

Council Ref: Kambala School (Trim Folder: SC5247 Ref: 20/223061)
Planning & Development Division

Woollahra
Municipal
Council



27 November 2020

Ms. Karen Harragon
Director, Social and Infrastructure Assessments
C/o Rita Hatem
Planning and Assessment
NSW Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

cc. Rita.Hatem@planning.nsw.gov.au

Attention: Ms. Rita Hatem

Dear Ms. Harragon,

Application Number SSD-10385
Proposal name Kambala sport, well-being and senior learning precinct – Kambala school
Address 794-796 New South Head Road, Rose Bay

Thank you for your letter dated 23 October 2020, requesting Woollahra Council's comment on the abovementioned State Significant Development (SDD) application.

It is understood that the proposal involves a new sport, wellbeing and senior learning precinct within Kambala school comprising:

- excavation, tree removal, and removal of existing tennis courts;
- part demolition of existing buildings, refurbishment and alterations;
- construction of a new two-storey building including:
 - multi-purpose courts for up to 1500 people, spectator areas, weight rooms, dance rooms and amenities;
 - a well-being centre with staff meeting rooms, workshop rooms and amenities;
 - general learning areas; and
 - roof-top tennis courts with lighting and perimeter fencing; and
- landscaping works including new courtyards, covered outdoor learning areas and open spaces;
- construction works in four (4) stages; and
- increase in the student numbers from 950 to 1020 (70 additional).

As per your email of acknowledgement on 23 November 2020, Council is thankful for the extension granted until Friday 27 November to lodge a submission. It is noted, however, that the short notification period of twenty-eight (28) days has not enabled this important matter to be reported and considered by the elected Council.

Woollahra Council staff have reviewed the information and is generally supportive of the proposal, subject to the following recommendations:

A. That the recommended conditions of consent (without prejudice) provided at Annexure A are included as part of any consent.

B. That the following traffic related matters are addressed at the assessment stage:

1) Parking Provision –

- i. a significant shortfall of 58 car parking spaces, including one (1) accessible parking space, than the minimum requirement; and
- ii. a shortfall of six (6) motorcycle parking spaces than the DCP's minimum requirement.

2) Traffic Generation

- iii. Further investigation to be carried out with consideration of community users and potential growth of supporting staff.

3) Green Travel Plan

- iv. A green travel plan to be submitted for further assessment, as per Section E1.12 of the Woollahra DCP 2015.

4) Pick-up/Drop-off & Operational Traffic Management Plan (OTMP)

- v. Council's Traffic Section raises safety concerns regarding the existing pick-up/drop-off arrangements. In this regard, an OTMP must be formulated and implemented by the school to provide an efficient and safe environment for pick up and drop off.

5) Construction Traffic Management Plan

- vi. A revised CTMP be provided to address the following:

- *Hours of work:* All vehicular movements associated with demolition, excavation and construction works on school days shall 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.
- *Access and egress route of construction vehicles:* The proposal to access and exit the site via the school's main entrance on New South Head Road and wait for gaps in traffic at the signalised crossing cannot be supported, as it would impede traffic flow and adversely impact on the efficiency of traffic movements.
- *Works Zone:* The proposed works zone is located on New South Head Road, which is a classified road under the care and control of TfNSW. As such, the applicant is to liaise directly with TfNSW to seek written concurrence for such an arrangement.
- *Bus Stop Closure:* A temporary closure is proposed for the northbound bus stop adjacent to the school's main entrance. The applicant is to liaise with STA and conduct community consultation to seek written concurrence for such arrangement.

C. That a revised Landscape Plan be submitted providing exact details of planting locations, quantities and pot size at the time of planting.

Additional detailed comments from Council are provided below for your consideration in the assessment of the application are as follows:

1) Section 7.12 Contributions and Security Payment

In accordance with Schedule 1 of *Woollahra Section 94A Development Contributions Plan 2011*, a 1% levy applies with the monies being used for a variety of works as outlined in Schedule 2 of the Policy, as follows:

Cost of Works	Rate	Contribution Payable
\$59,700,000	1%	\$597,000

Payment of a damage security deposit and infrastructure works bond is also required.

Payment of the Section 7.12 levy, property damage security bond and infrastructure works bond totalling is to be enforced via the imposition of a condition to this effect as part of any consent (**Condition C.1**).

2) Traffic and Parking

Council's Traffic Engineer has reviewed the information submitted and has provided the following comments:

Car Parking Provision

Table 1: On-site Car Parking Provision:

Non-Residential Component	Quantity	DCP Minimum Requirement	DCP Minimum Required Parking	Parking Provision
Approved DA				
Educational Establishment	14824m ²	1 per 100m ² GFA	148.2 (148)	100 + 8 visitors
Accessible Parking	148 car spaces	1 per 50 car spaces	3.0 (3)	3
Child Care Centre Staff	-	0.5 per 100m ² GFA	-	12
Child Care Centre Visitor	68 children	1 per 4 children	17	
Total			168	123
Proposal (Additional)				
Educational Establishment	5655m ²	1 per 100m ² GFA	56.6 (57)	0
Accessible Parking	57 car spaces	1 per 50 car spaces	1.1 (1)	0
Total			58	

It is understood that the current parking provision has been previously assessed and approved under DA2005/387. The on-site parking assessment is thus undertaken based on the additional needs generated by the proposal in accordance with Council's *DCP 2015, Chapter E1 Parking and Access*.

It should be noted that, given no breakdown of GFA for different buildings and components is provided, minimum required parking for the existing educational establishment is calculated based on the entire school, including the child care centre.

Table 1 indicates an undersupply of car parking spaces. The proposal would result in a further shortfall of 58 car parking spaces. This is not supported for the following reasons:

- i) It is envisaged that additional supporting staff would be required in the operation of the new sport, well-being and senior learning precinct. No details are provided.
- ii) Anecdotal evidence shows that a typical weekday in surrounding streets of the school premises consists of very high parking occupancy rates. Such impacts can lead to an increased prevalence of illegal parking, impeding traffic flow and impairing traffic performance in terms of safety and efficiency in the vicinity.

- Existing pick-up and drop-off arrangements include informal activities involving parents taking advantage of queues of vehicles along Tivoli Avenue to drop off the children in front of Tivoli School Gate. Increased demand for on-street parking would exacerbate traffic conditions in the surrounding road network, especially weaving of traffic during pick-up and drop-off peak hours. Traffic Section raises serious concerns on pedestrian, especially children safety in this regard.

As such, the proposal to retain the current parking arrangement to accommodate the new precinct cannot be supported.

Bicycle and Motorcycle Parking Provision

Table 2: Bicycle and Motorbike Parking Provision

BICYCLE			
	Quantity	DCP Minimum Requirement	DCP Minimum Required Parking
Educational Establishment Employees	-	1 per 10 staff	-
Educational Establishment Visitors	70	1 per 20 students	3.5 (4)
Total			4
MOTORBIKE			
	Quantity	DCP Minimum Requirement	DCP Minimum Required Parking
Car Spaces	58	1 per 10 car spaces	5.8 (6)
Total			6

Notwithstanding, a minimum of four (4) bicycle parking spaces is required and has been proposed, Council's Traffic Section does not concur with the proposal that no additional staff would be necessary to support the increase in student capacity by 70.

It should be noted that the minimum requirement for motorcycle parking provision is based on the required provision of car parking spaces, as opposed to the actual proposal. The non-provision of motorcycle parking would therefore result in a shortfall of six (6) parking spaces.

Traffic Generation

The submitted Traffic Report only considers traffic generated by the proposed additional 70 students, which clearly neglects post-development traffic from community users, who can also access the proposed wellbeing and senior learning precinct between 5:30am to 8:00am and 3:30pm to 6:15pm.

Green Travel Plan (GTP)

Pursuant to Section E1.12.1 of Council's DCP, a *Green Travel Plan* (GTP) is required for educational establishments and should be submitted along with the proposal for assessment prior to consent. It is understood that a GTP had been developed and implemented for previous development to facilitate public transport and reduce use of private vehicles, however insufficient information has been submitted regarding any details of the plan, including strategies and measures proposed, the effects and implementation of the plan, etc.

Given there is an increase of 5655m² of sports, wellbeing and learning facilities, and a significant undersupply of parking provision, it is essential that an effective Green Travel Plan is developed

and implemented to ensure appropriate control is in place and to justify, if possible, the undersupply of on-site parking.

Pick-up/Drop-off & Operational Traffic Management Plan

It is understood that from an operational perspective, there is no actual increase in student numbers. It should be noted however that no pick-up/drop-off area is provided specifically for high school students, which results in students being dropped off:

- 1) along with other junior students within junior school drop-off zones;
- 2) further south along Tivoli Avenue in front of the Tivoli School Gate, or along Rawson Road, which requires students to cross New South Head Road at the signalised pedestrian crossing to enter the school via main school gate; and
- 3) directly along New South Head Road in front of the main school gate.

It should also be noted that, parents have been observed to take advantage of queues of vehicles at the signalised intersection of Tivoli Avenue and New South Head Road to drop off children in the queue in front of Tivoli School Gate.

Council's Traffic Section raises safety concerns regarding these informal pick-up and drop-off activities, especially with increased traffic and parking demand in the future.

Pursuant to Section E1.13.1 of Council's DCP, an *Operational Traffic Management Plan* (OTMP) is required and should be submitted at the DA stage, prior to consent. This is also necessary to properly assess the traffic safety impacts of the proposal, as required under Clause 104(3)(b)(iii) of the SEPP (Infrastructure) 2007. It is strongly recommended that AN OTMP be formulated and implemented by the school to provide an efficient and safe environment for pick up and drop off.

Construction Traffic Management Plan (CTMP)

Given the nature of the proposed development, a *Construction Traffic Management Plan* (CTMP) is required in advance to assess feasibility and potential traffic impacts of construction works on the surrounding road network, especially in terms of pedestrian and children safety during construction periods.

Previous assessment has been carried out by Council's Traffic Section, identifying the following issues that need amendments:

- a) Hours of work: All vehicular movements associated with demolition, excavation and construction works on school days shall 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.
- b) Access and egress route of construction vehicles: The proposal to access and exit the site via the school's main entrance on New South Head Road and wait for gaps in traffic at the signalised crossing cannot be supported, as it would impede traffic flow and adversely impact on the efficiency of traffic movements.
- c) Works Zone: The proposed works zone is located on New South Head Road, which is a classified road under the care and control of TfNSW. As such, the applicant is to liaise directly with TfNSW to seek written concurrence for such arrangement.
- d) Bus Stop Closure: A temporary closure is proposed for the northbound bus stop adjacent to the school's main entrance. The applicant is to liaise with STA and conduct community consultation to seek written concurrence for such arrangement.

Recommendations

Council's Traffic Engineer has reviewed the application and recommends that the development not be supported at this stage until the following issues are addressed:

a) Parking Provision –

- i) a significant shortfall of 58 car parking spaces, including one (1) accessible parking space, than the minimum requirement; and
- ii) a shortfall of six (6) motorcycle parking spaces than the DCP's minimum requirement.

b) Traffic Generation

- iii) Further investigation be carried out with consideration of community users and potential growth of supporting staff.

c) Green Travel Plan

- iv) A green travel plan be submitted for further assessment, as per Section E1.12 of the Woollahra DCP 2015.

d) Pick-up/Drop-off & Operational Traffic Management Plan (OTMP)

- v) Council's Traffic Section raises safety concerns regarding the existing pick-up/drop-off arrangements. In this regard, an OTMP must be formulated and implemented by the school to provide an efficient and safe environment for pick up and drop off.

e) Construction Traffic Management Plan

- vi) A revised CTMP be provided containing additional information as detailed above.

The following conditions pertaining to traffic related matters are recommended:

Condition B.8	Revised Construction Traffic Management Plan (CTMP)
Condition C.9	On-site Bicycle Facilities
Condition F.8	Green Travel Plan (GTP)
Condition F.9	Operational Traffic Management Plan (OTMP)
Condition I.4	Green Travel Plan (GTP)
Condition I.5	Operational Traffic Management Plan (OTMP)

Note: **Conditions B.8, F.8, F.9** are recommended in the event the request for a GTP, OTMP, and revised CTMP is not made at the assessment stage.

3) Trees and Landscaping

The information has been reviewed by Council's Trees and Landscaping Officer. While there is a significant number of trees being removed, most of these have low to moderate landscape value.

There are a number of proposed development encroachments into calculated Tree Protection Zones of trees to be retained, however for the most part the site conditions (soil gradients and retaining walls) would have limited the spread of roots as described in the Arborist report. There are a number of construction techniques such as hand digging and supervision provided in the arborist report which should be implemented to minimise tree impacts. As such, it is important that the tree protection measures detailed in the Report including involvement of a project arborist throughout construction, are adhered to. Compliance with the Arborist Report is enforced through the following conditions:

Condition A.2	Tree Preservation
Condition B.7	Establishment of Tree Protection Zones

The Landscape Plan provides a suitable pallet of species however exact planting locations, quantities and pot size at time of planting have not been indicated. As such, it is difficult to make a comprehensive assessment of the proposed landscape with the supplied information. In this regard, a revised set with the above information should ideally be provided at the DA stage for a complete review. Nonetheless, a condition to this effect is included:

Condition A.3 Revised Landscape Plan

4) Student and Staff Numbers

The proposal seeks to reconcile student numbers and increase the previously approved capacity from the permitted 950 to the current enrolment of 1020 students, which clearly suggests a breach of previous consent conditions.

Consideration of the proposed increase in student numbers should have regard to the impacts of the approved student numbers compared to the existing/proposed student numbers. It is not accepted that the student increase would not result in any intensification of the existing use because there would be no change to the existing impacts, particularly in terms of traffic and parking.

Refer to detailed traffic related comments in **Section 2**.

5) Urban Design

The impact of the proposed redevelopment on the public domain has been considered by Council's Urban Design Officer. Concerns are raised regarding the visual impact of the proposed height on the public domain and its streetscape presentation. These are addressed below:

Impact on existing (public domain) views

The Visual Impact Assessment Reports by Richard Lamb and Associates (RLA) and Urbis selected views from New South Head Road, Bayview Hill Road, Towns Road and Tivoli Avenue as shown at **Figure 1**.

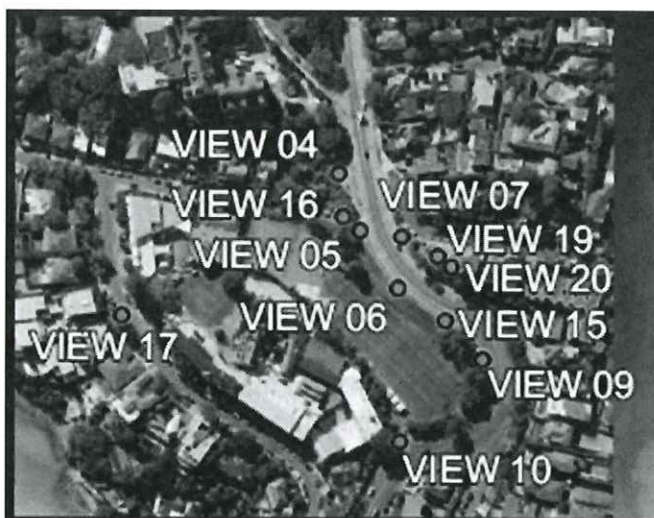


Figure 1. *Location of views that have been assessed in the report by RLA.*

There are inconsistencies between the values attributed to the assessed views. In particular, the RLA report states that view impacts to Views 6, 9, 10, 15 and 16 would be 'high', and at View 5, the proposal would have 'medium' view impacts.

The impacts are described in the Urbis Report as 'acceptable' (page 2 of the Report) on the basis that the view impacts of the proposed development from close locations would be lower than the approved development for a Music Building (DA387/2005/1).

Section B1.9 of the Woollahra DCP 2015 identifies significant views and vistas across the Rose Bay Precinct. The views from Towns Street and New South Head Road towards Sydney Harbour are relevant to this proposal, and have not been addressed. It is unclear which assessed view is equivalent to the DCP view corridor from Towns road. It is recommended that further information is requested by DPIE in relation to this issue in order to carry out a proper assessment.

The proposed bulk and scale at View locations 5, 6, 15 and 16 would largely block the existing views from New South Head Road to the Tivoli Heritage Building. Views 6 and 15 are in similar locations/equivalent to the identified views by Woollahra DCP 2015 B1.9. According to the DCP, these are 'significant' views and vistas. The proposal has high visual impacts on the public views achieved from these locations, eliminating the visibility of the heritage building when viewed from New South Head Road. This is inconsistent with the following provisions of Woollahra DCP 2015:

Section B1.1.3	Objective (05)	To ensure the preservation of significant <u>view corridors</u> and ridgelines.
Section B1.1.5	Residential Precincts	Applicants need to demonstrate how their development fulfils the relevant objectives, and preserves or enhances the important character elements for the precinct, having particular regard to.... <u>view corridors</u> ; adjacent <u>heritage</u> conservation areas or contributory items.
Section B1.9.2 (Rose Bay Precinct desired future character)	Streetscape character and key elements of the precinct	The iconic and harbour views available from the streets and other public spaces, including <u>view corridors</u> between buildings.

Insufficient details of the infrastructure/amenities requirements such as lighting, furniture, nets and fencing that would be required to service sporting facilities of this nature have been provided. This may further impact upon existing significant views. Details are required to enable a proper assessment.

Building height

Under the Woollahra LEP 2014, the maximum permissible height on the subject site is 9.5m. According to the Cl. 4.6 report prepared by Ethos Urban, the proposal seeks a maximum height of 12.5 metres, three (3) metres higher than the LEP height limit.

The height non-compliance would result in unacceptable visual impacts on the existing public domain views as discussed previously. A proposal which complies with the height control would maintain higher visibility to the precinct's heritage building/site and would result in less impacts on the quality of the existing views.

In summary, the following recommendations are made:

- i) The View Analysis reports are updated to address the significant public domain view from Towns Street and New South Head Road towards Sydney Harbour (*Refer Section B1.9.2 of WDC P2015*).

- ii) Details of infrastructure/amenities to service the sporting facilities be provided to enable a proper assessment of visual impacts in terms of building height compliance and public domain views.

6) Site Drainage

No issues are raised regarding drainage and stormwater, subject to the recommended conditions included as **Annexure A**, including the following:

Condition C.6	Relocation or Reconstruction of Council's Stormwater Drainage System
Condition C.7	Stormwater Management Plan
Condition C.8	Detailed Site Investigation (Phase 2)
Condition E.10	Existing Drainage Easement, Drainage Reserve, or Stormwater Drainage System Benefiting Council
Condition F.1	Commissioning and Certification of Systems and Works
Condition F.2	CCTV on Council's Drainage System After Works
Condition F.3	Inspection of Drainage Connection to Council's Drainage Line
Condition F.4	Certification – Structures / Excavation Near Council's Easements
Condition F.6	Certification of Stormwater Diversion System
Condition F.7	Works-As-Executed Plans – Stormwater Diversion System
Condition H.1	Positive Covenant and Works-As-Executed Certification for Stormwater Systems
Condition I.1	On-going Maintenance of the On-site Detention System

It appears that all proposed works are contained within the school's boundary with no encroachment over Council land. This is to be confirmed by DPIE.

7) Hours of operation

No objections are raised to the operation of the new buildings between 7:30am and 4:30pm on Monday-Friday. This is consistent with the existing approved operating hours for the school.

8) Light-spill

Condition I.3 is recommended to ensure that any outdoor sports lighting complies with AS/NZS 4284:2019: *Control of the obtrusive effects of outdoor lighting*.

9) Environmental Health

Council's Environmental Health Officer is generally satisfied that the submitted *EIS* has addressed the likely impacts of the proposal on the environment as a whole and contains sufficient documentation, reporting and investigations pertaining to Acid Sulfate Soils, Detailed Soil Contamination Investigation, Remediation of Land – SEPP 55, Hazardous Building Materials and Acoustics.

Additional information is required to address the following outstanding matters:

- **Noise from HVAC mechanical plant** – Details on the precise nature of HVAC mechanical plant is not available. Environmental Health Services recommends that options for noise mitigation that may need to be considered at the design stage of the development may include, but is not limited to:

- selection of lower noise plant and equipment; and
 - screening of external plant using solid barriers or acoustic louvres; and
 - appropriate housing of HVAC mechanical plant in plant rooms to reduce noise emissions to neighbouring land uses.
- **Contamination** - A Detailed Site Investigation (Phase 2) may be required to confirm or qualify the findings of the initial preliminary site investigation report.

In addition to the outstanding matters raised above, the following conditions of consent are recommended:

Condition I.2	Noise from HVAC mechanical plant
Condition C.8	Detailed Site Investigation (Phase 2)
Condition E.11	Waste Disposal Activities
Condition D.8	Validation Report at Completion of Remedial Works

10) Heritage

Councils' Heritage Officer has considered the proposal. The findings of the assessment made in the Heritage Impact Statement are generally concurred with.

Outstanding matters are listed below:

- The proposed groundworks has the potential to disturb or uncover aboriginal and historical archaeology.
- Whilst the proposal is not considered to result in any adverse impact to elements of 'Exceptional' or 'High' significance within the Kambala School site, it would be appropriate to photographically record all elements and landscaping proposed to be demolished and/or modified in order to provide a record of the current layout and character of the school.
- Potential damage to the Tivoli building during construction works.
- Protection of two significant Norfolk Island Palm trees.
- Preparation of a Heritage Interpretation Strategy and incorporation of heritage interpretation measures into the design.

The above matters can be addressed by imposing the following conditions:

Condition B.2	Photographic Archival Recording
Condition B.3	Heritage Interpretation Strategy
Condition B.4	Heritage Architect/Consultant to Oversee Tivoli Building Works
Condition B.5	Aboriginal Heritage
Condition B.5	Historical Archaeology
Condition A.2	Tree Preservation
Condition B.7	Establishment of Tree Protection Zones

Note: Ideally a Heritage Interpretation Strategy would be submitted with the DA and heritage interpretation measures incorporated into the design. Nonetheless, this is included as **Condition B.3**.

11) Conclusion

Thank you again for the opportunity to provide comments on the proposed Kambala school sport, well-being and senior learning precinct.

If you require clarification on any issue raised, please don't hesitate to contact **Nick Economou** on (02) 9391 7081 or via email at nick.economou@woollahra.nsw.gov.au.

Yours sincerely



Nick Economou
Acting Director – Planning and Development

Annexures

A. Recommended Conditions of Consent (without prejudice)



ANNEXURE A – CONDITIONS OF CONSENT (WITHOUT PREJUDICE)

A. General Conditions

A.1 Ancillary Aspects of Development (section 4.17(2) of the Act)

The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012) unless expressly provided otherwise by these conditions at the Owner's expense.

Note: This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.
Standard Condition: A8 (Autotext AA8)

A.2 Tree Preservation

All landscape works and tree preservation shall be undertaken in accordance with the approved arborist report:

Reference	Description	Author/Drawn	Date(s)
001498v1.1	Arboricultural Impact Assessment Report	Arborlogix	28/04/2020

A.3 Revised Landscape Plan

The submitted landscape Plan shall be updated to include details of planting locations, quantities, and pot size at the time of planting.

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

B.1 Public Road Assets Prior to Any Work/Demolition

To clarify the condition of the existing public infrastructure prior to the commencement of any development (including prior to any demolition), the Applicant or Owner must submit to Council a full record of the condition of the public road infrastructure adjacent to the development site.

The report must be submitted to Council **prior to the commencement of any work** and include photographs showing current condition and any existing damage fronting and adjoining the site to the:

- road pavement,
- kerb and gutter,
- footway including footpath pavement and driveways,
- retaining walls within the footway or road, and
- drainage structures/pits.

The reports are to be supplied in both paper copy and electronic format in Word. Photographs are to be in colour, digital and date stamped.

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 work under this consent.

Note: If the Applicant or Owner fails to submit the asset condition report required by this condition and damage is occasioned to public assets adjoining the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose
Standard Condition: B7

B.2 Photographic Archival Recording

A full archival record of all buildings and landscape elements to be demolished is to be prepared prior to any work occurring.

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

Photographic archival records must be taken in accordance with 'The Heritage Information Series: Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch.

There should be one digital set of the photographic report. The following table summarises the lodgement details for photographic records, depending on which material is selected. It is satisfactory to supply one material only and digital material is recommended.

Material	Minimum Requirement	Repository
Digital Materials	1 copy of photographic report including images	<u>Woollahra Council</u> Report and images (digital version)

The photographic archival recording is to be submitted in a digital format and is to include the following:

- 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.
- b) Floorplans of the internal layout and directional details of photographs taken.
- a) Coloured photographs of:
 - each elevation,
 - each structure and landscape feature,
 - internal images of each room and significant architectural detailing, and
 - views to the subject property from each street and laneway or public space.

Note: 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 www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf

B.3 Heritage Interpretation Strategy

A Heritage Interpretation Strategy is to be prepared and heritage interpretation measures incorporated into the design.

B.4 Heritage Architect/Consultant to Oversee Tivoli Building Works

A suitably qualified and experienced heritage architect/consultant should be engaged to oversee all works to the Tivoli building. The heritage architect/consultant should monitor works to demolish the southern portion of the eastern wing of the Tivoli building to ensure no significant fabric is damaged or removed without approval, and should provide input on the detail design of the new south façade to the eastern wing.

B.5 Aboriginal Heritage

- a) Prior to any ground disturbance works commencing on site, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the *National Parks and Wildlife Act 1974*. This must be implemented as a heritage induction programme provided by a heritage consultant with Aboriginal heritage expertise.
- b) If unexpected Aboriginal objects are found during the works covered by this approval, all work must cease immediately in the affected area(s) and Heritage NSW must be notified. Additional assessment and approval pursuant to 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.
- c) If any skeletal remains suspected of being human are found during construction works, work must cease immediately and no further disturbance of the site must occur. The NSW Police and Heritage NSW must be notified and details of the remains and their precise location are to be provided.

B.6 Historical Archaeology

- a) Prior to the commencement of works within the areas identified as containing moderate archaeological potential, a Section 139 excavation exemption permit application should be submitted with Heritage NSW as defined under the *Heritage Act 1977*. Archaeological monitoring of works should be undertaken in the area defined as containing moderate potential to ensure no potential relics are harmed during the works.
- b) If unexpected archaeological features are discovered during the works covered by this approval, work must cease immediately in the affected area(s) and Heritage NSW must be notified. Additional assessment and approval pursuant to the *Heritage Act 1977* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- c) If any skeletal remains suspected of being human are found during construction works, work must cease immediately and no further disturbance of the site must occur. The NSW Police and Heritage NSW must be notified and details of the remains and their precise location are to be provided.
- d) Where feasible and appropriate any archaeological relics uncovered by the works should be retained on site and displayed for public appreciation/interpretation.

B.7 Establishment of Tree Protection Zones(TPZs)

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970- 2009) and the Arboricultural Impact Assessment Report (Ref 001498v1.1) prepared by Arborlogix, dated 28/04/2020.

B.8 Revised Construction Management Plan (CTMP)

A revised CTMP is to be prepared to address the following:

- Hours of work: All vehicular movements associated with demolition, excavation and construction works on school days shall 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.
- Access and egress route of construction vehicles: The proposal to access and exit the site via the school's main entrance on New South Head Road and wait for gaps in traffic at the signalised crossing cannot be supported, as it would impede traffic flow and adversely impact on the efficiency of traffic movements.
- Works Zone: The proposed works zone is located on New South Head Road, which is a classified road under the care and control of TfNSW. As such, the applicant is to liaise directly with TfNSW to seek written concurrence for such arrangement.
- Bus Stop Closure: A temporary closure is proposed for the northbound bus stop adjacent to the school's main entrance. The applicant is to liaise with STA and conduct community consultation to seek written concurrence for such arrangement.

C. Conditions which must be satisfied prior to the issue of any Construction Certificate

C.1 Payment of Long Service Levy, Security, Contributions and Fees

Prior to the issue of any construction certificate, payment of the following long service levy, property damage security deposit, development contribution, and fees is to be paid.

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	
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	\$47,400	No	T115
Local Government Act Activity Applications (other than where a specific fee is provided) (\$68 Fee)	\$180 per application plus \$176 per hour	No	T45
Infrastructure Works Bond – remedying any defects in any public work that arise within 6 months after the work is completed	\$216,500	No	T113
DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$597,000 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			

Local Government Act Activity Inspection Fee (S68 Fee)	\$206 per inspection	No	T45
Security Administration Fee	\$194	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$861,480 plus any relevant addition inspections associated with LGA Act Activity, indexed amounts and long service levy		

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 Certifying Authority 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.

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 the issue of the Construction Certificate, 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.

How will the section 7.12 levy (formerly known as 94A levy) be indexed?

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2011 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on ph 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 (eg 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 94A Development Contributions Plan 2011

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 3.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- 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 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 the issue of the Construction Certificate, 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 3.13 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Standard Condition: C5

C.2 Soil and Water Management Plan – Submission and Approval

The Principal Contractor or Owner-builder must submit to the Certifying Authority a soil and water management plan complying with:

- a) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- b) “*Managing Urban Stormwater - Soils and Construction*” 2004 published by the NSW Government (*The Blue Book*).

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

The Certifying Authority must be satisfied that the soil and water management plan complies with the publications above prior to issuing any Construction Certificate.

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

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

Note: The “*Do it Right On Site, Soil and Water Management for the Construction Industry*” publication can be downloaded from www.woollahra.nsw.gov.au, and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm.

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

Standard Condition: C25

C.3 Professional Engineering Details

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

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

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

Standard Condition: C36

C.4 Geotechnical and Hydrogeological Design, Certification and Monitoring

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

These details must be certified by the professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide tanking of all below ground structures, if deemed necessary by the geotechnical engineer upon detailed site investigation, to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- d) Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - 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.

Standard Condition: C40 (Autotext: CC40)

C.5 Ground Anchors

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

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

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

If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under section 138 of the *Roads Act 1993*. Application forms and Council's "Rock Anchor Policy" are available from Council's

website. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

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

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

Note: Clause 20 of the *Roads (General) Regulation 2000* prohibits excavation in the vicinity of roads as follows: "**Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.
Standard Condition: C41 (Autotext: CC41)

C.6 Relocation or Reconstruction of Council's Stormwater Drainage System

A separate application under Section 68 of the Local Government Act 1993 is to be made to and be approved by Council prior to the issue of any Construction Certificate. All engineering drawings (plan, sections and elevation views) and specifications of the new stormwater diversion system are to be prepared by a Chartered Civil Engineer. The following works must be carried out at the applicant's expense:

- a) The proposed realignment the existing Council's Stormwater Pipelines shall be designed in accordance with the concept civil drawings prepared by TTW, drawing no. 181896-C05-C, dated 07/07/2020 and to the satisfaction of Council's Infrastructure Asset Management Team Leader. The design of the pipelines must be prepared which includes, but not limited, to the following:
 1. All stormwater diversion pipelines are to be designed and sized so that they are not surcharged in a 1% AEP storm event.
 2. The submission of structural design and design certificate prepared by a Chartered Structural Engineer for the proposed stormwater diversion system and its supporting structures.
 3. The stormwater diversion system shall be designed to withstand a minimum head of 20m without leakage.

The developer must meet all costs of reconstruction of any part of Council's drainage system (including any design drawings and specifications) required to carry out the approved development and as directed by Council's Assets Engineer.

The design and construction of the works must be in accordance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management and "Specification for Road Works, Drainage and Miscellaneous Works" which include Council's standard drawings and to the satisfaction of Council's Infrastructure Asset Management Team Leader.

A minimum of four (4) weeks will be required for Council to assess the Local Government Act submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

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

Standard Condition: C.48 (Autotext CC48)

C.7 Stormwater Management Plan

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

- a) General design in accordance with stormwater plans prepared by TTW, referenced 191896, dated 20 July 2020, other than amended by this and other conditions;
- b) Compliance the objectives and performance requirements of the BCA;
- c) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management;
- d) The installation of 100KL re-use RWT with 3 x Stormsacks, 1 x HydroSystem 1500/4 and 1 x Hydrosystem 1000 by SPEL or equivalent to achieve the water quality targets for stormwater treatment system stipulated in Chapter E2.2.3 of Council's DCP;
- e) The installation of on-site detention (OSD) system.

OSD Requirements

For the proposed development, the minimum Site Storage Requirements ("SSR") of the on-site detention system shall be 178m³ and the Permissible Site Discharge (PSD) must not exceed 302 l/s.

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. It must include:

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of proposed rainwater tanks,
- 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 Councils drainage infrastructure, and
- f) Overland flow paths over impervious areas.

On-site Detention (OSD) details:

- 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 on-site detention system,
- h) Non-removable fixing details for orifice plates where used,

Rainwater Reuse System details:

- a) Any potential conflict between existing and proposed trees and vegetation,
- b) Internal dimensions and volume of the proposed rainwater storage,

- c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures,
- d) Details of access and maintenance facilities,
- e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products,
- f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks,

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

Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.

C.8 Detailed Site Investigation (Phase 2)

A Detailed Site Investigation (Phase 2) is to be carried out to confirm or qualify the findings of the initial preliminary site investigation report prepared by JBS & G Australia Pty Ltd (Document Reference No. 58081/129431, Revision A, dated 25 June 2020). This should involve intrusive techniques to collect field data and soil samples for analytical testing to determine the concentrations of contaminants of concern. The results from the detailed site investigation should be assessed against data quality objectives and any conceptual site model updated.

C.9 On-site Bicycle Facilities

On-site bicycle storage and facilities are to be provided in accordance with Part E1.6 of the *Woollahra DCP 2015*.

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

D.1 Dilapidation Reports for Public Infrastructure

To clarify the existing state of public infrastructure prior to the commencement of any development (including prior to any demolition), the Principal Contractor must submit a dilapidation report, prepared by a professional engineer, on Council's infrastructure for the full frontage and 50m beyond the development site.

The dilapidation report must be submitted to Council prior to the commencement of any 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) of public stormwater drainage systems fronting, adjoining or within the site, and
- f) the full name and signature of the professional engineer.

The reports are 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 work. 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 work under this consent.

Note: If the Principal Contractor fails to submit the dilapidation report required by this condition and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose.
Standard Condition: D5 (Autotext DD5)

D.2 Adjoining Buildings Founded on Loose Foundation Materials

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

Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the *Conveyancing Act 1919*.
Standard Condition: D6 (Autotext DD6)

D.3 Piezometers for the Monitoring of Ground Water Levels

The Principal Contractor must provide 2 piezometers within the excavation area and a further 2 piezometers around the perimeter of the wall. The piezometers are to be installed to monitor ground water levels (GWL) before and during all dewatering works for the construction phase.

The GWL monitoring wells and monitoring program must be maintained until the issue of the *Final Occupation Certificate*.

The GWL are to be regularly monitored during the course of the works as required by the work method statement for the control of GWL. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.

Where there are any movements in the GWL outside a safe range set by the work method statement for the control of GWL, corrective action must be undertaken under the direction of the professional engineer (hydrological/geotechnical engineer).

Standard Condition: D7 (Autotext DD7)

D.4 Construction Management Plan

As a result of the site constraints, limited space and access a Construction Management Plan (CMP) is to be submitted to Council. Also, due to lack of on-street parking a Work Zone may be required during construction.

The Principal Contractor or Owner must submit an application for approval of the CMP by Council's Traffic Engineer and pay all fees associated with the application.

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:

- 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 shall 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).

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.
Standard Condition: D9 (Autotext: DD9)

D.5 Works (Construction) Zone – Approval and Implementation

A Works Zone may be required for this development. The Principal Contractor or Owner can apply for a works zone. If the works zone is approved the Principal Contractor or Owner must pay all fees for this Works Zone before it can be installed.

The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. 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 work. Signs are not erected until full payment of works zone fees.

Note: The Principal Contractor or Owner must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the clause 22 of the *Transport Administration (General) Regulation 2000* to exercise those functions delegated by the Roads and Maritime Services under section 50 of the *Transport Administration Act 1988*.

Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The Principal Contractor must report any breach of the works zone to either Council or the NSW Police Service.
Standard Condition: D10 (Autotext DD10)

D.6 Erosion and Sediment Controls – Installation

The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan if required under this consent;
- b) “*Do it Right On Site, Soil and Water Management for the Construction Industry*” published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) “*Managing Urban Stormwater - Soils and Construction*” 2004 published by the NSW Government (*The Blue Book*).

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

Note: 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.

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication can be downloaded from www.woollahra.nsw.gov.au and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm

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

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

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.

Standard Condition: D14 (Autotext DD14)

D.7 CCTV Report of New Stormwater Diversion System

Upon completion of the proposed stormwater diversion system and prior to the commencement of any excavation works for Building C and D, a qualified practitioner shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the as-built stormwater diversion system. No person is to enter any stormwater conduit. The camera and its operation shall comply with the following: -

- a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- c) Distance from the manholes shall be accurately measured and displayed on the video.
- d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- e) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council's Assets Engineers. Any defects identified from the CCTV and report shall be rectified to the satisfaction of Council's Assets Engineers, which may include full reconstruction.

A written acknowledge shall be obtained from Council (attesting to this condition being appropriately satisfied) prior to commencement of any excavation works for Building C and D and/or decommissioning of the existing stormwater drainage system through the site.

D.8 Validation Report at Completion of Remedial Works

At the completion of the remedial works a **Validation Report** is to be prepared in accordance with the *NSW EPA Guidelines for Consultants Reporting on Contaminated Land* (EPA 2020), documenting the works as completed. The Report shall include the following:

- i) details of the remediation works conducted;
- ii) information demonstrating that the objectives of the RAP has been achieved, in particular the validation sample results and assessment of the data against both the pre-defined dco and the remediation acceptance (validation) criteria;
- iii) information demonstrating compliance with appropriate regulations and guidelines;
- iv) any variations to the strategy undertaken during the implementation of the remedial works;
- v) details of any environmental incidents occurring during the course of the remedial works and the actions undertaken in response to these incidents; and
- vi) other information as appropriate, including requirements (if any) for ongoing monitoring/management.

E. Conditions which must be satisfied during any development work

E.1 Compliance with Construction Management Plan

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 or Council on request.

Note: Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.
Standard Condition: E3 (Autotext EE3)

E.2 Public Footpaths – Safety, Access and Maintenance

The Principal Contractor or Owner-builder and any other person acting with the benefit of this consent must:

- a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.
- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any *work*.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Not stand any plant and equipment upon the road or footway.
- f) Provide a clear safe pedestrian route a minimum of 1.5m wide.
- g) Protect heritage listed street name inlays in the footpath which are not to be removed or damaged during development.

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:

- 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.

Note: Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* 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.

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

- 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.

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

- Part C Management of waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.
- Part E Public roads:
 - 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.

Standard Condition: E7 (Autotext EE7)

E.3 Maintenance of Environmental Controls

The Principal Contractor or Owner-builder must ensure that the following monitoring, measures and controls are maintained:

- a) erosion and sediment controls,
- b) dust controls,
- c) dewatering discharges,
- d) noise controls,
- e) vibration monitoring and controls,
- f) ablutions.

Standard Condition: E11

E.4 Compliance with Geotechnical / Hydrogeological Monitoring Program

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

The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to:

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

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

Standard Condition: E12 (Autotext EE12)

E.5 Support of Adjoining Land and Buildings

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

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

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

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

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

Note: Clause 20 of the *Roads Regulation 2008* prohibits excavation in the vicinity of roads as follows: **"Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

Note: The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any

road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the *Local Government Act 1993*.
Standard Condition: E13 (Autotext EE13)

E.6 Vibration Monitoring

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

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

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

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

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

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

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

Note: *professional engineer* has the same mean as in clause A1.1 of the BCA.

Note: *building* has the same meaning as in section 1.4 of the *Act* i.e. "*building* includes part of a building and any structure or part of a structure...."

Note: *supported land* has the same meaning as in the *Conveyancing Act 1919*.
Standard Condition: E14 (Autotext EE14)

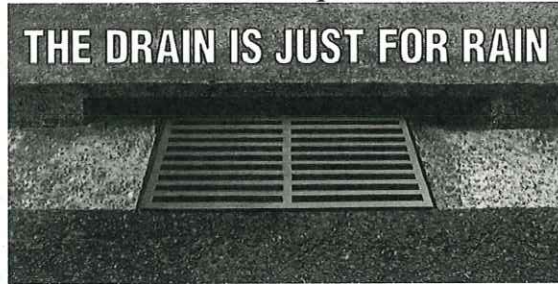
E.7 Erosion and Sediment Controls – Maintenance

The Principal Contractor or Owner-builder must maintain water pollution, erosion and sedimentation controls in accordance with:

- a) the Soil and Water Management Plan required under this consent,
- b) "*Do it Right On Site, Soil and Water Management for the Construction Industry*" published by the Southern Sydney Regional Organisation of Councils, 2001, and

- c) “*Managing Urban Stormwater - Soils and Construction*” 2004 published by the NSW Government (*The Blue Book*).

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



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

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

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

Standard Condition: E15 (Autotext EE15)

E.8 Site Cranes

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.

Cranes must not swing or hoist over any public place unless the Principal Contractor or Owner-builder have the relevant approval under the *Local Government Act 1993*, *Crown Lands Act 1989* or *Roads Act 1993*.

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*).

No illuminated sign(s) must be erected upon or displayed upon any site crane.

Note: Where it is proposed to swing a crane over a public place the Principal Contractor or Owner-builder must make a separate application to Council under section 68 of the *Local Government Act 1993* and obtain activity approval from Council prior to swinging or hoisting over the public place.

Note: Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the Principal Contractor or Owner-builder must obtain 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. 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.

Standard Condition: E19 (Autotext EE19)

E.9 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

The Principal Contractor or Owner-builder must ensure that a registered surveyor carries out check surveys and provides 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.

The Principal Contractor or Owner-builder must ensure that work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:

- 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 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.

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

Standard Condition: E20 (Autotext EE20)

E.10 Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council

No authorised building or other structure must be placed over stormwater system or within the zone of influence taken from the invert of any pipeline. All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of the zone of influence of the Council's pipeline. Footings must extend to at least 100mm below the invert of the Council's pipe unless the footings are to be placed on competent bedrock.

The Principal Contractor or Owner-builder must locate all stormwater drainage systems without causing any damage to the public system and ensure its protection. The Owner, Principal Contractor or Owner-builder must not obstruct or otherwise remove, disconnect or render inoperable the stormwater drainage system. In the event of a Council drainage pipeline being damaged during construction, all work in the vicinity of the area shall cease and the Principal Certifying Authority and Council shall be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

Works such as fences must not obstruct the natural floodway or alter the natural floodway in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then 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).

The Owner, Principal Contractor or Owner-builder must meet all costs associated with such works.

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

Note: The *Local Government Act 1993* provides:

"59A Ownership of water supply, sewerage and stormwater drainage works

- a. Subject to this Division, a council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by the council (whether or not the land is owned by the council).
- b. A council may operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of the council, the works are used in an efficient manner for the purposes for which the works were installed."

Standard Condition: E27 (Autotext EE27)

E.11 Waste Disposal Activities

All waste disposal activities should be undertaken in accordance with the Waste Classification Guidelines (NSW EPA, 2014), the Waste Avoidance and Resource Recovery Act 2001, the Protection of the Environment Operations Act 1997 and other relevant legislation.

E.12 Management of Contaminated Soil Disturbances and Off-site Disposal

The management of contaminated soil disturbances and off-site disposal shall be carried out in accordance with the Remediation Action Plan (RAP) prepared by JBS & G Australia Pty Ltd (Document Reference No. 58081 – 130541), Revision 0, dated 25 September 2020.

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 6 of the Act and Part 8 Division 3 of the Regulation)

F.1 Commissioning and Certification of Systems and Works

The Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier works-as-executed (WAE) plans, Compliance Certificates and evidence of suitability in accordance with the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the *Act*, the *Regulations*, any relevant construction certificate, the BCA and relevant Australian Standards.

Works-as-executed plans, Compliance Certificates and evidence of suitability in accordance with the BCA must include but may not be limited to:

- a) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- b) All flood protection measures.
- c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*.
- d) All stormwater drainage 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.

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

Note: The 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).

Note: The PC must submit to Council, with any Occupation Certificate, copies of WAE plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA upon which the PC has relied in issuing any Occupation Certificate.

Standard Condition: F7 (Autotext FF7)

F.2 CCTV on Council's Drainage Pipeline After Works

A qualified practitioner shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the new Council drainage pipelines after the completion of all development works. No person is to enter any stormwater conduit. The camera and its operation shall comply with the following: -

- a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- c) Distance from the manholes shall be accurately measured and displayed on the video.
- d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- e) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council's Assets Engineers. Any damages identified from the CCTV and report shall be rectified to the satisfaction of Council's Assets Engineers.

A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

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

Standard Condition: H14 (AutotextHH14)

F.3 Inspection of Drainage Connection to Council's Drainage Line

Prior to the issue of any Occupation Certificate, inspection of drainage connection works to the Council's pipeline/pit shall be carried out by Council's Assets Engineer. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

F.4 Certification – Structures / Excavations near Council's Easements

Prior to the issue of any Occupation Certificate, for structures adjacent to the drainage easement and/or Council's stormwater drainage system within the site, a suitably qualified and experienced Chartered Structural Engineer shall certify that all footings and structures adjacent to Council's pipeline and/or easement have been constructed at least 100mm below the invert of the Council's pipe unless the footings are placed on competent bedrock. All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement. Certification is to be provided and submitted to Council's Assets Engineer.

A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

F.5 Dilapidation Report for Public Infrastructure Works

Prior to issue of any occupation Certificate, the Principal Contractor must submit a follow up dilapidation report, prepared by a professional engineer, on Council's infrastructure within and near the development site to Council upon completion of the work.

Occupation Certificate must not be issued until Council's Assets Engineer is satisfied that the damaged Council's infrastructures and assets have been satisfactorily completed and the Principal Certifying Authority has been provided with written correspondence from Council to this effect.

The dilapidation report must include:

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

The reports are 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. If the required report is not submitted then Council will assume any damage to any infrastructure in the immediate vicinity of the site was caused by the principle contractor and Owner carrying out work under this consent.

Note: If the Principal Contractor fails to submit the dilapidation report required by this condition and damage is occasioned to public assets adjoining the site Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose.
Standard Condition: H14 (AutotextHH14)

F.6 Certification of Stormwater Diversion System

Upon completion of the Stormwater Diversion System, certification from a Chartered Civil Engineer, shall be submitted to Council's Assets Engineer, certifying that the as-built stormwater diversion system has been constructed in accordance with the approved plans and complies with Council's DCP and Council's Specification for Roadworks, Drainage and Miscellaneous Works.

A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

F.7 Works-As-Executed Plans – Stormwater diversion System

Upon completion of the Stormwater Diversion System, Work-as-Executed plans shall be submitted to Council's Assets Engineer. Work-as-Executed plans shall be prepared by a registered surveyor based on the approved stormwater plans verifying that all as-built alignments and levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.

A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

F.8 Green Travel Plan (GTP)

A green travel plan is to be prepared in accordance with Section E1.12 of the Woollahra DCP 2015, and to the satisfaction of Council's Traffic Section.

F.9 Operational Traffic Management Plan (OTMP)

An OTMP is to be prepared in accordance with Section E1.13.1 of the Woollahra DCP 2015 to ensure an efficient and safe environment for pick up and drop off of students, and to the satisfaction of Council's Traffic Section.

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

Nil.

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (section 6.4 (c))

H.1 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

On completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the on-site detention system (OSD),
- c) that the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations,
- d) pipe invert levels and surface levels to Australian Height Datum, and
- e) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site-detention system and/or absorption trenches, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

Note: 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 WAE plans to Council together with the Final Occupation Certificate.

Note: The Final Occupation Certificate must not be issued until this condition has been satisfied.
Standard Condition: H20 (Autotext HH20)

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

I.1 Ongoing Maintenance of the On-Site-Detention System

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

- a) Permit stormwater to be temporarily detained by the system.
- b) Keep the system clean and free of silt rubbish and debris.
- c) If the car park is used as a detention basin, a weather resistant sign must be maintained in a prominent position in the car park warning residents that periodic inundation of the car park may occur during heavy rain.
- d) Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by Council.
- e) Carry out the matters referred to in paragraphs (b) and (c) at the owner's 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 Council or its authorised agents from time to time upon giving reasonable notice (but at anytime and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant.
- h) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice.
- i) Where the owner fails to comply with the owner's obligations under this covenant, permit Council or its agents at all times and on reasonable notice at the owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.
- j) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the owners in respect of the owner's obligations under this condition.

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

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

Standard Condition: I29

I.2 Noise from HVAC Mechanical Plant

The cumulative noise level from all relevant items of mechanical plant and equipment, when measured at the same location, must not exceed the nocturnal background noise level by more than 5 dB(A).

All selected HVAC mechanical plant and associated equipment should have a design goal that specifies noise emission from any set of primary, or secondary plant, or equipment, on the basis that if the equipment could operate at any time of the day or night, then the noise emission component, when measured at the nearest residential property façade should not exceed the nocturnal background noise level.

I.3 Outdoor Lighting – Sports Lighting

Outdoor sports lighting must generally comply with AS/NZS 4284:2019: *Control of the obtrusive effects of outdoor lighting*.

I.4 Green Travel Plan (GTP)

On-going use of the development shall operate in accordance with the approved Green Travel Plan.

I.5 Operational Traffic Management Plan (OTMP)

On-going use of the development shall operate in accordance with the approved OTMP.

J. Miscellaneous Conditions

Nil.

K. Advisings

K.1 Dilapidation Report

Please note the following in relation to the condition for a dilapidation report:

- a) 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 due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) 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.
- d) Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the Applicant is to demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Standard Advising: K23 (Autotext KK23)

K.2 Local Government Act 1993 (Section 68) Application

A "Water Supply, Sewerage & Stormwater Drainage Work" Application form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works to the existing stormwater pipeline, must be attached, submitted to and approved by Council under section 68 of the Local Government 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.

Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

Services: Prior to any excavation works, the location and depth of all utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant shall be responsible for all utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.

All 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.

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

Note: When an application under the *Local Government Act* is required, then four (4) weeks is to be allowed for assessment.

Note: The intent of this condition is that the design of the public stormwater drainage works must be detailed and approved prior to the issue of any Construction Certificate. Changes required under *Local Government 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.