

SCHEDULE 1

PART A—TABLE

Application made by:	Molnar Freeman Architects Pty Ltd 14 Moncur Street, WOOLLAHRA NSW 2025
Application made to:	Minister for Planning
Development Application:	DA 97-4-2005
On land comprising:	Lot 103 DP 1064882 8 Markham Close, MOSMAN 2088
Local Government Area	Mosman Municipal Council
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$1.2 million
Type of development:	State Significant, Integrated Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Mosman Council under Section 138 of the <i>Roads Act, 1993</i>
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 97-4-2005

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application, within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies where imposed in accordance with Mosman Section 94 Contributions Plan - Open Space. The Mosman Section 94 Contributions Plan - Open Space may be inspected at the following locations:

- Mosman Council; and
- on Mosman Council's website: www.mosman.nsw.gov.au and follow the menu to /Planning Controls/Section 94 Plans.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Molnar Freeman Architects Pty Ltd. or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Mosman Municipal Council.

DA No. 97-4-2005 means the development application and supporting documentation submitted by the applicant on 27 April 2005.

Department means the Department of Planning or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department.

Director-General means the Director-General of the Department.

Management Plan means the Markham Close, Georges Heights Management Plan prepared by the Sydney Harbour Federation Trust dated 9 December 2003 (as subsequently amended 28 February 2005).

Minister means the Minister for Planning (or successors).

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

Advisory Notes – means advisory information relating to the approved development but do not form a part of this consent.

SCHEDULE 2**CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION No. 97-4-2005****PART A—ADMINISTRATIVE CONDITIONS****A1 *Development Description***

Development consent is granted only to carrying out the development described in detail below:

- (1) Demolition of an existing single storey brick dwelling and concrete driveway;
- (2) Construction of a new two-storey dwelling including:
 - a) On ground level: three secondary bedrooms; one bathroom; one laundry; one rumpus room; one art room; one store room; a covered rear terrace; entry area and water feature; and double garage;
 - b) On first level: one study; one WC; kitchen and pantry; open plan living/dining area and associated terrace and entry; television room; one main bedroom with associated deck area, walk-in-wardrobe room, laundry chute, en-suite and spa; and terrace over garage;
 - c) outdoor pool and associated tiled area;
 - d) new concrete driveway;
 - e) new landscape works; and
 - f) drainage works in accordance with the site stormwater concept plans.

A2 *Development in Accordance with Plans*

The development shall be in accordance with development application number 97-4-2005 submitted by the applicant on 27 April 2005 and in accordance with the following supporting documentation submitted with that application, including, but not limited to, the following:

- **Statement of Environmental Effects** entitled 'Statement of Environmental Effects 8 Markham Close, Mosman, NSW, 2088' prepared on behalf of Marcelle and Mark Small by Molnar Freeman Architects, (Job No. 230);
- **Letter** entitled 'Submission to Minister for Planning: Waiver of Compliance of Clause 11 of SEPP 56';
- **Sample Board / Colours** dated April 2005;
- **Letter** entitled 'Tree Inspection – 8 Markham Close Mosman' prepared by Footprint Green Pty Ltd and dated 19 November 2004;
- **Letter** entitled 'DA 97-4-2005: 8 Markham Close, Mosman' prepared by Molnar Freeman Architects Pty Ltd and dated 27 July 2005 including a 'Request for a Variation in Development Standards under State Environmental Planning Policy No. 1' form; and
- **Letter** entitled 'DA 97-4-2005: 8 Markham Close, Mosman' prepared by Molnar Freeman Architects Pty Ltd and dated 15 August 2005.

Architectural (or Design) Drawings prepared by Molnar Freeman Architects Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
DA 000 Rev A	A	Drawing Schedule	April 2005
DA 101 Rev A	A	Demolition Plan / Site Analysis	April 2005
DA 102 Rev B	A	Site / Roof Plan	31/10/05
DA 103 Rev B	A	Ground Floor Plan	31/10/05
DA 104 Rev A	A	First Floor Plan	April 2005
DA 105 Rev A	A	Elevations: South and East	April 2005
DA 106 Rev A	A	Elevations: North and West	April 2005
DA 107 Rev A	A	Section / Elevations with Boundary Fences	April 2005
DA 108 Rev A	A	Notification Plan	April 2005
Landscape Plan prepared by Eclipse Landscapes			
Drawing No.	Revision	Name of Plan	Date
		Revised Landscape Plan, 001	18 April 2005
Site Survey Drawing prepared by Mudge Property Services			
7106/08/04		Levels and Detail, Lot 103 DP 1064882, No. 8 Markham Close, Mosman	16 August 2004
Stormwater Drawing prepared by AFCE Environment and Building			
Drawing No.	Revision	Name of Plan	Date
353072/C1	0	Cover Sheet and Notes	April 2005
353072/C2	0	Stormwater Management Concept Plan	April 2005
BASIX Certificate No 19787 Project Name 'Residence Small' dated 21 April 2005			
Environmental Policy document including Waste Management Plan (Appendix A) prepared by MainCorp Construction Group Ltd. dated 12 August 2005.			

A3 *Inconsistency between documents*

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A4 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

A5 *Local Government Act 1993*

This consent does not authorise the carrying out of any of the following activities that require the separate approval of Council under Section 68 of the *Local Government Act, 1993*:

- Placing a waste storage container in a public place; and
- Swinging or hoisting goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.

Note: A person who fails to obtain an approval or who carries out an activity otherwise than in accordance with an approval is guilty of an offence under sections 626 and 627 of the *Local Government Act, 1993*.

A6 *Lapsing of Consent*

In accordance with Section 95 (1) of the Act, this consent shall lapse unless work has physically commenced on the land within 5 years from the date of the consent or in instances where no work is required, the use has commenced within 5 years from the date of consent.

END OF PART A.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Additional Design Matters

B1 Width of Driveway Crossing

The width of the new driveway crossing is not to exceed 3 metres as prescribed by the requirements of the *Mosman Residential DCP 1999*. This width is considered to provide satisfactory visibility for users entering and leaving the site and will serve to minimise the potential for loss of on-street parking. The revised driveway crossing is to be reflected on the plans prior to the issue of a Construction Certificate, to the satisfaction of the Certifying Authority.

B2 Width of Driveway

The width of the driveway inside the site boundary is not to exceed 6 metres as prescribed by the requirements of the *Mosman Residential DCP 1999*. This width is considered sufficient to provide space to manoeuvre vehicles within the driveway and access to the garage frontage. The revised internal driveway arrangement is to be reflected on the plans prior to the issue of a Construction Certificate, to the satisfaction of the Certifying Authority.

B3 Design of Terrace 1

To protect the privacy of neighbours to the northern and western sides of the property and to comply with permitted setback requirements under *Management Plan*, the design of the upper rear terrace labelled on the plan as 'Terrace 1' shall be amended, as follows:

- (1) The access stairs at the west of the deck shall be removed; and
- (2) Terrace 1 shall be reconfigured so that the deck area does not extend outside of the permitted setback lines. The reconfiguration shall not result in an increase of deck space at Terrace 1.

The revised arrangement for 'Terrace 1' is to be reflected on the plans prior to the issue of a Construction Certificate, to the satisfaction of the Certifying Authority.

B4 Waste and Recycling Areas

Prior to the issue of a Construction Certificate, waste and recycling storage areas are to be shown on the plans to the satisfaction of the Certifying Authority, in accordance with the requirements of the *Mosman Residential DCP 1999*.

B5 Swimming Pool

In order to provide visual and aural privacy for the adjoining property on the eastern side, the location of the swimming pool is to be altered to reflect the minimum setback and landscaping requirements within the *Mosman Residential DCP 1999*, as follows:

- (1) The external edge of the swimming pool surround shall be setback no less than 2 metres from the northern and eastern lot boundaries; and
- (2) Boundary landscaping of a width no less than 2 metres shall be provided between the pool surrounds and the property boundary.

The revised swimming pool is to be reflected on the plans prior to the issue of a Construction Certificate, to the satisfaction of the Certifying Authority.

B6 *Structural Details*

Prior to the issue of a construction certificate, the Applicant shall submit to the satisfaction of the Certifying Authority two sets of architectural and structural drawings., the latter of which, must be prepared and signed by a suitably qualified practising Structural Engineer with corporate membership of the Institute of Engineers, Australia. The plans shall comply with:

- (1) the relevant clauses of the Building Code of Australia;
- (2) the relevant development consent (the plans are to incorporate and note any changes from the approved development application plans as required by the conditions of this consent);
- (3) drawings and specifications comprising the Construction Certificate; and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

B7 *Geotechnical Endorsement*

Due to the nature of the site and the development, the Construction Certificate application plans must be endorsed or countersigned by a qualified practicing Geotechnical Engineer with corporate membership of the Institute of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

B8 *Additional Details*

The following matters shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

- (1) If soil conditions require it, retaining walls or other approved methods necessary to prevent the movement of soil, together with associated stormwater drainage measures, shall be designed and certified by a civil engineer or other appropriately qualified person. Details of any retaining walls shall accompany plans and specifications submitted with the Construction Certificate application.
- (2) Having regard to hard surface areas proposed, the capacity of the stormwater system and the need to retard the flow of stormwater in peak flow periods, an on-site detention system shall be provided. Detailed plans shall be submitted with the Construction Certificate application and certified as complying with Council's "Policy for On-site Stormwater Detention" by a civil engineer with corporate membership of the Institute of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field. Where the detention system is located below a driveway or built structure, the engineer is to certify that the on-site detention system has been designed to withstand all loads likely to be imposed on it.

B9 *Rain Water Re-use Tank*

A detailed design of the proposed rainwater tank and all of its connections is to be submitted with the Construction Certificate application. The minimum domestic use shall be for flushing and connection to the laundry for washing purposes. The tank is to be fully sealed to prevent any surface runoff from entering the tank and only rainwater from the downpipes and gutters

is to enter the tank. Additionally, a first-flush-bypass device must be installed allowing the first 1mm of initial runoff to bypass the tank.

B10 Utility Services

The applicant shall consult with the relevant public utility providers and meet any costs imposed by those providers for alterations to mains or services required as a consequence of this approval.

B11 Driveway

The internal driveway and parking area shall be designed in accordance with Australian Standard 2890.1-2004 and specifications in Council's 'Draft Transport Development Control Plan'. Longitudinal sections for both sides of the vehicular crossing and driveway commencing at the centre line of the road carriageway shall be provided with the Construction Certificate application demonstrating that vehicles will not scrape their undercarriage.

To ensure the vehicle crossing is properly completed, the applicant shall complete and pay applicable fees for an application under Mosman Council's 'Construction of Vehicle Crossing Contract'.

B12 Landscaping

In order to support the amenity of the site:

- (1) The applicant shall include locally indigenous eucalypt species in the plantings on the site. However, if the extent of near surface rock limits the inclusion of medium to large species, *Angophora hispida* shall be included instead of eucalypts;
- (2) The applicant shall provide and maintain screening by plants to a height no less than 84 metres AHD along the northern boundary;
- (3) All natural landscape features including trees and other vegetation, natural rock outcrops, soil and watercourses shall remain undisturbed except where affected by necessary works detailed on approved plans;
- (4) Disturbed areas shall be rehabilitated with indigenous plant species landscaped and treated by approved methods of erosion mitigation such as mulching and revegetation with native grasses or other suitable stabilising processes within fifteen days of the completion of works; and
- (5) Landscaping shall be maintained. Where vegetation approved as part of this consent dies, it must be replaced with new plants to achieve a similar height and form to that approved under the approved landscape plan. The applicant shall prepare a 'Landscape Maintenance Strategy' detailing how the landscaping works undertaken as part of this consent will be maintained during the 12 month period following the release of the Occupation Certificate.

B13 Landscaping Plan

A landscape plan prepared by a suitably qualified Landscape Architect or Landscape Consultant to a scale of 1:100 or 1:200 and conforming to Council's Residential Development Control Plan and relevant conditions of this consent, must be submitted to Council or the Accredited Certifier's satisfaction with the Construction Certificate application.

The plan must include the location of all existing and proposed landscape features and delineate trees to be retained, removed or transplanted. The plan must also show existing and proposed finished ground levels and a detailed planting schedule which includes species listed by botanical and common names, quantities of each species, pot sizes, and the estimated size of the plant at maturity. Consideration within the design should be given to the scale of planting in proportion to the development, consistency with the landscape character of the area and the views, solar access and privacy of neighbouring development.

B14 Plan stamping by Sydney Water for new buildings

The relevant approved plan, which shows the building footprint, must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met prior to the issue of a Construction Certificate.

For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

The Certifying Authority must ensure that a Quick check Agent / Sydney Water has appropriately stamped the relevant approved plan before issue of any Construction Certificate.

B15 Dilapidation Report

Prior to the release of the Construction Certificate, to assist with an assessment of claims for the refund of the security deposit over Council's property, a dilapidation report must be submitted. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development. Any damage not shown in this manner will be assumed to have been caused as a result of the site works undertaken and must either be rectified at the applicant's expense or compensated by deduction from the security deposit.

B16 Long Service Levy

Prior to the release of the Construction Certificate, in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, the applicant shall pay a long service levy at the prescribed rate of 0.2% of the total cost of the work to either the Long Service Payments Corporation or Mosman Municipal Council for any work costing \$25,000 or more.

B17 Security Deposit

Prior to the release of the Construction Certificate, a cash deposit or bank guarantee to the value of \$2,500 in favour of Council shall be provided for the making good any damage caused to Council property. A request for a refund of unused funds may be made following the completion of works and an inspection of the property by Council.

B18 Construction of Building in Bushfire Prone Area

Construction shall comply with AS3959-1999 level 1 'Construction of Buildings in bushfire prone areas'.

B19 Gutters

Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material.

Monetary Contributions**B20 Section 94 Contributions**

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions, towards the acquisition and embellishment of public open space, to Council:

(1) Amount of Contribution

Contribution Category	Amount
Section 94 - Open Space	\$3001.17
TOTAL	\$3001.17

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Mosman Municipal Council.

Evidence of the payment to Mosman Municipal Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

This condition is imposed under Mosman Municipal Council's Section 94 Contributions Plan. The Plan may be inspected at Council's offices within the Civic Centre, Mosman Square, Mosman.

Note: Contribution rates will be indexed by use of the Customer Price Index and the actual amount to be paid will be determined at the date of payment. You may contact Council on 9978 4111 prior to payment to confirm current figures.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 *Notice of Intent to Commence Site Works*

In accordance with Section 81A (2) of the Act, no site works (including buildings works, demolition, excavation, shoring or underpinning works or the removal of vegetation) are to commence until:

- (1) The Construction Certificate has been issued; and
- (2) The Certifying Authority and Council have been given written notice, at least 48 hours prior to the commencement of site works.

Demolition Works

C2 *Statement of Compliance with Australian Standards*

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

Excavation Works

C3 *Site Notice*

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

C4 *Contact Telephone Number*

The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

C5 *Toilet Facilities*

To provide reasonable worker amenity, toilet facilities shall be provided at or in the vicinity of the work site for the duration of site work activities.

Works Management

C6 Works Management Plan

Prior to the commencement of any works on the site, a Works Management Plan shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work;
- (2) contact details of site manager;
- (3) traffic management including ingress and egress of vehicles to the site, pedestrian management around the site;
- (4) noise and vibration management and procedures to notify nearby residents of activities that are likely to affect amenity;
- (5) waste management in accordance with Mosman Council's policy for construction sites and waste management,
- (6) erosion and sediment control in accordance with Mosman Council's policy for Construction Sites and Erosion and Sedimentation Control; and
- (7) flora management.

The Applicant shall submit a copy of the approved plan to the Department and Council.

C7 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

C8 Asbestos Materials

Where asbestos material is removed or disturbed, all work must be carried out by a person licensed under Chapter 10 of the *Occupational Health and Safety Regulation, 2001* and outlined in Work Cover's Code of Practice "Your Guide to Working with Asbestos" March 2003.

The removal shall be undertaken in accordance with the requirements of clause 29 of the *Protection of the Environmental Operations (Waste) Regulation, 1996* and disposal shall be to a facility recommended by the NSW Environment Protection Authority. Under no circumstances shall any such material be re-used or sold.

C9 Storage and Handling of Waste

The design and management of facilities for the storage and handling of waste must comply with the requirements of Council's *Residential Development Control Plan, 1999*. Details are to be submitted to the satisfaction of the Certifying Authority prior to issue of a Construction Certificate.

C10 Home Building Act

Residential building work within the meaning of the *Home Building Act, 1989* must not be carried out unless the PCA for the development to which the work relates (not being Council) has given the Council written notice of the following information:

1. In the case of work to be done by the holder of a contractor licence under the Act:
 - (i) the name and licence number of the contractor; and
 - (ii) the name of the insurer by whom the work is insured under Part 6 of that Act;
2. In the case of work to be done by the holder of an owner-builder permit under that Act, the name and permit number of the owner-builder.

If arrangements for doing the residential building work are changed while the work is in progress so that the information above becomes out of date, further work must not be carried out unless the PCA for the development to which work relates (not being the Council) has given the Council written notice of the updated information.

C11 Protection of Adjoining Areas

Prior to the commencement of any works, a temporary hoarding, fence or awning must be erected between the work site and adjoining public areas and private areas potentially affected by the works. Any such temporary hoarding, fence or awning must be removed when the work has been completed. Temporary fencing along the Markham Close frontage shall be covered in cyclone wire mesh to discourage graffiti.

C12 Public Liability Insurance

Public liability insurance to the value of \$5,000,000 must be taken out by the builder or owner to protect any person, firm or company from injury, loss or damage sustained as a consequence of the carrying out of site works, including all excavation, demolition and construction works. A copy of the policy must be provided to Council or the Accredited Certifier.

C13 Sediment and Erosion Controls

Temporary sedimentation and erosion controls shall be constructed prior to commencement of any site works in order to prevent the discharge of sediment from the site. The controls shall be designed and installed in accordance with the requirements of the Department of Environment and Conservation's *'Managing Urban Stormwater: Soils and Construction Manual Volume 1, 4th Edition, March 2004'*.

PART D –INSPECTIONS

D1 Critical Stage Inspections

To ensure building works are carried out properly and in accordance with the conditions of this consent, with the Building Code of Australia and/or with relevant Australian Standards, the following critical stage inspections are to be carried out:

- At the commencement of the building work;
- After the excavation for, and prior to the placement of, any footings;
- Prior to pouring any in-site reinforced concrete building element;
- Prior to covering of the framework for any floor, wall, roof or other building element;
- Prior to covering waterproofing in any wet areas;
- Prior to covering any stormwater drainage connections;
- Fire separation if the building is within 900mm of the property boundary prior to any occupation certificate being issued in relation to the building;
- Smoke alarms prior to any occupation certificate being issued in relation to the building;
- Pool fencing prior to filling the pool with water; and
- Final inspection after the building work has been completed and prior to any Occupation Certificate in relation to the building.

The critical stage inspections must be carried out by the PCA or, if the PCA agrees, by another certifying authority excepting the final inspection which must be carried out by the PCA.

Notes: a) Records of the above critical stage inspections will be required to be submitted prior to the release of the Occupation Certificate.

b) If you intend engaging Council to undertake inspections, please telephone the area Building Surveyor to arrange a suitable time.

PART E—DURING SITE WORKS / CONSTRUCTION

Site Maintenance

E1 Drainage

Stormwater shall be directed to the drainage easement. All drainage works shall be constructed in accordance with Council's "Guidelines for Stormwater Drainage Systems".

E2 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

E3 Swimming Pool

E3.1 For safety, access to the swimming pool must be restricted by fencing or other measures as prescribed by the *Swimming Pools Act 1992*. The fencing or measures must be completed before any water is placed in the pool.

E3.2 Any mechanical equipment associated with a pool, spa or water feature shall be located in a sound-proof container and positioned so that there is no increase in noise level at any point at the boundary with another property, including a public place.

E3.3 To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must not be placed on the roof of any building where it is visible from a public place.

E3.4 To ensure the proper disposal of polluted waters and to avoid runoff nuisance for downstream properties, all drainage including any overflow waters associated with the pool, spa or water feature must be pipe-drained to the nearest sewer system in accordance with the requirements of Sydney Water. No drainage, including overflow from a pool/spa/feature shall enter Council's stormwater system.

E3.5 In order to protect night time amenity for surrounding properties, any lighting installed for the pool must avoid glare and light spill onto adjoining recreation spaces, habitable rooms and public places.

E4 Air Conditioning Units

To control noise impacts for adjoining properties, no external air conditioning unit shall be installed without prior consent. Applicants may have regard to Council's complying development controls for external air conditioning units under the Exempt and Complying development DCP. This condition applies for both during construction works and for the life of the development.

Structural Works

E5 Excavation, Backfilling and Support for Neighbouring Buildings

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- (1) Preserve and protect the building from damage;

- (2) If necessary, underpin and support the building in an approved manner; and
- (3) At least 7 days before excavating, give notice of an intention to excavate to the adjoining owner and furnish particulars to the owner of the building.

All excavations and backfilling must be executed safely and if necessary properly guarded in accordance with appropriate professional standards to prevent them from being dangerous to life or property.

E6 *Setting Out of Structures*

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that the locations of the structural works are in accordance with the approved development application.

E7 *Council Property*

The land and adjoining areas shall be kept in a clean and tidy condition at all times. No construction vehicles, building materials, waste, machinery or related matter shall be stored on the road or footpath for the duration of the works unless separate approval has been obtained from Council's Traffic Committee for the establishment of a Construction Zone. Under no circumstances will any person be allowed to mix or dispose of concrete, mortar or slurry within the Council property.

Any works carried out to Council-owned property or Infrastructure as a result of this consent shall be undertaken in accordance with Council specifications; i.e. "Specification For Concrete Kerb & Gutter, Footpaths, Vehicle and Kerb Crossings & Concrete Converters", "Public Domain Improvement Program", "Specification For Brick Paving", "Specification For Stormwater Drainage Construction" or "Specification For Asphalt Pavement Construction".

E8 *Redundant Driveway*

The redundant driveway shall be reinstated with kerb, footpath and suitably landscaped. Materials must be in accordance with Mosman Council's "Specification for Concrete Kerb & Gutter, Footpaths, Vehicle and Kerb Crossings & Concrete Converters".

The levels at the boundary alignment of the property along the Markham Close frontage shall be defined by the existing levels.

E9 *Rainwater Re-use Tank*

E9.1 In prolonged period of rain, any overflow from the rainwater tank should be discharged via an existing stormwater drainage system or a Council approved device such as an onsite detention system. This pipeline must be covered with an insect proof mesh to prevent the breeding of mosquitoes.

E9.2 To ensure reasonable acoustic amenity for surrounding properties is maintained, any mechanical equipment associated with the rainwater re-use tank and associated reticulation system shall be located in a sound proof container and positioned so that there is no increase in noise level at any point on the boundary with another property, including a public place.

E9.3 The proposed rainwater tank and associated reticulation system to the house for domestic purposes shall be installed to the requirements of Sydney Water.

E9.4 A licensed plumber should supervise all plumbing work. All work is to be undertaken in compliance of Sydney Water's "Guidelines for Rainwater tanks in Residential Properties" and "Rainwater Tanks, Information For Plumbers" and the NSW Code of Practice: Plumbing and Drainage.

E9.5 Both the tank and the fittings must be labelled "RAINWATER, NOT SUITABLE FOR DRINKING".

Construction Management

E10 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

E11 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

E12 Protection of Trees – On-site Trees

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction. Trees that are protected under Mosman Council's Tree Preservation Order 2003 shall be retained except where Council's prior written consent has been obtained, or where after approval of the relevant Construction Certificate, trees stand within the envelope of approved buildings or within the alignment of approved permanent paved vehicular access roads and parking areas.

E13 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during demolition, excavation and construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (3) All materials shall be stored or stockpiled in locations that minimise dust generation;
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (5) All construction vehicles shall be washed prior to exiting the site to remove site material on the vehicle and prevent it from entering the stormwater system in the surrounding road network. All polluted water must be retained on site for sediment extraction before it is discharged into the stormwater system.
- (6) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,

- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth,
- (8) Cleaning of footpaths and roadways shall be carried out regularly; and measures shall be co-ordinated with site sediment and erosion controls to ensure polluted waters do not leave the site.

E14 Sediment and Erosion Controls

Sedimentation and erosion controls must be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the PCA's satisfaction.

E15 Survey Reports

To ensure that siting, height and view loss objectives are achieved, a Compliance Certificate shall be prepared by a registered surveyor and submitted to the PCA prior to the pouring of a concrete floor for each level confirming that boundary setbacks and finished floor levels are in accordance with the approved plans. In the case of roof structures the level of the roof ridge must be confirmed prior to the fixing of the roof cladding.

Noise and Vibration

E16 Hours of Work

The hours of construction for audible works, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Inaudible works may also take place between 7:00 and 8:00am on Saturdays.

Unless otherwise approved within a Construction Traffic Management Plan, construction vehicles, machinery, goods or materials shall not be delivered to the site outside the approved hours of site works.

E17 Construction Noise/Vibration Management

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved:
 - (a) 9 am to 12 pm, Monday to Friday;
 - (b) 2 pm to 5 pm Monday to Friday; and
 - (c) 9 am to 12 pm, Saturdays
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

E18 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings.

E19 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the National Parks and Wildlife Service of the Department of Environment and Conservation in accordance with section 91 of the *National Parks and Wildlife Act, 1974* and obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

E20 Protection of Public Places

The work site shall be kept lit between sunset and sunrise if it is likely to be a source of danger to persons using a public place or upon instruction by Council to enhance the safety and security of the area in which the work is located.

E21 Council Property

The land and adjoining areas shall be kept in a clean and tidy condition at all times. No construction vehicles, building materials, waste, machinery or related matter shall be stored on the road or footpath for the duration of works unless separate approval has been obtained from Council's Traffic Committee for the establishment of a Construction Zone. Under no circumstances will any person be allowed to mix or dispose of concrete, mortar or slurry within Council property.

E22 Utility Services

To maintain the visual amenity of the area, no house service poles (A-poles) shall be erected. Where such structures would otherwise be required by Energy Australia, the service shall be relocated underground. Any street poles required as a consequence by Energy Australia must be located in a position that does not unreasonably interfere with public amenity or private scenic views.

Ecologically Sustainable Development**E23 Recycling of Concrete**

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

E24 Water Conservation

To minimise domestic water consumption, water conservation device with an AAA rating must be used, including low flow tap and shower head roses, dual flush toilets and six litre/minute flow regulators in all bathroom basins, kitchen and laundry sinks.

E25 Energy Efficiency

To promote energy efficiency all hot water system(s) installed must have a minimum rating of 3.5 stars.

To promote energy efficiency, the development is to be carried out in accordance with the commitments contained in the relevant BASIX certificate.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Record of Inspections Undertaken

In accordance with clause 162B of the *Environmental Planning and Assessment Regulation, 2000*, the certifying authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The records must include details of:

- the development application and construction certificate number;
- the address of the property at which the inspection was carried out;
- the type of inspection;
- the date on which it was carried out;
- the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

F2 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F3 Outdoor Lighting

All outdoor lighting including lighting for recreational purposes shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate for above ground works.

F4 On-site Detention

Prior to the release of the Occupation Certificate, a compliance certificate must be submitted to Council which includes work-as-executed details of the on-site detention system prepared by a registered surveyor or Civil Engineer with corporate membership of the Institute of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field, verifying that the required storage and discharge volumes have been constructed in accordance with the design requirements and Council's "*Policy For On-Site Stormwater Detention*". The details must show the invert levels

of the on-site detention system as well as the pipe sizes and grades. Any variations to approved plans must be shown in red and supported by calculations.

F5 *Maintenance of Stormwater Detention Facilities*

To ensure that future owners are made aware of their responsibilities with respect to the on-site detention system, prior to the release of the Occupation Certificate, a positive covenant shall be created on the title of the allotment requiring that the owner(s) maintain and keep in working order the on-site detention system, unless otherwise approved in writing by Council. The terms of the positive covenant are to be made, at no cost to Council, and to the satisfaction of Council.

F6 *Rain Water Re-Use Tank*

A compliance certificate must be submitted to Council which includes work-as-executed details of the Rain Water Re-Use Tank by person who has appropriate experience and competence in the related field. The details must show the invert levels of the Rain Water Re-Use Tank as well as the pipe sizes and grades. Any variations to the approved plans must be shown in red and supported by calculations.

To ensure that future owners are made aware of their responsibilities with respect to the Rain Water Re-Use Tank, a positive covenant shall be created on the title of the allotment requiring that the owner(s) maintain and keep in working order the Rain Water Re-Use Tank, unless otherwise approved in writing by Council.

The terms of the positive covenant shall read:

‘In this positive covenant ‘Rain Water Re-Use Tank’ shall mean the Rain Water Re-Use Tank approved by the Department of Planning pursuant to Development Consent No. 97-4-2005 or any modification thereof approved by the Department (or its successors) in writing.

The Registered Proprietors will at their own expense well and sufficiently maintain and keep in good and substantial repair and working order any Rain Water Re-Use Tank which exists from time to time on the land.

The Registered Proprietors shall not remove the Rain Water Re-Use Tank without the prior consent of Mosman Municipal Council.

The Registered Proprietors hereby agree to indemnify Mosman Municipal Council from and against all claims, demands, actions, suits, causes of action, sum or sums of money, compensation damages, costs and expenses which Mosman Municipal Council or any other person may suffer or incur as a result of any malfunction or non-operation of any Rain Water Re-Use Tank arising from any failure of the Registered Proprietors to comply with the terms of this Covenant.

The term ‘Registered Proprietors’ shall include the Registered Proprietors of the land from time to time and all their heirs, executors, assigns ad successors in title to the land and where there are two or more registered proprietors of the land the terms of this Covenant shall bind all those registered proprietors jointly and severally.’

F7 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to the issue of an Occupation Certificate.

Sydney Water**F8 Sydney Water**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development.

Compliance**F9 Compliance Certificate**

To ensure that siting, height and view loss objectives are achieved, a Compliance Certificate must be prepared by a registered surveyor and submitted to the PCA showing that boundary setbacks, finished floor levels, eave levels and ridge levels are in accordance with the approved plans.

F10 Certificate Record

A copy of any compliance certificates and or records of inspections received by the PCA shall be forwarded to the Department, and, where Council is not the PCA, to Council, prior to occupation or commencement of use.

F11 Occupation Certificate

Occupation or use, either in part or full, shall not take place until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the PCA, a copy of the Occupation Certificate together with registration fee must be provided to Council.

PART G— DURING OCCUPATION**G1 *Landscape Maintenance Strategy***

To ensure survival of landscaping following work, the owner occupier is to implement the landscape maintenance strategy submitted with the Construction Certificate Application for a 12 month period following the release of the Occupation Certificate.

G2 *Occupation*

The premises shall be occupied solely for the approved use. No change of use or additional use of any part of the premises shall take place without prior development consent (other than for exempt development).

G3 *Bushfire Protection*

The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

PART H—TERMS OF COUNCIL’S APPROVAL UNDER ROADS ACT 1993***H1 Driveway***

The internal driveway and parking area shall be designed in accordance with Australian Standard 2890.1-2004 and specifications in Council’s “Draft Transport Development Control Plan”. Longitudinal sections for both sides of the vehicular crossing and driveway commencing at the centre line of the road carriageway shall be provided with the Construction Certificate application demonstrating that vehicles will not scrape their undercarriage.

H2 Vehicle Crossing

To ensure the vehicle crossing is properly completed, the applicant shall complete and pay applicable fees for an application under Mosman Council’s “Construction of Vehicle Crossing by Contract”.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN2 Compliance with Building Code of Australia

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN3 Use of Mobile Cranes

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4 Movement of Trucks Transporting Waste Material

The applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN5 Construction Inspections

Compliance certificate/s shall be issued by the PCA and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,

- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN6 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.