

Development Control Committee Minutes

Monday 7 July 2008

TABLE OF CONTENTS

D1	Confirmation of Minutes of Meeting held on 16 June 2008	1992
D2	DA107/2008 – 21 Rush Street, Woollahra – Substantial alterations and additions to dwelling including a two storey rear addition, new detached garage with studio above and changes to attic level – 4/3/2008.....	1992
D3	DA103/2008 – 6 Buckhurst Avenue, Point Piper – Substantial alterations & additions to existing residential flat building including demolition works, new basement level with swimming pool, infilling part of the void between existing residential flat building & car park, new boat store, new balconies, internal reconfigurations & landscape works – 3/3/2008	2015
D4	DA804/2007 – 733 New South Head Road, Rose Bay – Demolition of existing buildings & construction of new four storey mixed use building comprising retail, commercial, residential car parking for 8 vehicles off Norwich Road, 30/11/2007 - (See Item R3)	2016
D5	DA628/2007 – 7-9 Conway Avenue, Rose Bay – Demolition of two existing dwelling-houses & ancillary structures, consolidation of the (2) allotments & construction of new residential flat building containing (6) units incorporating a roof terrace & basement level parking for (15) vehicles, new swimming pool, landscaping & siteworks – 27/9/2007 (See Item R4)	2017
D6	DA80/2008 – 71-83 New South Head Road, Edgecliff – Proposed use of service station, car are building & associated parking area for hand car wash – 22/2/2008	2017
D7	DA208/2008 – 7 Dudley Street, Paddington – Alterations & additions to existing terrace including single storey rear extension & alterations to the street front zone – 16/4/2008	2019
D8	Register of Current Land and Environment Court Appeals for Development Applications	2019
R1	DA508/2005 Part 2 – 6 & 6A Kent Road, Rose Bay (Cranbrook School) – Stage 1 development - Land uses comprising Junior & Preparatory School – Indicative building envelopes – Maximum gross floor area for the school buildings of 6,300 sqm – Landscaping concept – Vehicular access, egress & circulation layout (not construction) – 70 off-street car parking spaces (not construction) – Siteworks comprising of demolition of Bowling club, site remediation & removal of identified trees, vegetation & drainage– 16/11/2007	2019
R2	DA747/2007 – 6 & 6A Kent Road, Rose Bay (Cranbrook School) – Stage 2 of development – Demolition of all existing buildings & erection of preparatory school building, junior school building, gymnasium building, tennis courts, 70 off-street car parking spaces & associated infrastructure & facilities – 16/11/2007	2043
R3	DA804/2007 – 733 New South Head Road, Rose Bay – Demolition of existing buildings & construction of new four storey mixed use building comprising retail, commercial, residential car parking for 8 vehicles off Norwich Road, 30/11/2007.....	2090
R4	DA628/2007 – 7-9 Conway Avenue, Rose Bay – Demolition of two existing dwelling-houses & ancillary structures, consolidation of the (2) allotments & construction of new residential flat building containing (6) units incorporating a roof terrace & basement level parking for (15) vehicles, new swimming pool, landscaping & siteworks – 27/9/2007	2091

Development Control Committee Minutes

**Minutes of the Meeting held on
Monday 7 July 2008 at 6.02pm**

Present: His Worship The Mayor, Councillor Geoff Rundle, ex-officio
Councillors Keri Huxley (Chair)
Wilhelmina Gardner
Julian Martin
David Shoebridge

Staff: Allan Coker (Director – Planning & Development)
Nick Economou (Team Leader)
George Fotis (Team Leader)
Patrick Robinson (Manager – Development Control)
Mark Schofield (Team Leader)
Helen Tola (Team Leader – Governance)

Session One: 6.02pm to 7.34pm
Session Two: 8.04pm to 12.22am

Also in Attendance: Councillor Boskovitz (Item R1 & R2)
Councillor Comino (Item R1 & R2)

Note: Item R1 (6 & 6A Kent Road, Rose Bay – Cranbrook School) and Item R2 (6 & 6A Kent Road, Rose Bay – Cranbrook School) were considered by the Committee at the beginning of the meeting commencing at 6.00pm.

Item D4 (733 New South Head Road, Rose Bay) was dealt with prior to Item D3 (6 Buckhurst Avenue, Point Piper)

Leave of Absence

Leave of Absence previously granted by Council: Councillor Christopher Dawson and
Councillor Tanya Excell

Apologies: Apologies were received and accepted from
Councillor Isabelle Shapiro and Leave of
Absence granted.

Late Correspondence

Late correspondence was submitted to the committee in relation to Items: R1, R2, D2, D3, D4
D5 & D7

Declarations of Interest

Nil

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

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 16 June 2008**
Author: Les Windle, Manager - Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 16 June 2008 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.

(Shoebridge/Gardner)

Resolved:

That the Minutes of the Development Control Committee Meeting of 16 June 2008 be taken as read and confirmed.

Items Decided by this Committee using its Delegated Authority (Items D2 to D8)

D2 DA107/2008 – 21 Rush Street, Woollahra – Substantial alterations and additions to dwelling including a two storey rear addition, new detached garage with studio above and changes to attic level – 4/3/2008

Note: Late correspondence was tabled by Phillip Arnold of Plus Minus Design & Annie Ross.

Note: Annie Ross of Darling Point, objector and Phillip Arnold representing the applicant addressed the Committee.

Note: The Committee added part g to Condition C.1 (Modification of details of the development (s80A(1)(g) of the Act)), and Condition D.8 (Water Penetration).

(Shoebridge/Huxley)

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. 107/2008 for substantial alterations and additions to the existing dwelling including a two storey rear addition, new detached garage with studio above and changes to attic level on land at 21 Rush Street, Woollahra, subject to the following conditions:

A. General Conditions

A.1 Approved Plans and supporting documents

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

Reference	Description	Author/Drawn	Date(s)
- DA 0017. 01H & 02H (Amended 26.05.08) - DA 0017.03G, 04G & 5G (Amended 22.04.08)	Architectural Plans	Plus Minus Design	17 Sept 2007
A29277	BASIX Certificate	Department of Planning	23 Feb 008
DA0017.08A	Stormwater Management Plan	Plus Minus Design	10 Mar 2008

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

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

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

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

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

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

B.1 Construction Certificate required prior to any demolition

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

Note: See *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.
Standard Condition: B1

B.2 Establishment of Tree Protection Zones

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

- a) Tree Protection Zone areas

Council Ref No	Species	Location	Radius from Trunk (metres)*
1	<i>Camellia sasanqua</i> Camellia	Rear yard (eastern boundary)	1m

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

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

Council Ref No	Species	Location
1	<i>Camellia sasanqua</i> Camellia	Rear yard (eastern boundary)

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

- d) A sign must be erected on each side of the fence indicating the existence of a Tree Protection Zone and providing the contact details of the site Arborist.
- e) Existing soil levels must be maintained within Tree Protection Zones. Where excavation is undertaken adjacent such an area, the edge of the excavation must be stabilised, until such time as permanent measures are installed (eg. retaining wall etc) to prevent erosion within the Tree Protection Zone.
- f) Sediment control measures are to be installed around all Tree Protection Zones to protect the existing soil levels.
- g) The storage of materials, stockpiling, siting of works sheds, preparation of mixes, cleaning of tools or equipment is not permitted within Tree Protection Zones.

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

Standard Condition: B5

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

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

The *approved plans* and *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to Clause 139 of the *Regulation*, must detail: -

- a) A minimum of 5m² of deep soil landscaped area as defined by the Woollahra Heritage Conservation Area Development Control Plan 2003 is to be provided.
- b) An additional rear setback of 0.4m at the first floor level.
- c) The deletion of the easternmost courtyard facing window to the garage loft.
- d) The widening of the garage door entrance to 3.3m.
- e) The landscape planter bed located on the southern side of bedroom 2 (identified as No. 8 on the legend on development plan DA 0017.02H) is to be deleted. The section of roof created by the deletion of the planter and the additional setback required by part (b) of this condition, is to have a maximum height of RL 69.42.
- f) The privacy screen (webforge webstock) on window W11, to bedroom 2, is to be deleted.
- g) The first floor is to be setback from the eastern boundary by the same distance the existing ground floor is setback from this boundary or by 600mm, whichever is the greater.

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

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

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

C.2 Payment of 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	\$14,000	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	\$6,006 + Index Amount	Yes, quarterly	T94

INSPECTION FEES			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$168	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$20,174 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.

C.3 BASIX commitments

The *applicant* must submit to the *Certifying Authority* *BASIX Certificate* No. A29277 with any application for a *Construction Certificate*.

Note: Where there is any proposed change in the BASIX commitments the applicant must submit of a new *BASIX Certificate* to the *Certifying Authority* and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (See: Clauses 145 and 146 of the *Regulation*) the applicant will be required to submit an amended development application to *Council* pursuant to section 96 of the Act.

All commitments in the *BASIX Certificate* must be shown on the *Construction Certificate* plans and specifications prior to the issue of any *Construction 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,"
Standard Condition: C7

C.4 Soil and Water Management Plan – Submission & Approval

The *principal contractor* or *owner builder* must submit to the *Certifying Authority* a soil and water management plan complying with: -

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

Where there is any conflict *The Blue Book* takes precedence. The *Certifying Authority* must be satisfied that the soil and water management plan complies with the publications above prior to issuing any *Construction Certificate*.

Note: This condition has been imposed to eliminate potential water pollution and dust nuisance.

Note: The International Erosion Control Association – Australasia <http://www.austieca.com.au/> lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans.

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

Note: Pursuant to clause 161(1)(a)(5) of the *Regulation* an *Accredited Certifier* may satisfied as to this matter.
Standard Condition: C25

C.5 Car Parking Details

The *Construction Certificate* plans and specifications required by clause 139 of the Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3:1993 *Parking Facilities - Bicycle Parking Facilities*, AS/NZS 2890.1:2004 : *Parking Facilities - Off-Street Car Parking* and AS 2890.2:2002 – *Off-Street Parking: Commercial Vehicle Facilities* respectively.

- The garage entrance door is to be opened to a minimum of 3.3m
- Access levels and grades must comply with access levels and grade required by Council under the Roads Act 1993

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

C.6 Stormwater management plan

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

The *Stormwater Management Plan* must detail:

- a. general design in accordance with Plus Minus Design Dwg No. DA0017.08A Issue A dated 10.03.08 other than amended by this and other conditions;
- b. the discharge of stormwater, by direct connection, to the kerb in Rush Street and Smith Street;
- c. compliance the objectives and performance requirements of the BCA;
- d. any rainwater tank required by BASIX commitments including their overflow connection to the *Stormwater Drainage System*, and
- e. general compliance with the Council's draft Development Control Plan Stormwater Drainage Management (draft version 1, public exhibition copy dated 23 August 2004).

C.7 Structural Adequacy of Existing Supporting Structures

A certificate from a *professional engineer* (Structural Engineer), certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be submitted with the *Construction Certificate* application.

Note: This condition is imposed to ensure that the existing structure structural is able to support the additional loads proposed.
Standard Condition: C35

C.8 Professional Engineering Details

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

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

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

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

D.1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

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

- a. that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- b. in the case of residential building work for which *the Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

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

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

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

D.2 Erosion and Sediment Controls – Installation

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

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

Where there is any conflict The Blue Book takes precedence.

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

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

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

Note: Section 257 of the *Protection of the Environment Operations Act 1997* provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution” **Warning**, irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
Standard Condition: D14

D.3 Site Signs

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

“Erection of signs

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

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

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

D.4 Toilet Facilities

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

Each toilet provided:

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

- d. if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

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

In this condition:

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

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

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

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

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

D.5 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) of the Act)

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

- a. a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
- b. the person having the benefit of the development consent has:
- i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1. the principal certifying authority has, no later than 2 days before the building work commences:
- i. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- b2. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and

- iii. unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- iv. given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

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

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

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

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

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

D.6 Notification of Home Building Act 1989 requirements

- a. For the purposes of section 80A (11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- b. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - i. in the case of work for which a *principal contractor* is required to be appointed:
 - the name and licence number of the principal contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that *Act*,
 - ii. in the case of work to be done by an owner-builder:
 - the name of the owner-builder, and
 - if the owner-builder is required to hold an owner-builder permit under that *Act*, the number of the owner-builder permit.
- c. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- d. This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the *Act*, to comply with the technical provisions of the State's building laws.

Standard Condition: D17

D.7 Establishment of boundary location, building location and datum

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

- a. the boundaries of the *site* by permanent marks (including permanent recovery points);
- b. the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (“AHD”) in compliance with the approved plans;
- c. establishes a permanent datum point (bench mark) within the boundaries of the *site* relative to AHD; and
- d. provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the PCA.

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

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

D.8 Water Penetration

That adequate measures must be undertaken to ensure that there is no water penetration to the western wall of 23 Rush St, Woollahra.

E. Conditions which must be satisfied during any development work

E.1 Tree Preservation

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

General Protection Requirements

- a) There must be no excavation or *work* within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all *development work*.
- b) Where excavation encounters tree roots with a diameter exceeding 40mm excavation must cease. The *principal contractor* must procure an inspection of the tree roots exposed by a qualified arborist. Excavation must only recommence with the implementation of the recommendations of the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

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

E.2 Tree Preservation & Approved Landscaping Works

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

The following trees must be retained

Council Ref No	Species	Location	Dimension (metres)
1	<i>Camellia sasanqua</i> Camellia	Rear yard (eastern boundary)	5 x 4

The following trees may be removed

Council Ref No	Species	Location	Dimension (metres)
2	<i>Jacaranda mimosifolia</i> Jacaranda	Rear yard (centre)	9 x 8

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

E.3 Maintenance of Vehicular and Pedestrian Safety and Access

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

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

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

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

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

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

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

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

Part C Management of Waste:

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

Part E Public roads:

1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”

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

E.4 Maintenance of Environmental Controls

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

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

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

E.5 Erosion and Sediment Controls – Maintenance

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

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

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



Note 1: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note 2: Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. **Warning,** irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.
Standard Condition: E15

E.6 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

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

- a. that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- b. in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

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

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

Standard Condition: E1

E.7 Compliance with Australian Standard for Demolition

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

Standard Condition: E2

E.8 Critical Stage Inspections

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

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

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

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

Standard Condition: E5

E.9 Hours of Work –Amenity of the neighbourhood

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

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

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

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

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

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

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

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

Standard Condition: E6

E.10 Maintenance of Vehicular and Pedestrian Safety and Access

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

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

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

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

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

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

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

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

Part C Management of Waste:

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

Part E Public roads:

- “1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”

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

E.11 Support of adjoining land and buildings

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

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

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

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

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

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

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

E.12 Placement and use of Skip Bins

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

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

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

E.13 Dust Mitigation

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

This generally requires:

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

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

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

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

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

F.1 Occupation Certificate (section 109M of the Act)

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

Note: New building includes an altered portion of, or an extension to, an existing building.
Standard Condition: F1

F.2 Commissioning and Certification of Systems and Works

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

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

- a. Certification from the supervising professional engineer that the requirement of the Geotechnical / Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b. All flood protection measures.
- c. All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1 – “Off-Street car parking.”
- d. All stormwater drainage systems.
- e. All mechanical ventilation systems.
- f. All hydraulic systems.
- g. All structural work.

- h. All acoustic attenuation work.
- i. All waterproofing.
- j. Such further matters as the *Principal Certifying Authority* may require.

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

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

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

Standard Condition: F7

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

Nil.

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

H.1 Fulfillment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate No. A29277.

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."

Standard Condition: H7

H.2 Removal of Ancillary Works and Structures

The *principal contractor* or *owner* must remove from the land and any adjoining public place:

- a. The site sign;
- b. Ablutions;
- c. Hoarding;
- d. Scaffolding; and
- e. Waste materials, matter, article or thing.

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

Standard Condition: H12

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

I.1 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. A29277.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.

Standard Condition: 17

I.2 Use of roof adjacent to bedroom 2

The roof which covers the southern most section of the living / dining room and is located adjacent to bedroom 2 is to be non-trafficable.

J. Miscellaneous Conditions

Nil.

K. Advisings

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

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws are also a criminal offence. Where there is any breach Council may without any further warning:

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

Warnings as to potential maximum penalties

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

Warning as to enforcement and legal costs

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

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

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

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

Standard Advising: K1

K.2 Dial before you dig



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

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

Standard Advising: K2

K.3 Builders Licences and Owner Builders Permits

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

Further information can be obtained from the NSW Office of Fair Trading website about how you obtain an owner builders permit or find a principal contractor (builder):

<http://www.dft.nsw.gov.au/building.html> .

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

Standard Condition: K5

K.4 Building Standards - Guide to Standards and Tolerances

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

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

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

The Guide can be down loaded from:

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

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

Standard Condition: K6

K.5 Workcover requirements

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

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

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

Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW,

Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

Standard Condition: K7

K.6 Asbestos Removal, Repair or Disturbance

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

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

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

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

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

Standard Advising: K8

K.7 Release of Security

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

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

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

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

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

Note: The Application for Refund of Security form can be downloaded from <http://www.woollahra.nsw.gov.au/pdf/Forms/Planning/RefundofSecurity.pdf>
Standard Condition: K15

K.8 Recycling of Demolition and Building Material

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

Standard Condition: K17

K.9 Pruning or Removing a Tree Growing on Private Property

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

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

Standard Condition: K19

D3 DA103/2008 – 6 Buckhurst Avenue, Point Piper – Substantial alterations & additions to existing residential flat building including demolition works, new basement level with swimming pool, infilling part of the void between existing residential flat building & car park, new boat store, new balconies, internal reconfigurations & landscape works – 3/3/2008

Note: Late correspondence was tabled by George El Khouri, Tony Moody of Moody & Doyle Architects, Deborah Hazan & Bron McKillop.

Note: Bron McKillop of Point Piper, Lewis Adey on behalf of Point Piper House, Tony Moody of Moody & Doyle on behalf of Mr and Mrs Hazan, Deborah Hazan, objectors, Terry Shields on behalf of the applicant & Peter El Khouri the applicant addressed the Committee.

(Rundle/Shoebridge)

Resolved:

THAT the Council, defer consideration of Development Application No. 103/2008 for substantial alterations and additions to the existing residential flat building including demolition works, a new basement level with swimming pool, infilling part of the void between the existing residential flat building and car park, a new boat store, new balconies, internal reconfigurations and landscape works on land at 6 Buckhurst Avenue, Point Piper for the following reasons:

- The submission of amended plans which illustrate the amalgamation of the units, required by condition C.1(a) of the report to the Development Control Committee on the 7 July 2008. The applicant should modify the proposal to delete additional facilities including bathrooms, kitchens, and entry doors to eliminate the opportunity for future use of the amalgamated dwelling as separate occupancies. The balcony of the apartment identified as studio 11 on the plans is to be deleted.
- The Assessment Officer is to undertake an additional view analysis from No's 8 and 10 Wolseley Rd, Point Piper. The assessment is to specifically consider the impact of the balcony extension in the north-eastern corner upon the view from these properties.
- That the following proposed condition A, as tabled by Tony Moody via late correspondence, be referred to Council's Landscape Officer for consideration:
 - i) *That the previously pruned Brush-Box and Illwawalla flame Tree in the north-western side of 6 Buckhurst Avenue be removed and replaced with semi-mature specimens of Blueberry Ash (Elaeocarpus Reticulates) with a maximum height between 8 – 10 metres.*
 - ii) *That the Cypress hedge on the northern boundary of 6 Buckhurst Avenue be removed and replaced with a new hedge of non-invasive Clumping Bamboo (Bambusia Textilis Gracillis)*
 - iii) *That all the Hackberry Trees located in the north-eastern corner of No. 6 be removed from the retaining wall structures located in the north-eastern corner of 6 Buckhurst Avenue.*
- That the following Condition C.1 (k) (Modification of details of the development (s80A(1)(g) of the Act)) as tabled by Tony Moody via late correspondence, be included in any future condition set:

The setback of the garage for Unit 12 being 3.0m from the eastern boundary. The required setback shall be landscaped and such landscaping shall have a maturity height of no greater than two metres in order to preserve the views of No. 6 Buckhurst Avenue. The required landscaping shall be incorporated in the Construction plans prior to issuing of the Construction Certificate.
- The applicant is to consider the possibility of using barges to transport construction materials and waste, to and from the site.

D4 DA804/2007 – 733 New South Head Road, Rose Bay – Demolition of existing buildings & construction of new four storey mixed use building comprising retail, commercial, residential car parking for 8 vehicles off Norwich Road, 30/11/2007

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee's recommendation (refusal) to the Officer's recommendation (approval). **(See Item R3).**

D5 DA628/2007 – 7-9 Conway Avenue, Rose Bay – Demolition of two existing dwelling-houses & ancillary structures, consolidation of the (2) allotments & construction of new residential flat building containing (6) units incorporating a roof terrace & basement level parking for (15) vehicles, new swimming pool, landscaping & siteworks – 27/9/2007

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee's recommendation (refusal) to the Officer's recommendation (approval). **(See Item R4)**

D6 DA80/2008 – 71-83 New South Head Road, Edgecliff – Proposed use of service station, car care building & associated parking area for hand car wash – 22/2/2008

(Rundle/Martin)

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

A. THAT Council, as the consent authority, refuse development consent to Development Application No. 80/2008 for proposed use of service station, car care building and associated parking area for hand car wash (unauthorised works) on land at 71-83 New South Head Road Edgecliff, for the following reasons:

1. Unauthorized works

The works-as-executed have already been carried out without prior council consent.

2. Owner's Consent

Owner's consent from Railcorp in relation to the proposed works shown encroaching into Lot 2 in DP 234605 has not be secured

Owners' consent has not been received from Woollahra Council in relation to works on along New South Head Road frontage.

3. Aims and Objectives of Woollahra LEP 1995

The proposal does not comply with Clause 8(5) of the Woollahra LEP 1995 as the proposed use of Lot 22 for car parking associated with the Hand Car Wash use is not permissible in accordance with the No. 6 Open Space Zoning.

4. State Environmental Planning Policy No. 55- Remediation of Land

The proposal fails to give consideration to potential contamination on site in accordance with Clause 7 (1) (a) of State Environmental Planning Policy No. 55 – Remediation of Land, or any necessary remedial action in accordance with Clause 7(1) (b) and (c) of SEPP 55.

The works are also contrary to Objective O1 of Part 4.14 and Objective O1 of Part 4.15 of the White City DCP.

5. Signage and Advertising

Signs C, E and F do not comply with Clause 2(2)(m) of the WLEP 1995, the Objectives of Part 4.10 of the White City DCP, the Objectives and Clause 13 of SEPP 64 – Advertising and Signage or the Objectives and Part 4.7 of the Woollahra Code for Advertising Signs.

Sign D does not comply with Clause 22 of SEPP 64 – Advertising and Signage.

6. Traffic and Parking

Consent has not been received from the RTA's DA unit in relation to the proposed vehicular access to the site.

The proposal has a shortfall of between 4 and 15 on-site car parking spaces in accordance with Part 4.7 of the White City DCP. The exact shortfall cannot be assessed due to insufficient information regarding the requirement and provision of off-street car parking.

7. Stormwater and Drainage

Insufficient information has been provided in relation to the method of isolation, treatment and disposal of waste water resulting from the Hand Car Wash.

The proposal is therefore contrary to Clause 25 of the WLEP 1995, and the 4th Planning Principle in Part 3.1 and Part 4.12 of the White City DCP.

8. Landscaping

The proposal does not include any suitable landscaping as required by Part 4.3 and Control C9 of Part 4.2 and the 7th Planning Principle of Part 3.1 of the White City DCP, 2007.

9. Public Interest

The proposal is not considered to be in the public interest.

- B. THAT this matter be referred to Manager-Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council's Enforcement Policy for failure to obtain Council's prior development consent.
-

D7 DA208/2008 – 7 Dudley Street, Paddington – Alterations & additions to existing terrace including single storey rear extension & alterations to the street front zone – 16/4/2008

Note: Late correspondence was tabled by Council's Larissa Northridge, Senior Assessment Officer & Tony Moody of Moody & Doyle.

Note: Eric White, Erick Coonan, Sue Wranger of Paddington, Tony Moody of Moody & Doyle on behalf of Caroline & Sheila Adams, Caroline Adams of Paddington, George Loupis representing Sam & Niki Sourris, objectors, Stuart Dougal Solicitor for the applicant & Alex Smith of CSA Architects for the applicant addressed the Committee.

(Martin/Rundle)

Resolved:

THAT the Council, defer consideration of Development Application No. 208/2008 for alterations and additions to existing terrace including single storey rear extension and alterations to the street front zone on land at 7 Dudley Street Paddington to seek independent advice on the arrangements and title particulars relating to the side laneway between 5 and 7 Dudley Street, Paddington.

D8 Register of Current Land and Environment Court Appeals for Development Applications

(Martin/Shoebridge)

Resolved:

THAT consideration of the register of current Land and Environment Court Appeals for Development Applications be deferred to the next meeting of the Development Control Committee.

**Items with Recommendations from this Committee
Submitted to the Council for Decision (Items R1 to R4)**

R1 DA508/2005 Part 2 – 6 & 6A Kent Road, Rose Bay (Cranbrook School) – Stage 1 development - Land uses comprising Junior & Preparatory School – Indicative building envelopes – Maximum gross floor area for the school buildings of 6,300 sqm – Landscaping concept – Vehicular access, egress & circulation layout (not construction) – 70 off-street car parking spaces (not construction) – Siteworks comprising of demolition of Bowling club, site remediation & removal of identified trees, vegetation & drainage– 16/11/2007

Note: Late correspondence was tabled by Andrew Pannell & Olympia Fourtounis.

Note: Harvey Sanders on behalf of David Keyte, David Keyte, Dennis Candalis on behalf of Mrs Pispinis, Terry Byrnes of Rose Bay, objectors, Geoff Kimpton on behalf of Cranbrook School, Alex Tzannes the Architect and Phillip Rossington for the applicant, addressed the Committee.

Note: The Committee amended Condition No. C.6 (Modification of details of the development (s80A(1)(g) of the Act))

**Motion moved by Councillor Martin
Seconded by Councillor Rundle**

THAT Council, as the consent authority, modify development consent to Development Application No. 508/2005 for stage 1 involving the demolition of all existing buildings and the erection of a preparatory school building, a junior school building, a gymnasium building, tennis courts, 70 off-street car parking spaces and associated infrastructure and facilities on land at 6 & 6A Kent Road Rose Bay, subject to the conditions in the report and including the following additional requirements:

- that the metal cladding used within the development be of a non-reflective material and recessive colour particularly on the western elevation of the gymnasium building;
- the roof to the northern preparatory building be of a non-reflective material and recessive in colour; and
- the wall on the northern edge be of a non-recessive colour.

**Amendment moved by Councillor Shoebridge
Seconded by Councillor Gardner**

THAT Council, defer consideration of development consent to Development Application No. 508/2005 for stage 1 involving the demolition of all existing buildings and the erection of a preparatory school building, a junior school building, a gymnasium building, tennis courts, 70 off-street car parking spaces and associated infrastructure and facilities on land at 6 & 6A Kent Road Rose Bay, to allow the applicant to confer with Council staff in relation to the following matters:

- lack of articulation on the northern boundary and roof
- inappropriate future siting of the carpark on Kent Road (on the eastern boundary)
- increase in the bulk and scale of the building on its neighbouring properties, specifically 12 Kent Road, Rose Bay
- loss of views

**The Amendment was put and lost.
The motion was put and carried.**

(Martin/Rundle)

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

THAT Council, as the consent authority, modify development consent to Development Application No. 508/2005 for stage 1 involving the demolition of all existing buildings and the erection of a preparatory school building, a junior school building, a gymnasium building, tennis courts, 70 off-street car parking spaces and associated infrastructure and facilities on land at 6 & 6A Kent Road Rose Bay, in the following manner:

A. General Conditions

The addition of the following condition:

A.16 Approved Amended (s96) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp “*Approved s96 Plans*” listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
Report No 05148-D version A	Acoustic Report	Wilkinson Murray	Nov 07
DA002, 004, 100, 1000, 1001, 1002, 150, 151 revision 02 as amended by 700 revision 02 and 701, 702, 703, 704 & 705 revision 01	Architectural Plans	PV & RB of Tzannes Associates	Nov 07 & Apr 08
Dwg No.s 207056 HOD to HC3 Rev No C	Amended drainage plans	Demlakian Engineers P/L	13 Nov 07
Development Impact Assessment Report	Development Impact Assessment Report	Earthscape Horticultural Services	June 08
27014-SK01 & 02 as amended by SK 05 & 06 Rev B	Landscape Plans (Detail)	Tzannes Associates	Nov 07 2 May 08
Architectural Finishes Board	Sample Boards	Tzannes Associates	Nov 07
Revised operational traffic management plan	Traffic management plan	N/A	May 08
Statement of Environmental Effects Stage 2 DA (Including S96)	Statement of Environmental Effects	Planning Workshop Australia	Tzannes Associates
4667/7	Traffic Report	Colston Budd Hunt & Kafes P/L	Nov 07
Stormwater Report	Stormwater Management Design Statement	Demlakian	9 Nov 07
Architectural design statement	Architectural design statement	Tzannes Associates	13 Nov 07
Landscape Statement Rev B	Landscape Statement	ASPECT Studios	N/A
Sustainability Initiatives	Sustainability Initiatives	CUNDALL	Nov 07
DA Report on Access and DDA Issues	Accessibility Report	Gallagher Jeffs Consulting	6 Nov 07
BCA 2007 Assessment Report	BCA Assessment Report	Gallagher Jeffs Consulting	13 Nov 07
Ref: E19153KVAL	Validation Reports and Certificates	Environmental Investigation Services	Mar 08

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

The modification of Condition A.5 as follows:

A.5 School student enrolment numbers

Student numbers are not to exceed:

- 180 for the preparatory school
- 280 for the junior school

This condition is imposed to limit the intensity of the use of the school.

The modification of Condition A.9A as follows:**A.9A Design of the Internal Road**

The design of the internal road is to be amended as follows:

- a) The diameter of the western roundabout is to be increased to permit a 12.5m bus to negotiate the roundabout in a single movement.

This condition is imposed to provide for bus entry to and from the site from Kent Road and to improve pedestrian safety.

The modification of Condition A.9B as follows:**A.9B Operational Traffic Management Plan**

The site is to be operated in accordance with the key planning principles and procedures set out in the Revised Operational Traffic Management Plan, May 2008.

The deletion of Condition A.3

The deletion of Condition A.6

The deletion of Condition A.7

The deletion of Condition A.8

The deletion of Condition A.9C

The deletion of Condition A.9E

The deletion of Condition A.9

The deletion of Condition A.10

The modification of Condition A.9D as follows:**A.9D Water and energy efficiency measures**

In order to reduce the demand for water used on landscaped areas and energy to heat and cool the buildings, the following measures are to be indicated on the relevant landscape, architectural and stormwater drainage plans and specifications submitted with the construction certificate application:

- i) Rainwater from roof areas is to be collected and stored in tanks for use on landscaped areas. Where possible, stormwater run-off from the internal road is to be collected and stored in-ground tanks for use on landscaped areas.
- ii) The landscaping adjacent to the northern elevation or the junior school is to consist of species that will allow for the infiltration of winter solar access whilst requiring low levels of watering.
- iii) The sustainability initiatives identified in the sustainability initiatives report including the adoption of passive solar design, thermal insulation, shading devices, automatically adjustable (to daylight) energy efficient lighting, natural ventilation and energy-efficient mechanical plant are to be documented.

The modification of Condition A.9F as follows:**A.9F Surface of Tennis Courts**

The tennis courts are to have a synthetic surface to reduce noise and are to be predominately green in colour. Such is to be indicated on the plans submitted with the construction certificate application.

The modification of Condition A.11 as follows:**A.11 Noise attenuation**

11.1 The noise mitigation strategies provided in the Noise Impact Assessment Report prepared by Wilkinson Murray (Report No. 05148 dated July 2005) for Noise from Site Access (vehicle movement), Noise from Outdoor Play Areas, Noise Assessment of Playing Fields and Noise Assessment from Classrooms & Outdoor Teaching Areas being fully implemented.

11.2 All noise mitigation strategies provided in the Wilkinson Murray Acoustic Report (Ref. No. 05148-D Version A dated November 2007) being fully implemented.

B. Conditions which must be satisfied prior to the demolition of any building or construction**The modification of Condition B.2 as follows:****B.2 Construction Management Plan**

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

d. describe the excavation impact on the area including

- Traffic marshalling of plant (number of trucks on site at any time)
- Number and types of trucks to be used
- Time frame
- Streets to be used

- Routes to be taken
- Directions of travel
- Truck storage areas
- It is recommended that vehicle routes be shared
- Excavation is to only be carried out outside peak and school hours between 9.30am to 2.30pm week days
- The CMP is to include both demolition and excavation works.
- e. **show the location** of all Tree Protection (Exclusion) Zones as required within the conditions of this development consent.

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.

The modification of Condition B.6 as follows:

B.6 Establishment of Tree Protection Zones

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

a) Tree Protection Zone areas

Council Reference No:	Species	Location	Radius from Trunk (Metres)*
1	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Rd	3
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Rd	3
5	<i>Jacaranda mimosifolia</i> (Jacaranda)	Adjacent to proposed entry rd	7.2
6	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry rd	8.5
7	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry rd	6.5
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway	10.5
20	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway	9.6
22	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway	7.8
27	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary Adjacent to proposed entry rd	3.5
28	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary Adjacent to proposed entry rd	5.3
29	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary Adjacent to proposed entry rd	4
30	<i>Populus spp.</i> (Poplar)	Rear of 16 Kent Rd	1.2

31	<i>Acacia baileyana</i> (Cootamundra Wattle)	Rear of 14 Kent Rd	2.16
33	<i>Olea africana</i> (African Olive)	Adjacent Iluka Street entrance	4.2
34	<i>Calodendron capense</i> (Cape Chestnut)	Adjacent Iluka Street entrance	4.5
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry rd	4.5

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

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

Council Reference No:	Species	Location
5	<i>Jacaranda mimosifolia</i> (Jacaranda)	Adjacent to proposed entry road
6	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road
7	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway
27	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary
28	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary
29	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry road

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

- d) 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 (e.g. 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.

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

The modification of Condition C.2 as follows:

C.2 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 1.1, Public Exhibition Copy dated 14/12/2006). 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:

- Amended plans by Demlakian Engineers P/L Dwg No.s 207056 HOD to HC3 Rev No C dated 13.11.07
- Stormwater report by Demlakian Engineers P/L dated 9 November 2007.

Stormwater run-off from the proposed development must drain directly to Council's in ground drainage infrastructure located within Iluka Street. The existing system drains to the open channel in the Golf Course. This system is to be upgraded to and designed in accordance with Section 6 - "Connection to drainage system" of Council's Draft Stormwater Drainage Management DCP. All works in a Public Road will require a Section 138 Roads Act application. Works are detailed in a Condition of this consent titled "**Road and Public Domain Works – Council approval required**".

A detailed Stormwater Management Plan must be produced by a suitably qualified civil or hydraulic engineer. The plan must be at a scale of 1:100 and based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof. It must include (as appropriate for the site and determined by the Hydraulic Consultant):

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

The addition of the following conditions:**C.5 Water and waste water - Section 73 Developers Certificate & Upgrading of existing system (Clause 25(1) WLEP 1995)**

A developer compliance certificate under Part 6, Division 9 of the *Sydney Water Act 1994* must have been issued by the Sydney Water Corporation prior to the issue of any *Construction Certificate*. The effect of this certificate is that adequate provision has been made or is available for the provision of potable water to and the removal of waste water from the development.

Note: Following application to Sydney Water, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with Sydney Water's authorised Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Note: Further information can be obtained from the Sydney Water Corporation on or telephone 13 20 92 or by visiting their web site:
http://www.sydneywater.com.au/html/yourHome/edeveloper/urban_dev_qa.cfm.

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

C.6 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. In order to facilitate adequate pedestrian access from Kent Rd, the width of the footway is to be increased to 2.5 m.
- b. In order to limit vehicular access and hence noise generated by cars and people utilising the eastern carpark, a boomgate is to be installed at the entry to the eastern car park. Access cards are to be allocated to senior staff only.
- c. In order to mitigate noise transmission to 4 Kent Rd from the "Kindergarten Piazza", the eastern opening is to consist of fixed glazing with a single self-closing door.
- d. In order to mitigate noise impacts upon adjoining New South Head Rd properties, solid 1.8 m high masonry fencing is to be provided to the northern boundary.
- e. All metal cladding and decking associated with the development shall be non reflective and recessive in colour, with particular emphasis on the western elevation of the gymnasium building, the northern elevation of the Preparatory School and roofing. Further, the northern elevation wall of the Preparatory School shall be of a recessive colour

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.

C.7 Sound Attenuation of Mechanical Plant & Equipment

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

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

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

C.8 Acoustic Certification of Mechanical Plant & Equipment

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

Where sound attenuation is required this must be detailed.

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

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

C.9 Acoustic Certification – Classroom, Gymnasium & Music Room

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that noise from the classroom, gymnasium and music room will not exceed the noise criterion objective detailed in the Wilkinson Murray Acoustic Report (Ref: 05148-D Version A of November 2007).

C.10 Road and Public Domain Works – Council approval required

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

Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to ***Council's Development Engineer*** and approved by *Council* under the *Roads Act* 1993, before the issue of any *Construction Certificate*. To accommodate this requirement, the following infrastructure works must be carried out on Council property at the Applicants expense:

Road and Footpaths

Iluka Street

A new kerb alignment and driveway crossover is required to delineate private property from Councils roadway. Council may consider realignment of the kerb such to enable vehicles to perform a “U-turn”/ three-point turn manoeuvre at this cul-de-sac. The following works are required;

- Removal of the existing driveway crossing servicing the site.
- Construction of new concrete kerb and gutter both sides of Iluka Street, from within 10 metres of the site boundary and extending to the new driveway crossover. The kerb and gutter may need to be realigned to permit vehicles to manoeuvre out of the cul-de-sac (subject to detailed assessment).
- Construction of a new concrete footpath on the northern side of Iluka Street within the region of the existing driveway crossover to be made redundant. Boundary levels must generally match existing.
- The balance of the area between the new footpath and the kerb within the region of the existing driveway crossover to be made redundant must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.
- Construction of a new driveway crossover servicing the proposed carpark. The driveway must be constructed in accordance with Councils standard detail RF2 and must be to the width of the approved vehicle entry.
- Asphalt resurface of the entire roadway within 10 metres of vehicle entry.
- Re-installation of parking signage, services and street lighting if required.

Kent Road

Works required;

- Full removal of the existing concrete footpath, kerb and gutter in the region of road realignment with the intersection of New South Head Road.
- Construction of a new concrete kerb and gutter to the general alignment shown on the approved architectural plans. The region of reconstructed kerb and gutter must extend 3 metres beyond the point of realignment.
- Construction of a new concrete footpath to the general alignment shown on the approved architectural plans, extending from the intersection to the vehicle entrance to Royal Sydney Golf Course.
- Reconstruction of the concrete pram ramp on the intersection of New South Head Road. The pram ramp must be aligned with pedestrian traffic and defined pedestrian crossing.
- Resurfacing of the asphalt roadway, extending from the lip of the new gutter extending a metre into the existing roadway. New road crossfalls must be flush and consistent with the existing.
- Reconfiguration of the kerb inlet pit located on the intersection of New South Head Road. Roads and Traffic Authority may require the installation of a new kerb inlet pit on New South Head Road.
- Construction of new on street parking bays generally in the area nominated on the approved plans (east side of Kent Road). The existing 90 degree parking bays will be retained where possible. The new bays will require construction of a new kerb bounding the bays, asphalt paving and a new dish drain located in the region of the existing gutter.

- Construction of a new concrete footpath along the eastern side of Kent Road, extending from the Royal Sydney Golf Course vehicle entry to a point 4 metres beyond the commencement of the 90 degree parking bays.
- Full reconstruction of the concrete footpath and driveway crossover fronting the property on Kent Road. The crossover must be 7 metres wide and constructed generally in accordance with Councils standard detail RF2. A crest of kerb height must be provided on the driveway so as to prevent overland flow within the roadway inundating the footpath area. Driveway grades and levels must comply with AS 2890.1 – 2004. Footpath and driveway levels must generally be in accordance with the plans prepared by Hyder Consulting Engineers (Refer to Appendix K of the Statement of Environmental Effects – Project Code NS02899 Dwg SKC03 P1).
- The relocation/ reinstatement of other services, road signage or street lighting necessary to complete the works.
- Any works/ further amendments as recommended within Woollahra Municipal Council Local Traffic Committee minutes dated 5th September 2006 and any amendments made by Council to this report.
- The works specified above do not encompass reconfiguration of the traffic signals, controls, lane markings and other reconfiguration works required at the intersection of New South Head Road and Kent Road. The RTA is the approval body for works within a State Road (New South Head Road).

Drainage Infrastructure Works

Iluka Road Drainage

The development will require the upgrade of Councils drainage infrastructure within Iluka Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:

- Connection of the sites private stormwater system requires the construction of a new kerb inlet pit located within the roadway, adjoining the boundary of the site within Iluka Street. The pit must be constructed in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- Construction of a new surcharge pit located within the Golf course reserve, adjacent to the boundary over the existing drainage line.
- Reconstruction of the existing in-ground drainage line extending from the site to the new Council surcharge pit within the golf course reserve. The new drainage line must have capacity for a 20yr ARI storm event.
- Reconstruction of existing kerb inlet pits where required as a result of the drainage line upgrade.
- Any additional works required to restore Councils road/ verge infrastructure in order to construct the works.

Infrastructure works bonds

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge bonds for:

- Roadworks to the value of **\$158,000 (One hundred and fifty eight thousand Dollars)**. This bond does not encompass works associated with the reconfiguration of the New South Head Rd/ Kent Road intersection and may be adjusted upon assessment of the Roads Act application.

- Drainage in Iluka Road to the value of **\$59,000 (Fifty nine thousand Dollars)**.

The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site and is satisfied that the works have been carried out to Council's requirements. The approved infrastructure works must be finalised prior to completion of works upon the site. Council may use part or the entire bonds to complete the infrastructure works if the works do not meet Council's requirements

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 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 documentation must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the road infrastructure works to be constructed. All plans must show existing and proposed levels, relevant longitudinal grades and cross falls of footpaths/ roadways.
- Detailed calculations demonstrating the proposed drainage infrastructure is capable of conveying the 20yr ARI.
- A construction methodology statement specifying how the works are to be staged.
- Details concerning the management of pedestrian and vehicle traffic (Traffic Management Plan).
- The requirements of service providers potentially affected by the infrastructure works (eg Telstra, Sydney Water).
- The Roads Act Consent and requirements from the RTA concerning the reconfiguration of the New South Head Road and Kent Road intersection. Council will not issue any consent for the works until this is finalised.

The design of the works must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1.1, Public Exhibition Copy dated 14/12/2006) available from Council's website www.woollahra.nsw.gov.au. Four weeks should be allowed for assessment.

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

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

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

Note: Four (4) weeks is to be allowed for the *Roads Act* assessment

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

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

C.11 Waste Storage and Management

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail provisions for waste management. Waste Storage Areas must meet the following requirements:

- a. Bins must be stored with lids down to prevent vermin from entering the waste containers.
- b. The area must be constructed with a smooth impervious floor graded to a floor waste. 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. Wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water.
- c. 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.
- d. 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.
- e. Odour problems must be minimised by good exhaust ventilation.
- f. 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.
- g. 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.

C.12 Tree Management Details

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

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

C.13 Professional Engineering Details

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

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

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

C.14 Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

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

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

The addition of the following conditions:

D.4 Compliance with Building Code of Australia

The work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate is made.

D.5 Fire safety schedule

The Principal Certifying Authority shall submit to Council a fire safety schedule indicating fire safety measures to be installed within the building. The fire safety schedule shall be submitted with the notice of proposed commencement required by (s) 81A of the Environmental Planning and Assessment Act 1979 no later than 2 days prior the beginning of any work.

D.6 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) of the Act)

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

- a. a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
- b. the person having the benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- b1. the principal certifying authority has, no later than 2 days before the building work commences:
 - i. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- b2. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - iv. given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

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

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

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

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

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

D.7 Establishment of boundary location, building location and datum

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

- a. the boundaries of the *site* by permanent marks (including permanent recovery points);
- b. the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (“AHD”) in compliance with the approved plans;
- c. establishes a permanent datum point (bench mark) within the boundaries of the *site* relative to AHD; and
- d. provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the PCA.

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

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

E. Conditions which must be satisfied during any development work

The deletion of Conditions E.5, E.20, E.21, E.25, E.27 & E.30.

The modification of Condition E.29 as follows:

E.29 Tree Preservation & Approved Landscaping Works

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

- a) The following trees must be retained:

Trees on Private Land

Council Reference No:	Species	Location	Dimension (Metres)
5	<i>Jacaranda mimosifolia</i> (Jacaranda)	Adjacent to proposed entry road	14 x 16 m
6	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	20 x 25 m
7	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	18 x 16 m
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway (rear of 8 Kent Road)	17 x 17 m
20	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway (rear of 8 & 10 Kent Road)	16 x 9 m
22	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway (rear of 8 & 10 Kent Road)	14 x 7 m
27	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	14 x 7 m
28	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	15 x 13 m
29	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	15 x 9 m
30	<i>Populus spp.</i> (Poplar)	Rear of 16 Kent Road	6 x 2 m
31	<i>Acacia baileyana</i> (Cootamundra Wattle)	Rear of 14 Kent Road	6 x 7 m
33	<i>Olea africana</i> (African Olive)	Adjacent Iluka Street entrance	9 x 11 m
34	<i>Calodendron capense</i> (Cape Chestnut)	Adjacent Iluka Street entrance	6 x 5 m
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry road	14 x 12 m

Trees on Council Land

Council Reference No:	Species	Location	Dimension (Metres)	Tree Value
1	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	5 x 5 metres	\$ 1500
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	5 x 5 metres	\$ 1500

Note: The tree trees required to be retained should appear coloured green on the construction certificate plans.

c) The following trees may be removed:

Council Reference No:	Species	Location	Dimension (Metres)
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	5 x 5 m
3	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	5 x 5 m
13	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Location of proposed entry plaza	12 x 8 m
14	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Location of proposed entry plaza	12 x 8 m
15	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Location of proposed entry plaza	12 x 16 m
16	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Location of proposed entry plaza	14 x 14 m
17	<i>Ficus macrocarpa var hillii</i> (Hill's Weeping Fig)	Adjacent Eastern Roundabout	17 x 16 m
19	<i>Celtis australis</i> (Nettle tree)	Rear of 8 & 10 Kent Road	15 x 16 m
21	<i>Celtis australis</i> (Nettle tree)	Rear of 8 & 10 Kent Road	14 x 16 m

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

d) The following trees may be pruned in accordance with Australian Standard AS 4373 – 2007 “Pruning of Amenity Trees” and Workcover NSW Code of Practice Amenity Tree Industry, 1998 to the minimum extent necessary to provide clearance to the new development:

Council Reference No:	Species	Location	Approved pruning specification (extent of pruning)
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway	Selectively prune lowest hanging branch as per figure 3 of supplied development impact statement.
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry road	Selectively prune lowest hanging branches as per figure 2 of supplied development impact statement.

Note: The tree trees required to be pruned should appear coloured blue on the construction certificate plans.

Note: Water Restrictions take precedence over this condition.

Note: Having regard to water restrictions manual hosing may be necessary.

The modification of Condition E.31 as follows:

E.31 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)	Minimum Dimensions at Maturity
2 x <i>Jacaranda mimosifolia</i> (Jacaranda)	Eastern side of Road reserve of Kent Road (near the intersection of NSH Rd) adjacent to where the current trees are located.	75 litre	12x 8 m

The plants are to have been grown and selected in accordance with Natspec specifications. The stock is to be inspected, by an appropriately qualified person, prior to installation and non compliant stock rejected and replaced. Installation methods must also comply with Natspec specifications.

The addition of the following condition:

E.33 Tree Preservation

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

General Protection Requirements:

- a) There must be no excavation or *work* within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all *development work*.
- b) Where excavation encounters tree roots with a diameter exceeding 40mm excavation must cease. The *principal contractor* must procure an inspection of the tree roots exposed by a qualified arborist. Excavation must only recommence with the implementation of the recommendations of the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

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

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

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

2. Hand excavation within tree root zones

To prevent damage to roots and compaction within the root zone, excavation undertaken within the specified radius from the trunks of the following trees must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not to be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

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

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

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	1.85
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	1.85
5	<i>Jacaranda mimosifolia</i> (Jacaranda)	Adjacent to proposed entry road	2.75
6	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	3.15
7	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	2.8
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway	3.4
20	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway	3.1
22	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway	2.8
27	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	2.25
28	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	2.7
29	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	2.4
30	<i>Populus spp.</i> (Poplar)	Rear of 16 Kent Road	1
31	<i>Acacia baileyana</i> (Cootamundra Wattle)	Rear of 14 Kent Road	1.6
33	<i>Olea africana</i> (African Olive)	Adjacent Iluka Street entrance	2.25
34	<i>Calodendron capense</i> (Cape Chestnut)	Adjacent Iluka Street entrance	2.1
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry road	2.5

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

The addition of the following conditions:**F.1 Commissioning and Certification of Systems and Works**

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

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

- a. Certification from the supervising professional engineer that the requirement of the Geotechnical / Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b. All flood protection measures.
- c. All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1 – “Off-Street car parking.”
- d. All stormwater drainage systems.
- e. All mechanical ventilation systems.
- f. All hydraulic systems.
- g. All structural work.
- h. All acoustic attenuation work.
- i. All waterproofing.
- j. Such further matters as the *Principal Certifying Authority* may require.

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

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

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

F.2 Commissioning and Certification of Public Infrastructure Works

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

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

F.3 Occupation Certificate (section 109M of the Act)

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

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

F.4 Fire Safety Certificates

A copy of the final fire safety certificate shall be submitted to the Council with the occupation certificate and then also to the Commissioner of the New South Wales Fire Brigades and displayed within the building as soon as practical after the completion of the works.

Within 12 months after the final fire safety certificate is issued an annual fire safety statement dealing with each essential fire safety measure in the building shall be submitted to council, the Commissioner of the New South Wales Fire Brigades and displayed in the building in accordance with the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000.

F.5 Compliance Certificate from Sydney Water

All work must be completed in accordance with the Compliance Certificate under the Sydney Water Act 1994 and the “Notice of Requirements”.

Note: Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

F.6 New Waste Services

No occupation certificate must be issued until the owner/developer has procured the provision of required wastes services including purchase of all waste and recycling storage containers (bins and crates) from Council or otherwise in accordance with the approved *Waste Management Plan*.

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

The deletion of Condition H.4.

The deletion of Condition H.7.

The deletion of Condition H.15.

The addition of the following condition:

H.8 Dilapidation Report for public infrastructure works

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

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

The dilapidation report must include:

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

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

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

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

The addition of the following condition:

I.3 Outdoor lighting-Schools

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

Reason: This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

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

K. Advisings

The deletion of advisings K.12 & K.13

The addition the following advising:

K.14 Pruning or Removing a Tree Growing on Private Property

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

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

R2 DA747/2007 – 6 & 6A Kent Road, Rose Bay (Cranbrook School) – Stage 2 of development – Demolition of all existing buildings & erection of preparatory school building, junior school building, gymnasium building, tennis courts, 70 off-street car parking spaces & associated infrastructure & facilities – 16/11/2007

Note: Late correspondence was tabled by David Booth Council's Senior Assessment Officer.

Note: The Committee amended Condition Nos. B.6 (Payment of Security, Levies and Fees (S80A(6) & S94 of the Act, Section 608 of the Local Government Act 1993) & C.6 (Modification of details of the development (s80A(1)(g) of the Act).

**Motion moved by Councillor Martin
Seconded by Councillor Rundle**

THAT Council, as the consent authority, modify development consent to Development Application No. 508/2005 for stage 1 involving the demolition of all existing buildings and the erection of a preparatory school building, a junior school building, a gymnasium building, tennis courts, 70 off-street car parking spaces and associated infrastructure and facilities on land at 6 & 6A Kent Road Rose Bay, subject to the conditions in the report and including the following:

- that the metal cladding used within the development be of a non-reflective material and recessive colour particularly on the western elevation of gymnasium building;
- the roof to the northern preparatory building be of a non-reflective material and recessive in colour; and
- the wall on the northern edge be of a non-recessive colour.

**Amendment moved by Councillor Shoebridge
Seconded by Councillor Gardner**

THAT Council, defer consideration of development consent to Development Application No. 508/2005 for stage 1 involving the demolition of all existing buildings and the erection of a preparatory school building, a junior school building, a gymnasium building, tennis courts, 70 off-street car parking spaces and associated infrastructure and facilities on land at 6 & 6A Kent Road Rose Bay, to to allow the applicant to confer with Council staff in relation to the following matters:

- lack of articulation on the northern boundary and roof
- inappropriate future siting of the carpark on Kent Road (on the eastern boundary)
- increase in the bulk and scale of the building on its neighbouring properties, specifically 12 Kent Road, Rose Bay
- loss of views

The Amendment was put and lost.

The Motion was put and carried.**(Martin/Rundle)****Recommendation: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979**

THAT the Council, as the consent authority, grant development consent to Development Application No. 747/2007 for stage 2 of the staged redevelopment of 6 and 6A Kent Road, Rose Bay involving the demolition of all existing buildings and the erection of a preparatory school building, a junior school building, a gymnasium building, tennis courts, 70 off-street car parking spaces and associated infrastructure and facilities, subject to the following conditions:

A. General Conditions**A.1 Conditions**

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

A.2 Definitions

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

Applicant means the applicant for this Consent.

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

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

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

Council means Woollahra Municipal Council

Court means the Land and Environment Court

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

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

- a) The collection of stormwater,
- b) The retention of stormwater,
- c) The reuse of stormwater,

- d) The detention of stormwater,
- e) The controlled release of stormwater; and
- f) Connections to easements and public stormwater systems.

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

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

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

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

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

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

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

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

Site means the land being developed subject to this consent.

WLEP 1995 means *Woollahra Local Environmental Plan 1995*

Work for the purposes of this consent means:

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

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

A.3 Approved Plans and supporting documents

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

Reference	Description	Author/Drawn	Date(s)
Report No 05148-D version A	Acoustic Report	Wilkinson Murray	Nov 07
DA002, 004, 100, 1000, 1001, 1002, 150, 151 revision 02 as amended by 700 revision 02 and 701, 702, 703, 704 & 705 revision 01	Architectural Plans	PV & RB of Tzannes Associates	Nov 07 & Apr 08
Dwg No.s 207056 HOD to H3C Rev No C	Amended site drainage plans	Demlakian Engineers P/L	13 Nov 07
Dwg No.s 207056 C0 to C16	Amended road and drainage plans	Demlakian Engineers P/L	16 Oct 07
Development Impact Assessment Report	Development Impact Assessment Report	Earthscape Horticultural Services	Jun 08
27014-SK01 & 02 as amended by SK 05 & 06 Rev B	Landscape Plans (Detail)	Tzannes Associates	Nov 07 2 May 08
Architectural Finishes Board	Sample Boards	Tzannes Associates	Nov 07
Revised operational traffic management plan	Traffic management plan	N/A	May 08
Statement of Environmental Effects Stage 2 DA (Including S96)	Statement of Environmental Effects	Planning Workshop Australia	Tzannes Associates
4667/7	Traffic Report	Colston Budd Hunt & Kafes P/L	Nov 07
Stormwater Report	Stormwater Management Design Statement	Demlakin	9 Nov 07
Architectural design statement	Architectural design statement	Tzannes Associates	13 Nov 07
Landscape Statement Rev B	Landscape Statement	ASPECT Studios	N/A
Sustainability Initiatives	Sustainability Initiatives	CUNDALL	Nov 07
DA Report on Access and DDA Issues	Accessibility Report	Gallagher Jeffs Consulting	6 Nov 07
BCA 2007 Assessment Report	BCA Assessment Report	Gallagher Jeffs Consulting	13 Nov 07
Ref: E19153KVAL	Validation Reports and Certificates	Environmental Investigation Services	Mar 08
E19153FJ-ASSMP	Acid Sulphate Soil Management Plan	Environmental Investigation Services	Aug 05
Report No 05148 version C	Acoustic Report	Wilkinson Murray	Jul 05

A.4 School student enrolment numbers

Student numbers are not to exceed:

- 180 for the preparatory school
- 280 for the junior school

This condition is imposed to limit the intensity of the use of the school.

A.5 Design of the Internal Road

The design of the internal road is to be amended as follows:

- The diameter of the western roundabout is to be increased to permit a 12.5m bus to negotiate the roundabout in a single movement.

This condition is imposed to provide for bus entry to and from the site from Kent Road and to improve pedestrian safety.

A.6 Operational Traffic Management Plan

The site is to be operated in accordance with the key planning principles and procedures set out in the Revised Operational Traffic Management Plan, May 2008.

A.7 Water and energy efficiency measures

In order to reduce the demand for water used on landscaped areas and energy to heat and cool the buildings, the following measures are to be indicated on the relevant landscape, architectural and stormwater drainage plans and specifications submitted with the construction certificate application:

- i) Rainwater from roof areas is to be collected and stored in tanks for use on landscaped areas. Where possible, stormwater run-off from the internal road is to be collected and stored in-ground tanks for use on landscaped areas.
- ii) The landscaping adjacent to the northern elevation or the junior school is to consist of species that will allow for the infiltration of winter solar access whilst requiring low levels of watering.
- iii) The sustainability initiatives identified in the sustainability initiatives report including the adoption of passive solar design, thermal insulation, shading devices, automatically adjustable (to daylight) energy efficient lighting, natural ventilation and energy-efficient mechanical plant are to be documented.

A.8 Surface of Tennis Courts

The tennis courts are to have a synthetic surface to reduce noise and are to be predominately green in colour. Such is to be indicated on the plans submitted with the construction certificate application.

A.9 Noise attenuation

- i) The noise mitigation strategies provided in the Noise Impact Assessment Report prepared by Wilkinson Murray (Report No. 05148 dated July 2005) for Noise from Site Access (vehicle movement), Noise from Outdoor Play Areas, Noise Assessment of Playing Fields and Noise Assessment from Classrooms & Outdoor Teaching Areas being fully implemented.
- ii) All noise mitigation strategies provided in the Wilkinson Murray Acoustic Report (Ref. No. 05148-D Version A dated November 2007) being fully implemented.

A.10 Ancillary Aspect of the Development (s80A(2) of the Act)

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

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

A.11 Conditions of consultation – Traffic Generating Development (SEPP 11)/Roads Act 1993 Section 138

Compliance with the following general conditions approved by the NSW Roads and Traffic Authority's Sydney Regional Development Advisory Committee:

- (a) The design and construction of the right turn lane and modification of the Traffic Signals on New South Head Road shall be in accordance with Authority requirements. Details of these requirements should be obtained from the Authority's Project Services Manager, Traffic Projects Section, Blacktown (Ph 01 8814 2144)

Detailed design plans of the proposed right turn lane and traffic signal reconstruction are to be submitted to the Authority for approval prior to the issue of a Construction Certificate. The applicant shall note that these traffic signals shall be modelled in line with the proposed Lyne Park traffic signals and include a SCATES assessment of the road and signal network between O'Sullivan Road and Dover Road.

The developer is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

- (b) All pick up/set down of students is to occur on site.
- (c) All works in relation to the development are to be at no cost to the Authority.

A.12 Prescribed Conditions

Prescribed conditions in force under the *Act* and *Regulation* must be complied with.

Note: It is the responsibility of those acting with the benefit of this consent to comply with all prescribed conditions under the *Act* and the *Regulation*. Free access can be obtained to all NSW legislation at www.legislation.nsw.gov.au.

A.13 Rainwater Reuse

Council encourages re-use of stormwater through the use of rainwater tanks.

Rainwater tanks 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".

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

B.1 Heritage

i) Oral history program

The applicant must undertake the research of oral history of key persons associated with the former Rose Bay Bowling Club. The oral history must be undertaken according to the guidelines of ethical practice of the Australian Association of Oral History. The final document transcriptions must be lodged with Woollahra Municipal Council for inclusion in the Local History Library.

ii) Interpretation Plan

The applicant must prepare an interpretation plan according to the NSW Heritage Office guidelines for interpreting heritage places and items. The plan must be approved and implemented prior to issue of final building certificate.

iii) Moveable heritage

All memorabilia including fixed honour boards and memorials must be conserved and safeguarded against damage until a suitable repository is found. The memorabilia must be considered for use in interpretation of the former Rose Bay Bowling Club.

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. 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:

- a) each elevation,
- b) each structure and landscape feature;
- c) internal or external details if nominated in Council's heritage officer's assessment
- d) report; and
- e) views to the subject property from each street and laneway or public space.

Each photograph is 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.

B.2 Construction Management Plan

A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition or excavation-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.
- d. **describe the excavation impact on the area including**
 - Traffic marshalling of plant (number of trucks on site at any time)
 - Number and types of trucks to be used
 - Time frame
 - Streets to be used
 - Routes to be taken
 - Directions of travel
 - Truck storage areas
 - It is recommended that vehicle routes be shared
 - Excavation is to only be carried out outside peak and school hours between 9.30am to 2.30pm week days
 - The CMP is to include both demolition and excavation works.
- e. **show the location** of all Tree Protection (Exclusion) Zones as required within the conditions of this development consent.

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.

B.3 Dilapidation Report – Council Infrastructure

A dilapidation survey of Council property and infrastructure must be conducted prior to any works on the site and submitted in report format. The scope of investigation must incorporate all roadway, road pavement, footpath, kerb and gutter drainage infrastructure within Kent Road (extending from New South Head Road intersection to the site entry) and Iluka Street (extending from the New South Head Road intersection extending to the site entry). The Report must be prepared by a qualified and practicing Civil Engineer and submitted to Council prior to the commencement of works (including excavation, demolition and stripping of the site).

Information within the report must consist of (but not limited to) photographs with reference to the exact location and features of any damage and a detailed survey plan showing relative levels to AHD of infrastructure adjoining the area of excavation.

Similarly, a second Dilapidation Report encompassing the same area and satisfying the above criteria must be carried out at the completion of the works and submitted to Council, prior to the release of the Occupation Certificate.

B.4 Dilapidation Reports

A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at 4A Kent Road, Rose Bay, 687, 689, 691 and 693 New South Head Road, Rose Bay and 1, 2 and 3 Iluka Street Rose Bay. The Report must be completed and submitted to Council prior to the commencement of any demolition or civil works.

A second dilapidation report, recording the structural condition 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.

B.5 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.

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

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

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

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986			
Long Service Levy Use Calculator: http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use their online calculator	No	

SECURITY			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates.	\$50,000	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.	\$59,000 (drainage) \$158,000 (works on Council property)	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 (S94A)	\$244,717.24 + Index Amount	Yes, quarterly	T96
INSPECTION FEES			
under section 608 of the Local Government Act 1993			
Security Administration Fee	\$168	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$511,885.24 Plus any relevant indexed amounts and long service levy		

Building & Construction Industry Long Service Payment

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

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

How must the payments be made?

Payments must be made by:

- a. Cash deposit with Council,
- b. Credit card payment with Council, or
- c. Bank cheque made payable to Woollahra Municipal Council.

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

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

How will the section 94A levy be indexed?

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

Do you need HELP indexing the levy?

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

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

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

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

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

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

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

Standard Condition: C5

B.7 Tree Protection Zones

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

a) Tree Protection Zone areas

Council Reference No:	Species	Location	Radius from Trunk (Metres)*
1	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	3
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	3
5	<i>Jacaranda mimosifolia</i> (Jacaranda)	Adjacent to proposed entry road	7.2
6	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	8.5
7	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	6.5
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway	10.5
20	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway	9.6
22	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway	7.8
27	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary Adjacent to proposed entry road	3.5
28	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary Adjacent to proposed entry road	5.3
29	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary Adjacent to proposed entry road	4
30	<i>Populus spp.</i> (Poplar)	Rear of 16 Kent Road	1.2
31	<i>Acacia baileyana</i> (Cootamundra Wattle)	Rear of 14 Kent Road	2.16
33	<i>Olea africana</i> (African Olive)	Adjacent Iluka Street entrance	4.2
34	<i>Calodendron capense</i> (Cape Chestnut)	Adjacent Iluka Street entrance	4.5
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry road	4.5

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

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

Council Reference No:	Species	Location
5	<i>Jacaranda mimosifolia</i> (Jacaranda)	Adjacent to proposed entry road
6	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road
7	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway
27	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary
28	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary
29	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry road

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

- 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 (e.g. 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.

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

C.1 Amended Master Landscape Plan

An Amended Master Landscape Plan, prepared by a qualified Landscape Architect or Landscape Designer, to a scale of 1:100 or 1:200, conforming to the conditions of this Development Consent is to be submitted to Council for approval prior to issue of the Construction Certificate. The plan must detail all trees to be removed and those to be retained.

C.2 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 1.1, Public Exhibition Copy dated 14/12/2006). 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:

- Amended plans by Demlakian Engineers P/L Dwg No.s 207056 HOD to HC3 Rev No C dated 13.11.07
- Stormwater report by Demlakian Engineers P/L dated 9 November 2007.

Stormwater run-off from the proposed development must drain directly to Councils in ground drainage infrastructure located within Iluka Street. The existing system drains to the open channel in the Golf Course. This system is to be upgraded to and designed in accordance with Section 6 - "Connection to drainage system" of Council's Draft Stormwater Drainage Management DCP.

All works in a Public Road will require a Section 138 Roads Act application. Works are detailed in a Condition of this consent titled **"Road and Public Domain Works – Council approval required"**

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.

C.3 Roads Act Approval

The applicant must apply to the RTA for an approval under Section 138 of the Roads Acts for any kerb realignment works required on the southern side of New South Head Road, west of Kent Road that is required to maintain the status quo for the retention of parking at this location. This application must be lodged prior to the issue of the Construction Certificate for this site.

C.4 Design of Roundabouts

The entry/exit to the circulation road and the roundabouts and other turning manoeuvres must be adjusted to cater for any private buses which are to be utilised by the school to ensure that bus access to and from the school will be limited to Kent Road only. Amended plans showing these adjustments must be lodged prior to the issue of the Construction Certificate for this site.

C.5 Water and waste water - Section 73 Developers Certificate & Upgrading of existing system (Clause 25(1) WLEP 1995)

A developer compliance certificate under Part 6, Division 9 of the *Sydney Water Act 1994* must have been issued by the Sydney Water Corporation prior to the issue of any *Construction Certificate*. The effect of this certificate is that adequate provision has been made or is available for the provision of potable water to and the removal of waste water from the development.

Note: Following application to Sydney Water, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with Sydney Water's authorised Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Note: Further information can be obtained from the Sydney Water Corporation on or telephone 13 20 92 or by visiting their web site:
http://www.sydneywater.com.au/html/yourHome/edeveloper/urban_dev_qa.cfm.

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

C.6 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. In order to facilitate adequate pedestrian access from Kent Rd, the width of the footway is to be increased to 2.5 m.
- b. In order to limit vehicular access and hence noise generated by cars and people utilising the eastern carpark, a boom gate is to be installed at the entry to the eastern car park. Access cards are to be allocated to senior staff only.
- c. In order to mitigate noise transmission to 4 Kent Rd from the "Kindergarten Piazza", the eastern opening is to consist of fixed glazing with a single self-closing door.
- d. In order to mitigate noise impacts upon adjoining New South Head Rd properties, solid 1.8 m high masonry fencing is to be provided to the northern boundary.
- e. All metal cladding and decking associated with the development shall be non reflective and recessive in colour with particular emphasis on the western elevation of the gymnasium building, the northern elevation of the Preparatory School and roofing. Further, the northern elevation wall of the Preparatory School shall be of a recessive colour

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.

C.7 Sound Attenuation of Mechanical Plant & Equipment

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

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

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

C.8 Acoustic Certification of Mechanical Plant & Equipment

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

Where sound attenuation is required this must be detailed.

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

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

C.9 Acoustic Certification – Classroom, Gymnasium & Music Room

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that noise from the classroom, gymnasium and music room will not exceed the noise criterion objective detailed in the Wilkinson Murray Acoustic Report (Ref: 05148-D Version A of November 2007).

C.10 Road and Public Domain Works – Council approval required

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

Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) within existing roads, must be submitted to ***Council's Development Engineer*** and approved by *Council* under the *Roads Act* 1993, before the issue of any *Construction Certificate*. To accommodate this requirement, the following infrastructure works must be carried out on Council property at the Applicants expense:

The road and drainage works below are to be generally in accordance with the amended road and drainage plans by Demlakian Engineers P/L Dwg No.s 207056 C0 to C16

Road and Footpaths

Iluka Street

A new kerb alignment and driveway crossover is required to delineate private property from Councils roadway. Council requires the construction of a cul-de-sac with a turning head of 6.2m radius at the east end of Ikula Street. The following works are required;

- Construction of a cul-de-sac with a turning head of 6.2m radius at the east end of Ikula Street
- Removal of the existing driveway crossing servicing the site.
- Construction of new concrete kerb and gutter both sides of Iluka Street, from within 10 metres of the site boundary and extending to the new driveway crossover.
- Construction of a new concrete footpath on the northern side of Iluka Street within the region of the existing driveway crossover to be made redundant. Boundary levels must generally match existing.
- The balance of the area between the new footpath and the kerb within the region of the existing driveway crossover to be made redundant must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.
- Construction of a new driveway crossover servicing the proposed carpark. The driveway must be constructed in accordance with Councils standard detail RF2 and must be to the width of the approved vehicle entry.
- Asphalt resurface of the entire roadway within 10 metres of vehicle entry.
- Re-installation of parking signage, services and street lighting if required.

Kent Road

Works required;

- Full removal of the existing concrete footpath, kerb and gutter in the region of road realignment with the intersection of New South Head Road.
- Construction of a new concrete kerb and gutter to the general alignment shown on the approved architectural plans. The region of reconstructed kerb and gutter must extend 3 metres beyond the point of realignment.
- Construction of a new concrete footpath to the general alignment shown on the approved architectural plans, extending from the intersection to the vehicle entrance to Royal Sydney Golf Course.
- Reconstruction of the concrete pram ramp on the intersection of New South Head Road. The pram ramp must be aligned with pedestrian traffic and defined pedestrian crossing.
- Resurfacing of the asphalt roadway, extending from the lip of the new gutter extending a metre into the existing roadway. New road crossfalls must be flush and consistent with the existing.
- Reconfiguration of the kerb inlet pit located on the intersection of New South Head Road. Roads and Traffic Authority may require the installation of a new kerb inlet pit on New South Head Road.
- Construction of new on street parking bays generally in the area nominated on the approved plans (east side of Kent Road). The existing 90 degree parking bays will be retained where possible. The new bays will require construction of a new kerb bounding the bays, asphalt paving and a new dish drain located in the region of the existing gutter.
- Construction of a new concrete footpath along the eastern side of Kent Road, extending from the Royal Sydney Golf Course vehicle entry to a point 4 metres beyond the commencement of the 90 degree parking bays.
- Full reconstruction of the concrete footpath and driveway crossover fronting the property on Kent Road. The crossover must be 7 metres wide and constructed generally in accordance with Councils standard detail RF2. A crest of kerb height must be provided on the driveway so as to prevent overland flow within the roadway inundating the footpath area. Driveway grades and levels must comply with AS 2890.1 – 2004.

Footpath and driveway levels must generally be in accordance with the plans prepared by Hyder Consulting Engineers (Refer to Appendix K of the Statement of Environmental Effects – Project Code NS02899 Dwg SKC03 P1).

- The relocation/ reinstatement of other services, road signage or street lighting necessary to complete the works.
- Any works/ further amendments as recommended within Woollahra Municipal Council Local Traffic Committee minutes dated 5th September 2006 and any amendments made by Council to this report.
- The works specified above do not encompass reconfiguration of the traffic signals, controls, lane markings and other reconfiguration works required at the intersection of New South Head Road and Kent Road. The RTA is the approval body for works within a State Road (New South Head Road).

Drainage Infrastructure Works

Iluka Road Drainage

The development will require the upgrade of Councils drainage infrastructure within Iluka Street. To accommodate this requirement, the following drainage infrastructure works must be carried out on Council property at the Applicants expense:

- Connection of the sites private stormwater system requires the construction of a new kerb inlet pit located within the roadway, adjoining the boundary of the site within Iluka Street. The pit must be constructed in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- Construction of a new surcharge pit located within the Golf course reserve, adjacent to the boundary over the existing drainage line.
- Reconstruction of the existing in-ground drainage line extending from the site to the new Council surcharge pit within the golf course reserve. The new drainage line must have capacity for a 20yr ARI storm event.
- Reconstruction of existing kerb inlet pits where required as a result of the drainage line upgrade.
- Any additional works required to restore Councils road/ verge infrastructure in order to construct the works.

Infrastructure works bonds

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge bonds for:

- Roadworks to the value of **\$158,000 (One hundred and fifty eight thousand Dollars)**. This bond does not encompass works associated with the reconfiguration of the New South Head Rd/ Kent Road intersection and may be adjusted upon assessment of the Roads Act application.
- Drainage in Iluka Road to the value of **\$59,000 (Fifty nine thousand Dollars)**.

The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site and is satisfied that the works have been carried out to Council's requirements. The approved infrastructure works must be finalised prior to completion of works upon the site. Council may use part or the entire bonds to complete the infrastructure works if the works do not meet Council's requirements

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 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 documentation must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the road infrastructure works to be constructed. All plans must show existing and proposed levels, relevant longitudinal grades and cross falls of footpaths/ roadways.
- Detailed calculations demonstrating the proposed drainage infrastructure is capable of conveying the 20yr ARI.
- A construction methodology statement specifying how the works are to be staged.
- Details concerning the management of pedestrian and vehicle traffic (Traffic Management Plan).
- The requirements of service providers potentially affected by the infrastructure works (eg Telstra, Sydney Water).
- The Roads Act Consent and requirements from the RTA concerning the reconfiguration of the New South Head Road and Kent Road intersection. Council will not issue any consent for the works until this is finalised.

The design of the works must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1.1, Public Exhibition Copy dated 14/12/2006) available from Council's website www.woollahra.nsw.gov.au. Four weeks should be allowed for assessment.

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

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

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

Note: Four (4) weeks is to be allowed for the *Roads Act* assessment

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

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

C.11 Waste Storage and Management

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail provisions for waste management. Waste Storage Areas must meet the following requirements:

- a. Bins must be stored with lids down to prevent vermin from entering the waste containers.
- b. The area must be constructed with a smooth impervious floor graded to a floor waste. 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. Wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water.
- c. 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.
- d. 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.
- e. Odour problems must be minimised by good exhaust ventilation.
- f. 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.
- g. 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.

C.12 Tree Management Details

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

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

C.13 Professional Engineering Details

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

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

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

C.14 Light & Ventilation

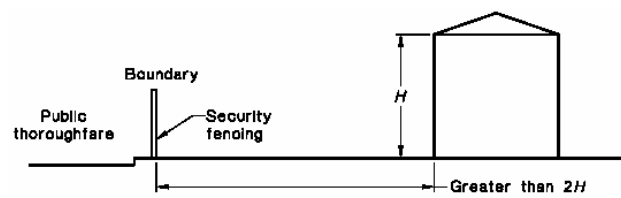
The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

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

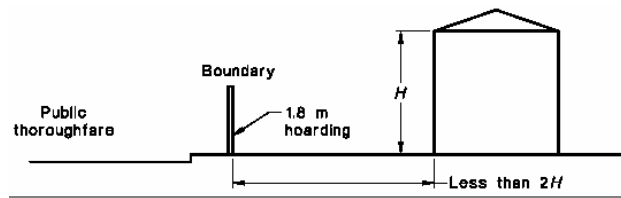
D. Conditions which must be satisfied prior to the commencement of any development work

D.1 Security Fencing, Hoarding and Overhead Protection

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



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

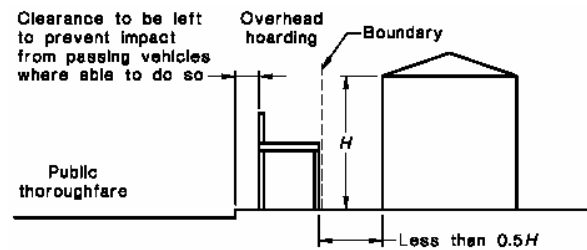


Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either —

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

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

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



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

The *principal contractor* or *owner builder* must ensure that Overhead Protective Structures are installed and maintained in accordance with WorkCover NSW Code of Practice - Overhead Protective Structures, gazetted 16 December 1994, as commenced 20 March 1995. This can be downloaded from:

<http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/ohheadprotstructs.htm>.

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

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

D.2 Site Signs

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

“Erection of signs

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

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

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

D.3 Toilet Facilities

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

Each toilet provided:

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

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

In this condition:

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

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

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

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

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

D.4 Compliance with Building Code of Australia

The work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate is made.

D.5 Fire safety schedule

The Principal Certifying Authority shall submit to Council a fire safety schedule indicating fire safety measures to be installed within the building. The fire safety schedule shall be submitted with the notice of proposed commencement required by (s) 81A of the Environmental Planning and Assessment Act 1979 no later than 2 days prior the beginning of any work.

D.6 Building - Construction Certificate, Appointment of Principal Certifying Authority, Appointment of Principal Contractor and Notice of Commencement (s81A(2) of the Act)

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

- a. a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
- b. the person having the benefit of the development consent has:
 - i. appointed a principal certifying authority for the building work, and
 - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

- b1. the principal certifying authority has, no later than 2 days before the building work commences:
 - i. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- b2. the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the principal certifying authority of any such appointment, and
 - iii. unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - iv. given at least 2 days' notice to the council of the person's intention to commence the erection of the building.

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

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

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

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

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

D.7 Establishment of boundary location, building location and datum

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

- a. the boundaries of the *site* by permanent marks (including permanent recovery points);
- b. the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum ("AHD") in compliance with the approved plans;
- c. establishes a permanent datum point (bench mark) within the boundaries of the *site* relative to AHD; and
- d. provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the PCA.

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

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

E. Conditions which must be satisfied during any development work

E.1 Maintenance of Vehicular and Pedestrian Safety and Access

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

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

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

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

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

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

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

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

Part C Management of Waste:

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

Part E Public roads:

- “1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
- 2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.”

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

E.2 Maintenance of Environmental Controls

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

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

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

E.3 Erosion and Sediment Controls – Maintenance

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

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

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



Note 1: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.

Note 2: Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”.

Warning, irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.

E.4 Disposal of site water during construction

The principal contractor or owner builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from *Council* under section 138(1)(d) of the *Roads Act* 1993;

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

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

E.5 Check Surveys - boundary location, building location, building height and stormwater drainage system relative to Australian Height Datum

The *Principal Contractor* must ensure that a surveyor registered under the *Surveying Act 2002* carries out check surveys and provides survey certificates confirming the location of the stormwater drainage system relative to the boundaries of the *site* and to Australian Height Datum complies with this consent.

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

E.6 Placement and use of Skip Bins

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

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

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

E.7 Prohibition of burning

must be no burning of any waste or other materials. The burning of CCA (copper chrome arsenate) or PCP (pentachlorophenol) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.

Note: Pursuant to the *Protection of the Environment Operations (Control of Burning) Regulation 2000* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.

E.8 Dust Mitigation

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

This generally requires:

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

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

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

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

E.9 Compliance with Council’s Specification for Roadworks, Drainage and Miscellaneous Works Road works and work within the Road and Footway

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

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

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

Note: A copy of Council’s “*Specification for Roadworks, Drainage and Miscellaneous Works*” can be down loaded free of charge from Council’s website www.woollahra.nsw.gov.au

E.10 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.

E.11 Compliance with Australian Standard for Demolition

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

E.12 Requirement to notify about new evidence

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

E.13 Hours of Work –Amenity of the neighbourhood

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

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

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

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

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

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

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

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

E.14 Compliance with erosion and sediment control plan

The Soil Erosion and Sediment Control plan prepared by LHO Group (Refer to Job No. 0300 – 0056 Dwg C06 dated 28th August 2006) and the Remedial Action Plan by EIS (Refer E19153FJ-RAP dated August 2005), 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.

E.15 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.

E.16 Display of Council's warning sign for soil and water management

Throughout the demolition, remediation 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 for the duration of works on the site. A copy of the sign is available from Council.

E.17 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.

E.18 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.

E.19 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.

E.20 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.

E.21 Storage of materials and plant on Council's footpath

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

E.22 Acid sulfate soils

The soil and groundwater monitoring program, contingency procedures and strategies for the management of acid sulfate soils being undertaken as recommended in the Acid Sulfate Soils Management Plan prepared by EIS (Ref: E19153FJ-ASSMP dated August 2005).

No site water is permitted to be discharged from the subject site until such site waters are tested by an approved NATA laboratory having regard to all Items listed in Schedule 3 'Prescribed matter for the definition of water pollution' of the Protection of the Environment Operations (General) Regulation 1998. The results of the water testing being forwarded to Woollahra Council for review.

E.23 Appointment of Site Arborist

An Arborist, with minimum qualification of Australian Qualification Framework Level 5, is to be appointed Site Arborist. The Arborist is to be retained for the entire time that works are being carried out on site which form part of this or subsequent, related development consents. A regular inspection of all trees, required to be retained on site, must be carried out by the Site Arborist (minimum of 1 inspection per month). Any recommendations, resulting from these inspections, for remedial works are to be carried out immediately.

E.24 Tree Preservation & Approved Landscaping Works

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

- a) The following trees must be retained:

Trees on Private Land

Council Reference No:	Species	Location	Dimension (Metres)
5	<i>Jacaranda mimosifolia</i> (Jacaranda)	Adjacent to proposed entry road	14 x 16 m
6	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	20 x 25 m
7	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	18 x 16 m
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway (rear of 8 Kent Road)	17 x 17 m
20	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway (rear of 8 & 10 Kent Road)	16 x 9 m
22	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway (rear of 8 & 10 Kent Road)	14 x 7 m
27	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	14 x 7 m
28	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	15 x 13 m
29	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	15 x 9 m
30	<i>Populus spp.</i> (Poplar)	Rear of 16 Kent Road	6 x 2 m
31	<i>Acacia baileyana</i> (Cootamundra Wattle)	Rear of 14 Kent Road	6 x 7 m
33	<i>Olea africana</i> (African Olive)	Adjacent Iluka Street entrance	9 x 11 m
34	<i>Calodendron capense</i> (Cape Chestnut)	Adjacent Iluka Street entrance	6 x 5 m
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry road	14 x 12 m

Trees on Council Land

Council Reference No:	Species	Location	Dimension (Metres)	Tree Value
1	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	5 x 5 metres	\$ 1500
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	5 x 5 metres	\$ 1500

Note: The tree trees required to be retained should appear coloured green on the construction certificate plans.

c) The following trees may be removed:

Council Reference No:	Species	Location	Dimension (Metres)
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	5 x 5m
3	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	5 x 5 m
13	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Location of proposed entry plaza	12 x 8 m
14	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Location of proposed entry plaza	12 x 8 m
15	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Location of proposed entry plaza	12 x 16 m
16	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Location of proposed entry plaza	14 x 14 m
17	<i>Ficus macrocarpa var hillii</i> (Hill's Weeping Fig)	Adjacent Eastern Roundabout	17 x 16 m
19	<i>Celtis australis</i> (Nettle tree)	Rear of 8 & 10 Kent Road	15 x 16 m
21	<i>Celtis australis</i> (Nettle tree)	Rear of 8 & 10 Kent Road	14 x 16 m

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

d) The following trees may be pruned in accordance with Australian Standard AS 4373 – 2007 “Pruning of Amenity Trees” and Workcover NSW Code of Practice Amenity Tree Industry, 1998 to the minimum extent necessary to provide clearance to the new development:

Council Reference No:	Species	Location	Approved pruning specification (extent of pruning)
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway	Selectively prune lowest hanging branch as per figure 3 of supplied development impact statement.
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry road	Selectively prune lowest hanging branches as per figure 2 of supplied development impact statement.

Note: The tree trees required to be pruned should appear coloured blue on the construction certificate plans.

Note: Water Restrictions take precedence over this condition.

Note: Having regard to water restrictions manual hosing may be necessary.

E.25 Stormwater/Drainage Design

Design of the final stormwater drainage plan is to be carried out with consultation between the designing Engineer and a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5). Pipes, inlets, on site detention systems, rain water tanks and other related infrastructure are to be located so as to minimise the damage to trees located on the site. Where incursion into Tree Protection Zones is necessary, the most non invasive construction techniques are to be utilised eg. lateral boring.

E.26 Tree Preservation

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

General Protection Requirements:

- a) There must be no excavation or *work* within the required Tree Protection Zone(s). The Tree Protection Zone(s) must be maintained during all *development work*.
- b) Where excavation encounters tree roots with a diameter exceeding 40mm excavation must cease. The *principal contractor* must procure an inspection of the tree roots exposed by a qualified arborist. Excavation must only recommence with the implementation of the recommendations of the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the qualified arborist or where specific instructions are given by Council's Tree Management Officer in strict accordance with such Council instructions.

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

Driveways/car parking areas in the vicinity of trees

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

Hand excavation within tree root zones

To prevent damage to roots and compaction within the root zone, excavation undertaken within the specified radius from the trunks of the following trees must be hand dug. Small hand tools only are to be utilised, mattocks and similar digging tools are not to be used within these areas. No root with a diameter equal to or in excess of 50mm is to be cut unless approved, in writing, by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 4 or recognised equivalent).

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

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

Council Reference No:	Species	Location	Radius from Trunk (Metres)
1	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	1.85
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Council nature strip – Kent Road	1.85
5	<i>Jacaranda mimosifolia</i> (Jacaranda)	Adjacent to proposed entry road	2.75
6	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	3.15
7	<i>Liquidambar styraciflua</i> (Liquidambar)	Adjacent to proposed entry road	2.8
18	<i>Platanus x hybrida</i> (London Plane)	Adjacent proposed North Eastern roadway	3.4
20	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway	3.1
22	<i>Melaleuca quinquenervia</i> (Broad Leafed Paperbark)	Adjacent proposed North Eastern roadway	2.8
27	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	2.25
28	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	2.7
29	<i>Liquidambar styraciflua</i> (Liquidambar)	Eastern boundary	2.4
30	<i>Populus spp.</i> (Poplar)	Rear of 16 Kent Road	1
31	<i>Acacia baileyana</i> (Cootamundra Wattle)	Rear of 14 Kent Road	1.6
33	<i>Olea africana</i> (African Olive)	Adjacent Iluka Street entrance	2.25
34	<i>Calodendron capense</i> (Cape Chestnut)	Adjacent Iluka Street entrance	2.1
35	<i>Celtis australis</i> (Nettle tree)	Adjacent to proposed entry road	2.5

E.27 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)	Minimum Dimensions at Maturity
2 x <i>Jacaranda mimosifolia</i> (Jacaranda)	Eastern side of Road reserve of Kent Rd (near the intersection of NSH Rd) adjacent to where the current trees are located.	75 litre	12x 8 m

The plants are to have been grown and selected in accordance with Natspec specifications. The stock is to be inspected, by an appropriately qualified person, prior to installation and non compliant stock rejected and replaced. Installation methods must also comply with Natspec specifications.

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

F.1 Commissioning and Certification of Systems and Works

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

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

- a. Certification from the supervising professional engineer that the requirement of the Geotechnical / Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b. All flood protection measures.
- c. All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1 – “Off-Street car parking.”
- d. All stormwater drainage systems.
- e. All mechanical ventilation systems.
- f. All hydraulic systems.
- g. All structural work.
- h. All acoustic attenuation work.
- i. All waterproofing.
- j. Such further matters as the *Principal Certifying Authority* may require.

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

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

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

F.2 Commissioning and Certification of Public Infrastructure Works

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

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

F.3 Occupation Certificate (section 109M of the Act)

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

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

F.4 Fire Safety Certificates

A copy of the final fire safety certificate shall be submitted to the Council with the occupation certificate and then also to the Commissioner of the New South Wales Fire Brigades and displayed within the building as soon as practical after the completion of the works.

Within 12 months after the final fire safety certificate is issued an annual fire safety statement dealing with each essential fire safety measure in the building shall be submitted to council, the Commissioner of the New South Wales Fire Brigades and displayed in the building in accordance with the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000.

F.5 Compliance Certificate from Sydney Water

All work must be completed in accordance with the Compliance Certificate under the Sydney Water Act 1994 and the “Notice of Requirements”.

Note: Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

F.6 New Waste Services

No occupation certificate must be issued until the owner/developer has procured the provision of required wastes services including purchase of all waste and recycling storage containers (bins and crates) from Council or otherwise in accordance with the approved *Waste Management Plan*.

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

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

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

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

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

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

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

H.1 Landscaping

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

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

H.2 Maintenance of Landscaping

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

H.3 Road Works (including footpaths)

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

- a) stormwater pipes, pits and connections to public stormwater systems within the *road*;
- b) driveways and vehicular crossings in accordance with Council's Standard Drawing 14238 within the *road*;
- c) removal of redundant driveways and vehicular crossings;
- d) new footpaths within the *road*;
- e) new or replacement street trees;
- f) new footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Council approved turf. Any alternative treatment must have the written approval of Council's Development Engineer.
- g) new or reinstated kerb and guttering in accordance within the *road*; and
- h) new or reinstated road surface pavement within the *road*.

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

H.4 Works on Council Property

a) Works Required

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

Iluka Street

A new kerb alignment and driveway crossover is required to delineate private property from Councils roadway. Council may consider realignment of the kerb such to enable vehicles to perform a “U-turn”/ three-point turn manoeuvre at this cul-de-sac. The following works are required;

- Removal of the existing driveway crossing servicing the site.
- Construction of new concrete kerb and gutter both sides of Iluka Street, from within 10 metres of the site boundary and extending to the new driveway crossover. The kerb and gutter may need to be realigned to permit vehicles to manoeuvre out of the cul-de-sac (subject to detailed assessment).
- Construction of a new concrete footpath on the northern side of Iluka Street within the region of the existing driveway crossover to be made redundant. Boundary levels must generally match existing.
- The balance of the area between the new footpath and the kerb within the region of the existing driveway crossover to be made redundant must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.
- Construction of a new driveway crossover servicing the proposed carpark. The driveway must be constructed in accordance with Councils standard detail RF2 and must be to the width of the approved vehicle entry.
- Asphalt resurface of the entire roadway within 10 metres of vehicle entry.
- Re-installation of parking signage, services and street lighting if required.

Kent Road

Works required;

- Full removal of the existing concrete footpath, kerb and gutter in the region of road realignment with the intersection of New South Head Road.
- Construction of a new concrete kerb and gutter to the general alignment shown on the approved architectural plans. The region of reconstructed kerb and gutter must extend 3 metres beyond the point of realignment.
- Construction of a new concrete footpath to the general alignment shown on the approved architectural plans, extending from the intersection to the vehicle entrance to Royal Sydney Golf Course.
- Reconstruction of the concrete pram ramp on the intersection of New South Head Road. The pram ramp must be aligned with pedestrian traffic and defined pedestrian crossing.
- Resurfacing of the asphalt roadway, extending from the lip of the new gutter extending a metre into the existing roadway. New road crossfalls must be flush and consistent with the existing.

- Reconfiguration of the kerb inlet pit located on the intersection of New South Head Road. Roads and Traffic Authority may require the installation of a new kerb inlet pit on New South Head Road.
- Construction of new on street parking bays generally in the area nominated on the approved plans (east side of Kent Road). The existing 90 degree parking bays will be retained where possible. The new bays will require construction of a new kerb bounding the bays, asphalt paving and a new dish drain located in the region of the existing gutter.
- Construction of a new concrete footpath along the eastern side of Kent Road, extending from the Royal Sydney Golf Course vehicle entry to a point 4 metres beyond the commencement of the 90 degree parking bays.
- Full reconstruction of the concrete footpath and driveway crossover fronting the property on Kent Road. The crossover must be 7 metres wide and constructed generally in accordance with Councils standard detail RF2. A crest of kerb height must be provided on the driveway so as to prevent overland flow within the roadway inundating the footpath area. Driveway grades and levels must comply with AS 2890.1 – 2004. Footpath and driveway levels must generally be in accordance with the plans prepared by Hyder Consulting Engineers (Refer to Appendix K of the Statement of Environmental Effects – Project Code NS02899 Dwg SKC03 P1).
- The relocation/ reinstatement of other services, road signage or street lighting necessary to complete the works.
- Any works/ further amendments as recommended within Woollahra Municipal Council Local Traffic Committee minutes dated 5th September 2006 and any amendments made by Council to this report.
- The works specified above do not encompass reconfiguration of the traffic signals, controls, lane markings and other reconfiguration works required at the intersection of New South Head Road and Kent Road. The RTA is the approval body for works within a State Road (New South Head Road).

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 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 documentation must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications of the road infrastructure works to be constructed. All plans must show existing and proposed levels, relevant longitudinal grades and cross falls of footpaths/ roadways.
- A construction methodology statement specifying how the works are to be staged.
- Details concerning the management of pedestrian and vehicle traffic (Traffic Management Plan).
- The requirements of service providers potentially affected by the infrastructure works (eg Telstra, Sydney Water).

- The Roads Act Consent and requirements from the RTA concerning the reconfiguration of the New South Head Road and Kent Road intersection. Council will not issue any consent for the works until this is finalised.

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

c) Infrastructure works bond

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge a bond to the value of \$158,000 (One hundred and fifty eight thousand Dollars). This bond does not encompass works associated with the reconfiguration of the New South Head Rd/ Kent Road intersection and may be adjusted upon assessment of the Roads Act application. 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. The approved infrastructure works must be finalised prior to completion of works upon the site. Council may use part or the entire bond to complete the infrastructure works if the works do not meet Council's requirements.

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

H.5 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

H.6 Dilapidation Report for public infrastructure works

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

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

The dilapidation report must include:

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

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

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

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

I.1 Maintenance of Landscaping

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

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

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

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

I.2 Tennis court use

The tennis courts are not to be used outside the following times:

- Weekdays 7.30am to 7.00pm
- Saturdays 8.00am to 5.00pm
- Sundays 8.00am to 2.00pm

to reduce the impact on the amenity of the occupants of nearby residential properties and that a Notice be erected on each tennis court requesting that noise be minimised while using the court.

I.3 Outdoor lighting-Schools

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

Reason: This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

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

J. Miscellaneous Conditions

N/A.

K. Advisings

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

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

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

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

Warnings as to potential maximum penalties

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

Warning as to enforcement and legal costs

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

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

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

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

Standard Advising: K1

K.2 Dial before you dig



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

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

K.3 Commonwealth Disability Discrimination Act 1992 (“DDA”)

The Disability Discrimination Act 1992 (DDA) makes it against the law for public places to be inaccessible to people with a disability. Compliance with this development consent, Council's Access DCP and the BCA does not necessarily satisfy compliance with the DDA.

The DDA applies to existing places as well as places under construction. Existing places must be modified and be accessible (except where this would involve "unjustifiable hardship").

Further detailed advice can be obtained from the Human Rights and Equal Opportunity Commission (“HEROC”):

- <http://www.hreoc.gov.au/index.html>
- http://www.hreoc.gov.au/disability_rights/dda_guide/ins/ins.html

If you have any further questions relating to the application of the DDA you can send and email to HEROC at disabdis@humanrights.gov.au.

K.4 NSW Police Service and Road Closures

The Rose Bay Local Area Command closely aligns with the boundaries of the Woollahra local government area.

Council and Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Traffic Sergeant, Paddington Police Station, 16 Jersey Road, Paddington. Phone No.: 0283568299 or Fax No.: 0283568211.

Warning: If you partial or full close a road without compliance with Council and Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.

K.5 Workcover requirements

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

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

<http://www.workcover.nsw.gov.au/Industry/Construction/default.htm> or through their head office:
Location: Workcover NSW, 92-100 Donnison Street, GOSFORD 2250 Postal address: WorkCover NSW, Locked Bag 2906, LISAROW 2252, Phone (02) 4321 5000, Fax (02) 4325 4145.

K.6 Asbestos Removal, Repair or Disturbance

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

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

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

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

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

K.7 Lead Paint

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

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

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

K.8 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact David Booth-Senior Assessment Officer on (02) 9391 7119. However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing.

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

K.9 Bellevue Hill School

Cranbrook is requested to advise the Council in respect to the future operations at its Bellevue Hill School as a consequence of the relocation of the Junior School to Rose Bay.

K.10 Recycling of Demolition and Building Material

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

K.11 Provision of Public Art

The school is requested to consult with Council about the provision of suitable public art options for the site.

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

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

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

R3 DA804/2007 – 733 New South Head Road, Rose Bay – Demolition of existing buildings & construction of new four storey mixed use building comprising retail, commercial, residential car parking for 8 vehicles off Norwich Road, 30/11/2007

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee's recommendation (refusal) to the Officer's recommendation (approval).

Note: Late correspondence was tabled by Margaret Reakes & Jim Hill.

Note: Jim Hill of Rose Bay, Maureen Clark Vice President of the Rose Bay Residents Association, George Costisios of Vaucluse, Margaret Reakes of Rose Bay, objectors & Josh Palmer of Pike Pike and Fenwick on behalf of the applicants and the applicant addressed the Committee.

(Shoebridge/Rundle)

Recommendation:

THAT the Council, as the consent authority, refuse Development Application No. 804/2007 for the demolition of existing buildings and construction of a new four storey mixed use building comprising retail, commercial, residential and parking for 8 vehicles off Norwich Road on land at 733 New South Head Road Rose Bay, for the following reasons:

1. The development fails to comply with Council's 12.0m height control and height objectives stipulated under Clauses 12 & 12AA of WLEP 1995. Additionally the SEPP 1 objections is not well founded.
2. The development does not comply with Council's FSR control and FSR objectives stipulated under Clauses 11 & 11AA of WLEP 1995. Additionally, the SEPP 1 objection is not well founded.
3. The development does not comply with the front articulation/depth control and setback controls stipulated under the Rose bay Centre DCP.
4. The front setback of the development from New South Head Road does not respect the dominant front setback pattern of No 735 New South Head Road.
5. The development does not comply with Council's off-street car parking requirements and will result in a significant increase and impact on the demand for on-street car parking.
6. The development will have any adverse impacts on the amenity of No 735 New South Head Road in terms of solar access and visual bulk (sense of enclosure).
7. The development is not in the public interest.

R4 DA628/2007 – 7-9 Conway Avenue, Rose Bay – Demolition of two existing dwelling-houses & ancillary structures, consolidation of the (2) allotments & construction of new residential flat building containing (6) units incorporating a roof terrace & basement level parking for (15) vehicles, new swimming pool, landscaping & siteworks – 27/9/2007

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee's recommendation (refusal) to the Officer's recommendation (approval).

Note: Late correspondence was tabled by Paul Fletcher.

Note: Anne Blau, Henry Kaswiner & Irene Friedman, George Benson on behalf of Strata Plan 63399, Regina Feiler, Bianca Brajovic of Rose Bay, objectors & Eugene Shoff for the applicant & Paul Fletcher Consultant Town Planner addressed the Committee.

(Shoebridge/Rundle)

Recommendation:

- A. THAT the Council, as the consent authority, refuse Development Application No. 628/2007 for the demolition of two existing dwelling-houses and ancillary structures, the consolidation of the two (2) allotments and the construction of a new residential flat building containing six (6) units incorporating a roof terrace and basement level parking for fifteen (15) vehicles, new swimming pool, landscaping and siteworks on land at 7-9 Conway Avenue, Rose Bay for the following reasons:
1. The development fails to comply with the provisions of Clause 25 (2) of WLEP 1995 in relation to stormwater disposal.
 2. The development does not comply with Council's front setback control as prescribed under WRDCP 2003 and results in significant view loss from Nos 1-3 & 5 Conway Avenue, Rose Bay.
 3. The development does not comply with Council's deep soil landscaped area at the frontage control as prescribed under WRDCP 2003 thereby reducing the future amenity of landscaping within the Municipality.
 4. The development does not comply with Council's rear setback control as prescribed under WRDCP 2003 which results in excessive loss of vegetation and views.
 5. The development does not comply with Council's number of storeys control as prescribed under WRDCP 2003 including by inappropriate excavation to the rear which together result in excessive loss of mature plantings and negative privacy, bulk and scale impacts.
 6. The development does not comply with Council's articulated wall length (to the street) control as prescribed under WRDCP 2003.
- B. That a further report from Council's Technical Services Department be provided to Full Council at its meeting of 14 July 2008 addressing whether the development complies with the provisions of Clause 25 (2) of WLEP 1995 in relation to stormwater disposal

There being no further business the meeting concluded at 12.22am.

We certify that the pages numbered 1989 to 2092 inclusive are the Minutes of the Development Control Committee Meeting held on 7 July 2008 and confirmed by the Development Control Committee on 21 July 2008 as correct.

Chairperson

Secretary of Committee