

**Original signed by Robyn Pearson on 11/9/19**

**Date determined: 5/9/19**

**Date operates: 11/9/19**

**Date lapses: 11/9/24**

Y Squared Pty Ltd  
Level 1, 597 Darling Street  
ROZELLE NSW 2039

D94/19  
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
NOTICE OF DETERMINATION – Approval**

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**Development Application Number: 94/19**

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**Land to which this applies:**

31 Wycombe Road, Kurraba Point  
Lot No.: 100, DP: 533090

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**Applicant:**

Y Squared Pty Ltd

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**Proposal:**

Demolish garage for new swimming pool and garden shed.

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**Determination of Development Application:**

Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination.

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**Date of Determination:**

5 September 2019

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**Reason for approval:**

The proposal involves alterations and additions, including the demolition of the existing garage and the construction of a pool, deck and garden shed, to No. 31 Wycombe Road, Kurraba Point, an existing heritage listed dwelling house.

The development application has been assessed against the relevant planning instruments and policies, in particular the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013, and generally found to be satisfactory.

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The proposed pool, deck and garden shed would be located along the northern boundary in the rear setback of the subject site, and, combined with the location of the works beneath the ridge level of Penshurst Avenue, minimises its impact upon the significance of the conservation area and any potential effects upon the neighbouring property at No. 1 Penshurst Avenue. Council's Conservation Planner, therefore, raised no objection to the proposal subject to conditions.

The proposed site coverage and landscaped area comply with NSDCP 2013, whilst maintaining the existing un-built upon area but slightly reduced by the proposed works.

There would be no unreasonable overshadowing, view loss, privacy loss and/or bulk and scale subject to conditions, including the slight reduction in the garden shed roof height by 200mm at the highest point, given that the proposed works are beneath the ridge line of Penshurst Avenue and retain the existing Sydney CBD and Sydney Opera House view. A greater setback for the pool to the west was also recommended to minimise noise nuisance for the adjoining property.

The application is considered to be acceptable in the circumstances and it is recommended for **approval** subject to standard and site specific conditions.

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**Consent to operate from:** 11 September 2019

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**Consent will lapse on:** 11 September 2024

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**Period of Consent**

Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite 11 September 2024.

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**How community views were taken into account:**

The subject application was notified to adjoining properties and the Kurraba Precinct Committee seeking comment between 26 April and 17 May 2019. Two (2) submissions were received by Council, one was against the application and one was neutral.

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Conditions have been imposed to maintain residential amenity including a reduction in the height of the garden shed roof, the provision of a darker colour for western wall of garden shed, and a greater western setback for the pool (800mm) to comply with controls. A Condition has also been imposed to ensure that the garden shed is maintained as that usage.

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**Review of determination and right of appeal:**

Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

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Plans endorsed by the consent authority – please refer to condition A1.

**Endorsed for and on behalf of North Sydney Council**

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DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER (ASSESSMENTS)**

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**(i) Conditions**

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

**(ii) Definitions**

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act* 1987 as in force at the date of consent.

***Applicant*** means the applicant for this consent.

***Approved Plans*** means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

***AS*** or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

***NCC*** means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

***Council*** means North Sydney Council.

***Court*** means the Land and Environment Court.

***Local Native Plants*** means species of native plant endemic to North Sydney LGA.

***Stormwater Drainage System*** means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

***Owner*** means the owner of the *site* and successors in title to the *site*.

***Owner Builder*** has the same meaning as in the *Home Building Act* 1989.

***Principal Certifier*** for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

*Principal Contractor* for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

*Professional Engineer* has the same meaning as in the *NCC*.

*Public Place* has the same meaning as in the *Local Government Act 1993*.

*Road* has the same meaning as in the *Roads Act 1993*.

*SEE* means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

*Site* means the land being developed subject to this consent.

*NSLEP 2013* means *North Sydney Local Environmental Plan 2013*

*NSDCP 2013* means *North Sydney Development Control Plan 2013*

*Work* for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

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**A. Conditions that Identify Approved Plans**

**Development in Accordance with Plans/documentation**

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

<b>Plan No.</b>	<b>Description</b>	<b>Prepared by</b>	<b>Date of plans</b>	<b>Received</b>
696-40.01	Shadow Diagram Sheet 1	Y Squared Architects	29 March 2019	17 May 2019
696-40.02	Shadow Diagram Sheet 2	Y Squared Architects	29 March 2019	17 May 2019
696-00.50	Existing Conditions Plan	Y Squared Architects	17 July 2019	25 July 2019
696-00.51	Demolition Plan	Y Squared Architects	17 July 2019	25 July 2019
696-00.52	Site Plan	Y Squared Architects	17 July 2019	25 July 2019
696-00.54	Concept Stormwater Plan, Sediment & Erosion Control Plan	Y Squared Architects	17 July 2019	25 July 2019
696-10.11	Proposed Plan	Y Squared Architects	17 July 2019	25 July 2019
696-20.01	Elevation Sheet 1	Y Squared Architects	17 July 2019	25 July 2019
696-30.01	Section	Y Squared Architects	17 July 2019	25 July 2019

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**Plans on Site**

- A2. 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 any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

**No Demolition of Extra Fabric**

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

**External Finishes & Materials**

- A4. External finishes and materials must be in accordance with the submitted schedule prepared by Y-Squared and received by email at Council on 12 August 2019 unless otherwise modified by Council in writing or conditioned herein.



Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The 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.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)***

**Arborist to be commissioned**

- C1. An experienced AQF Level 5 consulting arborist must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to tree matters.

Written details of the engagement of the experienced arborist must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

(Note: This condition, and any advice given by the consulting arborist, should not be construed as authorising the carrying of development with/ otherwise than in accordance with the development consent.)

(Reason: To ensure that all matters relating to trees are resolved and recorded using best practice.)

**Tree Protection Measures in Plan**

- C2. The tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arboriculturist shall be established before work commences.

(Reason: To ensure that the stability and ongoing viability of trees being retained are not compromised Tree protection measures)

**Tree Protection**

- C3. The project arboriculturist shall inspect tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the approved Tree Protection Plan and as directed by the project arboriculturist before work commences.

The project arboriculturist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained is not compromised.

The project arboriculturist must contact the tree pruning contractor and Council's Tree Management Officer (giving at least 2 working days' notice) to arrange a joint site meeting, prior to commencing any pruning, to determine the exact location and extent of pruning that is permissible, with the tree pruning contractor to comply with any instructions issued by Council, acting reasonably.

Any pruning must be undertaken by a practicing arborist with a minimum Australian Qualification Framework Level 3 in arboriculture, in accordance with the principles of the Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998), as well as any instructions issued on site by Council, acting reasonably.

All demolition, excavation and construction work within the TPZ of any trees, shall be carried out using sensitive construction methods, under the supervision of an AQ5 qualified arborist., and no roots greater than 80mm shall be cut without prior notification to and consent of council.

The practicing arborist must keep a log of dates and times of when they attended the site, the type of works that were performed, and must form part of the certification required prior to Occupation.

(Reason: Tree protection measures)

### **Reduce height of Garden Shed**

- C4. The proposed garden shed roof must be reduced in height by 200mm at its highest point from RL 41.8 to RL 41.6 as indicated in the approved plans, to minimise the visual appearance when viewed from the public domain and from adjoining properties.

The plans for the subject application must be marked in accordance with the above requirement to the satisfaction of the appointed PCA.

The applicant must submit architectural plans complying with the requirements of this consent for the written approval of Team Leader Assessment.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition prior to the release of the Construction Certificate.

(Reason: To minimise the bulk and scale of the proposed garden shed and to preserve the amenity of adjoining properties)

### **Pool Solar Heater System**

- C5. New solar collector panels on the proposed shed are to be flat panels, with no roof storage tank. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The 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.

(Reason: To minimise the visual impact of the proposed solar panels)

### **Distance of swimming pool from habitable rooms**

- C6. The swimming pool must be moved to the west by 800mm, thereby ensuring that it is no less than 6000mm from the nearest window of a habitable room to reduce any impact from the works on adjoining properties.

The 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.

(Reason: To minimise the visual and noise privacy impacts of the pool and maintain residential amenity)

### **Dilapidation Report Damage to Public Infrastructure**

- C7. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

### **Dilapidation Report Private Property (Excavation)**

- C8. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey are to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

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 from 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 owner's interest for it to be as full and detailed as possible.)

(Reason: To record the condition of property/ies prior to the commencement of construction)

### **Dilapidation Survey Private Property (Neighbouring Buildings)**

- C9. A photographic survey and dilapidation report of adjoining properties No. 1 Penshurst Avenue 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 Certifying Authority for approval prior to the issue of any Construction Certificate. The survey and report are to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. A copy of the report is to be provided to Council, if Council is not the 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 photographic survey and dilapidation report 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 from Council in such circumstances.

(Note: This documentation is for record keeping purposes only and may be used by an applicant 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 owner's interest for it to be as full and detailed as possible.)

(Reason: Proper management of records)

### **Geotechnical Certificate**

- C10. A certificate prepared by an appropriately qualified Geotechnical Engineer certifying that the existing rock formations and substrate on the site is capable of:
- a) withstanding the proposed loads to be imposed;
  - b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
  - c) providing protection and support of adjoining properties; and

- d) the provision of appropriate subsoil drainage during and upon completion of construction works

must be submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate.

Recommendations made in the certified report must be complied with at all times.

Building plans and specifications submitted for approval with any construction certificate application must comply with (a), (b), (c) and (d) above and the certified report, including any recommendations made in the said certified report.

The 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.

(Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process)

### **Sediment Control**

- C11. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, 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 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; and
- 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 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.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

**Stormwater Management and Disposal Design Plan – Construction Issue Detail**

C12. Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a) Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code,
- b) Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception,
- c) Provide subsoil drainage to all necessary areas,
- d) All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line. Details of all plans certified as being adequate for their intended purpose and compliant with the provisions of AS3500.3.2 by an appropriately qualified and practising civil engineer, shall be submitted with the application for a Construction Certificate,
- e) The foundations for building structures and walls adjacent to the drainage easement are to be constructed in such a manner that does not affect stormwater drainage lines.

Details demonstrating compliance are to be submitted with all other drainage details to Council prior to issue of any Construction Certificate.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

(Reason: To ensure controlled stormwater management and disposal without nuisance)

**Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement**

C13. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$7,500.00 to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security in accordance with the schedule contained later in these conditions and must be provided by way of a deposit with the Council; or a guarantee satisfactory to Council (such as a satisfactory bank guarantee).

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following: -

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

### **Tree Bond for Public Trees**

C14. Prior to the issue of any construction certificate, security in the sum of \$85,000 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

SCHEDULE

<b>Tree</b>	<b>Location</b>	<b>Bond</b>
Tree 16 <i>Lophostemon confertus</i> 12m x 8m	the council verge in front of 31 Wycombe Road	\$ 8,000
Tree 17 <i>Photinia glabra</i> 6m x6m	the council verge in Penshurst Ave	\$ 7,000
Tree 18 <i>Jacaranda mimosifolia</i> 14m x10m	the council verge in Penshurst Ave	\$15,000
Tree 19 <i>Celtis occidentalis</i> 15m x 10m	the council verge in Penshurst Ave	\$15,000

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

**Tree Protection Measures to be shown on Construction Drawings**

C15. The tree protection measures contained in the arborist report prepared by “The Ents Tree Consultancy” dated 10/3/19 and received by council on 10/4/19, shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

**Protection of Trees**

C16. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

<b>Tree</b>	<b>Location</b>	<b>Height</b>
Tree 16 <i>Lophostemon confertus</i>	the council verge in front of 31 Wycombe Rd	12m x 8m
Tree 17 <i>Photinia glabra</i> 6m x6m	the council verge in Penshurst Ave	6m x6m
Tree 18 <i>Jacaranda mimosifolia</i> 14m x10m	the council verge in Penshurst Ave	14m x10m
Tree 19 <i>Celtis occidentalis</i> 15m x 10m	the council verge in Penshurst Ave	15m x 10m
5 x <i>Magnolia grandiflora</i> cvs (5x \$3000)	the council verge in Penshurst Ave	2m-6m
10 x <i>Murraya paniculata</i> (10 x \$1,000)	the council verge in Penshurst Ave	1.5m
<i>Arbutus unedo</i>	the council verge in Penshurst Ave	13m
<i>Agapanthus orientalis</i> & <i>Aspidistra elatior</i> underplanting	the council verge in Penshurst Ave	n/a
Tree 1 <i>Acer palmatum</i>	Rear garden of 31 Wycombe Road	3m
Tree 2 <i>Howea forsteriana</i>	Rear garden of 31 Wycombe Road	14m
Tree 3 <i>Callistemon salignus</i>	Rear garden of 31 Wycombe Road	14m
Tree 4 <i>Ginkgo biloba</i>	Rear garden of 31 Wycombe Road	14m
Tree 7 <i>Howea forsteriana</i>	northern driveway bed of 31 Wycombe Rd	12m
Tree 8 <i>Camellia sasanqua</i>	northern driveway bed of 31 Wycombe Rd	6m



Tree 9 <i>Camellia sasanqua</i>	northern driveway bed of 31 Wycombe Rd	6m
Tree 10 <i>Magnolia grandiflora</i>	Front garden of 31 Wycombe Rd	7m
Tree 11 <i>Arbutus unedo</i>	Front garden of 31 Wycombe Rd	9m
Tree 12 <i>Plumeria alba</i>	Front garden of 31 Wycombe Rd	6m
Tree 13-15 <i>Betula pendula</i>	Front garden of 31 Wycombe Rd	7-8m
Tree 20-23 <i>Howea forsteriana</i>	North western boundary of 1 Penshurst Ave	9-10m
Tree 6 <i>Howea forsteriana</i> – shown for removal but to be transplanted on site	Northern driveway bed of 31 Wycombe Rd	7m

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The 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.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

**Approval for removal of Trees**

C17. The following tree(s) are approved for removal in accordance with the development consent:

<b>Trees that are acceptable to remove</b>	<b>Location</b>	<b>Height</b>
Tree 5 <i>Archontophoenix cunninghamiana</i>	SE corner of existing garage	14m x 5m

Removal of any other tree on the site is not approved, excluding species exempt under Council’s Tree Preservation Order.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

**Swimming Pool Pumps on Residential Premises**

C18. The Certifying Authority must be satisfied that the swimming pool pump to be installed on the premises must not:

- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
  - (i) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
  - (ii) before 7.00am or after 8.00pm on any other day

- b) cause an LAeq (15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

Details demonstrating compliance with the requirements of this condition must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To maintain residential amenity)

### **Pool Access**

- C19. Access to the pool 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. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The 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.

(Reason: To ensure the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation)

### **Swimming Pool Water to Sewer**

- C20. The swimming pool, 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 conditions/ requirements of Sydney Water must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully comply with this condition and any conditions/ requirements imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

### **Pool Filter**

C21. 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 Certifying Authority for approval prior to the issue of any Construction Certificate. The 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.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

### **Security Deposit/ Guarantee Schedule**

C22. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

<b>Security deposit/ guarantee</b>	<b>Amount (\$)</b>
Street Tree Bond (on Council Property)	\$45,000.00
Footpath Damage Bond	\$2,500.00
Drainage Construction Bond	\$5,000.00
<b>TOTAL BONDS</b>	<b>\$52,500.00</b>

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

### **Amendments to the Landscape Plan**

C23. A landscape plan must be provided and shall include items as set out below:

- 1) Amended Plans clearly showing correct TPZ and SRZ of Trees 4, 17 & 18, as recorded in the arborist report prepared by “The Ents Tree Consultancy” dated 10/3/19 and received by council on 10/4/19
- 2) Amended Plans showing southern building line of garden shed in line with the proposed pool edge (acoustic privacy blade wall will be not be opposed at proposed length if desired) in order to reduce encroachment within TPZ of Tree 4 Ginkgo Biloba (14m x 8m)
- 3) Tree 6 *Howea forsteriana* 7m – shown for removal shall be protected and transplanted on site with the final location shown on the landscape plan
- 4) 2 x replacement *Howea forsteriana* with a trunk height of minimum 2m shall be planted on site with the final location shown on the landscape plan (preferably forming a cluster planting with the transplanted Tree 6 mentioned above.

A landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

**D. Prior to the Commencement of any Works (and continuing where indicated)**

**Protection of Trees**

D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites). A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure compliance with the requirement to retain significant planting on the site)

**Temporary Fences and Tree Protection**

D2. All protected trees on-site that are specifically nominated as per condition C46 to be retained by notation on plans or by condition as a requirement of this consent must be tagged with luminous tape or the like for purposes of identification prior to demolition, excavation or construction works and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites), not less than the distance shown in the schedule hereunder, must be installed to the satisfaction of the Certifying Authority prior to demolition or commencement of any works and must be maintained for the duration of the works: -

SCHEDULE

<b>Description</b>	<b>Distance</b>
Penshurst Avenue roadside garden bed – 1.8m chain mesh tree protection fence	Perimeter of garden bed

(Reason: To protect the trees to be retained on the site during construction works)

**Public Liability Insurance – Works on Public Land**

D3. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council’s road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application)

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

***E. During Demolition and Building Work***

**No Obstruction to the Service Lane**

E1. The existing service lane located to the north-east of the subject site must not be obstructed at any time during construction of the works by any vehicle and/or machinery/equipment associated with the proposed development to ensure unrestricted pedestrian and/or vehicular access to the subject site and the adjoining properties serviced by this service lane.

(Reason: To ensure access to the adjoining properties.)

**Protection and replacement of public trees**

E2. Prior to the issue of any construction certificate, any damage caused to trees located on Council land must be rectified or replaced with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work at no cost to Council. Landscaping and trees to be protected in this was must be provided in accordance with the Schedule below.

SCHEDULE

<b>Tree</b>	<b>Location</b>
5 x <i>Magnolia grandiflora</i> cvs	the council verge in Penshurst Ave
10 x <i>Murraya paniculata</i>	the council verge in Penshurst Ave
<i>Arbutus unedo</i>	the council verge in Penshurst Ave
<i>Agapanthus orientalis</i> & <i>Aspidistra elatior</i> underplanting	the council verge in Penshurst Ave

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

### **Re-use of Sandstone**

- E3. Sandstone blocks (if any) removed from the site are to be either stored for re-use on site or offered to Council in the first instance.

Note: The provisions of the Heritage Act may also apply to altering any sandstone elements on any site)

(Reason: To allow for preservation of cultural resources within the North Sydney Council area)

### **Parking Restrictions**

- E4. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

### **Road Reserve Safety**

- E5. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

### **Service Adjustments**

- E6. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council.

It is the Applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like).

Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

### **Temporary Disposal of Stormwater Runoff**

E7. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

### **Structures Clear of Drainage Easements**

E8. It is the full responsibility of the Developer and their contractors to: -

- a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works;
- b) Take full measures to protect the in-ground Council drainage system; and
- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction plant, material storage and the like). All proposed structures and construction activities are to be located clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

In the event of a Council drainage pipeline being uncovered during construction, all work is to cease and the Certifying Authority and Council (if it is not the Certifying Authority) must 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.

(Reason: Protection of Public Drainage Assets)

### **Geotechnical Stability during Works**

E9. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the Geotechnical Engineer and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professionals are engaged at appropriate stages during construction)

### **Removal of Extra Fabric**

E10. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)

### **Developer's Cost of Work on Council Property**

E11. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

### **No Removal of Trees on Public Property**

E12. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

(Reason: Protection of existing environmental infrastructure and community assets)

### **Protection of Trees**

E13. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by "The Ents Tree Consultancy" dated 10/3/19 and received by council on 10/4/19 must be implemented for the duration of the works.

In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.



Notes:

- a. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.
- b. An application to modify this consent pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

(Reason: Protection of existing environmental infrastructure and community assets)

**Trees to be Removed**

- E14. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal: -

<b>Trees that are acceptable to remove</b>	<b>Location</b>	<b>Height</b>
Tree 5- <i>Archontophoenix cunninghamiana</i>	SE corner of existing garage	14m

**Special Permits**

- E15. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours notice is required for any permit: -

1) **On-street mobile plant**

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

**Noxious Plants**

E16. All lantana, privet, rubber trees, asthma weed, and other declared noxious plants on the site, must be eradicated before the commencement of landscape works.

(Reason: To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality landscaping outcome)

**Prohibition on Use of Pavements**

E17. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

***F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation***

**National Construction Code**

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

**Home Building Act**

- F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act* 1989 requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:
- a) in the case of work for which a principal contractor is required to be appointed:
    - i) the name and licence number of the principal contractor, and
    - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
  - (b) in the case of work to be done 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 that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

**Appointment of a Principal Certifying Authority (PCA)**

- F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

### **Construction Certificate**

F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

### **Occupation Certificate**

F5. 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 Certifying Authority appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

### **Site Sign**

- F6. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
  - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

### **G. Prior to the Issue of an Occupation Certificate**

#### **Protection of Public Trees**

G1. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

<b>Tree</b>	<b>Location</b>	<b>Protection</b>
Tree 16 <i>Lophostemon confertus</i> 12m x 8m	the council verge in front of 31 Wycombe Road	Trunk, branch & root protection
Tree 17 <i>Photinia glabra</i> 6m x6m	the council verge in Penshurst Ave	Trunk, branch & root protection
Tree 18 <i>Jacaranda mimosifolia</i> 14m x10m	the council verge in Penshurst Ave	Trunk, branch & root protection

Tree 19 <i>Celtis occidentalis</i> 15m x 10m	the council verge in Penshurst Ave	Trunk, branch & root protection
5 x <i>Magnolia grandiflora</i> cvs	the council verge in Penshurst Ave	Trunk, branch & root protection
10 x <i>Murraya paniculata</i>	the council verge in Penshurst Ave	Trunk, branch & root protection
<i>Arbutus unedo</i>	the council verge in Penshurst Ave	Trunk, branch & root protection
<i>Agapanthus orientalis</i> & <i>Aspidistra elatior</i> underplanting	the council verge in Penshurst Ave	Trunk, branch & root protection

Trunk protection to be installed by first wrapping the stem of the tree in hessian or like material then strapping timber battens over the top. It is recommended that timber battens with the dimensions of length 2000mm, width 75mm and depth 50mm are used. The battens are not to be directly screwed or nailed into the tree.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The 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.

(Reason: Protection of existing environmental and community assets)

### **East elevation of garden shed and roof parapet to be painted**

- G2. The eastern wall of the garden shed, and any associated piping must be painted in a dark colour palette to minimise their visual appearance when viewed from the public domain and from adjoining properties.

The plans for the subject application must be marked in accordance with the above requirement to the satisfaction of the appointed PCA.

(Reason: To minimise the bulk and scale of the proposed garden shed and amenity of adjoining properties and to maintain the character of the conservation area)

### **Protection and replacement of public trees**

- G3. Prior to the issue of any occupation certificate, any damage caused to trees specified in the Schedule of Condition E2 must be rectified or replaced with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work at no cost to Council.

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

### **Infrastructure Repair and Completion of Works**

- G4. Prior to the issue of any Occupation Certificate any and all works relating to the development:
- a. in the road reserve must be fully completed; and

- b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

To the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

### **Certification- Civil Works**

- G5. An appropriately qualified and practising Civil Engineer must certify to the Certifying Authority that the stormwater drainage system is constructed in accordance with this consent and the provisions of the applicable Australian Standard. A copy of the certificate must be submitted to Council (if it is not the Certifying Authority) upon completion of the development works and prior to the issue of an Occupation Certificate.

(Reason: Compliance with the Consent)

### **Utility Services**

- G6. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

### **Certification of Tree Condition**

- G7. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below: -

<b>Tree</b>	<b>Location</b>
Tree 16 <i>Lophostemon confertus</i> 12m x 8m	the council verge in front of 31 Wycombe Road
Tree 18 <i>Jacaranda mimosifolia</i> 14m x 10m	the council verge in Penshurst Ave
Tree 19 <i>Celtis occidentalis</i> 15m x 10m	the council verge in Penshurst Ave
Tree 6 <i>Howea forsteriana</i> – shown for removal but to be transplanted on site	northern driveway bed of 31 Wycombe Rd

The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site and has/have reasonable prospects for survival.

(Reason: To ensure compliance with the terms of this consent)

### **Landscaping (To be completed on receipt of acceptable drawings)**

- G8. The landscaping shown in the approved landscape plan to be updated as approved under Condition C88 must be completed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance)

### **Unpaved Verge**

- G9. The unpaved verge area must be constructed/reconstructed with an appropriate species of grass prior to completion of the works at no cost to Council

(Reason: To ensure that community assets are presented in accordance with reasonable community expectations)

### **I. On-Going / Operational Conditions**

#### **Approved Use of Garden Shed**

- I1. The garden shed shown in the approved plans is approved for the use as a garden shed only for the storage of pool equipment and/or other items for garden maintenance and not to be used for habitable purposes.

The owner of the premises at 31 Wycombe Road is to maintain the approved use by this consent generally in accordance with plans to be updated as approved under Condition C88.

(Reason: To ensure maintenance of the amenity of adjoining properties)

#### **Pool Filter**

- I2. The swimming pool pump installed at the premises must not operate so as to:
- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
    - (i) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
    - (ii) before 7.00am or after 8.00pm on any other day
  - b) cause an LAeq (15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

**Maintenance of Approved Landscaping**

- I3. The owner of the premises at 31 Wycombe Road is to maintain the landscaping approved by this consent generally in accordance with plans to be updated as approved under Condition C88.

Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.

(Reason: To ensure maintenance of the amenity, solar access and views of adjoining properties)