

Development Control Committee Minutes

Monday 21 July 2008

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Development Control Committee Minutes

**Minutes of the Meeting held on
Monday 21 July 2008 at 6.06pm**

Present: His Worship the Mayor, Councillor Geoff Rundle, ex-officio (D1, D3, D4 to D13)
Councillors Keri Huxley (Chair)
Tanya Excell
Wilhelmina Gardner
David Shoebridge (D2 to D13)

Staff: Allan Coker (Director – Planning & Development)
Patrick Robinson (Manager – Development Control)
Timothy Tuxford (Manager – Compliance)
Nick Economou (Team Leader)
David Booth (Senior Assessment Officer)
Simon Taylor (Senior Assessment Officer)
Thomass Wong (Senior Assessment Officer)
Larissa Northridge (Senior Assessment Officer)
Helen Tola (Team Leader – Governance)

Session One: 6.06pm to 7.38pm
Session Two: 8.10pm to 12.40am

Also in Attendance: Councillor Anthony Boskovitz (Item D5 to D7, D9, D11, D12 & D13)

Leave of Absence

Leave of Absence previously granted by Council: Councillor Isabelle Shapiro

Apologies: Apologies were received and accepted from Councillors Christopher Dawson & Julian Martin and Leave of Absence granted.

Late Correspondence

Late correspondence was submitted to the committee in relation to Items: D2, D3, D4, D5, D6, D7, D8, D9 & D13

Declarations of Interest

Nil.

Note: Item D3 (42 Cambridge Street, Paddington) was dealt with prior to Item D2 (39-41 New Beach Road, Darling Point).

Item D10 (6 Buckhurst Avenue, Point Piper) was dealt with prior to Item D6 (4 Warren Road, Bellevue Hill).

Item D13 (2 Laguna Street, Vaucluse) was dealt with prior to Item D12 (Register of Current Land and Environment Court Appeals for Development Applications).

Items Decided by this Committee using its Delegated Authority (Items D1 to D13)

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 7 July 2008**
Author: Les Windle, Manager - Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 7 July 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.

(Gardner/Rundle)

Resolved:

That the Minutes of the Development Control Committee Meeting of 7 July 2008 be taken as read and confirmed.

D2 DA543/2007 – 39-41 New Beach Road, Darling Point – Relocation of air conditioning plant & erection of an acoustic attenuation structure on the roof of the building – 27/8/2007

Note: Late correspondence was tabled by Tim Tuxford, Council's Manager Compliance.

Note: Harvey Sanders of Design Collaborative on behalf of the owners, John Moutsopoulos on behalf of the owners corporation, John Casper, Andrew Mencinsky, Paula Morrel & Monica Graham, objectors, addressed the Committee.

(Shoebridge/Excell)

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 543/2007 for relocation of the air conditioning plant and erection of an acoustic attenuation structure on the roof of the building on land at 39-41 New Beach Road Darling Point, for the following reasons:

1. The proposal would exceed the maximum height development standard and would fail to minimize impact on existing views from adjoining property. The proposal would fail to satisfy Woollahra Local Environmental Plan 1995 Part 3, Clause 12(1) and the objective of the standard in Clause 12AA(a).
2. The proposal would fail to satisfy the objectives of the height development standard established under WLEP 1995 and accordingly, the objection made pursuant to State Environmental Planning Policy No. 1 is not well founded.

3. The proposal would have an unreasonable impact on views and does not promote the practice of view sharing from surrounding properties. The proposal would fail to satisfy Woollahra Local Environmental Plan 1995 Part 1 Objective (2)(h)(iv) and Woollahra Residential Development Control Plan 2003, Section 5.5, Objective O5.5.2 and Control C5.5.6.
4. The proposed development is not in the public interest.

D3 DA546/2007 Part 2 – 42 Cambridge Street, Paddington - Section 96 Application – Proposed modification to extend deck, relocate upper floor windows, alter bathroom layouts. New folding sliding window to ground floor, new carspace, addition of laundry below deck, addition of Juliet balcony – 24/4/2008

Note: Late correspondence was tabled by Caroline Owen, Council's Assessment Officer (2 pieces) & RJ & CE Sproats.

Note: Sheridan Nilsson of Paddington, objector addressed the Committee.

(Rundle/Excell)

Resolved:

That the matter be referred to a Site Inspection Meeting to be held on Wednesday 23 July 2008.

D4 DA57/2008 – 22 Stafford Street, Paddington – Extension of existing terrace deck with timber platform & modification of existing timber balustrade – 8/2/2008

Note: Late correspondence was tabled by Mario D'Alessio, Council's Assessment Officer.

Note: Katerina Giuliano on behalf of Doenico Giuliano, objector & Warren Turner on behalf of the applicant, addressed the Committee.

Note: The Committee amended part B(c).

Motion moved by Councillor Huxley

Seconded by Councillor Excell

A. THAT the Council, as the consent authority, refuse development consent to Development Application No. 57/2008 for extension of existing terrace deck with timber platform and modification of existing timber balustrade on land at 22 Stafford Street Paddington, in accordance with the staff recommendation subject to Part B(c) being amended to read:

- (c) To provide an acceptable level of visual privacy and prevent overlooking, an 1500mm lattice high privacy screen is to be erected along the full western side edge of the deck.

**Amendment moved by Councillor Shoebridge
Seconded by Councillor Rundle**

- A. THAT the Council, as the consent authority, refuse development consent to Development Application No. 57/2008 for extension of existing terrace deck with timber platform and modification of existing timber balustrade on land at 22 Stafford Street Paddington, in accordance with the staff recommendation subject to Part B(c) being amended to read:
- (c) To provide an acceptable level of visual privacy and prevent overlooking a lattice privacy screen to the height of 1150mm is to be erected along the full western side edge of the deck.

**Councillor Huxley withdrew her motion.
The Amendment became the motion.
The Motion was put and carried.**

(Shoebridge/Rundle)

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

- A. THAT the Council, as the consent authority, refuse development consent to Development Application No. 57/2008 for extension of existing terrace deck with timber platform and modification of existing timber balustrade on land at 22 Stafford Street Paddington, as the works have already been carried out without prior Council consent:
- B. THAT Council will not require the removal/demolition of the unauthorised works subject to the following:
- (a) Lodgement of a Building Certificate application with Council.
- (b) The submission of certification from a professional engineer (structural) as defined by the Building Code of Australia that the structural stability of the Building has not been adversely affected by the unauthorised building works or details of any remedial works required by the professional engineer prior to such engineer being able to issue certification.
- (c) To provide an acceptable level of visual privacy and prevent overlooking a lattice privacy screen to the height of 1150mm is to be erected along the full western side edge of the deck.

The Building Certificate Application must be submitted within **28 days** of the date of this determination and all remedial works required must be completed to Council's satisfaction within **56 days**.

Failure to comply with such requirements may result in Council commencing action under Part 6 of the Environmental Planning and Assessment Act 1979 including appropriate orders and prosecution.

- C. THAT this matter be referred to the Manager – Compliance to take appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council's Enforcement Policy.

D5 DA179/2008 – 1 Arthur Street, Bellevue Hill – Substantial alterations & additions to existing dwelling – 7/4/2008

Note: Late correspondence was tabled by Rick Karpin & Allan & Valerie Edwards.

Note: John Harris on behalf of Russell Willoughby-Winlaw, Russell Willoughby-Winlaw, Valerie & Allan Edwards, objectors addressed the Committee.

(Rundle/Shoebridge)

That the matter be referred to a Site Inspection Meeting to be held on Wednesday 23 July 2008.

D6 DA219/2008 – 4 Warren Road, Bellevue Hill – Alterations & additions to dwelling & new driveway with garage to front boundary – 21/4/2008

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 officers recommendation (approval). **(See Item R1)**

D7 DA111/2008 – 779 New South Head Road, Rose Bay – Change of use to a pharmacy, internal alterations, fit-out & new signage – 6/3/2008

Note: In accordance with Council's meeting procedures and policy this matter was called to full Council by Councillor Boskovitz for the following reasons:

1. Parking
 2. Issues regarding change of use
 3. Signage - **(See Item R2)**
-

D8 DA533/2007 – Rose Bay Promenade – Demolition of sections of the Rose Bay Promenade balustrade & existing stair & construction of a timber deck including 2 dinghy storage areas (40 storage space) accessed from the promenade – 22/8/2007

Note: In accordance with Council's meeting procedures and policy this matter was called to full Council by Councillor Huxley for the following reason:

1. Public Interest - **(See Item R3)**
-

D9 DA753/2007 – 1B New Beach Road, Darling Point – Use of existing T-heads at arms A, B, C & D for the berthing of vessels – 19/11/2007

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 officers recommendation (approval) – (See Item R4)

D10 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

(Rundle/Huxley)

Resolved:

THAT 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, be deferred for a period of 2 weeks to allow relevant objectors to view the amended plans

D11 DA822/2007 – 42-44 Queen Street, Woollahra – Demolition of rear of existing building & erection of substantial mixed use addition with parking facilities & elevated terrace – 7/12/2007

Note: Terry Burns for the applicant and William Dods the Architect addressed the Committee.

(Shoebridge/Excell)

Resolved:

THAT consideration of Development Application No. 822/2007 for the demolition of the rear of the existing building and erection of a substantial mixed-use addition with parking facilities and elevated terrace on land at 42-44 Queen Street Woollahra, be deferred for submission of a photo montage and view assessment from Queen Street, from a point as identified by the Manager – Development Control.

D12 Register of Current Land and Environment Court Appeals for Development Applications**(Rundle/Shoebridge)****Resolved:**

- A. THAT consideration of the register of current Land and Environment Court Appeals for Development Applications be deferred.
- B. THAT the Manager – Development Control forward an electronic copy of the Land and Environment Court Appeals to the members of the Development Control Committee for review and provide further details to all Committee members as required.

D13 DA813/2007 - 2 Laguna Street, Vacluse – Demolition of the existing school buildings & construction of a seniors living development consisting of 78 self-contained dwellings, 1 manager’s dwelling, staff facilities, communal facilities, 102 off-street car parking spaces & landscaping – 12/4/2007

Note: As the committee was divided between the Motion and the Amendment the Committee resolved that both the Motion and the Amendment be submitted to Council for consideration. - (See Item R5)

**Items with Recommendations from this Committee
Submitted to the Council for Decision (Items R1 to R5)**

R1 DA219/2008 – 4 Warren Road, Bellevue Hill – Alterations & additions to dwelling & new driveway with garage to front boundary – 21/4/2008

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 officers recommendation (approval).

Note: Late correspondence was tabled by Felix Antonious, John & Mary Ziegler & John Cunningham.

Note: Antoinette Doctor of Bellevue Hill, John Ziegler of Bellevue Hill, objectors and Felix Antonious the applicant, addressed the Committee.

(Shoebridge/Excell)**Recommendation:**

- A. THAT the Council as the consent authority, refuse development consent to Development Application No. 219/2008 for alterations and additions to dwelling and new driveway with garage to the front boundary on land at 4 Warren Road Bellevue Hill, for the following reasons:

1. The proposed development does not comply with the minimum side and rear setback requirements, this results in an unacceptable impact on the visual privacy of adjoining properties and does not provide sufficient separation between surrounding development, contrary to O5.2.2, C5.2.3 and C5.2.5 of Section 5.2 of the Woollahra RDCP, 2003.
 2. The proposed additional crossover to the front of the site would detract from the character and appearance of the streetscape, contrary to O5.1.3 and O5.1.5 of Section 5.1 of the Woollahra RDCP, 2003.
 3. The proposed new garage is located within the front setback , which detracts from the character and appearance of the streetscape, contrary to O5.1.3, O5.1.5, C5.1.2 of Section 5.1 and C4.7.5 (A) and (B) of Section 4.7 of the Woollahra RDCP, 2003.
 4. The proposed development results in a further non-compliance with the minimum deep soil landscaping requirements, contrary to O5.3.6 and C5.3.2 of Section 5.3 of the Woollahra RDCP, 2003.
 5. The proposed new fenestration has an adverse impact on the visual privacy of adjoining properties, contrary to O5.8.1 of Section 5.8 of the Woollahra RDCP, 2003.
- B. That a further report from Council's Technical Services Department be provided to Full Council at its meeting of 28 July 2008 addressing whether the development complies with the provisions of Clause 25 (2) of WLEP 1995 in relation to stormwater disposal.

R2 DA111/2008 – 779 New South Head Road, Rose Bay – Change of use to a pharmacy, internal alterations, fit-out & new signage – 6/3/2008

Note: In accordance with Council's meeting procedures and policy this matter was called to full Council by Councillor Boskovitz for the following reasons:

1. Parking
2. Issues regarding change of use
3. Signage

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

Note: Simon Brockwell on behalf of Mr Zyzler, Jennifer Turner representing the Rose Bay Resident Association & John Clifton, objectors, Tony Moody of Moody & Doyle Architects on behalf of the applicant, Clinton Leighton the applicant, addressed the Committee.

Note: The Committee added Condition No. 27 (Removal of existing advertisement).

(Shoebridge/Excell)**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. 111/2008 for the change of use of the premises to a pharmacy, internal alterations, internal fit-out and new signage on land at 779 New South Head Road Rose Bay, subject to the following conditions:

1. Approved Plans

This consent relates to the work, shown in colour on the plans numbered P02 & SP01 which carry a Council stamp “**Approved DA Plans**” and the signature of a Council officer, except where amended by the following conditions.

2. Modifications to signage

- a) In order to maintain the visual amenity of the streetscape, the following proposed signs are **not** approved and are to be deleted from the plans submitted with the construction certificate application:

- Sign 3 a flush wall sign to the New South Head Rd elevation displaying the words “exclusive rewards” etc plus photograph
- Sign 4 a window sign on the New South Head Rd entry with wording and photo
- Sign 5 a window sign on the corner of New South Head Rd and Newcastle St displaying the words “Priceline Pharmacy...professional advice” plus photo
- Sign 7 a flush wall sign on the parapet corner of New South Head Rd and Newcastle St, displaying the words “Priceline Pharmacy”.

- b) In order to maintain the visual amenity of the streetscape and to ensure adequate clearance between the signage on the footpath, the following signs are not to be illuminated and are to be a maximum size of 2400mm x 300mm and the bottom of the signs are to be at least 2600mm above the footpath:

- Sign 2 an underawning sign to the New South Head Rd elevation displaying the words “Priceline Pharmacy”
- Sign 6 a projecting wall sign on the corner of New South Head Rd and Newcastle St displaying the words “Priceline Pharmacy”.

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

3. Reinstatement of original pedestrian entrance

In order to improve the presentation of the existing building to the streetscape, the pedestrian entrance to the corner of the building is to be reinstated. Such is to be indicated on the plans submitted with the construction certificate application.

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

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

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

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy Use Calculator: http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm	Contact LSL Corporation or use their online calculator	No	
SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979			
Property Damage Security Deposit - Making good any damage caused to any property of the <i>Council</i> as a consequence of the doing of anything to which the consent relates.	\$9300	No	T600
CONTRIBUTIONS under Woollahra Section 94 Contributions Plan 2002 (March 2005 update) This plan may inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au			
Contribution towards the provision of public car parking in the Rose Bay Commercial Centre/	\$80,668 + Index Amount	Yes, yearly	T94
Administration of the Woollahra Section 94 Contributions Plan 2002	\$1210 + Index Amount	Yes, yearly	T94
INSPECTION FEES under section 608 of the Local Government Act 1993			
Security Administration Fee	\$168	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$91,346 Plus any relevant indexed amounts and long service levy		

How must the payments be made?

Payments must be made by:

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

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

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

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

How will section 94 contributions be indexed?

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

Do you need HELP indexing the contributions?

Please contact our customer service officers on 9391-7000. Failure to correctly calculate the indexed contributions will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

Deferred periodic payment of Section 94 contributions under Woollahra Section 94 Contributions Plan 2002

Where the applicant makes a written request supported by reasons for payment of the contribution other than as required by clause 3.7 of the plan, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

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

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

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

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

Any deferred or outstanding component of the contribution will be indexed in accordance with clause 3.13 of the plan. Under the indexation provisions, if a deferred or periodic payment is made before the next anniversary of the Plan, there will be no increase in the amount payable. The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

5. Compliance with Disability Discrimination Act

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

6. Requirement for a Construction Certificate

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

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

7. Structural adequacy

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

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

8. Structural details

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

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

9. Demolition, excavation and construction hours

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

10. Machine excavation

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

11. Building Inspections

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

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

12. Wet areas

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

13. Standard for demolition

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

14. 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.

15. Compliance with Building Code of Australia

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

16. 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.

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.

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.

19. Repair of Damaged Infrastructure

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

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

20. 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](#).

21. Noise Control

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

22. Noise from mechanical plant and equipment

Noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

23. Public Health Act 1991-Skin Penetration Procedures

The Local Authority (Woollahra Council) must be notified of premises where any skin penetration procedures are carried in order to keep a register of such premises. Skin penetration procedure is defined in Section 51 of the Public Health Act 1991 and includes ear piercing or any other procedure that involves skin penetration.

24. Hours of operation

The hours of operation are limited to 8 a.m. to 10 p.m. seven days a week.

25. Occupation of premises

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

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

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

26. Fire safety upgraded – Change of building use (cl. 93 of the Regulation)

The Principal Certifying Authority shall submit to Woollahra Municipal Council a fire safety schedule indicating existing and proposed 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.

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 Woollahra Municipal 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.

27. Removal of existing advertisement

In order to remove the visually obtrusive advertisement and to mitigate the existing adverse visual impact upon the Newcastle and New South Head Road streetscapes, the existing black, blue and white paint is to be removed from the western wall and from all of the building parapets. The face brickwork to the entire building is not to be painted and is to be restored so that it presents a uniform condition to the streetscapes.

Advisings**1. Appeal**

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr David Booth. 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, 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 assessor having the full authority to completely determine the matter at the conference.

2. Modifications to the consent

Changes to the external configuration of the building, changes to the site layout or any changes to the proposed operation or use *will* require the submission and approval of an application under Section 96 of the *Environmental Planning & Assessment Act 1979* before the issue of a Construction Certificate.

3. Storage bins on footpath and roadway

Approval is required from Council prior to the placement of any storage bin on Council's footpath and/or roadway.

4. Hazardous waste removal

Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover and the EPA, and in accordance with the provisions of:

- New South Wales *Occupational Health and Safety Act, 1983*;
- New South Wales *Construction Safety Act, 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983*;
- The *Occupational Health and Safety (Hazardous Substances) Regulation 1996*;
- The *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996*; and
- The *Waste Minimisation and Management Act and Regulations*.

5. Hazardous Material Management (to be included in all Development Consents)

"Builders are advised to obtain a copy of the EPA publication *Solutions to Pollution for Builders* which provides environmental information including hazardous material management. The EPA can be contacted by phone on 131 555 or at www.epa.nsw.gov.au "

R3 DA533/2007 – Rose Bay Promenade – Demolition of sections of the Rose Bay Promenade balustrade & existing stair & construction of a timber deck including 2 dinghy storage areas (40 storage space) accessed from the promenade – 22/8/2007

Note: In accordance with Council's meeting procedures and policy this matter was called to full Council by Councillor Huxley for the following reason:

1. Public Interest

Note: Late correspondence was tabled by Peter Poland of Woollahra History & Heritage Society.

Note: Michael Rolfe, Secretary of the Sydney Harbour & Foreshore Committee, Peter Poland, President Woollahra History and Heritage Society, objectors addressed the Committee.

(Excell/Shoebridge)

Recommendation:

THAT the Council, as the consent authority, defer consideration of development consent to Development Application No. 533/2007 for the demolition of sections of the Rose Bay promenade balustrade and existing stair and the construction of a timber deck including 2 dinghy storage areas (40 storage spaces) attached to the section of the Rose Bay Promenade adjacent to the intersection of New South Head Road and O'Sullivan Road Rose Bay in order to consider:

- an alternative location for the deck/storage areas-adjacent to stair 2
- the effect of motorised boats utilising the deck on adjacent seagrass beds
- the reduction to the size of the viewing platform
- reduce/delete the proposed demolition of the heritage listed balustrade and commemorative foundation stone.

R4 DA753/2007 – 1B New Beach Road, Darling Point – Use of existing T-heads at arms A, B, C & D for the berthing of vessels – 19/11/2007

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 officers recommendation (approval).

Note: Late correspondence was tabled by John Beville, Larissa Northridge, Council's Senior Assessment Officer (2 pieces) & Morris Seamonds of Rushcutters Bay Foreshore Protection Association.

Note: Tony Daniels, Doug Merchardson, John Price, Prof. Bob Walker, John Lenehan, Morris Seamonds Secretary of Rushcutters Bay Foreshore Protection Association, Adrean Gruzman, Neil Grossan, objectors & Kristy Lee of Hamptons on behalf of the applicant addressed the Committee.

(Rundle/Shoebridge)

Recommendation:

THAT the Council, as the consent authority, refuse development consent to Development Application No. 753/2007 for use of existing T-heads at arms A, B, C and D for the berthing of vessels on land at 1B New Beach Road, Darling Point, for the following reasons:

1. The proposed new berths would have an unacceptable impact on navigation of the fairway, contrary to Clause 17 and 24 of Sydney Region Environmental Plan (Sydney Harbour Catchment) 2005 and Clause 4.2 and 4.7 of the Sydney Region Environmental Plan (Sydney Harbour Catchment) Development Control Plan, 2005.
2. The use of the proposed new berths would be in conflict with the operation of the adjoining sailing school.
3. The proposed development would have a detrimental impact on the visual amenity of the harbour and would contribute to the visual clutter within Rushcutters Bay, contrary to Clauses 13, 14, 17 and 25 Sydney Region Environmental Plan (Sydney Harbour Catchment) 2005 and clause 4.7 of the Sydney Region Environmental Plan (Sydney Harbour Catchment) Development Control Plan, 2005.

R5 DA813/2007 - 2 Laguna Street, Vaucluse – Demolition of the existing school buildings & construction of a seniors living development consisting of 78 self-contained dwellings, 1 manager's dwelling, staff facilities, communal facilities, 102 off-street car parking spaces & landscaping – 4/12/2007

Note: As the committee was divided between the Motion and the Amendment the Committee resolved that both the Motion and the Amendment be submitted to Council for consideration

Note: Late correspondence was tabled by Peter Inge of The Zig Inge Group and David Booth, Council's Senior Assessment Officer.

Note: John Simon an objector, Gary Shields on behalf of the applicant & Zig Inge the applicant & owner addressed the Committee.

Note: The Amendment includes changes to Condition Nos. A.4 (Water and energy efficiency measures) & C.2(i) (Modification of details of the development (s80A(1)(g) of the Act) of the Officers recommendation.

**Motion moved by Councillor Shoebridge
Seconded by Councillor Gardner**

THAT consideration of Development Application No. 813/2007 for demolition of the existing school buildings and construction of a seniors living development consisting of 78 self-contained dwellings, 1 manager's dwelling, staff facilities, communal facilities, 102 off-street car parking spaces and landscaping on land at 2 Laguna Street Vaucluse, be deferred for the applicant to confer with Council staff in relation to the following matters:

- Non-compliance with minimum solar access requirements
- To enable accessible on site outdoor drying facilities to be included
- To adequately address the articulation to eliminate building bulk
- Reconsideration of the perimeter fence.

**Amendment moved by Councillor Excell
Seconded by Councillor Rundle**

- A. THAT the Council, as the consent authority, is of the opinion that the objection under SEPP 1- Development Standards to Council's 9.5 m height development standard under Woollahra LEP 1995 is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the non-complying section of the development not have any adverse impact upon the amenity of the locality and will achieve the objectives of the height standard, subject to **Conditions C.2 iv & v**.

AND

THAT the Council, as the consent authority, being satisfied that, subject to **Conditions C.2 iv & v**, the objection under SEPP 1 is well founded and also being of the opinion that the granting of consent to Development Application No. 813/2007 is consistent with the aims of the Policy, grant development consent for the demolition of the existing school buildings and the construction of a seniors living development consisting of 78 self contained dwellings, 1 manager's dwelling, staff facilities, communal facilities, 102 off-street car parking spaces and landscaping on land at 2 Laguna St, Vaucluse 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, piercing, 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)
DA02C, 03C, 04C, 05B-11B & 12C	Architectural Plans	Fredman Mallina Architects	8/4/08, 7/4/08, 5/6/08, 1/7/08, 2/7/08
45318.00	Geotechnical Report	Douglas Partners	04/2008
Construction Management	Construction Management Plan	L.U Simon Builders	not dated
Plan No. s LA01, LA02, LA05, dated 29.10.07 and Plan No. s LA04, LA06, LA07, dated 01.09.07 and Plan No. s LA08, dated 27.11.07 and Plan No. s LA03/C, LA04/C, dated 11/06/08	Landscape Plan	Taylor Brammer	Refer to reference.
Arborist Report	Arborist Report	Tree Wise Men Australia Pty Ltd	Nov 2007
Schedule of materials and colour	Schedule of materials and colour	Fredman Mallina Architects	N/A
Accessibility Report	Accessibility Report	Mark Relf	30 Nov 07
Statement of Environmental Effects	Statement of Environmental Effects	GSA Planning	Dec 07
ESD Report	Energy & Water Sustainability Initiatives	Meinhardt	3 Dec 07

A.4 Water and energy efficiency measures

In order to reduce the demand for water and energy, the measures identified in the ESD report referred to **Condition A.3** plus the additional requirements specified below are to be indicated on the relevant landscape, architectural and stormwater drainage plans and specifications submitted with the construction certificate application:

- i) Grey water recycling initiatives.
- ii) Clothes lines sufficient to meet the requirements of the occupants of the dwellings.
- iii) Eleven shaded seats, each with a capacity to seat 3 persons, within the rear communal open space area.
- iv) The deletion of the water feature.

A.5 Accessibility requirements

In order to ensure adequate accessibility within the buildings and within the communal open space areas, the measures identified in the Accessibility Report referred to **Condition A.3** plus the additional requirements specified below are to be indicated on the relevant landscape and architectural plans and specifications submitted with the construction certificate application:

- i) The replacement of the proposed steps from the pathway through the communal open space area with wheelchair accessible ramps.
- ii) The provision of waste and recycling storage areas within the basement level of Building 1.

A.6 Security requirements

In order to ensure adequate security within the buildings and within the communal open space areas, the following requirements are to be indicated on the relevant landscape and architectural plans and specifications submitted with the construction certificate application:

- i) Wheelchair accessible intercom and key/keypad/remote operated gates and doors are to be utilised for all entrances to the buildings and the communal landscaped area.
- ii) The lifts are to be accessed by wheelchair accessible intercom and key/keypad.
- iii) A peep hole is to be provided to the front door to each dwelling.
- iv) Low level (solar power) lighting is to be provided to the pathway through the main communal open space area.

A.7 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.8 Conditions of consultation – Traffic Generating Development (SEPP 11)/Roads Act 1993 Section 138

Compliance is to be achieved with the following requirements of the RTA and the Local Development Committee:

- i) The RTA has no objection to an additional access point on Laguna Street provided that a median island is to be installed at no cost to the RTA across the entire driveway to prevent right turn movements to/from the site. Council to ensure the design of the traffic island meets relevant standards.
- ii) The design and construction of any new gutter crossing shall be in accordance with RTA requirements. Detail of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Parramatta (Ph 02 8849 2144). A certified copy of the design plan shall be submitted to the RTA for consideration and approval prior to the release of the construction certificate by Council and commencement of road works.

The car park and driveway design shall be in accordance with the RTA's Road Design Guide and AS2890.1 and 2890.2 – 2002 for heavy vehicles.

- iii) Any redundant driveway on New South Head Road must be removed and replaced with kerb and gutter to match existing.
- iv) Existing NO STOPPING restriction along Old South Head Road must be maintained.
- v) The post development stormwater discharge from the subject site into the RTA drainage system on Old South Head Road does not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the RTA's stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:-

Sydney Asset Management
Roads and Traffic Authority
27-31 Argyle Street
Parramatta NSW 2150

- vi) Approval/concurrence from State Transit Authority must be required for any proposed relocation of existing bus zone. In this regard the builder/developer shall liaise with Sydney Buses on site with the builder/developer to mark out the exact proposal for driveways and any work zones that may be required so that if the bus stop is required to be relocated/adjusted that this only occurs once as a result of this development. The bus zone at this location is well used, mainly by passengers alighting our services more than joining same. The bus stop at this location can not be closed during construction as the distances between the stops on either side are unacceptable in regard to our service guidelines.
- vii) A construction traffic management plan is to be provided to Council to ensure that all construction vehicles are accommodated on site during construction period.

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

Where the EPA external noise criteria would not practically or reasonably be met, the RTA recommends that Council apply the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia. All habitable rooms other than sleeping rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr) and sleeping rooms: 35 dB(A) Leq(9hr).

- ix) All works in relation to the development are to be at no cost to the RTA.

A.9 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".

A.10 Occupation of the development

In accordance with the provisions of *Clause 18 Restrictions on occupation* under SEPP (Seniors Living) 2004, the occupation of the development is limited to the following:

- i) Seniors or people who have a disability,
- ii) People who live within the same household with seniors or people who have a disability,
- iii) Staff employed to assist in the administration of and provision of services to the residential care facility.

A.11 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.12 Heritage requirements

- i) Should any archaeological object be found during the course of works then work shall cease in the vicinity of the find until all obligations under the NSW Heritage Act have been met. The builder should in particular look for foundations of earlier buildings or structures.
- ii) Details of a commemorative panel display to be displayed in the Foyer interpreting the use of the site as a school, must be provided with the Construction Certificate application.
- iii) There is a time capsule located somewhere on site. Should it be uncovered during construction it should be placed in the care of the architect to be incorporated into the interpretive work.

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

B.1 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)*
As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per attachment A tables in the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per attachment A tables in the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007 and Taylor Brammer Tree Removal Retention Plan dated 29/10/07**	As per the calculated PRZ radius listed in Attachment A of the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**

***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.

** Establishment of Tree Protection Zones around Tree No. 50.

- 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
49	<i>Araucaria heterophylla</i> Norfolk Island Pine	Laguna Street frontage

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.

B.2 Recording of significant or contributory buildings prior to any demolition

An 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 the demolition work and prior to the issue of a Construction certificate.

The archival record is to be completed by a heritage consultant listed by the NSW Heritage Office or by another suitably qualified consultant who must demonstrate a working knowledge of archival principles.

The archival record is to be bound in an A4 format, with drawings folded to suit and is to include the following:

- a. A copy of the final heritage report submitted with the development application,
- b. A 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; floor plans at scale of 1:100; postcard sized photographs of:
 - i. each elevation;
 - ii. each structure and landscape feature and significant parts of the property as defined in the submitted statement of significance;
 - iii. views to the subject property from each street and laneway or public space; and
 - iv. external and internal details as nominated in the assessment report by Council's heritage officer.
- c. Each photograph to be mounted, labelled and cross-referenced in accordance with recognised archival recording practice.

- d. The original, coloured, photographic set and one 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.3 Dilapidation Reports

A practicing structural engineer must prepare full dilapidation reports on the structural condition of all existing structures at 105-131 New South Head Rd and 110-112 Old South Head Rd. The reports must be completed and submitted to Council prior to the commencement of any demolition or civil works.

A second series of dilapidation reports, 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.4 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.

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

C.1 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.	\$993,200	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.	\$105,000	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 (S94A)	\$495,555.94 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the Local Government Act 1993			
Security Administration Fee	\$168	No	T16
Public Road and Footpath Infrastructure Inspection Fee (S138 Fee)	\$363.25	No	T45
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$1,594,287.10 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

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

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

- i) In order to ameliorate the scale and bulk of the development, the cement render to the exterior of buildings is to be painted predominantly in subdued, recessive colours and not light, bright colours. Brighter colours are only to be used in small proportions as accent on finer elements and not on larger surfaces. Each of the 3 buildings are to be painted in different hues.
- ii) In order to reduce the potential for structural damage to the adjoining properties to the north-east (110-112 Old South Head Road), all excavation is to be setback a minimum of 1.5 m from the north-eastern side boundary.

- iii) In order to maintain captured views for 2/109 New South Head Road, landscaping adjacent to the north-western boundary adjacent to the common boundaries to 107 and 109 New South Head Road and to the western corner of the site within the view corridor of 2/109 New South Head Road is to consist of species with a mature height not exceeding 5 m.
- iv) In order to maintain the visual privacy of the adjoining properties to the north-east (110-112 Old South Head Road), 1.7 m high privacy screens are to be fixed to the north-eastern sides of the balconies to Dwellings D.17 and D2.24. The windows to the north-eastern elevation of Dwellings D.17 and D2.24 are to consist of fixed translucent glazing to a height of 1.7 m above floor level.
- v) In order to maintain the visual privacy of the adjoining properties to the north-west (109-113 New South Head Road), the windows to the north-western elevation of Building 1 at second floor level are to consist of fixed translucent glazing to a height of 1.7 m above floor level. The north-western sides of the decks to Dwellings 2.28 & 3.33 are to have a 1.7 m high privacy screen attached.
- iv) Redundant vehicle crossings and pedestrian access are to be fully removed and the footpath, kerb and gutter and grass verge are to be restored to Council's standard drawings RF3.

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.3 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 & Footpath

- Full width vehicular crossings having a width of 6.0m including new layback and gutter in accordance with Council's standard drawing RF2.
- Removal and replacement of all redundant driveways, pedestrian kerb ramps and damaged footpath with new concrete footpath for the full length of the development in accordance with Council's standard drawing RF3.
- Replacement of all dilapidated concrete footpath and kerb ramps as identified in the "Accessibility Report" dated 30 Nov 2007 by Mark Relf. The replaced assets are to be in accordance with Council's standard drawing RF3.
- Removal of all driveway crossings and kerb laybacks which will be no longer required.
- Reinstatement of footpath, kerb and gutter to match existing.

- Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

Drainage

- Construction of a standard gully pit in the kerb fronting the subject site in accordance with Council's Standard "Grated Gully Pit with extended Kerb Inlet" drawing DR1.
- Construction of approximately 25m of 375mm RCP in-ground drainage line under the road and kerb and gutter at standard depth. The line must connect the new gully pit to the existing Council pit located downstream at 108 Old South Head Road (Cnr Laguna Street).
- The developer shall be responsible for carrying out any service investigations to allow a gravity connection.

Bond

- A bond of \$105,000 will be used as security to ensure the satisfactory completion of the infrastructure works. The security or bank guarantee must be the original and not have an expiry date.
- Council may use all or part of the Infrastructure Bond as well as the Property Damage Security Deposit to meet the cost of removing or completing the works if they do not meet Council's requirements.
- The Deposit/Bond will not be released until Council has inspected the site and is satisfied that the Works have been completed in accordance with Council approved drawings and to Council requirements

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

- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb & gutter, new gully pit showing clearly the connection point of site outlet pipe(s). Note, the connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.

The design of the works must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004) 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.4 Utility Services Generally

The *Construction Certificate* plans and specifications, required by clause 139 of the *Regulation*, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).

Where telecommunications and electricity are provided from existing poles in the road they must, in accordance with the relevant suppliers' requirements, be carried to the site underground directly to the main switch board within the fabric of the building.

Note: Where adequate provision has not been made for an electrical sub-station within the building, this may necessitate the lodgement of an application to amend this consent under section 96 of the Act to detail the location, landscape/streetscape impacts and compliance with AS2890 as applicable.

The location of service poles and substations required by the relevant suppliers must be shown upon the plans submitted with any *Construction Certificate* application together with a letter from each relevant supplier setting out their requirements.

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building unless expressly shown upon the approved DA plans. Details confirming compliance with this condition must be shown on the *Construction Certificate* plans and/or detailed within the *Construction Certificate* specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on the *Construction Certificate* plans.

Note: The intent of this condition is that the design quality of the development must not be compromised by cables, pipes, conduits, ducts, plant, equipment, electricity substations or the like placed such that they are visible from any adjoining public place. They must be contained within the building unless shown otherwise by the approved development consent plans.

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 UPVC or copper with continuously welded joints.

Note: This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main, such that clause 25(1) of WLEP 1995 be satisfied. Further, leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.

Standard Condition: C20

C.5 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.

C.6 Geotechnical and Hydrogeological Design, Certification & Monitoring

The *Construction Certificate* plans and specification required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation* must be accompanied by a *Geotechnical / Hydrogeological Monitoring Program* together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a *professional engineer*, who is suitably qualified and experienced in geotechnical and hydrogeological engineering. These details must be certified by the *professional engineer* to:

- a. Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b. Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c. Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d. Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- e. Provide a Geotechnical and Hydrogeological Monitoring Program that:

- i. Will detect any settlement associated with temporary and permanent works and structures;
 - ii. Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like);
 - iii. Will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity);
 - iv. Will detect groundwater changes calibrated against natural groundwater variations;
- details:
- the location and type of monitoring systems to be utilised;
 - the preset acceptable limits for peak particle velocity and ground water fluctuations;
 - recommended hold points to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and
 - a contingency plan.

C.7 Ground Anchors

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.

The use of permanent ground anchors under Council land is not permitted. Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.

If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the *Roads Act 1993*. Application forms and Council's "Rock Anchor Policy" are available from Council's web-site <http://www.woollahra.nsw.gov.au>. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

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

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.

C.8 Bicycle, Car and Commercial 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.

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.

C.9 Stormwater management plan (Site greater than 500m²)(Clause 25(2) WLEP 1995)

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 Meinhardt Australia P/L, dated 03/12/2007, dwgs No. IE02-IE04 other than amended by this and other conditions;
- b. the discharge of stormwater, by direct connection, to Council's stormwater drainage pit;
- 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), and
- f. on-site stormwater detention ("OSD").

OSD Requirements

The minimum (OSD) Site Storage Requirements ("SSR") and the Peak Site Discharge ("PSD") from the site must be in accordance with the following minimum storage/discharge relationships based upon a 1000m² site area:

Average Reoccurrence Interval	PSD L/s	Minimum Site Storage Requirement (SSR) m ³
2 year	23.5 L/s	4m ³
100 year	34 L/s	25m ³ – Dwelling House 27m ³ – Residential Flat Building 29m ³ – Other Development
All values based on per 1000m ² site area (interpolate to site area).		

Where a rainwater tank is proposed in conjunction with OSD, the volume of the rainwater tank may contribute to the SSR as follows:

- i. Where the rainwater tank is used for external uses only, 40% of the rainwater tank volume to a maximum of 4m³, or
- ii. Where the rainwater tank is used for external and internal uses, 75% of the rainwater tank volume to a maximum of 7.5m³.

Example: The Site Storage Requirements may be 25,000 litres and a 10,000 litre rainwater tank is to be used for garden irrigation. Therefore, the rainwater tank contributes 4,000 litres toward SSR. Therefore, the OSD tank needs to be 21,000 litres (25,000 litres less the 4,000 litres allowance). Note: 1m³ = 1,000 litres.

The *Stormwater Management Plan* must include the following specific requirements:

Layout plan

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

It must include:

- All pipe layouts, dimensions, grades, lengths and material specification,
- Location of On-Site Detention,
- All invert levels reduced to Australian Height Datum (AHD),
- Location and dimensions of all drainage pits,
- Point and method of connection to Councils drainage infrastructure, and
- Overland flow paths over impervious areas.

On-site Detention (OSD) details:

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

Copies of certificates of title, showing the creation of private easements to drain water by gravity, if required.

Subsoil Drainage - Subsoil drainage details, clean out points, discharge point.

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.

C.10 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.11 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.12 Carpark & General Ventilation

- i) All enclosures in which vehicles powered by internal combustion engines are parked are required to comply with Section 4 ‘Ventilation Of Enclosures Used By Vehicles With Internal Combustion Engines’ of Australian Standard 1668.2-1991. In general air distribution must achieve uniform dilution of contaminants in the car park and maintain contaminant concentrations below recommended exposure standards.
- ii) The basement car park may be naturally ventilated or provided with a combination of both supply and exhaust mechanical ventilation. The applicant is to determine the method of ventilation of the basement car park and provide details to the Certifying Authority accordingly. Except as varied in accordance with Clause 4.4.1 (a), (b) or (c), the vehicle basement car park shall be mechanically ventilated by a combination of general exhaust with flow rates in accordance with Clause 4.4.2, and supply with flow rates specified in Clause 4.8 of Australian Standard 1668.2-1991.
- iii) All internal sanitary rooms and laundry facilities not provided with natural ventilation, must be provided with a system of mechanical exhaust ventilation in accordance with Table B1 “Minimum Exhaust Ventilation Flow Rates” of AS 1668.2-1991. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.
- iv) All proposed mechanical ventilation system(s), including the basement car park, the gym, sanitary facilities, habitable rooms, male and female change rooms and the like required to be mechanically ventilated, must be installed and commissioned in accordance with Australian Standard 1668 Parts 1 & 2. The applicant shall provide detailed mechanical ventilation system(s) plans and specifications prepared by a professional engineer, as defined by the Building Code of Australia, and must be submitted to Council or an Accredited Certifier with the application for a Construction Certificate certifying compliance with Australian Standard 1668 Parts 1 & 2.

C.13 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.14 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.15 Heritage requirement

Details of a commemorative panel display to be displayed in the Foyer interpreting the use of the site as a school, must be provided with the Construction Certificate application.

C.16 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.17 BASIX commitments

The *applicant* must submit to the *Certifying Authority BASIX Certificate* No.160814M 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

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

D.1 Adjoining buildings founded on loose foundation materials

The *principal contractor* must ensure that a *professional engineer* determines the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The *professional engineer* (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis and the *principal contractor* must comply with any reasonable direction of the *professional engineer*.

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the *Conveyancing Act* 1919.
Standard Condition: D6

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.

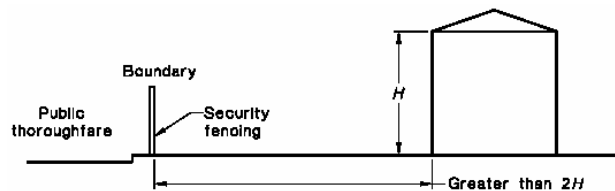
Note: A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the *Protection of the Environment Operations Act 1997* **without any further warning**. It is a criminal offence to cause, permit or allow pollution.

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.

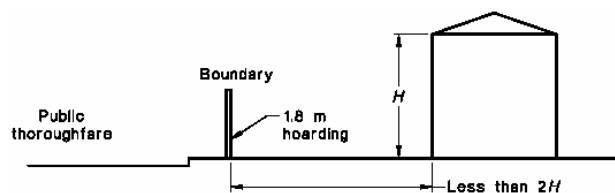
Standard Condition: D14

D.3 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.



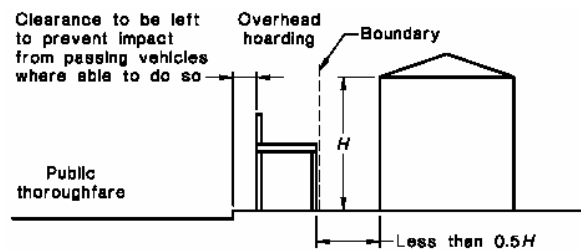
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an *overhead protective structure* and the facing facade protected by heavy-duty scaffolding, unless either —

- 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 —

- extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary;
- 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
- 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/ohheadprotstrcuts.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.4 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

- 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.
- 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.5 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.6 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.7 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.8 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.9 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.

D.10 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)*
As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per attachment A tables in the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per attachment A tables in the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007 and Taylor Brammer Tree Removal Retention Plan dated 29/10/07**	As per the calculated PRZ radius listed in Attachment A of the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**

***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.

** Establishment of Tree Protection Zones around Tree No. 50.

- 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
49	<i>Araucaria heterophylla</i> Norfolk Island Pine	Laguna Street frontage

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.

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 50mm 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.

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.

- a) The following trees must be retained:

Trees on Private Land

Council Reference No:	Species	Location	Dimension (Metres)
As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007. Trees marked R+ and ** below	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**

** Tree No.50 *Hibiscus tileaceus* Cottonwood tree to be included.

- c) The following trees may be removed:

Council Reference No:	Species	Location	Dimension (Metres)
As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**

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

** Tree No.50 *Hibiscus tileaceus* Cottonwood tree not to be removed.

- 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)
As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**

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.
Standard Condition: E9

** Tree No.50 *Hibiscus tileaceus* Cottonwood tree to be included.

Permissible work within Tree Protection Zones

The most reliable way to ensure successful tree retention is to prohibit any construction, excavation and soil level changes within a trees calculated Tree Protection Zone. However, to allow for reasonable development, it may be necessary to undertake demolition operations and/or incorporate hard surfaces and other construction within a Tree Protection Zone. In accordance with British Standard BS5837:2005, one incursion no greater than 20% of a trees Tree Protection Zone is considered allowable provided the tree is a healthy and vigorous specimen. Upon completion of approved works within the Tree Protection Zone, the specified Tree Protection Zones outlined in condition B1 are to be re-established around all trees where work has been allowed. The table below provides a radius distance from the centre of the trunk of existing trees on site whereby the following incursions are permissible:

- a) Permissible Work within Tree Protection Zones

Council Reference No:	Species	Location	Radius from Trunk (Metres)*
As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**

** Tree No.50 *Hibiscus tileaceus* Cottonwood tree to be included.

- b) Where excavation is undertaken within a specified Tree Protection Zone, 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.

- c) To prevent damage to roots and compaction within the Tree Protection Zone of specified trees, excavation 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.

Paving in the vicinity of trees

Paving works within the specified radius from the trunks of the following trees must be constructed in such a way as to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. When preparing an area for paving within the specified radius the soil surface should not be skimmed. A new surface must be established above the former ground level that does not inhibit gaseous exchange, such as granular fill not exceeding 100mm in depth or a load suspension layer.

Council Reference No:	Species	Location	Radius from centre of trunk (Metres)
49	<i>Araucaria heterophylla</i> Norfolk Island Pine	Laguna Street frontage	7
50	<i>Hibiscus tileaceus</i> Cottonwood	Laguna Street frontage	7

Paving works 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.

Level changes in the vicinity of trees

No level changes are to occur within the specified radius from the trunks of the following trees to allow for the preservation of their root zones.

Council Reference No:	Species	Location	Radius from Trunk (Metres)
49	<i>Araucaria heterophylla</i> Norfolk Island Pine	Laguna Street frontage	7
50	<i>Hibiscus tileaceus</i> Cottonwood	Laguna Street frontage	7

Footings in the vicinity of trees

Footings for any structure constructed within the specified radius from the trunks of the following trees, is to be constructed using an isolated pier and beam construction method. Excavations for installation of piers is to be located so that no tree root with a diameter equal to or in excess of 50mm is to be severed. The smallest possible area is to be excavated which allows construction of the pier. The beam is to be placed a minimum of 300mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.

Council Reference No:	Species	Location	Radius from centre of trunk (Metres)
As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**	As per the Tree Wise Men Australia Pty Ltd Arboricultural Assessment Report dated November 2007**

E.3 Compliance with Construction Management Plan

All development activities 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.

Note: Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.
Standard Condition: E3

E.4 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.5 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;
- g) <insert or delete such controls as may be necessary in the circumstances of the consent>

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

E.6 Compliance with Geotechnical/Hydrogeological Monitoring Program

Excavation must be undertaken in accordance with the recommendations of the *Geotechnical / Hydrogeological Monitoring Program* and any oral or written direction of the supervising *professional engineer*.

The *principal contractor* and any sub-contractor must strictly follow the *Geotechnical / Hydrogeological Monitoring Program* for the development including, but not limited to;

- a) the location and type of monitoring systems to be utilised;
- b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the *professional engineer*; and
- c) the contingency plan.

Note: The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the Development Application to be appointed as the *professional engineer* supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.
Standard Condition: E12

E.7 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.8 Vibration Monitoring

Vibration monitoring equipment must be installed and maintained, under the supervision of a *professional engineer* with expertise and experience in geotechnical engineering, between any potential source of vibration and any *building* identified by the *professional engineer* as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the *professional engineer* as the maximum acceptable peak particle velocity an audible alarm must activate such that the *principal contractor* and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the *professional engineer* and any further work recommencing the event must be recorded and the cause of the event identified and documented by the *professional engineer*.

Where the event requires, in the opinion of the *professional engineer*, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the *professional engineer* as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the *professional engineer* to the *principal contractor* and any sub-contractor clearly setting out required work practice.

The *principal contractor* and any sub-contractor must comply with all work directions, verbal or written, given by the *professional engineer*.

A copy of any written direction required by this condition must be provided to the *Principal Certifying Authority* within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining *building* or such that there is any removal of support to *supported land* the *professional engineer*, *principal contractor* and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that *supported land* and take immediate action under the direction of the *professional engineer* to prevent any further damage and restore support to the *supported land*.

Note: *Professional engineer* has the same mean as in Clause A1.1 of the BCA.

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

Note: *Supported land* has the same meaning as in section 88K of the Conveyancing Act 1919.
Standard Condition: E14

E.9 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.10 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.
Standard Condition: E17

E.11 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 downloaded free of charge from Council’s website www.woollahra.nsw.gov.au
Standard Condition: E24

E.12 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.13 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.14 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.15 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.16 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.17 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, piling, 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

E.18 Sediment removal from vehicle wheels

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

E.19 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.20 Stockpiles

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

E.21 Location of building operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system. Footpaths, gutters and roadways must be swept regularly to keep them free from sediment.

E.22 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.23 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.24 Hazardous Materials and Soils

- i) Any fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall be compatible with the existing soil characteristic for site drainage purposes.
- ii) Any proposed disposal of soil from the site, such soil must be tested and classified in accordance with the provisions of both the Protection of the Environment Operations Act 1997 and the NSW EPA Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

E.25 Heritage requirement

Details of a commemorative panel display to be displayed in the Foyer interpreting the use of the site as a school, must be provided with the Construction Certificate application.

- i) Should any archaeological object be found during the course of works then work shall cease in the vicinity of the find until all obligations under the NSW Heritage Act have been met. The builder should in particular look for foundations of earlier buildings or structures.
- ii) There is a time capsule located somewhere on site. Should it be uncovered during construction it should be placed in the care of the architect to be incorporated into the interpretive work.

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*.

F.7 Amenity Landscaping

The *owner* or *principal contractor* must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

Note: This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.

F.8 Inspection, Certification and Registration of Regulated Systems

Prior to the issue of any *Occupation Certificate* or occupation or use of part of the building serviced by a *regulated system* the *principal contractor* or *owner builder* must submit to the satisfaction of PCA certification by a ‘*competent person*’ that the regulated system as installed can operate as required by Clause 9 of the *Public Health (Microbial Control) Regulation, 2000*.

The owner must register the regulated systems with Council and provide the PCA with evidence of registration pursuant to Clause 15 of the *Public Health (Microbial Control) Regulation, 2000*.

Note: *Regulated System* has the same mean as in the Public Health Act 1991.

Note: *Competent person* has the same meaning as in Clause 9(3) of the *Public Health (Microbial Control) Regulation, 2000*.

Note: The NSW Code of Practice for the Control of Legionnaires' Disease can be down loaded free from:
http://www.health.nsw.gov.au/pubs/2004/pdf/legionnaires_disease.pdf
Standard Condition: F8

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*.
Standard Condition: H9

H.2 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 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 turf predominant within the street.
- g. new or reinstated kerb and guttering 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.
Standard Condition: H13

H.3 Positive Covenant & Works-As-Executed certification of stormwater systems

On completion of construction work, stormwater drainage works are to be certified by a *professional engineer* with Works-As-Executed drawings supplied to the *PCA* detailing:

- a. compliance with conditions of development consent relating to stormwater;
- b. the structural adequacy of the On-Site Detention system (OSD);
- c. that the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- d. Pipe invert levels and surface levels to Australian Height Datum; and
- e. Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.
- f. A positive covenant pursuant to Section 88E of the *Conveyancing Act* 1919 must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-detention system and/or absorption trenches, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered at the Land Titles Office.

Note: The required wording of the Instrument can be downloaded from Council's web site www.woollahra.nsw.gov.au. The *PCA* must supply a copy of the WAE Plans to Council together with the *Final Occupation Certificate*. The *Final Occupation Certificate* must not be issued until this condition has been satisfied.

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

I.1 Operation of Regulated Systems

The occupier must operate *regulated systems* in compliance with Clause 9 of the Public Health (Microbial Control) Regulation, 2000.

Where there is any change in the regulated system the occupier must register the changes in the *regulated systems* with Council pursuant to Clause 15 of the *Public Health (Microbial Control) Regulation, 2000*.

Water cooling system must be certified by a *competent person* annually as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

Reason: This condition has been imposed to ensure public health.

Note: *Regulated System* has the same mean as in the *Public Health Act 1991*. *Competent person* has the same meaning as in Clause 9(3) of the Public Health (Microbial Control) Regulation, 2000. The *NSW Code of Practice for the Control of Legionnaires' Disease* can be down loaded free from: http://www.health.nsw.gov.au/pubs/2004/pdf/legionnaires_disease.pdf.
Standard Condition: I11

I.2 Swimming and Spa Pools / Baths – Maintenance

Swimming/Spa Pools and Baths must be maintained:

- a. in compliance with the NSW Health “Public Swimming Pool and Spa Pool Guidelines” in force at that time. Private pools are encouraged to comply with the same standards as applicable;
- b. in compliance with AS 1926.3-2003:Swimming pool safety - Water recirculation and filtration systems ;
- c. with backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996, and

Note: The NSW Health Public Swimming Pool and Spa Pool Guidelines can be down loaded free from: <http://www.health.nsw.gov.au/public-health/ehb/general/pools/poolguidelines.pdf>
Standard Condition: I13

I.3 Noise from mechanical plant and equipment

Noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest lot boundary of the site. Where noise sensitive receivers are located within the site, noise from the operation of mechanical plant and equipment must not exceed *background noise* when measured at the nearest strata, stratum or community title boundary.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy (http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671, dated December 2004.
Standard Condition: I53

I.4 Noise Control

The use of the premises must not give rise to the transmission of *offensive noise* to any place of different occupancy. *Offensive noise* is defined in the *Protection of the Environment Operations Act 1997*.

Reason: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).
Standard Condition: I50

I.5 Rainwater Tank – Operation and Maintenance

All rainwater tank systems shall be operated and maintained in accordance with the technical provisions of the NSW Code of Practice for Plumbing and Drainage 3rd Edition 2006, AS/NZS 3500 as adopted by the Building Code of Australia, and the NSW Health Guideline "Use of Rainwater Tanks Where a Public Water Supply is Available".

Note: The NSW Health Guideline can be downloaded from http://www.health.nsw.gov.au/policies/gl/2007/pdf/GL2007_009.pdf. The guideline's introduction states: "*In urban areas the public water supply remains the most reliable source of good quality drinking water for the community. In these areas NSW Health supports the use of rainwater tanks for non-drinking uses, such as toilet flushing, washing clothes or in water heating systems, and outdoors for uses such as garden watering, car washing, filling swimming pools, spas and ornamental ponds, and fire fighting. Use of rainwater conserves the public water supply and helps to reduce stormwater impacts. In urban areas NSW Health recommends that people use the public water supply for drinking and cooking because it is filtered, disinfected and generally fluoridated.*"
Standard Condition: I35

I.6 On-going maintenance of the on-site-detention system

The Owner(s) must in accordance with this condition and any positive covenant:

- a. permit stormwater to be temporarily detained by the system;
- b. keep the system clean and free of silt rubbish and debris;

- c. if the car park is used as a detention basin, a weather resistant sign must be maintained in a prominent position in the car park warning residents that periodic inundation of the car park may occur during heavy rain;
- d. maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;
- e. carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- f. not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- g. permit the Council or its authorised agents from time to time upon giving reasonable notice (but at anytime and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- h. comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;
- i. where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;
- j. indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

Reason: This condition has been imposed to ensure that owners are aware of require maintenance requirements for their stormwater systems.

Note: This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
Standard Condition: I12

I.7 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.8 Outdoor lighting – Residential

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: This condition has been imposed to control the obtrusive effects of outdoor lighting.
Standard Condition: I42

I.9 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 160814M.

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.

J. Advisings

J.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.

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

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.

J.2 Community services advisings

- i) Consideration be given to the provision of a Village Bus to take residents to the shopping centers or medical appointments.
- ii) Consideration be given to the inclusion of rooms for doctors and allied health to use in the Well being Centre.

J.3 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.

J.4 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.

J.5 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.

J.6 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.

J.7 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.

J.8 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.

J.9 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.

J.10 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.

J.11 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.

- B. The Council officers investigate traffic calming devices in Laguna Street, Vaucluse and prepare a report for consideration by the Woollahra Traffic Committee.

Note: As the committee was divided between the Motion and the Amendment the Committee resolved that both the Motion and the Amendment be submitted to Council for consideration

There being no further business the meeting concluded at 12.40am.

We certify that the pages numbered 2210 to 2278 inclusive are the Minutes of the Development Control Committee Meeting held on 21 July 2008 and confirmed by the Development Control Committee on 4 August 2008 as correct.

Chairperson

Secretary of Committee