

Development Control Committee Minutes

Monday 5 February 2007

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Development Control Committee Minutes

**Minutes of the Meeting held on
Monday 5 February 2007 at 6.00pm**

Present: The Mayor, Councillor Keri Huxley, ex-officio (D1-D7 & D11)

Councillors John Comino (Chair)
Claudia Cullen
Anthony Boskovitz
Christopher Dawson
Tanya Excell
Andrew Petrie
Geoff Rundle

Staff: A Coker (Director – Planning & Development) (D7-D10)
B Daintry (Manager – Development Control)
N Economou (Team Leader)
Merle Karp (Team Leader – Governance)
Mark Schofield (Team Leader)
Thomas Wong (Acting Team Leader) (D1-D7 & D11)
Les Windle (Manager – Governance)
David Waghorn (Senior Assessment Officer)

Session One: 6.00pm – 6.45pm

Session Two: 8.00pm – 9.15pm

Also in Attendance: Nil

Leave of Absence

Leave of Absence previously granted by Council: Nil

Apologies: Nil

Late Correspondence

Late correspondence was submitted to the committee in relation to Items: D2, D3, D4, D5, D6, D7, D9 & D10

Declarations of Interest

Councillor Rundle declared an interest in relation to the Billgate matter in item D11 – Register of Current Land and Environment Court Appeals for Building and Development Applications, (20 Roslyndale Avenue, Woollahra) which is adjacent to his home and started to leave the room for the matter, but Councillor Comino advised that no confidential information will be discussed and ruled that he could remain at the meeting as there was no conflict.

Councillor Excell declared an interest in item D5 - 9 Albert Street, Edgecliff as she is an acquaintance of one of the objectors from 111 Ocean Street, Woollahra.

Councillor Petrie advised that in relation to item D9 - 72 Bellevue Road, Bellevue Hill, Mr Reid, Solicitor acting on behalf of the owners of 74 Bellevue Road, in this matter, has also acted for the Unit Block in which he lives. Councillor Comino declared that there was no conflict of interest.

Note: Item D11 - Register of Current Land and Environment Court Appeals for Building and Development Applications was considered after item D7.

Items Decided by this Committee using its Delegated Authority (Items D1 to D11)

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 22 January 2007**
Author: Les Windle, Manager - Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 22 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.

(Boskovitz/Dawson)

Resolved:

That the Minutes of the Development Control Committee Meeting of 22 January 2007 be taken as read and confirmed.

D2 DA541/2006 – 75 Drumalbyn Road, Bellevue Hill – Demolition of existing dwelling and construction of new two storey dwelling incorporating a basement level, swimming pool, landscaping and site works – 25/08/06

Note: Late correspondence was tabled by Anthony Betros Consulting Pty Ltd.

**Motion moved by Councillor Petrie
Seconded by Councillor Boskovitz**

That the recommendation of the Site Inspection be adopted.

Amendment moved by Councillor Excell

That the recommendation be adopted subject to inclusion of the staff's original recommendation that the roof height be lowered by an extra 40cm.

**The Amendment lapsed for the want of a Seconder
The Motion was adopted**

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. 541/2006 for the demolition of the existing dwelling and construction of new two-storey dwelling house incorporating a basement level, swimming pool, landscaping and site works on land at 75 Drumalbyn Road Bellevue Hill, subject to the following conditions: -

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered DA 01 and SA 04, dated December 2006 and plans numbered DA 00, DA 02 and DA 03, dated August 2006 and drawn by Bruce Stafford and Associates Pty Ltd, including landscape plans numbered L01 and L02, Issue E, dated 15 December 2006 and drawn by Nicholas Bray Landscapes, 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. Height of dwelling house

In accordance with C5.8.5 of Section 5.8 of Woollahra RDCP 2003 and Clause 12AA (a) of Woollahra LEP 1995, the overall height of the dwelling house is to be RL62.1. Details are to be included with the application for a Construction Certificate.

3. Mature tree heights

To ensure a balance between the maximisation of the landscape character of the subject site and to maintain views from other properties to the rear of the subject site, the following limitations are placed on the landscaping on the subject site: -

- the three *livingstonia australis* Cabbage Tree Palms adjacent to the garage entrance are to be replaced with a similar species with a maximum mature height of 10.0m (approximate RL 62)
- the *livingstonia australis* Cabbage Tree Palm to the south west of the swimming pool is to be replaced with a similar species with a maximum mature height of 6.5m (approximate RL 62)
- the *Ficus rubiginosa* Fig is to north east of the swimming pool is to be replaced with a similar species with a maximum mature height of 12.0m (approximate RL 62)

Details are to be included in the Landscape Plan for the Construction Certificate.

4. Visitor parking

Due to its over-bearing and dominating nature when viewed from the adjoining property to the north (73 Drumalbyn Road), the elevated visitor parking platform in the northern western corner of the property is to be deleted. Details are to be included with the application for a Construction Certificate.

5. Side fence

In accordance with C5.4.10 of Section 5.4 of Woollahra RDCP 2003 and to reduce the dominance when viewed from the adjoining property to the north (73 Drumalbyn Road), the side fence running along the north western side of the driveway is to be limited to a maximum height of 1.15m, as measured from the driveway side. Details are to be included in the application for a Construction Certificate.

6. Roof materials

In order to reduce roof glare (reflectivity) to adjoining properties, the proposed metal roof is to be finished in a recessive or non-reflective colour. Details are to be provided with the application for the Construction Certificate.

7. Visual privacy measures

In order to maintain the visual privacy of the adjoining property to the south east (77 Drumalbyn Road), the following measures must be in place prior to the submission of the Construction Certificate: -

- fixed privacy screens, at a 45° angle and at 0.75m gaps, are to be installed to the exterior of the staircase window on the south eastern elevation
- obscure glazing is to be installed to the laundry window on the ground floor level of the south eastern elevation
- obscure glazing is to be installed to the ensuite windows on the first floor level of the south eastern elevation

8. Details of External structures

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

9. Side elevations of swimming pool

In accordance with C5.3.21 of Section 5.3 of Woollahra RDCP 2003, vegetation (in the form of hedges, shrubs or trees, with a minimum mature height of 2.0m and spaced at regular 1.0m intervals) are to be planted along the north western and north eastern perimeter of the swimming pool in order to screen the side elevations of the pool when viewed from Drumalbyn Road and adjoining properties. Details are to be included in the architectural and landscape plans with the application for a Construction Certificate.

10. Swimming Pool

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

11. Noise from mechanical ventilation

This condition has been applied to maintain a reasonable level of amenity to the area.

Prior to the issue of any construction certificate, the developer must submit to the Council or accredited certifier a report from a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

The report must certify that the method of treating the mechanical ventilation system will ensure that the noise level, as measured at the boundaries of the subject property, will not exceed the background noise level.

After completion of the works and prior to the issue of an occupation certificate or occupation, the developer must submit to the principal certifying authority, a report from a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) certifying that the works have been undertaken to meet the above design criteria.

12. BASIX Commitments

The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 90816S 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>

13. 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: -
 - each elevation
 - each structure and landscape feature

- internal or external details if nominated in Council's heritage officer's assessment report
- 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.

Standard Condition: B4

14. Existing trees which must be retained

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

Council Ref No	Species	Location	Dimension (metres)
1	<i>Camelia sp</i>	Refer to Landscape Plan prepared by Nicholas Bray and dated 15 December 2006	Refer to report prepared by Botanics and dated August 2006
2	Camellia		
3	<i>Phoenix canariensis</i>		
7	Canary Island Date Palm		
8	<i>Camelia sp. (Camellia)</i>		
9			
10			
12	<i>Ficus rubiginosa</i> Port Jackson Fig		
13	<i>Cupressus spp</i> Cypress Pine		
14	<i>Phoenix canariensis</i> Canary Island Date Palm		
15	<i>Lagerstroemia indica</i> Crepe Myrtle		
16	<i>Eucalyptus nichollii</i> Small-leafed Peppermint		
17	<i>Howea forsteriana</i>		
18	Kentia Palm		
19			

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

15. Trees which may be removed

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

Council Ref No	Species	Location	Dimension (metres)
4	<i>Lagunaria patersonia</i> Norfolk Island Hibiscus	Refer to Landscape Plan prepared by Nicholas Bray and dated 15 December 2006	Refer to report prepared by Botanics and dated August 2006
5	<i>Morus sp.</i> Mulberry tree		
6	<i>Ficus rubiginosa</i> Port Jackson		
11	<i>Camelia sp.</i> Camellia		

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

16. Replacement trees which must be planted

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

Species/Type	Planting Location	Container Size or Size of Tree (at time of planting)	Min Dimensions at Maturity
As per Landscape Plan prepared by Nicholas Bray and dated 15 December 2006			Refer to report prepared by Botanics and dated August 2006

17. Tree Protection Zones

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

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

Council Ref No	Species	Location	Radius from trunk
1	<i>Camelia sp.</i>	Refer to Landscape Plan prepared by Nicholas Bray and dated 15 December 2006	1.0m
2	Camellia		
3	<i>Phoenix canariensis</i>		3.0m
7	Canary Island Date Palm		
8	<i>Camelia sp</i>		
9	Camellia		
10			
12	<i>Ficus rubiginosa</i> Port Jackson Fig		2.0m
13	<i>Cupressus spp</i> Cypress Pine		
14	<i>Phoenix canariensis</i> Canary Island Date Palm		
15	<i>Lagerstroemia indica</i> Crepe Myrtle		3.0m
16	<i>Eucalyptus nichollii</i> Small-leafed Peppermint		
17	<i>Howea forsteriana</i>		
18	Kentia Palm		2.0m
19			

- b) Tree Protection Zones are to be fenced with a 1.8 meter high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works
- d) Installation of all Tree Protection measures is to be at the direction of and overseen by a qualified Arborist (minimum Australian Qualification Framework Level 4 or recognised equivalent)
- e) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist
- f) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone
- g) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels
- h) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones

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

18. Sewer pipe connection

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

19. 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.

20. 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.

21. 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.

22. Stormwater Management Plan including On-Site Detention

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

The Stormwater Management Plan must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>. The plan must generally be in accordance with the drainage plans and documentation numbered H1 and H2, Revision A, prepared by PM and Associates and dated August 2006.

Stormwater run-off from the proposed development must drain to existing drainage pit between 73 and 71 Drumalbyn Road. New drainage systems must be designed in accordance with Section 6 - "Connection to drainage system" of Council's Draft Stormwater Drainage Management DCP.

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

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

2 year ARI	P.S.D	40.8L/s
	Min Volume	6.8m ³
100 Year ARI	P.S.D	57.9L/s
	Min Volume	42.6m ³

Values based upon a site area of 1702m² and Bypassing area of 0%

The Stormwater Management Plan must include the following specific requirements:

- Layout plan

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

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

- On-site Detention (OSD) details: -
 - internal dimensions and volume of the proposed detention storage
 - diameter of the outlet to the proposed detention storage basin
 - plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures
 - details of access and maintenance facilities
 - construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products
 - details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the on-site detention system
 - non-removable fixing details for orifice plates where used

23. Rainwater Reuse

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

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

Use of rainwater tank	Reduction of SSR
Stormwater tank is for outdoor use such as gardening only.	Minimum of 40% of the rainwater tank volume or 4m³
Stormwater tank is connected to household internal use such as toilet flushing.	Minimum of 75% of the rainwater tank volume or 7.5m³

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

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

24. Positive Covenant - Drainage system

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

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

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

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

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

The following must be provided:

- certification that: -
 - the drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards
 - that all drainage components, including the on site detention, are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications
 - that the on-site detention system will provide the detention storage volume and attenuation in accordance with the submitted calculations
- 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
 - OSD tank dimensions, location and orifice plate/outlet details
 - contours indicating the direction in which water will flow should the OSD storage overflow

26. Consolidation of Lots

A new deposited plan of a single, consolidated lot must be registered at the Land Titles Office, prior to the issue of the Occupation Certificate. Prior to the issue of the Occupation Certificate, the developer shall supply Council with copies of certificates of title showing the single lot

27. 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.

28. 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.

29. 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:-

- 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
- 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
- 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.

30. 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.

31. 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, piling, 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

32. Dilapidation survey

A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at 71, 73 and 77 Drumalbyn Rd, Bellevue Hill.

The Report must be completed and submitted to Council prior to the commencement of any demolition, excavation or construction works.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

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

The development works are to be undertaken in accordance with the recommendations of the Geotechnical and Hydrogeological report/s numbered JG06880A-rl, prepared by GeoEnviro Consultants and dated 2 August 2006.

34. Hydrogeological and Geotechnical Monitoring Program

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

The Hydrogeological and Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical and Hydrogeological Report numbered JG06880A-rl, prepared by GeoEnviro Consultants and dated 2 August 2006.

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

- recommendations as contained within the Geotechnical and Hydrogeological Report numbered JG06880A-rl, prepared by GeoEnviro Consultants and dated 2 August 2006
- recommended hold points to allow for inspection by a geotechnical engineer during the following construction procedures: -
 - excavation of the site (face of excavation, base, etc)
 - installation and construction of temporary and permanent shoring/ retaining walls
 - foundation bearing conditions and footing construction
 - installation of sub-soil drainage
- location, type and regularity of further geotechnical/hydrogeological investigations and testing

35. Compliance with the Hydrogeological and Geotechnical Monitoring Program

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

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

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

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

36. 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:

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

37. Certification of Vibration Monitoring

A record of inspections and monitoring of vibration in accordance with the Vibration Monitoring Program must be submitted in a report form to the Accredited Certifier prior to release of the Certificate of Occupancy or final building inspection as appropriate. A qualified and practising geotechnical and/or hydrogeological engineer must prepare certification.

38. 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.

39. Requirement for a Construction Certificate

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

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

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. Building & Construction Industry Long Service Payment

The Long Service Levy under Section 34 of the *Building and 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

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

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation	No	
SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - making good damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates	\$70,000	No	T600
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2005 This plan may be inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au .			
Development Levy	\$34,206 + Index Amount	Yes, quarterly	T94

INSPECTION FEES			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$104,369 plus any relevant indexed amounts and long service levy		

How must the payments be made?

Payments must be made by:

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

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

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

How will the section 94A levy be indexed?

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

Do you need HELP indexing the levy?

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

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

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

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

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

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

- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

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

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. Footpath levels

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

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. Standard for demolition

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

60. Water conservation

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

61. 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.

62. 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
 - (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.

63. 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.

64. 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.

65. 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
 - (ii) if necessary, must underpin and support the building in an approved manner
 - (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.

66. 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.

67. 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.

68. 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*.

D3 DA573/2006 - 42-42A Wolseley Road, Point Piper – Demolition of the existing dwelling-house & residential apartment building and the construction of a residential flat building comprising 5 units, 11 off-street car parking spaces; landscaping and siteworks – 06/09/2006 - (See Item R1)

Note: In accordance with Councils codes and meeting procedures this matter has been called to the full Council by Council Shoebridge for the following reasons:

- Such substantial and negative non-compliances prima-facie warrant the staff's recommendation of refusal not the site recommendation of deferral.
- The expenditure of Council resources in reassessing, conferring and reconsidering such a non-compliant development is prima-facie not warranted as it inevitably results in compliant and long-suffering residents being unable to have council resources applied in a timely fashion to assessing their modest DAs.

D4 DA509/2006 - 2 Loch Maree Place, Vacluse – Alterations and additions to the existing dwelling-house; landscaping works – 16/08/2006

Note: Late correspondence was tabled by Sandra Robinson and Andrew & Nicky Coroneo.

Note: The Committee modified the original Condition No. 62 and then combined Condition Nos 2 and 62, and added a new Condition No. 62 (Roof Materials)

(Boskovitz/Petrie)

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. 509/2006 for alterations and additions to the existing dwelling-house and landscaping works on land at 2 Loch Maree Place Vacluse, subject to the following conditions:

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered 0614/A00 – A06, dated May 2006, drawn by Luigi Rosselli, including landscape plans numbered LDA-01/C, dated 1 September 2006, drawn by terraGRAM 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. Modification of details of the development (s80A(1)(g) of the Act)

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

- (a) the proposed front fence and entrance gates are to reduced to a maximum height of 1.5m as measured from existing ground level

- (b) the proposed western side boundary fence adjacent the new garage and addition above is to have a maximum height of RL 9.00
- (c) the south-western wall of the garage for the lower ground floor and the balcony off the guest bedroom and entrance hall on the ground floor level are to be modified to be setback an additional 1 metre further to the north-east providing a minimum total setback distance (ie. excluding required excavation widths) of 4.5 meters from Tree 3 - Jacaranda (*Jacaranda mimosifolia*).
- (d) the deletion of the vertical and horizontal eaves adjacent to the western boundary for the first floor level
- (e) the western elevation wall is to be setback an additional 300mm (setback a minimum of 4.1m from the western boundary)
- (f) the height of the proposal is to be reduced by 100mm (maximum height of RL13.84)

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

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

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

3. Amended Landscape Plan

An Amended Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer, to a scale of 1:100 or 1:200, conforming to the conditions of this Development Consent is to be submitted to Council for approval prior to issue of the Construction Certificate. The following amendments to Landscape Plan LDA-01/C are required;

- (a) Alternate species to the proposed Brown Pines (*Podocarpus elatus*) is to be used in the garden bed along the western boundary (front yard). The selected species must have a growth habit that will not conflict with the natural domed canopy of Tree 3 Jacaranda (*Jacaranda mimosifolia*).
- (b) The quantity selected is to provide for a planting that has a long term viability (eg. 10 years or greater).

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

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

4. 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)
3	Jacaranda (<i>Jacaranda mimosifolia</i>)	Adjacent south-western boundary of subject site.	H: 7m W: 12m Ø: 0.5m
13	Mock Orange Blossom (<i>Murraya paniculata</i>)	Adjacent eastern boundary of subject site.	H: 5m W: 8m Ø: Multiple @ base.

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.

5. Trees which may be removed

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

Council Reference No:	Species	Location	Dimension (Metres)
A	Crepe Myrtle (<i>Lagerstroemia indica</i>)	Within road reserve (nature strip) to east of existing driveway.	H: 2m W: 2m Ø: 0.3m
1	Poinsettia (<i>Euphorbia pulcherrima</i>)	Within south-western corner of subject site.	H: 3m W: 3m Ø: 0.3m
2	White Cedar (<i>Melia azedarach</i>)	Adjacent south-western boundary of subject site.	H: 7m W: 6m Ø: 0.4m
4	Orange Tree (<i>Citrus spp.</i>)	Adjacent south-western boundary of subject site.	H: 4m W: 3m Ø: 0.2m
5	Camellia (<i>Camellia japonica</i>)	Adjacent western side of existing driveway.	H: 3m W: 3m Ø: 0.3m
6	<i>Citrus spp.</i>	Adjacent western side of existing driveway.	H: 3m W: 2m Ø: 0.15m
7	Umbrella Tree (<i>Schefflera actinophylla</i>)	Adjacent western side of existing driveway.	H: 7m W: 12m Ø: Multiple @ base
8	Poinsettia (<i>Euphorbia pulcherrima</i>)	Adjacent south eastern corner of existing dwelling. Northern most tree.	H: 3.5m W: 5m Ø: 0.15m
9	Camellia (<i>Camellia japonica</i>)	Adjacent eastern boundary of subject site.	H: 3m W: 1m Ø: 0.1m
10	Native Bleeding Heart (<i>Omalanthus populifolius</i>)	Adjacent eastern boundary of subject site.	H: 5m W: 6m Ø: 0.2m
11	<i>Citrus spp.</i>	Adjacent eastern boundary of subject site.	H: 3m W: 3m Ø: 0.1m
12	Viburnum (<i>Viburnum spp.</i>)	Adjacent eastern boundary of subject site.	H: 4m W: 3m Ø: Multiple @ base
14	Sweet Pittosporum (<i>Pittosporum undulatum</i>)	Adjacent eastern boundary of subject site. Southern most tree.	H: 3m W: 3m Ø: 0.2m

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.

6. Replacement trees which must be planted

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

Species/Type	Planting Location	Container Size or Size of Tree (@ time of planting)	Minimum Dimensions at Maturity
2x Species of the owners selection*.	In viable and sustainable location within front yard of subject site.	45 litre OR 1.5 metres.	H: 8 m W: 4m

* Deciduous trees, if selected, would be deemed to comply with this condition.

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 tree. 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)
3	Jacaranda (<i>Jacaranda mimosifolia</i>)	Adjacent south-western boundary of subject site.	H: 7m W: 12m Ø: 0.5m

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)

8. 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)
3	Jacaranda (<i>Jacaranda mimosifolia</i>)	Adjacent south-western boundary of subject site.	4.5m
13	Mock Orange Blossom (<i>Murraya paniculata</i>)	Adjacent eastern boundary of subject site.	0.5m

9. Tree Protection Zones

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

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

Council Reference No:	Species	Location	Radius from Trunk (Metres)
3	Jacaranda (<i>Jacaranda mimosifolia</i>)	Adjacent south-western boundary of subject site.	4m
13	Mock Orange Blossom (<i>Murraya paniculata</i>)	Adjacent eastern boundary of subject site.	0.5m

- b) Tree Protection Zones are to be fenced with a 1.8 meter high chainmesh or weldmesh fence to minimise disturbance to existing ground conditions. The area within the fence must be mulched, to a depth of 75mm, irrigated and maintained for the duration of the construction works.
- c) Installation of all Tree Protection measures is to be at the direction of and overseen by a qualified Arborist (minimum Australian Qualification Framework Level 4 or recognised equivalent).
- d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
- e) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

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

10. 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.

11. 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.

12. 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.

13. Discharge to Harbour

Prior to the issue of the Construction Certificate, the developer must obtain the written approval of the Sydney Maritime Authority to discharge stormwater from the subject property directly into Sydney Harbour.

All requirements of the Sydney Maritime Authority must be met prior to the issue of the Occupation Certificate.

14. Stormwater Management Plan

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

The Stormwater Management Plan must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>. The plan must generally be in accordance with the drainage plans and documentation prepared by Luigi Rosselli Dwg No 0614/A08 dated May 2006

Stormwater run-off from the proposed development must drain to Sydney Harbour. 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.

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

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

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

The following must be provided:

- a) Certification that:
 - The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards.
 - That all drainage components 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

16. Flood Protection Measures

Prior to issue of an Occupation Certificate the applicant is to submit to the Accredited Certifier, certification from a suitably qualified hydraulic engineer stating that the following flood protection measures have been implemented in full:

- The internal driveway slab is to fall away from the new garage.
- The construction of a minimum 200mm high kerb from the garage in front of the planting to the eastern corner of the building to deflect any water to the side of the building
- The construction of an interceptor drain at the intersection of the concrete/paved area and the entry into the garage, within the boundaries of the subject property and drained to the proposed drainage system.

17. Erosion and sediment control

Erosion and sediment controls, designed in accordance with the SSROC Soil and Water Management Brochure and the NSW Environmental Protection Authority's *Managing Urban Stormwater: Construction Activities and as shown on* Soil & Water Management Plan prepared by Luigi Rosselli Dwg No 0614/A09 dated May 2006, must be implemented during demolition, excavation and construction of the development. All controls must be maintained at all times.

18. 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.

19. 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.

20. 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.

21. Construction management

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

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

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

b. describe the means proposed to:

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

c. show the location of:

- any site sheds and any anticipated use of cranes and concrete pumps,
- 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.

22. 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.

23. Damage security deposit

A security deposit of **\$16,000 (Sixteen 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 **\$163.00**, must be paid to Council prior to the issue of the Construction Certificate. The security deposit, which may be in the form of a bank guarantee, has been calculated in accordance with the following schedule.

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

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

24. Footpath levels

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

25. Protection of services

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

26. Road Opening Permit

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

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

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

28. Public footpaths

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

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

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

29. Completion of infrastructure work

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

30. Repair of Damaged Infrastructure

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

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

31. Vehicular access and garaging

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

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

32. Dilapidation survey

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

- 3 Loch Maree Place, Vaucluse
- 1 Loch Maree Place, Vaucluse

The Report must be completed and submitted to Council prior to the commencement of **any** demolition, excavation or construction works.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

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

The development works are to be undertaken in accordance with the recommendations of the Geotechnical and Hydrogeological report/s prepared by Asset Geotechnical Eng P/L ref 0956-A dated 8 July 2006

34. Hydrogeological and Geotechnical Monitoring Program

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

The Hydrogeological and Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical and Hydrogeological Report prepared by Asset Geotechnical Eng P/L ref 0956-A dated 8 July 2006

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

- Recommendations as contained within the Geotechnical and Hydrogeological Report prepared by Asset Geotechnical Eng P/L ref 0956-A dated 8 July 2006
- Recommended hold points to allow for inspection by a geotechnical engineer during the following construction procedures;
 - Excavation of the site (face of excavation, base, etc)
 - Installation and construction of temporary and permanent shoring/ retaining walls.
 - Foundation bearing conditions and footing construction.
 - Installation of sub-soil drainage.
- Location, type and regularity of further geotechnical/hydrogeological investigations and testing.

35. Compliance with the Hydrogeological and Geotechnical Monitoring Program

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

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

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

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

36. 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) recommended hold points to allow for inspection and certification by a geotechnical engineer and
- d) a contingency plan should the pre-set acceptable limits be exceeded.

37. Certification of Vibration Monitoring

A record of inspections and monitoring of vibration in accordance with the Vibration Monitoring Program must be submitted in a report form to the Accredited Certifier prior to release of the Certificate of Occupancy or final building inspection as appropriate. A qualified and practising geotechnical and/or hydrogeological engineer must prepare certification.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. Water conservation

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

50. Standard for demolition

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

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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*.

61. NSW Maritime Conditions

NSW Maritime have imposed the following conditions:

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

Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater-Soils and Construction* issued by the NSW Department of Housing in 1998 and any other relevant council requirements.

- (d) The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works. This does not include the works associated with the construction of the appropriate controls.
- (e) The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- (f) Any material that is to be stockpiled on-site is to be stabilised to prevent erosion or dispersal of the material
- (g) Foreshore landscaping is to be comprised of locally indigenous species, which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land
- (h) The foreshore must be fully protected for the duration of the works. This includes preventing the storage of any machinery, materials, equipment, supplies or waste receptacles within the inter-tidal area
- (i) Access for delivery and removal of materials to and from the site is not to make use of the waterway and the adjoining foreshore
- (j) No works are to be undertaken on land owned by NSW Maritime (i.e below the MHWL) without the relevant approvals being granted by NSW Maritime.

62. Roof materials

The proposed roof materials are to be of a dark and recessive colour so as to minimise glare and to maintain the amenity of adjoining properties.

Details demonstrating compliance with this condition shall be submitted for approval by Council prior to the issue of the Construction Certificate Application.

D5 DA 319/2006 – 9 Albert Street, Edgecliff – Alterations and additions including new swimming pool, garage with studio above, rear extension, fencing and air-conditioning-2/6/2006

Note: Councillor Excell declared an interest in this item as she is an acquaintance of one of the objectors from 111 Ocean Street, Woollahra.

Note: Late correspondence was tabled by Lucinda Christie and Stephen Hills of tpg

(Rundle/Excell)

That this matter be referred to a site inspection meeting to be held on Wednesday 7 February 2007.

D6 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: Late correspondence was tabled by Aongus O’Grady & Ilana Gridiger.

(Cullen/Dawson)

Resolved:

That consideration of Development Application No. 620/2006 for alterations and additions to dwelling house including two storey structure at the rear of the house on land at 49 Dover Road Rose Bay, be deferred for consideration at the Development Control Committee meeting to be held on 5 March 2007.

D7 DA576/2004 – 650-654 New South Head Road, Rose Bay – Substantial alterations & additions to convert an existing two-storey residential flat building to a four-storey mixed development (new mixed development) consisting of a retail component & 4 off-street car parking spaces at ground floor level & 6x2 bedroom units above – 3/9/2004

Note: Late correspondence was tabled by David Booth, Councils Senior Assessment Officer.

Note: Mr M Hesse, Architect and Mr A Rowan, Consultant Planner addressed the meeting on behalf of the Applicant.

Note: The Committee amended Condition No. 1 and added Condition No. 63 in accordance with the late correspondence from Council’s David Booth.

(Dawson/Boskovitz)

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

THAT the Council, as the consent authority, is of the opinion that the objections under State Environmental Planning Policy 1- Development Standards to the residential floor space ratio and height development standards under Woollahra LEP 1995 are well founded subject to the deletion of the rooftop structures. The Council is also of the opinion that subject to the deletion of the rooftop structures, strict compliance with the development standards are unreasonable and unnecessary in the circumstances of this case as the remaining alterations and additions would not have any significant adverse environmental impact, achieving consistency with the objectives of the standards.

AND

THAT the Council, as the consent authority, being satisfied that the objections under SEPP 1 are well founded and also being of the opinion that the granting of conditional consent to Development Application No. 576/2004 is consistent with the aims of the Policy, grant development consent to DA No. 576/2004 for substantial alterations and additions to convert an existing two-storey residential flat building to a four-storey mixed development (new mixed development) consisting of a retail component and 4 off-street car parking spaces at ground floor level and 6 x 2 bedroom units above on land at 650 New South Head Road Rose Bay subject to the following conditions:

1. **Approved Plans**

This consent relates to the work, shown in colour, on plans numbered DA01/C-04/C inclusive, dated November 2006, drawn by Michael Hesse and Associates, all of which carry a Council stamp “**Approved DA Plans**” and the signature of a Council officer, except where amended by the following conditions. In the absence of landowners consent, this approval does not relate to the sections of the front balconies which extend forward of the front boundary of the subject site.

2. **Translucent glazing to pedestrian and carpark entrances**

In order to ensure a satisfactory visual appearance to the streetscape, the glazing to the pedestrian and carpark entrances is to be translucent. Such is to be indicated on the plans submitted with the construction certificate application.

3. **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 car park, driveways and access ramps must be designed to comply with Australian Standard 2890.1 – “Off-Street car parking”.

4. **Reductions to car park dimensions**

In order to increase the provision of soft landscaping to the site, the carpark is to be modified as follows:

- the aisle width is to be reduced from 6.2 m to 5.8 m
- the width of car parking spaces 1-3 are to be reduced from 2.5 m to 2.4 m
- the length of the car spaces are to be reduced from 5.5 m to 5.4 m

The additional areas at ground level made available by the reduced carpark area are to be provided with soft landscaping.

Such is to be indicated on the plans submitted with the construction certificate application.

5. **Compliance with Disability Discrimination Act**

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

6. **Soil classification**

Prior to the disposal of fill material from the site, such soil shall be classified in accordance with the provisions of both the Protection of the Environment Operations Act 1997 and the NSW EPA Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

7. 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.

8. Hazardous building materials assessment

A hazardous building materials assessment, including asbestos building materials and lead paint is to be undertaken by a qualified consultant and submitted to Council prior to the commencement of construction works. The report shall include appropriate removal strategies for any hazardous materials identified on site.

9. Protection of visual privacy measures

In order to ensure the visual privacy of adjoining properties, the following measures are required:

- the provision of solid 1.7 m high privacy screens to the north-eastern sides of the rear balconies
- the windows to the shower room, bedroom 2, kitchen and living/dining rooms of Units 1 and 3 are to either to consist of fixed, translucent glazing to a height of 1.7 m above the respective floor levels or alternatively, be highlight windows with a sill height of 1.7 m above the respective floor levels.

Such is to be indicated on the plans submitted with the Construction certificate application.

10. Access for persons with disabilities

In order to provide adequate access for persons with disabilities, a toilet that is wheelchair accessible is to be provided to the unit which is allocated the 3.2 m wide car parking space. Such is to be indicated on the plans submitted with the construction certificate application.

11. Existing trees which must be retained

Approval is not granted for the removal of the following tree, which Council has determined to be significant landscape elements.

Council Reference No:	Species	Location	Dimension (Metres)
1	Celtis australis	See tree report Coastal Care Horticultural Services Pty Ltd	12
2	Celtis australis	See tree report Coastal Care Horticultural Services Pty Ltd	12
3	Celtis australis	See tree report Coastal Care Horticultural Services Pty Ltd	14
4	Celtis australis	See tree report Coastal Care Horticultural Services Pty Ltd	12
5	Celtis australis	See tree report Coastal Care Horticultural Services Pty Ltd	13

The Construction Certificate plans must include reference to the retention of the above mentioned trees and identify the trees by Council's reference number indicated and colour or shade them in the colour green for trees to be retained

12. Trees which may be removed

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

Council Reference No:	Species	Location	Dimension (Metres)
6	Persea Americana	Rear of existing property	6
7	Plumeria sp.	Rear of existing property	4
8	Plumeria sp.	Rear of existing property	4
9	Plumeria sp.	Rear of existing property	4

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

13. 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
- (b) at least two days notice, in writing, has been given to Council of the intention to commence work.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. Stormwater Management Plan

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

The Stormwater Management Plan must be in accordance with Council's Draft Stormwater Drainage Management Development Control Plan and generally in accordance with the drainage plans and documentation prepared by Ian Young & Associates P/L. Stormwater run-off from all roof areas of the development must drain to drainage infrastructure within New South Head Road. The proposed drainage infrastructure works will require approval from the Roads and Traffic Authority. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to;
The Sydney Asset Management
PO Box 558
Blacktown NSW 2148.

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued.

New drainage systems must be designed having regard to the need to prevent stormwater from entering buildings in accordance with the Building Code of Australia (BCA).

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.

Accordingly, the following requirements apply to all stormwater drainage systems:

- a) New or existing stormwater drainage systems that discharge to an approved Council drainage point after passing over other private properties will be required to provide evidence of the existence of a private drainage easement. Alternatively, evidence of the procurement of a private drainage easement over any intervening properties must be provided.
- b) Any new drainage works must incorporate a piped connection to an existing drainage system (satisfying the requirements of this Condition) or to an Approved Council discharge point. New drainage systems must be designed having regard to the need to prevent stormwater from entering buildings in accordance with the Building Code of Australia (BCA).
- c) Where new kerb connections are proposed, connection must be made using galvanised Rectangular Hollow Sections (RHS) (125 x 75 mm), or suitable kerb adaptors, to prevent ongoing damage to the kerb. A maximum of two kerb connections per nominal 15 metres of site frontage is allowed. Conduits must be separated by a minimum of 3 metres where more than one is required.

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

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

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

The following must be provided:

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.

Work-As-Executed (WAE) plans showing:

- Pipe and drainage system layout, including all pits, pipe diameters, grades, materials, invert levels and surface levels.
- Details (exact point and method) of connection to Council system

24. Flood Protection – Protection of property

During large storm events, there is potential for large surface flows to occur in the road and footway areas within this region of New South Head Road. To prevent inundation of the property during these storm events suitable flood protection must be provided.

All habitable floor levels and the driveway must have a threshold crest of 150mm above the immediately fronting kerb.

Architectural Plans demonstrating compliance with this requirement must be submitted with or before the application for a Construction Certificate.

25. 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.

26. External Service Pipes and the like prohibited

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

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

27. 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.

28. Standard for demolition

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

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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

If the required contribution is not paid before the next anniversary of the commencement of the Plan following the date of this development consent, the payable contribution will be the increased amount calculated by Council in accordance with the indexation formula set out in clause 3.13 of the Plan.

Deferred periodic payment of Section 94 contributions

Any request for deferred or periodic payment of the Section 94 contribution required by this consent must be made in writing by the applicant and must set out the reasons for the request. Council will consider any such request on the basis of the criteria set out in clause 3.8 of the Plan.

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

Council may, as a condition of accepting deferred or periodic payment, require the applicant to provide 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 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 this development consent or the carrying out of the development in accordance with this development consent; and
- (d) the obligations of the bank are discharged when payment to Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or outstanding component of the contribution will be indexed in accordance with clause 3.13 of the Plan. If a deferred or periodic payment is not made before the next anniversary of the Plan, the amount payable will be the increased amount calculated by Council in accordance with clause 3.13 of the Plan. The applicant will pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

40. Water conservation

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

41. 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.

42. Facilities for waste storage and collection

Details of facilities for waste storage and collection must be submitted to the accredited certifier prior to issue of a Construction Certificate. Details must meet the following requirements.

a) Multiple occupancies (including the residential component of mixed use developments):

For developments containing four dwellings or less a communal bin bay external to the building is permitted subject to it being located within the property boundary with minimal impact on adjoining properties. For developments containing more than four units a Waste Storage Room is required.

The waste storage room/bin bay must be sufficiently sized so as to accommodate;

- i) 100 litres of putrescible waste per residential dwelling stored in 240 and/or 120 litre mobile garbage bins. Developments containing more than 4 dwellings must not use more than one 120 litre mobile garbage bin.
- ii) 50 litres of recyclables per residential dwelling stored in colour coded, shared use, mobile garbage bins and/or 50 litre crates
- iii) One 240 litre mobile garbage bin for garden organics, per 500 square metres of landscaped area.
- iv) For residential developments with four storeys and greater, a waste storage cupboard must be provided on each floor. In each cupboard, storage must be provided for putrescible waste in mobile garbage bins and recyclables in colour coded crates.
- v) For residential developments with three storeys or less, residents may use the central waste storage area.
- vi) Residents must not be required to wheel bins a distance greater than 75m from the waste storage area to the collection point (usually the kerb) for collection. For development applications assessed using SEPP 5 (State Environmental Planning Policy 5: Housing for Older People or People with a Disability) the maximum distance is 50m.

b) Mixed-use developments

Mixed-use developments contain residential and commercial components. Waste storage facilities for the residential component must be separate to the waste storage facilities provided for the commercial component.

For the residential component, the waste storage room/bin bay must be sufficiently sized so as to accommodate;

- i) 100 litres of putrescible waste per residential dwelling stored in 240 and/or 120 litre mobile garbage bins
- ii) 50 litres of recyclables per residential dwelling stored in colour coded, shared use, mobile garbage bins and/or 50 litre crates
- iii) One or more 240 litre mobile garbage bin for garden organics, as required

For the commercial component, the waste storage room must be sufficiently sized so as to satisfy Council's Trade Waste requirements.

c) Inside the Waste Storage Area

The interior of the Waste Storage Area must meet the following requirements

- i) Bins to be stored with lids down to prevent vermin from entering the waste containers.
- ii) The area must be constructed with a smooth impervious floor graded to a floor waste and provided with a tap and hose to facilitate regular cleaning of the bins. A waste storage area that is located internal to the building must be fitted with both a hot and cold water supply and hose cocks. Waste water must be discharged to the sewer in accordance with the requirements of Sydney Water.
- iii) Walls and ceilings of the waste storage area must be constructed of an impervious material with a smooth finish. The junction between the walls and the floor must be covered with a minimum radius of 25mm to prevent the accumulation of waste matter.
- iv) The garbage storage area must be well lit to enable use at night. A timer switch must be fitted to the light fitting to ensure the light is turned off after use.
- v) Odour problems to be minimised by good ventilation. The air flow must not be close to units.
- vi) Air-conditioned waste storage areas to be provided with a separate air-conditioning system to units.
- vii) For developments of four storeys and above, waste storage areas, garbage and recycling rooms must be fitted with fire sprinklers and be rated to fire safety standards in accordance with the Building Code of Australia.
- viii) Both putrescible and recycling bins/crates must be stored together. Recycling bins must never stand alone. They must always be located beside putrescible waste bins. Putrescible bins must be located closest to the entrance to the waste storage room.
- ix) Signage on the correct use of the waste management system and what materials may be recycled must be posted in the communal waste storage cupboard/ room or bin bay.

43. 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*.

44. Mechanical ventilation/services**Prior to the issue of any Construction Certificate**

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

Installation and Commissioning

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

Prior to the issue of any Occupation Certificate

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

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

45. 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.

46. Roads and Traffic Authority requirements

The design and construction of the access shall be in accordance with the Authority's Road Design Guide and other Australian Codes of Practice. Details of these requirements should be obtained from Authority's Project Services Manager, Traffic Projects Section, Blacktown (Ph 02 88142144).

The certified copies of the design plans shall be submitted to the Authority for consideration and approval prior to the release of the construction certificate by Council and commencement of road works.

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

The Authority fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the release of the approved road design plans.

In addition to the above, the applicant may be requested to enter into a Works Authorisation Deed with the Authority for the road works on New South Head Road.

All works associated with the proposed development shall be at no cost to the RTA.

The proposed development shall be designed such that road traffic noise from New South Head Road is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met, the following internal noise objectives for all habitable rooms under ventilated conditions are to comply with the following requirements of the Building Code of Australia:

all habitable rooms other than sleeping rooms: 45 dB (A) Leq (15hr) and 40 dB (A) Leq (9hr)
and
sleeping rooms: 35 dB (A) Leq (9hr)

47. 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.

48. 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.

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

Throughout the demolition 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.

50. 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.

51. 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.

52. Temporary disposal of roof water

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

53. Construction Management

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

- a. **describe the anticipated impact of the construction works on:**
 - local traffic routes
 - pedestrian circulation adjacent to the building site
 - and on-street parking in the local area, and;
- b. **describe the means proposed to:**
 - manage construction works to minimise such impacts,
 - provide for the standing of vehicles during construction,
 - provide for the movement of trucks to and from the site, and deliveries to the site, and;
- c. **show the location of:**
 - any site sheds and any anticipated use of cranes and concrete pumps,
 - 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.

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

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

54. 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.

55. Works Zone

A Work Zone (Construction Zone) is required for this development. Prior to issue of the Construction Certificate an application for the required Works Zone must be submitted to Woollahra Council, for consideration by the Woollahra Local Traffic Committee.

Prior to commencement of any demolition, land clearing, piling, excavation, construction or like work or the issue of a Notice of Commencement of building works, any Works Zone approval by the Woollahra Local Traffic Committee shall be implemented strictly in accordance with the Committee's terms and conditions.

Note:

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

56. Parking Restrictions and Signposting

The developer must liaise with Council's Traffic Department with regard to final parking restrictions and signposting fronting the site.

Any costs associated with modifications or reinstatement of the existing arrangement must be borne by the developer and completed prior to the issue of any Occupation Certificate.

57. Works on Council Property

a) Works Required

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

- The entire site frontage and extending to the existing paved footpath to the north must be paved. The paving materials and patterns must be generally in accordance with Section 7.2 of the Rose Bay Public Domain Improvements Plan. This document is available from Council's customer service. Deviations from the Plan are subject to approval by Council.
- Additional street furniture may be required pending assessment Council's urban design section.
- An additional street tree planting is required (the planting of a street tree (*Harpulia* specimen))
- Construction of a fully new driveway crossing 4.0m wide and layback, generally in accordance with the levels and grades specified upon Council's Standard Drawing RF2. Levels in the footpath area must match existing. The finished surface must be paved with porphyry pavers, as specified within the Rose Bay Public Domain Improvements Plan.
- Full reconstruction of the remaining sections of concrete kerb and gutter fronting the full width of the site.

b) Approval

Development Consent does NOT give approval to these works on Council property. A SEPARATE APPROVAL IS REQUIRED UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993 FOR THE WORKS REQUIRED BY THIS CONDITION.

The Construction Certificate must not be issued until Council's Manager - Public Infrastructure has issued the Applicant with a written consent under the Roads Act.

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

- Engineering drawings (plan, sections and elevation views) of the footpath area. The plan must clearly show the brick pattern arrangement and shop alignments.

- All works must be specified upon the plan. Construction works must be in accordance with Council's document "*Specification for Roadworks, Drainage and Miscellaneous Works*", which is available for download from Council's website or from Council's customer service counter.
- All pavers must be laid upon a concrete base no less than 100mm thick.
- All surfaces must fall to drainage infrastructure. Specifically, gutter invert levels fronting the property are noted have nuisance ponding occurring fronting the site and may be corrected by the works.

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

c) Section 138 – Roads Act works bond

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge a Section 138 – Roads Act works bond to the value of \$15,000 (Fifteen 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 be 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.

58. 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.

59. 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.

60. Damage security deposit

A security deposit of \$37,000 (Thirty seven 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.

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

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

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

61. Footpath levels

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

62. 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.

63. Covenant for private works on Council property

A positive covenant, pursuant to Section 88E of the Conveyancing Act, must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions, and the on-going maintenance of any private structures on Council property for which consent has been given including the awning.

The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered at the Land Property Information Office prior to the Final Building Inspection and issuance of the Certificate of Occupation.

D8 DA326/2006 – 15 Edgecliff Road, Woollahra – Alterations & additions including an extension to the garage, raised courtyard & two storey rear addition – 6/6/2006

Note: Mr Van Rooijen, Architect addressed the meeting on behalf of the Applicant.

Note: The Committee added a new Advising No. 13 (Rainwater collection).

(Boskovitz/Petrie)

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. 325/2006 for alterations and additions including an extension to the garage, raised courtyard and two storey rear addition on land at 15 Edgecliff Road, Woollahra, subject to the following conditions:

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered 01, 02, 03, 04, 05 and 06, Issue C, 26 September 2006 and drawn by Van Rooijen Meyers Architects, all of which carry a Council stamp “**Approved DA Plans**” and the signature of a Council officer, except where amended by the following conditions.

2. Rear courtyard

In accordance with C12 of Section 3.4.12 of the Woollahra Heritage Conservation Area DCP, the width of the planter along the western elevation is to be increased by 0.5m and a planter, with a minimum width of 0.5m is to be established along the eastern elevation for a length of 5.0m (as measured from the inside edge of the planter along the rear boundary).

This condition is imposed in order to limit the extent of overlooking to the rear yards of both adjoining properties. Details are to be included in the application for a Construction Certificate.

3. Requirement for a Construction Certificate

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

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

4. Existing trees which must be retained

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

Council Ref No	Species	Location	Dimension (metres)
1	<i>Washingtonia filifera</i> American Cotton Palm	Front	16 x 5

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.

5. Trees which may be removed

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

Council Ref No	Species	Location	Dimension (metres)
2	<i>Ailanthus altissima</i> Tree of Heaven	Rear – western boundary	8 x 6

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.

6. Connection to existing drainage system

Stormwater run-off from the proposed 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.

7. Driveways and associated works

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

- construction of a new full width concrete driveway crossing 6.0m wide and layback in accordance with Council's Standard Drawing RF2. Levels in the footpath area must match existing
- removal of all driveway crossings and kerb laybacks which will be no longer required
- reinstatement of footpath, kerb and gutter to match existing

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

8. 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."

The plans are to be amended to comply with the following:

- due to the restricted access to the site from the rear lane only one vehicle parking space is approved.

The revised details submitted to the certifier for approval prior to issue of Construction Certificate

9. Dilapidation Reports for existing buildings/structures

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

These properties must include (but is not limited to) 13 and 17 Edgecliff Road.

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

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

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.

10. Construction Methodology Report

There are built structures deemed to be in the zone of influence of the proposed excavations on this site. A qualified geotechnical engineer must prepare a Construction Methodology report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure. The report must be submitted with the application for a Construction Certificate.

The report must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include:

- location and level of nearby foundations/footings (site and neighbouring)
- proposed method of excavation
- permanent and temporary support measures for excavation
- potential settlements affecting footings/foundations
- groundwater levels (if any)
- batter slopes
- potential vibration caused by method of excavation
- dewatering including seepage and off site disposal rate (if any)

The Report must include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

11. Compliance with the Construction Methodology Report

The development works are to be undertaken in accordance with the recommendations of the Construction Methodology report prepared in accordance with requirements of the relevant condition.

12. Structural Certification of excavation works and associated structures.

The garage, store and access at the rear of the property 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 Final Building Certificate, that excavation, retention, underpinning and construction of all the excavation works stated above has been conducted:

- according to the relevant Australian Standards and Codes of Practice
- in a manner that does not compromise the structural integrity of all adjacent structures and property

13. Erosion and sediment control

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

14. 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.

15. 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.

16. 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.

17. Footpath levels

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

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

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

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY			
under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation	No	
SECURITY			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - making good damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates	\$9,000	No	T600
DEVELOPMENT LEVY			
under Woollahra Section 94A Development Contributions Plan 2005 This plan may be inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au .			
Development Levy	\$3,500 + Index Amount	Yes, quarterly	T94
INSPECTION FEES			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$12,663 plus any relevant indexed amounts and long service levy		

How must the payments be made?

Payments must be made by:

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

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

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

How will the section 94A levy be indexed?

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

Do you need HELP indexing the levy?

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

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

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

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

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

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

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

24. Structural adequacy

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

25. Structural details

Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with Construction Certificate application, for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members. This condition is imposed to ensure the structural integrity of the proposed building work.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. Downpipes

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

32. Water conservation

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

33. Standard for demolition

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

34. Facilities for waste storage and collection

Details of facilities for waste storage and collection must be submitted to the accredited certifier prior to issue of a Construction Certificate. Within the property boundaries, there must be provision for: -

- One 120 litre mobile garbage bin for putrescible waste
- One 50 litre crate for paper recyclables (blue)
- One 50 litre crate for non-paper recyclables (black)
- One 240 litre mobile garbage bin for garden organics

Waste storage facilities for the residential dwelling must be separate to the waste storage facilities provided for the surgery. For the commercial component, the waste storage room must be sufficiently sized so as to satisfy Council's Trade Waste requirements.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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*.

New Advising

13. Rainwater Collection

The applicant is encourage to provide a rainwater tank in the subfloor area of the dwelling. The water collected could be used in the operation of the toilets and laundry.

D9 DA137/2006 – 72 Bellevue Road, Bellevue Hill – Demolition of the existing dwelling & construction of residential flat building containing 3 units, carparking, swimming pool & landscaping – 17/3/2006

Note: Councillor Petrie advised that Mr Reid, Solicitor acting on behalf of the owners of 74 Bellevue Road, in this matter, has also acted for the Unit Block in which he lives. Councillor Comino declared that there was no conflict of interest.

Note: Late correspondence was tabled by Tony Moody & Gennady Klauzner of GK Designs.

Note: Mr George Karavanas, Architect for the Applicant, Mr G Klauzner, the Applicant, Mr Tony Moody, Planning Consultant on behalf of Mrs M Schaffer, Objector of 70 Bellevue Road, Bellevue Hill, Mr Reid, Solicitor for Mr & Mrs Moss, Objectors of 74 Bellevue Road, Bellevue Hill, Mr A Rowan, Planning Consultant on behalf Mr & Mrs Moss, Objectors of 74 Bellevue Road, Bellevue Hill, Mrs Caroline Storch, Objector of 5 Cooper Park Road, Bellevue Hill, addressed the Committee.

Note: The Committee added an additional reason for Refusal No. 13 (Bulk and Scale).

(Petrie/Cullen)**Resolved: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 |**

THAT the Council, as the consent authority, is of the opinion that the objections under *State Environmental Planning Policy No. 1 – Development Standards* to FSR and Height of buildings development standards under WLEP 1995 are not well founded. The Council is also of the opinion that strict compliance with these development standards is reasonable and necessary in the circumstances of this case for the reasons stated in the report.

THAT Council, as the consent authority, refuse development consent to Development Application No. 137/2006 for demolition of the existing dwelling and construction of a residential flat building containing 3 units, carparking, swimming pool and landscaping on land at 72 Bellevue Road Bellevue Hill, for the following reasons:

1. View sharing

The proposal does not comply with the objectives and performance criteria for view sharing contained in the Woollahra Residential Development Control Plan 2003 (WRDCP 2003) Parts O5.5.2 and C5.5.6) and as a result would not ensure equitable access to views from the adjoining dwelling at No.70 Bellevue Road.

2. Height and number of storeys

The proposal does not comply with the numerical standard and objectives (a)(b) and (c) for height contained in Clauses 12AA and 12 of the Woollahra Local Environmental Plan 1995 (WLEP 1995) and also does not comply with the performance criteria for building height – storeys (WRDCP 2003 Part C4.6.7.3) as it does not satisfy all other WRDCP controls including view sharing, deep soil landscaped area and side boundary setbacks.

3. Excavation

The proposal does not comply with the objectives and performance criteria for excavation (WLEP 1995 Clause 2(1)(h), 2(1)(i), 18 (1) (e) (natural landforms) and WRDCP 2003 Parts C4.6.7.1, O5.2.4 and C5.2.17). This would result in unsatisfactory temporary and permanent impacts including acoustic and visual impacts to adjoining properties, subterranean landscaped area at the frontage, subterranean habitable rooms and an excessively long driveway.

4. Streetscape

The proposal does not comply with the objective for streetscape (WLEP cl.2(2)(1) of WLEP 1995, WRDCP 2003 Part O5.1.5) because of the excavated frontage and built form which are uncharacteristic and would not adequately recognise predominant streetscape qualities.

5. Deep soil landscaped area

The proposal does not comply with the objective and performance criteria for deep soil landscaped area (WRDCP 2003 Parts O5.3.1, C5.3.1 and C 4.6.7.1) as it would not ensure adequate provision of accessible and useable landscaped open space, is deficient in overall deep soil landscaped area and the deep soil landscaped area at the frontage is subterranean.

6. Acoustic and visual privacy

The proposal does not comply with the objective and performance criteria for acoustic and visual privacy (WRDCP 2003 Part O5.8.1 and Parts C5.8.2, C5.8.4, C5.8.5, C5.8.6 and C5.8.7) and as a result would not ensure adequate acoustic and visual privacy for occupants and neighbours.

7. Side boundary setbacks

The proposal does not comply with the purposes, objectives and performance criteria for side boundary setbacks (cl.2(2)(1) of WLEP 1995, WRDCP 2003 Part 5.2, Parts O5.2.2 and C5.2.5). This would result in unreasonable visual and acoustic impacts, overshadowing and privacy impacts on the adjoining dwellings.

8. Stormwater drainage disposal

Development consent of the proposal is prohibited under Clause 25(2) of WLEP 1995 in that adequate provision has not been made to date for the disposal of stormwater from the land.

9. Floor space ratio

The proposal does not comply with objectives of the floor space ratio standard (WLEP 1995 Clause 11AA (b) (c) and (d)) because it would not accord with the desired future character objectives for the precinct, would not minimise adverse environmental effects on the use and enjoyment of adjoining properties and would not relate well to the existing character of the surrounding built environment as viewed from the street.

10. Front fence

The proposal does not comply with the objectives and performance criteria in regard to the front fence (WRDCP 2003 Part C4.4.5) because it would not contribute positively to the streetscape or achieve passive surveillance of the street.

11. The proposal is not in the public interest.**12. Bulk and Scale**

The bulk and scale of the building and in particular in the bulk and scale of that part of the building that extends beyond the rear building line of the neighbouring dwelling is excessive.

D10 DA260/2006 – 147 Victoria Road, Bellevue Hill – Demolition of the existing buildings & construction of a new residential flat building containing three units – 9/5/2006

Note: Late correspondence was tabled by David Waghorn, Councils Senior Assessment Officer.

Note: Mr Anthony Betros, Planning Consultant on behalf of the Applicant addressed the Committee.

(Boskovitz/Cullen)

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

THAT the Council, as the consent authority, is of the opinion that the objections under *State Environmental Planning Policy 1 – Development Standards* to Clause 10B – Lot frontage and Clause 12 - Height under WLEP 1995 are well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the non-compliances will not have any adverse impact on the streetscape or amenity of adjoining properties.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP 1 is well founded and also being of the opinion that the granting of consent to Development Application No. 260/2006 is consistent with the aims of the Policy, grant development consent to DA No. 260/2006 for the demolition of the existing building(s) and the construction of a new residential flat building containing three (3) units on land at 147 Victoria Road, Bellevue Hill, subject to the following conditions:

1. Approved Plans

This consent relates to the work on plans numbered DA-01B – DA-03B, dated April 2006 and DA-04 – DA-05, dated April 2006, drawn by ARC Architects, including landscape plans numbered Sheet 1 and 2 of 2, dated 5 April 2006, drawn by Paul Scrivener Landscape Architect, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, except where amended by the following conditions.

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

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

- a. the proposed clestory on the roof above Unit 3 (third floor level) is to be deleted
- b. the existing Telstra pit beneath the proposed driveway is to be relocated free and clear of the driveway at the expense of the applicant. The applicant is to liaise with Telstra regarding its proposed location prior to submission of the construction certificate application

- c. all southern (side) elevation windows of Unit 1 (first floor level) and Units 2 and 3 (second and third floor levels) are to contain fixed translucent glazing to a height of 1.7m above floor level
- d. the southern and northern edges for the rear balcony of Unit 3 (third floor level) to contain a planter box (minimum depth of 600mm) with landscaping to be maintained at a minimum height of 1.5m above floor level
- e. the proposed northern and southern (side) and eastern (rear) boundary fences are to be maximum height of 1.8m above existing ground level on the low side of the street

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

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

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

3. Stormwater Management Plan including On-Site Detention

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

The Stormwater Management Plan must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>. The plan must generally be in accordance with the drainage plans and documentation prepared by Sparks & Partners Dwg No H-01, 02 Issue A dated 24.04.06. The plans are to be modified to include the following works in the adjoining pathway on Council's property:

- Council specified drainage system to be constructed from the rear property to the existing pit in Benelong Crescent for a distance of approximately 50m
- Pipeline to be a minimum 375mm diameter Rubber Ring RCP
- A Double Grated Gully Pit at the commencement of the pipe, change of grade pits along the laneway and an inlet pit at Benelong Rd boundary

Works required are detailed in the condition titled "Infrastructure Works – Drainage and Road works" included further in this consent

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

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

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

2 year ARI	P.S.D	<i>19.1</i>	L/s
	Min. Volume	<i>4.0</i>	m³
100 Year ARI	P.S.D	<i>27.1</i>	L/s
	Min. Volume	<i>23.1</i>	m³
<u>Values based upon:</u>			
Site Area (m2) =	<i>796.1</i>		
Area bypassing (%) =	<i>0</i>	Non-residential	development

The Stormwater Management Plan must include the following specific requirements:

a) Layout plan

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

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

b) On-site Detention (OSD) details:

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

4. Rainwater Reuse

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

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

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

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

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

5. Positive Covenant - Drainage system

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

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

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

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

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

The following must be provided:

- a) Certification that:
 - The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards.
 - That all drainage components, including the on site detention, are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications.
 - That the on-site detention system will provide the detention storage volume and attenuation in accordance with the submitted calculations.

- 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
 - OSD tank dimensions, location and orifice plate/outlet details.
 - Contours indicating the direction in which water will flow should the OSD storage overflow.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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 Draft Stormwater Management Code. Disposal of site water to Council's stormwater system is not permitted unless an appropriate treatment method, approved by Councils Drainage Engineer, is implemented.

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

14. Construction management plan

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

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

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

b. describe the means proposed to:

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

c. show the location of:

- any site sheds and any anticipated use of cranes and concrete pumps,
- 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. Works Zone

A Work Zone (Construction Zone) is required for this development. Prior to issue of the Construction Certificate an application for the required Works Zone must be submitted to Woollahra Council, for consideration by the Woollahra Local Traffic Committee.

Prior to commencement of any demolition, land clearing, piling, piercing, excavation, construction or like work or the issue of a Notice of Commencement of building works, any Works Zone approval by the Woollahra Local Traffic Committee shall be implemented strictly in accordance with the Committee's terms and conditions.

Note:

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

18. Infrastructure Works – Drainage and Road works

a) Works Required

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

Drainage - Connection of the site stormwater system must be made by a new drainage system along the laneway to the existing drainage system in Benelong Crescent as follows

- Council specified drainage system to be constructed from the rear property to the existing pit in Benelong Crescent for approximately 50m
- The pipes within the laneway must be reinforced concrete class 2 with a minimum 375mm diameter and have bedding in accordance with Australian Standard AS 3725 – (Loads on buried concrete pipes). The developer shall be responsible for carrying out any service investigations to allow a gravity connection.
- A Double Grated Gully Pit at the commencement of the pipe, change of grade pits along the laneway and an inlet pit at Benelong Rd boundary
- The pits must be constructed in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- A non-return flap valve must be provided to prevent backwater from the Council stormwater system.
- 150mm kerb above existing boundary levels for the for length of the property adjoining the laneway and within private property

Roadworks – the following roadworks are required in Victoria Road:

- The replacement of the entire Kerb and Gutter, footpath fronting 147 Victoria Road in accordance with Council's Standard Drawing RF2 and RF3 respectively
- Construction of a new full width concrete driveway crossing 4m wide and layback in accordance with Council's Standard Drawing RF2. Levels in the footpath area must match existing.
- Removal of all driveway crossings and kerb laybacks which will be no longer required.
- Reinstatement of footpath, kerb and gutter to match existing.

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

- Plan of the proposal including works on the street and associated internal driveway/garage (must contain all relevant details, features, reduced levels, services and distances to a minimum scale 1:200)
- A longitudinal surface profile for each side of the proposed driveway. The driveway profile is to start from the kerb and be along the worst case edge of the proposed driveway.
- Gradients and transitions must be in accordance with the following:
 1. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances in accordance with AS2890.1
 2. The crossing and layback must be designed in accordance with Council's Standard Drawing RF2. Levels in the footpath area must match existing

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

b) Approval

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

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

- Engineering drawings (plan, long sections and elevation views) and specifications of the
 - a. new gully pits to be constructed, showing clearly the connection point of site outlet pipe(s) to the new drainage line to be constructed joining the new and existing drainage pits in Benelong Cres
 - b. all services
 - c. kerb and gutter reconstruction
 - d. driveway removal and reconstruction

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

c) **Infrastructure works bond**

To ensure that works on Council property required by this Condition are carried out to Council's requirements and at the applicant's expense prior to the final Occupation Certificate the developer must lodge a bond (see **Condition 49**). 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.
- Submission to Council of CCTV survey of the pipeline on DVD format and covering report.
- Certification and Work-As-Executed (WAE) plans have been submitted to Council 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.
- A Certificate from a suitably qualified civil engineer that the works have been carried out in accordance with the approved plans and in a satisfactory manner.

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

19. 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

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. 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.

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 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.

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. 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.

25. Earth/rock anchors

The use of permanent rock anchors under Council land is not permitted.

Temporary rock anchors may be permitted, where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.

If temporary rock anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the *Roads Act* 1993. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

26. 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.

27. Vehicular access and garaging

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

- Driveway details are to be provided of the new driveway to the new garage. The driveway profile is to comply with AS 2890.1
- The internal clear width of the proposed garages are to be widened to a minimum of 3m to comply with AS 2890.1
- The car stacker detail specifications are to be submitted and approved by the certifier
- Driveways and access ramps must be designed not to scrape the underside of cars.

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

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

28. Landscaping near driveways

The walls/landscaping on either side of the driveway must not exceed one metre in height for a distance of two metres from the property boundary. 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.

29. 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 basement car park, driveways and access ramps must be designed to comply with Australian Standard 2890.1 – "Off-Street car parking".

30. Dilapidation Reports for existing buildings/structures

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

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

149 Victoria Road

145 Victoria Road

Council’s footpath for the full width and length from Victoria Road to Benelong Crescent between No 147 and 145 Victoria Rd

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

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

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.

31. Compliance with recommendations of the geotechnical and hydrogeological report

The construction methodology, testing and excavation works associated with the development must be undertaken in accordance with the recommendations of the Geotechnical and Hydrogeological Report by Parsons Brinckerhoff Consultant P/I dated Reference 2110341 A/IT_5868 dated 28 July 2006.

32. Vibration during Construction

Vibration during construction can adversely affect surrounding property and infrastructure. Construction techniques including, but not limited to, rock breaking, ripping, and/or the installation of sheetpiles, may produce ground vibrations.

Prior to the issue of the Construction Certificate, the applicant must submit to the Accredited Certifier details of the proposed Vibration Monitoring Program to ensure that vibration created by the method of construction does not adversely impact on the existing building, surrounding property and infrastructure. 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:
 - i) settlement
 - ii) deflection or movement of retaining mechanisms such as shoring and bracing and
 - iii) 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) recommended hold points to allow for inspection and certification by a geotechnical engineer and
- d) a contingency plan should the pre-set acceptable limits be exceeded.

33. Certification of Vibration Monitoring

A record of inspections and monitoring of vibration in accordance with the Vibration Monitoring Program must be submitted in a report form to the Accredited Certifier prior to release of the Certificate of Occupancy or final building inspection as appropriate. A qualified and practising geotechnical and/or hydrogeological engineer must prepare certification.

34. Hydrogeological and Geotechnical Monitoring Program

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

The Hydrogeological and Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical and Hydrogeological Report prepared by Parsons Brinckerhoff Consultant P/l dated Reference 2110341 A/IT_5868 dated 28 July 2006

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

- Recommendations as contained within the Geotechnical and Hydrogeological Report prepared by Parsons Brinckerhoff Consultant P/l dated Reference 2110341 A/IT_5868 dated 28 July 2006
- Recommended hold points to allow for inspection by a geotechnical engineer during the following construction procedures;
 - Excavation of the site (face of excavation, base, etc)
 - Installation and construction of temporary and permanent shoring/ retaining walls.
 - Foundation bearing conditions and footing construction.
 - Installation of sub-soil drainage.
- Location, type and regularity of further geotechnical/hydrogeological investigations and testing.

35. Compliance with the Hydrogeological and Geotechnical Monitoring Program

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

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

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

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

36. 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.

37. 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
1	<i>Lophostemon confertus</i> (Brush Box)	Front court yard (south)

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.

38. 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
2	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front court yard (north)

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.

39. 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.

40. Health Condition

- (a) Based on the data presented in the Phase 1 Preliminary Site Environmental Investigation of December 2005 prepared by David Lane Associates, it is concluded that the soils at the site do not present a risk of harm to human health and the site is suitable for the proposed development in accordance with adopted Soil Investigation Level criteria "Residential with Minimal Access to Soils Including High Rise Apartments and Flats".
- (b) Prior to the execution of any demolition works that a Hazardous Building Materials Assessment being undertaken in accordance with NSW Workcover requirements and the findings and recommendations for removal of any hazardous waste being forwarded to Council.
- (c) Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery.
- (d) Any fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall be compatible with the existing soil characteristic for site drainage purposes. Sampling and analysis of the fill material be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Ventilation

- (a) All enclosures in which vehicles powered by internal combustion engines are parked are required to comply with Section 4 'Ventilation Of Enclosures Used By Vehicles With Internal Combustion Engines' of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the carpark and maintain contaminant concentrations below recommended exposure standards.
- (b) The premises being ventilated in accordance with the Building Code of Australia and AS/NZS 1668 Parts 1 & 2.
- (c) The internal bathrooms and ensuites being naturally ventilated in accordance with the Building Code of Australia, or alternatively provided with a system of mechanical exhaust ventilation extracting a minimum of 10 L/s per square metre of floor area or 25 L/s per sanitary fixture, whichever the greater in accordance with Table B1 'Minimum Exhaust Air Requirements Base on Use of Enclosure' of AS/NZS 1668.2-1991.
- (d) The internal laundries being naturally ventilated in accordance with the Building Code of Australia, or alternatively provided with a system of mechanical exhaust ventilation extracting a minimum of 20 L/s per room.
- (e) All proposed mechanical ventilation system(s) must be installed and commissioned in accordance with Australian Standard 1668 Parts 1 & 2. The applicant shall provide detailed mechanical ventilation system(s) plans and specifications prepared by a professional engineer, as defined by the Building Code of Australia, and must be submitted to Council or an Accredited Certifier with the application for a Construction Certificate certifying compliance with Australian Standard 1668 Parts 1 & 2.

Sediment Control

- (a) All erosion and sediment measures must be maintained in a functional condition throughout demolition and building works and sediment laden stormwater run-off shall be controlled using sediment control measures outlined in the manual Urban Stormwater-Soils and Construction (published by the NSW Department of Housing).
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater inlets and be covered so that dust is not generated.
- (c) Any disposal of soils from the site shall have regard to the provision of both the Protection of the Environment Operations Act 1997 and Regulations thereunder and the NSW EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Noise

- (a) The use of the premises must not give rise to the transmission of "offensive noise" to a place of different occupancy as defined in the Protection of the Environment Operations Act 1997.
- (b) The noise emission from the installation of any mechanical plant and equipment shall not exceed the background noise level at any time as measured at the boundaries of the subject property.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. BASIX Commitments

The development must be implemented and all BASIX commitments thereafter maintained in accordance with **BASIX Certificate 68267M** 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>

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

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

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

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy Use Calculator: http://www.lspc.nsw.gov.au/levy_information/?Levy_information/levy_calculator.stm	Contact LSL Corporation or use their online calculator	No	
SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$41,638	No	T600
Infrastructure Works Bond – Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.	\$52,000	No	T600
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2005 This plan may be inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au .			
Development Levy	\$19,819.04 + Index Amount	Yes, quarterly	T94
INSPECTION FEES under section 608 of the Local Government Act 1993			
Security Administration Fee	\$163	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$113,620.04 Plus any relevant indexed amounts and long service levy		

How must the payments be made?

Payments must be made by:

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

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

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

- d) the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

How will the section 94A levy be indexed?

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

Do you need HELP indexing the levy?

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

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

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

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

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

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

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

50. 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.

51. Fire safety

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

52. Standard for demolition

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

53. Mechanical ventilation/services**Prior to the issue of any Construction Certificate**

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

Installation and Commissioning

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

Prior to the issue of any Occupation Certificate

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

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

54. Noise from mechanical ventilation

This condition has been applied to maintain a reasonable level of amenity to the area.

Prior to the issue of any construction certificate, the developer must submit to the Council or accredited certifier a report from a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).

The report must certify that the method of treating the mechanical ventilation system will ensure that the noise level, as measured at the boundaries of the subject property, will not exceed the background noise level.

After completion of the works and prior to the issue of an occupation certificate or occupation, the developer must submit to the principal certifying authority, a report from a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) certifying that the works have been undertaken to meet the above design criteria.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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*.

D11 Register of Current Land and Environment Court Appeals for Building and Development Applications

Note: Councillor Rundle declared an interest in relation to the Billgate matter in this item, (20 Roslyndale Avenue, Woollahra) which is adjacent to his home and started to leave the room for the matter, but Councillor Comino advised that no confidential information will be discussed and ruled that he could remain at the meeting as there was no conflict.

(Rundle/Petrie)

Resolved:

THAT the attached register of current Land and Environment Court Appeals for Building and Development Applications be received and noted.

Items with Recommendations from this Committee Submitted to the Council for Decision (Item R1)

R1 DA573/2006 - 42-42A Wolseley Road, Point Piper – Demolition of the existing dwelling-house & residential apartment building and the construction of a residential flat building comprising 5 units, 11 off-street car parking spaces; landscaping and siteworks – 06/09/2006

Note: In accordance with Councils codes and meeting procedures this matter has been called to the full Council by Council Shoebridge for the following reasons:

- Such substantial and negative non-compliances prima-facie warrant the staff's recommendation of refusal not the site recommendation of deferral.
- The expenditure of Council resources in reassessing, conferring and reconsidering such a non-compliant development is prima-facie not warranted as it inevitably results in compliant and long-suffering residents being unable to have council resources applied in a timely fashion to assessing their modest DAs.

(Petrie/Boskovitz)

Recommendation:

That consideration of Development Application No. 573/2006 for the demolition of the existing dwelling-house & residential apartment building and the construction of a residential flat building comprising 5 units, 11 off-street car parking spaces; landscaping and siteworks on land at 42 and 42A Wolseley Road Point Piper be deferred to enable the applicant to confer with Council staff in order to address concerns relating to the removal of natural rock features, excessive excavation, excessive number of storeys and excessive floor space ratio.

There being no further business the meeting concluded at 9.15pm.

We certify that the pages numbered 104 to 207 inclusive are the Minutes of the Development Control Committee Meeting held on 5 February 2007 and confirmed by the Development Control Committee on 19 February 2007 as correct.

Chairperson

Secretary of Committee