



18 December 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. prity.cleary@planning.nsw.gov.au; Erin.White@planning.nsw.gov.au

Attention: Ms. Erin White / Ms. Prity Cleary

Dear Ms. Harragon,

Application Number SSD-10421
Proposal name Weigall Sports Complex, Sydney Grammar School
Address Neild Avenue, Rushcutters Bay

Thank you for your email dated 9 November 2020, requesting Woollahra Council's comment on the abovementioned State Significant Development (SDD) application.

It is understood that the proposal involves a new Weigall Sports Complex for Sydney Grammar School comprising:

- demolition of existing buildings including tennis/basketball courts, Barry Pavilion, existing cricket nets, paved car parking area and excavation;
- construction of a 3-storey sports facilities building with basement and a single-storey split-level car park building;
- 102 new car parking spaces on site; and
- landscaping works including tree removal; and ancillary works including building identification signs and new kiosk substation.

As per your email on 19 November 2020, Council is thankful for the extension of the public exhibition period to Friday 18 December 2020. It is noted, however, that the short notification period of thirty-six (36) 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.

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
\$54,400,000	1%	\$544,000

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:

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. A condition to this effect is recommended (**Condition B.10**).

Condition C.6 is recommended to ensure compliance with Australian Standard 2890.1-2004 – Off Street Parking with regard to the car parking access and layout.

Condition C.7 is recommended to ensure that bicycle parking and associated facilities are provided in accordance with Part E1.6 of the *Woollahra DCP 2015*.

Condition I.4 is recommended to ensure that ongoing use of the premises is in accordance with the approved Green Travel Plan.

In summary, the following conditions pertaining to traffic related matters are recommended:

Condition B.10	Construction Management Plan (CMP)
Condition C.7	On-site Bicycle Facilities
Condition I.2	Green Travel Plan (GTP)

3) Trees and Landscaping

Council's Tree and Landscape Officer has determined that the development proposal is satisfactory in terms of tree preservation and landscaping, subject to compliance with the following Conditions of Consent.

Condition A.3	Tree Preservation and Approved Landscaping Works
Condition B.5	Establishment of Tree Protection Zones
Condition B.6	Permissible Work Within Tree Protection Zones
Condition B.7	Arborists Documentation and Compliance Checklist

Condition C.10	Tree Management Plan
Condition E.12	Tree Preservation
Condition E.13	Replacement / Supplementary Trees which Must be Planted
Condition F.4	Amenity Landscaping
Condition H.2	Landscaping

4) Student and Staff Numbers

It is understood that no increase in student numbers is sought. It is recommended that a condition to this effect is included as part of any consent:

Condition A.2	Student Numbers
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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 visual impacts and streetscape presentation. These are addressed below:

View Impacts (Private)

Due to the excessive bulk, scale and proximity of the proposed Building 1 to the neighbouring sites, the proposal would result in significant view impacts on the existing private views from the habitable windows of the neighbouring sites, particularly to the south and west.

The Visual Impact Assessment report by Urbis has focused on the potential impacts of Building 1 on the habitable windows of the neighbouring sites at 8 Vialoux Ave and 18-24 Neild Avenue, and states the following:

"In our opinion units at 25-27 and 29-31 Lawson Street are likely to be less exposed to visual effects of the proposed development, given that they are significantly set back to the west from the subject site and are separated from it by open space which includes mature trees located within its own block. The vegetation will not be affected by the proposed development and in this regard will continue to provide significant screening effects in relation to the proposed built forms".

Notwithstanding the above, Council's Urban Design Officer is of the opinion that existing landscaping would not screen the entire habitable areas at 25-27 and 29-31 Lawson Ave (refer **Figure 1**). Therefore, the proposed bulk and scale would affect additional habitable areas on these two buildings. As such, it is recommended that the proposed bulk and scale of the Building 1 is redesigned with more consideration to maintaining view sharing with the affected sites.

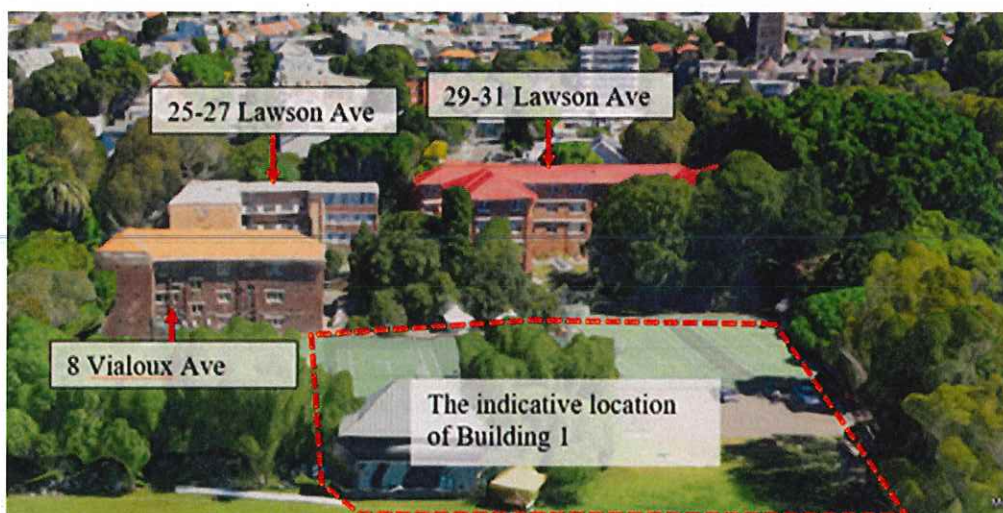


Figure 1. It appears that existing trees would not fully screen habitable areas at 25-27 and 29-31 Lawson Ave to the south (Source: Visual Impact Assessment Report, Urbis).

Figure 2 below shows the impacts of the proposed bulk and scale on the habitable areas of 8 Vialoux Ave and 18-24 Neild Ave as per the Visual Impact Report by Urbis. The proposed changes would replace current extended landscaped private views to an enclosed/blocked view. This is not desirable from an urban design perspective.



Figure 2. View impacts of the proposed bulk and scale of Building 1 on the habitable areas of 8 Vialoux Ave (Source: Visual Impact Assessment Report, Urbis).

Page 25 of the Report by Urbis states that the proposal would result in severe/devastating view loss of the private domain. This is inconsistent with the following provisions:

Control
SEPP – Educational
Establishments and
Child Care Facilities

Particulars
Principle 1 –
Context, built-form
and landscape

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural

environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

Woollahra LEP 2014	R3 Zone objective	<i>To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.</i>
Woollahra DCP 2015	C1.2.4 Desired future character C1.4.9 Views	<i>(j) provides for sharing of views and vistas; O1 To minimise the impact of new development on views from existing development. O2 To promote the concept of view sharing from private properties as a means of ensuring equitable access to views. O3 To protect and enhance views from streets and other public spaces. O4 To provide additional views from streets and other public spaces where opportunities arise. C1 New development must enable view sharing with surrounding development, particularly from main habitable rooms of that development.</i>
	F2.3 Siting of development	<i>O4 To protect existing views and vistas C7 Development provides for view sharing from surrounding properties.</i>

Streetscape Character

Minimum openings/windows are proposed at the interface with Neild Ave (on the western façade) and Vialoux Ave (on the eastern façade). This is not an acceptable outcome from an urban design point of view in terms of streetscape character and activation of the adjoining public domain. This is inconsistent with the following provisions:

Control SEPP – Educational Establishments and Child Care Facilities	Particulars Principle 1 – Context, built-form and landscape	<i>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate. Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</i>
Woollahra DCP 2015	F2.3 Siting of development F2.2 Building and urban design	<i>O1 To protect and promote the amenity of the public domain. O2 To encourage buildings that positively contribute to the streetscape and character of the location.</i>

To achieve design excellence, it is recommended that the façade is amended to provide transparent openings/windows and greater articulation of the façade. One way to achieve this is through a varied material palette of high-quality finishes and materials. A denser landscape and tree canopy would further mitigate the impacts of the deactivated part of the façade on the streetscape.

6) Engineering

Stormwater Management and Flooding

No issues are raised regarding drainage and stormwater management, and flooding subject to the following conditions being imposed as part of any consent:

Condition C.5	Stormwater Management Plan
Condition C.8	Flooding Study – Protection of Property
Condition F.1	Commissioning and Certification of Systems and Works
Condition E.9	Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council

Structural and Geotechnical Matters

No issues are raised regarding the proposed development and earthworks, subject to the following conditions being imposed as part of any consent:

Condition C.3	Professional Engineering Details
Condition C.4	Geotechnical and Hydrogeological Design, Certification, and Monitoring
Condition C.7	Details of Proposed Construction Methodology
Condition D.1	Dilapidation Reports for Public Infrastructure
Condition D.2	Adjoining Buildings Founded on Loose Foundation Materials
Condition E.4	Compliance with Geotechnical / Hydrogeological Monitoring Program
Condition E.5	Vibration Monitoring
Condition F.2	Dilapidation Reports for Public Infrastructure Works

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) Light-spill

Condition I.1 is recommended to ensure that any outdoor sports lighting complies with AS/NZS 4284:2019: *Control of the obtrusive effects of outdoor lighting*.

8) Construction Impacts

Suitable conditions are recommended to mitigate/ameliorate environmental and amenity impacts during construction.

9) Environmental Health

Council's Environmental Health Officer has considered the proposal and determined that additional information is required to address the following matters:

- Hazardous Materials Survey and Management Plan;
- Acid sulfate soils; and
- In-situ waste classification and assessment

These matters can be addressed by the imposition of recommended conditions of consent and are discussed below:

Hazardous Materials Survey and Management Plan

A Hazardous Materials Survey and Management Plan of the pavilion & multipurpose/tennis courts is required to identify, and risk assess materials which have the potential to be hazardous to human health. The purpose of the hazardous materials audit is to:

- establish if hazardous materials are present;
- identify the type of hazardous material;
- identify the location and extent of the hazardous material;
- record the condition of the hazardous material;
- risk assess the hazardous material; and
- develop a register of hazardous materials in a building for compliance to Work Health & Safety legislation.

In addition, Australian Standard *AS2601-2001 – The Demolition of Structures*, which is referenced in the *NSW WH&S Regulation 2011* specifies the requirement for a hazardous materials survey to be undertaken prior to demolition. Furthermore, the *NSW Work Health & Safety Act 2011* requires that all premises containing asbestos have an Asbestos Management Plan.

Health Services is of the opinion that a qualitative risk assessment of potential hazardous materials of the pavilion and multipurpose/tennis courts, Hazardous Materials Survey and Management Plan detailing recommendations on the control measures strategies, and Hazardous Materials Register is prepared for the site to ensure legislative compliance. As such, the following conditions are recommended:

Condition B.8	Hazardous Materials Survey and Management Plan
Condition B.9	Hazardous Materials Register

Acid Sulfate Soils

Reference is made to Woollahra Local Environmental Plan 2014 Part 6, Clause 6.1 Acid Sulfate Soils where the objective of this clause is to ensure that development work does not disturb, expose or drain acid sulfate soils and cause environmental damage. The Acid Sulfate Soils Map has identified Weigall Sports Complex, Sydney Grammar School, Neild Ave, Rushcutters Bay as Class 3 land.

Development consent in relation to acid sulphate soils on Class 3 land is required for works below the natural ground surface and works by which the water table is likely to be lowered. In considering the extent of soil disturbance and land classification, Council's Environmental Health Officer recommends that further examination of the potential environmental risks associated with acid sulfate soils is carried out. Should the concentration of acid sulfate soils meet or exceed the "action criteria", an Acid Sulfate Soils Management Plan must be prepared for the development site. A condition to this effect is recommended:

Condition D.5	Acid Sulfate Soils
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In-situ Waste Classification

The following condition is recommended to ensure that waste disposal activities are undertaken in accordance with relevant guidelines/legislation:

Condition E.11 In-situ Waste Classification

10) Heritage

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

Should the application be approved, the following conditions are to be imposed:

Condition B.2	Heritage Interpretation Strategy
Condition B.3	Aboriginal Heritage
Condition B.4	Historical Archaeology

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 a condition.

11) Paddington Greenway

The Paddington Greenway is an initiative driven by members of the Paddington community supported by both Woollahra and the City of Sydney councils. The objective of the greenway is to develop a green corridor extending from the Sydney Harbour frontage at Rushcutters Bay Park to Trumper Park in Paddington to facilitate walking and cycling. It also has the potential to link Centennial Park to the Harbour foreshore at Rushcutters Bay. It is anticipated that the corridor will follow a route over the existing Sydney Water drainage channel which runs through the Sydney Grammar site and also the adjoining White City site.

I want to alert you to an important issue. That is that Council wants to ensure that the development of this site facilitates public access through the site and, in particular, will not impede the Council's vision for the implementation of the Paddington Greenway project.

12) Conclusion

Thank you again for the opportunity to provide comments on the proposed Weigall Sports Complex, Sydney Grammar School.

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 Student Numbers

This consent does not approve any increase in student and staff numbers. There must not be any increase in student and staff numbers over and above the existing approved numbers.

A.3 Tree Preservation & Approved Landscaping Works

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

- a) Trees shall be retained in accordance with the Arboricultural Impact Assessment and Tree Protection Specification Report, written by Anna Hopwood and Martin Peacock – Tree iQ, dated 14/11/2020 and Landscape Plan Section No. s 01, 02, 03, 04, designed by Aspect Studios, dated 11/09/2020
- c) Trees may be removed in accordance with the Arboricultural Impact Assessment and Tree Protection Specification Report, written by Anna Hopwood and Martin Peacock – Tree iQ, dated 14/11/2020 and Landscape Plan Section No. s 01, 02, 03, 04, designed by Aspect Studios, dated 11/09/2020.
- d) Trees identified in the Arboricultural Impact Assessment and Tree Protection Specification Report, written by Anna Hopwood and Martin Peacock – Tree iQ, dated 14/11/2020 shall be pruned in accordance with *Australian Standard 4373: Pruning of Amenity Trees* (2007) and *Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work* (2016).

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 Heritage Interpretation Strategy

A Heritage Interpretation Strategy is to be prepared and heritage interpretation measures incorporated into the design to record the former use of the site as a market garden and its continued use as a sports field.

B.3 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 the proposed works encounter intact sand deposits, then further archaeological investigations will be required as requested by the La Perouse Local Aboriginal Land Council (LALC). Monitoring by a qualified archaeologist and a representative of the LALC during early excavation works is to be conducted.
- c) If proposed excavated areas are located beyond the defined assessment boundary, further investigations will be required and an addendum Aboriginal Cultural Heritage Assessment (ACHA) undertaken. An addendum ACHAR will require further consultation with Registered Aboriginal Parties (RAPs).
- d) The ACHA should be submitted for registration on the Aboriginal Heritage Information Management System (AHIMS) register within three months of completion.
- e) 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.
- f) 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.4 Historical Archaeology

- a) A Historical Archaeological Assessment is to be included in the Heritage Impact Assessment, as per the SEARS.
- 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.5 Establishment of Tree Protection Zone (TPZ) Fence

Tree Protection Zones shall be established in accordance with the Arboricultural Impact Assessment and Tree Protection Specification Report, written by Anna Hopwood and Martin Peacock – Tree iQ, dated 14/11/2020 and Landscape Plan Section No. s 01, 02, 03, 04, designed by Aspect Studios, dated 11/09/2020.

B.6 Permissible work within Tree Protection Zones

Works identified in the Arboricultural Impact Assessment and Tree Protection Specification Report, written by Anna Hopwood and Martin Peacock – Tree iQ, dated 14/11/2020 are permissible within the Tree Protection Zones of trees to be retained.

B.7 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques in accordance with the Arboricultural Impact Assessment and Tree Protection Specification Report, written by Anna Hopwood and Martin Peacock – Tree iQ, dated 14/11/2020 and relevant to this consent have been complied with. Documentation for each site visit shall include:

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

All compliance certification documents shall be kept on site by the Site Foreman.

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

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

B.8 Hazardous Materials Survey and Management Plan

A qualitative risk assessment of potential hazardous materials is to be conducted of the pavilion and multipurpose tennis courts and a Hazardous Materials Survey and Management Plan prepared. The Plan shall detail recommendations for control measures.

B.9 Hazardous Materials Register

A Hazardous Materials Register is to be prepared for the site and maintained during works to ensure legislative compliance.

B.10 Construction Management Plan

A Construction Management Plan (CMP) is to be prepared by a suitably qualified traffic engineer. 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).

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	In accordance with Woollahra Council Fees and Charges	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	To be confirmed by the Council	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)	\$544,000 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Local Government Act Activity Inspection Fee (\$68 Fee)	\$206 per inspection	No	T45
Security Administration Fee	\$194	No	T16

TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$544,674 plus Property Damage Security Deposit + Infrastructure Works Bond (To be confirmed by the Council) any relevant addition inspections associated with LGA Act Activity, indexed amounts and long service levy.
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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 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) Compliance the objectives and performance requirements of the BCA.
- b) Compliance with the Chapter E2 – Stormwater and Flood Risk Management of Woollahra DCP 2015.
- c) Compliance with Sydney Water requirements. (Note: Existing stormwater drainage systems that discharge to the sewer are not in compliance with Sydney Water or Council's requirements).
- d) Drainage Layout Plan: A detailed drainage plan at a scale of 1:100 and based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, Australian Rainfall and Run-off, 1987 edition or most current version thereof. It must include:
 - Proposed pipe layout, dimensions, grades, lengths and materials
 - All invert levels reduced to Australian Height Datum (AHD)
 - Location, dimensions and types of all drainage pits
 - Exact point and type of connection to Councils drainage infrastructure
 - Overland flow paths over impervious areas.

- e) Location of all trees on and adjacent to the site that will be retained under the proposal. Note: Drainage systems must not interfere with these trees
- f) Copies of certificates of title, showing the creation of easements to drain water, if required.
- g) The location of the closest Council stormwater pit and line, regardless of the point of discharge, together with the exact location of any Council drainage easement and/or reserve on the property, must be specified. This information can be obtained from the site survey, visual inspection of the area and by perusal of Council's drainage plans.
- h) Subsoil Drainage
- i) Subsoil drainage details and layout, clean out points, discharge point.
- j) Pump/Sump (where a gravity solution is not possible)
- k) Type of pump & sump details and discharge rates
- l) Details of buffer storage, stilling pits.
- m) Details of buffer storage/pump timer so that subsoil discharge occurs at night and infrequently.

The SMP shall also address the following:

- Water Quality Targets - Stormwater treatment systems such as gross pollutant trap, shall be provided for the proposed development. The systems shall meet the specifications outlined in Council's water quality targets detailed in Council's Chapter E2 "Stormwater and Flood Risk Management" DCP.
- Private Drainage Easements - New or existing stormwater drainage systems that discharge to an approved drainage point after passing over other private properties will be required to provide evidence of the existence of a private drainage easement.
- Infiltration and Discharge to Surface - The continued use of ageing infiltration systems, such as rubble pits, "soak-aways" and discharge to the surface are not acceptable in the Woollahra Municipality.
- New Connection to Council Drainage Point - Stormwater run-off from the proposed development must drain to an approved Council drainage point. In most cases, this must be via a piped gravity connection to Council's kerb and gutter or in-ground drainage network. A pump-out system may be required where a gravity drainage solution cannot be achieved.

C.6 Vehicle Access & Accommodation

The proposed driveway and car parking layout shall comply with AS 2890.1- 2004 – Off-street car parking. Details demonstrating compliance shall be detailed on the Construction Certificate drawings to the satisfaction of the Principal Certifying Authority. Details shall include as a minimum:

- a) A longitudinal surface profile for the proposed driveway. The driveway profile is to start from the road centreline and include the kerb and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with Clause 2.5.3 of Australian Standard AS 2890.1 – 2004, Part 1 – Off-street car parking.
- b) In accordance with Australian Standard AS 2890.1:2004 Clause 3.2.4, sight splays with minimum dimensions of 2.0m by 2.5m shall be provided at property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the frontage road footpath.

Additional requirements:

- c) The design and location of car parking spaces and structures must allow an 85th percentile vehicle to manoeuvre into and out of a space without the loss of on-street parking opposite or abutting the proposed vehicle entry. This is particularly relevant in the Paddington area where the street or lane can be less than 5 metres between kerbs. Note: Vehicle turning paths are to be determined in accordance with Australian Standard 2890.1.2004. The 85th percentile vehicle is a standardised vehicle based on the significant characteristics of various vehicle types operating on Australian roads. More information about the 85th percentile vehicle, including its dimensions, can be found in AS 2890.1.2004.
- d) The layback, crossing and street levels (where practicable) are to comply with Council's Standard Drawing RF2 "Standard Crossing & Layback".
- e) The existing footpath levels are to be maintained wherever possible and cannot be altered without Council's approval.

C.7 Details of Proposed Construction Methodology

There are existing built structures deemed to be in the zone of influence of the proposed excavations on this site. To this end, the applicant shall provide a construction methodology/structural report on the proposed construction methodology to carry out these works. This is to be prepared by a suitably qualified and experienced structural engineer.

The report must demonstrate that the proposed excavation will have no adverse impacts on any surrounding property and infrastructure including any existing boundary wall.

The report must be based on a site investigation by conducting test pits to determine the design parameters appropriate to the specific development and site. This would typically include:

- 1) Location of nearby foundations/footings (site and neighbouring properties) including any existing boundary wall. The engineer must provide design solutions showing that the footings of all existing structures will not be disturbed or undermined by the proposed excavation;
- 2) Proposed method of excavation;
- 3) Permanent and temporary support measures for excavation. For any proposed ground anchors system, the engineer must certify that the system will have no adverse impacts to the structural integrity of adjoining properties;
- 4) Potential settlements affecting footings/foundations;
- 5) Excavation Support;
- 6) Groundwater levels (if any);
- 7) Potential vibration caused by method of excavation;
- 8) De-watering including seepage and off-site disposal rate.

The Report must include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts to adjoining properties. The Structural Engineer must provide certification in the Report that the structural integrity of all adjoining buildings including any boundary wall will not be adversely affected and compromised. The Engineer shall also certify that underpinning works to neighbouring structures are not required, otherwise owners consent together with details and procedures of such underpinning works shall be provided.

C.8 Flooding Study – Protection of Property

To protect the development from potential flooding, the property vehicular and pedestrian access threshold levels must be designed to provide a minimum freeboard protection in accordance with Clause E2.3.3 Flood Planning Levels in the Woollahra DCP Chapter E2 – Stormwater Flood Risk Management.

The hydraulic engineer must certify that the levels, or alternative protection measures, proposed in the architectural details are satisfactory to protect the property from inundation. Adjoining properties must not be affected by proposed flood protection measures.

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*.

C.10 Tree Management Plan

The *Construction Certificate* plans and specifications shall show the following information:

- a) Trees to be numbered in accordance with these conditions:
 - shaded green where required to be retained and protected
 - shaded red where authorised to be removed
 - shaded yellow where required to be transplanted
 - shaded blue where required to be pruned
- b) References to applicable tree management plan, arborists report or transplant method statement.

This plan shall be kept on site until the issue of the final occupation certificate.

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 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.4 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.5 Acid Sulfate Soils

Further examination of the potential environmental risks associated with acid sulfate soils is to be carried out by an appropriately qualified professional and a Report prepared for the Principal Certifying Authority. Should the concentration of acid sulfate soils meet or exceed the “*action criteria*”, an Acid Sulfate Soils Management Plan must be prepared for the development site.

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 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.6 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.7 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.

E.8 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 building 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.9 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.10 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.11 In-Situ Waste Classification and Assessment

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW EPA *Waste Classification Guidelines, Part1: Classifying Waste, 2014*.

E.12 Tree Preservation

All persons must comply with Council's Development Control Plan (DCP) 2015, Tree Management Chapter E3 other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.

General Protection Requirements

- a) The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.

- b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

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

E.13 Replacement/Supplementary trees which must be planted

Replacement and supplementary trees shall be grown in accordance with Tree stock for landscape use (AS 2303:2018). The replacement tree shall be planted in *deep soil landscaped area* and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council's Development Control Plan, it must be replaced with another of the same species which complies with the proposed tree planting specified in Landscape Plan Section No. s 01, 02, 03, 04, designed by Aspect Studios, dated 11/09/2020.

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:

- d) Certification from the supervising professional engineer that the requirement of the Geotechnical/Hydrogeological conditions and report recommendations were implemented and satisfied during development work.
- e) All flood protection measures.
- f) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: *Off-Street car parking*.
- g) All stormwater drainage and storage systems.
- h) All mechanical ventilation systems.
- i) All hydraulic systems.
- j) All structural work.
- k) All acoustic attenuation work.
- l) All waterproofing.
- m) 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 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.3 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.4 Amenity Landscaping

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

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

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 Provision of Electricity Substation

Due to the likelihood of additional power usage as a result of the new development, Energy Australia has requested that the applicant contact them with regards to the possible provision of a new Electricity Substation on site.

H.2 Landscaping

The *principal contractor* or *owner* must provide to *PCA* a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works comply with this consent.

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

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

I.1 Outdoor Lighting – Sports Lighting

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

I.2 Green Travel Plan (GTP)

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

J. Miscellaneous Conditions

Nil.

K. Advisings

K.1 Pruning or Removing a Tree Growing on Private Property

The provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the Woollahra Development Control Plan 2015 (DCP), Chapter E3 –Tree Management, may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of trees and preserve the existing landscape within our urban environment.

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

Standard Condition: K19 (Autotext KK19)

K.2 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.3 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.
