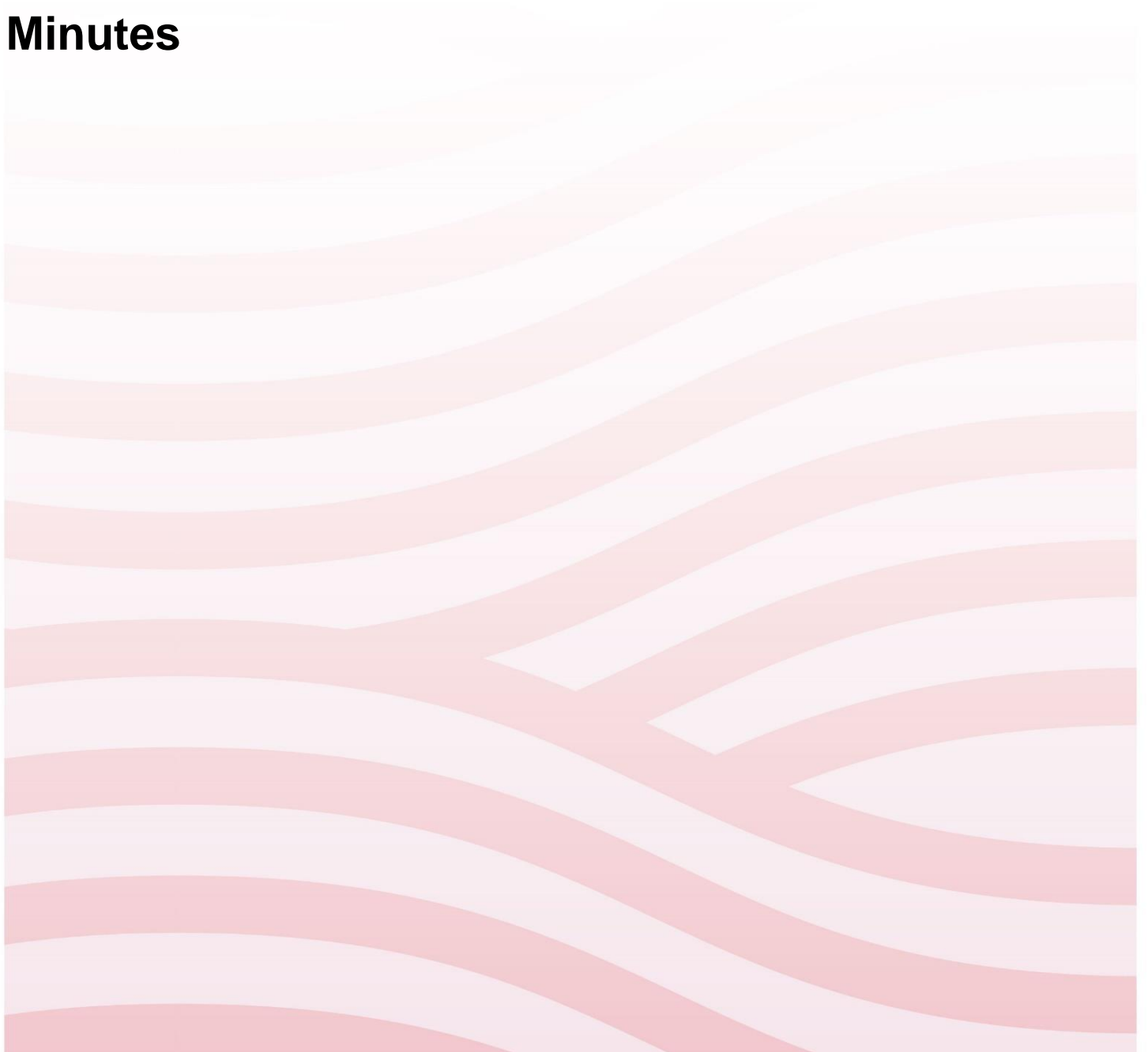




Woollahra Local Planning Panel (Electronic Meeting)

Tuesday 27 February 2024
845 New South Head Road, Rose Bay

Minutes



Woollahra Local Planning Panel (Electronic) Minutes

Tuesday 27 February 2024

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Woollahra Local Planning Panel (Electronic)

**Minutes of the Meeting held on
27 February 2024 at 10.00am
Via teleconference
845 New South Head Road, Rose Bay**

Present: Penny Holloway (Chair)
John McInerney (Expert)
Larissa Ozog (Expert)

Kenneth Raphael (Community Representative)

Staff: Nick Economou (Manager Development Assessment)
Sue O'Connor (Governance Officer)
Max Moratelli (Team Leader)

Note: The Panel considered the report and Attachments and determined the matter electronically.

Leave of Absence and Apologies

Nil

Late Correspondence

Late correspondence was submitted to the Panel in relation to item D1

Declarations of Interest

Nil

ITEM No.	D1
FILE No.	DA290/2023/1
ADDRESS	845 New South Head Road Rose Bay
PROPOSAL	Demolition of existing structures on the site and construction of a multi-storey residential flat building with basement parking, including strata subdivision

Reasons for Decision

At its meeting on 21 December 2023, the Woollahra Local Panel conducted a site inspection, considered the submissions, and reviewed the assessment report prepared by Council officers, that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (Original Report). The Panel resolved to defer the application for Council:

THAT the Woollahra Local Planning Panel, exercising the functions of Council, defer the Development Application No. 290/2023/1 for demolition of existing structures on the site and construction of a multi-storey residential flat building with basement parking, including strata subdivision on land at 845 New South Head Road Rose Bay, to a future Woollahra Local Planning Panel, for the Applicant to submit a Replacement Application including amended plans and updated documentation addressing all the recommended reasons for refusal.

The Replacement Application is to be submitted to Council no later than 22 January 2024. The application will then be determined electronically by the Panel (as constituted on the 21 December 2023), no later than 29 February 2024, unless otherwise decided by the Chair.

On 22 January 2024, the Applicant lodged a replacement application comprising:

- Amended architectural drawings
- Amended landscape plans
- Amended Apartment Design Guide (ADG) report
- Amended NatHERS and BASIX Certificates
- Cover letters

The Panel reviewed the supplementary report dated 27 February 2024 and concluded that the initial recommended reasons for refusal had adequately been addressed via the revised plans and/or conditions of consent.

The Panel noted the development complied with the key development standards, being height and FSR, and that the rear setback non-compliance was considered to be a reasonable response to the site's constraints and did not adversely impact on the amenity of adjoining properties. The Panel concluded that all other non-compliance were not sufficient to warrant refusal.

The Panel considered that the revised siting of the development was more skilful than the original application and achieved a good planning outcome.

The Panel considered that the application should be approved subject to the conditions prescribed below.

Resolved: Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979

THAT the Woollahra Local Planning Panel, exercising the functions of Council, approve the amended plans that have been lodged on 22 January 2024 for Development Application No. 290/2023/1 for demolition of existing structures on the site and construction of a multi-storey residential flat building with basement parking, including strata subdivision on land at 845 New South Head Road Rose Bay, and determine the application as follows:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A	1.	Conditions
<p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 (“the Act”), and the provisions of the Environmental Planning and Assessment Regulation 2021 (“the Regulations”) and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (“the Development Certification and Fire Safety Regulations”), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence. • Where there is any breach Council may without any further warning: <ul style="list-style-type: none"> a) Issue Penalty Infringement Notices (On-the-spot fines); b) Issue notices and orders; c) Prosecute any person breaching this consent; and/or d) 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. • 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. 		
<p>Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.</p>		

A	2.	Definitions
<p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p>Applicant means the applicant for this consent.</p> <p>Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p>Local native plants means species of native plant endemic to Sydney’s eastern suburbs.</p> <p>Owner-builder has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p>PC means the Principal Certifier under the <i>Act</i>.</p> <p>Principal Contractor has the same meaning as in the <i>Act</i>, 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.</p>		

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 meaning 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.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP means *Woollahra Development Control Plan 2015*

Work for the purposes of this consent means:

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

Condition Reason: To ensure all parties are aware of the relevant definitions.

A	3.	Approved Plans and Supporting Documents																														
		<p>Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below unless modified by any following condition.</p> <p>Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.</p>																														
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Reference</th> <th style="text-align: left;">Description</th> <th style="text-align: left;">Author</th> <th style="text-align: left;">Date</th> </tr> </thead> <tbody> <tr> <td>DA1002 (Rev.E)</td> <td>Site Plan</td> <td rowspan="13">MHN Design Union</td> <td rowspan="13">10/1/2024</td> </tr> <tr> <td>DA2001 (Rev.E)</td> <td>Roof Plan</td> </tr> <tr> <td>DA2002 (Rev.E)</td> <td>Basement Floor Plan</td> </tr> <tr> <td>DA2003 (Rev.E)</td> <td>Ground Floor Plan</td> </tr> <tr> <td>DA2004 (Rev.E)</td> <td>First Floor Plan</td> </tr> <tr> <td>DA2005 (Rev.E)</td> <td>Second Floor Plan</td> </tr> <tr> <td>DA2006 (Rev.E)</td> <td>Third Floor Plan</td> </tr> <tr> <td>DA3001 (Rev.E)</td> <td>Elevation North & South</td> </tr> <tr> <td>DA3002 (Rev.E)</td> <td>Elevation East & West</td> </tr> <tr> <td>DA3101 (Rev.E)</td> <td>Section A & B</td> </tr> <tr> <td>DA6001 (Rev.E)</td> <td>External Finishes Schedule</td> </tr> </tbody> </table>	Reference	Description	Author	Date	DA1002 (Rev.E)	Site Plan	MHN Design Union	10/1/2024	DA2001 (Rev.E)	Roof Plan	DA2002 (Rev.E)	Basement Floor Plan	DA2003 (Rev.E)	Ground Floor Plan	DA2004 (Rev.E)	First Floor Plan	DA2005 (Rev.E)	Second Floor Plan	DA2006 (Rev.E)	Third Floor Plan	DA3001 (Rev.E)	Elevation North & South	DA3002 (Rev.E)	Elevation East & West	DA3101 (Rev.E)	Section A & B	DA6001 (Rev.E)	External Finishes Schedule		
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DA9308 (Rev.01)	Driveway Crossover		7/09/2023
DA9309 (Rev.01)	Diagrams		
1405756M_03	BASIX Certificate	Sustain Build Projects	22/01/2024
230728SP1EA Sheets 1-6	Draft Strata Subdivision Plan	Ehsan (Evan) Akar	31/07/2023
23.064r01v03	Traffic Impact Statement	TRAFFIX	18 August 2023
Issue C	Landscape Plans	SQ1	January 2024
	Arboricultural Impact Assessment Report	Botanics (George Palmer)	Feb 2024
Project No. 230134, Rev. C	Stormwater Management Plan	Smart Structures Australia	17/08/2023
230134 – REV01	Flood Risk Management Report		18/09/2023
P2966_01 rev1	Geotechnical Report	Morrow Geotechnics	26/07/2023
Attachment 1	Site Waste Minimisation & Management Plan	MHN Design Union	26/07/2023

Notes:

- Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans.
- These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

A	4.	Ancillary Aspects of Development (section 4.17(2) of the Act)
		<p>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 (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p> <p>Notes:</p> <ul style="list-style-type: none"> 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. <p>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</p>

A	5.	Tree Preservation and Landscaping Works
		<p>While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.</p>

a) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Camellia japonica</i> (Camellia)	Front garden	3 x 2 metres
2	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Front garden	5 x 5 metres
3	<i>Ficus carica</i> (Common Fig)	Rear garden	5 x 2 metres
4,5, 6, 6a, 6 b	<i>Syzygium australe</i> (Brush Cherry Lillypilly) x 5	Rear garden	6 x 3 metres

The tree/s that may be removed must appear coloured red on the Construction Certificate plans.

The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.

Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents.

A 6. Conditions of Concurrence – Roads Act 1993 (TfNSW - Classified Roads)

The following conditions of concurrence have been imposed by Transport for NSW (TfNSW) in relation to classified roads:

1. All buildings and structures together with any improvements integral to the future use of the site, are to be wholly within the freehold property unlimited in height or depth along the New South Head Road boundary.
2. All vehicles are to be wholly contained on site before being required to stop.
3. All vehicles are to enter and leave the site in a forward direction.
4. The proposed driveway must be a minimum of 5.5m in width at the property boundary and of sufficient width to ensure that a B99 vehicle and a B85 vehicle can pass on the driveway in accordance with AS2890.1:2004 requirements.
5. Any part of the redundant driveway on the New South Head boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter and the new vehicular crossing on New South Head Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.
6. Detailed design plans of the proposed kerb and gutter and vehicular crossing are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.
7. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

	<p>8. A traffic light system within the development site is required to be installed and operational at all times to control traffic movements within the property, with priority given to traffic entering the site from New South Head Road. The traffic light system must not be visible to drivers on New South Head Road and must be maintained by the developer at no cost to TfNSW.</p> <p>9. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.</p> <p>10. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.</p> <p>11. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.</p> <p>12. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au</p> <p>13. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.</p> <p>14. The proposed development should be designed such that road traffic noise from New South Head Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 2.120 (3) of State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>15. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on the subject section of New South Head Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.</p>
	<p>Condition Reason: To ensure that conditions of concurrence imposed by Transport for NSW are incorporated.</p>

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B	1.	<p>Construction Certificate Required Prior to Any Demolition</p> <p>Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" under section 6.6 of the Act.</p> <p>In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:</p> <ul style="list-style-type: none"> • Before issue of a construction certificate • Before building work commences
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	<p>This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act.</p> <p>Note:</p> <ul style="list-style-type: none"> • See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.
	<p>Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.</p>

B 2.	<p>Erosion and Sediment Controls – Installation</p> <p>Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <p>a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p> <p>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • 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. • 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.
	<p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>

B 3.	<p>Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)</p> <p>Prior to any site works, tree protection measures must be established around all trees to be retained in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>A Construction Site Management Plan, which clearly details the tree protection measures, must be prepared before the issue of a construction certificate. The tree protection measures must comply with the following requirements;</p>
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a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
7 & 8	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear garden of 843 New South Head Road, northern boundary. Refer to figure 5 of the submitted Botanics tree report	2 metres
9	<i>Howea forsteriana</i> (Kentia palm)	Rear garden of 843 New South Head Road, northern boundary. Refer to figure 5 of the submitted Botanics tree report	2 metres
10 & 11	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear garden of 843 New South Head Road, northern boundary. Refer to figure 5 of the submitted Botanics tree report	2 metres
12	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear garden of 843 New South Head Road, northern boundary.	2 metres

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, and bus stops is protected.

Where this condition relates to trees on private property, the radial distance of fencing must be positioned only within the subject property relating to the development consent.

- b) Tree Protection Zones must be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence must be established prior to any materials being bought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm. The soil within the TPZ area must be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there must be no access within the TPZ area.
- c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.
- e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.
- f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- g) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.

Condition Reason: To ensure the protection of existing trees

B 4.	<p>Identification of Hazardous Material</p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none">• all hazardous materials identified on the site,• the specific location of all hazardous materials identified,• whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and• safety measures to be put in place. <p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>
B 5.	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none">• road pavement,• street signage including street lights,• kerb and gutter,• footway including pedestrian crossings, footpath, and driveways,• retaining walls, or other significant structures,• Heritage Items, including street name inlays,• utility service items including historical utility covers, and• drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.</p> <p>Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>
B 6.	<p>Recording of Buildings with Little or No Heritage Significance that are to be Demolished</p> <p>Prior to any site works and prior to the issue of any Construction Certificate, a photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer.</p> <p>The photographic archival recording is to be submitted in a digital format and is to include the following:</p>

	<p>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 and directional details of photographs taken.</p> <p>b) Coloured photographs of:</p> <ul style="list-style-type: none"> • each elevation, • each structure and landscape feature, and • views to the subject property from each street and laneway or public space. <p>Notes:</p> <ul style="list-style-type: none"> • Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf
	<p>Condition Reason: To ensure existing building and landscape elements are recorded.</p>

B 7.	<p>Skeletal Remains</p>
	<p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <p>a) NSW Police, and</p> <p>b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p>Details of the remains and their precise location are to be provided.</p> <p>Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p>
	<p>Condition Reason: To ensure the appropriate management of skeletal remains.</p>

B 8.	<p>Aboriginal Objects – Unexpected Findings</p>
	<p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <p>a) Not further disturb or move these objects or bones.</p> <p>b) Immediately cease all work at the particular location.</p> <p>c) In the case of suspected human remains, notify NSW Police.</p> <p>d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.</p> <p>e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p>f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p>g) If sandstone outcrops are exposed during the course of works, these should be inspected by a qualified archaeologist and representatives of La Perouse LALC for any evidence of rock engraving.</p>

	<p>Notes:</p> <p>a) The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.</p>
	<p>Condition Reason: To protect Aboriginal objects</p>

B 9.	<p>Aboriginal Heritage Due Diligence Responsibilities</p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p> <p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p>
	<p>Condition Reason: To protect Aboriginal heritage.</p>

B 10.	<p>Aboriginal Heritage Induction</p> <p>Prior to any site works:</p> <p>a) All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974;</p> <p>b) An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and</p> <p>c) Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier.</p>
	<p>Condition Reason: To protect Aboriginal heritage.</p>

B 11.	<p>Payment of Security and Fees</p> <p>Prior to any site works, the following security and fees must be paid in full:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Description</th> <th style="width: 15%;">Amount</th> <th style="width: 10%;">Indexed</th> <th style="width: 15%;">Council Fee Code</th> </tr> </thead> <tbody> <tr> <td colspan="4">SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td> </tr> <tr> <td>Property Damage Security Deposit -making good any damage caused to any property of the Council</td> <td>\$139,580</td> <td>No</td> <td>T115</td> </tr> <tr> <td colspan="4">INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i></td> </tr> <tr> <td>Security Deposit Administration Fee</td> <td>\$225.00</td> <td>No</td> <td>T16</td> </tr> <tr> <td>TOTAL SECURITY AND FEES</td> <td>\$139,805</td> <td></td> <td></td> </tr> </tbody> </table>	Description	Amount	Indexed	Council Fee Code	SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>				Property Damage Security Deposit -making good any damage caused to any property of the Council	\$139,580	No	T115	INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>				Security Deposit Administration Fee	\$225.00	No	T16	TOTAL SECURITY AND FEES	\$139,805		
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TOTAL SECURITY AND FEES	\$139,805																								

How must the payments be made?

Payments must be made by:

- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

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

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- 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 [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- 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,
- the bank guarantee is lodged with the Council prior to any site works being undertaken, and
- 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.

Notes:

- An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.
- The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.
- Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.
- Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.
- Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.
- The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au

Condition Reason: To ensure any relevant security and fees are paid.

B 12. Dilapidation Reports for Existing Buildings

Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer.

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

- a) No. 843 New South Head Road
- b) No. 843 New South Head Road
- c) No. 23 Conway Avenue

Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access.

The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work.

No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).

Notes:

- d) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development.
- e) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- f) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- g) Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.

Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

B 13. Dilapidation Reports for Public Infrastructure

Before any site work commences, to clarify the existing state of public infrastructure prior to the commencement of the development (including prior to any demolition), a dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site must be prepared.

The dilapidation report must be submitted to Council prior to the commencement of any site work and include:

- a) photographs showing any existing damage to the road pavement fronting the site,
- b) photographs showing any existing damage to the kerb and gutter fronting the site,
- c) photographs showing any existing damage to the footway including footpath pavement fronting the site,
- d) photographs showing any existing damage to retaining walls within the footway or road,
- e) closed circuit television/video inspection (in DVD format) and report of the public stormwater drainage system traversing/adjoining the site, and
- f) the full name and signature of the Chartered Professional Engineer.

The report is to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital, and date stamped.

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any site work. If the required report is not submitted, Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site work under this consent.

	<p>Notes:</p> <ul style="list-style-type: none"> • If a dilapidation report is not submitted as required by this condition, and damage is occasioned to public assets, which adjoin the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. • Nothing in this condition prevents Council making any claim against security held for this purpose.
	<p>Condition Reason: To establish and document the structural condition of public land for comparison as site work progresses and is completed and ensure Council is provided with the dilapidation report.</p>

B 14.	<p>Adjoining Buildings Founded on Loose Foundation Materials</p>
	<p>Before any site work commences, a professional engineer must determine 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 any reasonable direction of the professional engineer must be complied with.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure 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. • The person with the benefit of this consent is 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.
	<p>Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.</p>

B 15.	<p>Construction Management Plan</p>
	<p>Before any site work commences, and as a result of the site constraints, limited space and access, a Construction Management Plan (CMP) is to be submitted to Council for approval. Also, due to lack of on-street parking a Work Zone may be required during construction.</p> <p>An application for the CMP must be submitted for approval, and all associated application fees must be paid.</p> <p>The CMP must be submitted as a self-contained document that outlines the nature of the construction project and as applicable, include the following information:</p> <ol style="list-style-type: none"> a) Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage. b) Identify local traffic routes to be used by construction vehicles. c) Identify ways to manage construction works to address impacts on local traffic routes. d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments. e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.

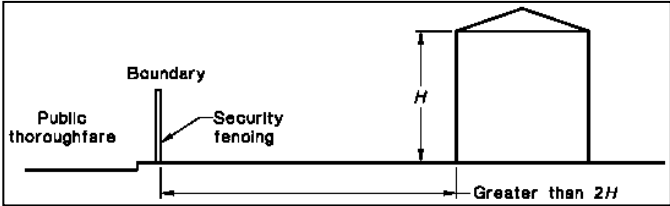
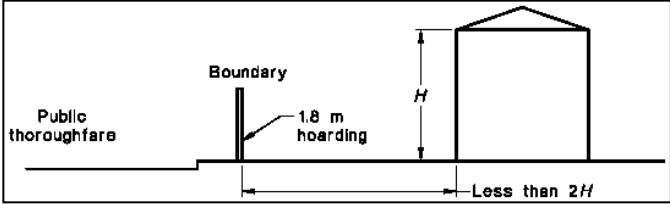
- f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access, or reversing manoeuvres onto a public road, and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes.
- g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- h) Provide for the standing of vehicles during construction.
- i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
- l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.
- m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)
- o) Show the location of any proposed excavation and estimated volumes.
- p) When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work must only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.
- q) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).

Notes:

- A minimum of eight weeks will be required for assessment. Site work must not commence until the Construction Management Plan is approved.
- Failure to comply with this condition may result in fines and proceedings to stop work.
- Council and NSW 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 Eastern Suburbs Police Area Command.
- If you partial or full close a road without compliance with Council and NSW Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution.
- Traffic Supervisors at the Eastern Suburbs Police Area Command can be contacted on eastsubtraffic@police.nsw.gov

Condition Reason: To facilitate the efficient operation of construction projects, minimise traffic disruption, and protect the public, and the surrounding environment, during site works and construction.

B 16.	<p>Works (Construction) Zone – Approval and Implementation</p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. • The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service. <p>Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>
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B 17.	<p>Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection</p> <p>Before any site work commences, 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.</p> <div style="text-align: center;">  </div> <p>Type A Hoarding</p> <p>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 1.8m adjacent to the thoroughfare.</p> <div style="text-align: center;">  </div>
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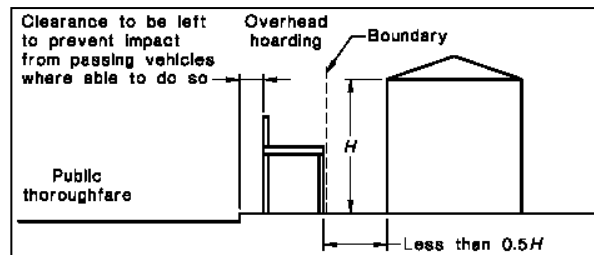
Type B Hoarding

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 4.0m; or
- b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

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

- a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary,
- b) have a clear height above the footpath of not less than 2.1m,
- c) 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 0.5m above the platform surface, and
- d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The overhead protective structures must be installed and maintained in accordance with the NSW "Code of Practice - Overhead Protective Structures 1995". This is code available at www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

All Hoardings

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.

Hoardings on Public Land including 'Creative Hoardings'

All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full.

A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council's Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au

Notes:

- A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees.
- Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:

	<p>A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more OR</p> <p>B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more OR</p> <p>C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:</p> <ol style="list-style-type: none"> 1. the capital investment value of the work to which the hoarding relates is less than \$1 million, or 2. the land is zoned R2 Low Density Residential, or 3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). <ul style="list-style-type: none"> • Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council’s form “Application for a permit to use a footpath for the erection of a hoarding/scaffolding”. The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au
	<p>Condition Reason:To ensure public safety.</p>

B 18.	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p>Erection of signs</p> <ul style="list-style-type: none"> • For the purposes of section 4.17(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: <ol style="list-style-type: none"> a) showing the name, address and telephone number of the principal certifier 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. • 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. • 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. • This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p>
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	<p>Signs on development sites</p> <p>If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:</p> <ul style="list-style-type: none"> Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out. <p>Notes:</p> <ul style="list-style-type: none"> Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. If Council is appointed as the Principal Certifier 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 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.
	<p>Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>

B 19.	<p>Toilet Facilities</p> <p>Before any site work commences, 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.</p> <p>Each toilet provided:</p> <ol style="list-style-type: none"> must be a standard flushing toilet, and must be connected to a public sewer, or if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or 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. <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. This condition does not set aside the requirement to comply with SafeWork NSW requirements.
	<p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>

B 20.	<p>Establishment of Boundary Location, Building Location and Datum</p> <p>Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:</p> <ol style="list-style-type: none"> set out the boundaries of the site by permanent marks (including permanent recovery points), set out 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, establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and
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	<p>d) provide a copy of a survey report, prepared by the registered surveyor, detailing the title boundaries, pegs/profiles, recovery points and bench mark locations as established under this condition to the Principal Certifier.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Where there is 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 site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent. • On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor.
	<p>Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p>

B 21.	<p>Compliance with Australian Standard for Demolition</p>
	<p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p>
	<p>Condition Reason To control the risks of demolition work.</p>

B 22.	<p>Construction Management Plan Arborist Review</p>
	<p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p> <p>The plan must address:</p> <ol style="list-style-type: none"> a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding; b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.; c) Site construction access, temporary crossings and movement corridors on the site defined; d) Contractors car parking; e) Phasing of construction works; f) The space needed for all foundation excavations and construction works; g) All changes in ground level; h) Space for site sheds and other temporary structures such as toilets; i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.
	<p>Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p>

B 23.	<p>Arborists Documentation and Compliance Checklist</p>
	<p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p>

- A record of the condition of trees to be retained prior to and throughout development.
- Recommended actions to improve site conditions and rectification of non-compliance.
- Recommendations for future works which may impact the trees.

All compliance certification documents must be kept on site.

As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Prior to any site works	<ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.

Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.

Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.

Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.

B 24. Permissible work within Tree Protection Zones

Prior to any site works, the following works are permissible within the Tree Protection Zone:

Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works
7 & 8	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.
9	<i>Howea forsteriana</i> (Kentia palm)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.
10 & 11	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.
12	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.

The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.

Condition Reason To establish the works which are permissible within the Tree Protection Zones.
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REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil.

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D	1.	Payment of Long Service Levy and S7.12 Contributions			
Before the issue of any construction certificate, the original receipt(s) for the payment of all of the following levy and contributions must be provided to the Principal Certifier:					
		Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>					
		Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECTION 7.12 DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2022 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au					
		Development Levy (section 7.12)	\$57,597 + Index Amount	Yes, quarterly	T96
		TOTAL CONTRIBUTIONS AND LEVIES	\$57,597 plus any relevant indexed amounts and long service levy		
<p>Building and Construction Industry Long Service Payment The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.</p> <p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>How will the section 7.12 levy (formerly known as 94A levy) be indexed? To ensure that the value of the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 2.12 of the Woollahra Section 7.12 Development Contributions Plan 2022 sets out the formula and index to be used in adjusting the levy.</p>					

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 7.12 Development Contributions Plan 2022

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, 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:

- the reasons given,
- whether any prejudice will be caused to the community deriving benefit from the public facilities,
- whether any prejudice will be caused to the efficacy and operation of the Plan, and
- 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:

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate,
- a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable,
- the bank agrees to pay the guaranteed sum without recourse 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
- 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 periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 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.

Condition Reason: To ensure any relevant levy and contributions are paid.

D 2. Modification of Details of the Development (section 4.17(1)(g) of the Act

Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:

- a) The submitted survey plan and all architectural plans must reference and accurately plot all existing trees located within the property and at 843 New South Head Road in accordance with Figure 5 of the Botanics arboricultural report.
- b) The roof terrace is accessible for maintenance purposes only and the height of the roof landscaping must not exceed 300mm.

	<p>Notes:</p> <ul style="list-style-type: none"> • Clause 20 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with. • Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.
	<p>Condition Reason: To ensure the modification of an existing development consent/consents.</p>

D 3.	<p>BASIX Commitments</p> <p>Before the issue of any construction certificate, BASIX Certificate No. 1405756M_03 must be submitted to the Principal Certifier with any application for a construction certificate.</p> <p>All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. • Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any.
	<p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>

D 4.	<p>Hydraulic Fire Services</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must detail all hydraulic fire safety services required by this condition.</p> <p>Fire hydrants, booster valve assembly installations, sprinkler valves and associated hydraulic equipment, must be:</p> <p>a) enclosed with doors, if located in the building façade; or b) housed in a cabinet or enclosure, if located external to the building.</p> <p>The location, design, colour and material of the doors, cabinet or enclosure must be visually unobtrusive and suitably integrated with the development, including any fencing and landscaping.</p> <p>Notes:</p> <ul style="list-style-type: none"> • These conditions apply in addition to requirements in AS 2419.1 Fire hydrant installations.
	<p>Condition Reason: To ensure that, in accordance with clause 7 of the Development Certification and Fire Safety Regulation, that hydraulic fire safety services are provided, but not visually intrusive when viewed from the street.</p>

D 5.	<p>State Environmental Planning Policy 65 – Design Verification Statement</p> <p>Before the issue of any construction certificate, as required under clause 15 of the Development Certification and Fire Safety Regulation, a statement by a qualified designer verifying that the relevant building work plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principle in State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development must be provided to the Principal Certifier.</p> <p>Notes:</p> <ul style="list-style-type: none">• Although a Principal Certifier may under clause 73(2)(b) of the Development Certification and Fire Safety Regulation be satisfied to any matter that relates to the external finish of a building the specific provisions of clause 15 of the Development Certification and Fire Safety Regulation overrides the Principal Certifier’s powers under clause 73(2)(b). No Principal Certifier can set aside this requirement.• Qualified designer means a person registered as an architect in accordance with the Architects Act 2003.• There are several methods of verifying the status of an individual or corporation or firm offering architectural services. Ask the individual for their four digit NSW Architects Registration Number, ask a corporation or firm for the name and registration number of their “nominated architect”, check to see whether an individual is listed on the NSW Register of Architects or the corporation or firm is listed on the list of architect corporations and firms on the Board’s website www.architects.nsw.gov.au or call the NSW Architects Registration Board on 9241 4033 to check the status of an individual or corporation or firm. <p>Condition Reason: To ensure a design verification statement from a qualified designer is provided for the development.</p>
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D 6.	<p>Flood Protection</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <p>a) A permanent flood risk management plan shall be installed in a prominent area of the garage,</p> <p><u>Flood Proof Material</u></p> <p>a) Flood compatible materials shall be used for all flood exposed construction,</p> <p><u>Electricals</u></p> <p>a) All flood exposed electrical wiring and equipment shall be waterproofed,</p> <p>Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.</p> <p>Notes:</p> <ul style="list-style-type: none">• The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.
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Condition Reason: To ensure the development incorporates flood inundation protection measures.

D 7. Road and Public Domain Works

Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:

Drainage Works:

- a) The discharge of stormwater by direct connection to the back of a new Kerb Inlet Pit (KIP) over the existing stormwater pipeline front the site on New South Head Road. Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 and a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate.
Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.

Note: Transport for NSW approval may be required.

Road and Footpath Works:

- a) The removal of the existing vehicular crossing including layback and gutter and the construction of a 5.5 metres wide vehicular crossing in accordance with Council's Crossing Specification, standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment.
- b) The proposed vehicular crossing must have a minimum clearance of 1m from the existing Telstra Pit other than amended by Council's Asset Engineer. As such, the existing Telstra Pit must be relocated with written approval obtained from Telstra. Transport for NSW approval may also be required.
- f) Removal and replacement of the existing footpath for the full width of the property in accordance with Council's standard drawing RF3. Transport for NSW approval is also required.
- g) Removal and replacement of all cracked or damaged kerb and gutter for the full width of the property in accordance with Council's standard drawing RF3.
- h) Removal of all driveway crossings and kerb laybacks which will be no longer required.
- i) Reinstatement of footpath, kerb and gutter to match existing.
- j) 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.

Before the issue of any construction certificate, the principal certifier must be provided with the original receipt(s) for the payment of all of the following security bonds and fees:

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Infrastructure Works Bond - completing any public work required in connection with the consent.	\$21,440	No	T113
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Road and Footpath Infrastructure Inspection Fee	\$645	No	T45
TOTAL SECURITY AND FEES	\$22,085		

How must the payments be made?

Payments must be made by:

- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

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

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- 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 [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- 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,
- the bank guarantee is lodged with the Council prior to any site works being undertaken, and
- 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.

Notes:

- **Road** has the same meaning as in the Roads Act 1993.
- Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under Roads 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.
- Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the Roads Act 1993 and specifically:
 - Construction of driveways and/or new or alterations to footpath paving
 - Alteration and/or extension to Council drainage infrastructure
 - Alteration and/or addition of retaining walls
 - Pumping of water to Council's below ground stormwater system
 - Installation of soil/rock anchors under the roadway
 - Installation of Stormwater outlet pipes across the nature strip
- An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the Roads Act 1993, before the issue of any construction certificate.
- 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 and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). The connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.

	<ul style="list-style-type: none"> - Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services. • All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances. • The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council’s Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations. • Any adjustments required from the garage slab and the street levels are to be carried out internally on private property • Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. • Temporary ground anchors may be permitted, in accordance with Council’s “Rock Anchor Policy”. • Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents. • All public domain works must comply with the latest version of Council’s “Specification for Roadworks, Drainage and Miscellaneous Works” unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from www.woollahra.nsw.gov.au. • When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment. • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council’s requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council’s requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council’s satisfaction as the case may be. • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • Upon completion of each section of road, drainage and landscape work to Council’s satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period. <p>Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council’s satisfaction.</p>
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<p>D 8.</p>	<p>Waste Storage – Residential Units (up to four units)</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must make provision for:</p> <ol style="list-style-type: none"> a) The storage of waste and recycling bins behind the building line or within non-habitable areas of the building as close as possible to the service road collection point. b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs and having a maximum grade of 1:8.
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Condition Reason: To ensure a waste and recycling storage area is provided.

D 9. Waste Storage – Compliance with Approved Site Waste Minimisation and Management Plan (SWMMP)

Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must detail provisions for waste management in accordance with the approved SWMMP.

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.

Condition Reason: To ensure a waste and recycling storage area is provided.

D 10. Utility Services Generally

Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety 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.

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 4.55 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.

The construction certificate plans and specifications, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.

Notes:

- 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.
- Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.

Condition Reason: To ensure the adequate provision of utility services, and to ensure that any proposed cables, pipes, conduits, ducts, plant, equipment, electricity substations or the like does not compromise the design quality of the development.

D 11. Provision for Energy Supplies

Before the issue of any construction certificate, a letter from Ausgrid setting out Ausgrid's requirements relative to the provision of electricity/gas supply to the development, must be provided to the Principal Certifier.

Any required electricity pillar and/or substation must be located within the boundaries of the site. Where an electricity pillar and electricity substation is required within the site but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans an application under section 4.55 of the Act is required to be submitted to Council. Council will assess the proposed location of the required electricity pillar and/or substation.

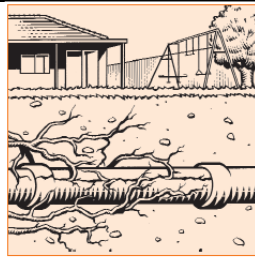
The construction certificate plans and specifications, required to be submitted under clause 7 of the Development Certification and Fire Safety Regulation, must detail provisions to meet the requirements of Ausgrid.

Where an electricity pillar and/or substation is required, the construction certificate plans and specifications must provide:

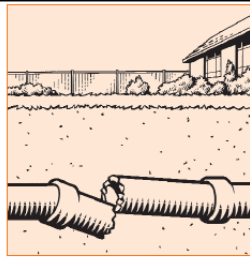
- a) A setback not less than 3m from the road boundary and dense landscaping of local native plants to screen the electricity pillar and/or substation from view within the streetscape.
- b) A setback not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility under clause 3.2.4 of AS2890.1 (See: Figures 3.2 and 3.3).
- c) A setback to and not within the drip line of any existing tree required to be retained.

	<p>d) A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly under clause 5.6.3(c)(ii) of AS 2419.1, and</p> <p>e) The Owner must dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity pillar and/or substation to be established, if required. The size and location of the electricity pillar and/or substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road reserve.</p> <p>Notes:</p> <ul style="list-style-type: none"> • If the electricity pillar and/or substation is not located within the building its location, screening vegetation, all screen walls or fire separating walls must have been approved by the grant of development consent or amended development consent prior to the issue of any construction certificate for those works. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Principal Certifier prior to issue of the construction certificate. The Principal Certifier must be satisfied that the requirements of the energy authority have been met prior to issue of the construction certificate. • Where it is proposed to shield any booster connection or any building from any electricity pillar and/or substation under clause 5.6.3(c)(ii) of AS 2419.1 or by fire resisting construction under the BCA respectively and this construction has not been detailed upon the approved development consent plans such works should be considered inconsistent with consent under clause 19 of the Development Certification and Fire Safety Regulation. The Applicant must lodge with Council details for any such construction under section 4.55 of the Act to allow assessment under section 4.15 of the Act. • Electricity pillar and/or Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set) Parking Facilities Set whether such driveways service the site or any adjoining land. <p>Condition Reason: To ensure the adequate provision of energy supply, and to ensure that any proposed electricity substation or the like does not compromise the design quality of the development.</p>
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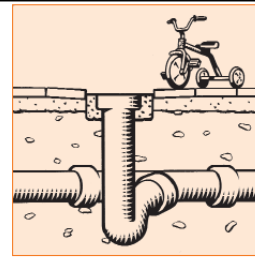
<p>D 12.</p>	<p>Water and Waste Water - section 73 Developers Certificate and Upgrading of Existing System</p> <p>Prior to the issue of any construction certificate, a Compliance Certificate must be obtained from Sydney Water under section 73 of the Sydney Water Act 1994. Sydney Water’s assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains.</p> <p>The construction certificate plans and specifications, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water’s sewer main where they are not found by inspection to be sewer grade UPVC or copper with continuously welded joints.</p>
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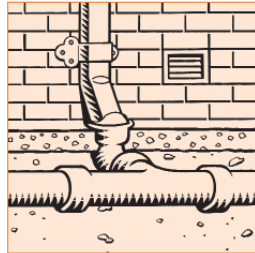
Cracked pipes



Broken pipes



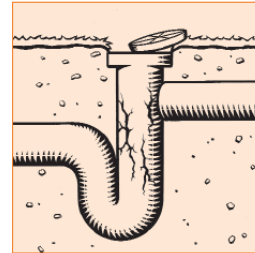
Damaged or low-lying gullies



Direct stormwater connections



Hidden or damaged maintenance holes



Hidden or damaged inspection points

Notes:

- Sydney Water will assess the development and if required will issue a 'Notice of Requirements' letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Please make early contact with Sydney Water or a WSC, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- For more information go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
- 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 systems are replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main as part of the development. Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.

Condition Reason: To ensure that private sewer pipes are upgraded where required to prevent water pollution, and unsafe and unhealthy conditions.

D 13. Checking Construction Certificate Plans – Protecting Assets Owned by Sydney Water

Before the issue of any construction certificate, the approved plans must be submitted to Sydney Water Tap In™ online service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and any requirements need to be met.

The Tap In™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

	<p>Notes:</p> <ul style="list-style-type: none"> For more information go to Sydney Water www.sydneywater.com.au/tapin/index.htm and www.sydneywater.com.au/SW/plumbing-building-developing/building/building-over-or-next-to-assets/index.htm or call 1300 082 746.
	<p>Condition Reason: To ensure the development meets the requirements of Sydney Water, and protects existing assets owned by Sydney Water.</p>

D 14.	<p>Erosion and Sediment Control Plan – Submission and Approval</p>
	<p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <ol style="list-style-type: none"> a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> The International Erosion Control Association – Australasia 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. The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter.
	<p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>

D 15.	<p>Tree Protection Plan and Specification</p>
	<p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <ol style="list-style-type: none"> a) Trees to be numbered and coloured in accordance with these conditions: <ul style="list-style-type: none"> • shaded green where required to be retained and protected • shaded red where authorised to be removed • shaded yellow where required to be transplanted • shaded blue where required to be pruned b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:

	<ul style="list-style-type: none"> • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p> <p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p>
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D 16.	Professional Engineering Details
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation.</p> <p>Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>

D 17.	Engineer Certification
	<p>Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property.</p> <p>This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.</p> <p>Condition Reason: To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.</p>

D 18.	Geotechnical and Hydrogeological Design, Certification and Monitoring
	<p>The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the <i>Regulation</i> 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.</p> <p>Note: the Geotechnical Investigation Report referenced within this consent, must be amended to address <u>all</u> requirements of Council's DCP <u>Section E2.2.10</u> and <u>Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports</u>. – Conditions applied.</p> <p>Geotechnical reports must be prepared by an appropriately qualified Geotechnical Engineer who is NER registered with a minimum of 10 years practice in the geotechnical field in the last 15 years.</p> <p>These details must be certified by a professional engineer to:</p> <ol style="list-style-type: none">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:<ul style="list-style-type: none">• Will detect any settlement associated with temporary and permanent works and structures,• Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),• Will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),• Will detect groundwater changes calibrated against natural groundwater variations,• Details the location and type of monitoring systems to be utilised,• Details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,• Details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and• Details a contingency plan.
	Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.

D 19.	<p>Ground Anchors</p> <p>This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths.</p> <p>This development consent does <u>NOT</u> give approval to any ground anchors encroaching onto adjoining private properties. Use of any Ground Anchors extending beyond site boundaries requires the approval of neighbouring private properties in writing.</p> <p>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.</p> <p>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 <i>Roads Act 1993</i>. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.</p> <p>Notes:</p> <ul style="list-style-type: none">• To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.• Road has the same meaning as in the Roads Act 1993.• Clause 17 of the Roads (General) Regulation 2018 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. <p>Condition Reason: To ensure the relevant approval is gained for any temporary ground anchors.</p>
D 20.	<p>Parking Facilities</p> <p>The Construction Certificate plans and specifications required by clause 139 of the <i>Regulation</i>, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS 2890.3:2015 <i>Parking Facilities - Bicycle Parking Facilities</i>, AS/NZS 2890.1:2004 : <i>Parking Facilities - Off-Street Car Parking</i> and AS 2890.2:2018 – <i>Off-Street Parking: Commercial Vehicle Facilities</i> respectively and including the following;</p> <ol style="list-style-type: none">a) The internal width of the proposed Garage 1 and Garage 4, must be increased to minimum 5.4m in accordance with the AS/NZS 2890.1:2004.b) Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS2890.1-2004;c) Traffic light system to be incorporated to manage traffic flow between the ground floor and basement level. Priorities should be given to vehicles entering the car park to minimise conflicts with traffic along the frontage road. <p>Access levels and grades must comply with access levels and grade required by Council under the <i>Roads Act 1993</i>.</p>

Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.

D 21. Stormwater Management Plan

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include a Stormwater Management Plan for the site and prepared by a suitably qualified and experienced civil engineer. The Stormwater Management Plan must detail:

- a) General design in accordance with the Stormwater Management Plan, Project No. 230134, Rev. C, prepared by Smart Structures Australia, dated 17/08/2023, other than amended by this and other conditions;
- b) The discharge of stormwater by direct connection to back of a new Kerb Inlet Pit (KIP) over the existing stormwater pipeline front the site on New South Head Road. Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council’s standard drawing DR1 and a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D “bicycle-friendly” grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.
- c) The location of the existing Stormwater Drainage System including all pipes, inspection openings, surface drains, pits and their discharge location,
- d) Any remedial works required to upgrade the existing Stormwater Drainage System crossing the footpath and any new kerb outlets,
- e) Any new Stormwater Drainage Systems complying with the BCA,
- f) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath,
- g) Compliance with the objectives and performance requirements of the BCA,
- h) Any rainwater tank (see Note below) required by BASIX commitments including Their overflow connection to the Stormwater Drainage System,
- i) General compliance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
- j) Provision of a 5m³ Rainwater Tank, a 21m³ Onsite Stormwater Detention (OSD) System and Stormwater Treatment Systems.
 All systems must be designed in accordance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management requirements.
 - a. As such, the volume of the proposed OSD System must be increased to be minimum 21m³ in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management requirements.
 - b. The proposed OSD System must provide an emergency overflow outlet, to safely convey water to the street, in the event of a blockage or failure of the OSD System, in accordance with Council’s Chapter E2 “Stormwater and Flood Risk Management” DCP. As such, one or more of the following options must be complied with:
 - i. OSD System is located as close as possible to the lowest point of the site at the property frontage so that any surcharge will overflow to the street through a spillway/weir. It must be ascertained that the overflow is not through any neighbouring properties.
 - ii. Surcharge is directed to a flow path through the development such that buildings are not inundated nor are flows concentrated on adjoining properties.
 - iii. A 900mm x 900mm overflow pit must be provided adjacent to the Discharge Control Pit.
 - c. Additional access grates for the OSD System must be provided for easy maintenance.

OSD System 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 Recurrence 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

Note: All values based on per 1000m² site area (interpolate to site area).

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

- a) Here the rainwater tank is used for external uses only, 40% of the rainwater tank volume to a maximum of 4m³, or
- b) 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 also 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.

The layout plan must include:

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of the OSD System, Rainwater Tank Stormwater Treatment Systems,
- c) All invert levels reduced to Australian Height Datum (AHD),
- d) Location and dimensions of all drainage pits,
- e) Point and method of connection to Council’s drainage infrastructure, and
- f) Overland flow paths over impervious areas.

Stormwater Management Systems

The OSD System, Rainwater Tank and Stormwater Treatment Systems utilised within the site must address:

- a) Any potential conflict between existing and proposed trees and vegetation,
- b) Internal dimensions and volume of the proposed detention storage,
- c) Diameter of the outlet to the proposed detention storage basin,
- d) 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,
- e) Details of access and maintenance facilities,
- f) Construction and structural details of all tanks and pits and/or manufacturer’s specifications for proprietary products,
- g) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the systems.

	<p><u>Copies of certificates of title</u></p> <p>a) Showing the creation of private easements to drain water by gravity, if required.</p> <p><u>Subsoil drainage</u></p> <p>The subsoil drainage is to address:</p> <p>a) Subsoil drainage details, b) Clean out points, and c) Discharge point.</p> <p>Where any new <i>Stormwater Drainage System</i> crosses the footpath area within any road, separate approval under section 138 of the <i>Roads Act 1993</i> must be obtained from Council for those works prior to the issue of any <i>Construction Certificate</i>.</p> <p>All <i>Stormwater Drainage System</i> work within any road or public place must comply with Woollahra Municipal Council's <i>Specification for Roadworks, Drainage and Miscellaneous Works</i> dated February 2012.</p> <p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
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D 22.	<p>Swimming and Spa Pools – Child Resistant Barriers</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia.</p> <p>Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Notes:</p> <ul style="list-style-type: none"> A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the construction certificate plans. <p>Condition Reason: To ensure child-resistant swimming and spa pool barriers are provided.</p>
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D 23.	<p>Swimming and Spa Pools – Backwash</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2.</p> <p>Notes:</p> <ul style="list-style-type: none"> The plans must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2. The discharge of backwash water to any stormwater system is water pollution and an offence under the Protection of the Environment Operations Act 1997. The connection of any backwash pipe to any stormwater system is an offence under the Protection of the Environment Operations Act 1997.
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	Condition Reason: To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.
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D	24.	<p>Electric vehicle circuitry and electric vehicle charging point requirements</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include an accurate electrical plan and specifications for all off-street car parking, prepared by a suitably qualified person, demonstrating the following;</p> <p>a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:</p> <ul style="list-style-type: none"> • Identify the power capacity to each car parking space. • Identify the load management system on each level of parking such as a distribution board. • Identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system must allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem). <p>b) A minimum of one Level 2 electric charger must be provided and Level 2 chargers must be provided to not less than 10% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.</p> <p>c) The Principal Certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The minimum electric circuitry requirements for ‘Level 2’ electric vehicle charging points are: <ul style="list-style-type: none"> - Privately available spaces including visitor spaces: ‘Level 2’ slow – single phase 7kW power; and - Publicly available spaces: ‘Level 2’ fast – three-phase 11-22kW power. <p>Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s), and electric charging points if 10 or more car parking spaces are provided.</p>
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D	25.	<p>Acoustic Certification of Mechanical Plant and Equipment</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must be accompanied by a certificate from a professional acoustic engineer certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level, at any time.</p> <p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p>Where sound attenuation is required this must be detailed.</p>
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	<p>Notes:</p> <ul style="list-style-type: none"> • Further information including lists of Acoustic Engineers can be obtained from: <ul style="list-style-type: none"> - Australian Acoustical Society - professional society of noise-related professional www.acoustics.asn.au - Association of Australian Acoustical Consultant - professional society of noise related professionals www.aaac.org.au
	<p>Condition Reason: To ensure the development does not result in any unreasonable acoustic impacts.</p>

E. BEFORE BUILDING WORK COMMENCES

E	1.	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p>
		<p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ol style="list-style-type: none"> a) that the work must be carried out in accordance with the requirements of the Building Code of Australia, b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ol style="list-style-type: none"> a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. • All new guttering is to comply with the provisions of AS3500.
		<p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>

E	2.	<p>Erosion and Sediment Controls – Installation</p>
		<p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> 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” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia (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. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • 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. • 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.
	<p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>

<p>E 3.</p>	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p>
	<p>Building work must not commence, until:</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> • appointed a Principal Certifier for the building work, and • notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and c) The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and • 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 d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: <ul style="list-style-type: none"> • 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 • notified the Principal Certifier of any such appointment, and • 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 • given at least 2 days’ notice to the Council of the person’s intention to commence the erection of the building. <p>Notes:</p> <ul style="list-style-type: none"> • Building has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. • New building has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building.

	<ul style="list-style-type: none"> • 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 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125. • Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council’s website www.woollahra.nsw.gov.au • 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 6.6(2) of the Act. • Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.
	<p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>

E 4.	<p>Notification of Home Building Act 1989 requirements</p>
	<p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:</p> <p>a) In the case of work for which a Principal Contractor is required to be appointed:</p> <ul style="list-style-type: none"> • the name and licence number of the Principal Contractor, and • the name of the insurer by which the work is insured under Part 6 of that Act, <p>b) In the case of work to be done by an Owner-builder:</p> <ul style="list-style-type: none"> • the name of the Owner-builder, and • if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p> <p>This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia.</p> <p>For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.</p>
	<p>Condition Reason: To ensure Council is notified of the Home Building Acts 1989 requirements.</p>

F. DURING BUILDING WORK

F 1.	<p>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</p>
	<p>While site work is being carried out:</p>

	<p>a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),</p> <p>b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>This condition does not apply:</p> <p>a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or</p> <p>b) to the erection of a temporary building.</p> <p>In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p> <p>Notes:</p> <ul style="list-style-type: none"> All new guttering is to comply with the provisions of AS 3500.
	<p>Condition Reason: To ensure compliance with the BCA and Home building Act 1989.</p>

F 2.	<p>Compliance with Construction Management Plan</p>
	<p>While site work is being carried out, all development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times. A copy of the CMP must be kept on-site at all times and made available to the Principal Certifier on request.</p> <p>Notes:</p> <ul style="list-style-type: none"> Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.
	<p>Condition Reason: To ensure compliance with the Construction Management Plan.</p>

F 3.	<p>Requirement to Notify about New Evidence</p>
	<p>While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.</p>
	<p>Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.</p>

F 4.	<p>Critical Stage Inspections</p>
	<p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p>

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.

Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.

Notes:

- The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent.
- The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development.

Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.

F 5. Hours of Work –Amenity of the Neighbourhood

While site work is being carried out:

- 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.
- d) The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday:
 - piling,
 - piling,
 - rock or concrete cutting, boring or drilling,
 - rock breaking,
 - rock sawing,
 - jack hammering, or
 - machine excavation.
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour.

Notes:

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

	<ul style="list-style-type: none"> The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. 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 2017. NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nqlg.htm
	<p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>

F 6.	<p>Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <ol style="list-style-type: none"> a) Not erect or maintain any gate or fence that swings out, or encroaches 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) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. f) Not stand any plant and equipment upon the road or footway. g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand. h) Provide a clear safe pedestrian route a minimum of 1.5m wide. i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development. <p>This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with:</p> <ol style="list-style-type: none"> 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. <p>Notes:</p> <ul style="list-style-type: none"> Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, - otherwise than with the consent of the appropriate roads authority. 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: <ul style="list-style-type: none"> - Part C Management of waste: <ol style="list-style-type: none"> a) For fee or reward, transport waste over or under a public place
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	<ul style="list-style-type: none"> b) Place waste in a public place c) Place a waste storage container in a public place. <p>- Part E Public roads:</p> <ul style="list-style-type: none"> a) 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 b) 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.
	<p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>

F 7.	<p>Tree Preservation</p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council’s Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <ul style="list-style-type: none"> a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. 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 arborist. The arborist is to supply a detailed report to the appointed certifier. <p>Trees must be pruned in accordance with Australian Standard AS 4373 “Pruning of Amenity Trees” and WorkCover NSW Code of Practice Amenity Tree Industry.</p>
	<p>Condition Reason: To protect trees during the carrying out of sitework.</p>

F 8.	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ul style="list-style-type: none"> a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions.
	<p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>

F	9.	Compliance with Geotechnical / Hydrogeological Monitoring Program
<p>While site work is being carried out, 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.</p> <p>The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to:</p> <ol style="list-style-type: none"> 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. <p>Notes:</p> <ul style="list-style-type: none"> • 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. 		
<p>Condition Reason: To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.</p>		

F	10.	Support of Adjoining Land and Buildings
<p>While site work is being carried out, a person must not to 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).</p> <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • 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). • Clause 17 of the Roads Regulation 2018 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. 		

	<ul style="list-style-type: none"> 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.
	Condition Reason: To ensure that the support of adjoining land is not removed.

F 11.	<p>Vibration Monitoring</p> <p>While site work is being carried out, 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.</p> <p>A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.</p> <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> Professional engineer has the same mean as in Schedule 1 of the BCA. Building has the same meaning as in section 1.4 of the Act i.e. “building includes part of a building and any structure or part of a structure....” Supported land has the same meaning as in the Conveyancing Act 1919. <p>Condition Reason: To monitor and manage vibration impacts from development.</p>
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F 12.	<p>Erosion and Sediment Controls – Maintenance</p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> 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” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • 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. • 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. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
F 13.	<p>Disposal of Site Water During Construction</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of 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. <p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
F 14.	<p>Filling of Site</p> <p>While site work is being carried out, to the extent that this consent permits filling of the site, such fill must be virgin excavated natural material (“VENM”).</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under Schedule 1 of the Protection of the Environment Operations Act 1997 “virgin excavated natural material” means natural material (such as clay, gravel, sand, soil or rock fines): <ul style="list-style-type: none"> - that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and

	<ul style="list-style-type: none"> - that does not contain any sulfidic ores or soils or any other waste, and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being under an EPA Gazettal notice. • Sulfidic ores and soils are commonly known as acid sulfate soils. • If a person transports waste to a place (the site) that cannot lawfully be used as a waste facility for that waste: (a) the person, and, (b) if the person is not the owner of the waste, the owner, are each guilty of an offence under section 143 of the Protection of the Environment Operations Act 1997. • A person who is the owner or occupier (principal contractor) of any land that cannot lawfully be used as a waste facility and who permits the land to be used as a waste facility is guilty of an offence under section 144 of the Protection of the Environment Operations Act 1997. • Additional information is available from the NSW Environment Protection Authority website.
	Condition Reason: To ensure that waste material is not used as fill.

F 15.	Site Cranes
	<p>While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.</p> <p>Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.</p> <p>The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).</p> <p>No illuminated sign(s) must be erected upon or displayed upon any site crane.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place. • Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate must be obtained. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.
	Condition Reason: To ensure site cranes are used safely with the relevant approvals.

F 16.	Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum
	<p>While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.</p>

	<p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:</p> <ol style="list-style-type: none"> a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof. d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like. e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels. f) Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. g) Flood protection measures are in place confirming location, height and capacity.
	<p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>

F 17.	Placement and Use of Skip Bins
	<p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <ol style="list-style-type: none"> a) Activity Approval has been issued by Council under section 68 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. <p>Notes:</p> <ul style="list-style-type: none"> • 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.
	<p>Condition Reason: To ensure waste storage containers are appropriately located.</p>

F 18.	Prohibition of Burning
	<p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.
	<p>Condition Reason: To ensure no burning of waste occurs.</p>

F	19.	Dust Mitigation
<p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> 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. <p>Notes:</p> <ul style="list-style-type: none"> • “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au • Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. • 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. 		
<p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>		

F	20.	Compliance with Council’s Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway
<p>While site work is being carried out, 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 (2012).</p> <p>The person with the benefit of this consent must meet all costs associated with such works.</p> <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A copy of Council’s Specification for Roadworks, Drainage and Miscellaneous Works can be downloaded from Council’s website www.woollahra.nsw.gov.au 		
<p>Condition Reason: To ensure that any road, drainage, or miscellaneous works comply with Council’s specifications.</p>		

F	21.	<p>Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters</p> <p>While site work is being carried out, temporary child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and Building Code of Australia where any swimming pool or spa pool, as defined by the Swimming Pools Act 1992, contains more than 300mm in depth of water at any time.</p> <p>Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia as soon as practical.</p> <p>Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the Swimming Pools Act 1992 must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition does not prevent Council from issuing an order under section 23 of the Swimming Pool Act 1992 or taking such further action as necessary for a breach of this condition or the Swimming Pools Act 1992. <p>Condition Reason: To ensure access to swimming pools is effectively restricted to maintain child safety.</p>
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F	22.	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), c) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly 'signposted', e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and f) site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.
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	<p>Notes:</p> <ul style="list-style-type: none"> Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.
	<p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>

F 23.	<p>Site Waste Minimisation and Management – Construction</p>
	<p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ol style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage, c) consideration must be given to returning excess materials to the supplier or manufacturer, d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation), e) the purpose and content of the storage areas must be clearly ‘signposted’, f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste, g) separate collection bins or areas for the storage of residual waste must be promoted, h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented, i) site disturbance must be minimised and unnecessary excavation limited, j) all waste must be transported to a place that can lawfully be used as a waste facility, and k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.
	<p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>

F 24.	<p>Asbestos Removal</p>
	<p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <ol style="list-style-type: none"> a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal. b) Be carried out in accordance with the relevant SafeWork NSW codes of practice. c) No asbestos products may be reused on the site. d) No asbestos laden skip or bins must be left in any public place.

	<p>Notes:</p> <ul style="list-style-type: none"> • Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. • All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and - SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	<p>Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>

F 25.	<p>Classification of Hazardous Waste</p>
	<p>While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.</p>
	<p>Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.</p>

F 26.	<p>Disposal of Asbestos and Hazardous Waste</p>
	<p>While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.</p>
	<p>Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.</p>

F 27.	<p>Asbestos Removal Signage</p>
	<p>While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.</p>
	<p>Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.</p>

F 28.	<p>Notification of Asbestos Removal</p>
	<p>While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.</p>

	The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
	Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.

F	29.	Arborists Documentation and Compliance Checklist	<p>While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> a) a record of the condition of trees to be retained prior to and throughout development, b) recommended actions to improve site conditions and rectification of non-compliance, and c) recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 30%;">Stage of arboricultural inspection and supervision</th> <th>Compliance documentation and photos must include</th> </tr> </thead> <tbody> <tr> <td>While site work is carried out</td> <td> <ul style="list-style-type: none"> • The project arborist must supervise the demolition of the existing stone wall within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12. The condition of exposed roots must be managed and documented. • The project arborist must supervise excavation for any new footings and walls within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12, documenting the condition of roots and soil. • The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. • Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. • Regular inspections as indicated in the Tree Management Plan. </td> </tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	While site work is carried out	<ul style="list-style-type: none"> • The project arborist must supervise the demolition of the existing stone wall within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12. The condition of exposed roots must be managed and documented. • The project arborist must supervise excavation for any new footings and walls within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12, documenting the condition of roots and soil. • The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. • Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. • Regular inspections as indicated in the Tree Management Plan.
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F	30.	Replacement/Supplementary trees which must be planted	<p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the criteria outlined below.</p>
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Species/Type	Planting Location	Container Size/ Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
4 x <i>Tristaniopsis laurina</i> (Water gum)	Front. As plotted on the submitted SQ1 Landscape Plan	200 litre	8 (h) x 8 (w) metres
3 x <i>Corymbia ficifolia</i> (Summer Red)	Front. As plotted on the submitted SQ1 Landscape Plan	200 litre	8 (h) x 8 (w) metres
2 x <i>Banksia serrata</i> (Old-man Banksia), or 2 x <i>Tristaniopsis laurina</i> 'Lucious' (Tristaniopsis Luscious), or; 2 x <i>Lagerstroemia indica</i> (Crepe Myrtle)	Rear deep soil area (Second Floor)	200 litre	6 (h) x 4 (w) metres

The project arborist must document compliance with the above condition.

Condition Reason: To ensure the provision of appropriate replacement planting.

F 31. Hand excavation within tree root zones

While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
7 & 8	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear garden of 843 New South Head Road , northern boundary	2 metres
9	<i>Howea forsteriana</i> (Kentia palm)	Rear garden of 843 New South Head Road , northern boundary	2 metres
10 & 11	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear garden of 843 New South Head Road , northern boundary	2 metres
12	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear garden of 843 New South Head Road , northern boundary	2 metres

Small hand tools such as mattocks or using compressed air or water jetting only must be used. Roots with a diameter equal to or in excess of 50mm must not be severed or damaged unless approved in writing and documented by the project arborist.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the hand excavated perimeter line is completed. Exposed roots to be retained must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

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 5 or recognised equivalent).

	The project arborist must document compliance with the above condition.
	Condition Reason: To ensure demolition and excavation works would not adversely impact upon the health of existing trees.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G	1.	Occupation Certificate (section 6.9 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 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.
		Notes: <ul style="list-style-type: none"> • New building includes an altered portion of, or an extension to, an existing building.
		Condition Reason: To ensure the building is suitable to occupy.

G	2.	Fire Safety Certificates
		Before the issue of any occupation certificate to authorise a person: a) to commence occupation or use of a new building, or b) to commence a change of building use for an existing building, the Principal Certifier must be satisfied that a final fire safety certificate has been issued for the building.
		Notes: <ul style="list-style-type: none"> • In this condition: <i>interim fire safety certificate</i> has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. <i>final fire safety certificate</i> has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. <i>new building</i> has the same meaning as it has in section 6.1 of the Act.
		Condition Reason: To ensure that a final fire safety certificate is issued prior to occupation.

G	3.	Amenity Landscaping
		Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.
		Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.

G	4.	Commissioning and Certification of Systems and Works
		Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 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 must be submitted to the satisfaction of the Principal Certifier.

	<p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> 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 and storage 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 Certifier may require. <p>Notes:</p> <ul style="list-style-type: none"> • The PC 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). • The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.
	<p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>

G 5.	<p>Commissioning and Certification of Public Infrastructure Works</p> <p>Before the issue of any occupation certificate, 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 (2012) must be submitted to the satisfaction of Council, and the Principal Certifier must be provided with correspondence from Council to this effect.</p> <p>The certification must be supported 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.</p>
	<p>Condition Reason: To ensure that any road, drainage, or miscellaneous works have been completed in accordance with Council’s specifications to the satisfaction of Council.</p>

G 6.	<p>State Environmental Planning Policy 65 – Design Verification Statement</p> <p>Before the issue of any occupation certificate, as required under clause 43 of the Development Certification and Fire Safety Regulation, the Principal Certifier must have received a design statement from a qualified designer.</p>
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	<p>A design statement means a statement by a qualified designer verifying that the development achieves the design quality shown in the plans and specifications for which the construction certificate was issued, having regard to the design quality principles in State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.</p> <p>Notes:</p> <ul style="list-style-type: none"> Although a Principal Certifier may under clause 73 of the Development Certification and Fire Safety Regulation be satisfied to any matter that relates to the external finish of a building, clause 43 of the Development Certification and Fire Safety Regulation overrides the Principal Certifier’s powers under clause 73. Qualified designer means a person registered as an architect in accordance with the Architects Act 2003.
	<p>Condition Reason: To ensure residential flat building development achieves the required quality of design.</p>

G 7.	<p>Street Numbering</p>
	<p>Before the issue of any occupation certificate, the development must be provided with street and sole occupancy unit numbers determined by Council.</p> <p>Notes:</p> <ul style="list-style-type: none"> Applications for the allocation of street and sole occupancy unit numbers must be made together with any application for a strata certificate or Torrens or community title subdivision certificate. Council will determine at its discretion in accordance with its policy street numbers and street addresses that best suit the public interest.
	<p>Condition Reason: To ensure that emergency services, utility services, and the general public are able to clearly and readily locate any property and to protect the integrity of street numbering and land information.</p>

G 8.	<p>Letter Box(es)</p>
	<p>Before the issue of any occupation certificate, all letter boxes must be constructed and located in accordance with AS/NZS 4253: Mailboxes and to Australia Post’s satisfaction.</p> <p>Notes:</p> <ul style="list-style-type: none"> Council has been alerted to an increase in mailbox theft, and as such, all new development, being new dwelling houses and residential flat buildings, are encouraged to have lockable mail boxes.
	<p>Condition Reason: To ensure that mail can be delivered to occupiers of the site.</p>

G 9.	<p>Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters</p>
	<p>Before the issue of any occupation certificate, and prior to filling any swimming pool, as defined by the Swimming Pools Act 1992:</p> <ol style="list-style-type: none"> Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia. The swimming pool must be registered in accordance with section 30B of the Swimming Pools Act 1992 on the NSW Government Swimming Pool Register. The Principal Contractor or Owner must either obtain a certificate of compliance issued under section 22D of the Swimming Pools Act 1992 or an appropriate occupation certificate authorising use of the swimming pool.

	<p>d) Public pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable.</p> <p>e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3: Swimming pool safety - Water recirculation systems.</p> <p>Backwash must be discharged to the sewer in compliance with AS/NZS 3500.</p> <p>Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate before 8 am or after 8 pm on any Sunday or public holiday, or before 7 am or after 8 pm on any other day.</p> <p>Notes:</p> <ul style="list-style-type: none"> NSW Health guidelines and fact sheets are available at www.health.nsw.gov.au <p>Condition Reason: To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.</p>
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G 10.	Swimming Pool Fencing
	<p>Before the issue of any occupation certificate, swimming pool fencing is to be constructed in accordance with AS1926: Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools.</p> <p>Notes:</p> <ul style="list-style-type: none"> Pools commenced or completed after May 2013 must meet the BCA and AS1926. <p>Condition Reason: To ensure swimming pool safety.</p>

G 11.	Certification of Electric Vehicle Charging System
	<p>Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by Condition D.24. must be submitted to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure the certification of the electric vehicle charging system.</p>

G 12.	Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation
	<p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. 1405756M_03.</p> <p>Notes:</p> <ul style="list-style-type: none"> Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled. <p>Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.</p>

G 13.	Removal of Ancillary Works and Structures
	Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place: a) the site sign, b) ablutions, c) hoarding, d) scaffolding, and e) waste materials, matter, article or thing.
	Condition Reason: To ensure that all ancillary matter is removed prior to occupation.

G 14.	Positive Covenant and Works-As-Executed Certification of Stormwater Systems
	On completion of construction work, stormwater drainage works are to be certified by a <i>professional engineer</i> 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 Onsite Stormwater Detention (OSD) System, Rainwater Tank and Stormwater Treatment Systems; c) That the works have been constructed in accordance with the approved design and will be in accordance with the submitted calculations; d) Pipe invert levels and surface levels to Australian Height Datum; 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. A positive covenant pursuant to section 88E of the <i>Conveyancing Act 1919</i> 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 Rainwater Tank, OSD System and Stormwater Treatment Systems incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. Notes: <ul style="list-style-type: none">The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate.The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.
	Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.

G 15.	Positive Covenant for Mechanical Parking Installation & Work-As-Executed Certification of Mechanical Systems
	Before the issue of any occupation certificate for the whole of the building, mechanical parking installations are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing: a) Compliance with conditions of development consent relating to mechanical parking installation including traffic light system; b) That the works have been constructed in accordance with the approved design;

	<p>c) 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 turntable, car lift, car stacker and traffic signal system 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 and Property Information NSW.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The PCA must supply a copy of the WAE Plans to Council together with the occupation certificate for the whole of the building. • The occupation certificate for the whole of the building must not be issued until this condition has been satisfied. <p>Condition Reason: To ensure the certification and ongoing maintenance of the mechanical parking installations and to indemnify Council from any claims or actions.</p>
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G 16.	<p>Landscaping</p> <p>Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with 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 landscaping and replacement/supplementary tree planting works comply with this consent.</p> <p>Condition Reason: To ensure that all landscaping work is completed prior to occupation.</p>
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G 17.	<p>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</p> <p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 50%;">Stage of arboricultural inspection and supervision</th> <th style="width: 50%;">Compliance documentation and photos must include</th> </tr> </thead> <tbody> <tr> <td>Prior to the issue of any occupation certificate</td> <td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td> </tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				

Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.

H. OCCUPATION AND ONGOING USE

H	1.	Swimming and Spa Pools – Maintenance
<p>During the occupation and ongoing use, swimming and spa pools must be maintained:</p> <ol style="list-style-type: none"> a) in compliance with the Swimming Pools Act 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs, b) in compliance with the NSW Health “Public Swimming Pools and Spa Pools Advisory Document” in force at that time. Private pools are encouraged to comply with the same standards as applicable, c) in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems, d) with backwash being discharged to the sewer in compliance with AS/NZS 3500, and e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): <ul style="list-style-type: none"> • before 8 am or after 8 pm on any Sunday or public holiday, or • before 7 am or after 8 pm on any other day. <p>Notes:</p> <ul style="list-style-type: none"> • Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained. • The NSW Health public swimming pools and spa pools guidelines are available at www.health.nsw.gov.au 		
<p>Condition Reason: To ensure public health and safety.</p>		

H	2.	Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)
<p>During the occupation and ongoing use, each year, an annual fire safety statement must be provided to Council and the Commissioner of Fire and Rescue NSW. The annual fire safety statement must be prominently displayed in the building.</p> <p>Notes:</p> <ul style="list-style-type: none"> • essential fire safety measure has the same meaning as in Schedule 2 of the Development Certification and Fire Safety Regulation. • annual fire safety statement has the same meaning as in clause 88 of the Development Certification and Fire Safety Regulation. • Visit Council’s website for additional information in relation to fire safety www.woollahra.nsw.gov.au. 		
<p>Condition Reason: To ensure public safety.</p>		

H	3.	Outdoor Lighting – Residential
<p>During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.</p>		

	Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.
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H	4.	<p>Noise from Mechanical Plant and Equipment</p> <p>During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time.</p> <p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p>Notes:</p> <ul style="list-style-type: none"> Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government <p>Condition Reason: To protect the amenity of the neighbourhood.</p>
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H	5.	<p>Ongoing Maintenance of the On-Site Stormwater Detention System</p> <p>The Owner(s) must in accordance with this condition and any positive covenant:</p> <ol style="list-style-type: none"> 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 retention 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 (d) 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 any time 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;
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	<p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	<p>Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.</p>

H 6.	<p>Parking Permits</p>
	<p>During the occupation and ongoing use, future tenants and residents of the proposed development will not be eligible for resident or visitor parking permits.</p>
	<p>Condition Reason: To minimise the impact of the development upon on street car parking.</p>

H 7.	<p>On-going Maintenance of the Mechanical Parking Installations</p>
	<p>During the occupation and ongoing use, the Owner must ensure the ongoing maintenance of the mechanical parking installations in accordance with this condition and any positive covenant. The Owner must:</p> <ol style="list-style-type: none"> a) keep the system clean and free of silt rubbish and debris; b) maintain renew and repair as reasonably required from time to time the whole of the system so that it functions in a safe and efficient manner; c) carry out the matters referred to in paragraphs (a) and (b) at the Owners expense; d) 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; e) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time 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; f) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice; and g) 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. <p>The Owner</p> <ol style="list-style-type: none"> a) indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant; and b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant.

	<p>Notes:</p> <ul style="list-style-type: none"> This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
	<p>Condition Reason: To ensure the ongoing maintenance of the mechanical parking installations.</p>

H 8.	<p>Maintenance of BASIX Commitments</p>
	<p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1405756M_03.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p>
	<p>Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.</p>

I. BEFORE THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

K. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (SUBDIVISION WORKS)

Nil.

L. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (NO SUBDIVISION WORKS)

Nil.

M. BEFORE THE ISSUE OF A STRATA CERTIFICATE

M 1.	<p>Strata Title Subdivision Certificate (Part 4 Strata Schemes Development Act 2015)</p>
	<p>Before the issue of any subdivision certificate, in addition to the statutory requirements of the Strata Schemes Development Act 2015, a strata certificate must not be issued which would have the effect of:</p> <ul style="list-style-type: none"> a) transferring to any strata unit entitlement, any areas of common property shown upon the approved development application plans, b) transferring to any strata unit entitlement, any visitor parking spaces, or c) creating any unit entitlement to any car parking spaces not associated with an occupiable unit entitlement within the strata plan.
	<p>Condition Reason: To ensure that:</p> <ul style="list-style-type: none"> a) common property is not alienated from the strata scheme and assigned to any one or more strata lots, b) visitor parking is not alienated from the strata scheme and assigned to any one or more strata lots such that visitors would be restricted from lawful access and use of required visitor parking,

	c) parking spaces are not strata subdivided as separate strata lots which may be sold with full strata title rights as a parking space lot, reducing available parking to strata lots and visitors required to reduce demand for on-street public parking.
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Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.

For the Motion

Against the Motion

Penelope Holloway
John McInerney
Larissa Ozog
Kenneth Raphael

Nil

4/0

There being no further business the meeting concluded at 11.04am.

We certify that the pages numbered 1 to 72 inclusive are the Minutes of the Woollahra Local Planning Panel (Electronic Meeting) Meeting held on 27 February 2024 and confirmed by all Panel members of the Woollahra Local Panel on 7 March 2024 as correct.

Chairperson

Secretary of Committee

Expert

Expert

Community Representative