

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** 2023/0096

**Development:** Demolition of existing dwelling, construction of new attached dual occupancy and strata subdivision

**Site:** Lot 2 Section 1 in DP808, known as 49 Woolwich Road, Hunter's Hill NSW 2110.

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 09 July 2024

**Date from which consent takes effect:** Date of determination

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 49 Woolwich Road, Hunter's Hill.

The conditions of consent are as follows:

## PART A - GENERAL CONDITIONS

1. Pursuant to the provisions of the *Environmental Planning & Assessment Act 1979* this approval shall lapse and be void if the building/subdivision work or use to which it refers is not physically commenced within five (5) years after the date of approval.
2. The development must be carried out in accordance with the following drawings and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing No.	Date	Description	Revision
<b>Architectural Plans: LIS Architects</b>			
DA001	13 June 2024	Cover Page	C
DA002	13 June 2024	BASIX Commitment	C
DA004	13 June 2024	Site Plan	C
DA006	13 June 2024	Draft Strata Subdivision Plan	C
DA101	13 June 2024	Basement Plan	C
DA102	13 June 2024	Ground Floor Plan	C
DA103	13 June 2024	First Floor Plan	C
DA104	13 June 2024	Roof Plan	C
DA201	13 June 2024	Elevations	C
DA202	13 June 2024	Elevations	C

DA203	13 June 2024	Elevations	A
DA301	13 June 2024	Sections	C
DA302	13 June 2024	Driveway Profiles	C
DA303	13 June 2024	Privacy Screen Details	A
DA701	13 June 2024	Material and Finishes	C
<b>Landscape Plans: Lisound Landscape</b>			
182023/ 01	11 May 2024	Landscape Plan (ground level)	B
182023/ 02	11 May 2024	Landscape Plan (details)	B
<b>Documents</b>			
BASIX Certificate number 1380913M_02 dated 14 June 2024.			

In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

3. Prior to the commencement of any works associated with this development consent, including demolition, landscaping and excavation, a construction certificate must be issued for the erection of a building.
4. The works shall be erected/constructed in conformity with the approved plans and any approved specifications and in accordance with the conditions of approval. Any alterations, modification or variations to these plans or specifications requires the prior formal approval of Council.
5. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by Council or the Principal Certifier.

All documents kept on site in accordance with this condition must be provided to Council or the Principal Certifier upon their request.

6. The supplied trees shall be planted using healthy and vigorous stock grown in accordance with Australian Standard 2303-2015 "Tree Stock for Landscape Use".

## **PART B - PRIOR TO CONSTRUCTION CERTIFICATE**

7. Prior to the issue of the Construction Certificate payment of a levy of \$5,000.00 payable to the Long Service Payments Corporation being 0.25% of the value of construction work. Please visit [www.longservice.nsw.gov.au](http://www.longservice.nsw.gov.au) in order to make payment.
8. Prior to the issue of a Construction Certificate by the Principal Certifying Authority a security deposit of \$5,000.00 is to be paid to Council. Once a Final Occupation Certificate has been issued this is eligible to be returned. The deposit is required as a security against damage to Council property during works on the site, and to ensure compliance with Conditions of Consent and installation of environmental controls.
9. Pursuant to section 4.17 of the *Environmental Planning and Assessment Act 1979*, and Hunters Hill Council Section 7.12 Local Infrastructure Contribution Plan 2020, a contribution of \$20,000.00 shall be paid to council for the provision, extension or augmentation of key community infrastructure.

The amount to be paid may need to be adjusted at the time of the actual payment in accordance with the provisions of Hunters Hill Council Section 7.12 Local Infrastructure Contribution Plan 2020, Clause 11 – Indexing Cost. The contribution must be paid to Council prior to the issue of any Construction Certificate.

10. Building work that involves residential building work Act must not be carried out unless the principal certifier for the development to which the work relates has given Hunter's Hill Council written notice of the following:
  - a. For work that requires a principal contractor to be appointed:
    - i. The name and licence number of the principal contractor.
    - ii. The name of the insurer of the work under the *Home Building Act 1989*, Part 6,
  - b. For work to be carried out by an owner-builder:
    - i. The name of the owner-builder, and
    - ii. If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permit.

- c. If the information notified under subsection (b) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
11. Under Section 75 of the *Environmental Planning and Assessment Regulation 2021* it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1380913M\_02 dated 14 June 2024 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Registered Certifier for approval prior to the issue of any Construction Certificate. The Registered Certifier must ensure that the building plans and specifications submitted and referenced fully satisfy the requirement of this condition.
12. Access to the swimming pool (on each lot) must be restricted by a child resistant barrier in accordance with the regulations prescribed in the *Swimming Pools Act 1992*, and the barrier is to conform to the requirements of the applicable Australian Standard 1926 "Swimming Pool Safety". Plans and specifications complying with this condition must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced fully satisfy the requirement of this condition.
13. The swimming pool (on each lot), including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of any Construction Certificate. Plans and specifications complying with this condition and any condition or requirements of Sydney Water must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.  
  
The Principal Certifying Authority must ensure that the building plans and specifications submitted and referenced fully satisfy the requirement of this condition and any conditions or requirements imposed by Sydney Water.
14. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. Plans and specifications complying with this condition must be submitted to the Principal Certifying Authority for approved prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the building plans and specifications submitted and referenced fully satisfy the requirement of this condition.
15. A waste management plan is to be submitted for approval by the Principal Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
  - a. The estimated volume of waste and method of disposal for the construction and operation phase of the development

- b. The design of the on-site waste storage and recycling areas.
  - c. Administrative arrangements for waste and recycling management during the construction process.
  - d. The approved Waste Management Plan must be complied with at all times in the carrying out of the development.
16. Erosion and sediment control techniques are required where construction or excavation activity requires the disturbance of the soil surface or existing vegetation. As a minimum, the control techniques are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- a. All details of drainage to protect and drain the site during the construction processes.
- b. All sediment control devices, barriers and the like.
- c. Sedimentation tanks, ponds or the like.
- d. Covering materials and methods.
- e. A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- f. Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment control plan.

The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate fully satisfy the requirements of this condition.

17. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Hunters Hill Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:
- a. all details of drainage to protect and drain the site during the construction processes,

- b. all sediment control devices, barriers and the like,
- c. sedimentation tanks, ponds or the like,
- d. covering materials and methods, and
- e. a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

18. The Landscape Plans (prepared by Lisound Landscape, dwg no 182023/ 01 and 182023/ 02, dated 11 May 2024) must be updated/ amended as follows to provide an appropriate landscape setting:

- The planting schedule should be updated to include *Cupaniopsis anacardioides* instead of *Ceratopetalum gummiferum*.
- Proposed trees should be supplied and planted as 75L specimens.

An amended Landscaped Plan complying with this condition must be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure that the amended Landscape Plan and other plans and specifications submitted fully satisfy the requirements of this condition.

19. A photographic survey and dilapidation report of adjoining properties No's 45&47 Woolwich Road (lots 11 & 12 DP 614736 ) and 51&53 Woolwich Road (Lots 1 and 2 506946) detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

A copy of the report is to be provided to Council, if Council is not the Principal Certifying Authority, prior to the issue of any Construction Certificate. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained by Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising

from the works. It is in the applicant's and adjoining owners' interest for it to be as full and detailed as possible.

20. Prior to the issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this plan:
- a. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
    - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
    - ii. Signage type and location for managing pedestrians in the vicinity.
    - iii. The locations of any proposed Work Zones in the frontage roadways.
    - iv. Locations and type of any hoarding proposed.
    - v. Area of site sheds and the like.
    - vi. Location of any proposed crane standing areas.
    - vii. A dedicated unloading and loading point within the site of all construction vehicles, plant and deliveries.
    - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
    - ix. Provision of an on-site parking area for employees, tradesperson and construction vehicles as far away as possible.
  - b. A Traffic Control Plan(s) for the site incorporating the following:
    - i. Traffic Control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).
    - ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
  - c. A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing the light traffic roads and those that are subject to a load or height limit must be avoided at all time.

A copy of this route is to be made available to all contractors, and must be clearly depicted at a location within the site.

- d. A waste management plan in accordance with the provisions of the Consolidated Development Control Plan 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.
- e. Evidence of RMS concurrence where construction access is provided directly or within 200mm of an Arterial and/or Classified road.
- f. A schedule of site inductions to be held on regular occasions and as determined necessary obligations. These must specify that the construction related vehicles comply with the approval requirements; and
- g. For those construction personnel that drive to the site, the Site Management shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitable qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Principal Certifying Authority for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

**A copy of the approved Construction and Traffic Management Plan must be kept on-site at all times and be made available to any officer of council on request.**

Notes:

1. Hunters Hill Council's adopted fee for certification of compliance with this condition must be paid upon lodgement, or in any event, prior to the issue of the relevant approval.
2. Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.

3. Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
4. Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

21. Prior to the issue of a Construction Certificate a Work Plan is to be submitted to the Certifier prepared by a suitably qualified person in accordance with the requirements of Australian Standard 2601-2001 "The demolition of Structures".

The Work Plan shall outline the methodology in identifying hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the proposed method of disposal of any hazardous materials encountered on the site.

22. Prior to the issue of any Construction Certificate detailed stormwater drainage plans must submitted to the Certifier for approval. The detailed plans should be consistent with the following:

Telford Civil	No. 000	Cover sheet plan	20 March 2023 Rev A
Telford Civil	No. 101	Stormwater drainage concept plan basement level Sheet 1 of 2	20 March 2023 Rev A
Telford Civil	No. 102	Stormwater drainage concept plan basement level Sheet 2 of 2	20 March 2023 Rev A
Telford Civil	No. 101	Stormwater concept plan	20 March 2023 Rev A
Telford Civil	No. 104	Miscellaneous details sheet	20 March 2023 Rev A

The detailed stormwater plans must also make provision for the following

- a. All roofed and paved areas.
- b. Stormwater disposal methods for existing roofed areas.
- c. Discharge points beyond the property for any stormwater that cannot be absorbed or re-used.
- d. Use or grey water for irrigation of site landscaping and planted areas in accordance with the requirements of the relevant state legislation.
- e. include measures that demonstrate that the proposed measures are satisfactory to handle a 1 in 20 year event.
- f. The minimum volume of 2,500L, per rainwater tank, shall be included on the detailed plans as per BASIX requirements and the plans must otherwise be consistent with the BASIX certificate/ requirements

- g. Provide note to indicate that the rainwater re-use facility must be connected to the toilets and outdoor tap/s, as per BASIX Certificate requirements.
  - h. Overflows from the swimming pool is to be directed into the sewer system. This is to be noted on the detail plans.
23. A Project Arborist (AQF Level 5) (**Project Arborist**) shall be engaged prior to the issue of any Construction Certificate to provide arboricultural supervision on-site and monitor compliance with these Conditions of Consent. Evidence of engagement of the Project Arborist must be provided to the Certifier prior to the issue of any Construction Certificate.
24. Landscape Maintenance Strategy: To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 24-month establishment period following the issue of the Occupation Certificate, a Landscape Maintenance Strategy shall be prepared and provided to the Certifier for approval prior to the issue of any Construction Certificate (**Landscape Maintenance Strategy**). The strategy is to address maintenance issues such as plant survival, irrigation, soil testing, weeding, fertilising, pest and disease control, removal of plant stakes, replanting, formative and other pruning, and the like.
25. Prior to the issue of any Construction Certificate an approval under s 138 of the Roads Act must be obtained with respect to any works proposed on Council's road reserve, including with respect to any driveway crossing.
26. Prior to the issue of any Construction Certificate the following design changes are required to the approved architectural plans referred to in condition 2:
- a. The balustrade on the first floor rear balcony is to be finished with a solid masonry form to match the building and reduce downward viewing towards the rear boundary.

### **PART C - PRIOR TO THE COMMENCEMENT OF WORKS (and continuing where relevant)**

27. Building Work, demolition or excavation in accordance with this development consent must not be commenced until the applicant has given notice to Hunter's Hill Council of the person's intention to commence such work.

The notice must include:

- a. the name and address of the person giving notice,
- b. a description of the work to be carried out,

- c. the address of the land on which the work will be carried out,
- d. the registered numbers and date of issue of the development consent and construction certificate,
- e. a statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before the work commences have been satisfied,
- f. the date on which the work is intended commence.

The notice must be lodged on the NSW planning portal.

28. A sign shall be displayed in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

The sign must list the following details:

- a. The name, address and telephone number of the principal certifier.
- b. The name of the Principal Contractor and an afterhours telephone number.
- c. That unauthorised entry to the site is prohibited.

The sign must be maintained while the building work, subdivision work or demolition work is being carried out and removed upon completion.

29. An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.
30. Building or subdivision work in accordance with the development consent must not be commenced until the developer has appointed a principal certifier for the work in accordance with the provisions of the *Environmental Planning & Assessment Regulation 2021*. The notice must be lodged on the NSW planning portal.
31. Prior to works commencing, adequate toilet facilities are to be provided and maintained at a ratio of one toilet plus one additional toilet for every 20 persons working at the site.
32. a)

Tree No/ Location	Species	TPZ (m)
Tree 1	6X <i>Murraya paniculata</i> (Murraya)	2m
Tree 2	<i>Lophostemon confertus</i> (Brush Box)	6.96m
Tree 5	8X <i>Mangifera indica</i> (Mango)	2.76m
Tree 6	<i>Jacaranda mimosifolia</i> (Jacaranda)	9.84m
Tree 11	2X <i>Populus deltoides</i> (American Cottonwood)	2.39m
Tree 12	2X <i>Syzygium smithii</i> (Lilly Pilly)	4.56m

The trees listed above in (a) shall be retained and protected in accordance with the Arboricultural Impact Assessment (prepared by Horticultural Resource Consulting Group, dated 10 March 2023) and Tree Management Plan (prepared by Horticultural Resource Consulting Group, dated 10 March 2023)

b) The following works are excluded from within the TPZ, unless otherwise stated.

- Grade alterations
- Soil cultivation, disturbance or compaction
- Stockpiling, storage, disposal or mixing of materials
- Refuelling of machinery or vehicles
- Washing of machinery or vehicles
- Pedestrian access or vehicular access
- Siting of offices, sheds or temporary services
- Any action that has the potential to impact the tree's health and structural condition

All trees not indicated for removal in this consent must be retained and protected throughout the demolition, construction and landscaping stages of development.

All trees to be retained must be clearly marked and protection devices in place to prevent soil compaction and machinery damage to trees.

Tree protection measures must comply with the recommendations of the Arboricultural Impact Assessment (prepared by Horticultural Resource Consulting Group, dated 10 March 2023) and Tree Management Plan (prepared by Horticultural Resource Consulting Group, dated 10 March 2023)

The Project Arborist shall provide written certification to the Certifier that the tree protection measures are installed and are fit-for-purpose prior to the commencement of any works.

33. Arrangements are to be made for the Geotechnical Engineer to provide personal supervision of the works in progress and for the duration of the works:

- a. Buildings on adjoining or nearby properties shall be inspected and a status report of all existing conditions and standards of finishes prevailing prior to any excavation, rock breaking or associated work commencing, shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that it does not cause nuisance. The contents of all trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road reserve or any public place shall be immediately removed and all such surfaces shall be kept free of such materials.

34. The following must be implemented for the purposes of establishing an appropriate work site:
  - a. A hoarding and site fencing must be erected between the work site and adjoining public places.
  - b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - c. The work site must be kept lit between sunset and sunrise if it likely to be hazardous to persons in the public place.
  - d. Any such hoardings, fence or awning is to be removed when the work has been completed.
  - e. No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its payout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

## **PART E - DEMOLITION**

35. All demolitions are to be carried out in accordance with Australian Standard 2601-2001 *"The Demolition of Structures"*.
36. Access to demolition sites shall be protected as directed by Council by the use of suitable fences or hoardings.
37. Temporary construction exits, to reduce or eliminate the transport of sediment from a demolition site onto public roads shall be provided before demolition commences.
38. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments off the site into any street gutter or street drainage system.

39. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
40. The applicant or builder/developer is responsible and liable for the cost of repairing any damage that may be caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which the approval relates.
41. All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear personal protective equipment conforming with Australian Standard 1716 "*Respiratory Protective Devices*" and adopt work practices in accordance with WorkCover requirements.

Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed by use of an industrial vacuum fitted with high efficiency particulate air (HEPA) filter.

All dust on surfaces and dust created by work is to be suppressed by fine water spray and not to be allowed to enter the street gutter or stormwater drainage systems.

Demolition work is not to be performed during high winds that might cause dust to be spread beyond the site boundaries.

Demolition work is to be undertaken with hand tools or hand held power tools. If heavy machinery is to be used to clear the site, work practices must comply with the requirements of the Work Plan.

42. Hazardous or intractable wastes arising from any demolition process shall be removed and disposed of in accordance with the requirements of Work Cover and the EPA, and with the provisions of:
  - *Work Health and Safety Act 2011*
  - *Work Health and Safety Regulation 2014*
  - Work zones and decontamination procedures
  - Contingency plans and incident reporting
  - Environmental monitoring
43. Removal, cleaning and disposal of lead-based paint shall conform with the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the Australian Standard 2601-1991, "*Demolition of Structure*".

Demolitions shall be limited to the extent of the footprint of the building on the site.

A person taking down or demolishing or causing to be taken down or demolishing any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the WorkCover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos.

44. Dust control measures shall be employed to avoid a nuisance to adjoining properties, harm to the environment and carried out strictly in accordance with the recommendations in the Work Plan prepared in accordance with Australian Standard 2601 "Demolition of Structure".
- a. A person taking down or demolishing or causing to be taken down or demolish any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations
    - iii. cause areas, components and debris to be wetted down
    - iv. in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.

Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

45. Materials salvaged from a demolition to be re-used may be stored on site (for a maximum 6 month period) provided they are non-combustible, neatly and safety stockpiled, and not likely to become a harbourage for vermin.

## **PART F - CONSTRUCTION**

46. The work must be carried out in accordance with the requirements of the Building Code of Australia.
47. Site works must only be carried out within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

48. Any demolition works involving the removal and disposal of asbestos cement greater than 10m<sup>2</sup> must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence" and removal must be carried out in accordance with National Occupational Health and Safety Commission.
49. Noise from the site during construction shall be controlled to reduce any disturbance or nuisance to nearby properties. The (L<sub>10</sub>) noise level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level (L<sub>90</sub>) by more than 10dB(A).
50. All building materials, spoil, debris and other material arising from the carrying out of building work, shall be contained wholly within the allotment boundaries. Such accumulation is to be properly disposed of at regular intervals to the satisfaction of Council and the Principal Certifier.

The pathway and road reserve shall be kept in a clean, tidy and safe condition during building operations. At no point can any public reserve be used to place or store such material Council reserves the right, without notice to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

51. All kerb and gutters, roads and footpath are to be protected throughout the building operations as required by Council. No obstruction is to be caused to pedestrian use of Council's footpath area or vehicular use of Council's roadway area during building operations.
52. All weather access to the site is to be provided across Council's footpath together with barricades and hazard warning lights for the safe passage of pedestrians. Council will recover the cost from the Applicant for works to protect pedestrian safety if safe pedestrian access is compromised.
53. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval from the Principal Certifier being obtained. Should rock breaking or associated machinery be proposed or required the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed to be utilised for the purpose of excavation, movement, drilling or removal of rock or other material.
  - b. The routes of all trucks to convey any spoil from the site or any fill to the site.

A comprehensive report prepared by a Geotechnical Engineer following that Engineer's inspection of the site and all adjoining and nearby buildings which shall detail the measures recommended to be utilised in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.

54. When excavation extends below the level of the base of the footings of a building or an adjoining allotment of land, the applicant/owner is to:

- a. preserve and protect the building from damage
- b. underpin and support the building in an approved manner, if necessary
- c. give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at **least 7 days prior** to the excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

Note: the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition **allotment of land** includes a public road and any other public place.

55. All excavations shall be properly guarded and protected with hoardings or fencing to prevent falls.
56. No portion of the proposed building work works, as approved within the subject site, are to encroach upon any road reserve, private land or other public land including easements except where permitted by the *Local Government Act 1993*. This includes the opening and closing of gates and door that must open and close within the subject site.
57. All motors, filters, pumps, equipment or fittings associated with or forming part of the pool, pool filtering system, rainwater tank or any air conditioning unit must be constructed to not emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary.
58. During construction, access to a swimming pool (as defined in the *Swimming Pools Act 1992*), must be restricted to comply with the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*.
59. **The following trees may be removed.**

Tree No	Location
Tree 3 <i>Magnolia x soulangeana</i> (Magnolia)	Front of the site.
Tree 4 <i>Camellia sasanqua</i> (Sasanqua)	Front of the site.
Tree 3 <i>Magnolia soulangeana</i> (Magnolia)	Rear of the site.
Tree 7 <i>Persea americana</i> Avocado	Rear of the site.
Tree 8 <i>Mangifera indica</i> Mango	Rear of the site.
Tree 9 <i>Magnolia x soulangeana</i> Magnolia	Rear of the site.
Tree 10 <i>Malus x domestica</i> Apple	Rear of the site.

60. All other tress, aside from those listed in the table above, must be retained and protected at all times. All tree planting shall be undertaken at the completion of the construction works in order to reduce the potential damage throughout construction.
61. New tree planting is to be in accordance with Council's Tree Management Controls, irrespective of the size.
62. Trees covered under the provisions of Hunters Hill Council's Tree Management Controls (i.e. State Environmental Planning Policy (Biodiversity and Conservation) 2021 and Hunters Hill Development Control Plan 2013) shall be retained except where Council's prior written consent has been given.
63. Stump grinding/removal shall not be undertaken where stumps are located within the Structural Root Zone as defined by Australian Standard 4970.1 on development sites of any tree to be retained.
64. All works within the TPZ (Tree Protection Zone) of the trees to be retained shall be supervised by the Project Arborist.
65. The tree planting shall be undertaken by a qualified Horticulturalist or Arborist (minimum AQF Level 2) and must be undertaken at the completion of the construction work, prior to the Interim Occupation Certificate.
66. The pruning and/or removal works shall be undertaken without damaging adjacent trees.
67. Project Arborist Inspections: The Project Arborist is to assess the impact of the proposed works, and to employ best practices (e.g. minimise compaction, soil build-up and/or excavation within tree protection zones) to ensure the longevity of trees to be retained. The Project Arborist is to attend on-site during critical stages of excavation and construction works within the vicinity of trees to be retained and is to record (including photographic evidence), the following information:
  - the methods of excavation or construction used to carry out works;
  - any damage sustained by the trees as a result of the works;
  - any subsequent remedial works required to be carried out by the arborist as a result of the damage; and
  - any future or ongoing remedial work required to be carried out to ensure the long-term viability of the tree/s.
68. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
69. Driveway and footpath works must be carried out as per Hunters Hill Council Driveway and Footpath specifications and guidelines.

Longitudinal sections for both sides of the vehicular crossing and driveway commencing at the centre line of the road carriageway must be provided for assessment. Gradients and transitions must be in accordance with Australian Standard 2890 Off-Street Car Parking. The driveway profile submitted to Council must be to scale at 1:25 (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

## **PART G - PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

70. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the development can issue an Occupation Certificate.
71. Prior to an occupation certificate being issued, the certifier must be in receipt of a BASIX completion receipt from the Planning Secretary, in accordance with Section 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
72. Prior to the issue of an Occupation Certificate certification shall be prepared by a Arborist/Horticulturist (minimum AQF Level 5) indicating the landscaping has been completed in accordance with the approved Landscape Plan prepared by Lisound Landscape, dwg no 182023/01 and dwg no 182023/02, dated 11 May 2024 and conditions of consent.
73. Prior to the issue of any Occupation Certificate certification shall be prepared by the Project Arborist demonstrating compliance with:
  - Arboricultural Impact Assessment (prepared by Horticultural Resource Consulting Group, dated 10 March 2023)
  - Tree Management Plan (prepared by Horticultural Resource Consulting Group, dated 10 March 2023)
74. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to the issue of an occupation certificate. This shall be at no cost to Council.
75. The landscaping including all tree planting shall be completed prior to the issue of the final Occupation Certificate.
76. An appropriately qualified and practising Civil Engineer must certify to the Principal Certifying Authority that the stormwater drainage system is constructed in accordance with this development consent, construction certificate plans and specifications, and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if

it is not the Principal Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.

77. An appropriately qualified and practicing Civil Engineer must certify to the Principal Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent and any approval for works in the road reserve issued by the Council. A copy of the certificate must be submitted to Council (if it is not the Principal Certifying Authority), upon completion of the development works and prior to the issue of an Occupation Certificate.
78. A works-as-executed survey drawing (W.A.E.) of the completed stormwater drainage system must be obtained. The W.A.E. survey drawing must show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E. survey drawing must be reviewed by a qualified and practising Civil Engineer and certification provided to the Principal Certifying Authority that the as-built system achieves the design intent of the plans approved with the Construction Certificate. Certificate must be provided with the W.A.E. survey drawing the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- A copy of the W.A.E. survey drawing and certification must be submitted to the Council if it is not the Principal Certifying Authority.
79. **A positive covenant** in respect of the installation and maintenance of stormwater system and associated works including mechanical pump-out system is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of any Occupation Certificate for the building and prior to the release of the security deposit. Council is the authority to have the benefit of the covenant and having sole authority to release vary or modify the covenant.

## **PART H - PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE (STRATA TITLE)**

80. A subdivision certificate that authorises the registration of a plan of subdivision at the NSW Land and Property Information Office must be obtained. The following must be submitted to Council with any application for a Subdivision Certificate:
- a. The original plans of subdivision and administration sheets plus two (2) copies of each, and any original 88B instrument to be endorsed, all **enclosed in a protective cardboard tube** (to prevent damage during transfer).

- b. Two (2) additional copies of both the plans and any 88b instrument for submission to Customer Services and records for electronic database scanning and copying.
- c. Application for Subdivision Certificate form duly completed with payment of fee current at lodgement.
- d. Written evidence that all applicable conditions of consent to be satisfied, prior to the issue of the Subdivision Certificate, have been satisfied (including submissions of all required certificates and the like).
- e. All other information required by the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Notes:

1. Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision, and may require payment of rechecking fees.
2. Plans of subdivision and copies must not be folded.
3. Council will not accept bonds in lieu of completing subdivision works.

## **PART I - ONGOING USE**

81. So as to ensure establishment and survival of landscaping approved by this consent, for the first 24 months following the issue of the Occupation Certificate the landscaping at the site must be maintained and managed in accordance with the Landscape Maintenance Strategy.
82. Any new trees approved by the landscape plan shall be maintained for the life of the development. If a new tree or trees approved as part of this consent fail to establish/ die, they must be replaced with new trees that achieve a similar height and form to that approved under the development consent.
83. The motor, filter, pump and all sound producing equipment or fittings associated with or forming part of the pool filtering system, rainwater tank or any air conditioning unit shall be sound insulated and/or isolated so as not to create offensive noise to the neighbouring properties. This is measured by noise exceeding the background noise level by 5dBA.