006, drawn by by Raven Fisher & Associates Pty Ltd, 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. Drawings to show levels and heights**

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

## **4. 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.

## **5. 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.

## **6. Layout of buildings**

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

## 7. Demolition, excavation and construction hours

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

## 8. Machine excavation

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

## 9. 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.

## 10. 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.

## 11. 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.

**12. Existing trees which must be retained**

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

**Trees on Private Property**

Council Reference No:	Species	Location	Dimension (Metres)
1	<i>Persea americana</i> Avocado	Southern boundary 51 Dover	10 (h) x 6 (w)

**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 colour or shade them in the colour green for trees to be retained and yellow for trees to be transplanted.**

**13. No excavation within tree root zones**

To allow for the preservation of a viable root zone, excavation work must not be undertaken within the specified radius of the trunks of the following 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>Persea americana</i> Avocado	Southern boundary 51 Dover	4m

**14. Footings in the vicinity of trees**

Footings to support the extension within 4m of the trunk of the tree, are to be supported on an isolated network of pier and beams. Excavations required to accommodate the foundations for the piers are to be located so roots with a diameter equal to or in excess of 30mm are retained. The smallest possible area is to be excavated which allows for the construction of the pier. The beams are to be placed a minimum of 200mm above ground level and are to be designed to bridge all tree roots with a diameter equal to or in excess of 30mm.

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Persea americana</i> Avocado	Southern boundary 51 Dover	4m

**15. Hand excavation within tree root zones**

Hand excavation shall be undertaken within 4m of the trunk of the tree to locate the position of the foundations to support the piers. This is to prevent damage to roots and compaction of the soil. Small hand tools are to be utilised, mattocks and similar digging tools are not to be used. Root with a diameter equal to or in excess of 30mm are to be retained and protected during all works.

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Persea americana</i> Avocado	Southern boundary 51 Dover	4m

### 16. 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>Persea americana</i> Avocado	Southern boundary 51 Dover	4m

### 17. Tree Protection Zones

- Trunk protection, to the maximum height permitted by the first branches, is to be installed around the trunks of trees listed in the table below;

Council Reference No:	Species	Location
1	<i>Persea americana</i> Avocado	Southern boundary 51 Dover

A padding material eg. Hessian or thick carpet underlay, is to be wrapped around the trunk first. Hardwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.

- 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.

### 18. Payment of Security, Levies and Fees (S80A(6) of the Act, Section 608 of the Local Government Act 1993)

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

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

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

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> Use Calculator: <a href="http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use their online calculator	No	
<b>SECURITY</b> under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit -</b> Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$5,900	No	T600
<b>INSPECTION FEES</b> under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$6,063 <b>Plus any relevant indexed amounts and long service levy</b>		

### Building & Construction Industry Long Service Payment

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

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

#### How must the payments be made?

Payments must be made by:

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.

**19. Wet areas**

All floors of wet areas are to be constructed and finished so as to be impervious to water and graded to a sufficient number of floor drains.

**20. Erosion and sediment control**

An erosion and sediment control plan, designed in accordance with the SSROC Soil and Water Management Brochures titled "Do it Right on Site" and the current version of the NSW Landcom publication "Managing Urban Stormwater: Soils and Construction" (*The Blue Book*), must be prepared to show erosion and sediment control measures which are to be installed. The Plan must be submitted to Council or the accredited certifier for approval before commencement of excavation or construction work.

**21. Compliance with erosion and sediment control plan**

The erosion and sediment control plan must be implemented during site works and construction activities. 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.

**22. 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.

**23. 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.

**24. 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.

**25. Disposal of site water during construction**

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

**26. Footpath levels**

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

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

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

**27. Support for Council roads, footpaths, drainage reserves, etc**

Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of Council's Development Engineer, or certified as structurally adequate by the accredited certifier, before the commencement of the works.

Backfilling of excavations adjoining Council property, or any void remaining at completion of construction between the building and Council property, must be fully compacted prior to release of the Damage Security Deposit.

**28. 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.

**29. 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.

### **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. 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*.

### **32. 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.

### **33. 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.

#### **34. 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.

#### **35. 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.

#### **36. 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.

**37. 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.

**38. 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.

**39. 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.

#### **40. 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*.

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#### **D5 DA522/2005 – 5/33 Palmerston Street, Vaucluse – Alterations & additions – 23/8/2005**

**Note:** Mr F Levy of 8/33 Palmerston Street Vaucluse an objector, addressed the Panel.

**Note:** The Panel amended Condition No. 10.

**(Hatton/Bluett)**

**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 Development Application No. 522/2005 for alterations and additions on land at 5/33 Palmerston Street, Vaucluse, subject to the following conditions:

## 1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered 0502-A, dated May 2005, drawn by Cedric Carle, Architect, all of which carry a Council stamp “**Approved DA Plans**” and the signature of a Council officer, except where amended by the following conditions.

## 2. 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. 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 door to the reconstructed “Store” is to be relocated to be vertically in line with the proposed east-facing window of additions to Unit 5, with the external water tap relocated to the northern or southern elevation of the storage area. This condition has been imposed in order to avoid any inconvenience caused from the close proximity of the Store door and external tap to the clothes drying area.
- (b) the proposed addition to Unit 5/33 Palmerston Street is to be amended by lowering the pitch of the roof to be a minimum of 600mm below the window to Unit 8/33 Palmerston Street, in accordance with the plan titled “Section Unit 5 Ext’m”, dated Oct 2005, and which carries a Council stamp “Approved DA Plans” and the signature of a Council officer. This condition has been imposed to address concerns from the owner of Unit 8.

**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.

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

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

#### **5. Structural 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.

#### **6. 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.

#### **7. 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.

#### **8. Stormwater disposal**

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

## 9. Connection to existing drainage system

Stormwater run-off from the proposed roof and additions 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.

## 10. Payment of Security, Levies and Fees (S80A(6) of the Act, Section 608 of the Local Government Act 1993)

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

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

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

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> Use Calculator: <a href="http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use their online calculator	No	
<b>SECURITY</b> under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit</b> - Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$2,000	No	T600

<b>INSPECTION FEES</b>			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$158	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	<b>\$2,158 Plus any relevant indexed amounts and long service levy</b>		

### **Building & Construction Industry Long Service Payment**

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

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

#### **How must the payments be made?**

Payments must be made by:

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.

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

Please contact our customer service officers. Failure to correctly calculate the adjusted the development levy will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).  
Standard Condition: C5

## **11. 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.

## **12. 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.

**13. 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.

**14. Standard for demolition**

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

**15. 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.

**16. 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.

**17. 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.

**18. 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.

## **19. 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.

## **20. 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.

## **21. 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.

## **22. 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*.

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### **D6 DA546/2006 – 16 Pacific Street, Watsons Bay – Alterations & additions to existing garage structure including a new loft – 29/8/2006**

**Note:** Tony Moody representing the applicant addressed the Panel.

**(Bluett/Hatton)**

#### **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 Development Application No. 546/2006 for alterations and additions to the existing garage structure including a new loft on land at 16 Pacific Street, Watsons Bay, subject to the following conditions:

#### **1. Approved Plans**

This consent relates to the work, shown in colour, on plans numbered GA.01, dated 25 August 2006, drawn by JKC Leung Design and Construction P/L, 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 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.

### **4. 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.

### **5. Layout of buildings**

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

### **6. 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.

### **7. 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.

## 8. 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.

## 9. 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.

## 10. Connection to existing drainage system

Stormwater run-off from the proposed alterations and additions 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.

### 11. Building & Construction Industry Long Service Payment

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

**Note:** The Levy can be paid directly to the Long Services Payments Corporation or to Council.

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

### 12. Stockpiles

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

### 13. Location of building operations

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

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

### 14. Standard for demolition

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

### 15. 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.

### 16. Damage security deposit

A security deposit of **\$4,000** for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of \$163.00, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

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

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

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

#### **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. 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.

#### **20. 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.

## **21. 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.

## **22. 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.

**23. 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.

**24. 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.

**25. 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 DA769/2005 – 11 Vaucluse Road, Vaucluse – Alterations & additions to a dwelling-house, new swimming pool, landscaping & air-conditioning – 8/12/2005**

**Note:** Mr Zuccon of Dodds & Zuccon Architects representing the owner addressed the Panel.

**Note:** The Panel amended Condition No. 2 & Condition No. 3.

**(Hatton/Bluett)**

**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 Development Application No. 769/2005 for alterations and additions to a dwelling-house, new swimming pool, landscaping and air-conditioning on land at 11 Vaucluse Road, Vaucluse, subject to the following conditions:

**1. Approved Plans**

The development must be carried out in accordance with the work shown in colour on the plans numbered DA01A, 02A and 03A, dated 18 September 2006, which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer except where amended by the following conditions.

**2. Screen planting adjacent to northern side boundary and associated additional northern side boundary set backs**

In order to maintain adequate amenity to the adjoining property to the north (13 Vaucluse Road) the following requirements are to be complied with:

Species/Type	Planting Location	Container Size or Size of Tree (@ time of planting)	Minimum Dimensions at Maturity
16 x evergreen species of the owners selection (the proposed Leytons Green ( <i>X Cupressocyparis leylandii</i> ) are unacceptable)	Planted in a hedge row in the upper (eastern) planter adjacent to northern side boundary.	75 litre <b>OR</b> 2 m	H: 3 m W: 2 m
9 x evergreen species of the owners selection selection (the proposed Leytons Green ( <i>X Cupressocyparis leylandii</i> ) are unacceptable)	Planted in a hedge in the lower (western) planter adjacent to northern side boundary.	75 litre <b>OR</b> 2 m	H: 5 m W: 2 m

Plantings for the hedge rows must comply with the following conditions;

1. Be planted in a planter with a minimum internal width of 1 m.
2. Be planted at a maximum separation of 1.5 m at the centres.
3. Be of an evergreen species.
4. Be maintained in good condition and in such a manner so as to provide the maximum privacy and screening between the subject property and the property adjoining to the north.
5. Where a planted specimen fails, the plant is to be replaced, within 3 months, with a specimen of the same species.

In order to facilitate the additional increase to the internal width of the 2 planters adjacent to the northern side boundary from 400-600 mm to 1 m and to maintain adequate amenity to the adjoining property, the swimming pool surround is to be setback 1 m from the northern side boundary, Loggia 2 and northern external stairs are to be setback 1.2 m from the northern side boundary and the living room ground floor level addition and first floor level terrace are to be setback 2.1 m from the northern side boundary.

Such is to be indicated on the plans and the amended landscape plan submitted with the construction certificate application.

### 3. Development Consent is not granted in relation to air conditioning

This approval does not give consent to air conditioning. A separate Development Consent or Complying Development Certificate and Part 4A Certificates, as appropriate, will need to be obtained prior to such development work commencing.

### 4. 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 Principle Certifying Authority for approval prior to issue of the Construction Certificate. The plan is to be certified by a qualified Horticulturist as complying with this consent prior to issue of the Construction Certificate.

The plan must comply with Council requirements as outlined within the Development Application Guide. This includes 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. All plants, with a mature height equal to or in excess of 2 meters is to have its canopy spread shown to scale.

### 5. Existing trees which must be retained

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

#### Trees on Private Property

Council Reference No:	Species	Location
5	Conifer spp.	Adjacent northern (front) boundary of subject site.
6	Conifer spp.	Adjacent northern (front) boundary of subject site.
7	Conifer spp.	Adjacent northern (front) boundary of subject site.
8	Conifer spp.	Adjacent northern (front) boundary of subject site.
9	Conifer spp.	Adjacent northern (front) boundary of subject site.
10	Conifer spp.	Adjacent northern (front) boundary of subject site.
11	Conifer spp.	Adjacent northern (front) boundary of subject site.
12	Conifer spp.	Adjacent northern (front) boundary of subject site.
13	Conifer spp.	Adjacent northern (front) boundary of subject site.
14	Palm sp.	Northern corner, front yard, of subject site.
15	Palm sp.	Northern corner, front yard, of subject site.
16	Palm sp.	Northern corner, front yard, of subject site.
17	Palm sp.	Northern corner, front yard, of subject site.
18	Palm sp.	Northern corner, front yard, of subject site.

19	Palm sp.	Northern corner, front yard, of subject site.
20	Radiata Pine ( <i>Pinus radiata</i> )	Adjacent eastern boundary (front yard) of subject site.
21	Conifer spp.	Adjacent western boundary (front yard) of subject site.
22	Conifer spp.	Adjacent western boundary (front yard) of subject site.
23	Conifer spp.	Adjacent western boundary (front yard) of subject site.
24	Conifer spp.	Adjacent western boundary (front yard) of subject site.
25	Fried Egg Tree ( <i>Gordonia axillaris</i> )	Adjacent western corner of subject site.

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.

**6. 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
1	Italian Cypress ( <i>Cupressocyparis sempervirens</i> )	Adjacent northern façade of existing dwelling. Front yard.
2	Italian Cypress ( <i>Cupressocyparis sempervirens</i> )	Adjacent northern side of existing driveway, front yard.
3	Conifer spp.	Adjacent northern side of existing driveway, front yard.
4	Conifer spp.	Adjacent northern (front) boundary of site. South-eastern most tree of hedge along front boundary.
26	Banksia spp.	Adjacent eastern boundary of site.

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.

**7. 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
20	Radiata Pine ( <i>Pinus radiata</i> )	Adjacent eastern boundary (front yard) of subject site.	2.5m

## 8. 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
20	Radiata Pine ( <i>Pinus radiata</i> )	Adjacent eastern boundary (front yard) of subject site.	4.5m

## 9. 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)
20	Radiata Pine ( <i>Pinus radiata</i> )	Adjacent eastern boundary (front yard) of subject site.	2.5m

## 10. Tree Protection Zones

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

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

Council Reference No:	Species	Location	Radius from Trunk
20	Radiata Pine ( <i>Pinus radiata</i> )	Adjacent eastern boundary (front yard) of subject site.	2.0m

- b) Tree Protection Zones are to be fenced with a 1.8 meter high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- c) Trunk protection, to the maximum height permitted by the first branches, is to be installed around the trunks of trees listed in the table below;

Council Reference No:	Species	Location
20	Radiata Pine ( <i>Pinus radiata</i> )	Adjacent eastern boundary (front yard) of subject site.

A padding material eg. Hessian or thick carpet underlay, is to be wrapt around the trunk first. Harwood planks, 50x100mm and to the maximum possible length, are to be placed over the padding and around the trunk of the tree at 150mm centres. These planks are to be secured in place by 8 gauge wire at 300mm spacing.

- 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.

## 11. Footings in the vicinity of trees

Footings for any structure constructed within the specified radius from the trunks of the following trees, is to be constructed using an isolated pier and beam construction method. Excavations for installation of piers is to be located so that no tree root with a diameter equal to or in excess of 30mm is to be severed. The smallest possible area is to be excavated which allows construction of the pier. The beam is to be placed a minimum of 300mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 30mm.

Council Reference No:	Species	Location	Radius from Trunk (Metres)
20	Radiata Pine ( <i>Pinus radiata</i> )	Adjacent eastern boundary (front yard) of subject site.	2.5m

## 12. 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.

**13. 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.

**14. 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.

**15. Connection to existing drainage system**

Stormwater run-off from the proposed extensions 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 the 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.

**16. Erosion and sediment control**

An erosion and sediment control plan, designed in accordance with the SSROC Soil and Water Management Brochures titled "Do it Right on Site" and the current version of the NSW Landcom publication "Managing Urban Stormwater: Soils and Construction" (*The Blue Book*), must be prepared to show erosion and sediment control measures which are to be installed. The Plan must be submitted to Council or the accredited certifier for approval before commencement of excavation or construction work.

**17. Compliance with erosion and sediment control plan**

The erosion and sediment control plan must be implemented during site works and construction activities. 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.

**18. Sediment removal from vehicle wheels**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, must be installed to prevent mud and dirt leaving the site and being deposited on the street.

**19. Display of Council's warning sign for soil and water management**

Throughout the excavation and construction period, Council's warning sign for soil and water management must be displayed on the most prominent point of the building site, visible both from the street and site. A copy of the sign is available from Council.

**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. Construction Management**

A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The plan must:-

**a. describe the anticipated impact of the construction works on:**

- local traffic routes
- pedestrian and vehicle traffic circulation adjacent to the building site
- and on-street parking in the local area, and;

**b. describe the means proposed to:**

- manage construction works to minimise such impacts,
- provide for the standing of vehicles during construction,
- provide for the movement of trucks to and from the site, and deliveries to the site, and;

**c. show the location of:**

- any site sheds and any anticipated use of cranes and concrete pumps,
- any areas of Council property on which it is proposed to install a Works Zone (Construction Zone),
- structures to be erected such as hoardings, scaffolding or shoring,
- any excavation.

Any proposed alteration to traffic conditions fronting the site will require the submission of a Traffic Management Plan and will be subject to approval from either Council's Traffic Department or Woollahra Local Traffic Committee if required.

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

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

#### **24. Compliance with the construction management plan**

All excavation, demolition and construction work and traffic movements must be carried out in accordance with the approved construction management plan. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the PCA or Council on request.

#### **25. 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 existing driveway crossing and kerb layback, 6.0 metres wide and fronting the new vehicle entry. The design and construction of the driveway crossing must be in accordance with Council's Standard Drawing RF2. Boundary levels must match existing.
- Reinstatement of the concrete footpath spanning from the north side of the new pedestrian entry to the new driveway crossing. Levels in the footpath must 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.

#### **26. Driveways and associated works - 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 \$ 7,000 (Seven 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.

**27. 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.

**28. 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.

**29. Damage security deposit**

A security deposit of \$ 17,000 (Seventeen thousand Dollars) for the cost of making good any damage to Council property caused as a consequence of the construction work, plus an administration fee of \$158.00, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

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

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

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

**30. Footpath levels**

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

**31. 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.

**32. 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.

**33. 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.

**34. Encroachments**

There is a significant encroachment of the existing stone retaining wall on Council's property at the front of the development. This encroachment between the new driveway entrance and pedestrian entry must be removed with the proposed development not encroaching beyond the boundaries of the site.

Prior to the release of the Final Building Certificate a final Plan of Survey must be submitted and approved by the Accredited Certifier demonstrating that there are no encroachments beyond the site.

The Plan of Survey must be prepared and certified by a Registered Surveyor.

**35. 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 garage, driveway and access ramp must be designed to comply with Australian Standard 2890.1 – "Off-Street car parking".

**36. Splay on the northern end of driveway entry**

The northern side of the driveway entry must be splayed back 2 metres from the proposed driveway entry. This is to ensure that the sight distance available to drivers exiting the property is sufficient to alert them of oncoming vehicles and/or pedestrians.

**37. 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” 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:

- 13 Vaocluse Road
- 9 Vaocluse Road
- 8 Gilliver Avenue

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.

**38. 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 Jeffery & Kastauskas P/L (Refer to Rprt No. 19735WZrpt dated 21<sup>st</sup> September 2005).

**39. Vibration Monitoring Program**

Vibration resulting from construction activities can adversely affect surrounding property and infrastructure. To ensure that vibration created by the method of construction does not adversely impact on the existing building, surrounding property and infrastructure, a Vibration Monitoring Program must be implemented.

Prior to the issue of the Construction Certificate, the applicant must submit to the Accredited Certifier details of the proposed Vibration Monitoring Program. A qualified and practising geotechnical and/or hydrogeological engineer must prepare the Vibration Monitoring Program and undertake all associated investigations. Details to be included in Vibration Monitoring Program to include:

- a) pre-set acceptable limits for the variation of:
  - settlement
  - deflection or movement of retaining mechanisms such as shoring and bracing and
  - vibration in accordance with AS 2187.2 1993 Appendix J, including acceptable velocity of vibration.
- b) the location and type of monitoring systems to be used
- c) the period of monitoring in terms of construction stages
- d) recommended hold points to allow for inspection and certification by a geotechnical engineer and
- e) a contingency plan should the pre-set acceptable limits be exceeded.

**40. Compliance with the Vibration Monitoring Program**

The Vibration Monitoring Program submitted as required by condition of consent must be implemented during excavation works on the site. All controls within the Program must be maintained at all times. A copy of the Program must be kept on site at all times and made available to the accredited certifier and Council officers on request.

A record of inspections, monitoring and activities associated with the Program must be submitted to the accredited certifier in report format prior to the release of the Occupation Certificate. A qualified and practising geotechnical and/or hydrogeological engineer must prepare certification that all controls and activities within the Program have been maintained.

**41. Structural Certification of excavation works and associated structures**

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

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.

**42. Long Service Levy Payment**

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

The Levy can be paid directly to the Long Services Payments Corporation or to Council.

**43. Fire safety**

In order to ensure adequate fire safety, hard-wired smoke alarms are to be installed in accordance with the provisions of the Building Code of Australia-Housing Provisions. Such is to be indicated on the plans submitted with the construction certificate application.

**44. Water conservation**

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

**45. Standard for demolition**

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

**46. Lighting**

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

**47. 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.

**48. 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.

#### **49. 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.

#### **50. 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.

#### **51. 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.

## 52. 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*.

## 53. Protection of public places

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

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

**54. 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.

**55. 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.

**56. 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.

**57. Layout of buildings**

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

**58. 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.

**59. 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.

**60. 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.

**61. 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.

**62. 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.

**63. Occupation of premises**

The premises must not be occupied prior to the issue of an Occupation Certificate.

**64. Payment of Section 94A Contribution**

In accordance with Schedule 1 of the Woollahra Section 94A Contributions Plan 2005, a \$7500 levy (1% of the total cost of works) is applicable. This levy is applicable to all development applications and be used for a variety of community works as outlined in Schedule 2 of the Section 94A Contributions Plan.

**65. 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 subject 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.
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**D8 DA183/2005 Part 2 – 113 Bellevue Road, Bellevue Hill – Section 96 application – Proposed modification to relocate external staircase, new pool room below garage & boundary fence – 21/9/2006**

**Note:** Mr Nahum the architect, addressed the Panel.

**(Hatton/Bluett)**

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

THAT Council, as the consent authority, modify development consent to Development Application No. 183/2005 part 2 for Section 96 Modification on land at 113 Bellevue Road Bellevue Hill, in the following manner:

**A. The replacement of Condition One (1) with the following:**

**1. Approved Section 96 Plans**

This consent relates to the work, shown in colour, on plans numbered DA2/7, Issue AA, DA 3/7 to DA 7/7 inclusive, Issue A, drawn by R D Nahum, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, as amended by the works shown in colour on plans numbered DA3/7, DA 4/7, DA6/7 and DA7a/7 (all issue C) and DA 5/7 and DA 7/7 Issue (both Issue B), drawn by R D Nahum, all of which carry a Council stamp “*Approved S96 Plans*” and the signature of a Council officer on the plans except where amended by the following conditions.

**B. The addition of the following new condition:**

**59. Front Boundary Fence**

The front boundary fence (adjacent to Bulkara Road) is to be a maximum of 1.5m height above the footpath level and is to be 50% transparent. The reason for this condition is achieve the desired streetscape outcomes for the Precinct.

Details of the fence must be provided to Council or the Accredited Certifier prior to issue of the Construction Certificate.

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There being no further business the meeting concluded at 4.35pm.

*We certify that the pages numbered 1 to 62 inclusive are the Minutes of the Application Assessment Panel Meeting held on 30 January 2007 and confirmed by the Application Assessment Panel on 6 February 2007 as correct.*

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**Chairperson**

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**Secretary**