



Our ref: DOC20/196925  
Senders ref: SSD10421

Jasmine Tranquille  
Planning Officer  
Social and Infrastructure Assessments  
NSW Department of Planning, Industry and Environment  
4 Parramatta Square,  
12 Darcy Street  
PARRAMATTA NSW 2150

Dear Ms Tranquille,

**Request for Biodiversity Development Assessment Report Waiver for (SSD 10421) Weigall Sports Complex Sydney Grammar School**

I refer to the request to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the above State Significant Development Application (SSD 10421) for Weigall Sports Complex Sydney Grammar School.

The decision as to whether an SSD is 'not likely to have any significant impact on biodiversity values', is the responsibility of the Environment, Energy and Science Group (EES) Senior Executive.

I have reviewed the information provided by the applicant in the BDAR waiver application prepared by Fraser Ecological dated 5 March 2020 and determined that the proposed development is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.

The determination is attached for you to provide to the applicant.

Please note that if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Also attached for your information is the decision report prepared by EES. The decision report should not be provided to the applicant without EES approval.

If you have any questions about this advice, please do not hesitate to contact Bronwyn Smith, Senior Conservation Planning Officer on [REDACTED] or [REDACTED]

Yours sincerely

18/03/2020

**Daylan Cameron**  
**A/Director Greater Sydney**  
**Climate Change and Sustainability**  
**Environment, Energy and Science**



RTS Appendix C - RTS Design Report

EXH-10669307 | Response To Submissions | Sandra Robinson



RTS Appendix B - RtS Table

EXH-10669307 | Response To Submissions | Sandra Robinson



RTS Appendix A - DPIE Request for RtS

EXH-10669307 | Response To Submissions | Sandra Robinson



Response to Submissions

EXH-10669307 | Response To Submissions | Sandra Robinson



Request RTS\_21122020\_073955

EXH-10669307 | Issued Request RTS | David Gibson

## Response History

### Public Authority Response

Tuesday, 4 May 2021 11:20:53 AM AEST

Notes:

Sydney Trains existing conditions to remain. No further comments.

## Review Response

Based on the information received from the Public Authority do you want to request more information ★

Yes

No

Ms Prity Cleary  
Senior Planner  
Social and Infrastructure Assessments  
4 Parramatta Square  
Parramatta NSW 2124

Letter uploaded to Major Projects Website  
C/O: [REDACTED]

Dear Ms Cleary

**WEIGHALL SPORTS COMPLEX – SYDNEY GRAMMAR SCHOOL, NEILD AVENUE,  
RUSHCUTTERS BAY (SSD 10421) - RTS**

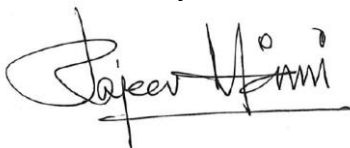
Thank you for your referral dated 28 April 2021 inviting comments from the Heritage Council of NSW on the above State Significant Development (SSD) Response to Submissions.

As per previous correspondence, we note the following:

- The proposed SSD is in the vicinity of the State Heritage Register (SHR) item *Rushcutters Bay Park and Yarranabbe Park* (SHR no. 02041) located at New South Head Road, Rushcutters Bay;
- The site is located to the south of the SHR item and is clearly separated from it by New South Head Road;
- Minimal excavation proposed for the project and previous disturbance in this area contributes to a limited likelihood of archaeological information being uncovered during the works; and
- Unexpected finds condition is recommended to manage unexpected discovery of historical archaeological information.

If you have any questions regarding the above advice, please contact Veerle Norbury, Senior Heritage Assessment Officer at Heritage NSW, on [REDACTED] or [REDACTED]

Yours sincerely



**Rajeev Maini**  
Senior Team Leader  
South Assessments  
Heritage NSW  
Department of Premier and Cabinet  
**As Delegate of the Heritage Council of NSW**  
7 May 2021



7 May 2021

Ms. Karen Harragon  
Director, Social and Other Infrastructure Assessments  
Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Attention: Prity Cleary

Dear Ms. Harragon,

**RESPONSE TO SUBMISSIONS  
WEIGALL SPORTS COMPLEX, SYDNEY GRAMMAR SCHOOL  
SYDNEY GRAMMAR SCHOOL, NEILD AVENUE, RUSHCUTTERS BAY**

Thank you for referring the Response to Submissions (RTS) to Transport for NSW (TfNSW).

TfNSW has reviewed the RTS and provides the following advisory comments for the Department's consideration in **TAB A**.

If you have any further inquiries in relation to this development application please contact Narelle Gonzales, Development Assessment Officer, on [REDACTED] or by email at: [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,

**Brendan Pegg  
Senior Land Use Planner  
Planning and Programs, Greater Sydney Division**

## **TAB A**

### **Travel Demand Management**

#### Comment:

TfNSW advises that the RtS does not respond comments and recommendations raised in letter of 10 December 2020 regarding the Green Travel Plan (GTP). As the proponent has committed to prepare a comprehensive GTP, in consultation with TfNSW, prior to the issuing of an occupation certificate.

#### Recommendation:

As noted in the TfNSW response dated 10 December 2020, that a suggested condition is imposed by the Department to require the proponent to prepare a comprehensive GTP, in consultation with TfNSW, prior to the issuing of an occupation certificate.



**Council Ref:** Sydney Grammar School (Trim Folder: SC5419 Ref: 20/237365)  
Planning & Development Division

08 May 2021

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

cc. [REDACTED]

**Attention: Ms. Prity Cleary**

Dear Ms. Harragon,

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

Thank you for your email dated 28 April, providing Woollahra Council with the opportunity to comment on the Response to Submissions (RtS) package regarding the Weigall Sports Complex – Sydney Grammar School (SSD-10421) by **11 May 2021**.

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

- A. That the Revised Conditions of Consent (without prejudice) provided at Annexure A, Issue 2 dated 08 May 2021 are included as part of any consent.**

Additional detailed comments from Woollahra Council are provided below for your consideration:

## **1) Section 7.12 Contributions and Security Payment**

Council notes in *Appendix B: Response to Submissions Table*, the proponent accepts **Condition C.1 - Contributions and Security Payment** of the recommended conditions of consent (**Annexure A**).

## **2) Traffic and Parking**

### Parking provision

Council's Traffic Engineer has reviewed the Response to Submissions package. With regard to parking provision, upon reviewing the updated traffic response, it is agreed that the accumulative maximum parking demand on weekdays and weekends can be accommodated by the proposed parking arrangement. The provision of small car parking (3%) is acceptable. Accessible parking is compliant with BCA requirements.

Condition amendments are listed below:

- **Condition C.11 – Car and Commercial Parking** has been added to enforce requirements for car and commercial parking.
- **Condition I.2 - Provision of Off-street Public and Visitor Parking** has been added to enforce the on-site car parking provision and allocation, and bicycle and motorcycle parking provision.
- **Condition I.3 – Operation in Accordance with Traffic Management Plans** has been amended to enforce operation and management of the approved Operational Traffic Management Plan in addition to the Green Travel Plan.

#### Pick-up/drop off and Operational Traffic Management Plan

Based on the submitted queuing analysis, it is considered that the proposed pick-up/drop-off circulation would not impact adversely on the on-site parking and is deemed satisfactory.

Council's Traffic Engineers in principle support the methods and strategies proposed in the Traffic Report to transport students to and from the facility. It is agreed that a more detailed and practical Operational Traffic Management Plan (OTMP) could be formulated nearer the time of its implementation for better effect. As such, an OTMP should therefore be prepared, to the satisfaction of Council's Engineering Services Department, prior to Occupation. A condition to this effect has been added to the recommended draft conditions at **Annexure A (Condition H.3 – Traffic Management Plans)**. It is noted that the Proponent has accepted **Condition I.3** which enforces ongoing use of the premises in accordance with the approved Traffic Management Plans.

#### Green Travel Plan

The approaches to develop a Green Travel Plan (GTP) and the initiatives listed are generally reasonable and consistent with Council's overarching strategies to pursue alternative transport modes. It is agreed that a more detailed and practical GTP could be formulated nearer the time of its implementation for better effect. A GTP should therefore be prepared, to the satisfaction of Council's Engineering Services Department, prior to Occupation (**Condition H.3 – Traffic Management Plans**).

#### Bicycle parking

With regard to bicycle parking, the proposal to accommodate 40 bikes via 20 double side racks is compliant. **Condition C.9** requiring compliance of bicycle storage and facilities with Part E1.6 of the *Woollahra DCP 2015* is requested to be upheld.

#### Local Traffic Management Plan

It is noted that a Local Area Traffic Management (LATM) has been agreed to be developed, funded and implemented by the applicant, to the satisfaction of the Council's Engineering Services Department (**Condition A.3 – Deferred Commencement**). The applicant should make best endeavours to consult with the local schools and community members in the preparation of the LATM.

It is suggested that the traffic calming measures should include but not limited to:

- 1) the upgrade of the two (2) existing at-grade pedestrian crossings at the intersection of Neild Avenue and Lawson Street to be raised pedestrian crossings;
- 2) the installation of speed reduction facilities, e.g. speed table, between the existing speed table on Neild Avenue and the intersection of Neild Avenue and Boundary Street.

It is noted that the Proponent has accepted the following conditions:

- **Condition A.3 - Deferred Commencement**
- **Condition C.11 - Car and Commercial Parking Details** (*Ref C.45 in RtS Table*)

- **Condition D.6 – Construction Management Plan** (*Ref D.9 in RtS Table*)
- **Condition D.3 – Works (Construction Zone) – Approval & Implementation** (*Ref D.10 in RtS Table*)
- **Condition E.1 – Compliance with Construction Management Plan** (*Ref E.3 in RtS Table*)
- **Condition I.2 – Provision of Off-street Public and Visitor Parking** (*Ref I.21 in RtS Table*)
- **Condition I.3 – Operation in Accordance with Traffic Management Plans** (*Ref I.31 in RtS Table*)

### 3) **Trees and Landscaping**

No landscaping issues are raised. Council notes that the Proponent has accepted the following conditions:

- **Condition A.4 - Tree Preservation and Approved Landscaping Works** (*Condition No. updated from A.3*)
- **Condition B.5 - Establishment of Tree Protection Zones**
- **Condition B.6 - Permissible Work Within Tree Protection Zones**
- **Condition B.7 - Arborists Documentation and Compliance Checklist**
- **Condition C.10 - Tree Management Plan**
- **Condition E.12 - Tree Preservation**
- **Condition E.13 - Replacement / Supplementary Trees which Must be Planted**
- **Condition F.4 - Amenity Landscaping**
- **Condition H.2 - Landscaping**

### 4) **Student and Staff Numbers**

Council notes the proponent's acceptance of **Condition A.2 - Student Numbers**, enforcing no approved increase in student numbers.

### 5) **Urban Design**

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

#### **View Impacts (Private)**

Section 3.1 of the Applicant's Response to Submissions and Addendum Visual Impact Assessment at Appendix E has not incorporated any design amendments, specifically, a redesign of the bulk and scale of Building 1 to achieve acceptable view sharing with 25-27 and 29-31 Lawson Avenue, and 12 and 16 Neild Avenue. Council's original comments regarding view impacts remain.

#### **Streetscape Character**

Concerns raised by Council regarding inadequate articulation/minimal window openings at the interface with Neild Ave and Vialoux Ave and resulting poor activation of the adjoining public domain were not tabled by DPIE in the Response to Submissions document. No amendments have been made in the amended DA package.

To achieve design excellence, it is recommended that the façade is amended to provide transparent openings/windows and greater articulation of the façade. One way to achieve this is through a



varied material palette of high-quality finishes and materials. A denser landscape and tree canopy would further mitigate the impacts of the deactivated part of the façade on the streetscape.

## **6) Community Use**

Council supports shared use of the community facilities for community use and amendments to the Operational Management Plan to this effect. Enforcing any commitment via the operational plan of management may be difficult to enforce. As such, DPIE may wish to consider imposing a suitable condition of consent regarding use of the shared facilities.

## **7) Engineering**

No engineering concerns are raised regarding drainage and stormwater management, flooding, and structural and geotechnical matters, subject to conditions at Annexure A, as follows:

### Stormwater Management and Flooding

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

### Structural and Geotechnical Matters

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

Council notes the proponent's acceptance of the conditions above in the RtS Table at Annexure B of the RtS package.

## **8) Construction Impacts**

Suitable conditions are recommended to mitigate/ameliorate environmental and amenity impacts during construction. Council notes the proponent's acceptance of standard construction related construction works, in the RtS Table at Annexure B of the RtS package.

## **9) Environmental Health**

Council's Environmental Health Officer has reviewed the Response to Submissions package. Deficiencies in the original DA package have generally been addressed.

### Acid sulfate soils management plan

Council's Environmental Health Officer is satisfied that successful implementation of the ASSMP will provide a framework to manage the risks associated with the proposed site construction works. Enforcement of the ASSMP is to be addressed via the following recommended condition:

- **Condition B.12 – Compliance with Acid Sulfate Soil Management Plan** (*Prior to demolition*)
- **Condition E.14 - Compliance with Acid Sulfate Soils Management Plan** (*During works*)

#### Hazardous materials survey

Council's Environmental Health Officer is of the opinion that a qualitative risk assessment of identified hazardous materials has been conducted of the buildings noting recommendations have been provided on the control measures strategies, and a Hazardous Materials Register has been prepared for the site to ensure legislative compliance.

#### Remediation Action Plan

The RAP has adequately assessed and documented the preferred approach to the management of contaminant issues at the site. A Construction Environmental Management Plan (CEMP) shall be prepared to document the monitoring and management measures required to control the environmental impacts of the works and ensure the validation protocols are being addressed. As such, the following additional condition is recommended:

- **Condition B.11 - Construction Environmental Management Plan**
- **Condition E.15 – Compliance with Construction Environmental Management Plan**

#### Detailed site investigation

Sufficient information has been provided to conclude that a RAM and Validation Report is required for the development site to make the site suitable for the proposed land use.

- **Condition B.13 – Compliance with Remediation Action Plan** (*Prior to demolition*)
- **Condition E.16 – Compliance with Remediation Action Plan** (*During works*)
- **Condition H.4 - Validation Report – Remediation Works** (*OC stage*)

Council notes all previously recommended conditions have been accepted by the proponent.

### **10) Heritage**

No objections are raised by Council's Heritage Officer to the revised Architectural Plans and RtS package, subject to the retention of Conditions B.2, B.3 & B.4. Council notes that the proponent has noted and accepted these conditions (*RtS Table – Appendix B*).

### **11) Paddington Greenway**

Council notes the Proponent's response to the issue raised by Council regarding the proposal's impact on the delivery of the Paddington Greenway Initiative. The Architectural Design Report by AJ&C states that the future link does not cross the SSD site. Albeit Council requests that DPIE investigate this matter fully to ensure that implementation of the Paddington Greenway, and more specifically, public access through the Sydney Grammar Site is not impeded by the proposal. A condition to this effect is recommended for inclusion (**Condition A.5 – Paddington Greenway**).

### **12) Conclusion**

Thank you for the opportunity to comment on the Response to Submissions package for the proposed Weigall Sports Complex, Sydney Grammar School.

If you require clarification on any issue raised, please don't hesitate to contact **Nick Economou** on [REDACTED] or via email at [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to be 'G. Fotis', written in a cursive style.

**George Fotis**  
Acting Manager Development Control

**Annexures**

- A. Revised Recommended Conditions of Consent (without prejudice) – Issue 2, dated 08 May 2021.**

**ANNEXURE A – CONDITIONS OF CONSENT (WITHOUT PREJUDICE)**  
**Issue 2, dated 08 May 2021**

**A. General Conditions**

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

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

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

**A.2 Student Numbers**

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

**A.3 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) The developer must refer to Council's Traffic Management Strategy 2014, and accordingly develop, fund and implement Local Area Traffic Management (LATM) regarding efficiency and safety in the vicinity, to the satisfaction of the Council's Engineering Services Department. The applicant should make best endeavours to consult with the local schools and community members in the preparation of the LATM. Traffic calming measures should include but not limited to:
  - the upgrade of the two (2) existing at-grade pedestrian crossings at the intersection of Neild Avenue and Lawson Street to be raised pedestrian crossings;
  - the installation of speed reduction facilities, e.g. speed table, between the existing speed table on Neild Avenue and the intersection of Neild Avenue and Boundary Street.

**A.4 Tree Preservation & Approved Landscaping Works**

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

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

Tree iQ, dated 14/11/2020 and Landscape Plan Section No. s 01, 02, 03, 04, designed by Aspect Studios, dated 11/09/2020.

- d) Trees identified in the Arboricultural Impact Assessment and Tree Protection Specification Report, written by Anna Hopwood and Martin Peacock – Tree iQ, dated 14/11/2020 shall be pruned in accordance with *Australian Standard 4373: Pruning of Amenity Trees (2007)* and *Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016)*.

## **A.5 Paddington Greenway**

Construction of the proposal and on-going use of the site shall not impact upon implementation of the Paddington Greenway initiative including public access through the Sydney Grammar Site. The Proponent shall liaise with Council regarding this matter and obtain written approval from the Council to this effect.

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

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

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

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

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

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

If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any work under this consent.

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

### **B.2 Heritage Interpretation Strategy**

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

### **B.3 Aboriginal Heritage**

- a) Prior to any ground disturbance works commencing on site, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the *National Parks and Wildlife Act 1974*. This must be implemented as a heritage induction programme provided by a heritage consultant with Aboriginal heritage expertise.
- b) If the proposed works encounter intact sand deposits, then further archaeological investigations will be required as requested by the La Perouse Local Aboriginal Land Council (LALC). Monitoring by a qualified archaeologist and a representative of the LALC during early excavation works is to be conducted.
- c) If proposed excavated areas are located beyond the defined assessment boundary, further investigations will be required and an addendum Aboriginal Cultural Heritage Assessment (ACHA) undertaken. An addendum ACHAR will require further consultation with Registered Aboriginal Parties (RAPs).
- d) The ACHA should be submitted for registration on the Aboriginal Heritage Information Management System (AHIMS) register within three months of completion.
- e) If unexpected Aboriginal objects are found during the works covered by this approval, all work must cease immediately in the affected area(s) and Heritage NSW must be notified. Additional assessment and approval pursuant to the *National Parks and Wildlife Act 1974* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- f) If any skeletal remains suspected of being human are found during construction works, work must cease immediately and no further disturbance of the site must occur. The NSW Police and Heritage NSW must be notified and details of the remains and their precise location are to be provided.

### **B.4 Historical Archaeology**

- a) A Historical Archaeological Assessment is to be included in the Heritage Impact Assessment, as per the SEARS.
- b) If unexpected archaeological features are discovered during the works covered by this approval, work must cease immediately in the affected area(s) and Heritage NSW must be notified. Additional assessment and approval pursuant to the *Heritage Act 1977* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- c) If any skeletal remains suspected of being human are found during construction works, work must cease immediately and no further disturbance of the site must occur. The NSW Police and Heritage NSW must be notified and details of the remains and their precise location are to be provided.
- d) Where feasible and appropriate any archaeological relics uncovered by the works should be retained on site and displayed for public appreciation/interpretation.

### **B.5 Establishment of Tree Protection Zone (TPZ) Fence**

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

### **B.6 Permissible work within Tree Protection Zones**

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

## **B.7 Arborists Documentation and Compliance Checklist**

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

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

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

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

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

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

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

## **B.9 Hazardous Materials Register**

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

## **B.10 Construction Management Plan**

A Construction Management Plan (CMP) is to be prepared by a suitably qualified traffic engineer. The Principal Contractor or Owner must submit an application for approval of the CMP by Council's Traffic Engineer and pay all fees associated with the application.

The CMP must be submitted as a self-contained document that outlines the nature of the construction project and as applicable, include the following information:

- a) Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage.
- b) Identify local traffic routes to be used by construction vehicles.
- c) Identify ways to manage construction works to address impacts on local traffic routes.
- d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other

- developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments.
- e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
  - f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes.
  - g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
  - h) Provide for the standing of vehicles during construction.
  - i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
  - j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
  - k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
  - l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.
  - m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
  - n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)
  - o) Show the location of any proposed excavation and estimated volumes.
  - p) When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work shall only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.
  - q) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).

### **B.11 Construction Environmental Management Plan**

A Construction Environmental Management Plan shall be prepared to document the monitoring and management measures required to control the environmental impacts of the works and ensure the validation protocols are being addressed.

### **B.12 Compliance with Acid Sulfate Soils Management Plan**

The Principal Contractor or Owner-builder and any subcontractor must comply with the approved Acid Sulfate Soil Management Plan and the NSW Government Acid Sulfate Soils Management Advisory Committee manual and any relevant guidelines.



### B.13 Compliance with Remediation Action Plan

The Principal Contractor or Owner-builder and any subcontractor must comply with the approved Remediation Action Plan.

### 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
<b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
<b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a>	Contact LSL Corporation or use online calculator	No	
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council	In accordance with Woollahra Council Fees and Charges	No	T115
<b>Local Government Act Activity Applications</b> (other than where a specific fee is provided) (\$68 Fee)	\$180 per application plus \$176 per hour	No	T45
<b>Infrastructure Works Bond</b> – remedying any defects in any public work that arise within 6 months after the work is completed	To be confirmed by the Council	No	T113
<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</b> (section 7.12)	\$544,000 + Index Amount	Yes, quarterly	T96
<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>			
Local Government Act Activity Inspection Fee (\$68 Fee)	\$206 per inspection	No	T45
Security Administration Fee	\$194	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	<b>\$544,674 plus Property Damage Security Deposit + Infrastructure Works Bond (To be confirmed by the Council)</b> 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](http://www.longservice.nsw.gov.au) or the Long Service Corporation on 131 441.

**How must the payments be made?**

Payments must be made by:

- cash deposit with Council,
- credit card payment with Council, or
- bank cheque made payable to Woollahra Municipal Council.

The payment of a security may be made by a bank guarantee where:

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
- the bank guarantee is lodged with the Council prior to the issue of the Construction Certificate, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

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

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

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

Please contact Council's Customer Service Team on ph 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the *Act* and could void any such certificate (eg Construction Certificate, Subdivision Certificate, or Occupation Certificate).

**Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 94A Development Contributions Plan 2011**

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

- the reasons given,
- whether any prejudice will be caused to the community deriving benefit from the public facilities,
- whether any prejudice will be caused to the efficacy and operation of the Plan, and
- whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],
- the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
- the bank guarantee is lodged with the Council prior to the issue of the Construction Certificate, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 3.13 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Standard Condition: C5

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

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

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

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

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

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

**Note:** The International Erosion Control Association – Australasia [www.austieca.com.au](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*” publication can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au), and *The Blue Book* is available at [www.environment.nsw.gov.au/stormwater/publications.htm](http://www.environment.nsw.gov.au/stormwater/publications.htm).

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

## C.3 Professional Engineering Details

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

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

**Note:** This does not affect the right of the developer to seek staged Construction Certificates.  
Standard Condition: C36

## C.4 Geotechnical and Hydrogeological Design, Certification and Monitoring

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

These details must be certified by the professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).

- c) Provide tanking of all below ground structures, if deemed necessary by the geotechnical engineer upon detailed site investigation, to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- d) Provide a Geotechnical and Hydrogeological Monitoring Program that:
  - will detect any settlement associated with temporary and permanent works and structures,
  - will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
  - will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
  - will detect groundwater changes calibrated against natural groundwater variations,
  - details the location and type of monitoring systems to be utilised,
  - details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
  - details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
  - details a contingency plan.

Standard Condition: C40 (Autotext: CC40)

## C.5 Stormwater Management Plan

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

- a) Compliance the objectives and performance requirements of the BCA.
- b) Compliance with the Chapter E2 – Stormwater and Flood Risk Management of Woollahra DCP 2015.
- c) Compliance with Sydney Water requirements. (Note: Existing stormwater drainage systems that discharge to the sewer are not in compliance with Sydney Water or Council's requirements).
- d) Drainage Layout Plan: A detailed drainage plan at a scale of 1:100 and based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, Australian Rainfall and Run-off, 1987 edition or most current version thereof. It must include:
  - Proposed pipe layout, dimensions, grades, lengths and materials
  - All invert levels reduced to Australian Height Datum (AHD)
  - Location, dimensions and types of all drainage pits
  - Exact point and type of connection to Councils drainage infrastructure
  - Overland flow paths over impervious areas.
- e) Location of all trees on and adjacent to the site that will be retained under the proposal. Note: Drainage systems must not interfere with these trees
- f) Copies of certificates of title, showing the creation of easements to drain water, if required.
- g) The location of the closest Council stormwater pit and line, regardless of the point of discharge, together with the exact location of any Council drainage easement and/or reserve on the property, must be specified. This information can be obtained from the site survey, visual inspection of the area and by perusal of Council's drainage plans.
- h) Subsoil Drainage
- i) Subsoil drainage details and layout, clean out points, discharge point.

- j) Pump/Sump (where a gravity solution is not possible)
- k) Type of pump & sump details and discharge rates
- l) Details of buffer storage, stilling pits.
- m) Details of buffer storage/pump timer so that subsoil discharge occurs at night and infrequently.

The SMP shall also address the following:

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

## **C.6 Vehicle Access & Accommodation**

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

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

Additional requirements:

- c) The design and location of car parking spaces and structures must allow an 85<sup>th</sup> percentile vehicle to manoeuvre into and out of a space without the loss of on-street parking opposite or abutting the proposed vehicle entry. This is particularly relevant in the Paddington area where the street or lane can be less than 5 metres between kerbs. Note: Vehicle turning paths are to be determined in accordance with Australian Standard 2890.1.2004. The 85th percentile vehicle is a standardised vehicle based on the significant characteristics of various vehicle types operating on Australian roads. More information about the 85th percentile vehicle, including its dimensions, can be found in AS 2890.1.2004.
- d) The layback, crossing and street levels (where practicable) are to comply with Council's Standard Drawing RF2 "Standard Crossing & Layback".

- e) The existing footpath levels are to be maintained wherever possible and cannot be altered without Council's approval.

### **C.7 Details of Proposed Construction Methodology**

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

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

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

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

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

### **C.8 Flooding Study – Protection of Property**

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

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

### **C.9 On-site Bicycle Facilities**

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

### **C.10 Tree Management Plan**

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

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

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

### **C.11 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):

- a) Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS2890.1-2004;
- b) Application must be lodged for the proposed installation of No Parking Zone and temporary removal of one (1) 2P parking space near Vialoux Avenue Entrance. This application process is subject to community consultation and approval by local traffic committee.

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 Dilapidation Reports for Public Infrastructure**

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

The dilapidation report must be submitted to Council prior to the commencement of any work and include:

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

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

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

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

## **D.2 Adjoining Buildings Founded on Loose Foundation Materials**

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

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

## **D.3 Works (Construction) Zone – Approval and Implementation**

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

The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any work. Signs are not erected until full payment of works zone fees.



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

**Note:** The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The Principal Contractor must report any breach of the works zone to either Council or the NSW Police Service.

Standard Condition: D10 (Autotext DD10)

#### **D.4 Erosion and Sediment Controls – Installation**

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

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

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

**Note:** The International Erosion Control Association – Australasia ([www.austieca.com.au/](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” publication can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) and *The Blue Book* is available at [www.environment.nsw.gov.au/stormwater/publications.htm](http://www.environment.nsw.gov.au/stormwater/publications.htm)

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

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

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

Standard Condition: D14 (Autotext DD14)

#### **D.5 Acid Sulfate Soils**

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

#### **D.6 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:

- r) 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.
- s) Identify local traffic routes to be used by construction vehicles.
- t) Identify ways to manage construction works to address impacts on local traffic routes.
- u) 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.
- v) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- w) 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.
- x) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- y) Provide for the standing of vehicles during construction.
- z) 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.).
- aa) 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.).
- bb) 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.
- cc) 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.
- dd) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- ee) 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.)
- ff) Show the location of any proposed excavation and estimated volumes.
- gg) 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.
- hh) 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)

## **E. Conditions which must be satisfied during any development work**

### **E.1 Compliance with Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times. A copy of the CMP must be kept on-site at all times and made available to the Principal Certifier or Council on request.

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

### **E.2 Public Footpaths – Safety, Access and Maintenance**

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

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

This condition does not apply to the extent that a permit or approval exists under the section 148B of the *Road Transport Act 2013*, section 138 of the *Roads Act 1993* or section 68 of the *Local Government Act 1993* except that at all time compliance is required with:

- a) Australian Standard AS 1742 (Set): *Manual of uniform traffic control devices* and all relevant parts of this set of standards.
- b) Australian Road Rules.

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

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

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

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

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

- Part E Public roads:
    - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
    - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.
- Standard Condition: E7 (Autotext EE7)

### **E.3 Maintenance of Environmental Controls**

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

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

Standard Condition: E11

### **E.4 Compliance with Geotechnical / Hydrogeological Monitoring Program**

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

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

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

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

Standard Condition: E12 (Autotext EE12)

### **E.5 Vibration Monitoring**

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

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

Where any such alarm triggers all excavation works must cease immediately.

Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

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

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

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

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

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

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

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

## E.6 Erosion and Sediment Controls – Maintenance

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

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

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



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

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

**Warning:** Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed

as the result of the occupation of the land being developed whether or not they actually cause the pollution.

Standard Condition: E15 (Autotext EE15)

## **E.7 Site Cranes**

Site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.

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

The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the *Civil Aviation Act 1988 (Cth)*.

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

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

**Note:** Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the Principal Contractor or Owner-builder must obtain an access order under the *Access to Neighbouring Land Act 2000* or easement under section 88K of the *Conveyancing Act 1919* or section 40 of the *Land and Environment Court Act 1979* as appropriate. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.

Standard Condition: E19 (Autotext EE19)

## **E.8 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**

The Principal Contractor or Owner-builder must ensure that a registered surveyor carries out check surveys and provides survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.

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

- a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level.
- b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.
- c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.
- d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.

- e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.
- f) Stormwater drainage Systems prior to back filling over pipes confirming location, height and capacity of works.
- g) Flood protection measures are in place confirming location, height and capacity.

**Note:** This condition has been imposed to ensure that development occurs in the location and at the height approved under this consent. This is critical to ensure that building are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.

Standard Condition: E20 (Autotext EE20)

## **E.9 Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council**

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

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

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

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council, in connection with the *development* to which this consent relates, must comply with Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012).

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

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

**Note:** The *Local Government Act 1993* provides:

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

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

the opinion of the council, the works are used in an efficient manner for the purposes for which the works were installed."  
Standard Condition: E27 (Autotext EE27)

## **E.10 Waste Disposal Activities**

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

## **E.11 In-Situ Waste Classification and Assessment**

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

## **E.12 Tree Preservation**

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

### General Protection Requirements

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

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

## **E.13 Replacement/Supplementary trees which must be planted**

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

## **E.14 Compliance with Acid Sulfate Soils Management Plan**



The Principal Contractor or Owner-builder and any subcontractor must comply with the approved Acid Sulfate Soil Management Plan and the NSW Government Acid Sulfate Soils Management Advisory Committee manual and any relevant guidelines.

#### **E.15 Compliance with Construction Environmental Management Plan**

The Principal Contractor or Owner-builder and any subcontractor must comply with the approved Construction Environmental Management Plan and any relevant guidelines.

#### **E.16 Compliance with Remediation Action Plan**

The Principal Contractor or Owner-builder and any subcontractor must comply with the approved Remediation Action Plan during works.

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

#### **F.1 Commissioning and Certification of Systems and Works**

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

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

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

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

**Note:** The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the *Act*, *Regulation*, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services).

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

Standard Condition: F7 (Autotext FF7)

## **F.2 Dilapidation Report for Public Infrastructure Works**

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

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

The dilapidation report must include:

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

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

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

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

## **F.3 Green Travel Plan (GTP)**

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

## **F.4 Amenity Landscaping**

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

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

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

Nil.

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

### **H.1 Provision of Electricity Substation**

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

### **H.2 Landscaping**

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

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

### **H.3 Traffic Management Plans**

The applicant is to formulate, to the satisfaction of Council's Engineering Services Department, the following traffic management plans:

- a) Operational Traffic Management Plan (OTMP), to provide efficient and safe environment for pick up and drop off, and minimise the impact upon on-street parking and local traffic, in compliance with Clause 104 and Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*. The OTMP shall be prepared in accordance with Section E1.13.2 of Woollahra's DCP 2015 and would take the form of a control document to be implemented in the ongoing operation of the school. Consideration should be given to managing pick-up/drop-off activities and bus operations in addition to the following:
  - i. Traffic management/staff guiding for the two proposed pick-up/drop-off areas;
  - ii. It is understood that the nearby White City has offered an interim pick-up/drop-off easement on-site before the future arrangement is in place for the school, traffic management/staff guiding should be included to manage the temporary change and the transition into later stages;
  - iii. Detailed schedule for the proposed staggered SGS bus operation to address the issues discussed above;
  - iv. Weekend operations and guidance to separate vehicles performing pick-up/drop-off and vehicles attempting to park, as different areas are provided for these two actions. It should be noted that, with the current proposed car parking provision, all 102 parking spaces will be required at peak levels, coordination between two car parks is also required as separate entrances are provided off Alma Street and Neild Avenue.
- b) Green Travel Plan, to provide goals, strategies and approaches reasonable and consistent with Council's overarching strategies to pursue alternative transport modes. Monitoring annual reports are 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.

### **H.4 Validation Report – Remediation Works**

A Validation Report shall be submitted to the PCA, confirming that any remediation works have been carried out in accordance with the approved RAP and that the site is suitable for the intended use.

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

### **I.1 Outdoor Lighting – Sports Lighting**

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

### **I.2 Provision of 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	102
Vehicle Parking (Accessible)	2
Bicycle Parking	40
Motorcycle Parking	6

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

Standard Condition: I21

### **I.3 Operation in Accordance with Traffic Management Plans**

- a) The operation and management of the premises shall be in accordance with the approved Operational Traffic Management Plan (OTMP) and Green Travel Plan (GTP);
- b) The OPTM 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.

## **J. Miscellaneous Conditions**

Nil.

## **K. Advisings**

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

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

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

Standard Condition: K19 (Autotext KK19)

### **K.2 Dilapidation Report**

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

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

Standard Advising: K23 (Autotext KK23)

### **K.3 Local Government Act 1993 (Section 68) Application**

A “Water Supply, Sewerage & Stormwater Drainage Work” Application form must be completed and lodged, with the application fee, at Council’s Customer Services. Detailed plans and specifications of all works to the existing stormwater pipeline, must be attached, submitted to and approved by Council under section 68 of the Local Government Act 1993, before the issue of any Construction Certificate.

Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:

- Engineering drawings (plan, sections and elevation views) and specifications.

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

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

All works must comply with the latest version of Council’s “Specification for Roadworks, Drainage and Miscellaneous Works” unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from [www.woollahra.nsw.gov.au](http://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.



Our ref: DOC21/329554-13

Ms Prity Cleary  
Senior Planning Officer  
Infrastructure Assessments  
Department of Planning, Industry and Environment  
email: p [REDACTED]

Advice provided via the Major Project Portal

Dear Ms Cleary

**Response to Submissions - Weigall Sports Complex, Sydney Grammar School SSD-10421 (Woollahra Municipality)**

Thank you for your referral dated 28 April 2021 requesting comment from Heritage NSW on the Response to Submissions (RTS) for the above State Significant Development (SSD) proposal.

Heritage NSW has reviewed the available supporting documentation. We note the Aboriginal Cultural Heritage Assessment (ACHA) has been updated by Eco Logical Australia on 25 January 2021 and addresses our previous comments. We also note the RTS includes updated mitigation measures incorporating the requirement for an Aboriginal heritage management plan (AHMP) to be prepared to outline how the measures and recommendations from the ACHA will be implemented.

Heritage NSW is satisfied the RTS has considered and addressed Aboriginal cultural heritage matters for the site. Heritage NSW has no further comments to make at this time.

If you have any questions regarding the above advice please contact me on [REDACTED] or via email at [REDACTED].

Yours sincerely

**Jackie Taylor**  
**Senior Team Leader, Aboriginal Cultural Heritage Regulation - South**  
**Heritage NSW**  
11 May 2021

11 May 2021

Our Ref: 188530

**Prity Cleary**

Senior Planner

Infrastructure Assessments

Department of Planning, Industry & Environment

4 Parramatta Square, Parramatta NSW 2150



**RE: RtS for SSD-10421 Weigall Sports Complex, Sydney Grammar School**

In response to Appendix L of the proponent's Response to Submissions for SSD-10421, we can confirm in light of this and concurrent correspondence that Sydney Water does not have any ongoing objection to SSD-10421 and considers the issue resolved with sufficient detail for this stage of the development assessment process. Detailed requirements, including any potential asset alterations or adjustments, will be provided to the applicant once the development is referred to Sydney Water for a Section 73 application and Building Plan Approval.

Yours sincerely,

A handwritten signature in black ink, appearing to be "KL" followed by a long horizontal stroke.

**Kristine Leitch**

Commercial Growth Manager

City Growth and Development, Business Development Group

Sydney Water, 1 Smith Street, Parramatta NSW 2150

12 May 2021

Our Ref: 2021/207643  
File No: R/2020/2/B  
Your Ref: SSD-10421

Prity Cleary  
Senior Planner  
Department of Planning, Industry and Environment

Uploaded to Portal

Dear Prity

**Request for Advice on Response to Submissions – Weigall Sports Complex,  
Sydney Grammar School – SSD-10421**

Thank you for your correspondence dated 28 April 2021 requesting advice from the City of Sydney Council (the City) regarding the Response to Submissions (RtS) for the proposed Weigall Sports Complex new sports facilities building and car park. The City has reviewed the RtS and notes the applicant's response relating to the Paddington Greenway Project, the operational plan of management, and tree removal and mitigation measures. Further comments and recommendations are provided below.

**1 Acid Sulfate Soils Management**

The City has reviewed the submitted Acid Sulfate Soils Management Plan provided with the RtS. The objectives of the Acid Sulfate Soil Management Plan are to document:

- the known site sub-surface characteristics anticipated to be encountered during future excavation works for consideration in development of future investigative and management activities;
- a monitoring and sampling strategy to be implemented prior to and during the proposed ground disturbance activities such that ASS may be appropriately identified and managed during the excavation works;
- evaluation of potential Acid Sulfate Soils management opportunities and constraints resulting in the identification of a preferred management strategy; and
- procedures for the management and validation of Acid Sulfate Soils during the future site excavation works to minimise the potential for adverse environmental impacts as a result of the Acid Sulfate Soils disturbance activities.

The submitted Acid Sulfate Soil Management Plan provides a detailed framework to manage the risks associated with the proposed activities which when successfully implemented will minimise environmental risks associated with disturbance of the Acid Sulfate Soils materials.

The City is satisfied with the level of information provided regarding Acid Sulfate Soils Management and a condition is recommended requiring the implementation of recommendations in the plan during the construction works.



## 2 Lighting impacts

The City notes the applicant's response regarding light spill management and are satisfied that a targeted lighting approach and strategy will be suitable for the development. A condition of consent is recommended that requires outdoor lighting to be installed in accordance with relevant Australian Standards and recommendations in the submitted letter of advice prepared by Steensen Varming.

Should you wish to speak with a Council officer about the above, please contact Marie Burge, Planner, on [REDACTED] or at [REDACTED]

Yours sincerely,

A handwritten signature in black ink, appearing to be 'AR' or similar initials, written in a cursive style.

**ANDREW REES**  
Area Planning Manager

**ATTACHMENT A – RECOMMENDED CONDITIONS OF CONSENT (PUBLIC DOMAIN)****(1) DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to the issue of a Construction Certificate for the public domain.

**(2) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.



18/05/21

EIS: Weigall Sports Complex PAE-18135065

Dear Prity,

I have reviewed the documents and they are in line with the documents submitted as the last SDRP session including some design responses to issues raised in regards to plant on the roof and overshadowing. GANSW has provided design review commentary on PAE-18135065 through the SDRP. SDRP advice should be seen as providing the framework for your assessment with regards to design quality. We have attached the advice from SDRP 1 held on 12<sup>th</sup> August 2020 and ask that you review the EIS against the advice and recommendations.

Where you have specific concerns that advice has not been acted upon, please call and we can discuss and provide additional feedback and advice if required. This can be captured in an email if necessary.

Regards,

Caroline Comino

Senior Design Advisor  
GANSW

**Government Architect**  
**New South Wales**  
L24, 320 Pitt Street  
Sydney NSW 2000  
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Our ref: DOC21/342266

Senders ref: SSD 10421 (Woollahra Municipality)

Prity Cleary  
Senior Planning Officer  
Infrastructure Assessments  
Planning and Assessment Group  
Department of Planning, Industry and Environment  
4 Parramatta Square  
12 Darcy Street  
PARRAMATTA NSW 2150

Dear Ms Cleary,

**Response to Submissions – Weigall Sports Complex, Sydney Grammar School, Neild Avenue, Rushcutters Bay (SSD 10421)**

Thank you for your email of 3 May 2021 requesting input from Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment (DPIE) on the Response to Submission (RtS) for Weigall Sports Complex, Sydney Grammar School, located at Neild Avenue, Rushcutters Bay.

EES has reviewed the relevant documents and advise that there are no comments in relation to this matter.

If you have any queries or would like additional information regarding this matter, please do not hesitate to contact Bronwyn Smith Senior Conservation Planning Officer on [REDACTED] or at [REDACTED]

Yours sincerely

A handwritten signature in black ink that reads 'S. Harrison'.

03/05/21

**Susan Harrison  
Senior Team Leader Planning  
Greater Sydney Branch  
Biodiversity and Conservation**