Woollahra Municipal Council

Council Ref: Kincoppal Rose Bay School (HPE CM Folder: SC5907 Ref: 20/241876)
Planning & Development Division

29 January 2021

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

cc. andrew.golden@dpie.nsw.gov.au

Attention: Mr. Andrew Golden

Dear Ms. Harragon,

Application Number	**SSD-10325**
Proposal name	**Alterations and additions to Kincoppal – Rose Bay School**
Address	**2 Vaucluse Road, Vaucluse**

Thank you for your letter provided 8 December 2020, requesting Woollahra Council's comment on the abovementioned State Significant Development (SDD) application.

It is understood that the proposal involves alterations and additions to the campus of Kincoppal Rose Bay School comprising of:

- A concept development proposal involving:
  - extension of the Hughes Centre to provide for a new multi-purpose teaching facility;
  - reconfiguration of the senior school circulation structure connecting the science lab, student accommodation building and new multi-purpose teaching facility; and
  - a building envelope for a future boarding house aligned to the existing Sheldon House building.

- A Stage 1 detailed development proposal involving:
  - Expansion of the Early Learning Centre (ELC) and outdoor play areas:
  - Alterations and additions to the Junior School building including the addition of a rooftop outdoor learning area and elevated pedestrian access pathway;
  - Refurbishment of the Senior School reception area;
  - Expansion and refurbishment of the Year 8 Learning Centre to provide a new learning hub and staff areas;
  - On-site traffic management measures including additional car parking spaces at the Junior School campus, reconfiguration of the Secondary School main forecourt, provision of a dedicated bus drop-off and pick-up area, separate car parking area and pedestrian pathway;
  - Construction of a new basement car park with provision for 30 staff car parking spaces; and
  - Construction of a new driveway crossing and internal road from Vaucluse Road.

- Staged increase in student numbers from 970 (950 Kindergarten to Year 12, and 20 ELC) to a maximum of 1205 students over a 10-year period including 70 ELC students, 445 junior school students and 690 secondary school students.

Council staff have reviewed the supporting information submitted, and have made the following recommendations regarding the proposal:

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

B. Traffic Recommendations:

1) **Parking Provision –**

i. There is a shortfall of at least three (3) car parking spaces, which in reality should be seven (7) according to the school survey, or more if the undersupply of existing parking provision is considered;

ii. TfNSW be consulted as the specified authority for the proposed development to discuss the parking and traffic implications, as per State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;

iii. Insufficient provision of bicycle parking spaces to accommodate the increased demand, bicycle share of travel modes and the parking demand should be explored accordingly;

iv. A shortfall of three (3) motorcycle parking spaces than considered against the DCP's minimum requirement.

2) **Traffic Generation –**

i. Post-development traffic on Vaucluse Road significantly exceeds the environmental and desirable goal of capacity by 85%, exceeding the absolute maximum requirement by 11%, as per Table 4.6 of RMS Guide to Traffic Generating Developments 2002;

ii. More information should be submitted to allow a more comprehensive and accurate assessment for post-development traffic generation;

3) **Green Travel Plan –**

i. A green travel plan (GTP) to be submitted prior to consent for further assessment, as per Part E1.12 of Council's DCP, to address the following issues at a minimum:

- Targets set in GTP should be reasonable, practical and quantifiable;
- Targets should be developed for different phases of school development to cater to the increase of students and staff, if necessary;
- The implementation of GTP should assist with the current parking and pick-up/drop-off arrangement and ensure a safe and efficient circulation in the vicinity;
- Strategies and measures to achieve proposed targets;
- The implementation and enforcement of the proposed GTP.

ii. A more detailed description of bus routes and operation schedules be submitted, separately or included in GTP/TPMP, for further assessment;

4) **Pick-up/Drop-off & Operational Traffic Management Plan –**

i. More detailed information be submitted regarding pick-up/drop-off arrangements to ensure an efficient circulation is provided during the ongoing operations to manage the safety of students and staff, whilst minimising impacts on the amenity of the surrounding community;

ii. A Traffic and Pedestrian Management Plan (TPMP) be developed, as per Part F2.6 of Council's DCP, to address the following issues at a minimum:

- Detailed pick-up and drop-off arrangement, with consideration of overlapping of time among students attending the ELC, before & after school care, as well as co-curriculum activities;
- Queuing analysis to demonstrate that pick-ups and drop-offs can be undertaken on-site;
- Mini-bus service routes and schedules;
- Pedestrian desire lines;
- Measures to enhance pedestrian safety when entering or crossing roads.

5) **Construction Traffic Management Plan –**

i. A CTMP be prepared in accordance with Council's checklist. Link: https://www.woollahra.nsw.gov.au/building_and_development/submit_a_da/prepare_your_application/construction_management_plan.

ii. TfNSW be consulted in the process of developing the CMP to ensure that the operation of the signalised intersection of New South Head Road and Vaucluse Road, as well as traffic flow along New South Head Road is not adversely affected. It is understood that a Works Zone on New South Head Road is unlikely to be supported by TfNSW.

C. Urban Design Recommendations:

1) **Precinct A –**

i. Concern is raised about the perceived bulk and scale of the proposed vertical circulation link to the Junior School. It should be redesigned to create a more articulated facade and enhance the transparency of the façade through materials and/or openings. This is to reduce its perceived bulk and scale and improve the façade visual interest, particularly when viewed from Sydney Harbour.

2) **Precinct B –**

i. The proposed alterations and additions to the Year 8 Centre are not supported by Council's Urban Designer, as it eliminates the views to the existing heritage building when viewed from Sydney Harbour and different vantage points in the subject site.

ii. The applicant should explore alternative ways to compensate for the loss of the existing trees/vegetation on the southern boundary of the subject site due to the proposed car parking facility. A sufficient landscaped buffer should be incorporated to mitigate the potential visual and acoustic impacts of the proposed

parking on its surrounding context and also maintain and enhance the existing landscaped views.

3) **Precinct C –**

i. The proposed additional bulk and scale for the existing boarding accommodation exceeds the maximum 9.5m Height of Buildings development standard prescribed by Cl 4.3 of the WLEP 2014 by 4.5m. Its conceptual footprint appears to be significantly larger than its neighbouring buildings to the west and north. It is recommended that the applicant provides a detailed analysis at the DA stage to demonstrate the proposal's compatibility with its surrounding context and its visual impacts on the existing public/private views.

4) **Insufficient Information – Visual Impact Analysis –**

i. The Visual Impact Analysis provided in Chapter 6 of the Architectural Design Report does not include analyses of the 'significant' views and vistas identified in the WDCP 2015 – Chapter B1 for the Vaucluse West and Vaucluse East Precincts (specifically identified in Parts B1.10 and B1.11 of the WDCP 2015, respectively), or any view analysis from public domain areas such as New South Head Road or Vaucluse Road. The report does not analyse any potential impacts on the existing private views.

D. Tree and Arboricultural Recommendations:

1) **The Submitted Arboricultural Information is Inadequate –**

i. Council requires a higher degree of application of arboricultural best practice and industry standards. The Botanics Report falls well short of these standards. A comprehensive assessment should be made to determine if there is opportunity for further tree retention and to provide a greater degree of certainty of minimising impact to trees to be retained. The following information should be provided:

- Comprehensive assessment of the impact on the trees in accordance with industry standards and arboricultural best practice. This includes making an assessment using *Australian Standard Protection of Trees on Development Sites (AS 4970 -2009)*
- Tree and site specific tree protection strategy which details what methods are proposed to minimise impacts to trees to be retained
- The above should be presented in a new Arboricultural Impact Assessment documented by an arboricultural consultant who is familiar with the assessment requirements outlined in AS-4970.

2) **The Removal of Tree 2 is Not Supported –**

i. There is insufficient information in the Botanics Report to support the recommendation for the removal of this tree for structural issues. There are minor design amendments which can be made which can take advantage of the existing topography which could facilitate the retention of this tree. This should be investigated by an arborist who has the capacity to apply AS-4970.

3) **Insufficient Information to Justify the Removal of Trees 4-6 and Trees 11-13 –**

i. Trees 4-6 and Trees 11-13 are prominent trees which provide a high contribution to the amenity and canopy cover of the surrounding area. The supplied plans show that these trees will be required to be removed as they are within the driveway footprint. There are minor design amendments which can be made which can take advantage of the existing topography and potentially facilitate the retention of these trees. There has been no design rationale provided demonstrating that their removal is unavoidable.

Further detailed comments from Council are provided below for your consideration:

1) Section 7.12 Contributions and Security Payment

In accordance with Schedule 1 of the 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
$48,822,131	1%	**$488,221**

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 assessed the information submitted and has provided the following comments:

Parking Provision

Table 1: On-site Car Parking Provision-DCP/RMS Generation Rate

Non-Residential Component	Quantity	Source	Parking Generation Rate	Minimum Required Parking
Educational Establishment	1800m^2	WDCP	1 per 100m^2 GFA	18
	10 Junior School Staff	School Survey	87% driving	8.7 (9)
	50 Junior School Students		-	-
	15 Senior School Staff		75% driving	11.25 (11)
	105 Senior School Students (Day school students, excluding boarders)		2% driving	2.1 (2)
Child Care Centre	50 children	TfNSW	1 per 4 children	12.5 (13)
Total (DCP)				31
Total (School Survey)				35

It should be noted that a discrepancy exists regarding the increase of student numbers in EIS and the traffic report. This assessment is undertaken based on the traffic report to keep consistency. Due to insufficient information, car parking provision is only assessed regarding the additional parking demand generated by the proposed development, as opposed to a more accurate assessment to consider the combined increased and existing parking demand as a whole. Reference has been made to Council's *DCP 2015 Chapter E1 Parking and Access*, *Chapter F1 Child Care Centres* and the RMS *Guide to Traffic Generating Developments*.

In response, 28 car parking spaces are proposed, which will result in a shortfall of at least three (3) parking spaces. It should however be reiterated that this shortfall is calculated only based on the proposed development, and would be greater in reality given:

1) General parking generation rate represents an average level of parking demand based on survey statistics, where actual demand should be considered in a case-by-case manner. It is clear from Table 1 that Kincoppal's survey results in the traffic report show a higher-than-average level of demand for staff parking, where the increase of staff number in Junior (excluding early learning centre) and Senior School will generate an additional parking demand of 20 spaces, or 19 spaces, should the mode shift target in Green Travel Plan be met to reduce parking demand by 5%;
2) The school survey did not include statistics for the ELC, however an increase of eight (8) to nine (9) parking spaces would be needed, should staff parking demand be similar to those of junior and senior school staff, which would leave only four (4) to five (5) spaces for parents/visitors and is considered insufficient for the increased 50 children, unless further justification submitted to prove otherwise;
3) Parking provision for senior school only considers staff parking and fails to accommodate demand of senior school students, 2% of which choose to drive to school, as per the school survey results.
4) Current parking arrangement includes utilising on-street parking spaces along the school frontage to accommodate the existing parking demand, which is not recommended, as it adversely impacts on the available on-street parking. Anecdotal evidence shows that a typical weekday in surrounding streets of the school premises consists of very high parking occupancy rates. Intense traffic conditions have been constantly observed especially during the afternoon school peaks. Justifying this arrangement with physical constraints of the school to provide adequate parking spaces is considered insufficient and therefore, to continue with such arrangement and use on-street parking spaces to offset the undersupply of on-site parking cannot be supported.

As such, the shortfall of parking spaces is anticipated to exacerbate the current parking conditions, such impacts can lead to increase of prevalence of illegal parking, impeding traffic flow and impairing traffic performance in terms of safety and efficiency in the vicinity. More detailed information should be submitted for further assessment to address/justify the undersupply of parking spaces.

It should also be noted that, pursuant to State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, TfNSW (previously RMS) is the ***specified authority*** for the proposed development, given:

1) The school will accommodate 50 or more additional students;
2) The site has access to New South Head Road, a classified road under care and control of TfNSW.
3) The development will result in a new vehicular access point to the school.

Therefore, consultation with TfNSW should be undertaken to discuss the parking and traffic implications.

Table 2: Bicycle and Motorbike Parking Provision

BICYCLE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Educational Establishment Employees	35	1 per 10 staff	3.5 (4)
Educational Establishment Visitors	250	1 per 20 students	12.5 (13)
Total			17
MOTORBIKE			
	Quantity	**DCP Minimum Requirement**	**DCP Minimum Required Parking**
Car Spaces	31	1 per 10 car spaces	3.1 (3)
Total			3

It is understood that survey results suggest no student or staff currently chooses to cycle to school, however with the implementation of Green Travel Plan (GTP), which identifies "encourage healthier travel options for students and staff, such as walking and cycling" as one of its targets, it is anticipated that some staff and students/parents will cycle to and from school. The non-provision of additional bicycle parking spaces is therefore considered insufficient to accommodate the increased demand. Bicycle share of travel modes and the parking demand should be explored accordingly during the development of GTP.

The non-provision of motorcycle parking spaces will result in a shortfall of three (3) parking spaces than DCP's minimum requirement.

Pick-up/Drop-off & Traffic and Pedestrian Management Plan

Pursuant to Part F1.3.3 of Council's DCP, an on-site pick up and drop off area for a child care centre should be able to accommodate the number of vehicles expected during pick-up/drop-off times based on the 98th percentile queue length. An average 6.8-minute stay for pick-up and drop-offs should be assumed for each parking space, as per *RMS Guide to Traffic Generating Development 2002.*

There is no specific requirement for pick up/drop off arrangement for junior and senior school students, however it is required that all pick up/drop off should be provided on-site to minimise impacts on the adjoining local road network, as per Part F2.6 of Council's DCP.

It is understood that in addition to the existing two (2) pick-up and drop-off areas, a new pick-up and drop-off area is proposed, which can accommodate a queue of 12 vehicles on-site. It is also understood that mini buses are used to assist with pick-up and drop-offs.

It should however be noted that there is no clear demonstration of how the services are provided, or to what extent these services will relieve the pressure of pick-ups and drop-offs by private vehicles. It should also be noted that inconsistent information has been provided in the traffic report and facilities operation plan regarding the student collection arrangement. The former shows K to Y2 students are marshalled to the lower access road adjacent to the junior school to be collected, whereas the latter indicates students in ELC have an extended arrival and departure time spreading across drop-off and pick-up hour times. It is also unclear that, with the introduction of the new pick-

up and drop-off area, what the staggered arrangement is, how the student groups are re-allocated to one of the three locations, and most importantly, if every group can be effectively and efficiently picked up.

Furthermore, the traffic report indicates that currently 10 to 12 vehicles are already observed during afternoon hours to queue in Vaucluse Road to approach the junior school pick-up area, where on-street pick-ups and drop-offs are also observed on New South Head Road, resulting in conflicts of traffic flow and raising safety concerns. With a further increase of student numbers by 250, and the newly proposed pick-up and drop-off area only capable of accommodating a queue of 12 vehicles, Council's Traffic Section raises serious concerns on the sufficiency of the pick-up and drop-off facilities and the high risks of adverse impacts on the surrounding road network.

As such, more detailed information should be submitted for further assessment to ensure an efficient circulation is provided during on-going operations to manage the safety of students and staff, whilst minimising impacts on the amenity of the surrounding community. It should be noted that, Part E1.13.1 of Council's DCP requires an Operational Traffic Management Plan and further, Part F2.6 of Council's DCP requires a Traffic and Pedestrian Management Plan (TPMP) for major proposals of educational facilities. In this case, given the significant increase of student numbers, and the restricted traffic conditions, it is essential that a TPMP be developed to address the following issues at a minimum:

1) Detailed pick-up and drop-off arrangements, with consideration of overlapping of time among students attending the ELC, before & after school care, as well as co-curriculum activities;
2) Queuing analysis to demonstrate that pick-ups and drop-offs can be undertaken on-site;
3) Mini-bus service routes and schedules;
4) Pedestrian desire lines;
5) Measures to enhance pedestrian safety when entering or crossing roads.

Traffic Generation

Traffic generation from the proposed development has been calculated in accordance with *RMS Guide to Traffic Generating Developments 2002,* and *RMS Guide to Traffic Generating Developments Updated traffic surveys TDT 2013/04a.*

Table 3: Additional Vehicle Trip Generation – Early Learning Centre

Quantity	Peak Hour	Peak Vehicle Trips/Child	Peak Vehicle Trips Generated
50 children	7.00-9.00am	0.8	40
	2.30-4.00pm	0.3	15
	4.00-6.00pm	0.7	35

Table 4: Post-development Traffic in the Surrounding Road Network

Road	Location	Morning Peak (veh/hr)	Afternoon Peak (veh/hr)
New South Head Road	North of Vaucluse Road	1050	1210
	North of Vaucluse Road	1435	1620
Vaucluse Road	West of New South Head Road	520	555
	South of Gilliver Avenue	320	375
	North of Gilliver Avenue	185	225
Gilliver Avenue	East of Vaucluse Road	165	175

No traffic generation rate is specified for educational establishments (excluding child care centre), however survey results shown in Table 4 indicate that post-development traffic on Vaucluse Road will reach 520 to 555 vehicles per hour during peak levels, significantly exceeding the environmental and desirable goal of capacity by 85%, and even exceeding the absolute maximum requirement by 11%, as per Table 4.6 of *RMS Guide to Traffic Generating Developments 2002*.

It should be noted that currently a substantial length of queuing has already been observed in the abovementioned area, and that Council has received general complaints from residents in the surrounding streets with regard to illegal parking and conflicts of traffic of parents/carers waiting to collect children, especially during afternoon peak hours. This situation is anticipated to be worsen with the intensified use of the site, which raises serious concerns on the adverse impacts on the surrounding road network in terms of efficiency and safety, and therefore cannot be supported.

Notwithstanding this, it is understood that staggered class start and end times for different student groups will be adopted during morning and afternoon school peaks, which will in theory decrease the traffic intensity at certain points of time, however as discussed in previous section for pick-up/drop-off arrangements, more information should be provided to allow a more accurate assessment of the post-development traffic conditions.

Green Travel Plan (GTP) & Mini-Bus Services

Pursuant to Part E1.12.1 of Council's DCP, a GTP is required for educational establishments. It is understood that a Green Travel Plan (GTP) is to be developed to facilitate use of public transport while reducing use of private vehicles, which in principle should reduce parking demand and traffic impact on the surrounding road network. It should however be noted that, with the undersupply of parking spaces, the insufficient pick-up/drop-off facilities and restricted traffic conditions at the school frontage roads, it is essential that the GTP be developed and submitted for assessment prior to consent.

Whist Council's Traffic Section does not object in principle to the proposed initial targets and methods to develop the GTP, it should be noted that the GTP should be able to address the following issues at a minimum:

1) Targets set in GTP should be reasonable, practical and quantifiable;
2) Targets should be developed for different phases of school development to cater to the increase of students and staff, if necessary;
3) The implementation of GTP should assist with the current parking and pick-up/drop-off arrangement and ensure a safe and efficient circulation in the vicinity;
4) Strategies and measures to achieve proposed targets;
5) The implementation and enforcement of the proposed GTP.

Should the development be approved, monitoring annual reports would be required to provide information on the number of people trips, travel modes by time of day, journey purpose and origin/destination of trips for a minimum of 5 years post occupation, as per Council's DCP.

It is also understood that mini buses are used as part of the GTP to assist with pick-up and drop-offs, and that seven (7) dedicated bus bays are proposed on-site, however as discussed above, no clear demonstration of the bus routes and schedules are provided to indicate the effectiveness and to what extent such measures could help to alleviate traffic problems.

It should be noted that, swept path analysis for bus operations indicate relatively restricted manoeuvres while accessing the parking bay, encroachments into the adjoining bay is also identified in the diagrams for egressing manoeuvres. Given the site constraints, buses should move along a narrow path from the main entry gate to the exit gate, with no spare space along the route for another vehicle to drive past. With insufficient information provided regarding the bus operations, Council's Traffic Section raises concerns on conflicts among buses during peak hours, and queries the efficiency of bus movements, should more than one bus need to enter or leave the site.

As such, a more detailed description of bus routes and operation schedules should be submitted, separately or included in GTP/TPMP, for further assessment.

Loading Bay

Pursuant to Part E1.14.1 of Council's DCP, a minimum of one (1) loading bay should be provided for the proposed development. Retaining the existing loading areas within the main campus and MTC Building complies with Council's DCP minimum requirement and is considered acceptable.

While the increased number of students and staff, as well as the expansion of school premises will result in an increased need for deliveries, it is understood that delivery vehicles will access and egress the site outside of school operation hours, and that vehicles are able to enter and exit the site in a forward direction, the impact is thus considered acceptable.

Construction Traffic Management Plan (CTMP)

Given the nature of the proposed development and site constraints, a CTMP is required, prior to any condition of consent, to assess feasibility and potential traffic impacts of construction works on the surrounding road network, especially on the impacts of pedestrian and children safety during construction periods.

The preliminary CMP shall be prepared in accordance with Council's checklist via the following link:

https://www.woollahra.nsw.gov.au/building_and_development/submit_a_da/prepare_your_application/construction_management_plan.

It is recommended that TfNSW is consulted in the process of developing the CMP to ensure that the operation of the signalised intersection of New South Head Road and Vaucluse Road, as well as traffic flow along New South Head Road is not adversely affected. It is understood that a Works Zone on New South Head Road is unlikely to be supported by TfNSW.

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 shortfall of at least three (3) car parking spaces, which in reality should be seven (7) according to the school survey, or more if the undersupply of existing parking provision is considered;

ii. TfNSW be consulted as the specified authority for the proposed development to discuss the parking and traffic implications, as per State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;

iii. Insufficient provision of bicycle parking spaces to accommodate the increased demand, bicycle share of travel modes and the parking demand should be explored accordingly;

iv. A shortfall of three (3) motorcycle parking spaces than DCP's minimum requirement.

b) Traffic Generation

i. Post-development traffic on Vaucluse Road significantly exceed the environmental and desirable goal of capacity by 85%, and exceeding the absolute maximum requirement by 11%, as per Table 4.6 of RMS Guide to Traffic Generating Developments 2002;

ii. More information be submitted to allow a more comprehensive and accurate assessment for post-development traffic generation;

c) Green Travel Plan

i. A green travel plan be submitted prior to consent for further assessment, as per E1.12 of Council's DCP, to address the following issues at a minimum:

- Targets set in GTP should be reasonable, practical and quantifiable;
- Targets should be developed for different phases of school development to cater to the increase of students and staff, if necessary;
- The implementation of GTP should assist with the current parking and pick-up/drop-off arrangement and ensure a safe and efficient circulation in the vicinity;
- Strategies and measures to achieve proposed targets;
- The implementation and enforcement of the proposed GTP.

ii. A more detailed description of bus routes and operation schedules be submitted, separately or included in GTP/TPMP, for further assessment;

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

i. More detailed information be submitted regarding pick-up/drop-off arrangements to ensure an efficient circulation is provided during the ongoing operations to manage the safety of students and staff, whilst minimising impacts on the amenity of the surrounding community;

ii. A Traffic and Pedestrian Management Plan (TPMP) be developed, as per F2.6 of Council's DCP, to address the following issues at a minimum:

- Detailed pick-up and drop-off arrangement, with consideration of overlapping of time among students attending early learning centre, before & after school care, as well as co-curriculum activities;
- Queuing analysis to demonstrate that pick-ups and drop-offs can be undertaken on-site;
- Mini-bus service routes and schedules;
- Pedestrian desire lines;
- Measures to enhance pedestrian safety when entering or crossing roads.

e) Construction Traffic Management Plan

i. A CTMP be prepared in accordance with Council's checklist via the following link: https://www.woollahra.nsw.gov.au/building_and_development/submit_a_da/prepare_your_application/construction_management_plan.

ii. TfNSW be consulted in the process of developing the CMP to ensure that the operation of the signalised intersection of New South Head Road and Vaucluse Road, as well as traffic flow along New South Head Road is not adversely affected. It is understood that a Works Zone on New South Head Road is unlikely to be supported by TfNSW.

The following conditions pertaining to traffic related matters are recommended:

Condition A.6	Deferred Commencement (Traffic Requirements)
Condition C.9	Car and Commercial Parking Details
Condition I.4	Provision of Additional Off-street Public and Visitor Parking
Condition I.5	Operation in Accordance with Traffic Management Plans

Note: **Condition A.6** is recommended in the event the request for additional and/or revised information above is not made at the assessment stage.

3) Trees and Landscaping

Council's Trees and Landscaping Officer has assessed the submitted arboricultural information and has found it to be inadequate, as follows:

Making a comprehensive assessment of the proposed impact on the trees is difficult based on the information supplied in the Construction Impact Assessment and Management Plan prepared by Botanics, dated April 2020 (Botanics Report). Contrary to the title of the Botanics Report, there has been no arboricultural impact assessment of the proposed works on the trees. The Botanics Report has not made reference to any of the plans or documentation supplied to Council or the Department of Planning, Industry and Environment, and it is therefore not known what information the Report relies upon to justify tree removal and retention.

The Botanics Report claims that (tree) *Preservation recommendations have been made based on Australian Standard AS4970 for the Protection of Trees on Development Sites* however there are a number of fundamental elements required by the AS-4970 which have not been used to justify tree removal/retention. Calculated Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) areas have not been provided which are used to determine the impact of the proposed works. An important example is Tree 1 (Magnolia) which has been described in the Botanics Report as *The sites most significant tree* and has been *seen as essential for retention.* Tree 1 has a diameter in excess of 1200mm and a calculated TPZ of 14.4m. The TPZ is defined in AS-4970 as '*a specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development'.*

Tree 1 has a SRZ of 3.6m. The SRZ is defined in AS-4970 as the *'area around the base of the tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree up right'.*

The proposed Plan Level LG-East (AR-B13-B1-01) shows that the retaining wall for the basement carpark is 4.5m from the base of Tree 1. This is well within the TPZ and very close to the SRZ. None of the encroachment percentage calculations have been made by Botanics which is required

by AS—4970. Detail on the extent and type of encroachment and any design modifications or construction techniques that can be undertaken to minimise impact to trees or to facilitate the retention of more trees is absent.

The Tree Protection Plan within the Botanics Report is generic and not tree or site specific. There is no discussion on any of the specific tree protection requirements for any of the trees proposed for retention. This is highlighted in Section 8.11 of the Botanics Report (Tree Protection Zones) where it recommends that:

> *Where applicable, all trees to be retained through the construction process shall be protected from mechanical damage and the indirect impacts of the construction process with the installation of Tree Protection Zones. Unless otherwise stated, the following activities must not be carried out within a TPZ;*
>
> - *modification of existing soil levels*
> - *excavation or trenching*
> - *cultivation of soil*
> - *any activity that may directly or indirectly affect the health of these or surrounding trees.*

The supplied plans show that all of the above activities will be undertaken within the TPZ of Tree 1. All of these activities have the potential to cause a significant reduction in tree health, death or have implications for tree stability. Based on this, it appears that no effort has been made by the design team to consult with the arborist to develop strategies for the retention and protection of trees.

Adding to the difficulty of interpreting the impact is that the Botanics Report makes note of a Construction Impact Zones (CIZ) which is used to justify tree removal and retention. This is not a term used in AS-4970 and there is no explanation for the methodology of this term within the Botanics Report.

The removal of Tree 2 is not supported. There is insufficient information in the Botanics Report to support the recommendation for the removal of this tree for structural issues. There are minor design amendments which can be made which can take advantage of the existing topography which could facilitate the retention of this tree. This should be investigated by an arborist who has the capacity to apply AS-4970.

Tree 3 is an exempt species which can be removed without the need for a consent.

Trees 4, 5 and 6 are prominent trees which provide a high contribution to the amenity and canopy cover of the surrounding area. The supplied plans show that these trees will be required to be removed as they are within the driveway footprint. There are minor design amendments which can be made which can take advantage of the existing topography which could facilitate the retention of these trees. There has been no design rationale provided demonstrating that their removal is unavoidable.

Tree 7 is an exempt species which can be removed without the need for a consent.

Trees 8, 9 and 10 have low to moderate landscape value and there is no issue with their removal and replacement.

Trees 11, 12 and 13 are prominent trees which provide a high contribution to the amenity and canopy cover of the surrounding area. The supplied plans show that these trees will be required to be

removed as they are within the driveway footprint. There has been no design rationale provided demonstrating that their removal is unavoidable.

Trees 14 and 15 are of low to moderate landscape value and there is no issue with their removal and replacement

Tree 16 is an exempt species which can be removed without the need for a consent.

Council requires a higher degree of application of arboricultural best practice and industry standards. The Botanics Report falls well short of these standards. A comprehensive assessment should be made to determine if there is opportunity for further tree retention and to provide a greater degree of certainty of minimising impact to trees to be retained. The following information should be provided:

- Comprehensive assessment on the impact on the trees in accordance with industry standards and arboricultural best practice. This includes making an assessment using *Australian Standard Protection of Trees on Development Sites (AS 4970 -2009)*
- Tree and site specific tree protection strategy which details what methods are proposed to minimise impacts to trees to be retained
- The above should be presented in a new Arboricultural Impact Assessment documented by an arboricultural consultant who is familiar with the assessment requirements outlined in AS-4970.

4) Student and Staff Numbers

The proposal seeks a staged increase in student numbers from 970 (950 Kindergarten to Year 12, and 20 ELC) to a maximum of 1205 students, including 70 ELC students, 445 junior school students and 690 secondary school students. Section 4 of the Environmental Impact Statement (EIS) also envisages that the increase in student number would create 35 new staff positions.

Council recommends that serious consideration be given to the potential impacts that would result from any intensification of the existing use. In particular with regard to the traffic and parking issues raised in **Section 2** of this submission.

5) Hours of Operation

Section 3.5.1 of the submitted EIS advises that the proposal does not seek to alter the existing hours of operation. Subsequently, no objection is raised in this regard.

6) Light Pollution

Condition I.1 is recommended to ensure that any outdoor lighting relating to the Outdoor Learning Area on the roof of the Junior School (i.e. the roof terrace) complies with AS/NZS 4284:2019: *Control of the obtrusive effects of outdoor lighting.*

7) Urban Design

The impact of the proposed development on the public domain has been considered by Council's Urban Designer. Concern is raised regarding the potential impacts on public views obtained from the locality, the impact on views obtained from the harbour, the bulk and scale of the concept boarding accommodation extension, and the visual amenity impacts due to the removal of trees. Further details regarding the regarding each issue raised per precinct are provided below.

i) **View and Visual Analysis Documentation**

The Visual Impact Analysis provided in Chapter 6 of the Architectural Design Report includes only two before and after photomontages from Sydney Harbour and Forsyth Park look-out. It does not include analyses of the 'significant' views and vistas identified in the WDCP 2015 – Chapter B1 for the Vaucluse West and Vaucluse East Precincts (specifically identified in Parts B1.10 and B1.11 of the WDCP 2015, respectively), or any view analysis from public domain areas such as New South Head Road or Vaucluse Road. The report does not analyse any potential impacts on the existing private views.

ii) **Precinct A** – The proposals for this precinct include the Early Learning Centre extension, additional car parking, as well as Junior School alterations and additions including the trafficable roof space and vertical circulation link, and traffic management:

- The proposed alterations and additions to the existing Junior School, including the vertical circulation link, exceeds the maximum building height standard under WLEP 2014 by approximately 2.7 to 3.7m. The proposed height does not detract from the overall height of the existing buildings in this complex. However, there is no view analysis to assess the impacts of the proposed height on the existing public views from Vaucluse and New South Head Roads.
- Given the proposed built form configuration at the centre of the site, the existing (east-west) downward topography and height of the existing tree canopy along these streets, are considered likely to have minimal impacts on the existing public views from these two streets.
- The proposed vertical circulation link is highly visible from Sydney Harbour (Page 55 of the Architectural Design Report) as well as different vantage points within the subject site. Its proposed envelope is solid, bulky and impermeable (Page 16 of the same report) and covers a large section of the school's western facade with a blank wall. This is inconsistent with Cl 26 of Sydney Harbour Catchment SEPP 2005:

  (a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,
  (b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,
  (c) the cumulative impact of development on views should be minimised.

  The proposed envelope should be redesigned to create a more articulated facade and enhance the façade transparency through materials and/or openings. This is to reduce its perceived bulk and scale and enhance the façade visual interest, particularly when viewed from Sydney Harbour.

iii) **Precinct B** – The proposals for this precinct include the Senior School's main entry and internal space reconfiguration, Year 8 Centre alterations and additions, traffic management, bus and car parking. It also includes concept DAs for the Senior School - Circulation Hub and Hughes Centre:

- The proposed additional bulk and scale to the Year 8 Centre exceeds the maximum building height standard under WLEP 2014 by approximately 1.9-5.6m. The proposed building envelope on the eastern and western side of the existing heritage item covers a considerable portion of the building façade and reduces its visibility when viewed from Sydney Harbour, within the subject site and from Vaucluse Road. This is inconsistent with Principle 1 of the SEPP Educational Establishments and Child Care Facilities 2017:

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.

The proposed alterations and additions to the Year 8 Centre are not supported from an urban design perspective, particularly on the western wing. They eliminate the views to the existing heritage building when viewed from Sydney Harbour and different vantage points in the subject site.

- The proposed bus and car parking area on the southern boundary of the subject site results in the removal of approximately ten existing trees at this location (DWG 01-03 Architectural plans 01). It significantly changes the current soft landscaping character of this location, as shown in Figure 1 below.

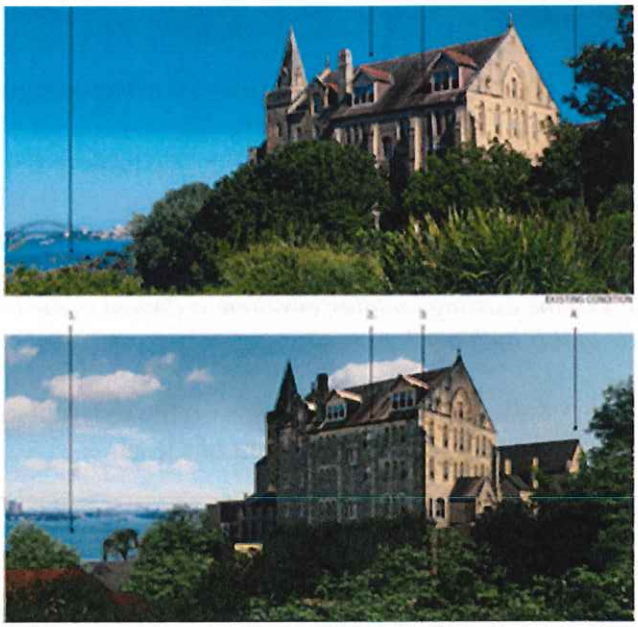

Figure 1: before and after views to the southern boundary of the subject site. Source BVN report P 56.

The proposed level of change to the existing landscaped character of the subject site is inconsistent with the following principles and objectives:

SEPP Educational Establishments and Child Care Facilities 2017-
Principle 7 - aesthetics
... Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.
The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

WDCP 2015 – Part B1.10.1 provides a detailed explanation of the desired future character of Vaucluse West Precinct, which includes the subject site:

Streetscape character and key elements of the precinct:
c) buildings set within highly visible gardens

Desired future character objectives
O1: To respect and enhance the streetscape character and key elements of the precinct

O2: To retain the scenic qualities provided by the dramatic topography and natural vegetation that provide an attractive setting on Sydney Harbour
O7: To reinforce the landscape setting and maintain the existing tree canopy
O8: To retain and reinforce the green setting of mature street trees, private trees and garden plantings

It is suggested that the applicant explores alternative ways to compensate for the loss of the soft landscape in this area. A sufficient landscape buffer should be incorporated to mitigate the potential visual and acoustic impacts of the proposal on its surrounding context.

- Senior School Circulation Hub (concept DA) - The EIS Report by Urbis on page 21 states that:

  'The proposed reconfiguration will be entirely contained within the existing stairwell which is located between the existing circulation hub and Main building. The proposed reconfiguration will not alter the existing height or GFA of the Circulation Hub building element.'

  Therefore, at this stage, there is no issue from an urban design point of view.

- Senior School - Hughes Centre (concept DA) - According to the EIS Report by Urbis (page 19), the proposal for the centre does not impact the existing GFA or height of the building. The report states

  'The change to the existing building envelope is limited to the balcony on the western side of this building.'

  Given the extent of alterations and additions on the external part of the existing building, there is no issue from an urban design point of view.

iv) **Precinct C** – The proposal for this precinct includes the extension of the existing Boarding Accommodation (Concept DA).

- The proposed three-storey building exceeds the maximum 9.5m Height of Buildings development standard prescribed by Cl 4.3 of the WLEP 2014 by 4.5m. Its conceptual footprint shows (Page 47-48 Architectural Design Report) that the proposal is significantly larger than its neighbouring buildings to the west and north.

  It is acknowledged that the proposal is still at concept level; however, only a few conceptual drawings have been provided, which does not fully illustrate the proposed bulk and scale, and its relationship with the adjacent Sheldon House.

- Given the insufficient information regarding the proposed building, no further assessment can be provided regarding its compatibility and impacts on the surrounding context and/or the existing public views.

In summary, the following recommendations are provided:

- **Precinct A** – Concern is raised about the perceived bulk and scale of the proposed vertical circulation link. It should be redesigned to create a more articulated facade and enhance the transparency of the façade through materials and/or openings. This is to reduce its perceived bulk and scale and improve the façade visual interest, particularly when viewed from Sydney Harbour.

- **Precinct B** - The proposed alterations and additions to the Year 8 Centre are not supported, in particular in relation to the western wing. It eliminates the views to the existing heritage building when viewed from Sydney Harbour and different vantage points in the subject site.

- **Precinct B** – It is suggested that the applicant explores alternative ways to compensate for the loss of the existing trees/vegetation on the southern boundary of the subject site. A sufficient landscape buffer should be incorporated to mitigate the potential visual and acoustic impacts of the proposed parking on its surrounding context and also maintain and enhance the existing landscaped views.

- **Precinct C** – The proposed additional bulk and scale for the existing boarding accommodation exceeds the maximum 9.5m Height of Buildings development standard under Cl 4.3 of the WLEP 2014 by 4.5m. Its conceptual footprint appears to be significantly larger than its neighbouring buildings to the west and north. It is recommended that the applicant provides a detailed analysis at the DA stage to demonstrate the proposal's compatibility with its surrounding context and its visual impacts on the existing public/private views.

8) Heritage

Councils' Heritage Officer has assessed the proposal and has advised that the findings of the submitted Heritage Impact Statement are generally concurred with. Conditions of consent (included in **Annexure A**) relating to all stages of development are also recommended, should the application be approved, as summarised below.

Condition A.2	Built Heritage
Condition A.3	Aboriginal Heritage
Condition A.4	Historical Archaeology
Condition B.1	Photographic Archival Recording
Condition B.2	Heritage Interpretation Strategy

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.2**.

9) Technical Services

Council's Technical Services Engineer has assessed the proposal and raised no objections on the basis of public infrastructure impacts, vehicular access, geotechnical considerations, or stormwater management, subject to the imposition conditions of consent included in **Annexure A**, and summarised below.

Condition A.5	Ancillary Aspects of Development (section 4.17(2) of the Act)
Condition B.3	Public Road Assets prior to any work/demolition
Condition C.2	Road and Public Domain Works
Condition C.3	Soil and Water Management Plan – Submissions & Approval
Condition C.4	Professional Engineering Details
Condition C.5	Geotechnical and Hydrogeological Design, Certification and Monitoring

Condition C.6	Ground Anchors
Condition C.7	Parking Facilities
Condition C.8	Stormwater Management Plan
Condition D.2	Dilapidation Reports for Public Infrastructure
Condition D.3	Adjoining buildings founded on loose foundation materials
Condition D.4	Piezometers for the Monitoring of Ground Water Levels
Condition D.5	Construction Management Plan
Condition D.6	Works (Construction) Zone – Approval & Implementation
Condition D.7	Erosion and Sediment Controls – Installation
Condition E.2	Compliance with Construction Management Plan
Condition E.3	Public Footpaths – Safety, Access and Maintenance
Condition E.4	Maintenance of Environmental Controls
Condition E.5	Compliance with Geotechnical / Hydrogeological Monitoring Program
Condition E.6	Support of Adjoining Land Owners
Condition E.7	Vibration Monitoring
Condition E.8	Erosion and Sediment Controls – Maintenance
Condition E.9	Disposal of Site Water During Construction
Condition E.10	Site Cranes
Condition E.11	Check Surveys
Condition F.1	Commissioning and Certification of Systems and Works
Condition F.2	Dilapidation Report for Public Infrastructure Works
Condition H.1	Road Works (including footpaths)
Condition H.2	Works-As-Executed Certification of Stormwater Systems
Condition I.3	Ongoing Maintenance of the On-Site-Detention System

10) Site Drainage

Council's Drainage Engineer has determined that the development proposal is generally satisfactory and requires no specific flood protection conditions.

11) Environmental Health

Council's Environmental Health Services are generally satisfied that the submitted Environmental Impact Statement (EIS) has addressed the likely impacts of the proposal on the environment as a whole, and the proposal contains sufficient supporting documentation, reporting and investigations pertaining to acid sulfate soils, site contamination, hazardous building materials, acoustics amenity, and waste classification, subject to the following:

- **Acoustic Report - 'Construction & Operational Noise Report': prepared by Wilkinson Murray. Document Reference No. 20187 Version A. Dated 10 June 2020:**
    - Whilst Council's Environmental Health Services consider that the resultant noise from the expansion of the Early Learning Centre and associated outdoor play areas will not adversely impact upon the closest residential receivers, it is appropriate for the acoustic report to reference and demonstrate compliance with the noise criterion specified in the 'Association of Australasian Acoustical Consultants Technical Guideline for *Childcare Centre Noise Assessment, Version 3 September 2020'*.

12) Conclusion

Thank you again for the opportunity to provide comments on the proposed alterations and additions to Kincoppal School Rose Bay.

If you require clarification on any issue raised, please don't hesitate to contact Acting Director of Planning and Development **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 Built Heritage

a. Ongoing consultation with the heritage architect is to occur during the construction and concept design development stages.
b. All works, including future development on the site, are to be in accordance with the strategies and recommendations outlined within the Conservation Management Plan prepared by Design 5.
c. The design is to implement the design recommendations contained with the Heritage Impact Statement prepared by Design 5. Specifically:

Concept Development

Senior School integrated circulation hub

i. The significant fabric associated with the main school building is maintained and conserved in particular, the joinery of the main stair.
ii. A detailed fabric analysis is undertaken of the affected areas prior to development of the proposal.

Internal alterations to the Hughes Centre

i. There should be no increase to the width of the window openings proposed to be converted to doors.
ii. Materials for the balcony should be visually recessive.
iii. Where possible works to the Hughes centre should include opportunities to recover the significance of Claremont, such as the replacement of the decorative iron balustrade on the northern side, so as to ensure that the mid to late nineteenth century presentation of Claremont as the first building on the site is enhanced.

Extension of the existing boarding house (Sheldon House)

i. Potential impacts on the rock shelter (identified as a potential Aboriginal archaeological site should be managed in accordance with the Aboriginal Cultural Heritage Assessment Report.
ii. The new structure should be kept as low as possible, and not extend above the height of the existing parapet / balustrade to Sheldon House.
iii. Access to the roof area above the new structure should not be provided.

iv. The materiality, detailing and roof forms should be carefully chosen so as to ensure that the new structure does not visually distract from the strong aesthetic cohesiveness of the historic Convent School.

v. The 1930s pathways and steps should be retained and any connections to these should be carefully resolved.

vi. The concept design should be developed in consultation with a heritage architect so as to ensure compliance with the policies of the CMP.

Detailed Development
PRECINCT A (Junior School and Early Learning Centre)
Early Learning Centre Extension (Sophie's Cottage)

i. The detailed design for the proposed car parking along the road to the cemetery should be developed in consultation with a heritage architect and landscape architect to ensure compliance with the policies of the CMP and any impacts are minimised.

Barat Burn Junior School and Sundial Lawn/Terrace
West wing

i. Explore options to increase the area of lawn retained within the Sundial Lawn / Terrace.

ii. Delete or modify the proposed garden bed on the northern side of the Sundial Lawn / Terrace to ensure visibility of the full length of the Italianate balustrade.

iii. Consider a smaller screening plant for the northern boundary of the northern courtyard so as to retain visibility of the Melocco scroll along this elevation.

iv. The detailed design for modifications to the Italianate style balustrade to meet BCA requirements with respect to the height of barriers to prevent falls, should be prepared in consultation with a heritage architect. Any modifications should retain access to the mosaic and sundial.

v. New shade structures or balustrading to the proposed roof terrace should be located and designed so as not clutter or impinge on key views to and from Barat Burn east wing.

East Wing

i. Further refinement during design development should ensure that the internal marble terrazzo architraves to the external window openings are retained and expressed in the new design.

ii. Options to reopen the original high level windows within the stair could be explored during detailed design.

Junior School Traffic Management Works

i. The materiality and detailing of the new driveway crossing should be the detailed design phase to ensure that visual impacts are minimised.

ii. The proposed walkway should be designed so as to not visually or materially impact on the former quarry face forming the eastern boundary of the lawn in front of the grotto, or the existing cut sandstone steps between the Noviceship Lawn and the grotto.

iii. Further refinement of the design could consider options to provide future access to the Villa from the proposed elevated walkway.

PRECINCT B (Senior School)

Refurbishment of Senior School Reception including disabled access

i. Further refinement during detailed design should consider the following:

– installation of the salvaged cedar door case to the new opening on the northern side of the main entry foyer;

– careful integration of new timber partitioning with the existing cedar joinery on the southern side of the main entry foyer; and

– realignment of the proposed glazed partitions to ensure the original fireplace remains visible.

ii. Protect the existing stone landing and steps to the main entry below the new stone elements, to enable their future uncovering and exposure.

iii. Design development should be undertaken in consultation with a heritage architect to ensure compliance with the policies of the CMP, particularly with regard to any upgrading or modifications to services (lighting, heating / cooling and data) to ensure compliance with the CMP.

New onsite bus/car parking

i. Screen planting along the southern boundary is chosen so as to ensure no unintended damage to the stone drainage channel along this boundary.

d. The following items are to be salvaged and reused in the design or stored on site for future re-use:

Main School Building

- Cedar door case
- Pair of cedar double doors to the main entry, located within a later 1990 timber screen
- Pair of cedar French doors to the original / early chimney breast

Bus / car parking

- Section of the 1888 stone retaining wall (identified as of high significance: An approximate 7m x 0.6m section (two courses) of the 1888 stone retaining wall at its southern extremity

A.3 Aboriginal Heritage

Detailed Development Works

a. Aboriginal community consultation

The Aboriginal community consultation process is to be maintained until the program of works (including any heritage management component) has been completed. This will involve the following steps:

- Providing the Aboriginal heritage management plan to the Registered Aboriginal Parties (RAPs) for their review, allowing a review period of 28 days in each instance.
- Involving RAP representative(s) in development and delivery of the Aboriginal heritage induction and any archaeological fieldwork.
- Providing the draft report to the RAPs for their review.
- Providing project updates to the RAPs if there are any breaks in communication of six months or more.

b. Aboriginal heritage management plan

Following determination of the State Significant Development Application, and development of detailed design for the Detailed Development works, an Aboriginal heritage management plan (AHMP) is to be developed. The AHMP is to contain an updated impact assessment, based on the detailed design and any additional

relevant information that is available, such as geotechnical data. It is to contain a detailed program for the Aboriginal heritage management strategies to be incorporated into the works program, based on the updated impact assessment. A draft of the AHMP is to be provided to the Registered Aboriginal Parties (RAPs) for their review. Any comments and recommendations made by the RAPs are be incorporated into the final document. The relevant actions from the AHMP are be incorporated into the Construction Environmental Management Plan or equivalent.

c. **Aboriginal heritage induction**
All workers involved in demolition and excavation and construction works onsite are to undertake an Aboriginal Cultural Heritage Induction as part of their overall OH&S induction for the site. This will explain the nature of the sensitive landforms and the types of features that are being looked for, the legislative requirements associated with Aboriginal heritage, and the procedures for archaeological management that are to be followed. The induction is to be developed by a suitably qualified archaeologist in conjunction with the La Perouse LALC. For works with no and low potential for heritage impact, the induction is to be incorporated into the standard site induction. For works with moderate and high potential for impact, the induction is to be delivered by a suitably qualified archaeologist in conjunction with the La Perouse LALC.

d. **Archaeological monitoring**
For works with moderate potential for Aboriginal heritage impact, the program is to incorporate monitoring. The monitoring is to be undertaken by a suitably qualified archaeologist in conjunction with the La Perouse LALC. It is to address those components of the works that may result in exposure of, or impact to, areas of intact upper soil horizon and/or outcropping bedrock. If the presence of an Aboriginal object is identified, options to avoid impact are to be investigated, failing which archaeological investigation and recording are to be undertaken.

e. **Unexpected finds procedure**
For works with no and low potential for Aboriginal heritage impact, once the AHMP and induction have been completed, no further Aboriginal heritage management measures are required prior to commencement of the works. However, the works are to incorporate an unexpected finds procedure. If an Aboriginal object, or possible Aboriginal object, is found during the works, work is to stop in the vicinity of the find, and DPIE, La Perouse LALC and a suitably qualified archaeologist are to be contacted for advice. If the presence of an Aboriginal object is confirmed, options to avoid impact are to be investigated, failing which archaeological investigation and recording are to be undertaken. If any human remains, or potential human remains, are found, work is to cease in the vicinity, and DPIE are to be contacted for advice.

f. **Avoid impact**
If an Aboriginal object is identified during the works, the object is to be investigated and assessed by a suitably qualified archaeologist in conjunction with La Perouse LALC, in order to determine the nature and extent of the site. The Aboriginal object will be registered on the AHIMS database. Options to avoid impact to the object are to be investigated, and implemented if possible.

g. **Archaeological investigation and recording**
If an Aboriginal object is identified during the works, and impact cannot be avoided, a program of archaeological investigation and recording is to be undertaken prior to impact. The exact scope of the archaeological works will depend on the nature of the identified object, but the following can be expected:

- If an archaeological deposit is found, archaeological salvage excavation will be undertaken.

- If a rock engraving or grinding grooves are found, the bedrock will be cleared and the feature will be recorded.

The Aboriginal object will be registered on the AHIMS database.

h. Reporting

Following completion of the Aboriginal heritage management measures associated with the Detailed Development works, a report is to be prepared to describe the results of the work. The report is to be distributed to the RAPs for their records, and lodged with the AHIMS Registrar.

Concept Development

a. Aboriginal community consultation

The Aboriginal community consultation process is to be maintained until the program of works (including any heritage management component) has been completed. This will involve the following steps:

- Consultation is to continue with the present Registered Aboriginal Parties, unless they would prefer to cease their involvement at any stage. Prior to each stage of development, contact DPIE for a list of known Aboriginal stakeholders for the locality. If the list includes any potential stakeholders who are not already Registered Aboriginal Parties, an opportunity is to be provided for these groups or individuals to register an interest in the project. A period of 14 days is to be allowed for any new registrations.
- Providing heritage impact assessments and methodologies to the Registered Aboriginal Parties for their review, allowing a review period of 28 days in each instance.
- Providing project updates to the Registered Aboriginal Parties if there are any breaks in communication of six months or more.

b. Update impact assessment

As the detailed design for each stage of the Concept Development works is undertaken, an updated Aboriginal heritage impact assessment is to be prepared as an appendix to the present ACHAR. This would be based on the detailed design and any additional relevant information that is available, such as geotechnical data and the results of the Detailed Development works. It is to contain a detailed program for the Aboriginal heritage management strategies to be incorporated into the works program, based on the updated impact assessment. A draft of the updated impact assessment is to be provided to the Registered Aboriginal Parties (RAPs) for their review. Any comments and recommendations made by the RAPs are to be incorporated into the final document. The relevant actions from the assessment are to be incorporated into the Construction Environmental Management Plan or equivalent.

c. Aboriginal heritage induction

All workers involved in demolition and excavation and construction works onsite are to undertake an Aboriginal Cultural Heritage Induction as part of their overall OH&S induction for the site. This will explain the nature of the sensitive landforms and the types of features that are being looked for, the legislative requirements associated with Aboriginal heritage, and the procedures for archaeological management that are to be followed. The induction is to be developed by a suitably qualified archaeologist in conjunction with the La Perouse LALC. For works with no and low potential for heritage impact, the induction is to be incorporated into the standard site induction. For works with moderate and high potential for impact, the induction is to be delivered by a suitably qualified archaeologist in conjunction with the La Perouse LALC.

d. Unexpected finds procedure

For works with no and low potential for Aboriginal heritage impact, once the AHMP and induction have been completed, no further Aboriginal heritage management measures are required prior to commencement of the works. However, the works are to incorporate an unexpected finds procedure. If an Aboriginal object, or possible Aboriginal object, is found during the works, work is to stop in the vicinity of the find, and DPIE, La Perouse LALC and a suitably qualified archaeologist is to be contacted for advice. If the presence of an Aboriginal object is confirmed, options to avoid impact are to be investigated, failing which archaeological investigation and recording are to be undertaken. If any human remains, or potential human remains, are found, work is to cease in the vicinity, and DPIE are to be contacted for advice.

e. Archaeological monitoring

For works with moderate potential for Aboriginal heritage impact, the program is to incorporate monitoring. The monitoring is to be undertaken by a suitably qualified archaeologist in conjunction with the La Perouse LALC. It is to address those components of the works that may result in exposure of, or impact to, areas of intact upper soil horizon and/or outcropping bedrock. If the presence of an Aboriginal object is identified, options to avoid impact are to be investigated, failing which archaeological investigation and recording are to be undertaken.

f. Avoid impact

The proposed location and/or design of the Boarding Accommodation Building is to be revised in order to avoid, or minimise, the potential for impact on KRB Rockshelter (AHIMS #45-6-3754). If it is not possible to entirely avoid impact, then a program of archaeological investigation and recording is to be undertaken. If an unexpected Aboriginal object is identified during the works, the object is to be investigated and assessed by a suitably qualified archaeologist in conjunction with La Perouse LALC, in order to determine the nature and extent of the site. The Aboriginal object will be registered on the AHIMS database. Options to avoid impact to the object are to be investigated, and implemented if possible.

g. AHIP and archaeological investigation and recording

If the potential for harm to RKB Rockshelter (AHIMS #45-6-3754) or any Aboriginal object cannot be avoided, it will be necessary to apply for an Aboriginal Heritage Impact Permit (AHIP) before works can proceed. The work will then be undertaken in accordance with the AHIP conditions and the relevant Aboriginal heritage management methodology that has been prepared for the development. A program of archaeological investigation and recording is to be undertaken prior to impact. The exact scope of the archaeological works will depend on the nature of the identified object, but the following can be expected:

- If an archaeological deposit is found, archaeological excavation will be undertaken.
- If a rock engraving or grinding grooves are found, the bedrock will be cleared and the feature will be recorded.

The Aboriginal object will be registered on the AHIMS database.

h. Reporting

Following completion of the Aboriginal heritage management measures associated with the Concept Development works, a report is to be prepared to describe the results of the work. The report is to be distributed to the RAPs for their records, and lodged with the AHIMS Registrar.

A.4 Historical Archaeology

a. Once detailed design for each element is finalised, and if ground disturbance is required, the potential for historical archaeological impact should be checked against the Historical Archaeological Assessment:
    i. If the extent of disturbance has been increased, or the location has been altered, the potential for historical archaeological impact is to be assessed.
    ii. If the extent and location of disturbance is unchanged, no further historical archaeological investigations are required, and the work may proceed with caution.
b. Prior to any ground disturbance works commencing on site, all construction staff and contractors must be made aware of their statutory obligations for historical archaeology under the *Heritage Act 1977*. This must be implemented as a heritage induction programme provided by a heritage consultant with historical archaeological expertise.
c. Historical archaeological relics within the study area remain protected by the *Heritage Act 1977*. If any historical archaeological relics, or possible relics, are identified during construction, site workers must:
    iii. Not further disturb or move these remains
    iv. Immediately cease all work at the location
    v. Seek advice from Heritage NSW and/or an archaeologist with relevant experience
    vi. Not recommence any work at the location unless authorised in writing by Heritage NSW.
d. 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.
e. Where feasible and appropriate any archaeological relics uncovered by the works should be retained on site and displayed for public appreciation/interpretation.
f. Copies of the Historical Archaeological Assessment are to be forwarded to the Heritage Library, Heritage NSW; and to the Woollahra Library Local Studies Collection.

A.5 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.6 Deferred Commencement - (section 4.16(3) of the Act, clause 95 of the Regulation)

Development consent is granted subject that this consent is not to operate until the Applicant satisfies the Council, in accordance with the *Regulations*, as to all matters specified in this condition:

a) A Traffic and Pedestrian Management Plan (TPMP) be formulated, to the satisfaction of Council's Engineering Services Department, as per Part F2.6 of Council's DCP. This plan would take the form of a control document to be implemented in the ongoing operation of the school, and should give consideration to manage pick-up/drop-off activities including but not limited to:

- Overlapping of time among students attending early learning centre, before & after school care, as well as co-curriculum activities;
- Queuing analysis to demonstrate that pick-ups and drop-offs can be undertaken on-site;
- Mini-bus service routes and schedules;
- Pedestrian desire lines;
- Measures to enhance pedestrian safety when entering or crossing roads.

b) A Green Travel Plan be submitted, to Council's Traffic Engineers' satisfaction, and implemented by the school, as per E1.12 of Council's DCP. GTP should provide information including but not limited to:

- Targets of plan;
- Strategies and measures to achieve proposed targets;
- The implementation of plan, including measures intended to take and representative responsible for implementing and enforcing the plan.

c) The developer must refer to Council's Traffic Management Strategy 2014, and accordingly develop, fund and implement Local Area Traffic Management strategy (LATM) regarding efficiency and safety in the vicinity, to the satisfaction of the Council's Engineering Services Department.

d) TfNSW be consulted as the specified authority for the proposed development to discuss the parking and traffic implications, as per State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

e) Given the nature of the proposed development and site constraints, a CTMP is required, prior to any condition of consent, to assess feasibility and potential traffic impacts of construction works on the surrounding road network, especially on the impacts of pedestrian and children safety during construction periods. The preliminary CMP shall be prepared in accordance with Council's checklist via the following link: https://www.woollahra.nsw.gov.au/building_and_development/submit_a_da/prepare_your_application/construction_management_plan. It is recommended that TfNSW is consulted in the process of developing the CMP to ensure that the operation of the signalised intersection of New South Head Road and Vaucluse Road, as well as traffic flow along New South Head Road is not adversely affected. It is understood that a Works Zone on New South Head Road is unlikely to be supported by TfNSW.

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

B.1 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	Woollahra Council 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.2 Heritage Interpretation Strategy

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

B.3 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

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 *Building and Construction Industry Long Service Payments Act 1986*			
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 *Environmental Planning and Assessment Act 1979*			
Property Damage Security Deposit -making good any damage caused to any property of the Council	$736,300	No	T115
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)	$488,221 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the *Local Government Act 1993*			
Property Damage Security Deposit (S138)	$1,440	No	T45
Security Administration Fee	$202	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	**$1,226,163** 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 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and be approved by Council as the road authority, for the following infrastructure works prior to the issuing of any Construction Certificate. The infrastructure works must be carried out at the applicant's expense:

a) The removal of all redundant vehicular crossings and reinstated into Council's standard kerb and gutter in accordance with Council's Crossing Specification and standard driveway drawing RF2_D.

b) The construction of new vehicular crossing(s) including the replacement of the existing gutter in accordance with Council's Crossing Specification and standard driveway drawing RF2_D. The new crossing(s) shall be constructed at right angle to the street kerb in plain concrete. The centreline of the new crossing(s) shall be aligned with the centreline of the internal driveway at the property boundary. The width of the new crossing(s) must be in accordance with Table 3.2 of AS2890.1 and to the satisfaction of Council's Assets Engineers. Design longitudinal surface profiles along each side/edge for the proposed driveway must be submitted for assessment. If any new crossing is situated over existing Telstra pit, relocation of these public utility services and pits must be carried out at the full costs to the applicant.

c) The reinstatement of all damaged kerb and gutter, footpath and road pavement to match existing.

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

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: The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Roads Act* 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

Note: See condition K24 in *Section K. Advisings* of this Consent titled *Roads Act Application.*
Standard Condition: C13 (Autotext CC13)

C.3 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 satisfied as to this matter.

C.4 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.5 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 / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.

These details must be certified by the professional engineer to:

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

C.6 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.7 Parking Facilities

The *Construction Certificate* plans and specifications required by clause 139 of the Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3:1993 *Parking Facilities - Bicycle Parking Facilities*, AS/NZS 2890.1:2004 : *Parking Facilities - Off-Street Car Parking* and AS 2890.2:2002 – *Off-Street Parking: Commercial Vehicle Facilities* respectively.

In particular, the plans must clearly depict the following requirement(s):

a) Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS2890.1-2004;

b) The first 6m of all new driveway from the property boundary shall have maximum gradient of 5% to comply with Clause 3.3 of AS2890.1.

Access levels and grades must comply with access levels and grade required by Council under the *Roads Act 1993*.

The Certifying Authority has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.
Standard Condition: C45 (Autotext: CC45)

C.8 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 Henry & Hymas , referenced 19949-Rev 01, dated 7/04/2020, other than amended by this and other conditions;
b) The installation of proprietary products to achieve the minimum the water quality targets for stormwater treatment system stipulated in Chapter E2.2.3 of Council's DCP;
c) Compliance the objectives and performance requirements of the BCA;
d) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management;

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.9 Car and Commercial Parking Details

The *Construction Certificate* plans and specifications required by clause 139 of the Regulation, must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS2890.3:1993 *Parking Facilities - Bicycle Parking Facilities*, AS/NZS 2890.1:2004 : *Parking Facilities - Off-Street Car Parking* and AS 2890.2:2002 – *Off-Street Parking: Commercial Vehicle Facilities* respectively.

The plans must satisfy the following requirement(s):

c) Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS2890.1-2004;
d) Other conditions imposed by Development Engineers.

Access levels and grades must comply with access levels and grade required by Council under the *Roads Act 1993*.

The Certifying Authority has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.

Standard Condition: C45 (Autotext: CC45)

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

D.1 Compliance with Building Code of Australia

For the purposes of section 4.17(11) of the *Act*, the following conditions are prescribed in relation to a development consent for development that involves any building work:

a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,

This condition does not apply:

a) to the erection of a temporary building.

In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.

Note: This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the *Home Building Act 1989*. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia.

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: D1 (Autotext DD1)

D.2 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.

D.3 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.4 Piezometers for the Monitoring of Ground Water Levels

The Principal Contractor must be 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).

D.5 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.6 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.7 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)

E. Conditions which must be satisfied during any development work

E.1 Compliance with Building Code of Australia

For the purposes of section 4.17(11) of the *Act*, the following condition is prescribed in relation to a development consent for development that involves any building work:

a) that the work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),

This condition does not apply:

a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4) of the *Regulation*, or
b) to the erection of a temporary building.

In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

E.2 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.3 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.4 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.5 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.6 Support of Adjoining Land and Buildings

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

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.7 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.8 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.9 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

a) Prior to pumping any water into the road or public stormwater system that approval is obtained from Council under section 138(1)(d) of the *Roads Act 1993*.

b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water.

c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

Note: This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.
Standard Condition: E17 (Autotext EE17)

E.10 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.11 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)

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 Part A2.2 of the BCA confirming that the works, as executed

and as detailed, comply with the requirement of this consent, the *Act*, the *Regulations*, any relevant construction certificate, the BCA and relevant Australian Standards.

Works-as-executed plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of 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 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.

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 Road Works (including footpaths)

The following works must be completed to the satisfaction of Council, in compliance with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012) unless expressly provided otherwise by these conditions at the Principal Contractor*'s* or Owner*'s* expense:

a) stormwater pipes, pits and connections to public stormwater systems within the *road*,

b) driveways and vehicular crossings within the *road*,

c) removal of redundant driveways and vehicular crossings,

d) new footpaths within the *road*,

e) relocation of existing power/light pole,

f) relocation/provision of street signs,

g) new or replacement street trees,

h) new footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street,

i) new or reinstated kerb and guttering within the *road*, and

j) new or reinstated road surface pavement within the *road*.

Note: Security held by Council pursuant to section 4.17(6) of the *Act* will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the Final Occupation Certificate to Council. This form can be downloaded from

Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.
Standard Condition: H13 (Autotext HH13)

H.2 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 Outdoor Lighting – Roof Terraces

Outdoor lighting must comply with AS/NZS 4282:2019: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminare and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282:2019.

All lighting to be installed on the roof terrace will be recessed lights or will be surface wall/balustrade mounted lights at a maximum height of 600mm above the finished floor level of the roof terrace.

Note: This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.
Note: Council may consider, subject to an appropriate Section 4.55 Application, relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.
Standard Condition: I51

I.2 Noise Control

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

Note: This condition has been imposed to protect the amenity of the neighbourhood.
Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the *NSW Industrial Noise Policy* (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the *Protection of the Environment Operations Act 1997.*

Useful links:
Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au.
NSW Environment Protection Authority— see "noise" section www.environment.nsw.gov.au/noise.
NSW Government legislation- access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* is available at www.legislation.nsw.gov.au.
Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au.
Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au.
Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au.
Standard Condition: I56

I.3 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.4 Provision of Additional Off-street Public and Visitor Parking

The owner and occupier, in compliance with AS/NZS 2890.1:2004: Parking facilities - Off-street car parking, must maintain unimpeded public access to off-street parking as follows:

Use	Number of spaces
Vehicle Parking	28

This condition has been imposed to ensure adequate on-site parking is maintained.

Standard Condition: I21

I.5 Operation in Accordance with Traffic Management Plans

a) The operation and management of the premises shall be in accordance with the approved TPMP and GTP;

b) The TPMP and GTP cannot be altered without the written consent of Council;

c) Monitoring annual reports would be required for a minimum of 5 years post occupation.

Standard Condition: I15 (Autotext: II15)

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 requested 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.