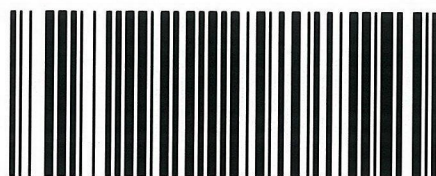


**Council Ref:** The Scots College (Trim Folder: SC4476 Ref: 18/153438)  
Planning & Development Division

2 October 2018

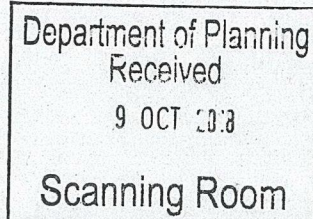


PCU075894

Mr. Andrew Beattie  
Team Leader  
School Infrastructure Assessments  
NSW Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

cc. Scott.Hay@planning.nsw.gov.au

**Attention: Scott Hay**



Dear Mr. Beattie,

**Application Number** SSD 17\_8922  
**Proposal name** Alterations and additions to the Stevenson Library Building, The Scots College  
**Address** 29-53 Victoria Road, Bellevue Hill

Thank you for your letter dated 03 September 2018, requesting Woollahra Council's comment on the abovementioned State Significant Development (SDD) application.

It is understood that the proposal seeks to redevelop the Stevenson Library Building and involves the following works:

- Partial demolition of the existing Stevenson Library building;
- Extensions to existing floor slabs;
- Creation of an atrium void;
- Addition of a new upper storey;
- Complete interior refitting;
- Recladding of the exterior in a Scottish Baronial architectural style;
- Creation of a new main entrance from the College Quadrangle; and
- Creation of new entrances directly off the College oval.

The short notification period of twenty-eight (28) days has not enabled this important matter to be reported to and considered by the elected Council.

Woollahra Council staff have reviewed the information and are generally supportive of the proposal.

The following recommendations are made:

- A. That the Independent Planning Commission (IPC) be advised that, in determining the application it should have regard to the fact that the school is operating in breach of Condition 2 of DA Consent Nos 545/2005 and 528/2005, which limits student numbers to 1120.**



The Independent Planning Commission should, prior to the granting of consent, satisfy itself that the increased floor space associated with redevelopment of the library will provide only for improved learning facilities, will not provide for increased teaching space and will not lead to a further increase in student numbers.

**B. The recommended conditions of consent (without prejudice) provided at Annexure A are included as part of any consent.**

Additional comments by Council for your consideration in the assessment of the application are as follows:

Section 7.11 Contributions

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

Cost of Works	Rate	Contribution Payable
\$28,863,068.00	1%	\$288,630.68

Payment of a damage security deposit is also required in accordance with Council's Fees and Charges.

Payment of the section 94A levy and property damage security bond totalling **\$470,724.68** is to be enforced via the imposition of a condition to this effect as part of any consent (**Condition 1**).

Traffic and Parking

Traffic impacts during construction remains the most pertinent planning issue pertaining to the proposed library redevelopment. Council's Traffic Engineer has reviewed the submitted documentation and considers that the proposed development post construction will not alter existing access, traffic, transport or parking arrangements, on the basis that the proposed development will not result in any increase in staff or student numbers. It is therefore necessary, before any consent is granted to the application, that the Independent Planning Commission satisfy itself that there will be no increase in student numbers as a consequence of the proposed development.

With regards to traffic impacts during construction, the *Concept Construction Traffic Management Plan* is generally supported, however there is uncertainty on the duration and timing of the works which according to the report, "*during the pre-construction process, the construction program will be established to provide the most effective construction process.*" In this regard, a revised CTMP with the final established construction program will need to be provided to Council for approval (**Condition 2**).

Student / staff numbers

The application by Scots College states that there will be no change in existing student or staff numbers. The submitted *Social Impact Assessment* states that the school has a population of 1504, which contravenes Condition 2 of DA 545/2005 and DA 528/2004, which limits student numbers to 1120. An appeal to the Land and Environment Court to amend Condition 2 to increase the cap on student numbers to 1470 was dismissed on 7 July 2015 (Order No's 14/10335 and 14/10336).

Concerns are raised that the College is currently in breach of a condition of consent regarding student numbers. This has direct impacts on traffic and parking problems in the vicinity of Scots College including arrangements for the drop off and pick up of students during peak times.

Resolution of the traffic problems in the area is of primary importance to Council. It is noted that no traffic and parking assessment of existing conditions has been undertaken as part of the proposal.

In this regard, the following recommendations are made:

- (i) A review of existing arrangements for drop off and pick up of students during peak times and a detailed analysis of the localised traffic and parking impacts of the College is carried out by a suitably qualified Traffic Engineer and a Report prepared for submission to Council.
- (ii) The Report shall include recommendations to ameliorate traffic congestion and include a *Green Travel Plan*, prepared in accordance with Part E1.12 of Woollahra DCP 2015.
- (iii) The recommendations of the Report shall be fully complied with (**Condition 3**).
- (iv) On-site provision for bicycle storage and facilities are to be provided in accordance with Part E1.6 of *Woollahra DCP 2015* (**Condition 4**).

#### Heritage

An assessment of the proposal has been undertaken by Council's Heritage Officer having regard to Clause 5.10 of *Woollahra LEP 2014* and *Part B1.8 Bellevue Hill North Precinct* of *Woollahra DCP 2015*. Demolition of the existing library building is supported on the basis that the existing library does not contribute to the heritage significance of the Scots College.

No objections are raised to the proposed Scottish Baronial style of the new library, which has a direct link to the social significance of the School. The design of the building whilst appearing to contain historic qualities, will present as a contemporary building, which is consistent with principles under the *Australian ICOMOS Burra Charter for Places of Cultural Significance, 2013*.

Proposed modifications to the Dining Room, reconfiguration of the Quadrangle and landscaping works are not considered to impact on elements of significance to the precinct.

The following recommendations are made to ensure the heritage of Woollahra is conserved:

- An interpretative plaque is provided at the main entrance of the building outlining the building construction date and reasoning for the use of the Scottish Baronial Style (**Condition 5**).
- A photographic archival record of the building and landscape elements to be demolished is taken (**Condition 6**).
- All Recommendations listed under Section 8.2 of the *Historical Archaeological Assessment Report*, prepared by Extent Heritage Advisors, dated 09/04/2018, shall be fully complied with (**Condition 7**).

#### Streetscape



The proposal is deemed to be consistent with the desired future character objectives for the Bellevue Hill North Precinct (Part B1.8 of *Woollahra DCP 2015*).

The proposal is considered to have negligible impact on the local streetscape from a heritage perspective.

### Views

No objections are raised to the additional height of the new library building, having regard to view impacts. The new library building will not alter valuable views of the Harbour and land/water interface from the public domain including Cranbrook Street, and will maintain acceptable view sharing with adjoining and adjacent properties in accordance with objectives 09 and 010 of Part B1.8.2 of *Woollahra DCP 2015*.

From a heritage perspective, the impact on views is considered negligible by Council's Heritage Officer. The proposal will retain existing main views towards Aspinall House and the Main School Building from Victoria Road. Views from Rose Bay/Vaucluse looking west towards Aspinall House and the Main School building will be retained.

### Trees and Landscaping

The *Tree Impact Statement*, prepared by *Naturally Trees Arboricultural Consulting* states that there are no trees within a 6m build-zone of the proposed library upgrade works, and that no impacts will occur to trees within the site area.

### Urban Design

Council's Urban Design Officer has reviewed the proposal and considers the design of the new library building to be acceptable from an urban design perspective.

### Site Drainage and Engineering Matters

Council's Technical Services Engineer has reviewed the submitted information and raises no objections to the proposal from an engineering perspective, subject to the imposition of recommended standard conditions of consent (**Conditions 11 to 35**) to mitigate any adverse impacts to the surrounding area during construction.

### Environmental Health

Council's Environmental Health Officer is generally satisfied that the submitted *EIS* addresses the likely impacts of the proposal with regards to Acid Sulfate Soils (ASS), *SEPP 55 – Remediation of Land*, and acoustic impacts.

With regards to acid sulfate affectation, Council is satisfied that an *Acid Sulfate Soils Management Plan* is not required for the proposed development.

With regards to potential contamination, Council's Environmental Health Officer is satisfied that sufficient information has been provided to conclude that the underlying soils at 29-53 Victoria Road are not contaminated.

With regards to acoustic impacts, Council's Environmental Health Officer is of the opinion that sufficient information has been provided to identify potential noise sources from construction



activities and that appropriate noise mitigation measures and strategies are included. Albeit, limited details are provided for proposed mechanical plant at the site.

The following recommendations are made with regards to environmental matters:

- A *Hazardous Materials Survey & Management Plan* is undertaken as the proposal involves partial demolition of an existing building (**Condition 8**).
- All waste disposal activities should be undertaken in accordance with the *Waste Classification Guidelines* (NSW EPA, 2014), the *Waste Avoidance and Resource Recovery Act 2001*, the *Protection of the Environment Operations Act 1997* and any other relevant legislation (**Condition 9**).
- The *Acoustic Report* is to be updated to address details of the selected Mechanical plant. Consideration shall be given to the selection of lower noise plant and equipment, screening of external plant using solid barriers or acoustic louvres, and appropriate construction of a rooftop plant room to reduce noise emissions to neighbouring land uses (**Condition 10**).

### Property

No objections are raised by Council's Property Officer to the proposed library redevelopment.

### Conclusion

In Council's view the proposed development will improve school facilities in a manner which will recognise the links which the school has with its Scottish heritage. We therefore support the refurbishment of the Stevenson library in the Scottish Baronial style.

However, we also express concern that the school is operating in breach of its development consent conditions relating to student numbers. Following the Land and Environment Court decision of 7 July 2015 our lawyers, on 13 August 2015, wrote to the school asking it to advise what action the college intends to take in respect of the breach of student numbers and of the associated amenity impacts of additional traffic and parking. This letter was in response to the following conclusions of the Court:

1. It did not have jurisdiction under s.96(2) of the Environmental Planning and Assessment Act 1979 to approve the modification applications because it was not satisfied that the development as proposed was substantially the same as approved by the consents.
2. Condition 2 of the consents applied to both the east and west side of the Victoria Road campus and operated to limit the maximum number of students at the campus to 1120.
3. The Court was not satisfied that the proposed increase in student numbers would not have unacceptable impacts on traffic and parking in the vicinity of the school.
4. It is apparent that for a number of years the student numbers at the campus have exceeded 1120, in breach of condition 2 of the consents and this is impacting on the amenity of nearby residents.
5. Section 76A(1)(b) of the EPA Act requires that development for which consent is required must be carried out in accordance with the consent and as such the college is contravening s.76A(1)(b) of the Act.

On 18 December 2015 and again in January 2016 we wrote to the school because we did not receive a reply to our lawyer's letter of 13 August 2015.

On 28 January 2016 we received a response from CBP Lawyers, on behalf of the college. It indicated that works required to address traffic and parking issues have a high capital cost and that in this context a period of 12-18 months for preparation of the necessary development applications



for these works is not unreasonable. On this basis the Council has not commenced enforcement action in relation to the breach of student numbers.

However, we are now past the 18 month period for the preparation and submission of a development application which we understand was to be for the following work to address traffic and car parking concerns:

1. Construction of a new car park under the existing tennis courts
2. Provision of drop off and pick up facilities in Ginahgulla Road, and
3. Regularising student numbers.

We therefore appear to be no further advanced in solving the traffic and car parking issues associated with the breach of student numbers.

While we think the refurbishment of the Stevenson library has merit we ask that the Department and the Independent Planning Commission carefully consider this issue. It should satisfy itself that the proposed floor space increase associated with the library will provide for enhanced learning facilities for existing students and will not be for the purpose of increasing student numbers.

Thank you again for the opportunity of providing advice for the proposed Stevenson Library Building at Scots College.

If you require clarification on any issue raised, please don't hesitate to contact **Nick Economou**, Manager - Development Control on 9391 7081, or via email at [nick.economou@woollahra.nsw.gov.au](mailto:nick.economou@woollahra.nsw.gov.au).

Yours sincerely,



Allan Coker  
Director – Planning and Development  
T: 9391 7080  
E: [allan.coker@woollahra.nsw.gov.au](mailto:allan.coker@woollahra.nsw.gov.au)

## **Annexures**

### **A. Recommended conditions of consent (without prejudice)**



## ANNEXURE A

### RECOMMENDED CONDITIONS OF CONSENT (WITHOUT PREJUDICE)

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

The certifying authority must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a *construction certificate, subdivision certificate or occupation certificate*, as will apply.

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b>			
under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> <a href="http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use online calculator	No	
<b>SECURITY</b>			
under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council	\$181,900	No	T115
<b>DEVELOPMENT LEVY</b>			
under Woollahra Section 94A Development Contributions Plan 2011 This plan may be inspected at Woollahra Council or downloaded at <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> .			
<b>Development Levy (Section 94A)</b>	<b>\$288,630.68 + Index Amount</b>	Yes, quarterly	T96
<b>INSPECTION FEES</b>			
under Section 608 of the Local Government Act 1993			
Security Administration Fee	\$194	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	<b>\$470,724.68</b> plus any relevant 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 Services Payments Corporation or to Council. Further information can be obtained from the Long Service Payments Corporation's website <http://www.lspc.nsw.gov.au/> or the Long Service Payments Corporation on 13 14 41.

#### 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 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 s.94A levy.

#### **Do you need HELP indexing the levy?**

Please contact our customer service officers. Failure to correctly calculate the adjusted development levy will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

#### **Deferred or periodic payment of section 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 94A 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 94A 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

## **2. Revised Construction Traffic Management Plan (CTMP)**

A revised CTMP with the final established construction program is to be provided to Council for approval, prior to the commencement of any works (including demolition)

## **3. Localised Traffic Review**

A review of existing arrangements for drop off and pick up of students in peak times and a detailed analysis of the localised traffic and parking impacts of the College is to be undertaken by a suitably qualified Traffic Engineer and a report prepared for submission to Council.

The Report shall include recommendations to ameliorate traffic congestions and include a *Green Travel Plan*, prepared in accordance with Part E1.12 of Woollahra DCP 2015.



The recommendations of the Report shall be fully complied with.

#### **4. Bicycle Facilities**

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

#### **5. Interpretative Plaque**

A weather resistant plaque is to be provided and maintained on the main entrance of the building, outlining the building construction date and a reasoning for the use of the Scottish Baronial Style.

#### **6. Recording of buildings with little or no heritage significance that are to be demolished**

A photographic archival record of the building and landscape elements to be demolished is to be submitted prior to the commencement of demolition work and prior to the issue of a Construction Certificate.

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) Coloured photographs of:
  - each elevation,
  - each structure and landscape feature;
  - views to the subject property from each street and laneway or public space.

Photographic archival records must be taken of the building, landscape or item 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.

One digital set is to be submitted to the satisfaction of Council prior to the commencement of demolition work and prior to the issue of a construction certificate.

**Note:** Refer to the NSW OEH Heritage Branch free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at:

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

Standard Condition: B3 (Autotext BB3)

#### **7. Historical Archaeology & Aboriginal Heritage**

The following Recommendations contained within Section 8.2 of the *Historical Archaeological Assessment* Report prepared by *Extent Heritage Advisors*, dated 09/04/2018, are to be fully complied with as follows:

- a) Prior to the onsite ground disturbance commencing, the designated project team including all contractors on site should undergo heritage induction, which will



include an archaeological awareness component to reinforce the importance of heritage issues and the management measures that will be implemented.

- b) In the event of an unexpected discovery of archaeological relics during ground disturbance works the Unexpected Find Procedure should be followed. The procedure details the actions to be taken when a previously unidentified and/or potential Aboriginal and/or historical heritage item/object/site is found during construction activities, as follows:

1. STOP ALL WORK in the vicinity of the find and immediately notify the relevant Site Supervisor. The Supervisor will then notify the Project/Site Manager and demark the area to protect the artefact/item/object/site.
2. The Project/Site Manager is to record the details, take photos of the find and ensure that the area is adequately protected from additional disturbance.
3. The Project/Site Manager contacts the appointed project archaeologist to notify them of the location of the find.
4. If the project archaeologist advises that the find is not a historical relic 9 or (Aboriginal object), work will recommence in consultation with the Project/Site Manager.
5. If the project archaeological advises that the find is a potential heritage item the Project/Site Manager should undertake the following procedure:
  - Liaise with the project archaeologist to determine the significance of the heritage item; and
  - Implement the appropriate heritage mitigations dependent on the significance of the site, which may include further archaeological excavation and recording.
  - If further archaeological works would be required they would be guided by an archaeological research design, which would provide a research framework for the works and research questions, which at the minimum, would focus on the extent, nature and integrity of archaeological remains and their ability to provide additional information on the history of the site.
  - Any archaeological excavation and recording would be carried out in accordance with best archaeological practice involving: stratigraphic excavation, detailed recording of exposed features and soil contexts using pro-forma context sheets and registers; measured drawings, photographic recording of all archaeological features and works performed; artefact collection in accordance with their provenance and appropriate labelling and bagging.
  - A final report detailing archaeological works and results of such works would need to be prepared at the completion of archaeological onsite works.

If exposed archaeological remains are deemed to be substantial or significant, the Heritage Council of NSW or the Heritage Division as delegate should be notified in accordance with section 146 of the *Heritage Act*.

If the proposed redevelopment of the Stevenson Library site is not approved as SSD, approval from the Heritage Council of NSW under Section 139 of the *Heritage Act* will be required to allow for the disturbance or removal of any locally significant relics. An application for a relevant approval would need to be accompanied by an Archaeological Research Design or Work Method Statement.



Any relics assessed to be of state heritage significance would need to be assessed separately and their management, including in situ retention, discussed with the Heritage Division and relevant stakeholders.

## **8. Hazardous Materials Survey and Management Plan**

Prior to any demolition works, a *Hazardous Materials Survey & Management Plan* of the Stevenson Library building is required to identify, and risk assess materials which have the potential to be hazardous to human health. The purpose of the hazardous materials audit is to establish if hazardous materials are present; identify the type of hazardous material; identify the location and extent of the hazardous material; record the condition of the hazardous material; risk assess the hazardous material and develop a register of hazardous materials in a building for compliance to WHS legislation.

The Plan shall include recommendations on the control measures, strategies and a Hazardous Materials Register for the site, to ensure legislative compliance.

Works shall be carried out in accordance with Australian Standard *AS2601-2001 – The Demolition of Structures*.

Furthermore, in accordance with the *NSW Work Health & Safety Act 2011*, all premises containing asbestos is to have an Asbestos Management Plan.

## **9. Waste Disposal Activities**

All waste disposal activities should be undertaken in accordance with the *Waste Classification Guidelines* (NSW EPA, 2014), the *Waste Avoidance and Resource Recovery Act 2001*, the *Protection of the Environment Operations Act 1997* and any other relevant legislation (**Condition 10**).

## **10. Amended Acoustic Report**

The submitted *Environmental Noise Assessment Report*, dated 17/04/2018 (Ref: S171074RP1 Rev1), prepared by *Resonate Acoustic Consultants* shall be updated to address details of the selected mechanical plant. Consideration shall be given to the selection of lower noise plant and equipment, screening of external plant using solid barriers or acoustic louvres, and appropriate construction of a rooftop plant room to reduce noise emissions to neighbouring land uses.

Council's Health Services recommends that all selected mechanical plant and associated equipment should have a design goal that specifies noise emission from any set of primary, or secondary plant, or equipment, on the basis that if the equipment could operate at any time of the day or night, then the noise emission component, when measured at the nearest residential property façade should not exceed the nocturnal background noise level. The cumulative noise level from all relevant items of mechanical plant and equipment, when measured at the same location, must not exceed the nocturnal background noise level by more than 5 dB(A).

## **11. (A.7) Ancillary Aspect of the Development**

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” dated February 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)

## **12. (B.7) 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

## **13. (C.21) Provision for Energy Supplies**

The applicant must provide to the *Certifying Authority* a letter from Energy Australia setting out Energy Australia's requirements relative to the provision of electricity/gas supply to the development.

Any required substation must be located within the boundaries of the site.

Where an electricity substation is required within the site but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans a section 96 application is required to be submitted to Council. Council will assess the proposed location of the required substation.

The *Construction Certificate* plans and specifications, required to be submitted pursuant to clause 139 of the *Regulation*, must detail provisions to meet the requirements of Energy Australia.

Where the substation is required the *Construction Certificate* plans and specifications must provide:



- a) A set back not less than 3m from the road boundary and dense landscaping of *local native plants* to screen the substation from view within the streetscape,
- b) A set back not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility pursuant to clause 3.2.4 of AS2890.1-1993(See: Figures 3.2 and 3.3),
- c) A set back to and not within the drip line of any existing tree required to be retained,
- d) A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1-1994 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994, and
- e) The owner shall dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if required. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road reserve.

**Note:** If the substation is not located within the building its location, screening vegetation, all screen walls or fire separating walls must have been approved by the grant of development consent or amended development consent prior to the issue of any *Construction Certificate* for those works. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the *Certifying Authority* prior to issue of the *Construction Certificate*. The *Certifying Authority* must be satisfied that the requirements of energy authority have been met prior to issue of the *Construction Certificate*.

**Note:** This condition has been imposed because the application fails to provide sufficient detail (either by plans or by the Statement of Environmental Effects) demonstrating that provision has been made to Energy Australia's satisfaction for the provision of electricity supply to the building. Nevertheless, Council has no reason to believe that provision cannot be reasonably made for electricity to service the development.

**Note:** Where it is proposed to shield any booster connection or any building from any substation pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994 or by fire resisting construction under the *BCA* respectively and this construction has not been detailed upon the approved development consent plans such works should be considered inconsistent with consent pursuant to clause 145 of the *Regulation*. The Applicant must lodge with Council details for any such construction pursuant to section 96 of the *Act* to allow assessment under section 79C of the *Act*.

**Note:** Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set)-2004 Parking Facilities Set whether such driveways service the site or any adjoining land.

Standard Condition: C21

#### 14. (C.25) Soil and Water Management Plan – Submissions & 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*” published by the NSW Department of Housing 4th Edition” (*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 <http://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*” publications can be down loaded free of charge from <http://www.woollahra.nsw.gov.au/>.

**Note:** Pursuant to clause 161(1)(a)(5) of the *Regulation* an *Accredited Certifier* may be satisfied as to this matter.  
Standard Condition: C25

## 15. (C.35) Structural Adequacy of Existing Supporting Structures

A certificate from a *professional engineer* (Structural Engineer), certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be submitted with the *Construction Certificate* application.

**Note:** This condition is imposed to ensure that the existing structure is able to support the additional loads proposed.

Standard Condition: C35 (Autotext CC35)

## 16. (C.40) 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 prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d) Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
  - 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 hydro-geological measures by the professional engineer; and;
- Details a contingency plan.

Standard Condition: C40 (Autotext: CC40)

## 17. (C.41) 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 Councils web-site <http://www.woollahra.nsw.gov.au>. 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)

## 18. (C.49) Stormwater Discharge to Existing Stormwater Drainage System

The *Construction Certificate* plans and specifications required by clause 139 of the *Regulation*, must detail:

- a) The location of the existing *Stormwater Drainage System* including all pipes, inspection openings, surface drains, pits and their discharge location,
- b) The state of repair of the existing *Stormwater Drainage System*,
- c) Any remedial works required to upgrade the existing *Stormwater Drainage System* to comply with the BCA,
- d) Any remedial works required to upgrade the existing *Stormwater Drainage System* crossing the footpath and any new kerb outlets,
- e) Any new *Stormwater Drainage System* complying with the BCA,
- f) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath,
- g) Any rainwater tank (See Note Below) required by BASIX commitments including their overflow connection to the *Stormwater Drainage System*, and
- h) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management



Where any new *Stormwater Drainage System* crosses the footpath area within any road, separate approval under section 138 of the *Roads Act* 1993 must be obtained from Council for those works prior to the issue of any *Construction Certificate*.

All *Stormwater Drainage System* work within any road or public place must comply with Woollahra Municipal Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated February 2012.

**Note:** Clause F1.1 of Volume 1 and Part 3.1.2 of Volume 2 of the BCA provide that stormwater drainage complying with AS/NZS 3500.3 Plumbing and drainage - Part 3: Stormwater drainage is deemed to satisfy the BCA. Council's specifications apply in relation to any works with any road or public place.

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

**Note:** Stormwater Drainage Systems must not discharge to any Sewer System. It is illegal to connect stormwater pipes and drains to the sewerage system as this can overload the system and cause sewage overflows. See:

<http://www.sydneywater.com.au/Publications/Factsheets/SewerfixLookingAfterYourSewerPipes>

**Note:** Woollahra Municipal Council's *Specification for Roadworks, Drainage and Miscellaneous Works* dated January 2003 and Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk

Management can be downloaded from Council's website: [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

Standard Condition: C49

## 19. (D.5) 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 within and near 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, and
- 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 Word. Photographs are to be in colour, digital and date stamped.

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

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

Standard Condition: D5 (Autotext DD5)



## 20. (D.9) 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 Construction Management Plan by Council's Traffic Engineer and pay all fees associated with the application. The plan 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)

## 21. (D.10) 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 Rangers and 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 Traffic Authority 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)

## 22. (D.14) 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*” published by the NSW Department of Housing 4th Edition” (‘The Blue Book’).

Where there is any conflict The Blue Book takes precedence.

**Note:** The International Erosion Control Association – Australasia (<http://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” publications can be down loaded free of charge from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).

**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)

### 23. (E.3) Compliance with Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved construction management plan. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the *PCA* 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)

### 24. (E.7) Maintenance of Vehicular and Pedestrian Safety and Access

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 73 of the *Road Transport (Safety and Traffic Management) Act 1999*, section 138 of the *Roads Act 1993* or section 94 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 to the extent they are adopted under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

**Note:** Section 73 of the *Road Transport (Safety and Traffic Management) Act 1999* allows the Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Any road closure requires Police approval.

**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.”
    - c. Any work in, on or over the Road or Footway requires *Council* Approval and in the case of classified roads the NSW Roads and Traffic Authority. Road includes that portion of the road uses as a footway.
- Standard Condition: E7 (Autotext EE7)

## 25. (E.11) 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;

**Note:** See [http://www.epa.nsw.gov.au/small\\_business/builders.htm](http://www.epa.nsw.gov.au/small_business/builders.htm) for additional information.  
Standard Condition: E11

## 26. (E.12) 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)

## 27. (E.13) Support of Adjoining Land Owners

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



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

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

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

**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)

## 28. (E.14) 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 Certifying Authority* 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 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 section 88K of the Conveyancing Act 1919.

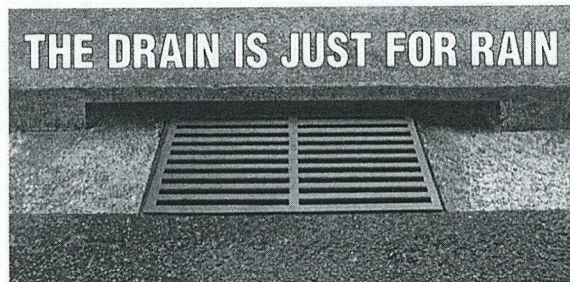
Standard Condition: E14 (Autotext EE14)

## 29. (E.15) 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*” published by the NSW Department of Housing 4th Edition (“*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)

## 30. (E.17) 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)

### 31. (E.19) 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 & 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)

### 32. (E.20) Check Surveys – boundary location, building location, building height, stormwater drainage system and flood protection measures relative to AHD

The *Principal Contractor* or *Owner Builder* must ensure that a surveyor registered under the *Surveying Act 2002* 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 *PCA'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)

### 33. (F.7) Commissioning and Certification of Systems and Works

The *principal contractor* or *owner builder* must submit to the satisfaction of the *PCA* 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 ("WAE") 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 Certifying Authority 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 *PCA* 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 *PCA* must submit to Council, with any *Occupation Certificate*, copies of works-as-executed (“WAE”) plans, *Compliance Certificates* and evidence of suitability in accordance with Part A2.2 of the *BCA* upon which the *PCA* has relied in issuing any *Occupation Certificate*.  
Standard Condition: F7 (Autotext FF7)

#### **34. (G.4) Electricity Substations – Dedication as Road and/or Easements for Access**

If an electricity substation, is required on the site the owner must dedicate to the appropriate energy authority (to its satisfaction), free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established. The size and location of the electricity substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road (footway or road pavement).

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the *Principal Certifying Authority* prior to issue of the Construction Certificate detailing energy authority requirements.

The Accredited Certifier must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Where an electricity substation is provided on the site adjoining the road boundary, the area within which the electricity substation is located must be dedicated as public road. Where access is required across the site to access an electricity substation an easement for access across the site from the public place must be created upon the linen plans burdening the subject site and benefiting the Crown in right of New South Wales and any Statutory Corporation requiring access to the electricity substation.

Standard Condition: G4 (Autotext GG4)

#### **35. (H.14) Dilapidation Report for Public Infrastructure Works**

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.

The Final Occupation Certificate must not be issued until Council’s Civil Works Engineer is satisfied that the works have been satisfactorily completed and the PCA has been provided with 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, and
- 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 Word. Photographs are to be in colour, digital and date stamped.



The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure. If the required report is not submitted then Council will assume any damage to any infrastructure in the immediate vicinity of the site was caused by the principle contractor and owner carrying out work under this consent.

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

## **ADVISINGS**

### **36. (K.23) Dilapidation report**

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

- a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the PCA 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)