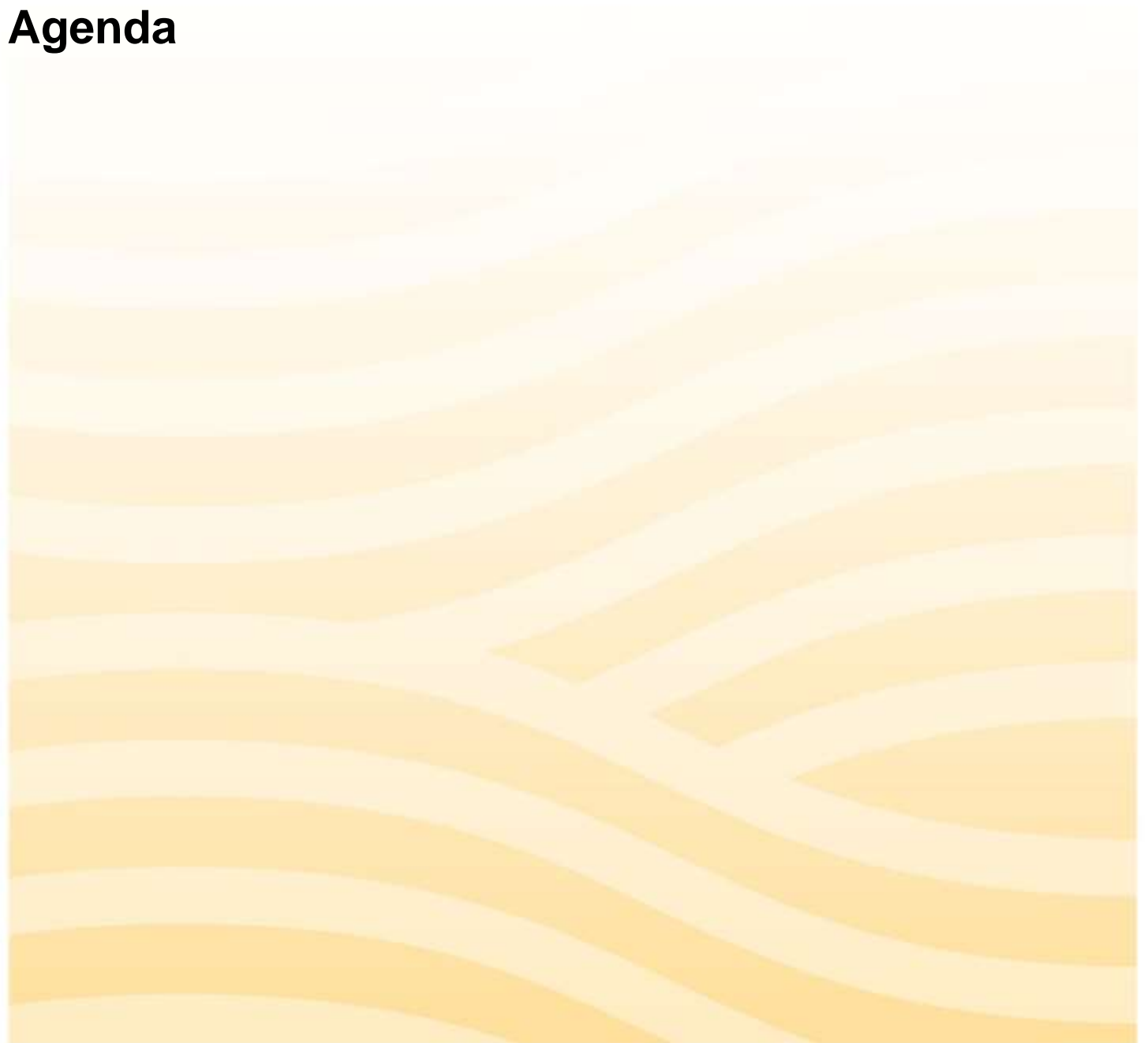




Application Assessment Panel

Tuesday 23 January 2024
3.00pm

Agenda



Compliance with social distancing requirements to limit the spread of COVID-19 virus at Application Assessment Panel (AAP) Meetings:

Woollahra Council will be holding Application Assessment Panel (AAP) meetings using conferencing technology.

The Chair of the Panel, members of the Panel and staff will be participating in meetings in person and members of the public are able to participate in the meeting by audio-visual link instead of attending in person.

Members of the public are invited to listen to meetings using conferencing technology or address the AAP meeting by conferencing technology. Public participation will be managed in accordance with meeting procedures.

- **To watch the meeting live listen to the meeting live at 3.00pm**
Visit Council's website at 3.00pm and watch live via the following link:
https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/aap/aap_agendas_and_minutes
- **To request to address the Committee (pre-register by 12noon on the day of the meeting)**
Pre-register to listen to the meeting live or request to address the Panel by 12noon on the day of the meeting by emailing your name, mobile number and the item you are interested in, to records@woollahra.nsw.gov.au or by contacting the Governance team on (02) 9391 7001.
- **To submit late correspondence (submit by 12noon on the day of the meeting)**
Members of the public may submit late correspondence on an agenda item being considered at a Panel Meeting. If you wish to make a written submission on an Item on the Agenda, please email your submission to records@woollahra.nsw.gov.au by 12noon on the day of the meeting.

Once registered you will be forwarded information on how to join the meeting via email.

If you are experiencing any issues in joining the meeting please contact Council's Governance Team on (02) 9391 7001.

Outline of Meeting Protocol & Procedure (COVID-19):

- The Chairperson will call the Meeting to order and ask the Panel/Staff to present apologies and/or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Panel.
- If person(s) wish to address the Panel, they are allowed three (3) minutes in which to do so.
Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated three (3) minutes, the speaker takes no further part in the debate unless specifically called to do so by the Chair.
- If there is more than one (1) person wishing to address the Panel from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- After considering any submissions the Panel will debate the matter (if necessary), and arrive at a resolution.

Disclaimer:

By speaking at the Application Assessment Panel (AAP) Meeting members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website. Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

Woollahra Council does not accept any liability for statements, comments or actions taken by individuals during a Council meeting. Any part of the meeting that is held in closed session will not be recorded.

People connecting to this meeting by conferencing technology are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

For further information please visit www.woollahra.nsw.gov.au

Application Assessment Panel Membership: 1 Chair and 2 Panel Members

Quorum: 3 Panel members

Woollahra Municipal Council

Notice of Meeting

15 January 2024

To: Scott Pedder (Director Planning & Place) (Chair)
Rosemary Bullmore (Manager Legal, Compliance & Enforcement)
Tom O'Hanlon (Director Infrastructure & Sustainability)
Craig Swift-McNair (General Manager)
Anne White (Manager Strategic Planning & Place)

CC: The Mayor
All Councillors

Application Assessment Panel – 23 January 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Application Assessment Panel** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Tuesday 23 January 2024 at 3.00pm**.

Members of the public are advised that we will be holding Application Assessment Panel meetings remotely using conferencing technology (until further notice).

- Register to address the meeting (via Zoom) by completing the relevant form available on Council's website:
https://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0012/279957/Registration-Form-to-Address-Planning-Panels-2023-2024.pdf and email the completed form to records@woollahra.nsw.gov.au **by 12 noon day before the meeting**.
- Submit late correspondence for consideration by the Panel by emailing records@woollahra.nsw.gov.au **by 12 noon day before the meeting**.

Information on how to listen and/or address the Panel will be available on Council's website https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/aap.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Application Assessment Panel

Agenda

Item	Subject	Page
1.	Opening	
2.	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
3.	Leave of Absence and Apologies	
4.	Declarations of Interest	

Items to be Decided by this Panel using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 12 December 2023 - 24/32277
D2	DA216/2022/1 - Fern Place Woollahra - 23/232832.....9
	*See Recommendation Page 14

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 12 DECEMBER 2023**
Author: Sue O'Connor, Governance Officer
File No: 24/3227
Purpose of the Report: The Minutes of the Application Assessment Panel of 12 December 2023 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Application Assessment Panel Meeting of 12 December 2023 be taken as read and confirmed.

Executive Summary:

This report presents the Application Assessment Panel Minutes of 12 December 2023 for confirmation.

Options:

Submission of minutes to the Application Assessment Panel is a procedural matter for the adoption of the minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The minutes are presented for confirmation by the Application Assessment Panel.

Attachments

Nil

DEVELOPMENT APPLICATION ASSESSMENT REPORT (SUPPLEMENTARY)

ITEM No.	D2
FILE No.	DA216/2022/1
ADDRESS	Fern Place WOOLLAHRA (aka Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)
SITE AREA	433.3m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1)
TYPE OF CONSENT	Local development
COST OF WORKS	\$5,008,450.00
DATE LODGED	02/06/2022
APPLICANT	CMAC Investment Holdings PTY LTD
OWNER	REMAC Property Investments PTY LTD
AUTHOR	Mr W Perdigao
TEAM LEADER	Mr T Wong
SUBMISSIONS	Eight (8)
RECOMMENDATION	Approval (Deferred Commencement)

1. LEVEL OF DELEGATION

Pursuant to Council's delegations adopted on 1 December 2023, the application is to be determined by the Application Assessment Panel (AAP) as the estimated cost of works is over \$5 Million.

2. PREAMBLE

The subject Development Application was first considered by the Application Assessment Panel ("Panel") on Tuesday 5 September 2023. The Panel resolved:

THAT Development Application No. 216/2022/1 for the construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1) on land at Fern Place Woollahra, be deferred and resubmitted to a future meeting of the Application Assessment Panel to allow the panel to carry out a site inspection.

A site inspection was subsequently conducted by the Panel on Thursday 14 September 2023.

Following the site inspection, the subject Development Application was re-considered by the Panel on Tuesday 26 September 2023. The Panel resolved:

“THAT Development Application No. 216/2022/1 for the construction of three new dwellings with associated landscaping works on newly created lots 1, 2 and 3 (approved under DA230/2020/1) on land at Fern Place Woollahra, be deferred and resubmitted to a future meeting of the Application Assessment Panel to allow the applicant to submit an acoustic report that demonstrates that the LAeq levels in clause 2.120(3) of State Environmental Planning Policy (Transport & Infrastructure) 2021 are not exceeded.”

This Supplementary Report is to be read in conjunction with the Development Application Assessment Report ('DA Report') presented to the Panel on 26 September 2023 (**Attachment 1**).

3. ADDITIONAL INFORMATION

On 29 September 2023, the Applicant provided an 'Acoustic Report' referenced 210594 – Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment – R2, prepared by PWNA and dated 28 September 2023 ('Response 1').

On 15 November 2023, the Applicant provided an amended 'Acoustic Report' referenced 210594 – Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment – R4, prepared by PWNA and dated 15 November 2023 and a 'Memorandum' referenced 210594 - Lots 1, 2 & 3 Fern Place, Woollahra - Review of Council Comments (November 2023) - R1, dated 15 November 2023, prepared by PWNA ('Response 2'). Refer to **Attachment 2**.

4. ADDITIONAL REFERRALS

Environmental Health Officer – 1st Referral

The application was referred to Council's Environmental Health Officer for review with respect to the Acoustic Report received in 'Response 1'. Council's Environmental Health Officer concluded:

“Council's Environmental Health Officer has determined that insufficient information has been submitted to enable an assessment of the proposal. The following information is required before any further assessment of the application can be undertaken:

- i. Additional noise monitoring to affirm findings derived from the 2019 Acoustic Assessment by Acoustic Dynamics and suitability of the proposed noise mitigation measures and proposed building materials. Additional noise monitoring is to be conducted with respect to Clause 2.120 of the SEPP (Transport and Infrastructure) 2021 and 2008 Development near rail corridors and busy roads - Interim Guidelines.*
- ii. Noise modelling of proposed mitigation measures that can confirm suitability of proposed mitigation measures.*

See comments in section 5, for further details.”

Refer to **Attachment 3**

Environmental Health Officer – 2nd Referral

The application was re-referred to Council's Environmental Health Officer for further review with respect to the amended Acoustic Report received in 'Response 2'. Council's Environmental Health Officer concluded:

“Review of the following:

- Acoustic Report (R4), prepared by PWNA, dated 15/11/2023.*
- Memorandum – Review of Council comments, 15/11/2023*

In consideration of the memorandum provided and the revision of the acoustic report prepared by PWNA, the Environmental Health Unit is acoustically satisfied with the proposal.”

Based on the above, the proposal is considered to be acceptable subject to relevant conditions of consent being recommended.

Refer to **Attachment 4**

5. FURTHER ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

5.1 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 Infrastructure - Subdivision 2 Development in or adjacent to road corridors and road reservations

Division 17 Roads and traffic of Part 2.3 in Chapter 2 Infrastructure of the Transport and Infrastructure SEPP 2021, applies to the development based on its location adjacent to a Classified Road.

The subject site is located in close proximity of Syd Einfield Drive, a Classified Road (declared freeway).

The relevant considerations are:

- Clause 2.118: Development on Proposed Classified Road*
- Clause 2.119: Development with Frontage to Classified Road*
- Clause 2.120: Impact of road noise or vibration on non-road development*

Clause 2.118: Development on Proposed Classified Road

Clause 2.118 requires concurrence from Transport for NSW, if works are proposed to be carried out within the Syd Einfield Drive road reserve.

Clause 2.119: Development with Frontage to Classified Road

Clause 2.119 requires consideration of the impact upon the safety, efficiency and ongoing operation of a classified road, including the design of the vehicular access, the emission of smoke or dust, the nature, volume or frequency of vehicles.

Concurrence with the Roads and Maritime Services is not required under Clauses 2.118 or 2.119 as there is no access via or works to Syd Einfield Drive. TfNSW were notified of the application and no objection was raised.

Clause 2.120: Impact of road noise or vibration on non-road development

Clause 2.120 applies to development involving residential accommodation that is on land in or adjacent to the road corridor for Classified Road or any road with an annual average daily traffic volume of more than 20,000 vehicles.

Syd Einfield Drive has an annual daily average traffic count of greater than 20,000 vehicles, being 35,830 in the most recent available date in 2021 – Refer to **Figure 1** below:

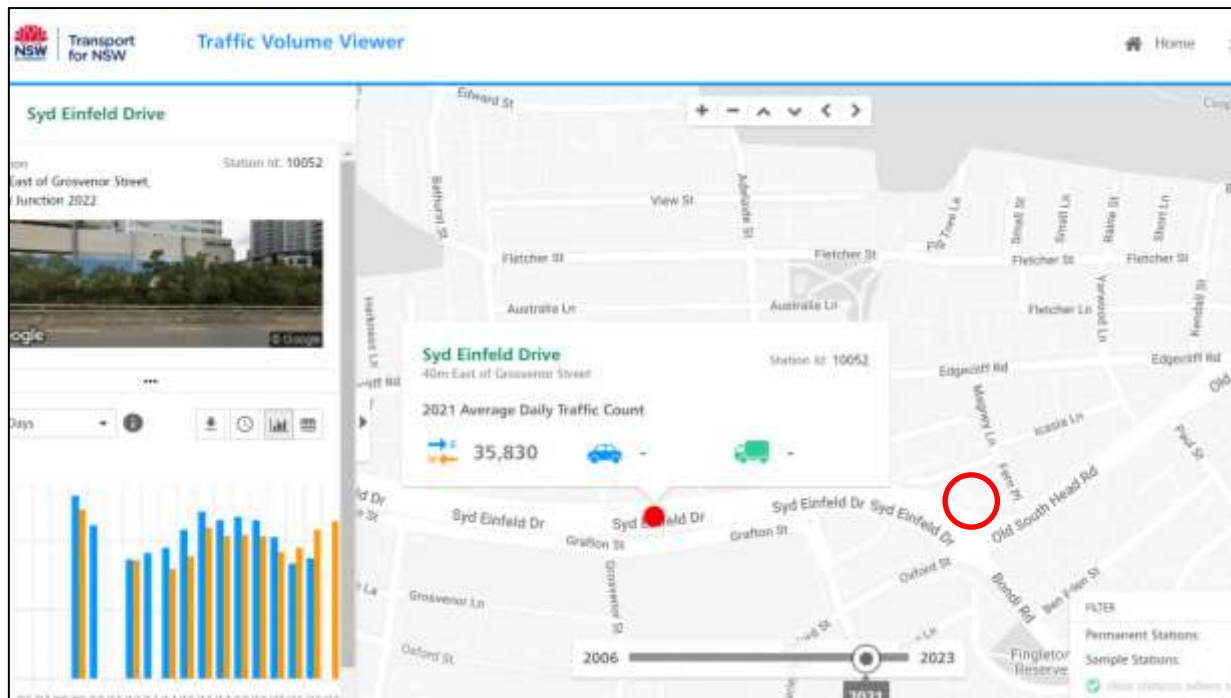


Figure 1: Traffic Volume Viewer Transport for NSW

Clause 2.120(2) requires that:

*“Before determining a development application for development to which this section applies, the consent authority must take into consideration any **guidelines** that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.”*

Planning Circular (PS 21-018) issued 2 December 2021 provides that before determining a relevant DA, a consent authority must, amongst other matters, take into consideration the ‘*Development near rail corridors and busy roads – interim guideline*’ (‘the Guidelines’) to minimise the impacts of busy roads and railway corridors on residential development.

Clause 2.120(3) requires that:

If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Assessment:

Concurrence with the Roads and Maritime Services is not required under Clause 2.120.

In accordance with Clause 2.120(2), an assessment has been undertaken by Council’s Environmental Health Officer of the submitted Acoustic Report Assessment. Furthermore, the DA Acoustic Assessment prepared by PWNA submitted in support of the DA includes an assessment of potential traffic noise intrusion impact on the residential development with consideration of the Guidelines.

The report recommended several appropriate indicative constructions for the building envelope and treatments for the engineering services to be implemented into the construction design in order to achieve the above internal noise intrusion limits in clause 2.120(3) of the SEPP (Transport & Infrastructure) 2021 concluding:

“Pulse White Noise Acoustics (PWNA) have been engaged to undertake an acoustic assessment of the proposed residential development to be located at Lots 1, 2 and 3 Fern Place, Woollahra NSW.

- *Minimum acoustic performances and associated indicative constructions for the building envelope have been provided in section 6.1 of this report. The recommended treatments have been provided to ensure compliance with the objectives presented in section 5.*
- *To control noise impacts at external receivers, recommended indicative treatments for major engineering services have been provided in section 6.2. From our review we have formulated the following opinion:*
 - *At these stages of the project the exact selections/locations of plant items are not known. A preliminary assessment, however, has been carried out using our experience with similar types of developments and the typical plant items installed in each type of plant room.*
 - *From this review we recommend the selection of high-performance acoustic treatment to ensure that the operation of the plant items comply with the project criteria. Therefore, it is recommended that prior to the issue of a Construction Certificate (CC) a detailed acoustic assessment is undertaken to ensure all cumulative noise from engineering services (including the roof plant room) comply with the requirements as listed in section 5.2.”*

For abundant caution, **Condition C.17** and **F.9** are recommended which ensures incorporation of any measures as deemed necessary to ensure the proposed building complies with the above-mentioned interior noise levels criteria and which demonstrates that the LAeq levels in clause 2.120(3) of State Environmental Planning Policy (Transport & Infrastructure) 2021 are not exceeded.

Furthermore, several other acoustic related conditions are recommended including:

- **C.14 Light and Ventilation**, requiring compliance with BCA light and ventilation requirements;
- **C.15 Acoustic Certification of Mechanical Plant and Equipment**, requiring certification of mechanical plant equipment;
- **C.16 Ventilation - Internal Sanitary Rooms**, requiring internal sanitary rooms to be provided with ventilation;
- **I.7 Maintenance of Sound Attenuation**, requiring the maintenance of sound attenuation measures in accordance with the Acoustic Report prepared by Acoustic Logic, R4, dated 15/11/2023 (including any sound attenuation measures, as modified, by the acoustic report required in **Condition C.17** and **F.9**)
- **I.8 Noise from Mechanical Plant and Equipment**, requiring noise levels to not exceed the background noise level.

Conclusion

The proposal achieves consistency with regards to the relevant criteria prescribed by Chapter 2 – Infrastructure of the Transport and Infrastructure SEPP 2021.

6. REASONS FOR RECOMMENDATION

The application has been assessed within the framework of the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval because:

- It is considered to be satisfactory with all relevant planning policies including the objectives of SEPP (Transport and Infrastructure) 2021, WLEP 2014 and WDCP 2015;
- It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality;
- All likely impacts to adjoining properties including any submissions made have been addressed in the report, or are considered to be satisfactory;
- The site is suitable for the proposed development; and
- The proposal is in the public interest.

7. CONCLUSION

For the reasons advanced in the DA Assessment Report (**Attachment 1**) and the Supplementary DA Report, the proposal is recommended for conditional approval.

8. RECOMMENDATION: PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THAT the Council, as the consent authority, grant development consent to Development Application No. 216/2022/1 for the construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1) on land at Fern Place Woollahra, subject to the following conditions:

1. Deferred Commencement - (section 4.16(3) of the Act, clause 76 of the Regulation)

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

- a) The submission of documentary evidence demonstrating that the subdivision plan approved under DA230/2020/1 has been registered with NSW Land Registry Services. A copy of the title document and registered subdivision plan must be submitted to Council.

Period within which evidence must be produced

The Applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 730 days (2 years) of the date of determination.

Clause 76(3) of the *Regulation*:

“A consent authority may specify the period within which the applicant must produce sufficient evidence to the consent authority to enable it to be satisfied about the relevant matters.”

If the evidence is not produced within 730 days (2 years) of the date of determination this deferred commencement consent is of no effect, the consent does not operate and no Construction Certificate can be issued. No development can lawfully occur under this consent unless it operates.

Note: Nothing in the *Act* prevents a person from doing such things as may be necessary to comply with this condition. (See section 4.16(3) of the *Act*)

This consent does not operate until Council has acknowledged compliance with this condition in writing.

Notes:

- Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 4.16(3) of the Act).
- Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.

A. General Conditions

A.1 Conditions

Consent is granted subject to the following conditions imposed pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* ("the Act") and the provisions of the *Environmental Planning and Assessment Regulation 2000* ("the Regulation") such conditions being reasonable and relevant to the development as assessed pursuant to section 4.15 of the Act.

Standard Condition: A1 (Autotext AA1)

A.2 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 mean 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.

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

Council means Woollahra Municipal Council

Court means the Land and Environment Court

Local native plants means species of native plant endemic to Sydney's eastern suburbs (see the brochure titled "Local Native Plants for Sydney's Eastern Suburbs" published by the Southern Sydney Regional Organisation of Councils).

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*.

PC means the Principal Certifier under the *Act*.

Principal Contractor has the same meaning as in the *Act*, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.

Professional engineer has the same meaning as in the *BCA*.

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.

Woollahra LEP means *Woollahra Local Environmental Plan 2014*

Woollahra DCP means *Woollahra Development Control Plan 2015*

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 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.
Standard Condition: A2 (Autotext AA2)

A.3 Approved Plans and Supporting Documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below as submitted by the Applicant unless modified by any following condition.

Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
All Revision C	Architectural Plans	All prepared by Modscape	All dated 16/08/2023
DA1-51	Existing Conditions / Demolition Plan		
DA1-52	Proposed Site Plan		
DA1-53	Proposed Site Cut Plan		
DA2-01	Proposed Ground Floor Plan		
DA2-02	Proposed First Floor Plan		
DA2-03	Proposed Second Floor Plan		
DA2-04	Proposed Roof Plan		
DA4-01	Proposed Elevations Lot 1		
DA4-02	Proposed Elevations Lot 2		
DA4-03	Proposed Elevations Lot 3		
DA4-04	Proposed Streetscape Elevation - Fern Place + Entry Gate Detail		
DA4-05	Proposed Streetscape Elevation - Syd Einfeld Drive		
DA5-01	Proposed Sections Lot 1		
DA5-02	Proposed Sections Lot 2		
DA5-03	Proposed Sections Lot 3		
DA8-01	External Finishes		
DA8-01	Window Elevations Lot 1		
DA8-02	Window Elevations Lot 1		
DA8-03	Window Elevations Lot 2		
DA8-04	Window Elevations Lot 2		
DA8-05	Window Elevations Lot 3		
DA8-06	Window Elevations Lot 3		
SP 01, LP 01- LP-03 & SE-01 (All Rev C)	Landscape Plans	Edwina Stuart Landscape Design	All dated 21/07/2022
1307739S; 1307751S; & 1307756S	BASIX Certificates	NSW Department of Planning, Industry and Environment	All dated 20/05/2023
7051 SW-00-Rev D SW-01-Rev D SW-02-Rev D SW-03-Rev D SW-04-Rev D SW-05-Rev D SW-06-Rev D	Stormwater Management Plans	Harris Page & Associates	All dated 25/07/2022
n/a	Arboricultural Impact Assessment Report	Treeism Arboricultural Services	April 2022
Project No. 586 Rev 01	Waste Management Plan	Matthew George of Modscape	02/05/2022
P221_496-2 (BCA) NH	BCA Design Assessment Report	Design Confidence	03/05/2022
Project Number: 21594 (Rev R4)	DA Acoustic Assessment Report	PWNA	15/11/2023

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A5 (Autotext AA5)

A.4 Ancillary Aspects of Development (section 4.17(2) of the Act)

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

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

Standard Condition: A8 (Autotext AA8)

A.5 No Underpinning works

This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties.

A.6 Tree Preservation & Approved Landscaping Works

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

a) The following trees shall be retained

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	16 x 20
6	Corymbia citriodora	Adj southern boundary – within Road reserve	6 x 5
10	Celtis sinensis	Adj southern boundary – within Road reserve	8 x 6

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
1	Lophostemon confertus	Street tree – outside 4A fern Place	9 x 10	\$20000
2	Lophostemon confertus	Street tree – outside 3 Fern Place	12 x 14	\$20000

Note: The tree/s required to be retained should appear coloured green on the construction certificate plans.

- b) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
3	Alnus jorullensis	Refer to the Arboricultural Impact Assessment prepared by Treeism dated April 2022 for tree numbers and locations.	8 x 10
4	Alnus jorullensis		10 x 8
7	Eucalyptus botryoides		8 x 9
8	Ficus benamina		11 x 14
9	Platanus acerifolius		15 x 18
11	Morus alba		8 x 8
12	Morus alba		6 x 6
13	Eucalyptus botryoides		10 x 10
14	Schefflera actinophylla*		8 x 5
15	Schefflera actinophylla*		8 x 5
16	Grevillea robusta		14 x 8

Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.

Note: The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.

A.7 Condition imposed by Transport for NSW

The subject property abuts a Declared Freeway (Sydney Einfield Drive) as shown by blue colour and green hatching on **Attachment A** (see below) - Aerial "X". Access is denied across this boundary.



Attachment A

All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Sydney Einfield Drive boundary.

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

B.1 Establishment of Tree Protection Zone (TPZ) Fence

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970-2009). Tree protection zones must also comply with the following requirements;

a) Tree Protection Zone areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
1	Lophostemon confertus	Street tree – outside 4A fern Place	6.3m
2	Lophostemon confertus	Street tree – outside 3 Fern Place	9.3m
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m
6	Corymbia citriodora	Adj southern boundary – within Road reserve	2m
10	Celtis sinensis	Adj southern boundary – within Road reserve	2.2m

Note: Where this condition relates to street trees and the fence cannot be placed at the specified radius, the fencing shall be positioned so that the entire verge (nature strip) area in front of the subject property, excluding existing driveways, footpaths and bus stops is protected.

Note: Where this condition relates to trees on private property the radial distance of fencing shall be positioned only within the subject property.

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being bought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.
- e) Establishment of Ground protection
Ground protection shall be established within the specified radius from the trunks of the following trees.

Council Ref No.	Species	Tree Location	Radius from Centre of Trunk (Metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

Ground protection shall consist of (geotextile fabric placed directly over the ground surface with 100mm mulch / aggregate / rumble boards strapped over mulch / steel plating over 10mm mulch layer / retention of existing surface. No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within the ground protection area unless specified in this consent.

- f) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in this consent.

- g) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- h) The project arborist shall provide written certification of compliance with the above condition.

B.2 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Radius from Trunk (metres)	Approved works
5	Corymbia citriodora	5.4m	Construction of Lot 2 dwelling, landscape upgrade works

The project arborist shall provide written certification of compliance with the above condition.

B.3 Arborist Certification of Construction Management Plan (Special Condition)

The Construction Management Plan shall be reviewed and certified by the Project Arborist that appropriate tree protection measures have been accounted for. The Construction Management Plan shall be prepared in accordance with all tree protection measures specified within this consent. Considerations by the Project Arborist shall include but not be limited to:

- a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;
- b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc;
- c) Site construction access, temporary crossings and movement corridors on the site defined;
- d) Contractors car parking;
- e) Phasing of construction works;
- f) The space needed for all foundation excavations and construction works;
- g) All changes in ground level;
- h) Space for site sheds and other temporary structures such as toilets;
- i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and
- j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.

B.4 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have been complied with. Documentation for each site visit shall include:

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

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

As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
Prior to the demolition of any building or construction and prior to the commencement of any development work	<ul style="list-style-type: none"> Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. The project arborist shall install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam
During any development work	<ul style="list-style-type: none"> The project arborist shall supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The project arborist shall supervise the excavation for Lot 2 dwelling within 5.4 metres of Tree No.5, documenting the condition of roots and soil. The project arborist shall ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter. Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.
Prior to any occupation or use of the building	<ul style="list-style-type: none"> Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> The project arborist shall supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.

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

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

B.5 Identification of Hazardous Material

In accordance with Australian Standard AS2601: *The Demolition of Structures*, the Owner shall identify all hazardous substances located on the site including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc. per clause 1.6.1 of the Standard.

In this regard, **prior to the commencement of any work**, Council shall be provided with a written report prepared by a suitably qualified competent person detailing:

- all hazardous materials identified on the site,
- the specific location of all hazardous materials identified,
- whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and
- safety measures to be put in place.

Note: This condition is imposed to protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.

Standard Condition: B6

B.6 Public Road Assets Prior to Any Work/Demolition

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

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

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

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

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

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

Standard Condition: B7

B.7 Archaeological Features – Unexpected Findings

If unexpected archaeological features are discovered during the works covered by this approval, work must cease immediately in the affected area(s) and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified. Additional assessment and approval pursuant to the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole). Standard Condition: B8

B.8 Noise Control Objectives during Demolition Works

To assist in managing impacts of noise from the demolishing of the existing dwelling and outbuilding on residences and other sensitive land uses, it is recommended that the *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

C. Conditions which must be satisfied prior to the issue of any Construction Certificate

C.1 Modification of Details of the Development (section 4.17(1)(g) of the Act)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments:

a) Tree Management

To ensure Tree 5 located within the neighbour's property is not adversely impacted by the works the proposal must be amended to ensure:

- No levels changes (except for excavation for Lot 2 dwelling) occur within the Tree Protection Zone distance specified in Condition B.2; and
- The OSD Tank 2 and inground RWT must be relocated outside of the Tree Protection Zone distance specified in Condition B.2; and
- The existing boundary walls and paling fences between the subject property and 2 Fern Place must remain unchanged.

b) Privacy measures (decks)

The north-facing 'DECK' to each of the proposed Lot 2 and 3 Dwellings at the Second Floor level that are located off the master bedroom (Lot 2)/ bedroom (Lot 3) must be made entirely non-trafficable, apart from the provision of a 0.6m deep trafficable deck area. This must be achieved by increasing the extent of proposed landscaping planters and/or decorative stones. The required non-trafficable area is shown in **red** highlight on the Proposed Second Floor Plan extract below:



A fixed balustrade to a minimum height of 1m measured from the respective finished floor level(s) must also be installed and located along the entire extent of the **green** lines on the Proposed Second Floor Plan extract above.

Reason: To minimise the impacts of private open space and in order to comply with Controls C8 and C10 and achieve consistency with Objectives O1 and O2 in Section C2.5.12 *Acoustic and visual privacy* of the Woollahra Development Control Plan 2015.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

Standard Condition: C4 (Autotext CC4)

C.2 Tree Management Plan

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

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

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

C.3 Payment of Long Service Levy, Security, Contributions and Fees

The Certifying Authority must not issue any certificates under section 6.4 of the *Act* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a Construction Certificate, Subdivision Certificate or Occupation Certificate, as will apply.

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$136,430.00	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	\$40,000	No	T114
DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2021 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$50,084.50 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$221.34	No	T45
Security Administration Fee	\$225	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$226,960.84 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

The long service levy under section 34 of the *Building and Construction Industry Long Service Payment Act 1986*, must be paid and proof of payment provided to the Certifying Authority prior to the issue of any Construction Certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.

How must the payments be made?

Payments must be made by:

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

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

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

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

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2021 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

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

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 94A Development Contributions Plan 2021

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

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

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

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

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

Standard Condition: C5

C.4 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate No's **1307739S**, **1307751S** & **1307756S** with any application for a Construction Certificate.

Note: Where there is any proposed change in the BASIX commitments the Applicant must submit of a new BASIX Certificate to the Certifying Authority and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 145 and 146 of the *Regulation*) the Applicant will be required to submit an amended development application to Council pursuant to section 4.55 of the *Act*.

All commitments in the BASIX Certificate must be shown on the Construction Certificate plans and specifications prior to the issue of any Construction Certificate.

Note: Clause 145(1)(a1) of the *Environmental Planning and Assessment Regulation* 2000 provides: "A certifying authority must not issue a Construction Certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires".

Standard Condition: C7

C.5 Utility Services Generally

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).

Where telecommunications and electricity are provided from existing poles in the road they must, in accordance with the relevant suppliers' requirements, be carried to the site underground directly to the main switch board within the fabric of the building.

Note: Where adequate provision has not been made for an electrical sub-station within the building, this may necessitate the lodgement of an application to amend this consent under section 4.55 of the *Act* to detail the location, landscape/streetscape impacts and compliance with AS2890 as applicable.

The location of service poles and substations required by the relevant suppliers must be shown upon the plans submitted with any Construction Certificate application together with a letter from each relevant supplier setting out their requirements.

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building unless expressly shown upon the approved DA plans. Details confirming compliance with this condition must be shown on the Construction Certificate plans and/or detailed within the Construction Certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on the Construction Certificate plans.

Note: The intent of this condition is that the design quality of the development must not be compromised by cables, pipes, conduits, ducts, plant, equipment, electricity substations or the like placed such that they are visible from any adjoining public place. They must be contained within the building unless shown otherwise by the approved development consent plans.

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.

Note: This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main. Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.
Standard Condition: C20 (Autotext CC20)

C.6 Provision for Energy Supplies

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

Any required electricity pillar and/or substation must be located within the boundaries of the site. Where an electricity pillar and electricity substation required within the site but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans an application under section 4.55 of the *Act* is required to be submitted to Council. Council will assess the proposed location of the required electricity pillar and/or substation.

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

Where the electricity pillar and/or substation is required, the Construction Certificate plans and specifications must provide:

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

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

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

Note: Where it is proposed to shield any booster connection or any building from any electricity pillar and/or substation pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994 or by fire resisting construction under the BCA respectively and this construction has not been detailed upon the approved development consent plans such works should be considered inconsistent with consent pursuant to clause 145 of the *Regulation*. The Applicant must lodge with Council details for any such construction pursuant to section 4.55 of the *Act* to allow assessment under section 4.15 of the *Act*.

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

Standard Condition: C21

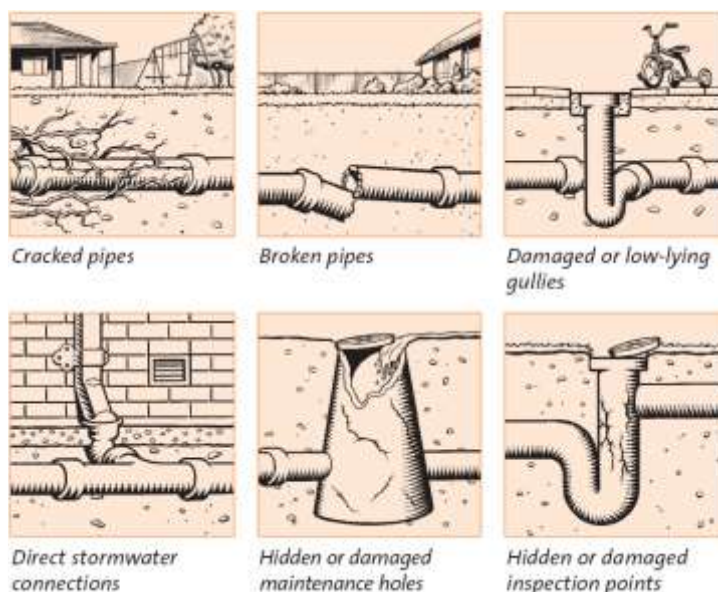
C.7 Water and Waste Water - section 73 Developers Certificate and Upgrading of Existing System

A Compliance Certificate must be obtained from Sydney Water under section 73 of the *Sydney Water Act 1994*. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains.

Note: Sydney Water will assess the development and if required will issue a 'Notice of Requirements' letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Please make early contact with Sydney Water or a WSC, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Note: For more information go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be sewer grade UPVC or copper with continuously welded joints.



Note: This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta systems are replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main as part of the development. Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.
Standard Condition: C22 (Autotext CC22)

C.8 Soil and Water Management Plan – Submission and Approval

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

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

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

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

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

Note: The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans.

Note: The “*Do it Right On Site, Soil and Water Management for the Construction Industry*” publication can be downloaded from www.woollahra.nsw.gov.au, and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm.

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

Standard Condition: C25

C.9 Professional Engineering Details

The Construction Certificate plans and specifications, clause 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, the statement of environmental effects and supporting documentation.

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

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

Standard Condition: C36

C.10 Engineer Certification

This development consent does **NOT** give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.

Any structural design is not to incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc which encroach outside the boundaries of the subject property. Engineer certification to this effect shall be submitted to the Certifying Authority prior to issue of any Construction Certificate.

C.11 Geotechnical and Hydrogeological Design, Certification and Monitoring

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

These details must be certified by the professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d) Provide tanking of all below ground structures to prevent the entry of all ground water/seepage water such that they are fully tanked and no subsoil drainage/ seepage water is discharged to the kerb and gutter to comply with Council's DCP.
- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - will detect any settlement associated with temporary and permanent works and structures,
 - will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
 - will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
 - will detect groundwater changes calibrated against natural groundwater variations,
 - details the location and type of monitoring systems to be utilised,
 - details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
 - details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
 - details a contingency plan.

standard Condition: C40 (Autotext: CC40)

C.12 Ground Anchors

This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths. Prior written consent must be obtained from all relevant adjoining property owner(s) for the use of any Ground Anchors extending beyond the boundaries of the subject property.

The use of permanent ground anchors under Council land is not permitted. Temporary ground anchors under Council's land may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.

If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the *Roads Act 1993*. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. Minimum Four weeks should be allowed for assessment.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

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

Note: Clause 20 of the *Roads (General) Regulation 2000* prohibits excavation in the vicinity of roads as follows: "**Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

Standard Condition: C41 (Autotext: CC41)

C.13 Stormwater Management Plans

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Certifying Authority, detailed stormwater management plans prepared by a suitably qualified and experienced civil engineer, which include the following:

- a) General design in accordance with stormwater management plans, referenced 7051-Rev D, prepared by Harris Page & Associates, dated 25/07/ 2022, other than amended by this and other conditions,
- b) The installation of a rainwater retention and reuse system (RWT) with minimum storage volume of 3m³ for proposed Lot 1 to comply with Council's DCP. Runoff from all roof areas shall be directed to the proposed RWT for non-potable uses such as toilet flushing, laundry device, pool top-up, car washing and garden irrigations etc. Notation to this requirement must be clearly depicted on the drawings. Overflow from the RWT shall be directed to stormwater pit 2.
- c) The installation of a rainwater retention and reuse system (RWT) with minimum storage volume of 5m³ for proposed Lot 2 to comply with Council's DCP. Runoff from all roof areas shall be directed to the proposed RWT for non-potable uses such as toilet flushing, laundry device, pool top-up, car washing and garden irrigations etc. Notation to this requirement must be clearly depicted on the drawings. Overflow from the RWT shall be directed to stormwater pit 3.
- d) The installation of a rainwater retention and reuse system (RWT) with minimum storage volume of 5m³ for proposed Lot 3 to comply with Council's DCP. Runoff from all roof areas shall be directed to the proposed RWT for non-potable uses such as toilet flushing, laundry device, pool top-up, car washing and garden irrigations etc. Notation to this requirement must be clearly depicted on the drawings. Overflow from the RWT shall be directed to stormwater pit 4.
- e) The discharge of stormwater runoff from each allotment the site to an existing interallotment drainage system. Any stormwater pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3,
- f) All proposed below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is NOT to be collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement shall be clearly depicted on the drawings,
- g) Dimensions of all drainage pit and access grates must comply with AS3500,
- h) Compliance the objectives and performance requirements of the BCA, and
- i) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

The *Stormwater Management Plan* must also include the following specific requirements:

Layout plan

A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, *Australian Rainfall and Run-off*, 2019 edition or most current version thereof. It must include:

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of proposed rainwater tanks,
- c) All invert levels reduced to Australian Height Datum (AHD),
- d) Location and dimensions of all drainage pits,
- e) Point and method of connection to Councils drainage infrastructure, and
- f) Overland flow paths over impervious areas.

Rainwater Reuse System details:

- a) Any potential conflict between existing and proposed trees and vegetation,
- b) Internal dimensions and volume of the proposed rainwater storage,
- c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures,
- d) Details of access and maintenance facilities,
- e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary first flush products,
- f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks,

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

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

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.

Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.
Standard Condition: C.51 (Autotext CC51)

C.14 Light and Ventilation

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the BCA or clause 3.8.4 and 3.8.5 of the BCA Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#).

If an alternate solution is proposed then the Construction Certificate application must include a statement as to how the performance requirements of the BCA are to be complied with and support the performance based solution by expert *evidence of suitability*.

This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

Note: Clause 98 of the *Regulation* requires compliance with the BCA. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *Regulation* details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the Construction Certificate application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act 1997* have overriding effect if offensive noise or odour arises from the use. Applicants must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#).
Standard Condition C59 (Autotext CC59)

C.15 Acoustic Certification of Mechanical Plant and Equipment

The Construction Certificate plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a professional engineer (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

Note: Further information including lists of Acoustic Engineers can be obtained from:

1. **Australian Acoustical Society**—professional society of noise-related professionals

www.acoustics.asn.au

2. **Association of Australian Acoustical Consultants**—professional society of noise related professionals www.aaac.org.au.

Standard Condition: C62 (Autotext CC62)

C.16 Ventilation - Internal Sanitary Rooms

All internal sanitary rooms and laundry facilities not provided with natural ventilation must be provided with a system of mechanical exhaust ventilation in accordance with *Table B1 Minimum Exhaust Ventilation Flow Rates of AS 1668.2-1991*. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.

C.17 Acoustic Certification of Interior Noise Levels (Special Condition)

Prior to the issue of a Construction Certificate an Acoustic Report must be provided to the Principal Certifying Authority confirming necessary acoustic control measures which must be incorporated into the design of the building including, but not limited to, the recommendations as outlined in Section 6.1 *Building Envelope Assessment* and Section 6.2 *Engineering Services Assessment* of the approved *DA Acoustic Assessment Report* as listed in **Condition A.3**. The acoustic measures must ensure compliance with the internal noise limits set out in Clause 2.120(3) of the Transport and Infrastructure SEPP 2021 when applied inside any habitable room of the development with doors and windows closed and mechanical ventilation/air-conditioning operating.

Reason: To ensure that the proposed development provides appropriate noise control measures to achieve the minimum noise standards as set out in Clause 2.120(3) *Impact of road noise or vibration on non-road development* of the SEPP (Transport and Infrastructure) 2021

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

D.1 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

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

- a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- a) to the extent to which an exemption is in force under the *Home Building Regulation 2004*, or
- b) to the erection of a temporary building.

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

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

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

D.2 Dilapidation Reports for existing buildings

Dilapidation surveys and dilapidation reports shall be conducted and prepared by a *professional engineer* (structural) for all buildings and/or structures that are located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration as determined applicable by a Structural Engineer.

These properties must include (but is not limited to):
Nos. 1, 1A, 2, 3, 4 and 4A Fern Place, Woollahra

The dilapidation reports must be completed and submitted to the *Certifying Authority* for approval. A copy of the approved reports shall be submitted to Council with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor or owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by S6.6(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

- To provide a record of the condition of buildings prior to development being carried out
- To encourage developers and its contractors to use construction techniques that will minimise the risk of damage to buildings on neighbouring land

Also refer to the Dilapidation Report Advising for more information regarding this condition

Standard Condition: D4 (Autotext DD4)

D.3 Dilapidation Reports for Public Infrastructure

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

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

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

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

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any work.

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

Standard Condition: D5 (Autotext DD5)

D.4 Adjoining Buildings Founded on Loose Foundation Materials

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

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

Standard Condition: D6 (Autotext DD6)

D.5 Construction Management Plan

As a result of the site constraints, limited space and access a Construction Management Plan (CMP) is to be submitted to Council. Also, due to lack of on-street parking a Work Zone may be required during construction.

The Principal Contractor or Owner must submit an application for approval of the CMP by Council's Traffic Engineer and pay all fees associated with the application.

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

- a) Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage.
- b) Identify local traffic routes to be used by construction vehicles.
- c) Identify ways to manage construction works to address impacts on local traffic routes.
- d) Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments.
- e) Detail how construction workers will travel to and from the site and parking arrangements for those that drive.
- f) Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres onto a public road and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes.
- g) Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works.
- h) Provide for the standing of vehicles during construction.
- i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).
- k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.
- l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.
- m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.
- n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)
- o) Show the location of any proposed excavation and estimated volumes.

- p) When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work shall only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.
- q) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.
Standard Condition: D9 (Autotext: DD9)

D.6 Works (Construction) Zone – Approval and Implementation

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

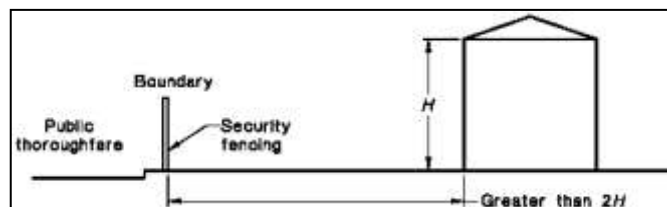
The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any work. Signs are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

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

Note: The enforcement of the works zone is at the discretion of Council's Rangers and the NSW Police Service. The Principal Contractor must report any breach of the works zone to either Council or the NSW Police Service.
Standard Condition: D10 (Autotext DD10)

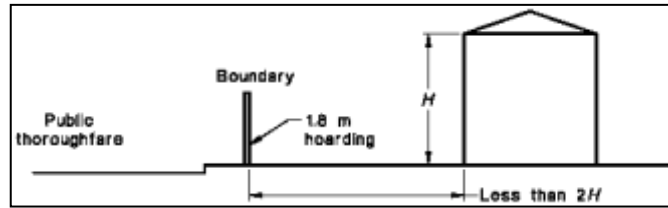
D.7 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

Security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.



Type A Hoarding

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.



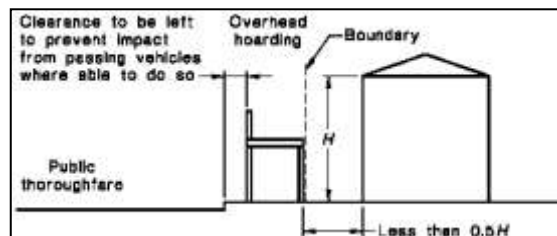
Type B Hoarding

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

- the vertical height above footpath level of the structure being demolished is less than 4.0m; or
- the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

- extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary,
- have a clear height above the footpath of not less than 2.1m,
- terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The Principal Contractor or Owner-builder must ensure that overhead protective structures are installed and maintained in accordance with the NSW *Code of Practice - Overhead Protective Structures 1995*. This is code available at

www.safework.nsw.gov.au/data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

All Hoardings

Security fencing, hoarding and overhead protective structure must not obstruct access to utilities services including but not limited to man holes, pits, stop valves, fire hydrants or the like.

Hoardings on Public Land including 'Creative Hoardings'

The Principal Contractor or Owner-builder must pay all fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection.

A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council's Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the Principal Contractor or Owner-builder. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au

Note: The Principal Contractor or Owner must allow not less than two (2) weeks from the date of making a hoarding application for determination. Any approval for a hoarding or overhead protection under the *Roads Act 1993* will be subject to its own conditions and fees.

Note: Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:

- A. Hoardings proposed on land zoned B2 Local Centre, or B4 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more
OR
- B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more
OR
- C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:
 - i. the capital investment value of the work to which the hoarding relates is less than \$1 million
OR
 - ii. the land is zoned R2 Low Density Residential
OR
 - iii. the land is zoned R3 Medium Density Residential and the hoarding located in a lane or street that does not have through traffic (eg a cul-de-sac or no through road).

Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding".

The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au or for more information contact Council's Cultural Development Team.

Standard Condition: D11 (Autotext DD11)

D.8 Site Signs

The Principal Contractor or Owner-builder must ensure that the sign/s required by clauses 98A and 227A of the *Regulation* is/are erected and maintained at all times.

Clause 98A of the *Regulation* provides:

Erection of signs

- For the purposes of section 4.17(11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifier for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.

Clause 227A of the *Regulation* provides:

Signs on development sites

If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:

- Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out.

Note: Clause 227A imposes a penalty exceeding \$1,000 if these requirements are not complied with.

Note: If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 98A and clause 227A of the *Regulation*.

Standard Condition: D12 (Autotext DD12)

D.9 Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) must be a standard flushing toilet, and
- b) must be connected to a public sewer, or
- c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the *Local Government (Approvals) Regulation 1993*.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

Note: This condition does not set aside the requirement to comply with SafeWork NSW requirements.

Standard Condition: D13 (Autotext DD13)

D.10 Erosion and Sediment Controls – Installation

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

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

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

Note: The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia.

Note: The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication can be downloaded from www.woollahra.nsw.gov.au and *The Blue Book* is available at www.environment.nsw.gov.au/stormwater/publications.htm

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

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

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
Standard Condition: D14 (Autotext DD14)

D.11 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the *Act*)

The erection of the building in accordance with this development consent must not be commenced until:

- a) A Construction Certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and
- b) The person having the benefit of the development consent has:
 - appointed a Principal Certifier for the building work, and
 - notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and
- c) The Principal Certifier has, no later than 2 days before the building work commences:
 - notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:
 - appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - notified the Principal Certifier of any such appointment, and
 - unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - given at least 2 days’ notice to the Council of the person’s intention to commence the erection of the building.

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

Note: *new building* has the same meaning as in section 6.1 of the *Act* and includes an altered portion of, or an extension to, an existing building.

Note: The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the *Act* (including the need for a Construction Certificate) prior to any demolition work. See: *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.

Note: Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council’s website www.woollahra.nsw.gov.au

Note: It is an offence for any person to carry out the erection of a *building* in breach of this condition and in breach of section 6.6(2) of the *Act*.
Standard Condition: D15 (Autotext DD15)

D.12 Notification of Home Building Act 1989 requirements

- a) For the purposes of section 4.17(11) of the *Act*, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
 - b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - In the case of work for which a Principal Contractor is required to be appointed:
 - the name and licence number of the Principal Contractor, and
 - the name of the insurer by which the work is insured under Part 6 of that Act,
 - In the case of work to be done by an Owner-builder:
 - the name of the Owner-builder, and
 - if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit.
 - c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
 - d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the *Act*, to comply with the Building Code of Australia.
- Standard Condition: D17 (Autotext DD17)

D.13 Establishment of Boundary Location, Building Location and Datum

Prior to the commencement of any work the Principal Contractor or Owner-builder must ensure that a surveyor registered under the *Surveying and Spatial Information Act 2002* sets out:

- a) the boundaries of the site by permanent marks (including permanent recovery points),
- b) the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans,
- c) establishes a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and
- d) provides a copy of a survey report by the registered surveyor detailing, the title boundaries, pegs/profiles, recovery points and bench mark locations as established pursuant to this condition to the Principal Certifier.

Note: Where the Principal Contractor or Owner-builder notes any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the Principal Contractor or Owner-builder should not proceed until satisfied that the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent.

Note: On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks should be considered by the registered surveyor.

Standard Condition: D18 (Autotext DD18)

E. Conditions which must be satisfied during any development work

E.1 Compliance with BCA and Insurance Requirements under the Home Building Act 1989

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

- a) that the work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),
- b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

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

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

Note: All new guttering is to comply with the provisions of Part 3.5.2 of the Building Code of Australia.
Standard Condition: E1 (Autotext EE1)

E.2 Compliance with Australian Standard for Demolition

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: *The Demolition of Structures*.

Standard Condition: E2 (Autotext EE2)

E.3 Compliance with Construction Management Plan

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

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

E.4 Requirement to Notify about New Evidence

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.

Standard Condition: E4 (Autotext EE4)

E.5 Critical Stage Inspections

Critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the *Act* and the *Regulation*.

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the *Act*.

Critical stage inspections means the inspections prescribed by the *Regulations* for the purposes of section 6.5 of the *Act* or as required by the Principal Certifier and any PC Service Agreement.

Note: The PC may require inspections beyond mandatory critical stage inspections in order that the PC be satisfied that work is proceeding in accordance with this consent.

Note: The PC may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

Standard Condition: E5 (Autotext EE5)

E.6 Hours of Work –Amenity of the Neighbourhood

- a) No *work* must take place on any Sunday or public holiday.
- b) No *work* must take place before 7am or after 5pm any weekday.
- c) No *work* must take place before 7am or after 1pm any Saturday.
- d) The following *work must not* take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday:
 - (i) piling,
 - (ii) piercing,
 - (iii) rock or concrete cutting, boring or drilling,
 - (iv) rock breaking,
 - (v) rock sawing,
 - (vi) jack hammering, or
 - (vii) machine excavation.
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Note: The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.

Note: Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RMS and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

Note: NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nqlg.htm

Standard Condition: E6 (Autotext EE6)

E.7 Public Footpaths – Safety, Access and Maintenance

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

- a) Not erect or maintain any gate or fence swing out or encroaching upon the road or the footway.

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

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

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

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

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

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

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

- Part C Management of waste:
 - a. For fee or reward, transport waste over or under a public place
 - b. Place waste in a public place
 - c. Place a waste storage container in a public place.
- Part E Public roads:
 - a. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
 - b. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

Standard Condition: E7 (Autotext EE7)

E.8 Maintenance of Environmental Controls

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

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

Standard Condition: E11

E.9 Support of Adjoining Land and Buildings

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

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

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

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land and Environment Court Act 1979* as appropriate.

Note: Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

Note: Clause 20 of the *Roads Regulation 2008* prohibits excavation in the vicinity of roads as follows: **"Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.

Note: The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the *Local Government Act 1993*.

Standard Condition: E13 (Autotext EE13)

E.10 Erosion and Sediment Controls – Maintenance

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

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

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



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

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

Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the *Protection of the Environment Operations Act 1997* where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution. Standard Condition: E15 (Autotext EE15)

E.11 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from Council under section 138(1)(d) of the *Roads Act 1993*.
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water.
- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

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

E.12 Site Cranes

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

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

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

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

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

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

E.13 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

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

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

- a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level.
- b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.
- c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.
- d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.
- e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.
- f) Stormwater drainage Systems prior to back filling over pipes confirming location, height and capacity of works.
- g) Flood protection measures are in place confirming location, height and capacity.

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

Standard Condition: E20 (Autotext EE20)

E.14 Placement and Use of Skip Bins

The Principal Contractor or Owner-builder must ensure that all waste storage containers, including but not limited to skip bins, must be stored within the site unless:

- a) Activity Approval has been issued by Council under section 68 of the *Local Government Act 1993* to place the waste storage container in a public place; and
- b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.

Note: Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.

Standard Condition: E21 (Autotext EE21)

E.15 Dust Mitigation

Dust mitigation must be implemented in accordance with "*Dust Control - Do it right on site*" published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

Note: "*Dust Control - Do it right on site*" can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's office.

Note: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply.

Note: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

Standard Condition: E23 (Autotext EE23)

E.16 Site Waste Minimisation and Management – Construction

In order to maximise resource recovery and minimise residual waste from construction activities:

- a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,
- b) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,
- c) consider organising to return excess materials to the supplier or manufacturer,
- d) allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),
- e) clearly 'signpost' the purpose and content of the storage areas,
- f) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste,
- g) promote separate collection bins or areas for the storage of residual waste,
- h) implement measures to prevent damage by the elements, odour and health risks, and windborne litter,
- i) minimise site disturbance and limit unnecessary excavation,
- j) ensure that all waste is transported to a place that can lawfully be used as a waste facility, and
- k) retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.

Standard Condition: E32 (Autotext EE32)

E.17 Tree Preservation

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

General Protection Requirements

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

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

E.18 Paving in the vicinity of trees

Paving works within the specified radius from the trunks of the following trees shall be constructed in such a way as to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. When preparing an area for paving within the specified radius the soil surface shall not be skimmed. The new surface shall be established above the former ground level.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

Paving works are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent) and are to utilise such measures as semiporous material.

The project arborist shall document compliance with the above condition.

E.19 Level changes in the vicinity of trees

No level changes (except for excavation for Lot 2 dwelling) shall occur within the specified radius from the trunks of the following trees.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

The project arborist shall document compliance with the above condition.

E.20 Hand excavation within tree root zones

Excavation undertaken within the specified radius from the trunks of the following trees shall be hand dug.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

Small hand tools such as mattocks or using compressed air or water jetting only shall be used. Roots with a diameter equal to or in excess of 50mm shall not be severed or damaged unless approved in writing by the project arborist.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

All root pruning must be undertaken in accordance with the Australian Standard 4373 "Pruning of Amenity Trees" and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).

The project arborist shall document compliance with the above condition.

E.21 Installation of stormwater pipes and pits in the vicinity of trees

Excavation for the installation of stormwater pipes and pits within the specified radius from the trunks of the following trees shall be hand dug.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

Any roots greater than 40mm diameter uncovered for the installation of stormwater pipes and pits shall not be severed and remain in situ bridging across the excavated trench. Pipes shall be guided under any roots greater than 40mm bridging across excavated trenches. Stormwater pits shall be positioned so that no roots greater than 40mm diameter are severed.

The project arborist shall document compliance with the above condition.

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

F.1 Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

Note: New building includes an altered portion of, or an extension to, an existing building.
Standard Condition: F1 (Autotext FF1)

F.2 Compliance Certificate from Sydney Water

All work must be completed in accordance with the section 73 Compliance Certificate issued under the *Sydney Water Act 1994* and any "Notice of Requirements", prior to any Occupation Certificate being issued.

Note: For more information go to www.sydneywater.com.au/section73 or call 1300 082 746.
Standard Condition: F5 (Autotext FF5)

F.3 Amenity Landscaping

The Owner or Principal Contractor must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

Note: This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.
Standard Condition: F6 (Autotext FF6)

F.4 Commissioning and Certification of Systems and Works

The Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier works-as-executed (WAE) plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards.

Works-as-executed plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA must include but may not be limited to:

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

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

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

Note: The PC must submit to Council, with any Occupation Certificate, copies of WAE plans, Compliance Certificates and evidence of suitability in accordance with Part A2.2 of the BCA upon which the PC has relied in issuing any Occupation Certificate.
Standard Condition: F7 (Autotext FF7)

F.5 Street Numbering

The development must be provided with street and sole occupancy unit numbers determined by Council. This condition has been imposed to ensure that emergency services, utility services, and the general public are able to clearly and readily locate any property. Further, this condition has been imposed to protect the integrity of street numbering and land information.

Note: Applications for the allocation of street and sole occupancy unit numbers should be made together with any application for a strata certificate or Torrens or community title subdivision certificate. Council will determine at its discretion in accordance with its policy street numbers and street addresses that best suit the public interest.
Standard Condition: F11 (Autotext FF11)

F.6 Letter Box(es)

All letter boxes must be constructed and located in accordance with AS/NZS 4253:1994 *Mailboxes* and to Australia Post's satisfaction.

Note: This condition has been imposed to ensure that mail can be delivered to occupiers of the site.
Standard Condition: F12 (Autotext FF12)

F.7 New Waste Services

Occupation or use of the building must not commence until the owner/developer has procured the provision of required wastes services including purchase of all waste and recycling storage containers (bins and crates) from Council or otherwise in accordance with the approved Waste Management Plan.

Standard Condition: F19 (Autotext FF19)

F.8 3D Digital Model

Prior to the issue of an Occupation Certificate an accurate "as built" 3D digital model of the building must be submitted to Council for use in the Woollahra 3D digital model.

A 3D digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:

- a) a building envelope which includes all elements affecting shadow analysis,
- b) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external features, and
- c) a ground level terrain showing accurate RLs extending to site boundaries.

All models must be generated in accordance with Council's guidelines for submitting 3D digital models outlined in "Attachment 9 - 3D Digital Model Requirements" of the DA guide.

Note: This model will update previous version(s) submitted at Development Application stage.
Any future modifications under section 4.55 of the *Act* that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.
Standard Condition: F21 (Autotext FF21)

F.9 Acoustic Certification of Interior Noise Levels (Special Condition)

Prior to the issue of a Final Occupation Certificate an Acoustic Report must be provided to the Principal Certifying Authority confirming necessary acoustic control measures have been incorporated into the design of the building, as constructed. The Acoustic Report must include onsite compliance testing to ensure internal noise levels within future sleeping spaces and living areas and must ensure compliance with the internal noise limits set out in *Clause 2.120(3) of the SEPP (Transport and Infrastructure) 2021* when applied inside any habitable room of the development with doors and windows closed and mechanical ventilation/air-conditioning operating.

Reason: To ensure that the proposed development as-built has appropriate noise control measures achieving the minimum noise standards as set out in *Clause 2.120(3) Impact of road noise or vibration on non-road development* of the *SEPP (Transport and Infrastructure) 2021*.

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

N/A

H. Conditions which must be satisfied prior to the issue of the Occupation Certificate for the whole of the building

H.1 Fulfillment of BASIX Commitments – clause 154B of the *Regulation*

All BASIX commitments must be effected in accordance with the BASIX Certificate No's **1307739S, 1307751S & 1307756S**.

Note: Clause 154B(2) of the *Environmental Planning and Assessment Regulation 2000* provides: "A certifying authority must not issue a final Occupation Certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Standard Condition: H7 (Autotext HH7)

H.2 Removal of Ancillary Works and Structures

The Principal Contractor or Owner must remove from the land and any adjoining public place:

- a) the site sign,

- b) ablutions,
- c) hoarding,
- d) scaffolding, and
- e) waste materials, matter, article or thing.

Note: This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the Final Occupation Certificate.

Standard Condition: H12 (Autotext HH12)

H.3 Road Works (including footpaths)

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

- a) stormwater pipes, pits and connections to public stormwater systems within the *road*,
- b) driveways and vehicular crossings within the *road*,
- c) removal of redundant driveways and vehicular crossings,
- d) new footpaths within the *road*,
- e) relocation of existing power/light pole,
- f) relocation/provision of street signs,
- g) new or replacement street trees,
- h) new footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street,
- i) new or reinstated kerb and guttering within the *road*, and
- j) new or reinstated road surface pavement within the *road*.

Note: Security held by Council pursuant to section 4.17(6) of the *Act* will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the Final Occupation Certificate to Council. This form can be downloaded from Council's website www.woollahra.nsw.gov.au or obtained from Council's customer service centre.

Standard Condition: H13 (Autotext HH13)

H.4 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

On completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the on-site detention system (OSD),
- c) that the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations,
- d) pipe invert levels and surface levels to Australian Height Datum, and
- e) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the on-going maintenance of the on-site-detention system and/or absorption trenches, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services. The property owner must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant

Note: The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the WAE plans to Council together with the Occupation Certificate.

Note: The Occupation Certificate must not be issued until this condition has been satisfied.
Standard Condition: H20 (Autotext HH20)

H.5 Landscaping

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

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

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

I.1 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No's **1307739S, 1307751S & 1307756S**.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
Standard Condition: I24

I.2 Ongoing Maintenance of the On-Site Stormwater Retention System

The owner(s) must in accordance with this condition and any positive covenant:

- a) permit stormwater to be temporarily retained and reused by the System;
- b) keep the system clean and free of silt rubbish and debris;
- c) maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner;
- d) carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- e) not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- f) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- g) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice; and
- h) where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.

The Owner

- a) indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (**Claims**) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and
- b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.

Note: This condition has been imposed to ensure that owners are aware of require maintenance requirements for their stormwater systems.

Note: This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.
Standard Condition: I29

I.3 Noise Control

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

Note: This condition has been imposed to protect the amenity of the neighbourhood.

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

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government
www.cjc.nsw.gov.au.

NSW Environment Protection Authority— see “noise” section www.environment.nsw.gov.au/noise.

NSW Government legislation- access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* is available at www.legislation.nsw.gov.au.

Australian Acoustical Society—professional society of noise related professionals
www.acoustics.asn.au.

Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au.

Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au.

Standard Condition: I56

I.4 Noise from Mechanical Plant and Equipment

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

Note: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Words in this condition have the same meaning as in the *Noise Policy for Industry* (2017) [www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)) and *Noise Guide for Local Government* (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government
Standard Condition: I59

I.5 Parking Permits (Special Condition)

Future tenants and residents of the proposed development will not be eligible for resident parking permits.

I.6 Waste Management - Residential

Waste management must comply with the approved site waste minimisation and management plan (SWMMP) and with Woollahra DCP 2015, Chapter E5–Waste Management.

The occupier of the site must place waste and recycling bins/crates on the footpath for collection but not earlier than 12 hours prior to the designated collection time.

The occupier of the site must remove waste and recycling bins/crates from the footpath within 12 hours of being emptied by Council's waste service and they must be stored within the site in the approved waste storage area.

No commercial waste must be placed within residential waste and recycling bins/crates.

Note: This condition has been imposed to ensure that the provisions of the approved SWMMP and Woollahra DCP are complied with during the ongoing operations of the development.

Note: For further residential wastes management policy information go to

www.woollahra.nsw.gov.au

Standard Condition: I52

I.7 Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the *Acoustic Report prepared by Acoustic Logic, R4, dated 15/11/2023* (including any sound attenuation measures, as modified, by the acoustic report required in **Condition C.17** and **F.9**)

I.8 Noise from Mechanical Plant and Equipment

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

Note: This condition has been imposed to protect the amenity of the neighbourhood.

Note: Words in this condition have the same meaning as in the *Noise Policy for Industry* (2017)

[www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))

and *Noise Guide for Local Government* (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government

Standard Condition: I59

J. Miscellaneous Conditions

N/A

K. Advisings

K.1 Criminal Offences – Breach of Development Consent and Environmental Laws

Failure to comply with this development consent and any condition of this consent is a **criminal offence**. Failure to comply with other environmental laws is also a criminal offence.

Where there is any breach Council may without any further warning:

- a) Issue Penalty Infringement Notices (On-the-spot fines);
- b) Issue notices and orders;
- c) Prosecute any person breaching this consent; and/or
- d) Seek injunctions/orders before the courts to restrain and remedy any breach.

Warnings as to potential maximum penalties

Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

Warning as to enforcement and legal costs

Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.

This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.

Note: The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of *the Crimes (Sentencing Procedure) Act 1999*, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.

Standard Advising: K1 (Autotext KK1)

K.2 Dial Before You Dig



The Principal Contractor, Owner-builder or any person digging may be held financially responsible by the asset owner should they damage underground pipe or cable networks. Minimise your risk and dial 1100 Before You Dig or visit www.1100.com.au

When you contact Dial Before You Dig you will be sent details of all Dial Before You Dig members who have underground assets in the vicinity of your proposed excavation.

Standard Advising: K2 (Autotext KK2)

K.3 Builder's Licences and Owner-builders Permits

Section 6.6(2)(d) of the *Act* requires among other matters that the person having the benefit of the development consent, if not carrying out the work as an **owner-builder**, must appoint a Principal Contractor for residential building work who must be the holder of a contractor licence.

The Owner(s) must appoint the Principal Certifier. The Principal Certifier must check that the required insurances are in place before the commencement of building work. The Principal Contractor (builder) must provide the Owners with a certificate of insurance evidencing the contract of insurance under the *Home Building Act 1989* for the residential building work.

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating

Standard Condition: K5 (Autotext KK5)

K.4 Building Standards - Guide to Standards and Tolerances

The Principal Certifier does not undertake detailed quality control inspections and the role of the Principal Certifier is primarily to ensure that the development proceeds in accordance with this consent, Construction Certificates and that the development is fit for occupation in accordance with its classification under the Building Code of Australia.

Critical Stage Inspections do not provide the level of supervision required to ensure that the minimum standards and tolerances specified by the "NSW Guide to Standards and Tolerances 2017" are achieved.

The quality of any development is a function of the quality of the Principal Contractor's or Owner-builder's supervision of individual contractors and trades on a daily basis during the development. The Principal Certifier does not undertake this role.

Council, as the Principal Certifier or otherwise, does not adjudicate building contract disputes between the Principal Contractor, contractors and the Owner.

Note: For more information on the *NSW Guide to Standards and Tolerances* go to the NSW Fair Trading website www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances or call 133 220.
Standard Condition: K6 (Autotext KK6)

K.5 SafeWork NSW Requirements

The *Work Health and Safety Act 2011* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Note: For more information go to the SafeWork NSW website www.safework.nsw.gov.au or call 131 050. Standard Condition: K7 (Autotext KK7)

K.6 Asbestos Removal, Repair or Disturbance

Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from SafeWork NSW.

Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence.

All removal, repair or disturbance of or to asbestos material must comply with:

- a) *Work Health and Safety Act 2011*,
- b) *Work Health and Safety Regulation 2017*,
- c) SafeWork NSW "Code of Practice: How to Safely Remove Asbestos" (2016), and
- d) SafeWork NSW "Code of Practice: How to Manage and Control Asbestos in the Workplace" (2016).

Note: For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050. Standard Advising: K8 (Autotext KK8)

K.7 Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Council does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences.

Note: Further information can be obtained from the NSW Civil and Administrative Tribunal
www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing_fences.aspx

Note: Community Justice Centres provide a free mediation service to the community to help people resolve a wide range of disputes, including dividing fences matters. Their service is free, confidential, voluntary, timely and easy to use. Mediation sessions are conducted by two impartial, trained mediators who help people work together to reach an agreement. Around 75% of mediations result in an agreement being reached. Mediation sessions can be arranged at convenient times during the day, evening or weekends. To contact the Community Justice Centres go to www.cjc.nsw.gov.au or call 1800 990 777.
Standard Advising: K10 (Autotext KK10)

K.8 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr Wilson Perdigao, Senior Assessment Officer, on (02) 9391 7126.

However, if you wish to pursue your rights of appeal in the Land and Environment Court you are advised that Council generally seeks resolution of such appeals through a section 34 Conference, site hearings and the use of Court Appointed Experts, instead of a full Court hearing.

This approach is less adversarial, it achieves a quicker decision than would be the case through a full Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed commissioner having the full authority to completely determine the matter at the conference.

Standard Condition: K14 (Autotext KK14)

K.9 Release of Security

An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.

The securities will not be released until a Final Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.

Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.

Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.

Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

Note: The Refund of Security Bond Application form can be downloaded from
www.woollahra.nsw.gov.au

Standard Condition: K15 (Autotext KK15)

K.10 Owner-builders

Under the *Home Building Act 1989* any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading.

Note: For more information go to the NSW Fair Trading website www.fairtrading.nsw.gov.au or call 133 220. Standard Condition: K18 (Autotext KK18)

K.11 Pruning or Removing a Tree Growing on Private Property

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

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

Standard Condition: K19 (Autotext KK19)





K.12 Dilapidation Report

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

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

Standard Advising: K23 (Autotext KK23)

Attachments

1. DA Assessment Report (AAP 26 September 2023) including Attachments [↓](#) 
2. Acoustic Report & Memorandum prepared by PNWA (15.11.2023) [↓](#) 
3. Environmental Health Referral (1st) [↓](#) 
4. Environmental Health Referral (2nd) [↓](#) 

Fern Place WOOLLAHRA
DA 216/2022/1

Woollahra Council Application Assessment Panel (AAP)
26 September 2023

DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	0.0
FILE No.	DA216/2022/1
ADDRESS	Fern Place WOOLLAHRA (aka Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)
SITE AREA	433.3m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1)
TYPE OF CONSENT	Local development
COST OF WORKS	\$5,008,450.00
DATE LODGED	02/06/2022
APPLICANT	CMAC Investment Holdings PTY LTD
OWNER	REMAC Property Investments PTY LTD
AUTHOR	Mr W Perdigao
TEAM LEADER	Mr T Wong
SUBMISSIONS	Eight (8)
RECOMMENDATION	Approval (Deferred Commencement)

1. PREAMBLE

The subject Development Application was considered by the Application Assessment Panel on Tuesday 5 September 2023. The Panel resolved:

THAT Development Application No. 216/2022/1 for the construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1) on land at Fern Place Woollahra, be deferred and resubmitted to a future meeting of the Application Assessment Panel to allow the panel to carry out a site inspection.

2. SITE INSPECTION

A site inspection in relation to this Development Application was conducted on Thursday 14 September 2023 at 2pm with the following parties present:

Panel Members:	Scott Pedder (Director – Planning & Place) (Chair)
	Craig Jenner (Team Leader – Building & Compliance Officer)
Staff:	Wilson Perdigao (Senior Assessment Officer – Team Central)
Applicant:	Lisa Zhang (Project Manager – Neoscape) (Applicant)
	Tanya Wallis (GSA Planning)

The matter is now reported back to the Panel for consideration.

3. CONSIDERATION

Resolution 1 – Site Inspection

Fern Place WOOLLAHRA
DA 216/2022/1

Woollahra Council Application Assessment Panel (AAP)
26 September 2023

The Panel members inspected the subject site. During the site inspection, the applicant's representatives made verbal representations to the Panel. Following the inspection of the subject site, the Panel members also undertook inspection of the surrounding context of the site.

The following are additional images of the proposed development as viewed from the surrounding context taken from Council's 3D modelling portal to assist the Panel:



Legend: Location of image and direction (approximate)



Fern Place WOOLLAHRA
DA 216/2022/1

Woollahra Council Application Assessment Panel (AAP)
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Fern Place WOOLLAHRA
DA 216/2022/1

Woollahra Council Application Assessment Panel (AAP)
26 September 2023

4. REASONS FOR RECOMMENDATION

The application has been assessed within the framework of the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval (deferred commencement) because:

- It is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015
- It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality
- All likely impacts to adjoining properties including any submissions made have been addressed in the report, or are considered to be satisfactory, subject to **Condition C.1(b)**
- The site is suitable for the proposed development
- The proposal is in the public interest

5. LOCALITY PLAN



6. LEVEL OF DELEGATION

The application is to be determined by the Application Assessment Panel (AAP) as the estimated cost of works is over \$2 Million.

Fern Place WOOLLAHRA
DA 216/2022/1

Woollahra Council Application Assessment Panel (AAP)
26 September 2023

7. PROPOSAL

7.1 Description of Proposal

Development Application No. 216/2022/1 ("DA") seeks consent for the "*Construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1)*" ("the Proposal") located at Fern Place Woollahra, currently known as Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918 ("the Site").

Note: The approved subdivision of the Site under DA230/2020/1 has not been registered.

7.2. Detailed Description

The proposal involves the following components:

- Construction of three (3) x 3-storey dwelling-houses, each on its respective lot approved under DA230/2020/1, in the following floor-by-floor description is provided below:

Dwelling	Floor Level	Description
Lot 1	Ground (RL 80.67 AHD)	<ul style="list-style-type: none"> Main entry and open plan kitchen (with integrated laundry), dining and living area; Stair access to the upper floor levels; External bin storage area; External 3000L Rainwater tank; External AC Condenser unit.
	First (RL 84.02 AHD)	<ul style="list-style-type: none"> Two (2) bedrooms with built-in robes; Deck with integrated planter and privacy screen including access to one of the bedrooms; and Bathroom; Internal stair access to the lower and upper floor levels.
	Second (RL 87.22 AHD)	<ul style="list-style-type: none"> Master Bedroom with walk-in robe and ensuite, and adjoining deck with integrated planter and privacy screen; Internal stair access to the lower floor levels.
	Roof	<ul style="list-style-type: none"> 8 x Solar PV Panels (2kw system).
Lot 2	Ground (RL 81.03 AHD)	<ul style="list-style-type: none"> Main entry and open plan kitchen, dining and living area; Laundry, powder room and under-stair store; Internal stair access to the upper floor levels; External bin storage area; External 5000L Rainwater tank; External AC Condenser unit.
	First (RL 84.38 AHD)	<ul style="list-style-type: none"> Three (3) bedrooms with built-in robes, one with an ensuite; Deck with integrated planter and privacy screen including access to two of the bedrooms; Bathroom; Internal stair access to the lower and upper floor levels.
	Second (87.73AHD)	<ul style="list-style-type: none"> Master Bedroom with walk-in robe, study and ensuite, and adjoining deck with integrated planter; Internal stair access to the lower floor levels.
	Roof	<ul style="list-style-type: none"> 8 x Solar PV Panels (2kw system).
Lot 3	Ground (RL 81.33 AHD)	<ul style="list-style-type: none"> Main entry and open plan kitchen, dining and living area; pantry; Rumpus room; Light-well courtyard; Laundry, powder room and under-stair store. Internal stair access to the upper floor levels; External bin storage area; External 5000L Rainwater tank;

Fern Place WOOLLAHRA
DA 216/2022/1

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		<ul style="list-style-type: none"> External AC Condenser unit.
	First Floor (RL 84.68 AHD)	<ul style="list-style-type: none"> Three (3) bedrooms with built-in robes, one with an ensuite; Deck with integrated planter and privacy screen including access to two of the bedrooms; Breakout space; Bathroom; Internal stair access to the lower and upper floor levels.
	Second (RL 88.03AHD)	<ul style="list-style-type: none"> Master Bedroom with walk-in robe, study, breakout space and ensuite, and adjoining deck with integrated planter; Internal stair access to the lower floor levels.
	Roof	<ul style="list-style-type: none"> 8 x Solar PV Panels (2kw system).

- Landscaping, throughout the site comprising tree removal with replacement planting of new trees, plants and shrub in areas of deep-soil landscaping and above-ground structures;
- Demolition work, including demolition of ancillary structures (metal shed) and low-retaining walls;
- Minor excavation and site works, including site preparation and associated site levelling and re-grading;
- New front entry gate and side boundary fencing including partial retention of existing boundary fences.

Further details of the proposed development are contained in the architectural drawings attached at **Annexure 1**.

7.2.1. Amended Plans

On 26 July 2022 and 21 August 2023, amended plans and additional documentation was received to address issues identified by Council's Development Engineering and Planning staff (further detailed in Section 10 below).

Specifically, the amendments involved the following key changes:

- Deletion of Ground Floor Dining/Entry Area of Lot 1 Dwelling (located within proposed easement area) including amended windows/doors to suit;
- Internal reconfiguration of Ground Floor Area of Lot 1 Dwelling;
- Amendment to roof parapet of Lot 1, 2 and 3 Dwellings;
- Landscape and Stormwater management design amended to suit.

Note: The revised architectural plans set (DA Rev "C" dated 16 August 2023) prepared by Modscape Architects are the final version of plans to be approved and are referenced in **Condition A.3** and form the basis of the planning assessment contained within this report.

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7.3. Photomontage



Figure 1: Photomontage of the proposed development, as viewed from intersection of Syd Einfeld Drive and Old South Head Road (Source: Deneb Design)



Figure 2: Photomontage of the proposed development, as viewed from Old South Head Road (Source: Deneb Design)

7.4. Relevant Development Application History (Subdivision DA)

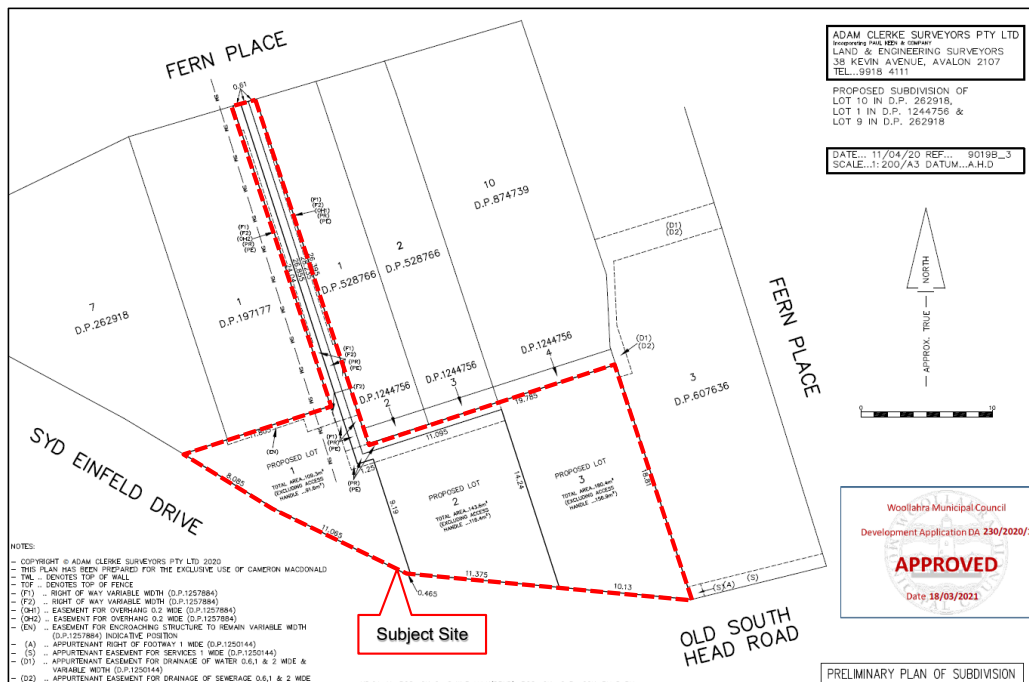
- DA 230/2020/1 – A DA for “*Lot consolidation and torrens title subdivision*” of the site at Fern Place Woollahra (aka Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918) into

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three (3) lots, was approved by Council on 18 March 2021 ('Subdivision DA'). The approved Lots 1, 2 and 3 measure 91.6m², 116.6m² and 156.9m² respectively, exclusive of the access handle. If access handle is included, the size of these lots are 109.3m², 143.6m² and 180.4m².

For the purposes of the subject DA, the lot sizes exclusive of the access handle are relied upon, as this is consistent with the interpretation of lot size as per the LEP clause relied upon for the approved subdivision DA.



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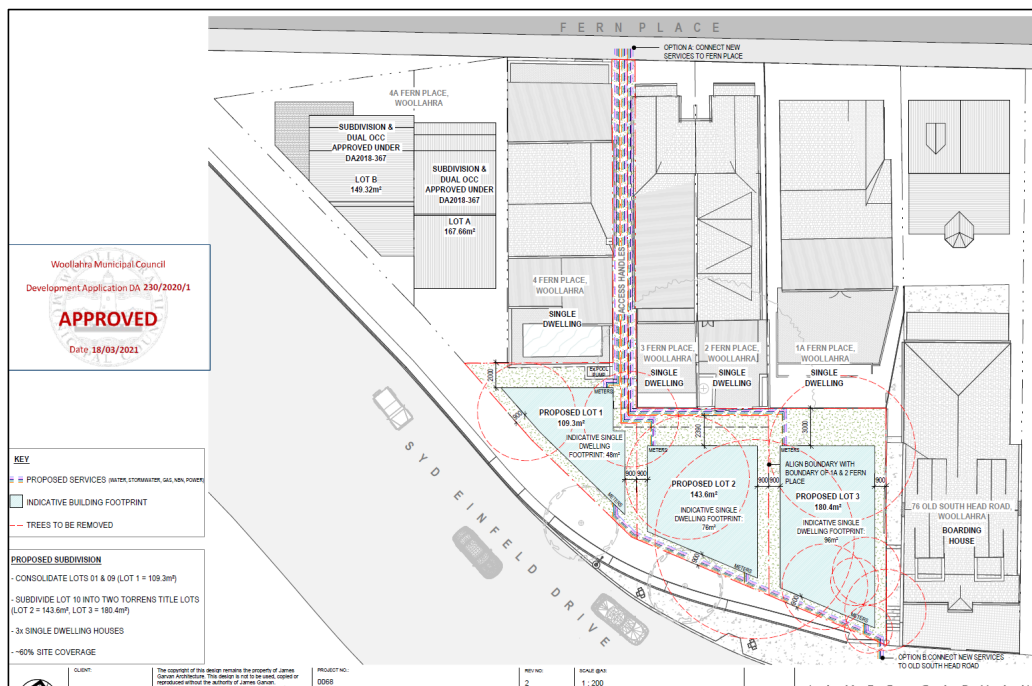


Figure 4: Approved Subdivision Site Plan – indicative building footprint (DA 230/2020/1)

Condition A.3 (deferred commencement) of the subdivision DA requires, inter-alia, the following to be satisfied prior to enactment of the subdivision DA:

- Documentary evidence by way of title documents demonstrating that the subject site benefits from an interallotment drainage easement over the downstream property;
- detailed engineering drawings detailing the design of the interallotment drainage pipelines over 4A Fern Place and 76 Old South Head Road to be approved to the satisfaction of Council's Development Engineer;
- construction and certification that the interallotment drainage pipelines, as-constructed, comply with the approved interallotment design documentation.

The intent of this condition was to ensure that the stormwater drainage system is in place prior to the operation of the subdivision DA.

The subject DA is reliant upon:

- the approved subdivision under the subdivision DA (DA 230/2020/1); and
- satisfaction of Condition A.3 under the subdivision DA.

The above must be undertaken prior to the proposed works under the subject DA (DA 216/2022/1) proceeding. It is therefore prudent that a condition be imposed requiring a deferred commencement of the subject development consent DA 216/2022/1 (Refer to **Condition 1**).

Note: The deferred commencement terms of the subdivision DA (Condition A.3) is to date yet to be satisfied. During the assessment of the subject DA, concern was raised by Council planning staff as to whether the subdivision DA had in fact lapsed. The Applicant responded that as the subdivision DA deferred commencement consent was granted during the COVID-19 "prescribed period", therefore it is valid for 5 years from the date the consent was granted (i.e. being until 18 March 2026). It has therefore not yet lapsed.

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8. ISSUES

8.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

None.

8.2 Primary Issues

Issue	Conclusion	Section
Objector concerns	Refer to <i>Summary of Submissions</i> below.	8.3
Privacy impacts arising from elevated decks/balconies	Acceptable, subject to Condition C.1(b) requiring design amendments to the proposed Second Floor Level Decks of Dwelling in Lot 2 and 3, mitigating adverse privacy impacts.	18.6.11

8.3 Summary of Submissions

Issue	Consideration	Section
Non-compliance with the Minimum Subdivision Lot Size development standard.	Acceptable and/or does not warrant refusal or further modification of the application. The proposal relies on the approved subdivision under DA 230/2020/1 and does not involve any changes to the approved subdivision.	7.4 & 17.3- 17.4
Non-compliance with Height of Buildings development standard	Acceptable and/or does not warrant refusal or further modification of the application. The proposal complies with the maximum height of buildings development standard and would achieve the relevant objectives of the standard prescribed by Part 4.3 of Woollahra LEP 2014.	17.5
Loss of on-street parking, traffic and congestion problems during construction in particular during school pick-up and drop off times	Acceptable and/or does not warrant refusal or further modification of the application. Construction traffic and parking related impacts are considered to be temporary in nature and will be managed by a future Construction Management Plan for the development as required by Condition D.5 .	-
Loss of on-street parking and inadequate parking for the development (post construction)	Acceptable and/or does not warrant refusal or further modification of the application. The proposed development does not result in the loss of on-street parking. No off-street parking is proposed due to site constraints, and therefore Condition I.5 is recommended restricting eligibility of the issuance of any resident parking permits to future tenants and/or residents of the proposed development deterring future residents from car ownership.	18.7
Safety concerns due to proximity to Syd Enfield Drive	Transport for NSW (TfNSW) were notified of the application and no objection was raised. <i>Note:</i> TfNSW provided relevant condition to the Subdivision DA which has now been duplicated and imposed in the current DA.	-
Restricting access to easement for Shed/Pool Pump (4 Fern Place)	Acceptable and/or does not warrant refusal or further modification of the application. The proposal does not seek to alter the existing easements which are to remain. The subject DA relies upon the approved subdivision DA which requires registration of all required easements and right of ways prior to issue of a subdivision certificate.	-

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Issue	Consideration	Section
	Nevertheless, the proposal ensures no building/s is to be constructed within the access handle or pool pump enclosure with metal roof area.	
Existing Right of way over the access handle and to the rear of 2 Fern Place	Acceptable and/or does not warrant refusal or further modification of the application. The proposal does not seek to alter the existing easements which are to remain. The subject DA relies upon the approved subdivision DA which requires registration of all required easements and right of ways prior to issue of a subdivision certificate. From review of the submitted survey plan there does not appear to be a legal right of way access to the rear of 2 Fern Place (Lot 2 DP528766). Furthermore, the proposal ensures no building/s are to be constructed within the access handle between 3 and 4 Fern Place.	-
Loss of several mature trees and adverse impacts on existing trees to be retained.	Acceptable and/or does not warrant refusal or further modification of the application. The proposed tree removals are supported by Council's Tree and Landscaping Officer subject to the imposition of relevant tree protection and preservation conditions including protection measures for trees on neighbouring land. A new landscape design is proposed for the site which includes new replacement tree and vegetation plantings throughout the site.	18.9
Loss of solar access and light including adverse overshadowing impacts	Acceptable and/or does not warrant refusal or further modification of the application. The proposal does not result in additional overshadowing of any neighbouring north-facing windows or areas of private open space between the hours of 9am and 3pm on 21 June and complies with the relevant solar access controls C13 and C14 and achieves consistency with relevant Objectives O4 & O7 in Part C2.5.1 of the WDCP 2015.	18.6.1
Loss of visual and acoustic privacy arising from new elevated balconies	Design elements including privacy screens, blade walls and planter boxes are provided. Subject to Condition C.1(b) requiring design amendments to the proposed Second Floor Level Decks of Dwelling in Lot 2 and 3, mitigating adverse privacy impacts the proposal is considered to be acceptable with regard to the controls and objectives in Section C2.5.12 Acoustic and visual privacy of the of the WDCP 2015.	18.6.11
Excavation related impacts resulting in adverse impacts upon the structural integrity and damages to adjoining properties	Acceptable and/or does not warrant refusal or further modification of the application. Council's Development Engineer has raised no objections with the proposed excavations due to the minimal extent of excavation proposed, and has advised any excavation related impacts can be appropriately managed subject to the recommended standard conditions which includes the requirement for compilation of dilapidation reports of existing buildings prior to work commencing and compliance with appropriate engineering practise and certification.	17.10
Design of the building is inconsistent with the	Acceptable and/or does not warrant refusal or further modification of the application.	18.1- 18.6.12

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Issue	Consideration	Section
character of the Heritage Conservation Area	The proposal achieves the underlying objectives of the Woollahra Heritage Conservation Area DCP in Part C2 of the WDCP 2015.	
Construction related amenity impacts relating to hours of work, confined site access, traffic, parking, noise, dust and vibrations.	Acceptable and/or does not warrant refusal or further modification of the application. Noise, vibration, dust and other amenity impacts are considered to be temporary in nature and will be managed by a future Construction Management Plan as required by Condition D.5 , appropriate engineering practice and certification, and compliance with any recommended standard conditions of consent relating to hours of work and the like.	-
Noise impact of classified road noise on residential development including increased noise impact to residents of Fern Place due to loss of trees.	Acceptable and/or does not warrant refusal or further modification of the application. Conditions C.15 and F.9 are recommended which ensures appropriate noise control measures are to be incorporated into the design of the development that achieves the required minimum internal noise standards, as set out in Clause 2.120(3) <i>Impact of road noise or vibration on non-road development</i> of the SEPP (Transport and Infrastructure) 2021. Any increase (or potential increase) of noise levels to surrounding properties arising from the proposed removal of trees on the site is unsubstantiated and beyond the scope of this assessment.	16
Security and disturbance concerns arising from use of the access point between 3 and 4 Fern Place	Acceptable and/or does not warrant refusal or further modification of the application. The access way between 3 and 4 Fern Place is a part of the subject site and is legal access point for the subject site from Fern Place.	-
Waste collection area on Fern Place is inadequate to accommodate the required number of bins.	Acceptable and/or does not warrant refusal or further modification of the application. The proposed bin receptacles are to be placed kerb-side within Fern Place on waste collection day for Council pick-up. They are then to be stored within dedicated on-site waste storage areas outside of waste collection days. This is consistent with waste collection practise within the locality. – Refer to Condition I.6	18.10
Stormwater Management related concerns	Council's Development Engineer is satisfied that the proposed development has made adequate provision of stormwater management, subject to establishment of interallotment drainage easements established in the subdivision DA (DA230/2022/1) and refinement of the proposed Stormwater Management Plan – refer to recommended Condition C.13 .	18.8
Excessive in bulk, scale and density	Acceptable and/or does not warrant refusal or further modification of the application. The proposed infill development is considered to be an appropriate response to its surrounding context in terms of building height, form, scale, siting (location and setbacks), aspect and orientation, and respects the scale and setting of adjacent contributory items. The proposal achieves the underlying objectives for infill development in <i>Section C2.4.12: Infill Development</i> and General Controls for Building Height, Form and Character in	18.5.1 & 18.6.1

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Issue	Consideration	Section
	<i>Section C2.5.1: Building Height, Form and Character of Chapter C2 WHCA of the WDCP 2015.</i>	
Inadequate open space for each dwelling.	Acceptable and/or does not warrant refusal or further modification of the application. The proposal complies with minimum private open space requirement for each dwelling house and achieves consistency with the relevant open space and landscaping objectives in Part C2.5.6 of the WDCP 2015	18.6.6

PROPERTY DETAILS AND REFERRALS

9. SITE AND LOCALITY

Physical features
<ul style="list-style-type: none"> The subject site is located at Fern Place, Woollahra, being legally described as Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in Deposited Plan 218311 ("Site"). The site is approved for lot consolidation and torrens title subdivision into three (3) lots. The approved Lots being 1, 2 and 3 measuring 91.6m², 116.6m² and 156.9m² respectively, exclusive of the access handle and 109.3m², 143.6m² and 180.4m², inclusive of the access handle. The Site has a total area of 433.3m². The Site is located on the southern side of Fern Place. The Site is irregular in shape with a 1.83m wide access handle (to the north) providing pedestrian access to Fern Place. The Site is bounded by a common boundary with the rear of Nos 1, 2 and 3 Fern Place measuring 19.785m; an eastern (side) boundary to No. 76 Old South Head Road of 18.81m; a combined rear boundary to the Syd Einfeld Drive road reserve of 41.12m and a shared boundary with the rear of Nos 4 & 4A Fern Place of 11.805m.
Topography
<ul style="list-style-type: none"> The Site has a slight fall of approximately 2.5m from the south-east corner to the north-west corner. There is a further approximately 2.25m fall, from south to north along the access handle towards the street (Fern Place).
Existing buildings and structures
<ul style="list-style-type: none"> The Site is presently vacant covering with trees and vegetation and minor structures limited to metal fencing and low retaining walls. The site also contains a pool pump room located at the rear of No. 4 Fern Place encroaching the subject site in the north east portion, adjacent to the access handle. The encroaching structure is subject to an existing easement burdening the subject site and benefiting the property at 4 Fern Place.
Surrounding Environment
<ul style="list-style-type: none"> The Site is zoned R3 Medium Density Residential under the Woollahra Local Environmental Plan 2014 (WLEP). The Site forms part of the 'Grafton Precinct' of the Woollahra Heritage Conservation Area (WHCA) precincts, as described at Section C2.3.7 <i>Grafton Precinct</i> in the Woollahra Development Control Plan 2015 (WDCP). Development that immediately surrounds the Site is predominantly characterised by a variety of residential developments including detached dwellings, terrace style housing and residential flat buildings of various architectural styles and periods. Directly adjacent to the north and north-west, are: <ul style="list-style-type: none"> Federation dwelling-houses, at No's 1, 2 and 3 Fern Place, being one/two storey buildings and listed as contributory items in the WDCP 2015 (Note: 3 Fern Place, first floor addition approved under DA2021/505/1); A dwelling-house at No. 4 Fern Place, being a 3-storey building; Vacant site, at No's 4A & 4B Fern Place, currently approved for a pair of three (3) storey contemporary infill semi-detached dwellings (approved under DA2018/367). Directly adjacent to the east of the subject site is a Victorian/Federation house, at 76 Old South Head Road (AKA 1A Fern Place) being a part 2/part 3-storey containing a boarding house known as "Muse Living". Further to the east, is a 4-storey Inter-War Flat Building, at 78 Old South Head Road.

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- To the south-western boundary is a high concrete wall which forms part of the Sydney Einfeld Drive off-ramp. This boundary is located adjacent to the Waverley Council Local Government Area.
- The Site is also within close proximity to the Bondi Junction Train Station and the Bondi Junction Westfield Shopping Centre, which are located further to the south-west.
- Trees are located to the road reserves of Fern Place and Syd Einfeld Drive and within the confines of neighbouring private property.

9.1. Aerial and 3D Images of Site



Figure 5: Aerial image of the site and surrounding context (Source: Woollahra Mapping System)

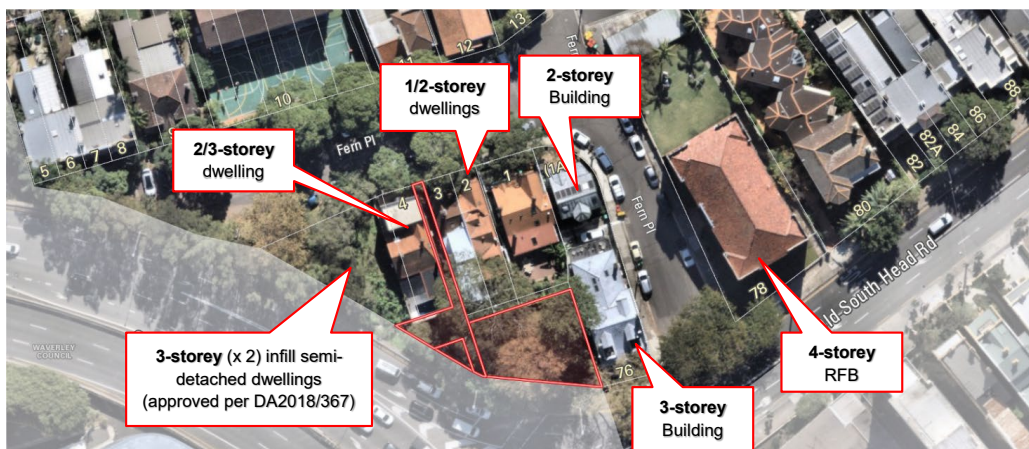


Figure 6: Aerial image of Site and context including a Number of Storey Analysis (Source: Woollahra Mapping System)

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Figure 7: 3D Aerial view of the proposed development and surrounding context, looking north (Source: WMC 3D Modelling System)



Figure 8: 3D Aerial view of the proposed development and surrounding context, looking north (Source: WMC 3D Modelling System)

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Figure 9: 3D Aerial view of the proposed development and surrounding context, looking south-west (Source: WMC 3D Modelling System)

9.2. Images (Subject Site, Locality and Surrounding Development)



Figure 10: Subject Site, as viewed from Fern Place

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Figure 11: Streetscape of Fern Place, looking west of the subject site access point

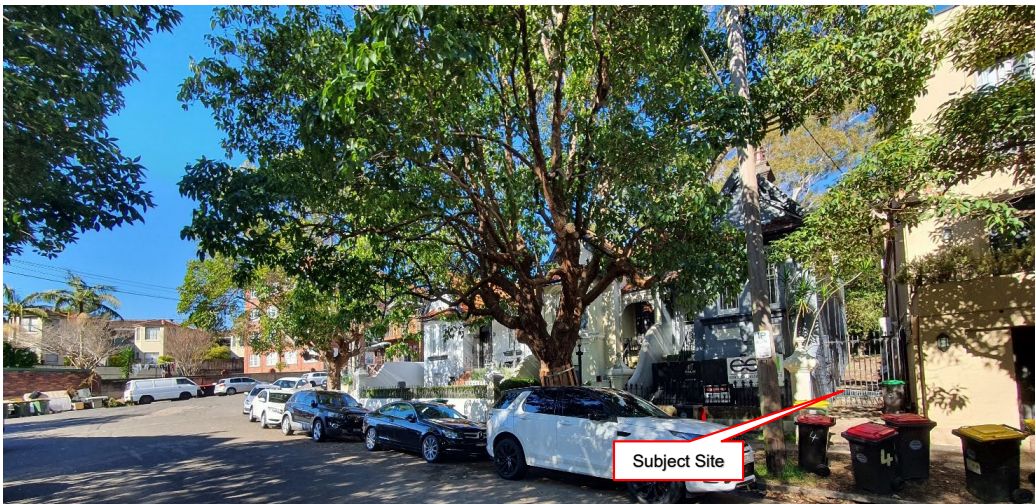


Figure 12: Streetscape of Fern Place, looking east of the subject site access point

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Figure 13: Streetscape of Fern Place, looking south



Figure 14: Subject site, looking north toward the rear of properties on south side of Fern Place

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Figure 15: Subject site, looking east toward adjacent No 76 Old South Head Road



Figure 16: View of subject site from Old South Head Road and Bondi Junction (left) and No 76 OSHRD (right)

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Figure 17: View of subject site from Old South Head Road and Bondi Junction (left) and No 76 OSH RD (right)

10. RELEVANT PROPERTY HISTORY

Current use
Vacant site
Relevant Application History
Refer to Section 7.4
Relevant Compliance History
N/A
Pre-DA
Nil.
Requests for Additional Information and Amended Plans/Documentation
<p>On 15 June 2022, a "Stop the clock" letter was sent to the applicant requesting the following amended plans/additional information:</p> <ul style="list-style-type: none"> Revised Architectural and Stormwater Plans detailing structures clear of drainage easement as per Condition G.6 of DA2020/230/1; Additional Architectural Streetscape Elevations; Revised Stormwater Management Plans; and Details of access handle including proposed landscape treatment. <p>On 26 July 2022, Additional information and revised architectural plans were provided that addressed the above "Stop the clock" issues, including the following:</p> <ul style="list-style-type: none"> Revised Stormwater Management Plans, (Rev D dated 25/07/2022) prepared by Harris page & Associates; Revised Landscape Plans dated 21 July 2022 prepared by Edwina Stuart Landscape Design; Revised Architectural Plans and details set (DA Rev "B" dated 14 July 2022) prepared by Modscape Architects. <p>On 30 May 2023, Additional information in the form of an updated Owner's Consent Form was provided.</p> <p>On 20 July 2023, Additional information in the form of advice and clarification on status of subdivision DA (i.e. information confirming deferred commencement has not yet been satisfied however it is still an active consent).</p>

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On 9 August 2023, an unsatisfactory email was sent to the Applicant requesting revised architectural plans indicating compliance/clarification with the HOB (9.5m) control.

On 21 August 2023, revised architectural plans (DA Rev "C" dated 16 August 2023) prepared by Modscape Architects were provided that responded to the above issues, including a reduction of the overall building height and a 3D LEP max height diagram. *Note: These are the final version of plans to be approved and are referenced in **Condition A.3**.*

Land and Environment Court Appeal(s)

N/A

11. REFERRALS

Referral	Summary of Referral Response	Annexure
Development Engineering	Satisfactory, subject to recommended standard conditions .	4
Trees and Landscaping	Satisfactory, subject to recommended standard conditions .	5
Heritage	Satisfactory, subject to recommended standard conditions .	6
Traffic	No formal referral required, subject to recommended standard conditions .	-

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 include the following:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) *(Repealed)*

that apply to the land to which the development application relates,

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

12. ADVERTISING AND NOTIFICATION

12.1 Submissions

The application was advertised and notified from 22 June 2022 to 7 July 2022 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. Gabrielle & Giordano Vascotto of 1/10-11 Fern Place, Woollahra;

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2. Karl & Melissa Marschall of 1 Fern Place, Woollahra;
3. Jon Crail & Elisabetta Romano of 2 Fern Place, Woollahra;
4. Tina Zafiropoulos of 4 Fern Place, Woollahra;
5. Russell Little & Linda Cumines of 6 Fern Place, Woollahra;
6. Merideth Mccluskey of 9 Fern Place, Woollahra;
7. George Argyrou of 76 Old South Head Road and 1A Fern Place, Woollahra;
8. GD, IJ & RK Newton of 78 Old South Head Road, Woollahra.

The submissions above have raised several issues *objecting* to the DA which are summarised and addressed at Section 8.3 of the report.

12.2 Amended Plans and Additional Information

The amended plans as noted in Section 7.2.1 were not required to be renotified to surrounding residents and previous objectors as per the requirements in Chapter 6 of the Woollahra Community Participation Plan because they were considered to have no greater cumulative environmental or amenity impact than the originally notified and advertised plans.

Notwithstanding this, all the amended plans and documents were made public on Council's DA Tracker.

12.3 Statutory Declaration

The applicant has completed the statutory declaration dated 11/07/2022 declaring that the site notice for DA216/2022/1 was erected and maintained during the notification period in accordance with the Woollahra Community Participation Plan.

STATE ENVIRONMENTAL PLANNING POLICY ('SEPP')

13. SEPP (Resilience and Hazards) 2021

13.1. Chapter 2 – Coastal Management

Chapter 2 (Coastal Management) gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the Coastal Zone.

The subject site is located wholly outside of the Coastal Environment Area (Section 2.10) and the Coastal Use Area (Section 2.11).

On the basis, no further consideration is required under Chapter 2 of the Resilience and Hazards SEPP 2021.

13.2. Chapter 4 – Remediation Of Land

The aims of Chapter 4 of the Resilience and Hazards SEPP are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Under Clause 4.6(a) of Chapter 4 – Remediation of Land of the SEPP, consideration has been given as to whether the subject site on which the development is occurring is contaminated.

As the site has a long history of residential uses prior to their demolition to accommodate the construction of Sydney Enfield Drive and in the absence of any information to the contrary indicating that the land is contaminated. It is considered that the land does not require further

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consideration under Section 4.6(3) and 4.6(4) of Chapter 4 of the Resilience and Hazards SEPP 2021.

The proposal is therefore acceptable with regard to the relevant matters for consideration in Section 4.6 of Chapter 4 of the Resilience and Hazards SEPP 2021.

14. SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development. It relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

The development application was accompanied by BASIX Certificate's for each of the new dwellings (Certificate Numbers: 1307739S, 1307751S, 1307756S) demonstrating compliance with the SEPP. These requirements are imposed in the recommended standard DA Conditions.

15. SEPP (Biodiversity And Conservation) 2021

15.1. Chapter 2 – Vegetation in non-rural areas

Chapter 2 of the SEPP (former Vegetation SEPP 2017) relates to vegetation in non-rural areas.

The aims of Chapter 2 of the SEPP, are:

- (a) *to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) *to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

Clause 2.9 of the Chapter 2 Vegetation in Non-Rural Areas of the SEPP defers the assessment criteria for the removal of vegetation to the applicable Council DCP in this case being *Chapter E3: Tree Management* of the Woollahra DCP 2015 ('WDCP 2015').

The WDCP 2015 requires consent for removal of prescribed trees. For the purposes of the WDCP, a prescribed tree is:

- *Any tree or palm, whether of indigenous, endemic, exotic or introduced species with a diameter spread of branches greater than 3m or with a height greater than 5m, irrespective of the spread of branches, and that is not identified in this chapter as exempt.*
- *Any tree, whether of indigenous, endemic, exotic or introduced species with roots greater than 50mm diameter, but only if root pruning is proposed.*
- *Any tree or palm identified in Council's Significant Tree Register.*
- *Any tree or palm identified in, or located on land, in Schedule 5 of the WLEP including:*
 - a) *a tree listed as a heritage item;*
 - b) *a tree located on land identified as containing a heritage item; or*
 - c) *a tree on land within a heritage conservation area.*
- *Any bushland as defined in SEPP 19 – Bushland in Urban Areas.*

The proposal involves the removal of prescribed trees. The proposed tree removals are however supported by Council's Tree and Landscaping Officer subject to the imposition of relevant tree protection and preservation conditions including protection measures for trees on neighbouring land.

The proposal achieves consistency with regards to the relevant criteria prescribed by Chapter 2 of the Biodiversity and Conservation SEPP 2021.

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15.2. Chapter 10 – Sydney Harbour Catchment

The land is within the Sydney Harbour catchment but is outside the Foreshores and Waterways Area and therefore there are no specific matters for consideration.

The proposal achieves consistency with regards to the relevant criteria prescribed by Chapter 10 of the Biodiversity and Conservation SEPP 2021.

16. SEPP (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Division 17: Roads and traffic of Chapter 2 – Infrastructure SEPP Infrastructure applies to the development based on its location adjacent to a road that has an average daily traffic volume of more than 40,000 vehicles. The subject site and proposed residential development is located in close proximity of Sydney Einfield Drive, a declared freeway.

The relevant considerations are:

- *Clause 2.118 (former Clause 100): Development on Proposed Classified Road*
- *Clause 2.119 (former Clause 101): Development with Frontage to Classified Road*
- *Clause 2.120 (former Clause 102): Impact of road noise or vibration on non-road development (Clause 102)*

Development on Proposed or with Frontage to Classified Road

Clause 2.118 (former Clause 100) requires concurrence from Transport for NSW, if works are proposed to be carried out within the Syd Einfield Drive road reserve.

Clause 2.119 (former Clause 101) requires consideration of the impact upon the safety, efficiency and ongoing operation of a classified road, including the design of the vehicular access, the emission of smoke or dust, the nature, volume or frequency of vehicles.

Concurrence with the Roads and Maritime Services is not required under Clauses 2.118 or 2.119 as there is no access via or works to Sydney Einfield Drive. TfNSW were notified of the application and no objection was raised.

Impact of road noise or vibration on non-road development

Clause 2.120 (former clause 102) requires that for development involving residential accommodation in close proximity to classified roads the consent authority is required to be satisfied that appropriate measures will be taken to ensure that the following noise (LAeq) levels are not exceeded:

- in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Therefore, **Condition C.15** and **F.9** are recommended which requires incorporation of any measures as deemed necessary to ensure the proposed building complies with the above-mentioned interior noise levels criteria.

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The proposal achieves consistency with regards to the relevant criteria prescribed by Chapter 2 – Infrastructure of the Transport and Infrastructure SEPP 2021.

17. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014 ('WLEP 2014')

17.1. Part 1.2: Aims of Plan

The proposal is consistent with the aims in Part 1.2(2) of the Woollahra LEP 2014.

17.2. Part 2.3: Zone Objectives and Land Use Table

The proposal is for erection of three (3) new dwellings (i.e. *dwelling-houses*) on each of the respective approved lots (i.e. lots 1, 2 and 3) under DA 230/2020/1.

The proposal is permitted in the R3 Medium Density zone and is also considered to achieve consistency with the objectives of the R3 zone.

- *To provide for the housing needs of the community within a medium density residential environment.*

Comment: The proposal will facilitate the provision of new housing which will assist in providing for the housing needs of the community.

- *To provide a variety of housing types within a medium density residential environment.*

Comment: The proposed three (3) new contemporary dwellings will add to the variety of housing types with the locality.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: Not applicable.

- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

Comment: The proposal is of a height and scale that achieves consistency with regard to the DFC Objectives of the WHCA in Section C2.2.5 of the WDCP 2015.

17.3. Part 4.1: Minimum Subdivision Lot Size

Part 4.1 of the WLEP 2014 specifies a minimum subdivision lot size control of 700m² for the site. The proposal however does not include subdivision and relies on the approved subdivision under DA 230/2020/1.

17.4. Part 4.1A: Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings

Not applicable. The proposal is for the construction of three (3) new dwelling-houses on the approved subdivision under DA 230/2020/1.

17.5 Part 4.3: Height of Buildings

Part 4.3(2) limits development to a maximum height of 10.5m on the subject site.

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Part 4.3(2A) states that, despite sub-clause (2), '*...the maximum height of a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R3 Medium Density Residential is 9.5 metres.*'

	Existing	Proposed	Control	Complies
Maximum Building Height	N/A	Max 9.5m above EGL	9.5m	Yes

The proposal complies with the maximum building height prescribed by Part 4.3(2A) of WLEP 2014. It is also acceptable with regard to the relevant objectives under Part 4.3(1) of WLEP 2014.



Figure 18: LEP Max Height Diagram (Source: Modscape Architects)

17.6 Part 4.4: Floor Space Ratio (FSR)

Part 4.4(2) limits buildings on the site to a maximum Floor Space Ratio (FSR) of 0.65:1.

Part 4.4(2A) states that, despite sub-clause (2), FSR '*does not apply to a building that is a dwelling-house, dual occupancy or semi-detached dwelling*'.

The proposal involves the construction of three (3) new *dwelling-houses* on the approved three (3) lot subdivision, therefore Part 4.4(2) of the WLEP 2014 does not apply.

17.7 Part 5.10: Heritage Conservation

Parts 5.10(2) and 5.10(4) require Council to consider the effect of works proposed to a heritage item, building, work, relic or tree, within a heritage conservation area or new buildings or subdivision in a conservation area or where a heritage item is located.

The subject site is not a Heritage Item nor located within the vicinity of any listed heritage items.

The subject site is however located in the Woollahra Heritage Conservation Area (WHCA).

The objectives of Part 5.10(1), are:

- (a) *to conserve the environmental heritage of Woollahra,*

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- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Demolition of Structures

The site is currently a vacant site with no listed structures, buildings, works, relics or trees.

Surrounding Heritage Items

The site is not located in close vicinity to any listed Heritage Items.

Aboriginal Heritage

The site is not located in an area of Aboriginal Heritage Sensitivity and/or Potential Aboriginal Heritage Sensitivity. Therefore, an Aboriginal Heritage Impact Assessment (AHIA) was not required as part of the DA.

Council's Heritage Officer raised no concerns subject to the recommended relevant standard DA condition (**Condition B.7**) outlining an unexpected findings protocol for any new evidence of aboriginal archaeological remains and/or deposits identified during any development work.

Conclusion

Council's Heritage Officer has undertaken a heritage impact assessment as per Clause 5.10(4) of the WLEP 2014, and raised no concerns regarding the proposal and potential impacts upon the WHCA. The proposal is therefore considered to be acceptable with regard to the relevant heads of consideration in Part 5.10 of the WLEP 2014.

17.8. Part 5.21: Flood Planning

The subject site is not located in a 'Flood Planning Area', as identified on the Flood Planning Map.

17.9 Part 6.1: Acid Sulfate Soils

Part 6.1 requires Council to consider any potential acid sulfate soil affectation so that it does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map. However, the subject works are not likely to lower the water table below 1.0m AHD on any land within 500m of a Class 1, 2 and 3 land classifications. Accordingly, preliminary assessment is not required and there is unlikely to be any acid sulfate affectation. It is therefore acceptable with regard to Part 6.1.

17.10Part 6.2: Earthworks

Part 6.2(1) requires Council to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal involves minimal excavation to accommodate the new dwellings across the site. The proposed excavation is limited to minor site re-formation and re-grading to accommodate the footings for the new buildings.

The proposed excavation is to occur up to a maximum depth, below existing ground level, of approximately 2.14m, along the south-eastern corner of the site. Excavation is to be located a

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minimum of 2.6-4m from the northern (side) boundary and a minimum of 0.26-0.3m from southern (side) boundary.

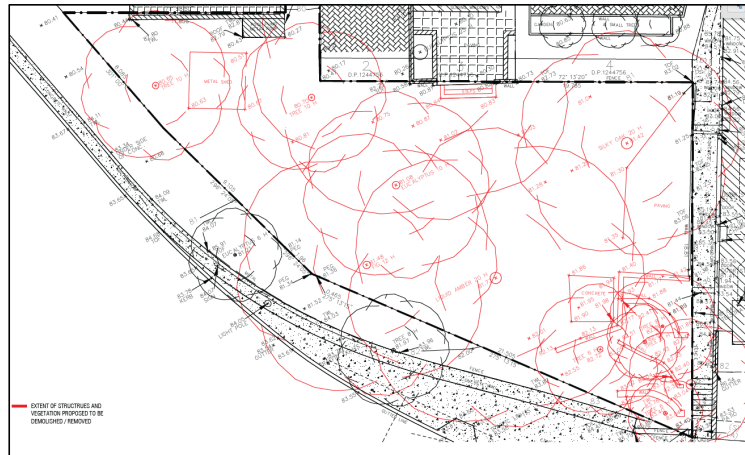


Figure 19: Existing Site Level Plan

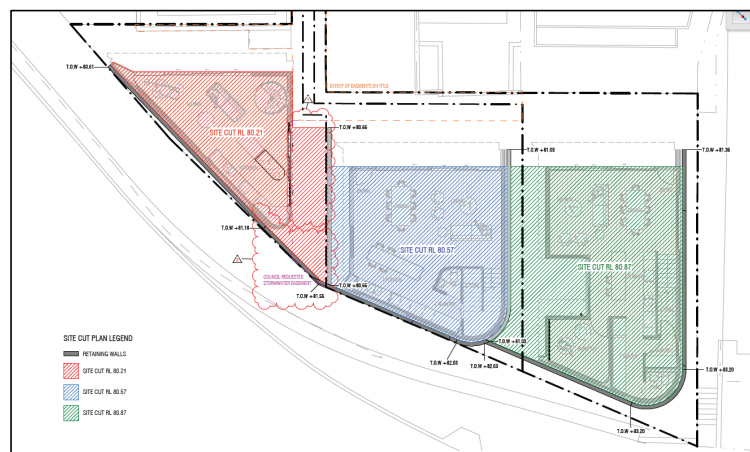


Figure 20: Proposed Site Cut Plan

The application was referred to Council's Development Engineer. Council's Development Engineer has raised no objections due to the minimal extent of excavation proposed, and has advised that the proposal is generally satisfactory subject to imposition of standard conditions.

In determining whether to grant consent for the proposed earthworks Clause 6.2(3) the consent authority be satisfied that the extent and siting of excavation has had regard to the following relevant matters:

- the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development;
- the effect of the development on the likely future use or redevelopment of the land;
- the quality of the fill or the soil to be excavated, or both;
- the effect of the development on the existing and likely amenity of adjoining properties;
- the source of any fill material and the destination of any excavated material;
- the likelihood of disturbing relics;

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- the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area;
- any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Considering the overall satisfactory nature of the proposal and the assessment made by Council's Development Engineer, the proposed earthworks and excavations are acceptable on technical grounds and it can be achieved and/or any issues can be addressed via recommended conditions.

The proposed excavation is satisfactory in terms of the relevant matters for consideration in Clause 3 of Part 6.2: Earthworks of the WLEP 2014.

18. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 ('WDCP 2015')

18.1 Chapter C2: Woollahra Heritage Conservation Area

Schedule of Contributory Items (Part C2.7)

Part C2.7 *Schedule of Contributory Item* does not identify the subject site as an item as confirmed by Council's Heritage officer which states, "*The subject property is a vacant lot and does not have heritage significance. Previous terraces existed on the subject property prior to being demolished for the new road to the south.*"

18.2 Introduction (Part C2.1)

18.2.1. Part C2.1.2 Land where this chapter applies

This chapter applies to the Woollahra Heritage Conservation Area (WHCA). The subject site is located within the WHCA, specifically, within the *Grafton* Precinct of the WHCA.

18.2.2. Part C2.1.4: Objectives of the Woollahra Heritage Conservation Area

The proposal is considered to be satisfactory in terms of Part C2.1.4 of the WDCP 2015, for reasons discussed in the Chapter C2 WDCP 2015 assessment below.

18.3 Understanding the context (Part C2.2)

18.3.1. Part C2.2.5: Desired future character of the Woollahra HCA

The Desired Future Character (DFC) objectives for the Woollahra HCA are:

- O1 *To retain its heritage significance and its recognition as a rare and distinctive urban area.*
- O2 *To retain and promote evidence of the historical development of the Woollahra HCA and its individual precincts and enables the interpretation of that historical development.*
- O3 *To maintain the residential character that has been predominant from the earliest phase of its development.*
- O4 *To maintain the character and significance of its identified precincts.*
- O5 *To retain the distinctive building types characteristic of the area and its precincts.*
- O6 *To continue to cater for a variety of uses and building types within a predominantly residential area.*
- O7 *To exhibit contemporary design excellence.*

Council's Heritage Officer has advised in terms of C2.2.5 as follows:

- **Objective O1, O2, O3, O4, O5, O7**

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- *The proposal will maintain the residential character of the area (Objective O3). The proposal adds a contemporary layer into the existing mix of development.*

Satisfactory – The proposal achieves consistency with regard to the DFC Objectives of the WHCA in Section C2.2.5 of the WDCP 2015 as:

- The proposal will not have adverse impact on the heritage significance of the area (objective O1);
- The subject site is a vacant lot and is not identified as a contributory item. The proposed infill development is supported from a heritage point-of-view. It is considered that new contemporary infill buildings would contribute to evidence of historical development in the WHCA and development in the Grafton Precinct. (Objective O2);
- The proposal maintains the character and significance of the Grafton Precinct (objective O4);
- The proposal will retain the predominantly residential character of Fern Place. The proposed 3 x three-storey contemporary dwellings will add to the variety of housing types with the locality (Objective O3 & O6);
- The subject site is vacant and does not involve the demolition of any existing building and/or structures of significance to the WHCA (Objective O5);
- The proposal is considered to exhibit appropriate contemporary design (Objective O7).

18.3.2. Part C2.2.7: Contemporary Design in Woollahra

The proposal is generally considered to be satisfactory in terms of Part C2.2.7 of the Woollahra DCP 2015.

The proposed infill development in the form of 3 x three-storey new dwelling houses is located on the southern edge of the WHCA on a battle-axe lot.

The proposal will be read as a group of contemporary infill buildings and will achieve a clear distinction from the traditional residential architecture of different periods that surround the site. The proposal will not have any adverse impact on the character of the streetscape or the WHCA.

Council's Heritage Officer has advised in terms of C2.2.7 as follows:

- *Contemporary design is supported in this instance as the property is at the rear of the streetscape and will not be visible from the HCA.*

Refer to comments provided by Council's Heritage Officer and assessment of the application against the building controls below:

18.4 Precincts (Part C2.3)

18.4.1. Part C2.3.7: Grafton Precinct

Part C2.3.7 of the WDCP 2015, identifies the significant characteristics of the Grafton Precinct, which are:

- *The strong definition of its boundaries by the historic Grafton Estate at Edgecliff Road and the dominant form of Syd Einfeld Drive to the south.*
- *The Victorian street pattern grid of the original Grafton Estate subdivision remains with long, narrow lots laid out on an axis perpendicular to Edgecliff Road. This contrasts with the eastern end of the precinct which shows the later subdivision of the former Adelaide Brewery site.*

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- *The topography slopes from south to north, creating streetscapes with repetitive stepped roof forms.*
- *The combination of residential, retail and commercial uses in buildings originally designed only for residential use near the Bondi Junction shopping centre gives the Grafton precinct a more urban character than most of the Woollahra HCA.*
- *Its residential architecture, which is dominated by a variety of housing types from the late Victorian and Edwardian periods, with some Inter-War housing includes:*
 - *single storey houses with small front verandah and a variety of roof forms including hipped, gabled or skillion roofs behind parapeted front elevations;*
 - *often in small groups, two storey terrace houses set behind palisade fences with verandahs and small gardens;*
 - *three storey terrace houses, which are rare within the precinct;*
 - *Inter-War flat buildings.*
- *The gradual and erratic nature of development within the Grafton Estate is illustrated by the differing architectural forms, styles and scale of the houses and the variety of groupings within the precinct.*
- *The restricted palette of construction materials and details, which are generally identifiable as Victorian, Federation, or Inter-War flat buildings*

Part C2.3.7 of the WDCP provides the following Objectives:

- O1 *To ensure the retention and conservation of the significant public buildings.*
- O2 *To ensure new development, including infill, complements the predominantly late Victorian Edwardian and Inter-War character of the precinct.*
- O3 *To ensure original palisade front fences on sandstone bases are preserved.*

Council's Heritage Officer has advised in terms of C2.3.7 as follows:

- **Objective O2**
- *Due to the siting of the proposal the contemporary design is supported and will complement this section of the precinct.*

Assessment: The proposal is acceptable with respect to maintaining the significant characteristics and conforming to the relevant controls and objectives as outlined in Part C2.3.7 of the WDCP 2015, as:

- The subject site is vacant land. There are no contributory or significant buildings located on the site (Objective O1);
- The proposed infill development is considered to be sympathetic to the character of the Grafton Precinct. The contemporary nature of the proposal is not readily visible from Fern Place or from the WHCA. The proposed three-storey scale of the development would maintain the predominant scale of existing developments within Fern Place. Due to its substantial separation from the Fern Place frontage (being a battle-axe lot), it would not overwhelm the streetscape presence of the existing buildings within Fern Place. The contemporary infill design is supported from a heritage point-of-view as it would complement an evolution of architectural styles and would not adversely compromise the significant characteristics of the Grafton Precinct (Objective O2);
- No impact to any original front fences. The proposed open palisade metal front gate is supported as it is sympathetic to traditional forms (Objective O3).

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18.5 Building Type Controls (Part C2.4)

18.5.1. Part C2.4.12: Infill Development

The proposed construction of a new construction of three (3) new dwelling-houses is defined as 'infill development', as per the definition in Part A3 of the WDCP 2015.

Part C2.4.12 (Infill Development) of the WDCP 2015 provides a preamble which states:

"For infill development, applicants are required to provide a detailed site and context analysis. A draft site and context analysis is to be submitted to Council for comment as part of a predevelopment application meeting between Council representatives and the applicant. The following information is to be submitted for comment prior to the lodgement of the development application:

- *the applicant's preferred infill design proposal;*
- *a statement outlining the proposed measures to minimise the adverse impact of the infill development on neighbouring lands, including the public domain;*
- *the philosophy of how the design elements relate to the proposal's context in terms of built form, materials and character; and*
- *statement of heritage impact."*

Part C2.4.12 of the WDCP 2015 provides the following relevant Objectives and Controls:

- O1 *To encourage development on infill sites which reflects contemporary values and employs contemporary design while providing an appropriate response to the historical context of Woollahra HCA.*
- O2 *To ensure that new development on infill sites is designed and located to achieve a cohesive relationship between new and existing urban fabric and which retains and enhances the cultural significance of the area.*
- O3 *To ensure that infill development respects the scale and setting of adjacent contributory items.*
- C1 *Refer to the general controls in Section C2.5. These general controls apply to infill development.*
- C3 *Infill development must:*
 - a) *maintain the significant features and qualities that combine to represent the character of the neighbourhood and area; and*
 - b) *make a positive contribution to the character of the neighbourhood and area.*

Council's Heritage Officer has advised in terms of Part C2.2.12 of the WDCP 2015 as follows:

- **Objective O1, O2, O3 Controls C1, C3**
- *The proposed contemporary form, massing, height, and character are supported in this instance as the property is at the rear of the streetscape and will not be visible from the HCA.*

Assessment:

Satisfactory – The proposal is acceptable with regard to the preamble note, and relevant Objectives in Part C2.4.12 Infill Development of the WDCP 2015, as:

- It will be read as 3 x three-storey contemporary infill buildings and will achieve a clear distinction from the traditional residential architecture of different periods that surround the site. The proposal also provides an appropriate response to its surrounding WHCA context in terms of building height, form, scale, siting (location and setbacks), aspect and

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orientation, as assessed in *Part C2.5.1: Building Height, Form and Character* (Objectives O1, O2);

- It respects the scale and setting of adjacent contributory items, as assessed in *Part C2.5.1: Building Height, Form and Character* (Objective O3).

18.6 General Controls for All Development (Part C2.5)

The preamble of Part C2.5 of the WDCP 2015 states inter-alia:

“The general controls apply to all development including infill or replacement development (also referred to as new development),

...

With new development and alterations and additions to non-contributory items, there is greater scope for design flexibility provided the proposed work does not detract from the significance or character of the streetscape or the Woollahra HCA generally. The siting and alignment of buildings are important characteristics of the streetscapes of Woollahra. In most streetscapes there is a consistent pattern of similar setbacks from the street and from side boundaries.”

18.6.1. Part C2.5.1: Building Height, Form and Character

	Existing	Proposed	Control	Complies
Front Setback (C2)	N/A	No change – as existing	Not Extending Beyond Predominate	Yes
Rear Setback (C6)	N/A	No established setback	Not Beyond Established Setback	Yes
Maximum Number of Storeys (C9)	N/A	3-storeys	2-storeys (3-storeys permitted if streetscape are 3-storeys or more)	Yes
Solar Access to Ground Level Open Space of Adjacent Properties (C13)	< 50% for minimum of 2hrs (2, 3 & 4 Fern Place)	No additional overshadowing of areas of POS	Minimum 50% For 2 hours from 9am to 3pm on 21 June	Yes
Solar Access to North Facing Windows of Adjacent Properties (C14)	> 2 hrs	All North-facing windows of adjoining properties are unaffected	Minimum 3 hours from 9am to 3pm on 21 June over a portion of their surface.	Yes

Council's Heritage Officer has advised in terms of C2.5.1 as follows:

- **Objective O1, O3 Controls C6, C7, C8, C9**
- *The proposed contemporary form and character are supported in this instance as the property is at the rear of the streetscape and will not be visible from the HCA.*

Building Location

- O1 *To ensure that the established historical pattern of development is continued in terms of siting, ... and front, side and rear building setbacks.*
- O2 *To locate buildings to ensure good aspect and orientation of indoor and outdoor living areas and the retention of existing trees.*
- O5 *To encourage the retention or creation of useful open space at the rear of sites.*

Satisfactory – The proposal complies with intent of the relevant controls C1-C6 and achieves consistency with regard to the relevant Objectives O1, O2 and O5 in Part C2.5.1 of the WDCP 2015, as:

- Control C1 states that where there are uniform levels or setbacks within the streetscape, infill development and additions to existing buildings are to be consistent with the levels and setbacks of the adjoining buildings. Control C2 states that where front building setbacks vary and if there is no predominant pattern, development is to align with the existing adjoining development which is the most compatible in scale with the proposed development. Alternatively development can be setback between the properties on either side. Complies.

In terms of front setback, the proposal is on a battle axe allotment and therefore no predominant front setback pattern is present on adjoining development. In any case, the proposed dwellings are setback from their respective front (northern) boundary, ranging approximately 2.01-3.01m, which is generally consistent with the indicative building footprint under the approved subdivision DA and with the neighbouring dwellings to the north at Nos. 2, 3 and 4 Fern Place.

In terms of side setbacks, the proposed dwellings are set back from their respective side boundaries ranging from 0.911m to 1.86m, generally consistent with the indicative building footprint under the approved subdivision DA. The proposed side setbacks of the development appropriately respond to the neighbouring dwellings to the north at Nos. 2, 3 and 4 Fern Place which have minimal or nil side setbacks (i.e. built to the side boundaries). The proposed side setbacks are therefore acceptable and consistent with adjoining development.

- Controls C3 and C4 require development to adopt the appropriate orientation, whether to the street or to a view. The neighbouring buildings including Nos. 2, 3 and 4 Fern Place are orientated towards the north. The proposed development adopts this orientation. Complies.
- Controls C5 and C6 require that the rear setback must not extend beyond the established pattern and ensuring provision of minimum private open space and landscaped area within the rear setback. Complies (on merit).

In terms of rear setback, due to the unique site configuration, there is no predominant rear setback pattern present on adjoining development. In any case, the proposed dwellings are set back from their respective rear (southern) boundary by approximately 0.287-0.887m, across the three lots, which is generally consistent with the indicative building footprint under the approved subdivision DA.

Despite the proposal's departure from the secondary part of Council's rear setback controls C5 and C6, due to the battle-axe nature of the site, private open space is located within the front and side setbacks of each new lot. This is considered an appropriate response to the site constraints and the approved indicative building footprints for the three lots. The proposed buildings are designed to include a useable indoor and outdoor living areas in a north-facing location which remain private and not visible from public places or neighbouring properties.

The location of open space to the front/side of each dwelling is acceptable due to the irregular shape of the site and imposing nature of Syd Einfeld Drive limiting solar access at the rear.

The proposal also provides adequate deep-soil landscape area throughout preserving existing trees on neighbouring sites and trees on the subject site (where possible) complying with the minimum landscaped area and private open space requirements prescribed in Section C2.5.6 *Open Space and Landscaping* of the WDCP 2015.

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- In terms of siting, the proposed development is generally consistent with the approved indicative building footprint under the subdivision DA (refer to **Figures 21** and **22** below) and an appropriate response to patterns of development on neighbouring sites and the unique configuration of the subject site.
- In terms of aspect and orientation, the proposed three new dwellings are all with north-facing orientation ensuring that the main living areas and areas of private open space are orientated in a northerly direction with minimal openings located along the southern elevation which faces onto Syd Einfield Drive. The proposal provides outdoor living space to the north of the new buildings with direct access between indoor and outdoor living areas. This effectively optimises the northerly aspect due to the adopted building orientation ensuring that the areas of private open space are functional and practical.

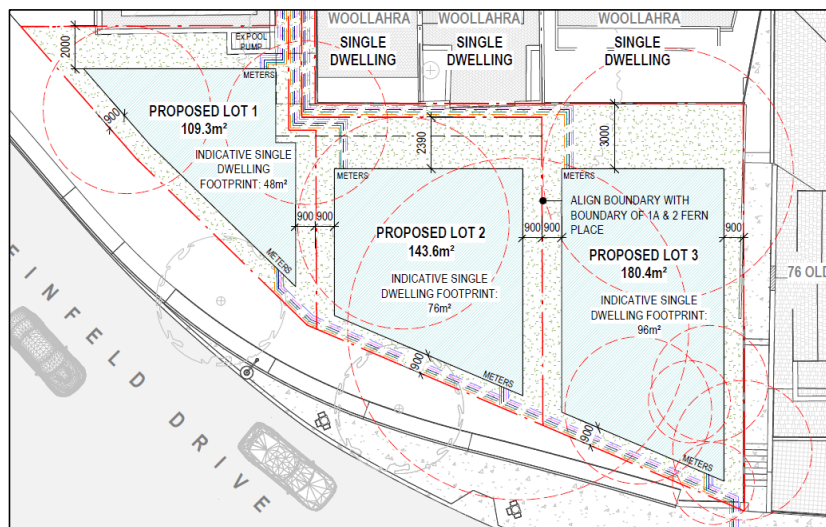


Figure 21: Approved Indicative Building Footprint as per the subdivision DA

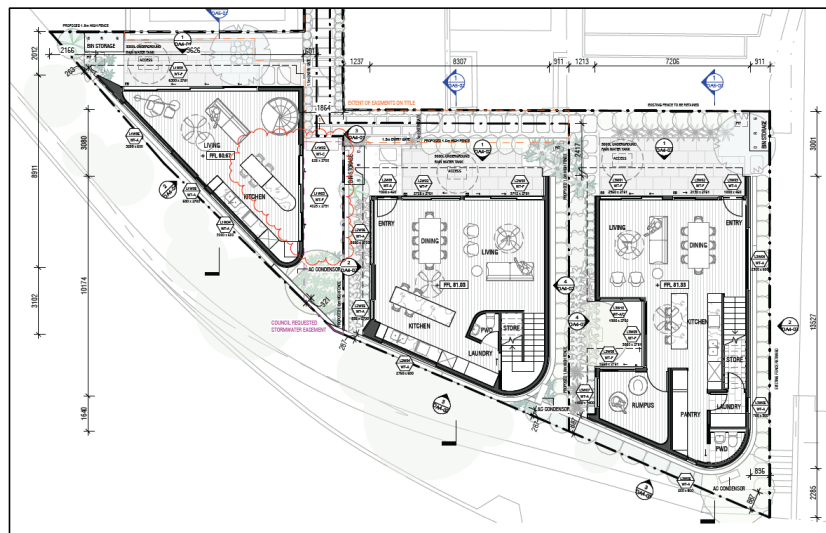


Figure 22: Proposed Ground Floor Plan (Source: Modscape Architects)

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Building height and form

- O1 *To ensure that the established historical pattern of development is continued in terms of...levels,...*
- O3 *To retain the patterns of height, bulk and scale distinctive to individual streetscapes and precincts.*

Satisfactory – The proposal complies with intent of the relevant controls C7, C8 and C9 and achieves consistency with regard to the relevant Objectives O1 and O3 in Part C2.5.1 of the WDCP 2015, as:

- Control C7 requires that the height, bulk, scale, dominant roof forms, ridge line and building envelope of new development must be consistent with those of contributory items in the streetscape that are a similar building type. In circumstances where an infill site adjoins a prominent building or a building of excessive height or intrusive design, conformity is not appropriate. Complies.

In terms of height, bulk and scale, when viewed from Fern Place (within the WHCA), the proposal is not readily discernible in this streetscape due to its substantial separation from the Fern Place frontage and it would not overwhelm the streetscape presence of the existing contributory buildings to the north of the site.

In terms of height, bulk and scale, when viewed from Syd Einfeld Drive (outside of the WHCA), the proposal is more prominent however the three-storey development would respect the scale of the surrounding development and of a height that is not inconsistent with the Syd Einfeld Drive streetscape and adjacent three-storey development to the east of the site, being 76 Old South Head Road.

In terms of the roof forms, the proposed flat roof forms are supported as the contemporary infill buildings should not seek to replicate traditional styles but should provide a clear distinction between old and new fabric.

In terms of ridgelines, when viewed from Fern Place, the proposal is not readily discernible in this streetscape due to the substantial distance behind the Fern Place frontage and the when viewed from Syd Einfeld Drive, the proposal is more prominent however the three-storey development ridgeline heights would respect the scale of the surrounding development and the adjacent three-storey development to the east of the site, being 76 Old South Head Road (refer to **Figure 23** below);

In terms of building envelope, the proposed footprints of the new dwellings are generally consistent with the indicative building footprint under the subdivision DA. The proposed building envelope volume is similar to neighbouring existing and approved developments.

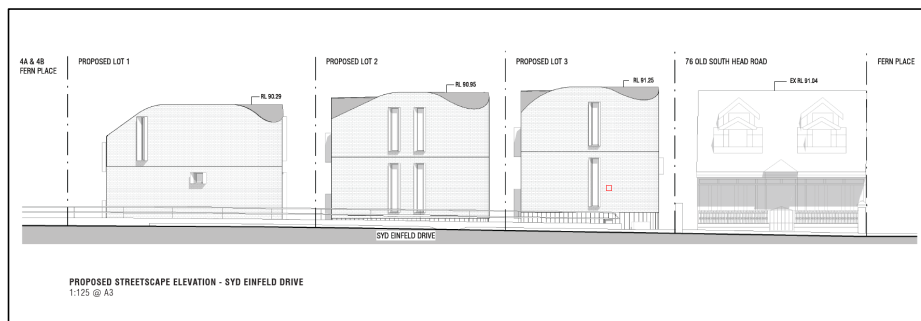


Figure 23: Streetscape Elevation Syd Einfeld Drive (Source: Modscape Architects)

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- Control C8 requires new development to be consistent with the character of nearby contributory items and of the streetscape including solid to void ratios of elevations. Complies. The solid-to-void ratios of all elevations are sympathetic to the surrounds with no large expanses of solid blank walls or excessive glazed openings.
- Control C9 requires that storey heights must conform to those of adjacent contributory items. Three storeys may be permitted if the predominant contributory items in the streetscape are three storeys or more. Complies. The proposed new three-storey new dwellings conform in terms of levels with adjacent buildings. The subject site is located directly adjacent to or within the vicinity of buildings ranging from 1 to 4-storeys, including:

Site	Description	Number of Storeys/Levels
<i>To the north</i>		
1, 2 and 3 Fern Place	Federation style contributory buildings	1 and 2-storey Note: 3 Fern Place, first floor addition approved under DA2021/505/1
4 Fern Place	Dwelling-house (non-contributory)	3-storeys
<i>To the north-west</i>		
No's 4A & 4B Fern Place	Vacant site with approval for a pair contemporary infill dwellings Note: approved under DA2018/367	3-storey
<i>To the east</i>		
76 Old South Head Road (AKA 1A Fern Place)	Victorian/Federation boarding house building known as "Muse Living"	2-storey (facing Fern Place) 3-storey (facing Old South Head Road)
78 Old South Head Road.	Inter-War Flat Building	4-storey



Figure 24: Site Analysis including surrounding number of storeys and levels (Source: Modscape Architects)

Views and Privacy

O4 To protect the privacy and amenity of adjoining or adjacent residential uses.

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O6 To protect and encourage views and vistas from public places, and encourage view sharing from private properties.

Satisfactory – The proposal does not raise any concerns with regards to the loss of views or visual privacy, achieving compliance with Controls C10 and C11 and achieve consistency with Objectives O4 & O6 in Part C2.5.1 of the WDCP 2015 as:

- Controls C10 and C11 requires the protection of private and public views or vistas and ensure that development does not unreasonably obstruct existing principal private views from neighbouring properties. Complies. The proposal does not impact upon any significant public or private views or vistas due to the topography of the land and the existing highly built up nature of the immediate locality which includes Syd Einfeld Drive which would already block any potential for private or publicly available views;
- The proposal will provide adequate amenity in terms of privacy between the adjoining residential properties – Refer to *acoustic and privacy* assessment in the report below, whereby privacy is addressed via DA Conditions)

Solar Access and Ventilation

O4 To protect the ... amenity of adjoining or adjacent residential uses.

O7 To minimise overshadowing of private and public open spaces.

The proposed development involves additional overshadowing upon the Syd Einfeld Drive road reserve and remnant RMS owned land, between the hours of 9am and 3pm, on 21 June. There is also minor additional overshadowing of the front yard of No 76 Old South Head Road, at 3pm. There is no impact to any north-facing windows during this period.

Satisfactory – The proposal complies with relevant controls C13 and C14 and achieves consistency with relevant Objectives O4 & O7 in Part C2.5.1 of the WDCP 2015 as:

- Due to the north-south orientation of the new dwellings the proposed new dwellings will only result in minor additional overshadowing upon the immediately adjoining property to the east at No. 76 OSH Road on 21 June in the afternoon. As per the submitted shadow diagrams, the proposal would not result in any additional overshadowing of adjoining private open spaces or habitable room windows.
- The proposed extent of additional shadow is largely confined to the Syd Einfeld Drive road reserve and no issues is raised in this regard.
- Control C13 stipulates solar access is to be provided to at least 50% (or 35m²) of the main ground level private open space of adjacent properties for a minimum of two hours between 9am and 3pm on 21 June. The proposal would retain compliance with the requirements of Control C13.
- There are no impacts to any north-facing windows arising from the proposed development on adjoining properties, achieving compliance Control C14.

Conclusion

The proposal complies with relevant objectives and controls and is satisfactory with regard to the objectives in Part C2.5.1 of the Woollahra DCP 2015.

18.6.2. Part C2.5.2: Conservation of Contributory Items

Not applicable – The subject site is a vacant block of land which is not listed as a contributory item.

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18.6.3. Part C2.5.3: Conservation of Contributory Groups

Not applicable – The subject site is a vacant block of land which is not listed as a contributory group item.

18.6.4. Part C2.5.4: Materials, Finishes and Colours

Council's Heritage Officer has advised in terms of C2.5.4 as follows:

- **Objective O1, Controls C1, C2, Table 1**
- *The proposed materials and finishes are supported in this instance as the property is at the rear of the streetscape and will not be visible from the HCA.*

Satisfactory – The proposed external materiality, finishes and colour schedules of the proposed development in terms of its roofing, external walls, windows and doors, balconies and fences are appropriate for contemporary infill buildings. These are not listed as intrusive materials (as per Control C1, Table 1 Design Controls External Finishes of the DCP). Furthermore, due to the new buildings location, being at the rear of the existing buildings on Fern Place, it would not be readily visible from the WHCA and would provide a contemporary presentation when viewed from Syd Einfield Drive, which is consistent with nearby development fronting this road.

The proposal complies with relevant objectives and controls and is satisfactory with regard to the objectives in Part C2.5.4 of the WDCP 2015.

18.6.5. Part C2.5.5: Roofs and Skylights

	Existing	Proposed	Control	Complies
Maximum Area of Transparent Material (C2)	N/A	Less than 25%	25%	Yes

Council's Heritage Officer has advised in terms of C2.5.5 as follows:

- **Objective O1 Controls C2, C3, C4**
- *The proposed roof form is supported in this instance as the property is at the rear of the streetscape and will not be visible from the HCA.*

Satisfactory – The proposal complies with relevant controls and achieves consistency with the relevant objectives in Part C2.5.5 of the WDCP 2015, for the following reasons:

- The proposed flat roof form with sloping skillion portions is considered to be appropriate for the contemporary infill development, satisfying the intent of Part C2.2.7 of the WDCP 2015 which encourages contemporary design. The proposed roof form is substantially less bulky when compared to traditional roof forms and it would in fact lessen amenity impacts upon the surrounding sites in terms of solar access, visual privacy and sense of enclosure, achieving consistency with Objective O1;
- The proposed roofs do not contain skylights or areas of transparent roofing material.

18.6.6. Part C2.5.6: Open Space and Landscaping

Total Site Area: 433.3m² • Lot 1 – 91.6m ² • Lot 2 – 116.6m ² • Lot 3 – 156.9m ²	Existing	Proposed	Control	Complies
C3 Deep Soil Landscaped Area (Minimum)				
• Lots, less than 130m ²	100% (433.3m ²)	Lot 1 = 25.78m ²	5m ²	Yes

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Total Site Area: 433.3m² • Lot 1 – 91.6m ² • Lot 2 – 116.6m ² • Lot 3 – 156.9m ²	Existing	Proposed	Control	Complies
		<u>Lot 2</u> = 25.49m ²		Yes
• Lots, 130m ² to 225m ²		<u>Lot 3</u> = 62.55m ² (39.8%)	8% (12.55m ²)	Yes
C4 Private Open Space (Minimum)				
• Lots, less than 130m ² - Total Area - Principal (Rear) Area - Minimum Dimension	N/A	<u>Lot 1</u> 45.01m ² (45%) 34.26m ² >3m	10% (9.16m ²) 10m ² 3m	Yes* Yes Yes
		<u>Lot 2</u> 52.46m ² (45%) 24.06m ² >3m	10% (11.66m ²) 10m ² 3m	Yes* Yes Yes
• Lots 130m ² to 225m ² - Total Area - Principal (Rear) Area - Minimum Dimension	N/A	<u>Lot 3</u> 58.35m ² (37%) 34.05m ² >3m	16% (25.1m ²) 12m ² 3m	Yes* Yes Yes

* Acceptable on merit, Lot 1, 2 & 3 are battle-axe lots and the main areas of private open space are located to the rear of the existing sites on Fern Place

Satisfactory – The proposal complies with relevant controls and achieves consistency with the relevant open space and landscaping objectives in Part C2.5.6 of the WDCP 2015, for the following reasons:

- The proposed dwellings comply with the minimum deep-soil landscaping requirements of Control C3;
- Each of the proposed new dwellings will have directly accessible and useable areas of private open space at ground floor level (compliant m² in area) and supplemented by upper level balconies which are also capable of being used as an extension to the main living areas of the dwelling (Controls C4, C8 & Objective O1);
- The proposal involves the removal of several trees on the currently vacant site. Whilst a new landscape design is proposed for the site and a significant change from the existing situation it is considered that the existing trees that are currently protected by Tree Preservation Order TPO and located outside of the footprint of the new dwellings (as already approved in the subdivision DA) are to be retained (where possible). In order to offset the loss of existing trees, new replacement tree plantings are proposed throughout the site. Furthermore, Councils Tree and Landscaping Officer is satisfied that existing trees on surrounding land can be retained through implementation of relevant tree preservation and protection measures during the development phase (Control C11, Objective O2);
- There is a substantial decrease to the pervious areas (-224.1m²) of the currently vacant subject site. Council's Technical Services Division is satisfied that adequate provision has been made for the disposal of stormwater from the subject site land, achieving consistency with Objective O3;
- The proposed areas of open space in the form of front facing balconies are supported from a heritage point-of-view by Council's Heritage Officer. The proposed areas of private open space are also acceptable in terms of privacy, achieving consistency with Objective O5. Refer to *Part C2.5.12: Acoustic and Visual Privacy* assessment below;
- There are no significant landscape elements identified from a heritage point-of-view on the subject site (Objective O6).

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18.6.7. Part C2.5.7: Fences, Gates and Retaining Walls

	Existing	Proposed	Control	Complies
Front Fence Height	Approx. 2.5m	New integrated 2.5m aluminium open slat gate/fence (located 1.767m behind front boundary of Fern Place)	1.5m	Yes*
Side and Rear Fence Height	Approx. 1.8m	New 1.8m side/rear fences	1.8m	Yes

**Acceptable on merit. Existing non-compliance which is to be reconstructed and is not located directly at street front.*

Satisfactory – The proposal complies with the relevant controls and achieves consistency with the relevant objectives in Part C2.5.7: Fences, Gates and Retaining Walls of the WDCP 2015.

18.6.8. Part C2.5.9: Security

Satisfactory – The proposed new dwellings are acceptable with regard to the relevant controls and objectives in Part C2.5.9: Security of the WDCP 2015.

18.6.9. Part C2.5.10: Excavation

Satisfactory – The proposal does not involve any major excavation works. Council's Development Engineer has raised no objections with the proposed excavations due to the minimal extent of excavation proposed, and has advised the proposal is generally satisfactory in relation to excavation. The proposal is considered to be acceptable with regard to the objectives and controls in Part C2.5.10 of the WDCP 2015 and/or is adequately addressed by the recommended standard DA conditions provided by Council's Development Engineer.

18.6.10. Part C2.5.11: Subdivision and Site Amalgamation

Control C1 requires that subdivision of an existing lot to create a new lot, or to amalgamate a number of lots, must be of a size which reflects the characteristics of historically relevant lots adjoining and in the vicinity of the site.

The proposal is for the construction of three (3) new dwelling-houses on an approved three (3) lot subdivision of the site under DA 230/2020/1. There are no changes proposed to the approved subdivision pattern of the site.

The proposal is acceptable with regard to the relevant controls and objectives in Part C2.5.11: Subdivision and Site Amalgamation of the WDCP 2015.

18.6.11. Part C2.5.12: Acoustic and Visual Privacy

- O1 To ensure an adequate degree of acoustic and visual privacy in building design.
- O2 To minimise the impact of new development, which includes alterations and additions to existing buildings, on the acoustic and visual privacy of existing development on neighbouring land.

Acoustic Privacy

Acoustic Privacy concerns have been raised by surrounding residents relating primarily to the proximity of a busy roadway being Syd Enfield Drive and as a result of upper level balconies.

Specifically, relevant Controls state:

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- C2 *Bedroom windows are to be located at least 3m from streets, shared driveways and parking areas of other dwellings.*
- C3 *In sensitive locations, such as on busy roads or where commercial, retail or other non-residential buildings are close to residential properties, an acoustic report prepared by a suitably qualified and experienced professional may be required by the Council as part of the site and context analysis process.*
- C4 *Sound attenuation measures such as acoustic glazing and insulation are to be provided for new development close to high-noise sources such as busy roads and the Eastern Suburbs railway line. The design in these circumstances is to be certified by a qualified Acoustic Engineer.*
- C5 *Electrical, mechanical, hydraulic and air conditioning equipment is to be housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997, either within or at the boundaries of any property at any time of the day.*

Satisfactory – The proposed development complies with Controls C2, C3, C4 and C5 and achieves consistency with regards to the relevant Objectives O1 and O2, in Part C2.5.12 of the WDCP 2015, as:

- The proposed bedrooms within the development are all located a minimum of 4m from a street/road or shared driveway, achieving compliance with Control C2. Nevertheless, the proposed development is within proximity to a busy roadway (Syd Einfield Drive) and **Conditions C.15 and F.9** require incorporation of appropriate noise control measures as deemed necessary by an acoustic engineer certifying that the proposed residential buildings are able to achieve the minimum noise standards as set out in Clause 2.120(3) *Impact of road noise or vibration on non-road development* of the SEPP (Transport and Infrastructure) 2021;
- The proposed development is considered to be satisfactory with regard to acoustic privacy considerations, subject to Council's standard noise related standard DA **conditions** which require compliance with the provisions of the *Protection of the Environment Operations Act 1997* (i.e. prohibiting rise of offensive noise during on-going residential use of the premises) and ensuring acoustic related impacts from mechanical equipment is minimised.

Visual Privacy

Visual Privacy concerns have been raised by residents directly to the north and east of the proposed development relating primarily to the upper level balconies which are within the line of sight into private open space and habitable room windows.

Specifically, relevant Controls C6, C7, C8, C9, C10 and C13 state:

- C6 *Windows, balconies, screening devices and landscaping must be located to minimise direct overlooking of the main living areas and private open spaces of neighbouring properties.*
- C7 *Windows to bathrooms, toilets, laundries and storage rooms must be fitted with obscure glazing if they allow direct views to or from main living areas and private open spaces of neighbouring properties.*
- C8 *Rear and side balconies must not impact on the privacy of the building's occupants and on the occupants of neighbouring properties. This may require the use of privacy screens, which should be designed with regard to the architectural style of the building.*
- C9 *Habitable room windows with a direct sightline to another dwelling's habitable room windows within 9m must:*
- a) be offset by a distance sufficient to restrict views into the other window; or*
 - b) have sill heights of 1.5m above floor level; or*
 - c) have fixed obscure glazing in any part of the window less than 1.5m above floor level.*

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C10 Direct overlooking of the main living areas or private open space of an existing dwelling from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development is to be obscured or screened.

C13 Balconies should be designed to provide privacy for occupants of the building when viewed from the street or nearby public space without the balcony detailing conflicting with period detailing.

Assessment:

Concerns are raised by neighbouring properties in relation to potential overlooking from the proposed elevated decks. The proposed elevated decks at First and Second Floor levels to all Dwellings (Lots 1, 2 and 3) are located within close proximity of POS of neighbouring properties to the north.

It is noted from the proposed plans that the elevated decks at First Floor level are screened by a 1.7m high privacy screen and this includes the Second Floor level deck to Dwelling in Lot 1. The proposed Second Floor level decks to Dwellings in Lots 2 and 3 however rely on a 1m high landscaped planter to restrict sightlines towards the rear private open space (POS) and habitable room windows of adjacent dwellings to the north (1, 2 and 3 Fern Place).

Given that the proposed development provides adequate POS at ground floor level the necessity for additional POS in an elevated location is deemed unnecessary and unreasonable in the circumstances due to the potential for direct overlooking from these elevated decks areas of the subject site towards neighbouring properties.

Based on the above, and in balancing the need to provide for reasonable levels of environmental amenity, including access to sunlight and ventilation, and good architectural outcomes **Condition C.1(b)** is recommended requiring increased non-trafficable areas (to the Second Floor Level decks of Dwelling Lots 2 and 3) in order to restrict any overlooking of POS of neighbouring properties.

Satisfactory – The proposed development achieves consistency with regards to the relevant Objectives O1 and O2, in Part C2.5.12 of the WDCP 2015, as:

- The proposal ensures that glazed openings are:
 - At Ground Floor level, all windows are obscured by existing and proposed boundary fences, thereby raising no privacy concerns.
 - At First Floor level, all the north-facing windows are located behind a planter box and 1.7m high privacy screen to the external decks restricting downward sightlines and the south/south-west facing windows are orientated toward Syd Einfeld Drive. The side facing (west and east) windows do not overlook any adjoining areas of private open space (POS) or habitable room windows (HRW). Thereby raising no adverse privacy concerns.
 - At Second Floor Level, all the north-facing windows are located behind a planter box and to the external decks restricting downward sightlines and the south/south-west facing windows are orientated toward Syd Einfeld Drive. The side facing (west and east) windows do not overlook any adjoining areas of POS or HRW. Thereby raising no adverse privacy concerns.
- The proposal ensures that balconies/above ground floor decks are screened or potential adverse privacy impacts are appropriately mitigated – refer to **Condition C.1(b)**.

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Based on the above, the proposal ensures compliance with C6, C7, C8, C9, C10 and C13. Thereby, mitigating any visual privacy concerns whilst providing reasonable levels of environmental amenity for future occupants.

18.6.12. Part C2.5.13: Site Facilities and Aerial Devices

Satisfactory – The proposal is acceptable with regard to the objectives and controls in Part C2.5.13: Site facilities and aerial devices of the Woollahra DCP 2015.

18.7 Chapter E1: Parking and Access

The objective of this chapter are:

- O1 *To minimise the amount and impact of vehicular traffic generated due to proposed development.*
- O2 *To ensure that development generating vehicular traffic makes adequate provision off street for the car parking and servicing needs of its occupants and users, including residents, employees, visitors and deliveries.*
- O3 *To ensure the safe and efficient movement of vehicles within, entering and leaving properties.*
- O4 *To minimise the environmental effects, particularly visual impact, of parked vehicles on the amenity of the municipality.*
- O5 *To ensure that access points to car parking areas are situated to minimise disruption of vehicle movement on the public road system.*

For the reasons discussed below, the proposal achieves consistency with the aforementioned objectives.

18.7.1. Part E1.4: Residential parking

Parking for residential uses is calculated using the generation rates specified in E1.4.2.

	Existing	Proposed	Control	Complies
Max Number of Car Parking Spaces – Dwelling House	Nil (0)	Nil (0)	Max 6 Spaces (2 Spaces per Dwelling)	Yes

The proposed development for three (3) new dwelling houses results in a parking generation rate of a maximum of six (6) parking spaces.

The proposed development provides Nil (0) parking spaces, which complies with the maximum residential parking generation rate however it does represent a undersupply of six (6) parking spaces below the maximum parking rate.

Part E1.4.2 provides guidance as to assessment of an application which provides fewer spaces than the maximum number of permitted spaces as specified in Table 1 of the DCP. It reads as follows:

“Providing fewer spaces than the number calculated using the parking generation rates

*The rates in Table 1 are maximum parking rates. The maximum number of parking spaces may not be achieved on a site depending on the site and its context.
In particular, the desired future character, streetscape and garages controls in the residential chapters of this DCP (Part B) take precedence over the numeric parking rates in this chapter.*

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For example, a dwelling on a small or narrow lot may not achieve the maximum number of on-site parking spaces if the arrangement of the spaces cannot meet the character, streetscape and location of garage requirements for the precinct. This is particularly relevant in the R2 Low Density Residential zoned areas.

However, in other instances where the maximum number of parking spaces is not achieved, the parking provided should not be substantially below the maximum rates. Where less than the maximum parking rate is proposed, justification must cover matters such as, but not limited to the matters listed in Section 1.2.2 (Matters the consent authority will consider).

Council will generally only support such proposals where the applicant can demonstrate that the development is unlikely to create significant additional demand for on-street parking in surrounding streets."

The applicant provides the following justification for the undersupply of the maximum number of residential parking spaces, stating:

"The constrained nature of the subject site on a battle-axe lot, with an easement for pedestrian access only, prevents vehicle access to each lot. There is on-street parking along Fern Place, and as site is close to public transport and key services at Bondi Junction, residents are less likely to rely on private modes of transport.

The proposed development complies with Council's DCP controls, and was previously found to be acceptable in terms of future parking by Council in the approved Development Application (DA-230/2020) for lot consolidation and Torrens Title subdivision. The Council Officer Report from the Local Planning Panel Agenda for this DA (Item D2, 18 March 2021), states, inter alia:

Additionally, in accordance with chapter E1 part E1.4.2 the parking rates listed in Table 1 are maximum parking rates. There is no requirement for minimum parking spaces.

In addition, public transport are readily available within walking distance from the subject site which is in close proximity of the Bondi Junction Railway Station Interchange and several bus routes which can provide the future occupants access to a range of services."

Comment: Based on the above, the proposal is considered to achieve consistency with *Part E1.4.2: Residential parking generation rates* of the WDCP 2015, with the following and supported as:

- The parking generation rates for dwelling houses are a *maximum* and not a *minimum* requirement;
- The site is constrained in nature with its only current access being a narrow pedestrian access easement. Vehicular access would not be readily achievable;
- On-street parking is available on Fern Place however the site is located on Fern Place which is a time limited parking area with limited access to untimed parking within the immediate locality. The entire northern and southern sides of Fern Place are signposted with '*1P 8am - 9pm Permit Holders Excepted*'. Furthermore, there is a range of public transport service modes within the walking distance of the site.

Condition 1.5 is therefore recommended restricting eligibility of the issuance of any resident parking permits to future tenants and/or residents of the proposed development. Cumulatively, this would deter reliance upon private car ownership.

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The proposal is considered to achieve consistency with regards to the objectives and controls in *Chapter E1: Parking and Access* of the WDCP 2015.

18.8 Chapter E2: Stormwater and Flood Risk Management

The objectives of this chapter are:

- O1 *To encourage ecologically sustainable stormwater management and the use of water sensitive urban design.*
- O2 *To maintain existing natural drainage patterns.*
- O3 *To ensure that adequate provision has been made for the disposal of stormwater from land proposed to be developed.*
- O4 *To ensure the controlled release of stormwater to public stormwater systems without adversely impacting on adjoining or downstream properties.*
- O5 *To protect Sydney Harbour and its waterways from stormwater pollution.*
- O6 *To minimise flood risk and damage to people and property by setting appropriate development controls.*
- O7 *To ensure that flood levels are not increased by development.*

For the reasons discussed below, the proposal achieves consistency with the aforementioned objectives.

Part E2.2: Stormwater drainage management controls

Council's Development Engineer is satisfied that the proposed development has made adequate provision of stormwater management, stating:

"The submitted concept stormwater plans are considered satisfactory in principle subject to refinements at the CC stage which can be conditioned accordingly. It is noted that the applicant has proposed to install rainwater tanks which are 1.5 times of the required OSD storage volume to fully offset the OSD system for each dwelling. Stormwater runoff from each allotment will be collected and directed to the existing interallotment drainage easements which were established as part of the approved subdivision application under DA230/2020/1. Given that stormwater runoff from the site will be discharged to the street kerb, conditions will be imposed to ensure that all below ground structures are fully tanked and that subsoil drainage/seepage water is NOT collected to comply with Council's DCP.

Council's Infrastructure & Sustainability Services Division is satisfied that adequate provision could be made for the disposal of stormwater from the land it is proposed to develop and complies with Chapter E2 "Stormwater and Flood Risk Management" DCP."

The proposal is considered to be satisfactory in terms of the relevant controls and objectives in Part E2.2 of the WDCP 2015, subject to establishment of interallotment drainage easements established in the subdivision DA (DA230/2022/1) and refinement of the proposed Stormwater Management Plan – refer to recommended **Condition C.13**.

Part E2.3: Flood Risk Management controls

The subject site is not identified as within a 'Flood Planning Area', as identified on the Flood Planning Map.

Conclusion

The proposal is considered to achieve consistency with regards to the objectives and controls in Chapter E2 of the Woollahra DCP 2015 and/or is addressed via the recommended DA Conditions.

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18.9 Chapter E3: Tree Management

The objectives of this chapter are:

- O1 To identify trees which are prescribed for the purpose of clause 5.9(2) of Woollahra LEP.
- O2 To define the different circumstances under which a development consent or permit application is required for works to a prescribed tree.
- O3 To promote, maintain and conserve the leafy character of the Woollahra Municipality.
- O4 To conserve significant trees of historic, cultural, commemorative, scientific, visual or aesthetic importance.
- O5 To find a balance between maintaining Woollahra's canopy cover and providing for development on private land.

For the reasons discussed below, the proposal achieves consistency with the aforementioned objectives.

18.9.1. Part E3.3: Assessing a development application or a tree permit

Part E3.3.1: Matters to be considered – all applications

The following relevant matters are to be considered where the proposal involves the removal of a tree:

- 1 The species, health, structural condition, age, growing environment and landscape significance
- 4 Where tree removal is proposed, the following matters will also be considered:
 - i) the surrounding canopy cover
 - ii) amenity issues
 - iii) the opportunity for replacement planting

Part E3.3.2: Additional matters to be considered—works requiring a DA

The following relevant additional matters are required to be considered when assessing development applications:

- 1 The impact of the proposed works, as assessed against the guidelines in Australian Standard 4970 Protection of Trees on Development Sites. Note: Where removal of the tree is approved, suitable replacement planting will form part of the conditions of development consent.
- 2 The contribution the tree provides to the canopy cover, amenity, environment and landscape of the immediate and surrounding area
- 3 The visual prominence of the tree and its proximity to ridgelines, prominent places, the harbour and public open space.
- 4 For a tree on the Significant Tree Register—the impact of the proposed works on the amenity and landscape setting of the surrounding area.
- 8 If the tree is proposed for removal, what replacement tree or trees will be provided? Well established gardens and trees should generally be retained. Replacement trees should be positioned and be of a species that reflect the original garden as much as possible

Council's Tree and Landscape Officer supports the proposal with regards to Tree Management (refer to **Annexure 5**), providing inter-alia, the following assessment:

"SUMMARY

The proposal is for construction of three new dwellings with associated landscaping works on newly created lots 1, 2 and 3 (approved under DA230/2020/1).

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A total of 16 trees within and adjacent to the site will be affected by the proposal. This includes 11 trees proposed for removal and the remaining five (5) trees proposed for retention and protection.

Council's Tree and Landscape team has determined that the development proposal is satisfactory in terms of tree preservation and landscaping, subject to compliance with the following Conditions of Consent...

Based on the above, the Landscape Plans (Revision C, dated 21.07.2022) prepared by Edwina Stuart Landscape Design are the final version of plans to be approved and are referenced in **Condition A.3** – Refer to **Annexure 2** for the Landscape Plans.

The proposal is considered to achieve consistency with objectives in Part E3.1.3 of the Woollahra DCP 2015 as it is considered:

- to promote, maintain and conserve the leafy character of the Woollahra Municipality, albeit in a modified state. Whilst a new landscape design is proposed for the site and a significant change from the existing situation it is considered that the existing trees that are currently protected by Tree Preservation Order TPO and located outside of the footprint of the new dwellings (as already approved in the subdivision DA) are to be retained (where possible). In order to offset the loss of existing trees, new replacement tree plantings are proposed throughout the site, as required by Objective O3;
- to conserve significant trees of visual or aesthetic importance being the street trees and those located outside of the footprint of the new dwellings including trees on neighbouring sites and provide adequate new tree plantings within the deep-soil areas of the site to promote tree canopy, as required by Objective O4;
- to find a balance between maintaining Woollahra's canopy cover and providing for development on private land, as required by Objective O5.

Conclusion

The proposal is acceptable with regard to the objectives and controls in Chapter E3 of the Woollahra DCP 2015, subject to the recommended standard DA Conditions relating to tree protection, preservation and replacement planting.

18.10 Chapter E5: Waste Management

Chapter E5 is applicable to all development and seeks to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

Part E5.2: Demolition and Construction Phase

The applicant provided a SWMMP with the development application and it was found to be satisfactory. Appropriate conditions have been included in the recommendation to ensure the appropriate reuse, recycling and disposal of waste during demolition and construction.

The proposal is acceptable with regard to Part E5.2 of the Woollahra DCP 2015.

Part E5.3: On-Site Waste and Recycling Controls for all Development

Fern Place WOOLLAHRA
DA 216/2022/1

Woollahra Council Application Assessment Panel (AAP)
26 September 2023

	Existing	Proposed	Control	Complies
Garbage and Recycling Areas (Control C2)	-	Separated with adequate bin storage	Separated	Yes
Location of Garbage and Recycling Areas (Control C3)	-	Front yard of proposed dwellings but located behind front building line of buildings on Fern Place	Behind Building Line or Non-Habitable Areas	Yes
Location of Garbage and Recycling Areas (Controls C4 & C5)	-		Do not detract from streetscape; Safe and convenient access	Yes

The proposed location of the bin storage areas within the front yards of each proposed dwelling are within dedicated storage areas new, out of view from the street and easily accessible to the future occupants.

The proposal is acceptable with regard to the objectives and controls in Chapter E5 of the Woollahra DCP 2015.

Part E5.4: Dwelling Houses, Semi-Detached Dwellings and Dual Occupancies

	Existing	Proposed	Control	Complies
Garbage and Recycling Areas (Indoor) (C1)	-	Provided	Required for 1 day waste	Yes
Location of Garbage and Recycling Areas (C2)	-	Front yard of proposed dwellings but located behind front building line of buildings on Fern Place	Behind Building Line or Non-Habitable Areas	Yes
Bin Provision (C3) - General Waste - Green Waste - Recycling	-	1 x 120L 1 x 240L 1 x 120L (per dwelling)	1 x 120L 1 x 240L 1 x 120L (per dwelling)	Yes Yes Yes
Compost Area (C5)	-	Adequate area for composting within front yards	Required	Yes

The proposed waste and recycling, and green mobile garbage bins to provided by council will be located in the landscaped front yards of each dwelling in dedicated storage areas, out of view from the street and easily accessible to the future occupants. The proposed bins are located adjacent to a pathway for ease of transfer to the street kerb for Council kerb-side waste collection.

The proposal is acceptable with regard to the objectives and controls in Chapter E5 of the Woollahra DCP 2015.

Conclusion

The proposal is acceptable with regard to the objectives and controls in Chapter E5 of the Woollahra DCP 2015 and/or is addressed via the recommended DA Conditions.

18.11 Chapter E6: Sustainability

Part E6.3: Solar Energy Systems

Fern Place WOOLLAHRA
DA 216/2022/1

Woollahra Council Application Assessment Panel (AAP)
26 September 2023

	Existing	Proposed	Control	Complies
Maximum Projection Above Roof Surface (C1a)	N/A	<300mm	300mm	Yes
Location of Solar Energy System (C1b)		Battle-axe lot & not readily visible from street	Behind the Front Setback and not visible from the street	Yes
Location of Solar Energy System in a Heritage Conservation Area (C1d)		N/A (Infill buildings)	Not located on the Principal Building Form	Yes

C1 limits solar equipment to 300mm above the roof surface and behind the front setback. It is not to consist of mirrors or lenses and where it is in a heritage conservation area, not be located on the roof plane, wall or chimney of the principal building. Complies.

C2 requires that solar energy systems must not have an unreasonable visual impact upon the streetscape or area, views from Sydney Harbour, adjoining properties or views from private property. Complies.

Conclusion

The proposal is acceptable with regard to the objectives and controls in Chapter E6 of the Woollahra DCP 2015.

18.12 Chapter E8: Adaptable Housing

The proposal is acceptable with regard to the objectives and controls in Chapter E8 of the Woollahra DCP 2015.

19. DRAFT AMENDMENTS TO POLICIES AND PLANS

New FSR and tree canopy controls

New floor space ratio development standards for low density residential development, and urban greening requirements for all residential development, commenced on 14 July 2023.

The amendments to the WLEP 2014 (Amendment No 33) aims to ensure that all new development is of an appropriate scale, retains and enhances tree canopy whilst including high-quality landscaping.

Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, requires that provisions of any environmental planning instrument are to be considered by a consent authority when determining a development application.

The current savings provisions relating to development applications under Clause 1.8A of the WLEP 2014 read as follows:

- (1) *If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*
- (2) *The amendments made to this plan by Woollahra Local Environmental Plan 2014 (Amendment No 33), other than new clause 6.10, do not apply to a development application made, but not finally determined, before the commencement of the amendments.*

Fern Place WOOLLAHRA
DA 216/2022/1

Woollahra Council Application Assessment Panel (AAP)
26 September 2023

Conclusion

Having considered the wording of Clause 1.8A of the WLEP 2014, the amendments to the WLEP 2014 have no effect upon the subject application, noting it was made prior to, but has not been finally determined, prior the commencement of the WLEP 2014 (Amendment No 33).

20. SECTION 7.12 CONTRIBUTION PLANS

20.1. Section 7.12 Contributions Plan 2021

In accordance with Schedule 1, a 1% levy applies with the monies being used for a variety of works as outlined in Schedule 1 of the Section 7.12 Contributions Plan 2021. Refer to **Condition C.3**

21. APPLICABLE ACTS/REGULATIONS

21.1 Environmental Planning and Assessment Regulation 2021

Clause 61(1) – Demolition of Structures

Clause 61(1) of the EPA Regulation 2021 requires Council to take into consideration Australian Standard AS 2601-2001: *The demolition of structures*. This requirement is addressed by Council's standard condition.

22. THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts have been addressed elsewhere in the report, or are considered to be satisfactory and not warrant further consideration.

23. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

24. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

25. CONCLUSION

Based on the assessment contained within this report, the proposal is acceptable against the relevant heads of considerations under Section 4.15 of the EP&A Act 1979 and the proposal is therefore recommended for approval.

26. DISCLOSURE STATEMENTS

There have been no disclosure statements regarding political donations or gifts made to any Councillor or to any council employee associated with this development application by the applicant or any person who made a submission.

27. RECOMMENDATION: PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THAT the Council, as the consent authority, grant development consent to DA216/2022/1 for the construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1) on land at Fern Place WOOLLAHRA, subject to the following conditions:

4A Fern Place WOOLLAHRA New South Whales (Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

DEVELOPMENT APPLICATION SET FOR THREE DWELLINGS ON APPROVED LOTS 1, 2 & 3
REVISION C - AUGUST 2023

DRAWING SCHEDULE

- DA1-01

Cover Sheet / Drawing Schedule
- DA1-02

Aerial Photograph
- DA1-03

Site Photographs
- DA1-04

Site Photographs
- DA1-05

Site Photographs
- DA1-06

Survey Plan
- DA1-07

Site Analysis
- DA1-08

BASIX Commitments
- DA1-51

Existing Conditions / Demolition Plan
- DA1-52

Proposed Site Plan
- DA1-53

Proposed Site Cut Plan
- DA1-54

Development Schedule
- DA2-01

Proposed Ground Floor Plan
- DA2-02

Proposed First Floor Plan
- DA2-03

Proposed Second Floor Plan
- DA2-04

Proposed Roof Plan
- DA4-01

Proposed Elevations Lot 1
- DA4-02

Proposed Elevations Lot 2
- DA4-03

Proposed Elevations Lot 3
- DA4-04

Proposed Streetscape Elevation - Fern Place
- DA4-05

Proposed Streetscape Elevation - Syd Einfeld Drive
- DA5-01

Proposed Sections Lot 1
- DA5-02

Proposed Sections Lot 2
- DA5-03

Proposed Sections Lot 3
- DA5-04

LEP Max Height Diagram
- DA8-01

Window Elevations Lot 1
- DA8-02

Window Elevations Lot 1
- DA8-03

Window Elevations Lot 2
- DA8-04

Window Elevations Lot 2
- DA8-05

Window Elevations Lot 3
- DA8-06

Window Elevations Lot 3
- DA9-01

Shadow Diagrams - 9AM June 21 (Winter Solstice)
- DA9-02

Shadow Diagrams - 12 NOON June 21 (Winter Solstice)
- DA9-03

Shadow Diagrams - 3PM June 21 (Winter Solstice)

REVISION SCHEDULE

REVISIONS BELOW CAPTURE PROPOSED AMENDMENTS TO DEVELOPMENT APPLICATION SUBMISSION (REVISION C)

- 1

EXTENT OF BUILDING TOP REDUCED TO FIT UNDER 9.5m LEP MAX HEIGHT RESTRICTION
- 2

3D LEP MAX HEIGHT DIAGRAM ADDED TO DRAWING PACKAGE

DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Cover Sheet
Drawing Schedule

DRAWING NO.

DA1-01

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. 586
SCALE Not To Scale

REV: C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
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DRAWING TITLE
Aerial Photograph

DRAWING NO.

DA1-02

REV:

C

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

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DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
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DRAWING TITLE
Aerial Photograph

DRAWING NO.

DA1-03

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

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REV:
C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
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Issue	Description	By	Date

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DRAWING TITLE
Site Photographs

DRAWING NO.

DA1-04

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

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REV:
C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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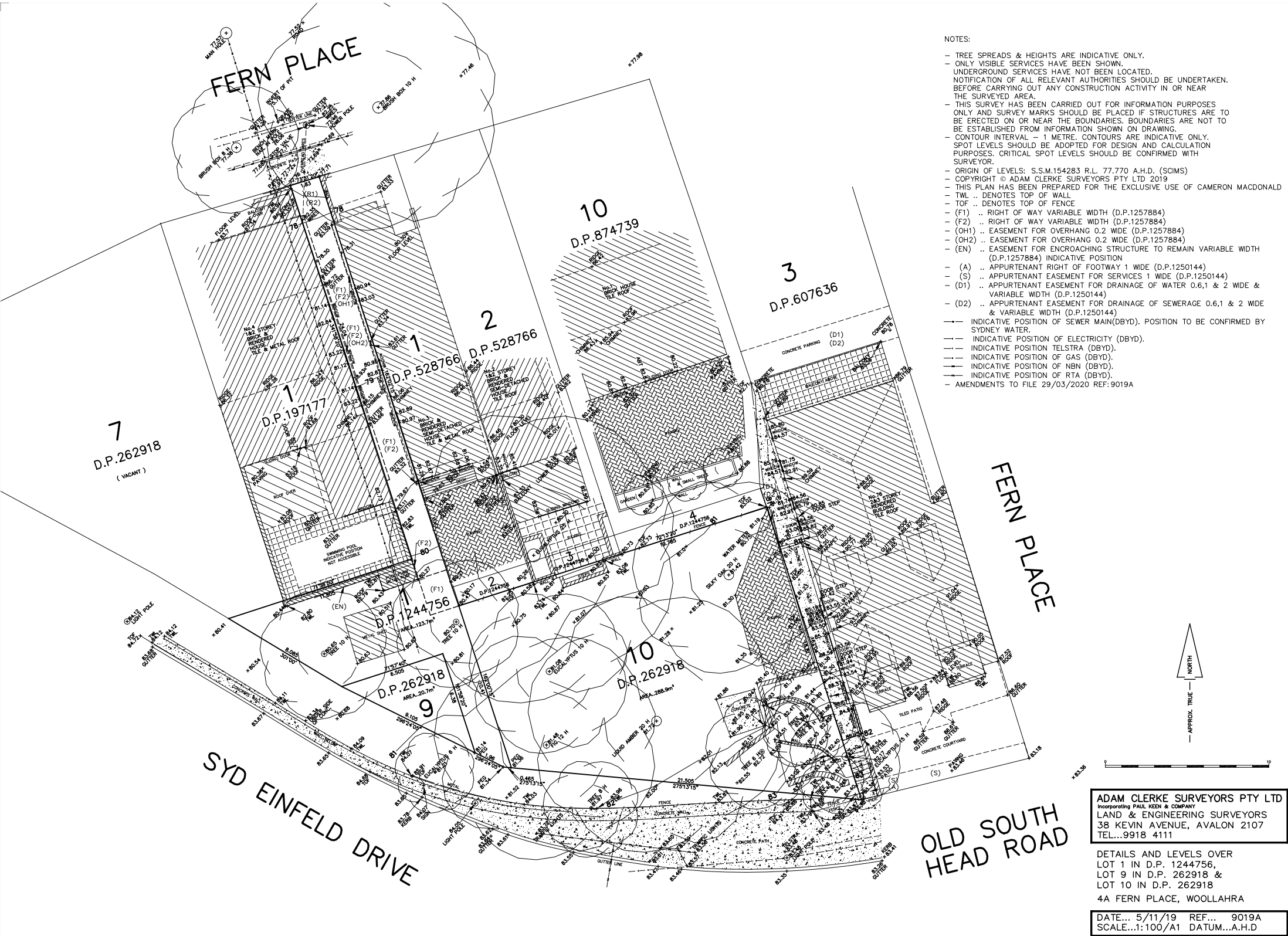
CLIENT
Cameron MacDonald

DRAWING TITLE
Site Photographs

DRAWING NO.
DA1-05
REV:
C

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586
SCALE
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REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
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CLIENT
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DRAWING TITLE
Survey Plan

DRAWING NO.

DA1-06

REV:

C

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. **586**
SCALE **Not To Scale**



TRADITIONAL CUSTODIANS : JADAWADJALI and DJAB WURRUNG peoples

DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
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DRAWING TITLE
Site Analysis

DRAWING NO.

DA1-07

REV:
C

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
Not To Scale

BASIX COMMITMENTS PER DWELLING (LOT 1, LOT 2 & LOT 3)

- EXTERNAL WALL INSULATION = R3.5
- ROOF SARKING = R0.7
- EXTERNAL CEILING INSULATION = R6.0
- ALL INTERNAL STUD WALL INSULATION = R1.5
- FLOOR INSULATION
 - CONCRETE SLAB = R2.5
 - SUSPENDED TIMBER FLOOR = R1.5

WATER

- SHOWERHEADS = 4 STAR
 - TOILET FLUSHING SYSTEMS = 5 STAR
 - KITCHEN TAP = 5 STAR
 - BATHROOOM TAPS = 5 STAR
 - RAINWATER TANK = 1500L
 - ROOF RUNOFF TO RWT = COLLECTED FROM MIN 33sqm OF ROOF
-
- RAINWATER TANK TO CONNECT TO:
 - ALL TOILETS
 - CLOTHES WASHER COLD WATER TAP
 - OUTDOOR TAP
 - 5 STAR INSTANTANEOUS HOT WATER SYSTEM
-
- SEALED WINDOWS
 - SEAL ALL EXHAUST FANS INCLUDING KITCHEN RANGE HOOD
 - SEAL ALL EXTERNAL SWINGING DOORS WITH WEATHER STRIP
 - 2KW PHOTOVOLTAIC SYSTEM

DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
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CLIENT
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DRAWING TITLE
BASIX Commitments
-

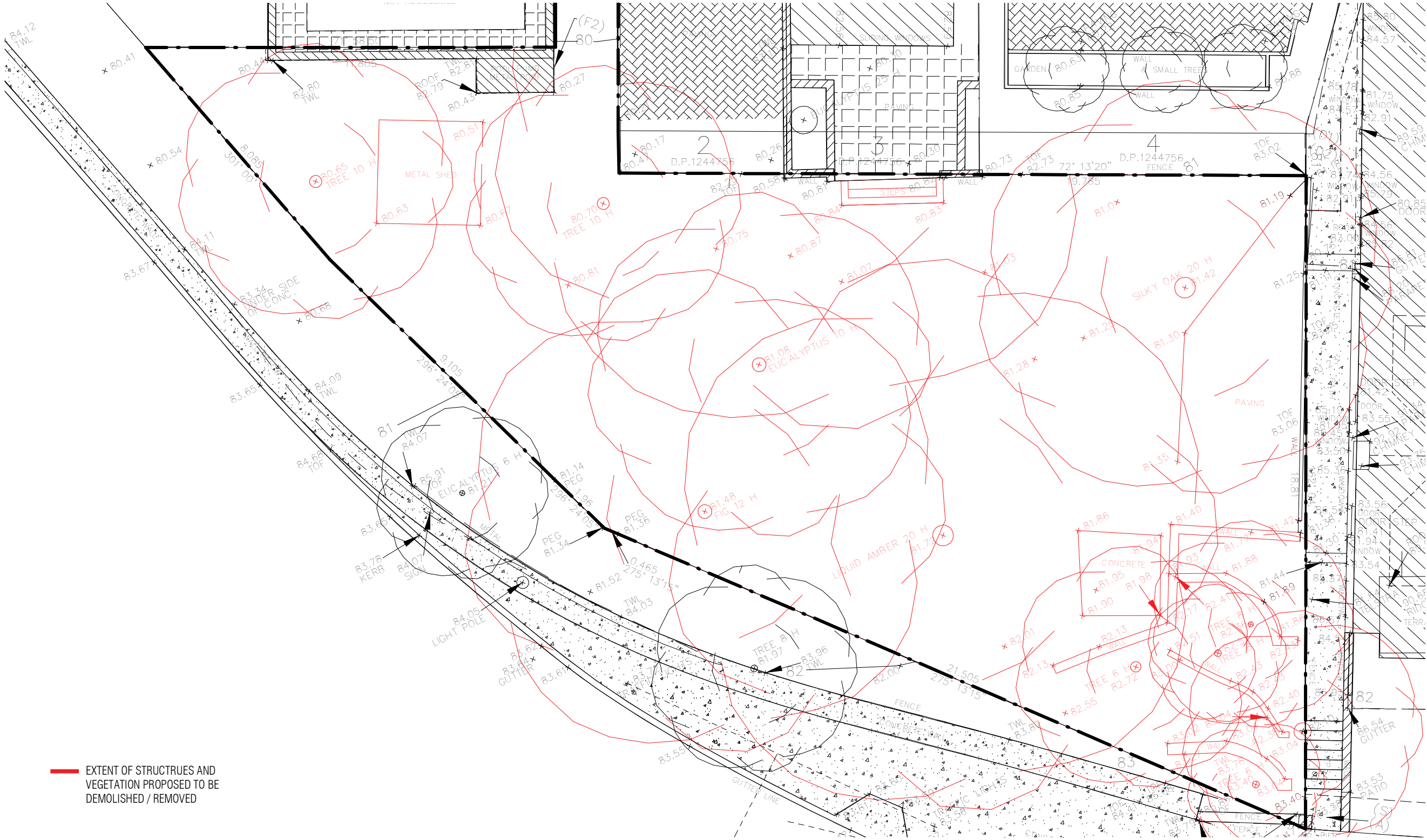
DRAWING NO.

DA1-08

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. 586
SCALE Not To Scale

REV.:
C



REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
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Issue	Description	By	Date

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CLIENT
Cameron MacDonald

DRAWING TITLE
Existing Conditions / Demolition Plan

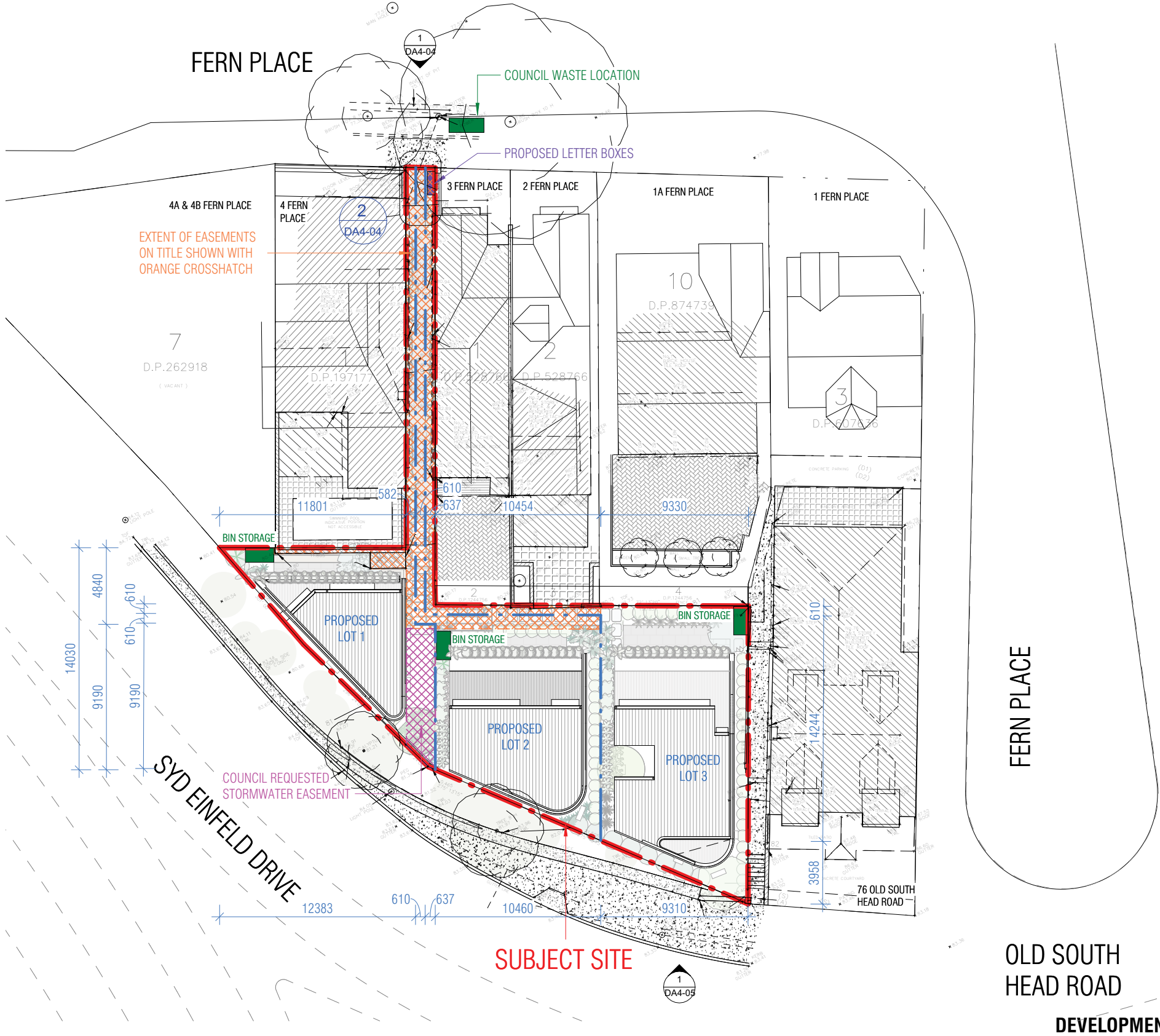
DRAWING NO.

DA1-51

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. 586
SCALE 1:100@A3

REV: C



REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Site Plan

DRAWING NO.

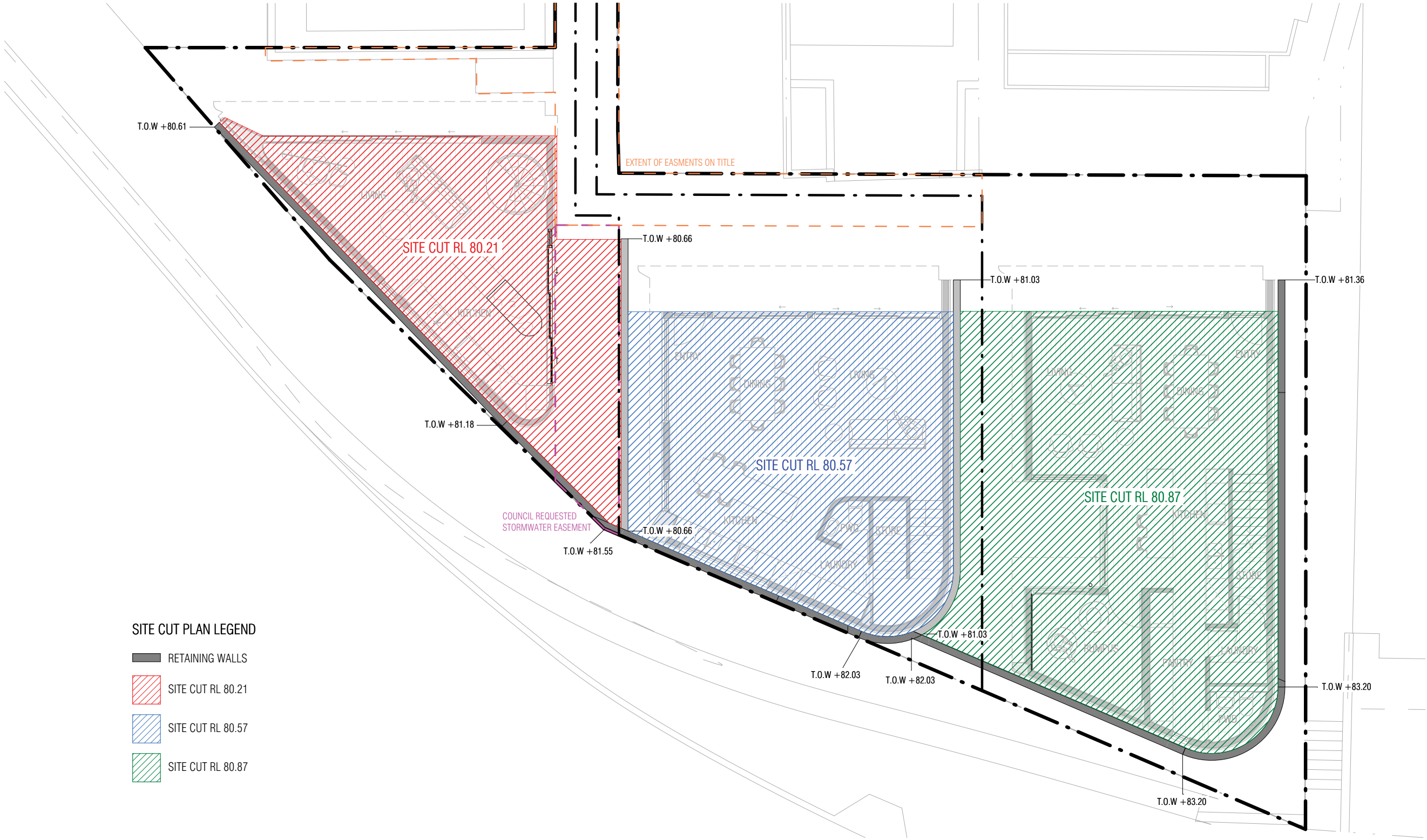
DA1-52

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:200@A3

REV:
C



SITE CUT PLAN LEGEND

- RETAINING WALLS
- SITE CUT RL 80.21
- SITE CUT RL 80.57
- SITE CUT RL 80.87

DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
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CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Site Cut Plan

DRAWING NO.

DA1-53

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:100@A3

REV:
C

DEVELOPMENT SCHEDULE

	LOT1	LOT2	LOT3	Totals
SITE				
Including Access Handle	109.3m ²	143.6m ²	180.4m ²	433.3m ²
Excluding Access Handle	91.6m ²	116.4m ²	156.9m ²	364.9m ²
GROUND FLOOR				
Dwelling GFA	36.77m ²	61.57m ²	69.69m ²	168.03m ²
Private Open Space	34.26m ²	24.06m ²	34.05m ²	92.37m ²
FIRST FLOOR				
Dwelling GFA	34.19m ²	54.72m ²	66.81m ²	155.72m ²
Planter	6.44m ²	5.84m ²	5.07m ²	17.35m ²
Private Open Space (Deck)	3.50m ²	8.07m ²	6.65m ²	18.22m ²
SECOND FLOOR				
Dwelling GFA	30.78m ²	35.79m ²	48.38m ²	114.95m ²
Planter & Ballast	6.53m ²	12.79m ²	12.68m ²	32.00m ²
Private Open Space (Deck)	7.25m ²	20.33m ²	17.65m ²	45.23m ²
TOTAL GFA	101.74m ²	152.08m ²	184.88m ²	438.70m ²
TOTAL PRIVATE OPEN SPACE	45.01m ²	52.46m ²	58.35m ²	
Percentage of Site	49%	45%	37%	
(Excluding Access Handle)				
DEEP SOIL LANDSCAPE AREA	25.78m ²	25.49m ²	62.55m ²	
	28%	22%	40%	

DEVELOPMENT APPLICATION SET

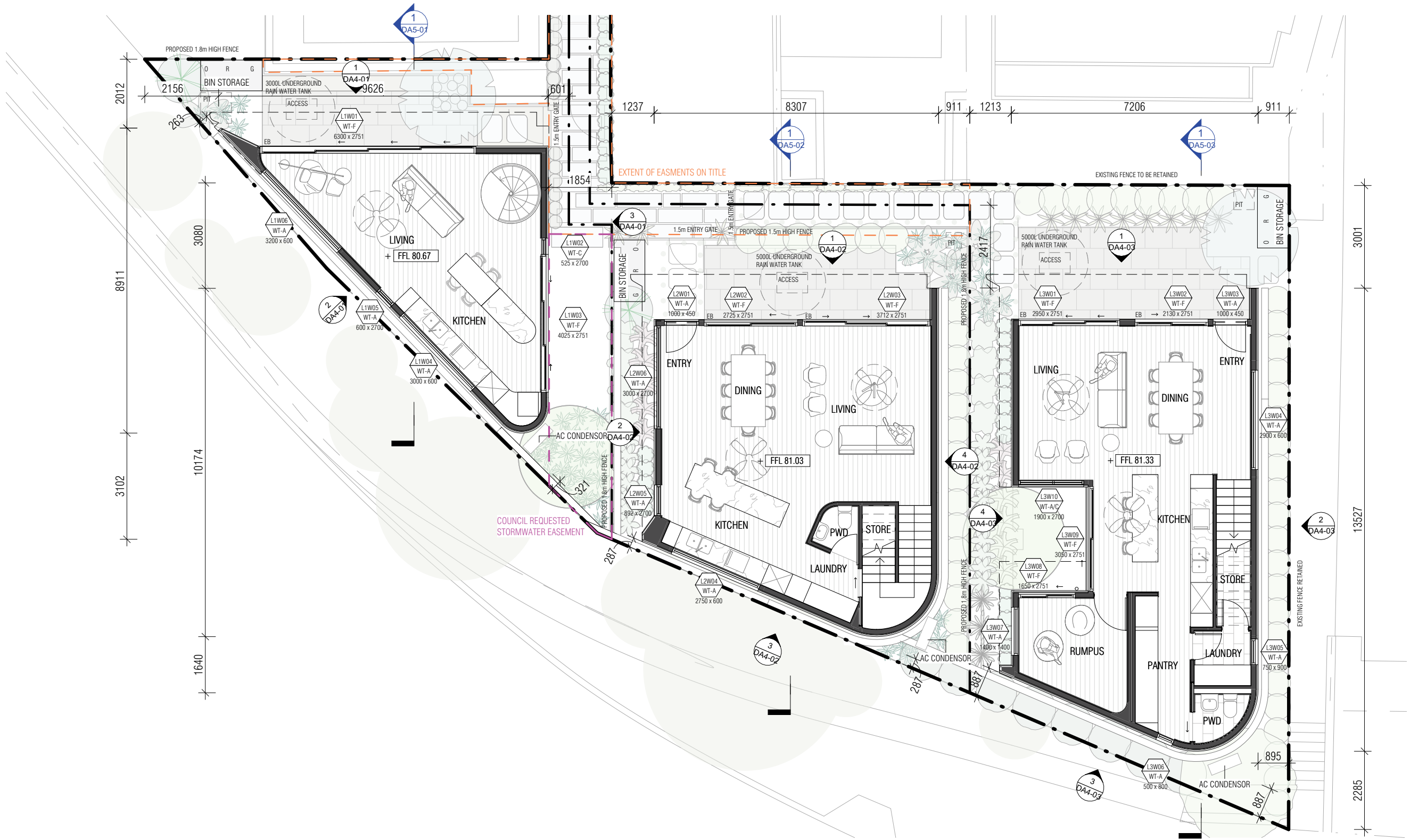
REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
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CLIENT	DRAWING TITLE	
Cameron MacDonald	Development Schedule	
	-	
PROJECT ADDRESS	JOB NO.	SCALE
4A Fern Place, Woollahra NSW 2025	586	NOT TO SCALE
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)		

DRAWING NO.
DA1-54
REV.:
C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
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CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Ground Floor Plan - 1:100

DRAWING NO.

DA2-01

REV:

C

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. 586
SCALE 1:100@A3



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed First Floor Plan - 1:100

DRAWING NO.

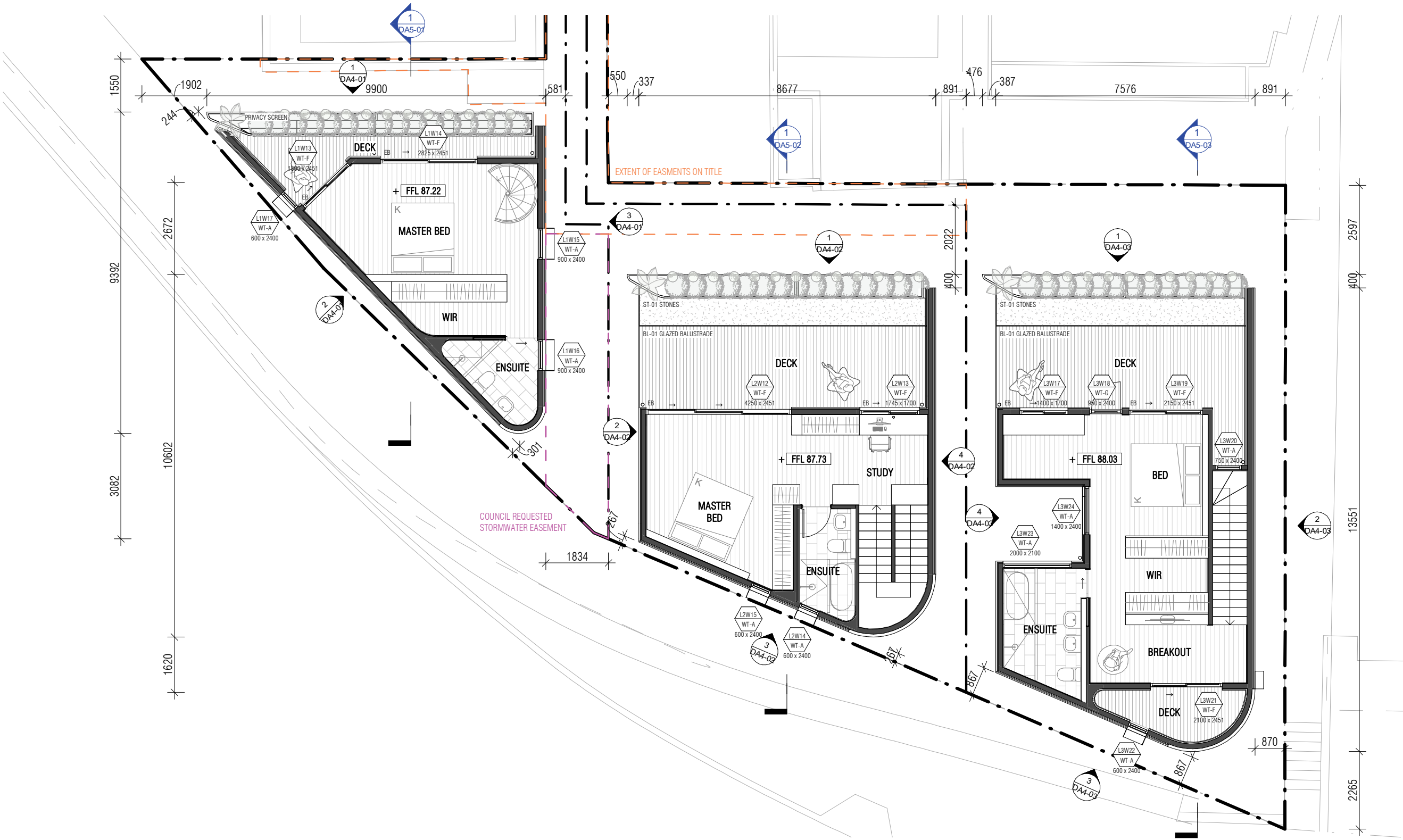
DA2-02

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:100@A3

REV:
C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Second Floor Plan - 1:100

DRAWING NO.

DA2-03

REV:

C

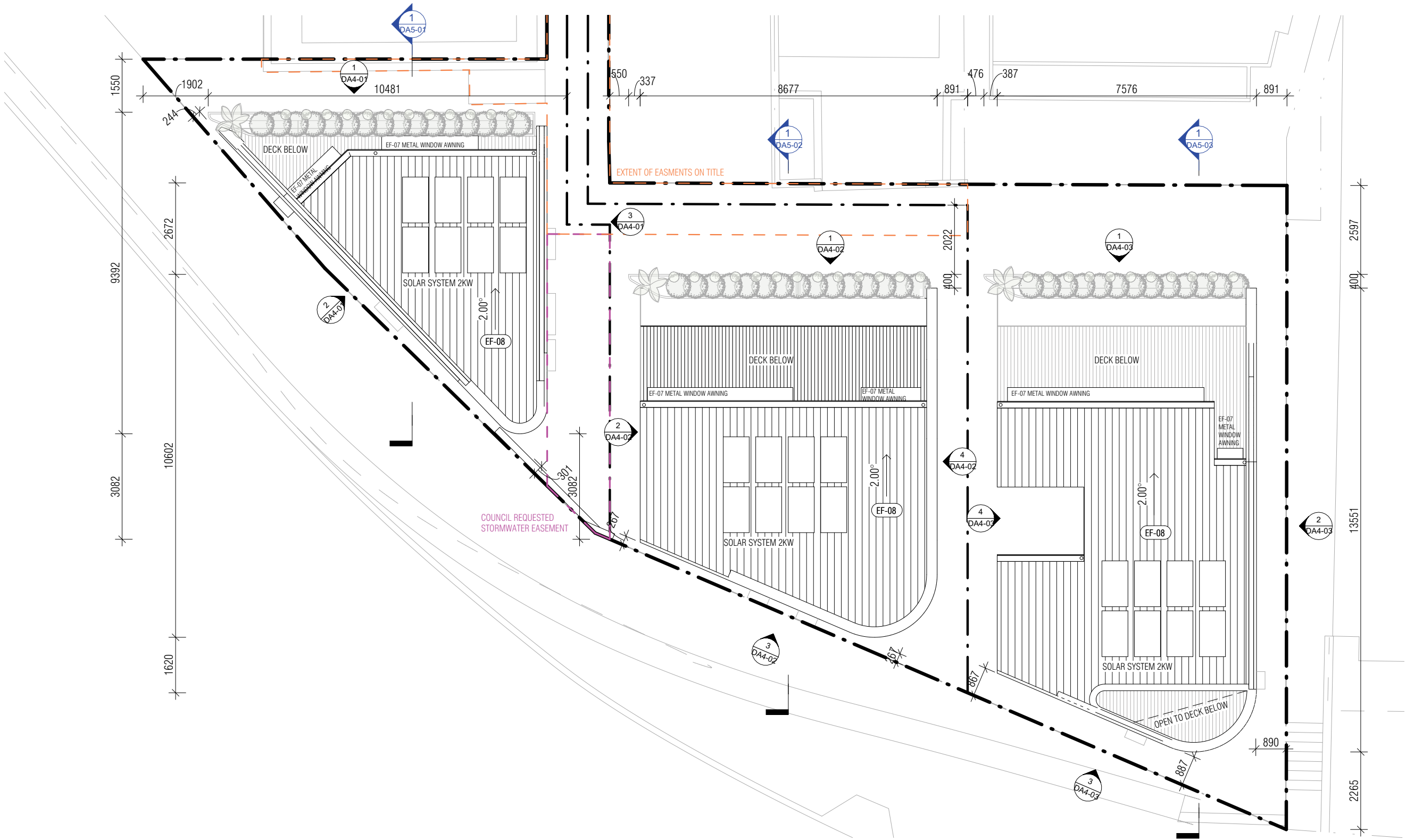
PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.

586

SCALE

1:100@A3



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Roof Plan - 1:100

DRAWING NO.

DA2-04

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:100@A3

REV:
C



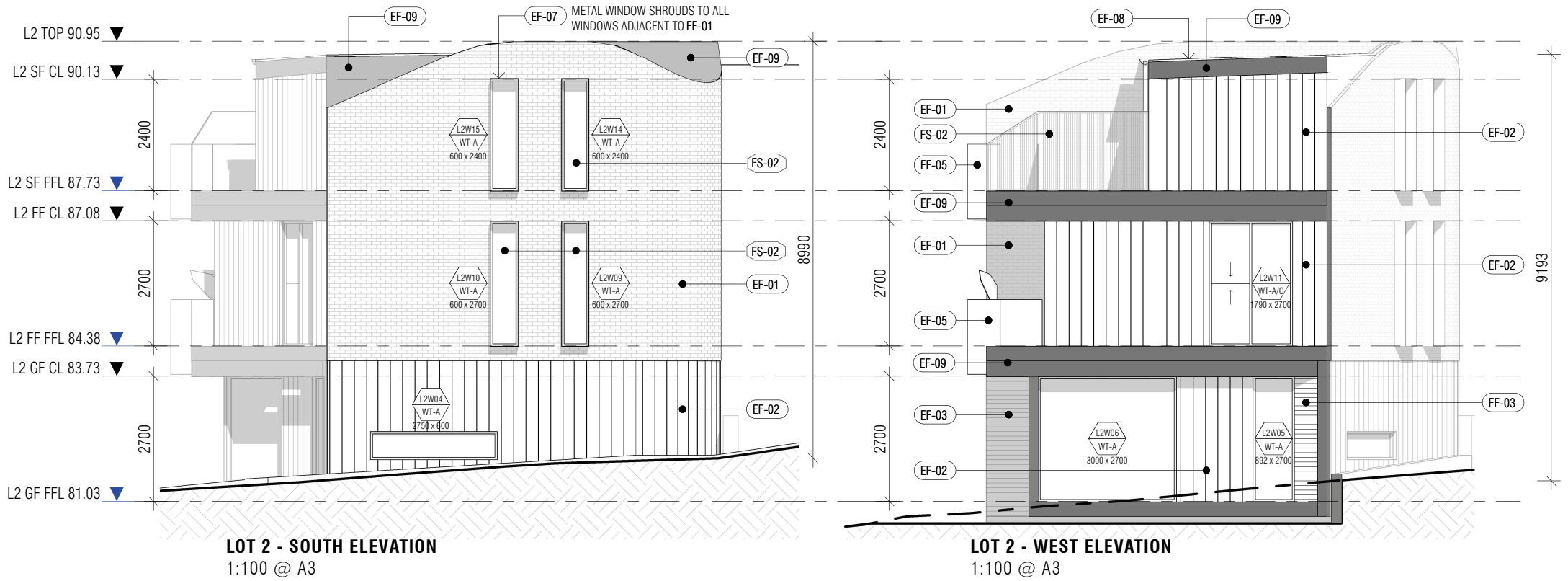
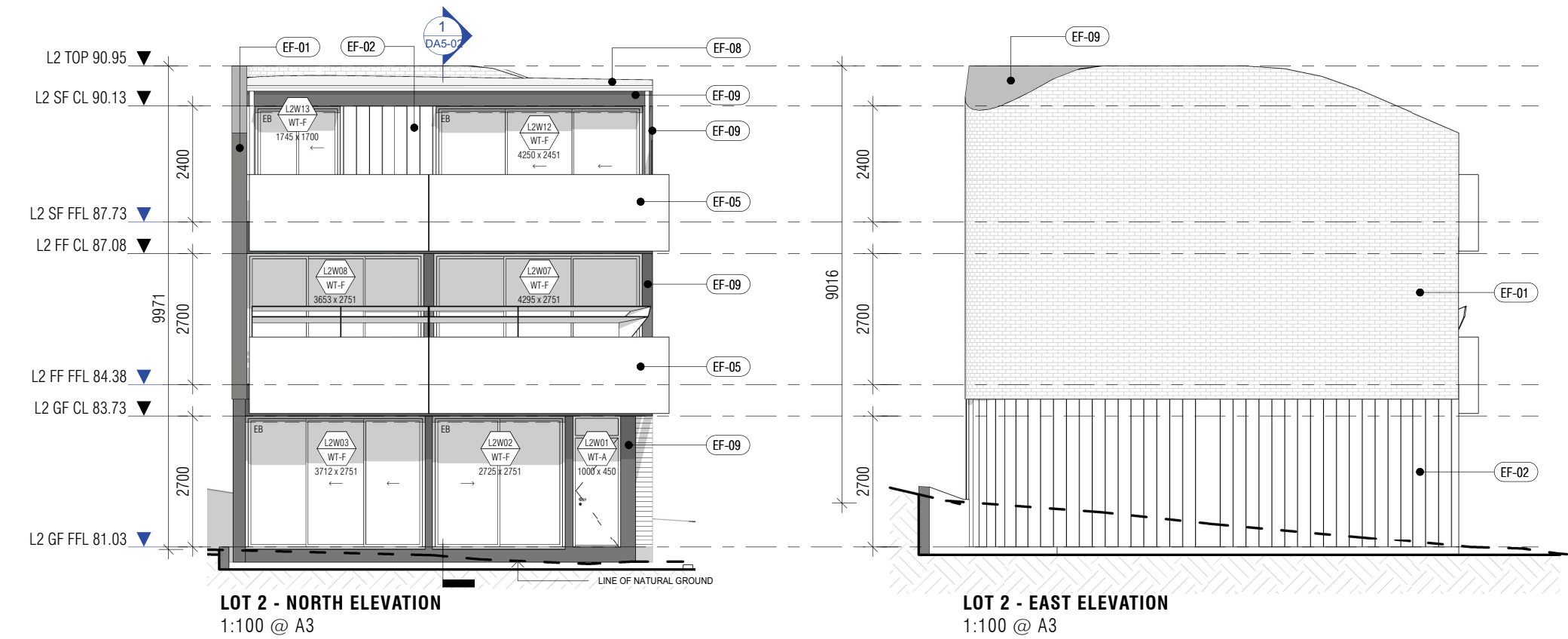
DRAWING NO.

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CLIENT
Cameron MacDonald

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

DA4-01
REV.:
6



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Elevations Lot 2

DRAWING NO.

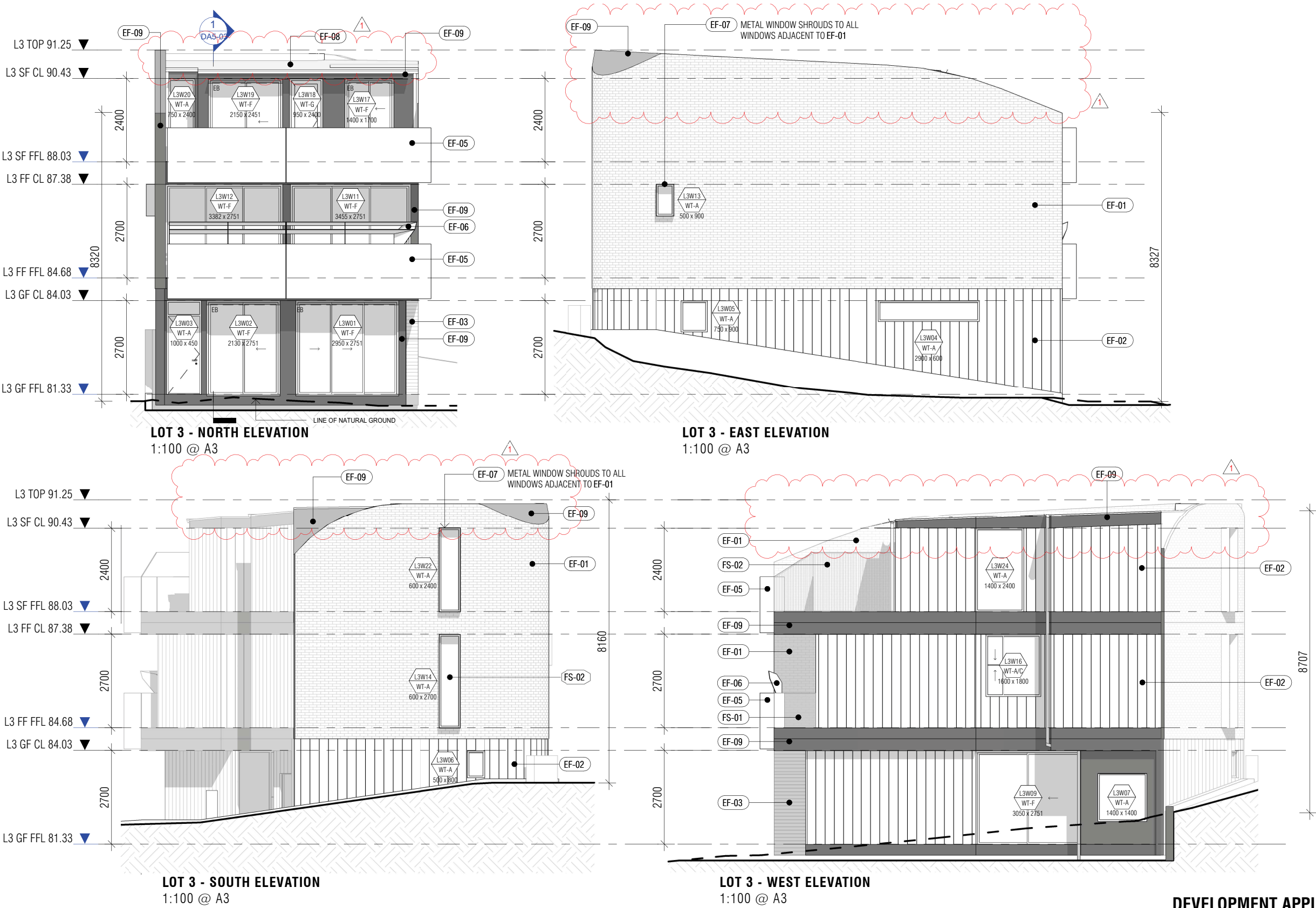
DA4-02

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:100@A3

REV:
C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Elevations Lot 3

DRAWING NO.

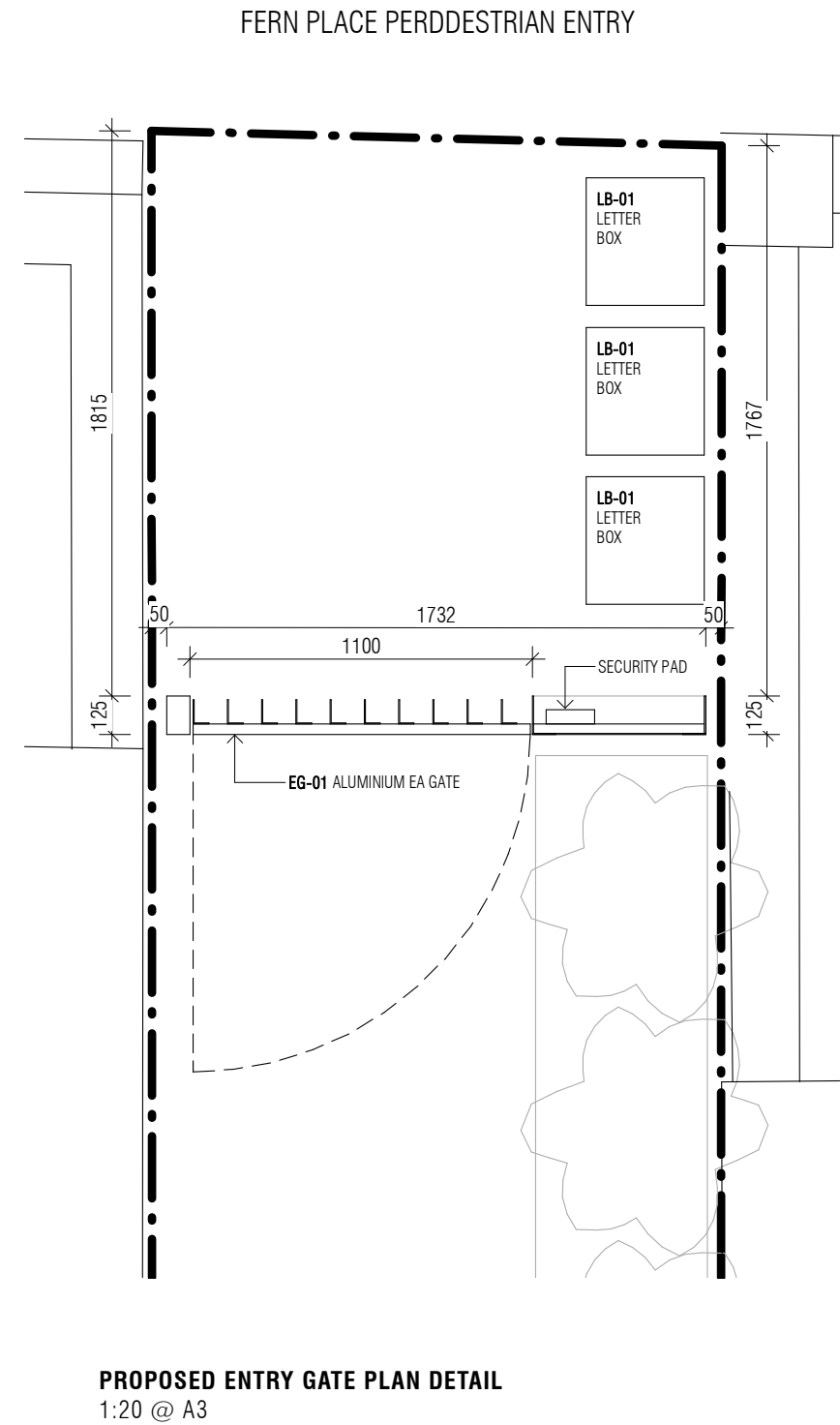
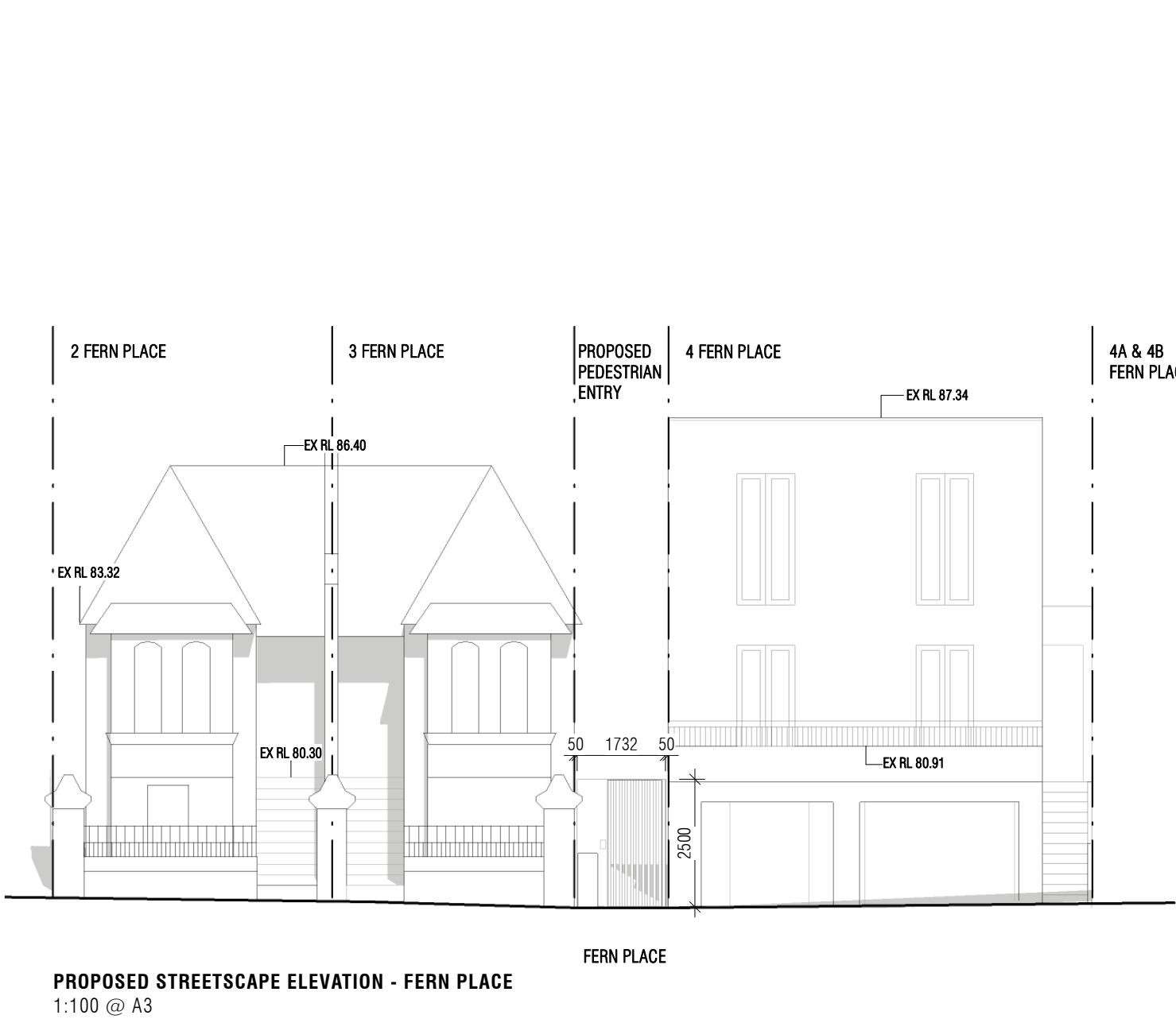
DA4-03

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:100@A3

REV:
C



REVISIONS

C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.

430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT

Cameron MacDonald

DRAWING TITLE

Proposed Streetscape Elevation

PROJECT ADDRESS

4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.

586

SCALE

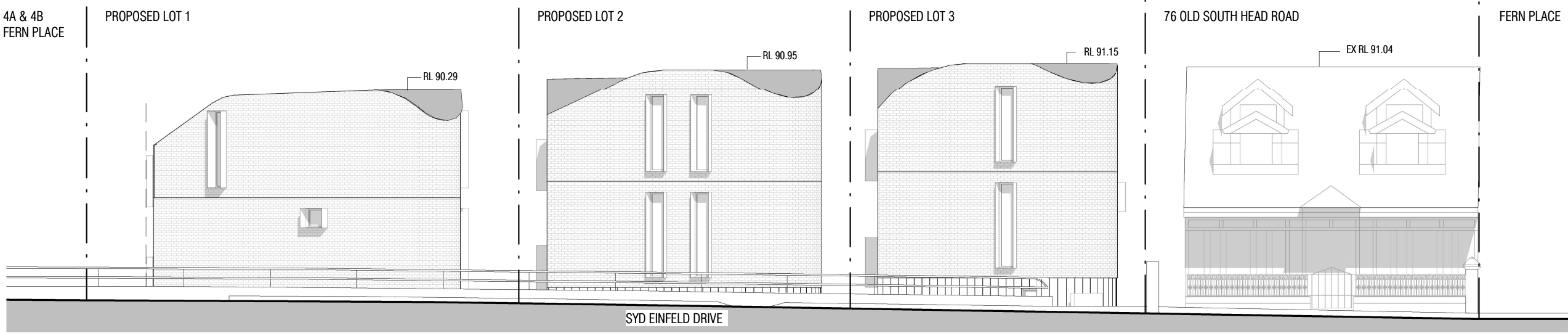
1:100@A3

DRAWING NO.

DA4-04

REV:

C



PROPOSED STREETSCAPE ELEVATION - SYD EINFELD DRIVE
1:125 @ A3

DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Streetscape Elevation

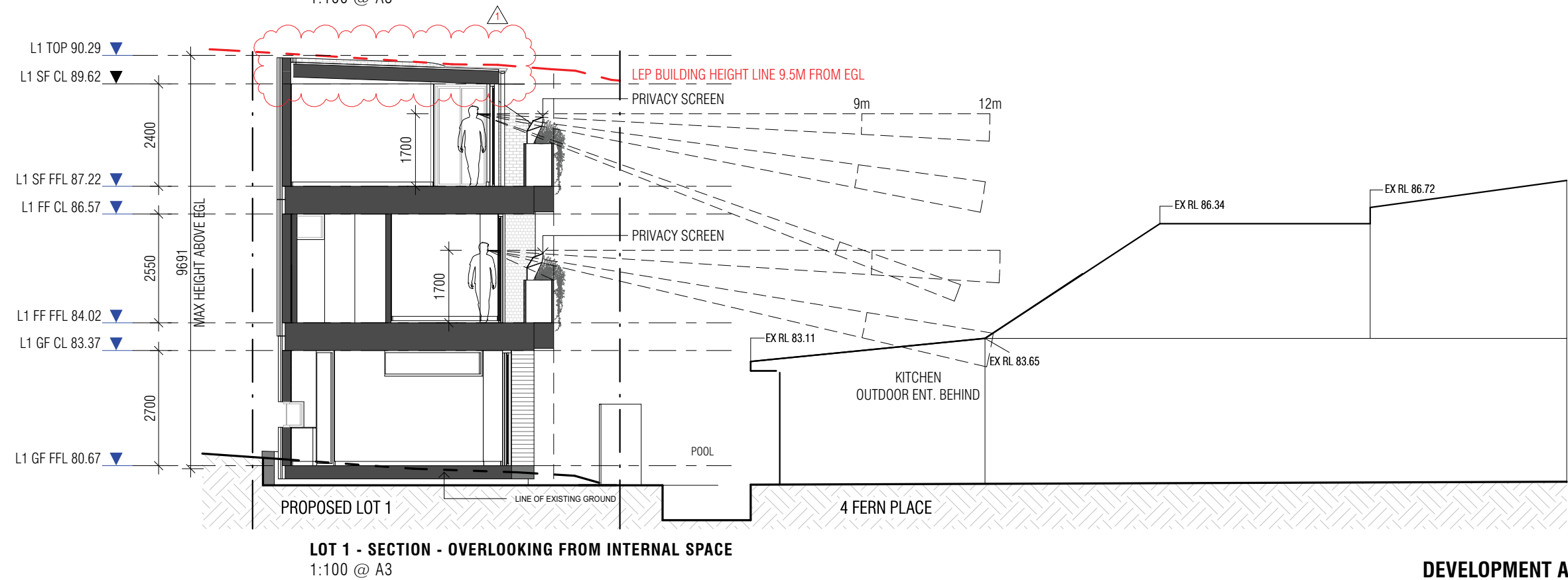
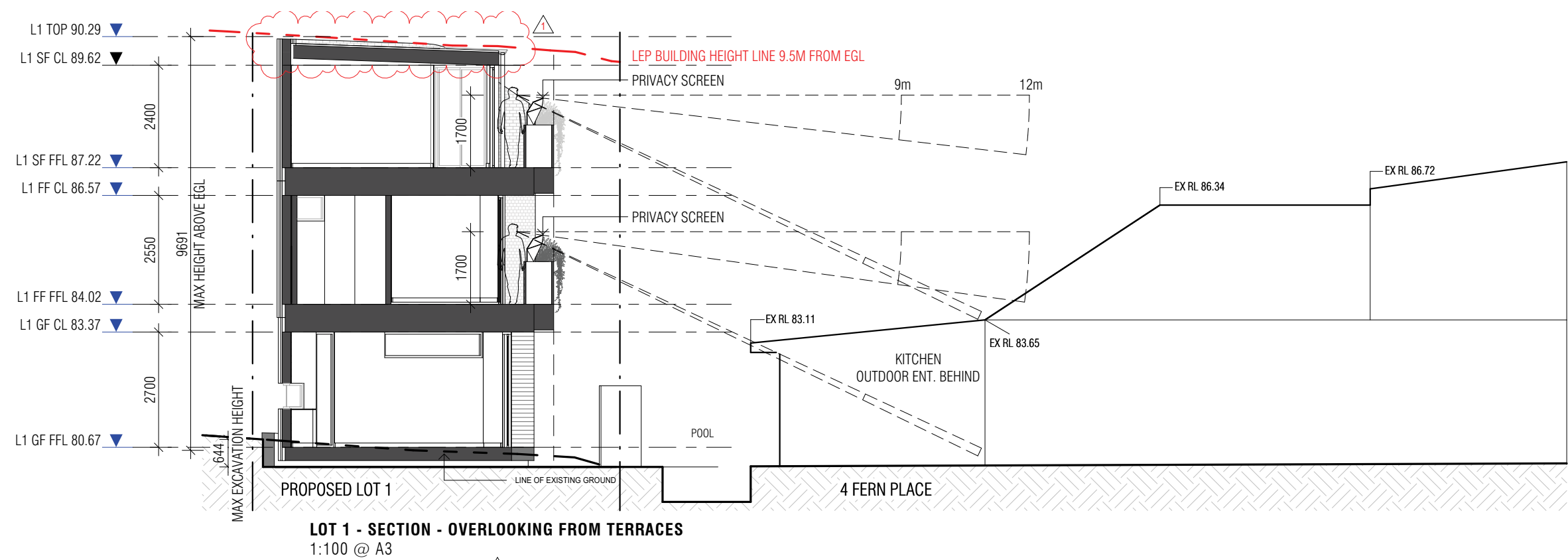
DRAWING NO.

DA4-05

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. 586
SCALE 1:125@A3

REV: C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Sections Lot 1

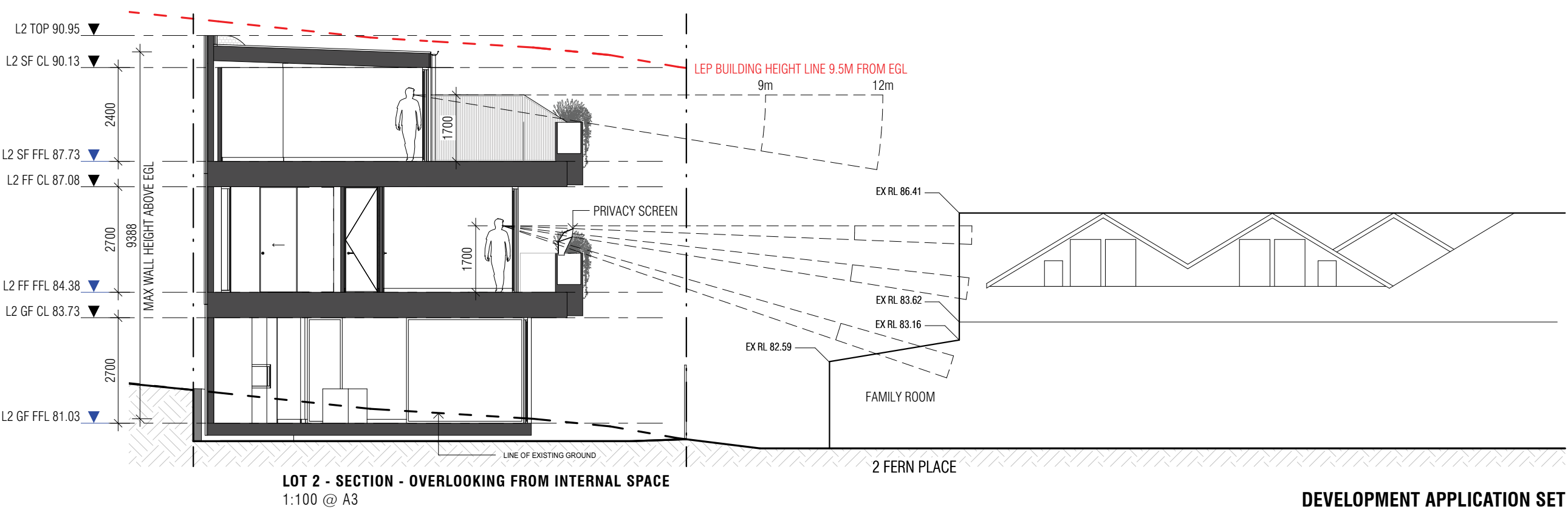
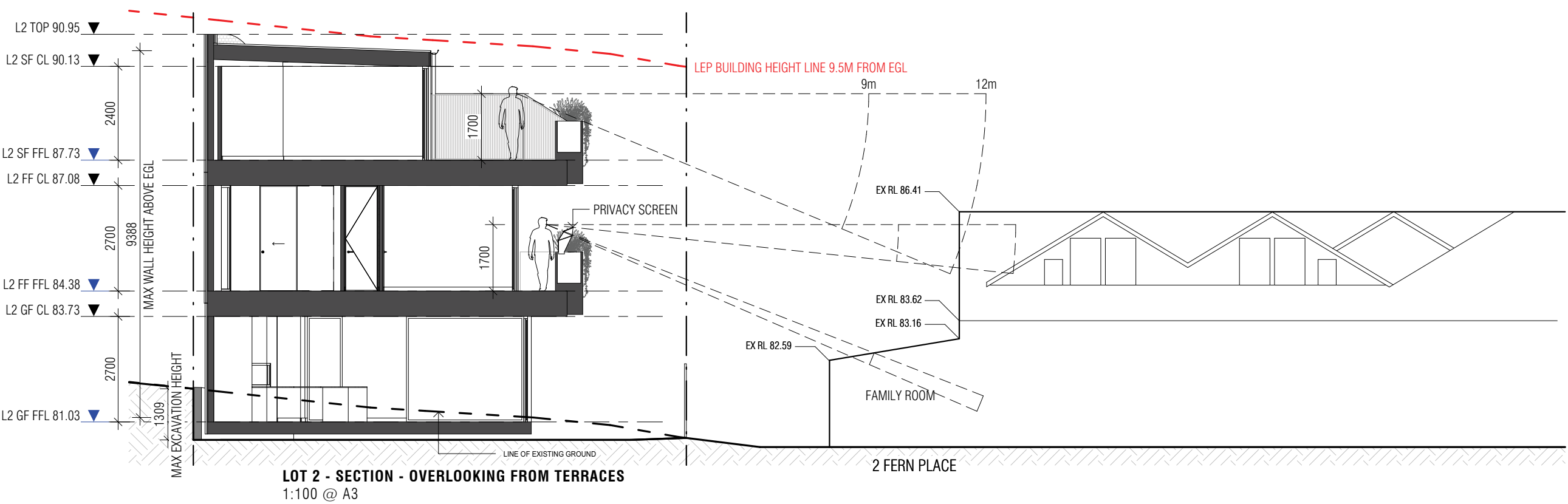
DRAWING NO.

DA5-01

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. 586
SCALE 1:100@A3

REV:
C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Sections Lot 2

DRAWING NO.

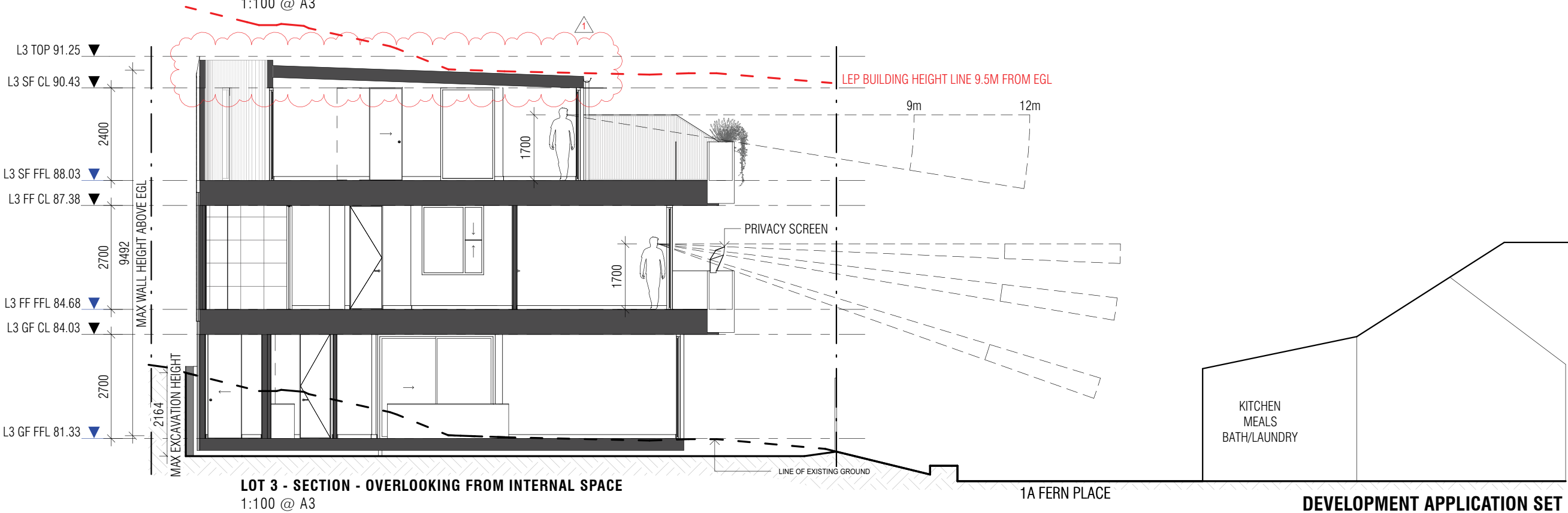
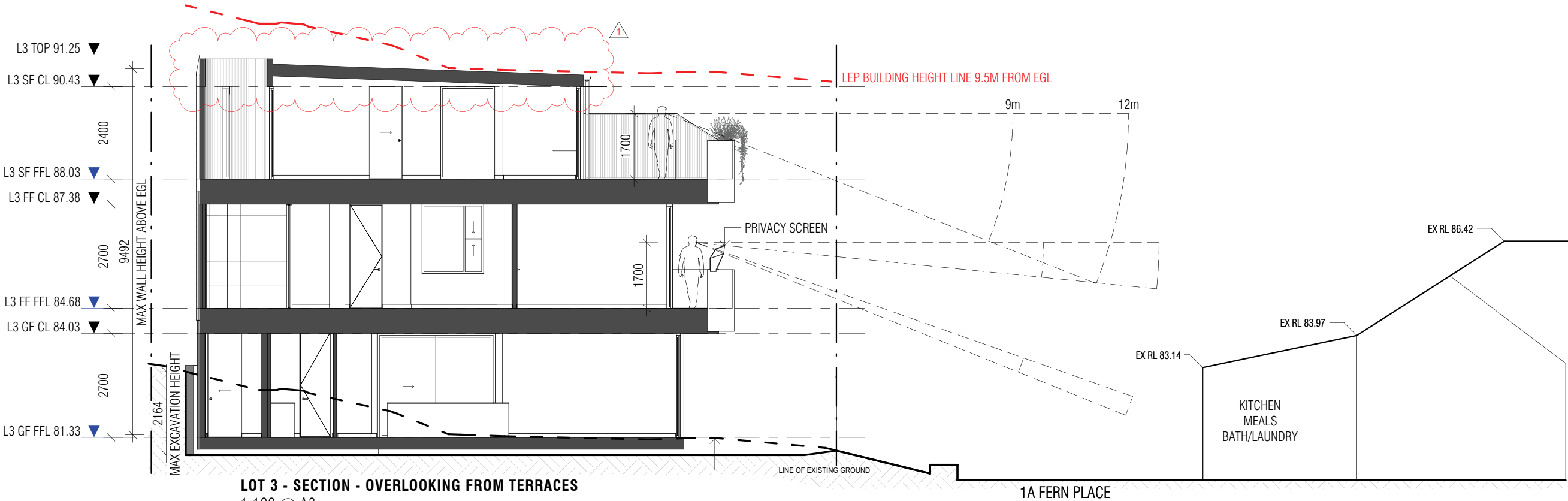
DA5-02

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. 586
SCALE 1:100@A3

REV:

C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI SUBMISSION	WV	14.07.2022
A	DA RFI SUBMISSION	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Sections Lot 3

DRAWING NO.

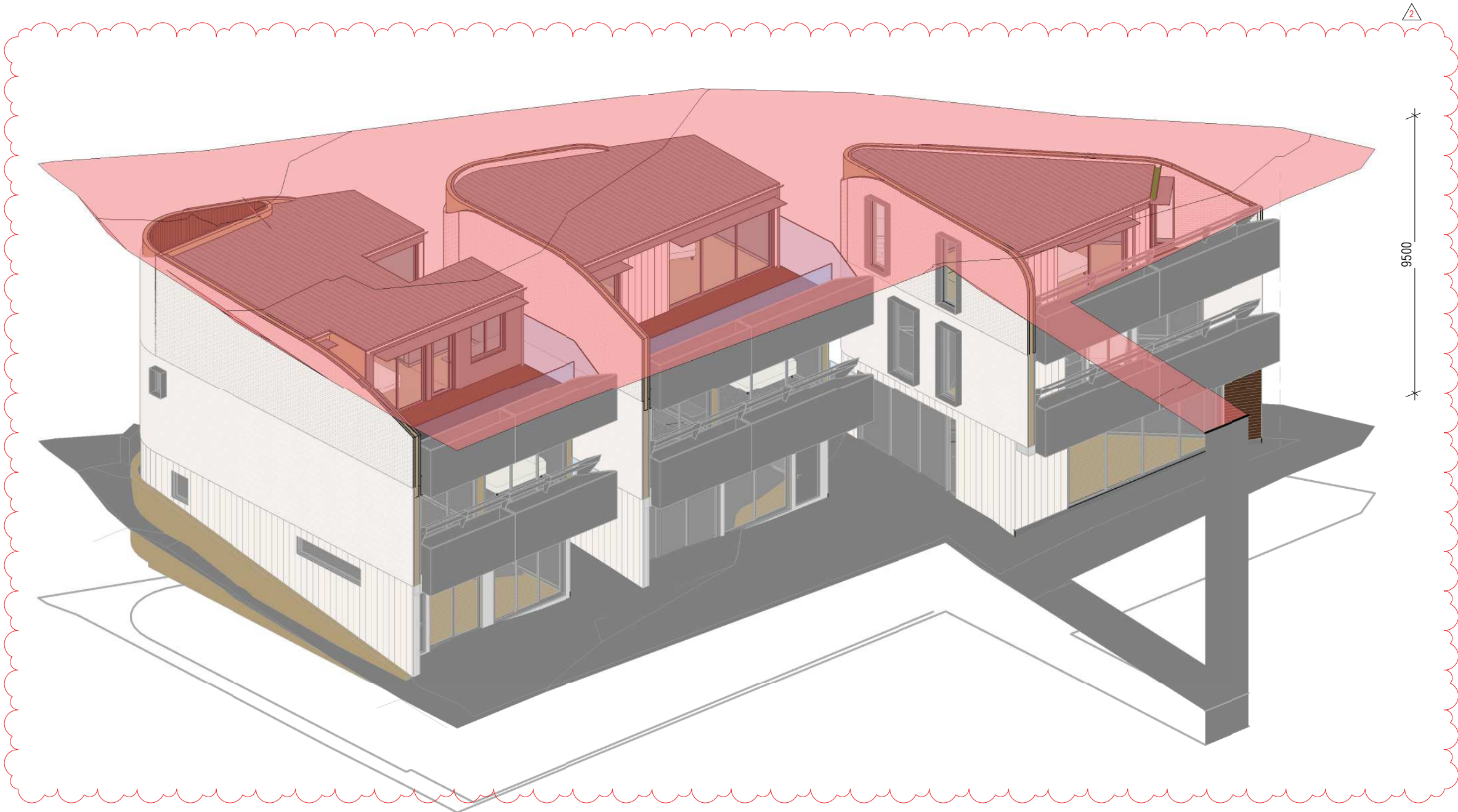
DA5-03

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:100@A3

REV:
C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
LEP Max Height Diagram

DRAWING NO.

DA5-04

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. 586
SCALE 1:100@A3

REV: C



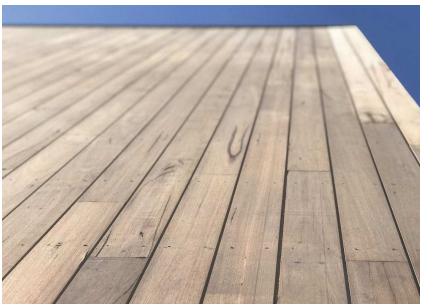
EF-01

BRICK FACE
PGH CORIUM SYSTEM or similar
Brick Face cladding system
White Brick Colour



EF-02

PROFILED METAL CLADDING
COLORBOND
Nailstrip Profile or similar
Colorbond Monument Matt



EF-03

TIMBER CLADDING
SILVERTOP ASH
Strip Cladding - 135mm cover
Wire brushed
Penetrative Oil - Clear



EF-04

TIMBER DECKING
SILVERTOP ASH
Strip Decking - 130mm cover
Wire brushed
Anti-Slip Penetrative Sealer - Clear



EF-05

GRC PLANTERS
GRC - GLASS REINFORCED CEMENT
Individually Sized Planter Boxes
Integrated Drainage



EF-06

STEELWORK & WELDED ELEMENTS
STEEL
Galvanised
High-Performance Paint System Finish
Colour to match Colorbond Monument



EF-07

METAL PROFILES & FOLDED PLATE
ALUMINIUM
Powdercoat Finish
Colour to match Colorbond Monument



EF-08

METAL SHEET ROOFING
COLORBOND
Monument Matt
Spandek Profile or similar



EF-09

METAL FLASHING & PLUMBING
COLORBOND
Monument Matt
Refer to Drawings for Profiles



FS-01

FACADE SYSTEM
ALUMINIUM-FRAMED WINDOWS
Aluminium Profile Frame
Selected Charcoal Paint Finish

Clear Glazing



FS-02

SCR-01

FACADE SYSTEM / SCREEN SYSTEM
ALUMINIUM-FRAMED WINDOWS
Aluminium Profile Frame
Selected Charcoal Paint Finish

Obscured Glazing - Reeded Type



ST-01

ROOF BALLAST
River Stones



BL-01

GLAZED BALUSTRADE
Frameless Glazed Balustrade

Clear Glazing



EG-01

METAL GATE
Aluminium / Steel 75x50mm Angle
Powdercoat Finish
Black



LB-01

LETTER BOX
Parcel + Mail Black Pillar Mail Box
Black Finish

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
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*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
External Finishes

DRAWING NO.

DA8-01

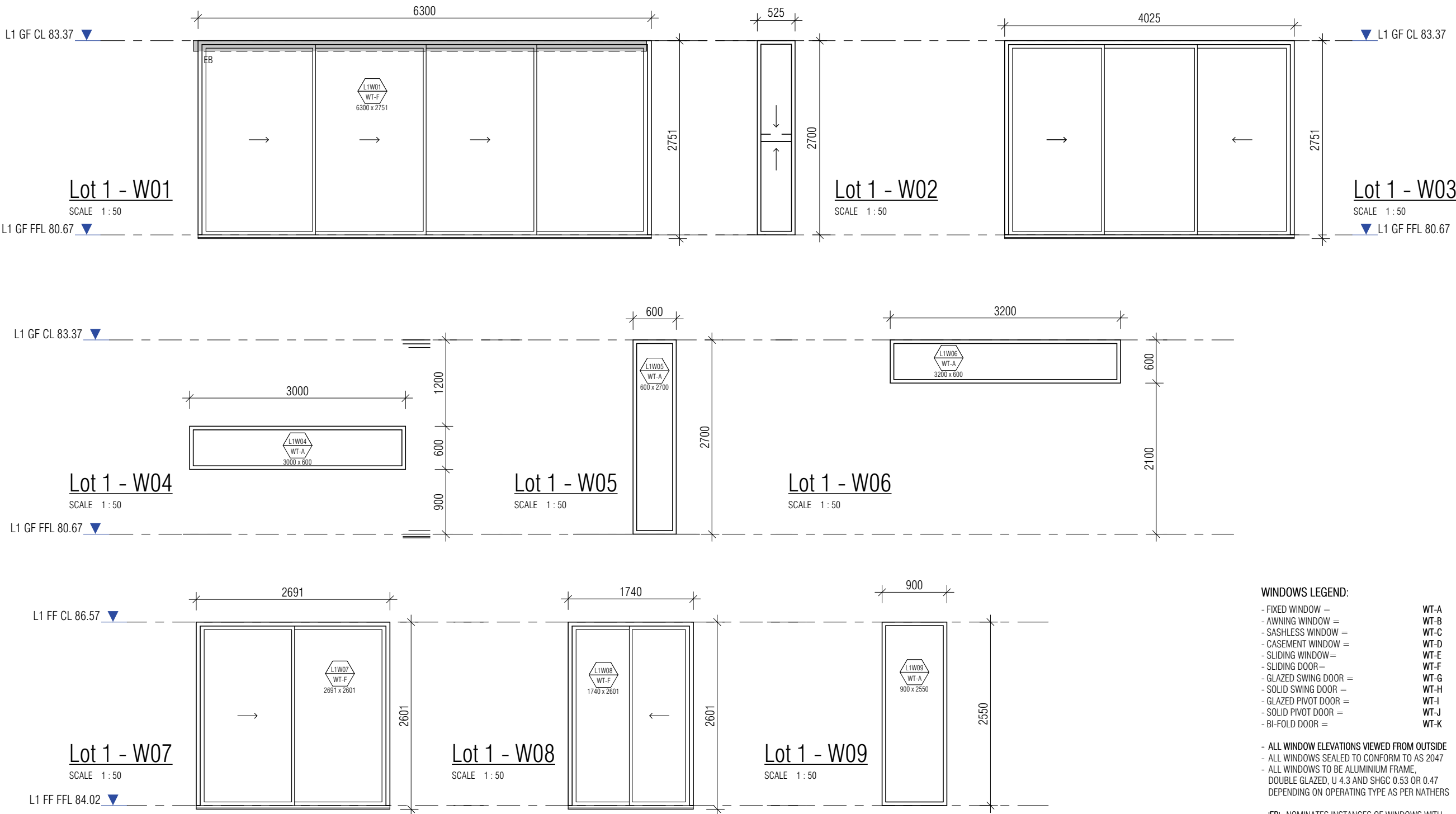
PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
NOT TO SCALE

REV.:
C

DEVELOPMENT APPLICATION SET



- WINDOWS LEGEND:**
- FIXED WINDOW = WT-A
 - AWNING WINDOW = WT-B
 - SASHLESS WINDOW = WT-C
 - CASEMENT WINDOW = WT-D
 - SLIDING WINDOW = WT-E
 - SLIDING DOOR = WT-F
 - GLAZED SWING DOOR = WT-G
 - SOLID SWING DOOR = WT-H
 - GLAZED PIVOT DOOR = WT-I
 - SOLID PIVOT DOOR = WT-J
 - BI-FOLD DOOR = WT-K
- ALL WINDOW ELEVATIONS VIEWED FROM OUTSIDE
- ALL WINDOWS SEALED TO CONFORM TO AS 2047
- ALL WINDOWS TO BE ALUMINIUM FRAME, DOUBLE GLAZED, U 4.3 AND SHGC 0.53 OR 0.47 DEPENDING ON OPERATING TYPE AS PER NATHERS
- 'EB' NOMINATES INSTANCES OF WINDOWS WITH EXTERNAL BLINDS
- 'SH' NOMINATES INSTANCES OF WINDOWS WITH SURROUNDING 250mm METAL WINDOW SHROUD
- 'AWN' NOMINATES INSTANCES OF WINDOWS WITH 600mm METAL AWNING ABOVE

DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Window Elevations
Lot 1

DRAWING NO.

DA8-01

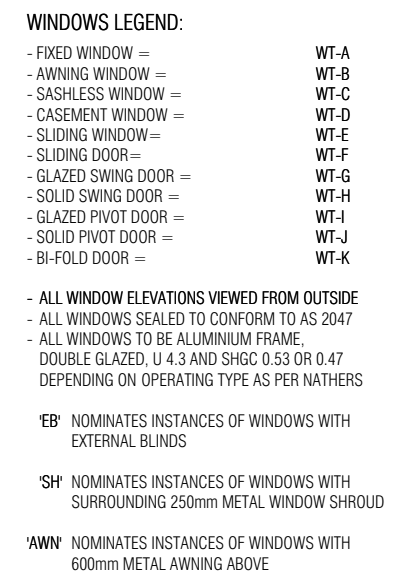
REV:

C

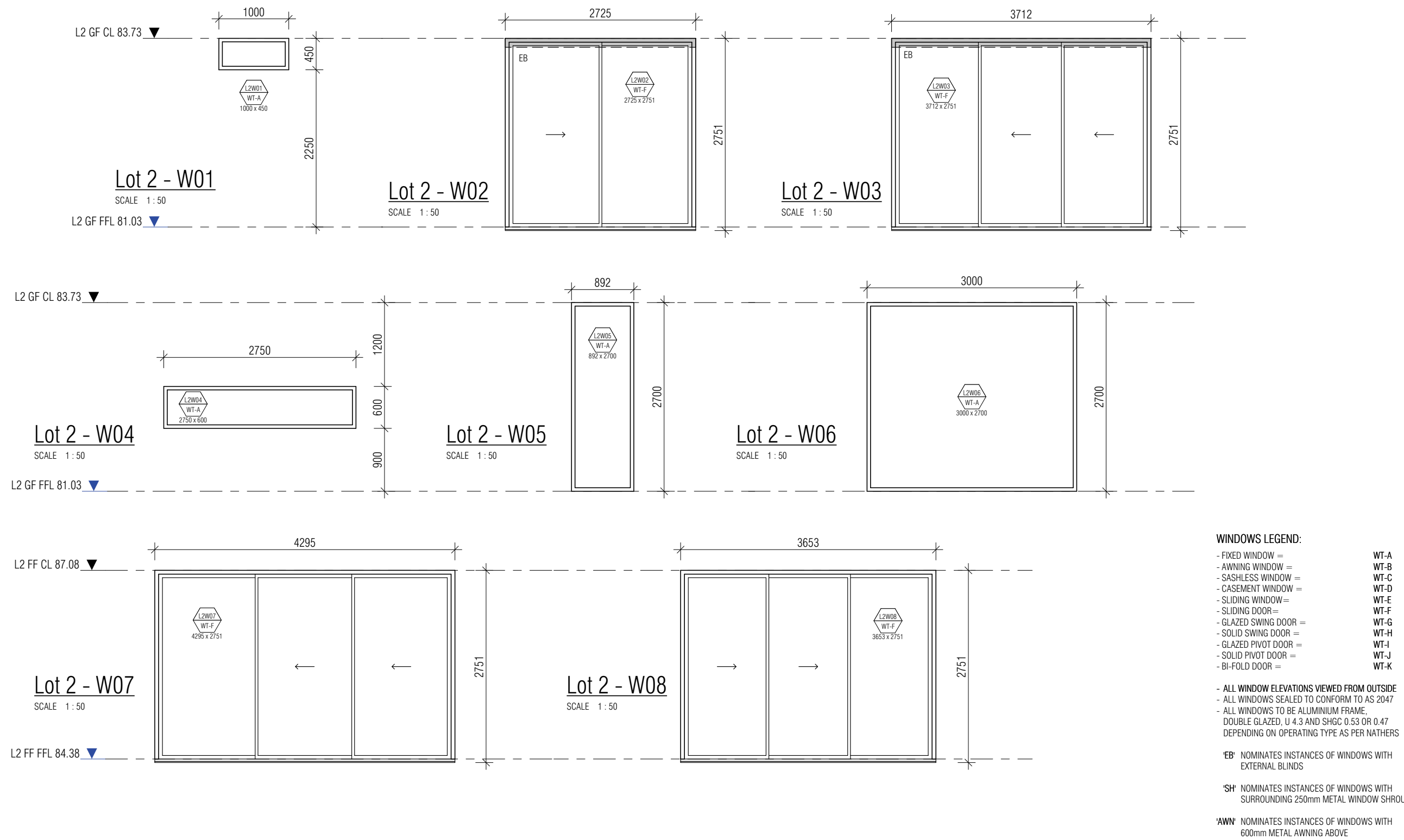
PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:50@A3



REV: C



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Window Elevations
Lot 2

DRAWING NO.

DA8-03

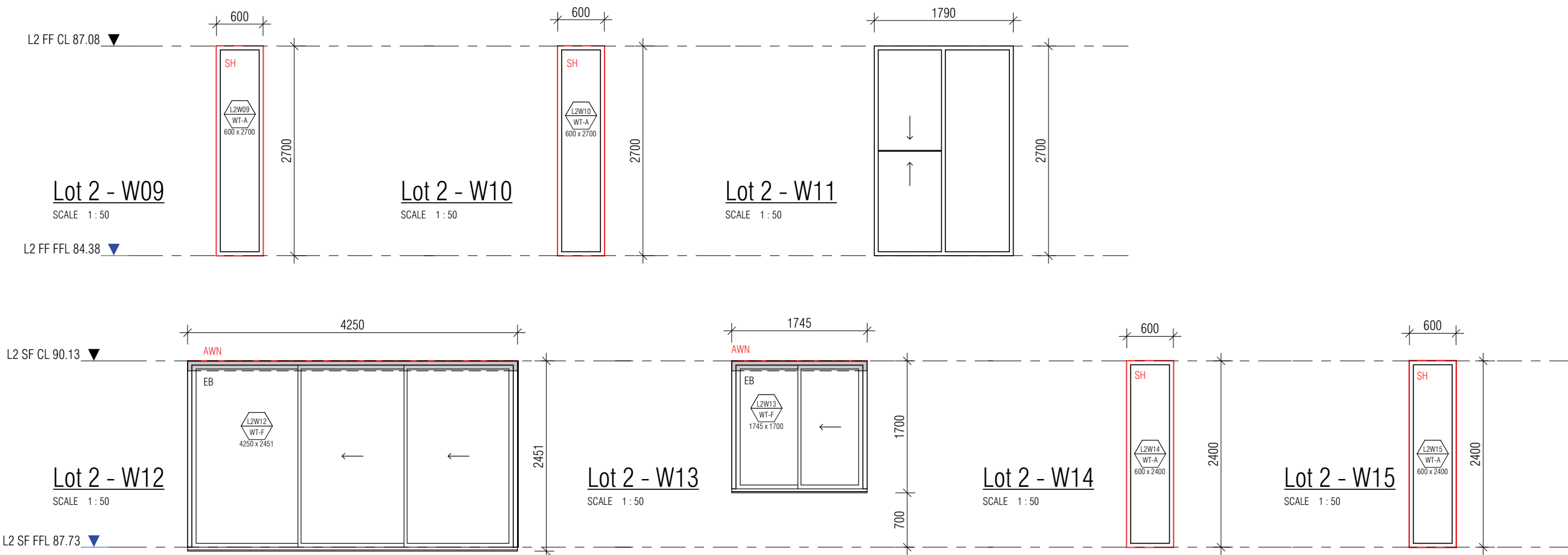
REV:

C

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:50@A3



- WINDOWS LEGEND:**
- FIXED WINDOW = WT-A
 - AWNING WINDOW = WT-B
 - SASHLESS WINDOW = WT-C
 - CASEMENT WINDOW = WT-D
 - SLIDING WINDOW = WT-E
 - SLIDING DOOR = WT-F
 - GLAZED SWING DOOR = WT-G
 - SOLID SWING DOOR = WT-H
 - GLAZED PIVOT DOOR = WT-I
 - SOLID PIVOT DOOR = WT-J
 - BI-FOLD DOOR = WT-K
- ALL WINDOW ELEVATIONS VIEWED FROM OUTSIDE
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- ALL WINDOWS TO BE ALUMINIUM FRAME, DOUBLE GLAZED, U 4.3 AND SHGC 0.53 OR 0.47 DEPENDING ON OPERATING TYPE AS PER NATHERS
- 'EB' NOMINATES INSTANCES OF WINDOWS WITH EXTERNAL BLINDS
- 'SH' NOMINATES INSTANCES OF WINDOWS WITH SURROUNDING 250mm METAL WINDOW SHROUD
- 'AWN' NOMINATES INSTANCES OF WINDOWS WITH 600mm METAL AWNING ABOVE

DEVELOPMENT APPLICATION SET

REVISIONS			
Issue	Description	By	Date
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Window Elevations
Lot 2

DRAWING NO.

DA8-04

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:50@A3

REV:
C



- WINDOWS LEGEND:**
- FIXED WINDOW =
 - AWNING WINDOW =
 - SASHLESS WINDOW =
 - CASEMENT WINDOW =
 - SLIDING WINDOW =
 - SLIDING DOOR =
 - GLAZED SWING DOOR =
 - SOLID SWING DOOR =
 - GLAZED PIVOT DOOR =
 - SOLID PIVOT DOOR =
 - BI-FOLD DOOR =
- WT-A
WT-B
WT-C
WT-D
WT-E
WT-F
WT-G
WT-H
WT-I
WT-J
WT-K
- ALL WINDOW ELEVATIONS VIEWED FROM OUTSIDE
- ALL WINDOWS SEALED TO CONFORM TO AS 2047
- ALL WINDOWS TO BE ALUMINIUM FRAME, DOUBLE GLAZED, U 4.3 AND SHGC 0.53 OR 0.47 DEPENDING ON OPERATING TYPE AS PER NATHERS
- 'EB' NOMINATES INSTANCES OF WINDOWS WITH EXTERNAL BLINDS
- 'SH' NOMINATES INSTANCES OF WINDOWS WITH SURROUNDING 250mm METAL WINDOW SHROUD
- 'AWN' NOMINATES INSTANCES OF WINDOWS WITH 600mm METAL AWNING ABOVE

DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Window Elevations
Lot 3

DRAWING NO.

DA8-05

REV:

C

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.

586

SCALE

1:50@A3



- WINDOWS LEGEND:**
- FIXED WINDOW =
 - AWNING WINDOW =
 - SASHLESS WINDOW =
 - CASEMENT WINDOW =
 - SLIDING WINDOW =
 - SLIDING DOOR =
 - GLAZED SWING DOOR =
 - SOLID SWING DOOR =
 - GLAZED PIVOT DOOR =
 - SOLID PIVOT DOOR =
 - BI-FOLD DOOR =
- WT-A**
WT-B
WT-C
WT-D
WT-E
WT-F
WT-G
WT-H
WT-I
WT-J
WT-K
- ALL WINDOW ELEVATIONS VIEWED FROM OUTSIDE**
- ALL WINDOWS SEALED TO CONFORM TO AS 2047
 - ALL WINDOWS TO BE ALUMINIUM FRAME, DOUBLE GLAZED, U 4.3 AND SHGC 0.53 OR 0.47 DEPENDING ON OPERATING TYPE AS PER NATHERS
- 'EB'** NOMINATES INSTANCES OF WINDOWS WITH EXTERNAL BLINDS
- 'SH'** NOMINATES INSTANCES OF WINDOWS WITH SURROUNDING 250mm METAL WINDOW SHROUD
- 'AWN'** NOMINATES INSTANCES OF WINDOWS WITH 600mm METAL AWNING ABOVE

DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Window Elevations
Lot 3

DRAWING NO.

DA8-06

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:50@A3

REV:
C



REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Shadow Diagrams - 9AM
June 21 (Winter Solstice)

DRAWING NO.

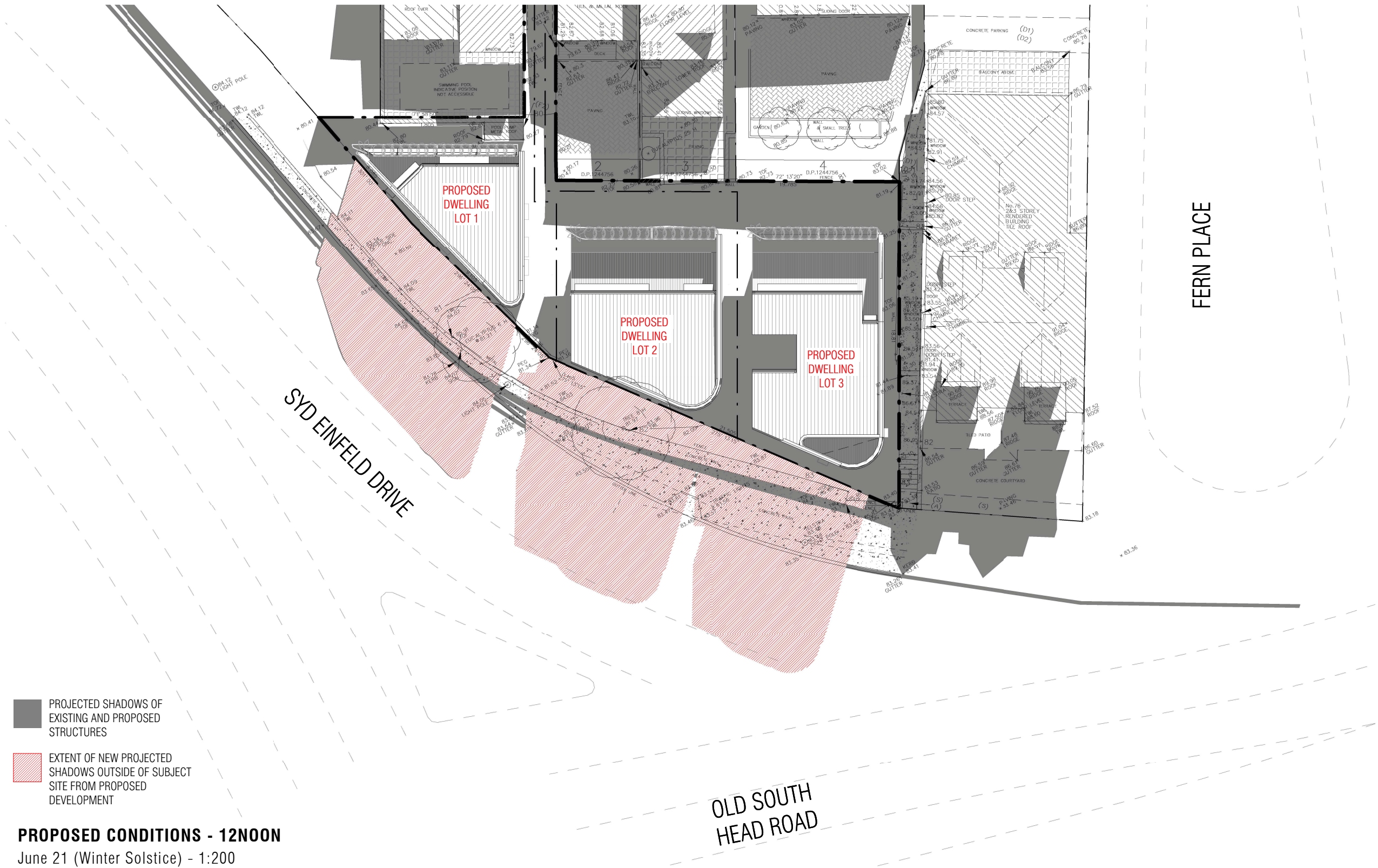
DA9-01

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:200@A3

REV:
C



REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Shadow Diagrams - 12NOON
June 21 (Winter Solstice)

DRAWING NO.

DA9-02

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:200@A3

REV:
C



REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

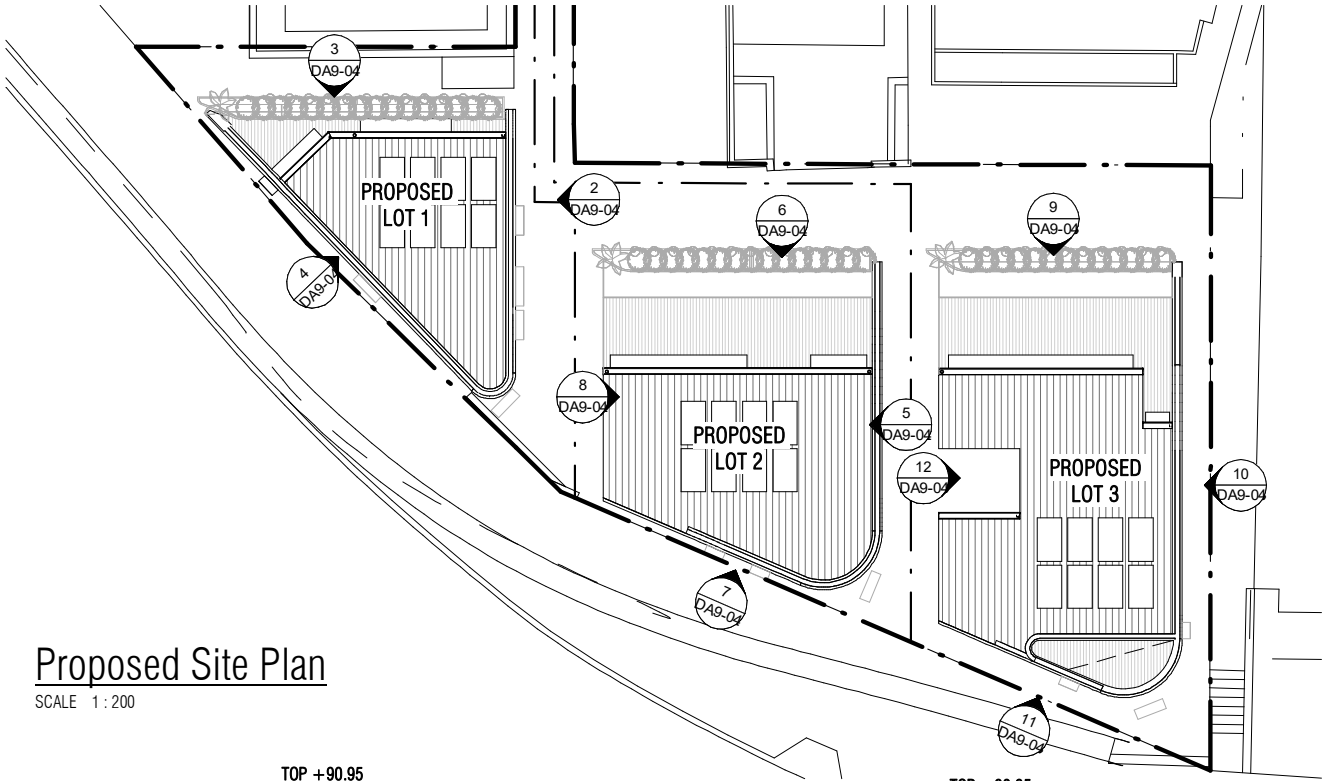
DRAWING TITLE
Shadow Diagrams - 3PM
June 21 (Winter Solstice)

DRAWING NO.
DA9-03
REV:
C

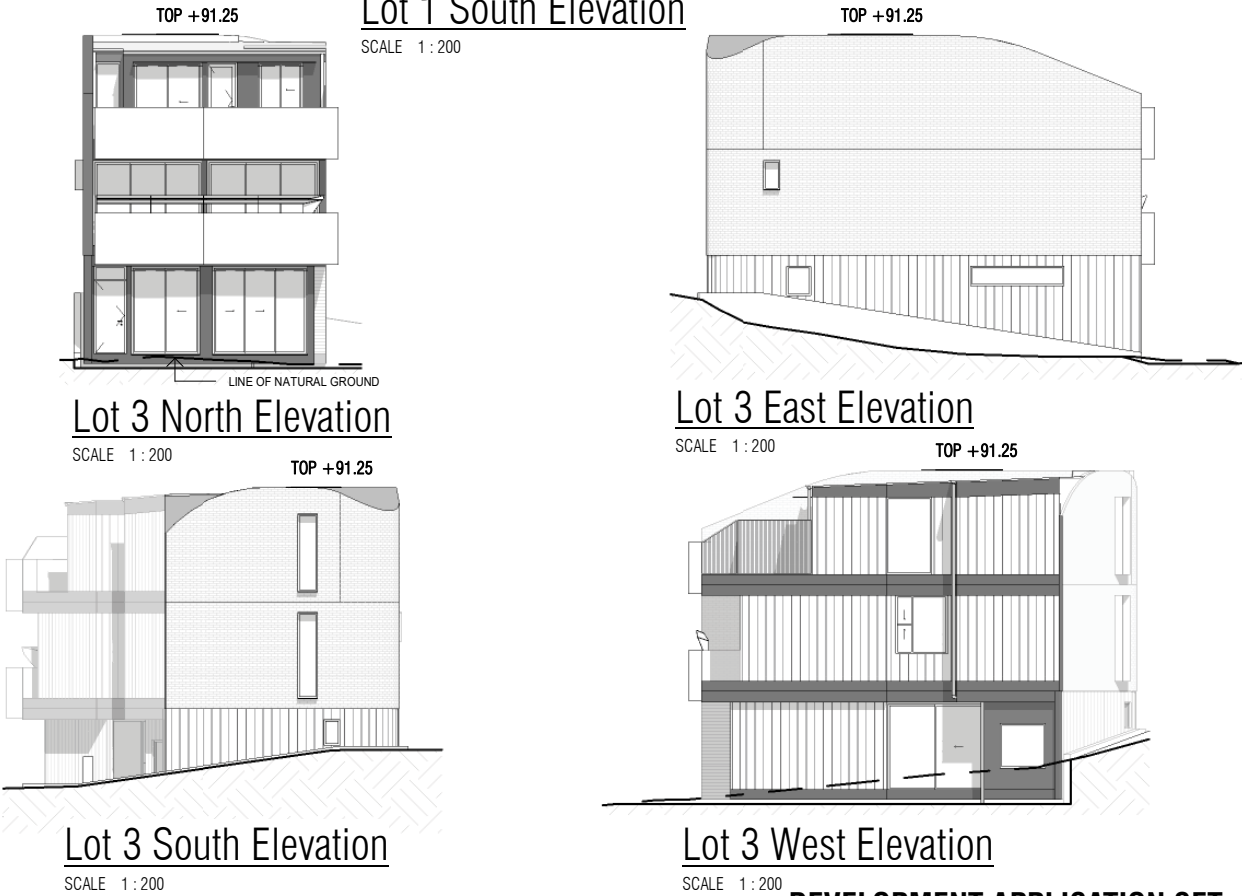
PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586
SCALE
1:200@A3

DEVELOPMENT APPLICATION SET



Proposed Site Plan
SCALE 1 : 200



DEVELOPMENT APPLICATION SET

REVISIONS			
C	DA RFI SUBMISSION	EC	16.08.2023
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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MODSCAPE.
430 Francis Street Brooklyn VIC 3012 Ph 03 9314 7769

CLIENT
Cameron MacDonald

DRAWING TITLE
Neighbourhood Notification Plan

DRAWING NO.
DA9-04
REV:
C

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586
SCALE
1:200@A3

Planting Schedule				
ID	Qty	Latin Name	Common Name	Scheduled Size
Ac-2	11	Arthropodium cirratum	New Zealand Rock Lily	200 mm
Ae-1	52	Aspidistra elatior	Cast Iron Plant	200 mm
An	18	Alpinia nutans	Native Cardamom	140mm
Apds	2	Acer palmatum 'Dissectum Sekimori'	Weeping Japanese Maple	75 Ltr
Bevu	6	Beschorneria vuccoides	Mexican Lily	200mm
Btg	37	Bambusa textilis var. gracilis	Slender Weaver bamboo	300 mm
Dr	86	Dichondra repens	Kidney Weed	100mm
Ec	3	Elletaria cardamomom	cardamom	200mm
Ee	8	Elaeocarpus eumundii	Smooth Leaved Quandong	45 Ltr
Oi	48	Ophiopogon jaburan	Giant Mondo grass	140 mm
Phr	5	Phoenix roebelenii	Dwarf Date palm	300mm
Prc	11	Philodendron var 'Rojo Congo'	Philodendron	200mm
Px	57	Philodendron 'Xanadu'	Philodendron	200 mm
Re	28	Rhapis excelsa	Lady Palm	400mm
Ro	74	Rosmarinus officinalis 'Prostratus	Rosemary	200 mm
Rop	90	Raphiolepis indica 'Oriental Pearl'	Indian Hawthorn	300mm
Sn	2	Strelitzia nicholai	Giant Bird of Paradise	500 mm
Svau	16	Syzygium australe Select	Lilly Pilliv	300mm
Ti-1	18	Trachelospermum jasminoides	Star Jasmine	200 mm.
Til	2	Tristanopsis larunia 'Luscious'	Water Gum	100 Ltr
VaSw	1	Waterhousea floribunda Sweeper		45L
	0			

MATERIALS SCHEDULE



Limestone steppers and paving



Pea river gravel in between steppers



Exposed aggregate concrete paving



Corten steel step risers

LEGEND

- + 57.62 EXISTING LEVEL
- + 57.62 PROPOSED LEVEL
- BOUNDARY
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- TPZ - TREE PROTECTION ZONE
- SRZ - STRUCTURAL ROOT ZONE
- INGROUND SPIKE BOLLARD LIGHTING
- INGROUND UPLIGHTING

NOTE - LIGHTING IS INDICATIVE AND FINAL FIXTURES TO BE SPECIFIED BY LIGHTING CONSULTANT

NOTES

Figure dimensions shall take precedence over scale.
All figures are to be verified on site.
This drawing is protected by copyright.



Landscape Design Consultants
edwina@edwinastuart.com
www.edwinastuartlandscapedesign.com

EDWINA STUART
Landscape Design

Project:
4a Fern Place, Lots 1,2,3
Woollahra

Dwg No:
SP 01

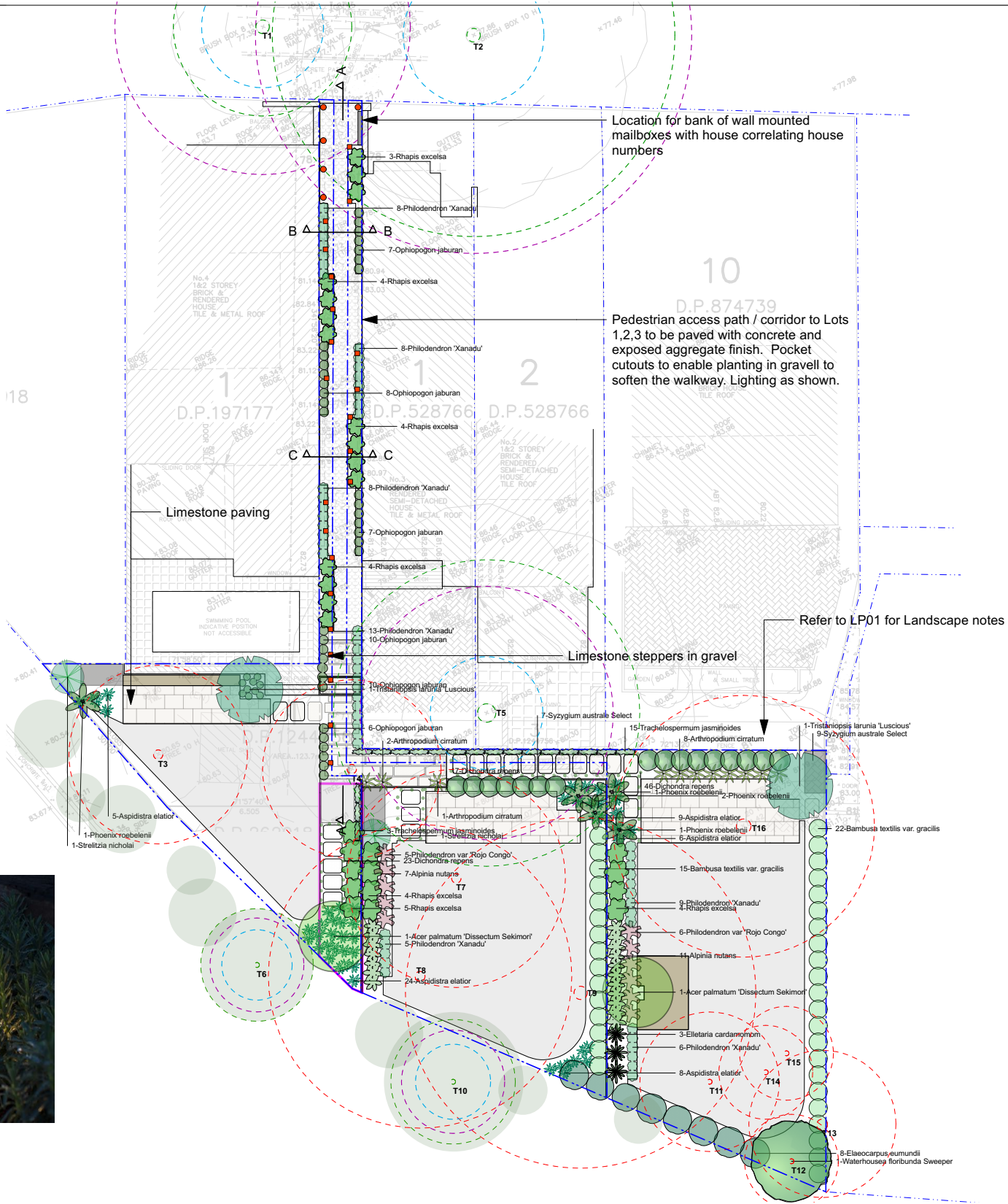
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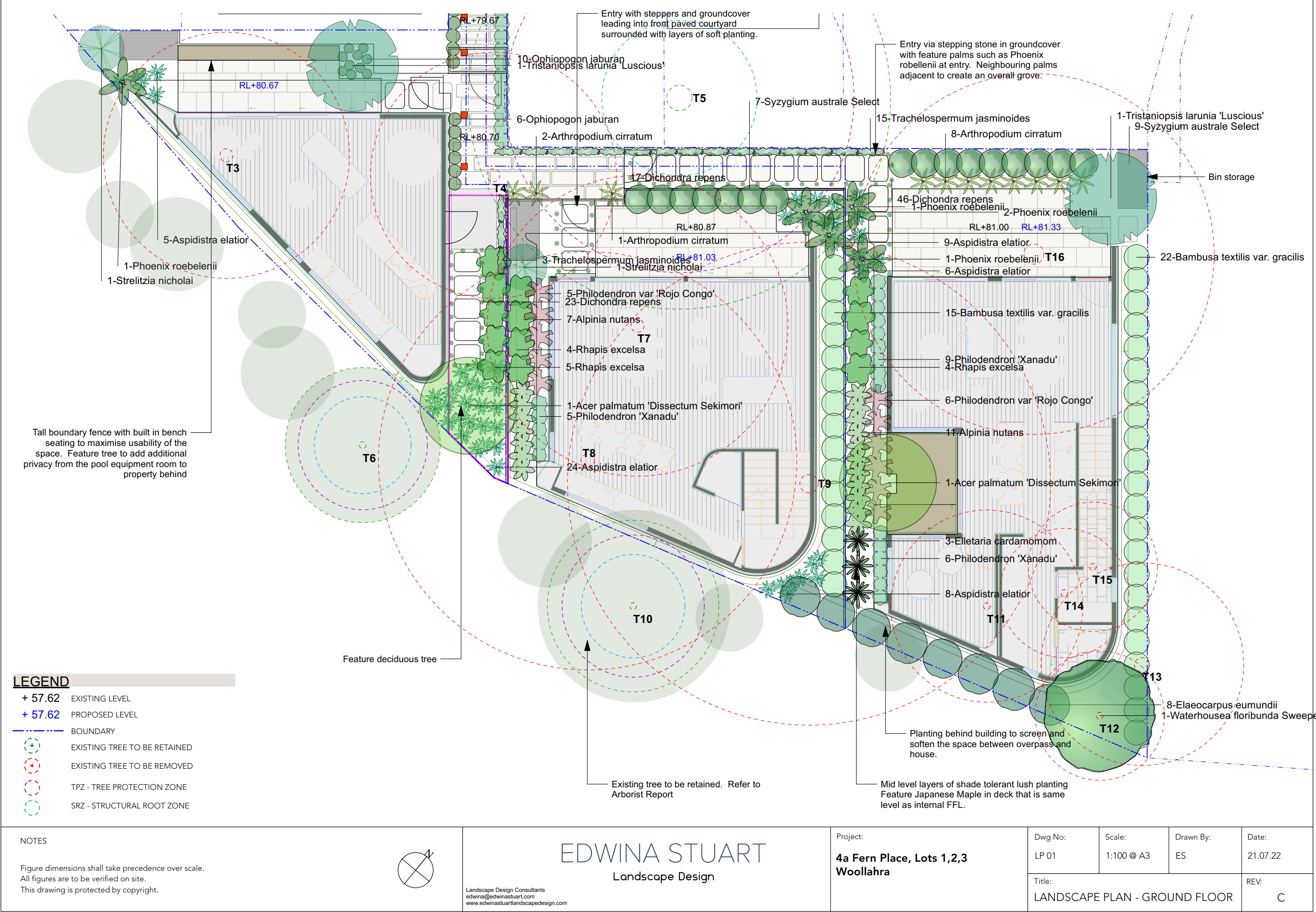
Drawn By:
ES

Date:
21.07.22

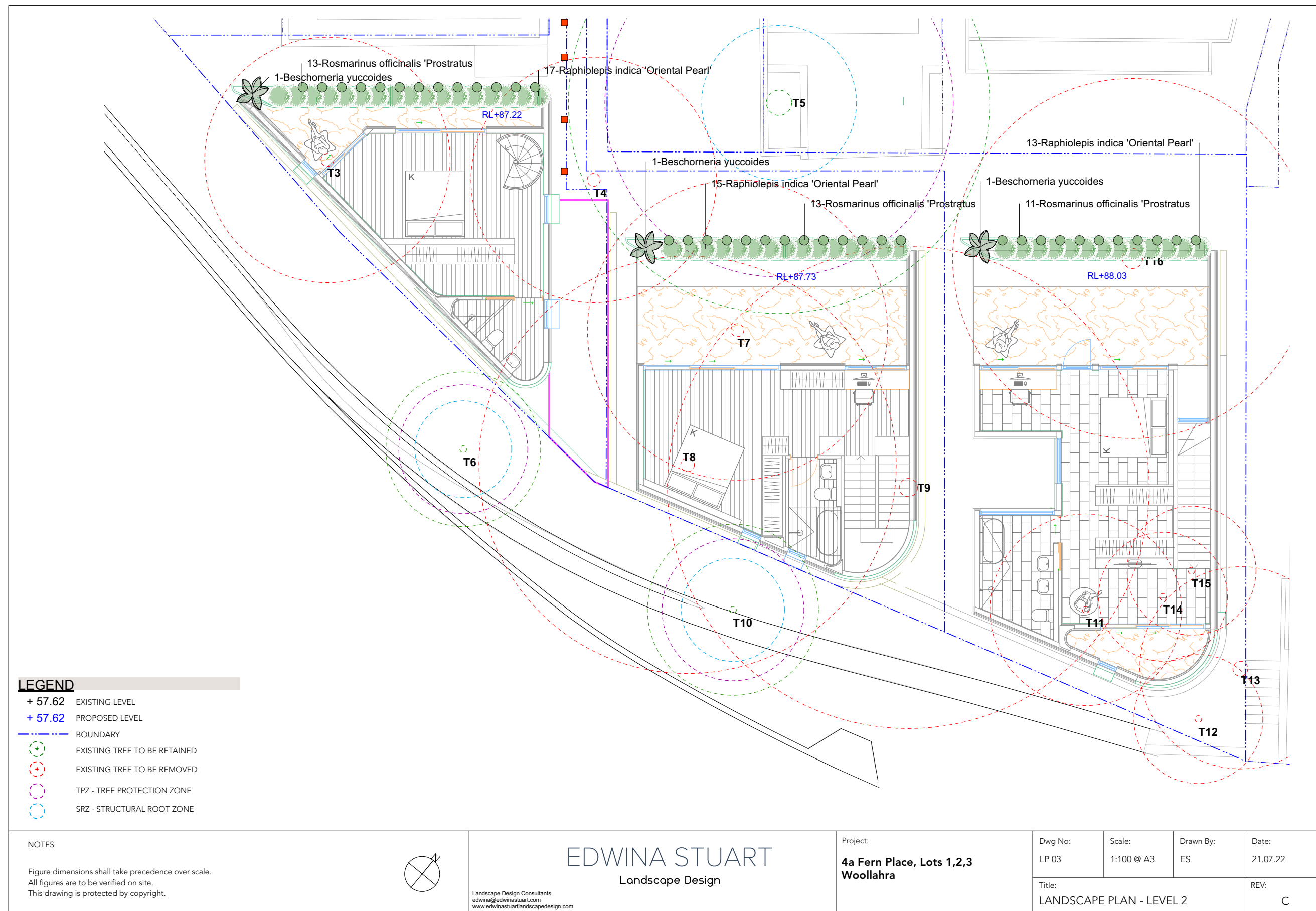
Title:
SITE PLAN & PLANTING SCHEDULE

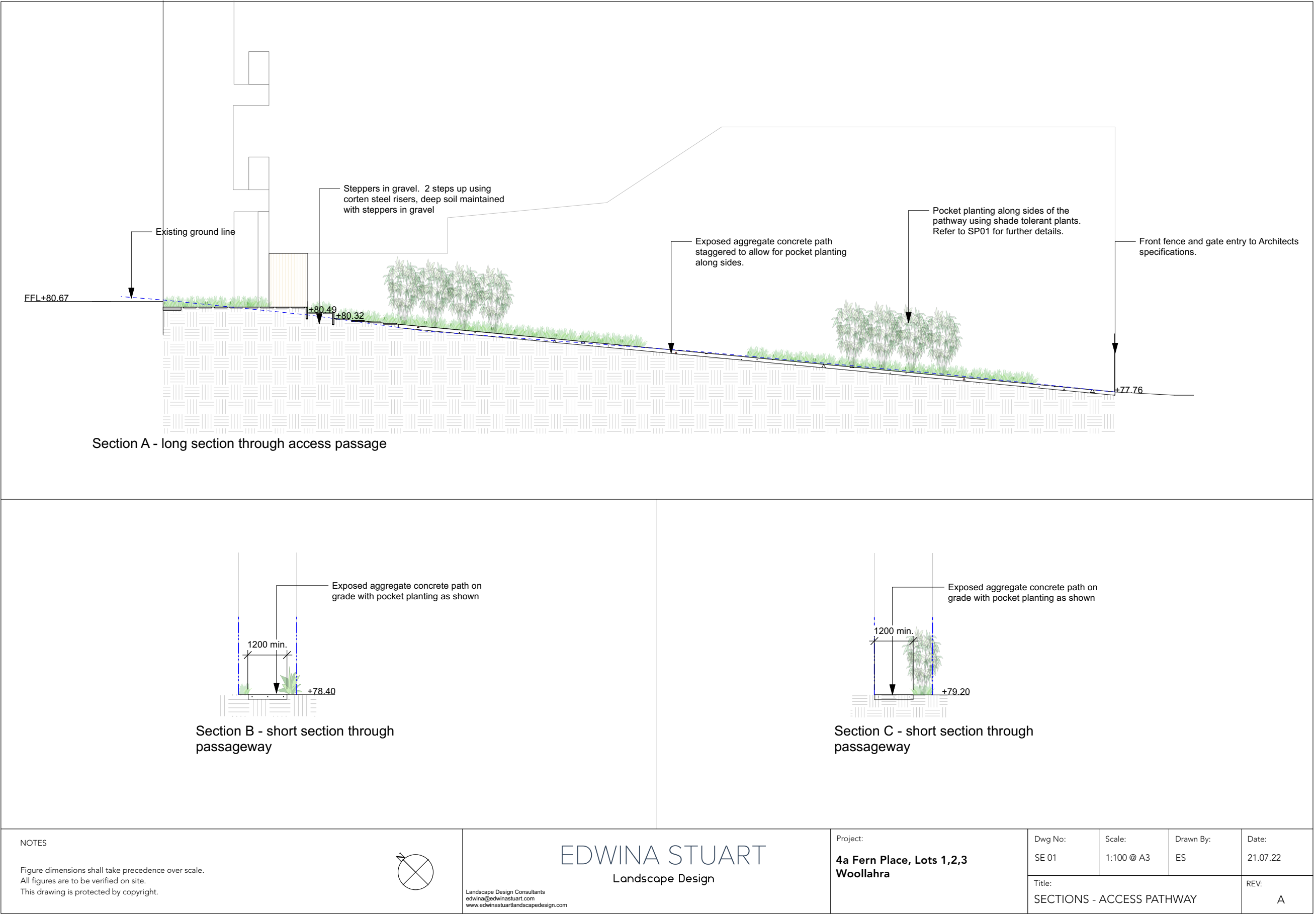
REV:
C

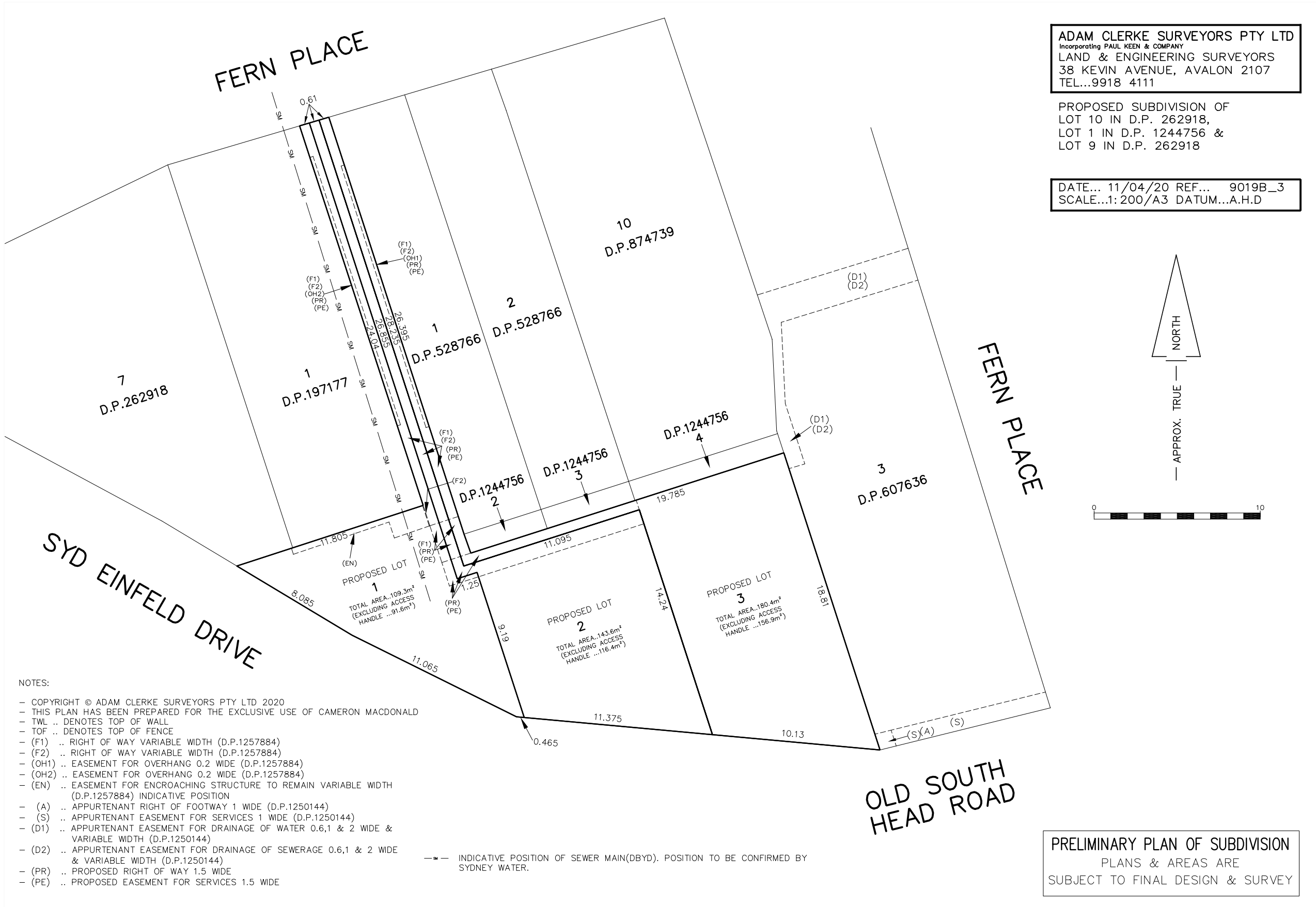


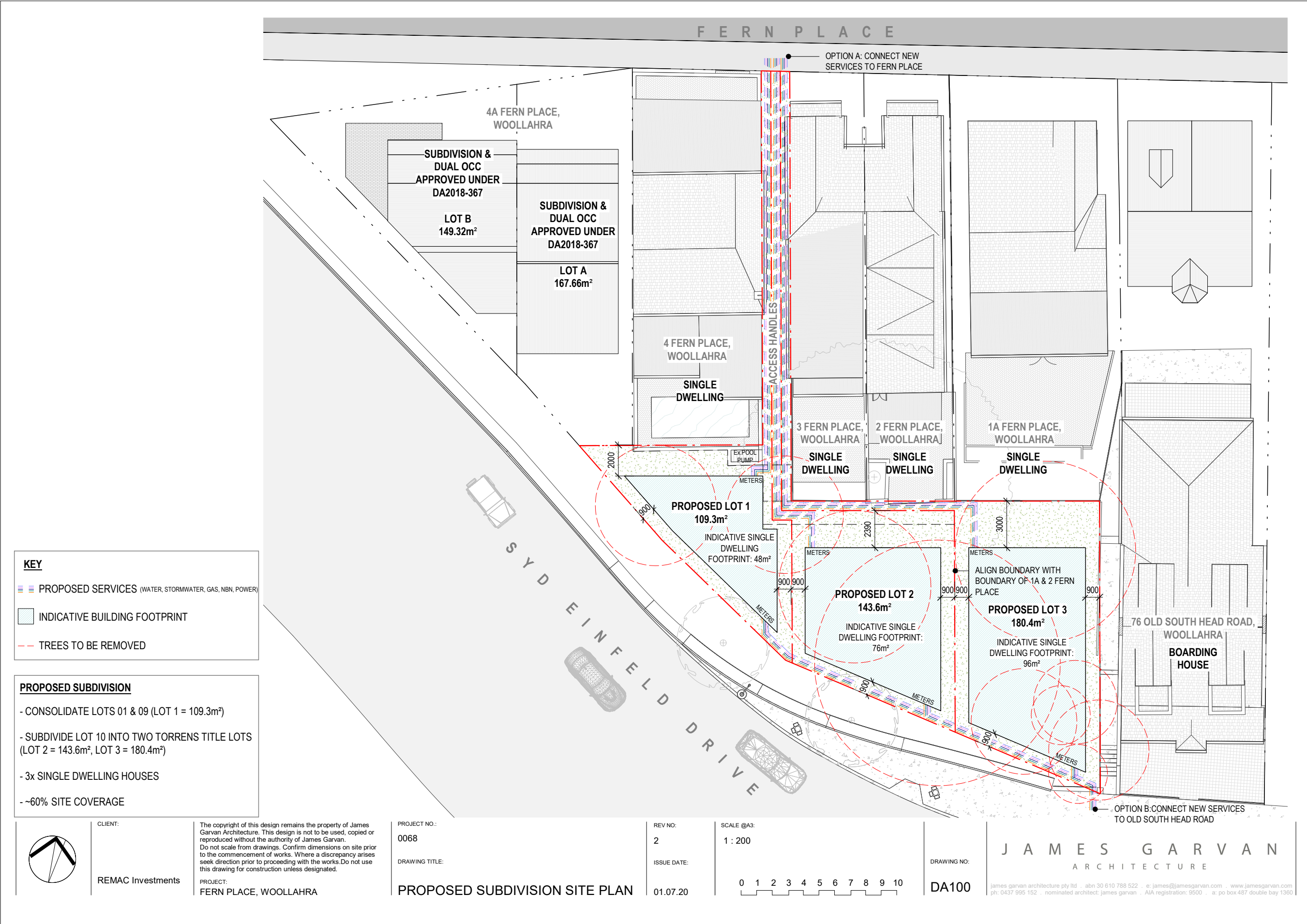












Completion Date: 12 February 2023

REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

FILE NO: Development Applications: 216/2022/1
ADDRESS: Fern Place WOOLLAHRA 2025
PROPOSAL: Construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1)
FROM: Mr R Lam
TO: Mr W Perdigao

1. ISSUES

- None

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced 19297, prepared by GSA Planning, dated May 2022.
- Revised Architectural Plans, referenced 586-Rev B, prepared by Modscape, dated 14/07/22.
- Survey, referenced 9019A, prepared by Adam Clerke Surveyors P/L, dated 5/11/2019.
- Revised Stormwater Management Plan, referenced 7051-Rev D, prepared by Harris Page & Associates, dated 25/07/2022.

3. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

a. Site Drainage comments

The submitted concept stormwater plans are considered satisfactory in principle subject to refinements at the CC stage which can be conditioned accordingly. It is noted that the applicant has proposed to install rainwater tanks which are 1.5 times of the required OSD storage volume to fully offset the OSD system for each dwelling. Stormwater runoff from each allotment will be collected and directed to the existing interallotment drainage easements which were established as part of the approved subdivision application under DA230/2020/1. Given that stormwater runoff from the site will be discharged to the street kerb, conditions will be imposed to ensure that all below ground structures are fully tanked and that subsoil drainage/seepage water is NOT collected to comply with Council's DCP.

Council's Infrastructure & Sustainability Services Division is satisfied that adequate provision could be made for the disposal of stormwater from the land it is proposed to develop and complies with Chapter E2 "Stormwater and Flood Risk Management" DCP.

b. Flooding & Overland Flow comments

Not relevant

c. Impacts on Council Infrastructure comments

There are no proposed works on Council's property as part of this application. All works should have been carried out as part of the subdivision application. Besides, it is noted from the submitted architectural plans that the applicant has deleted the proposed structure over the Council's Drainage Easement which was previously requested in the STC letter. As such, there are no further objections raised to this application.

d. Traffic comments

Not relevant

e. Vehicle Access & Accommodation comments

Not relevant

f. Geotechnical, Hydrogeological and/or Structural comments

It appears from the submitted revised architectural plans that there is minimal excavation proposed a part of this application other than site formation/re-grading and the construction of footings. As such, the submission of a geotechnical report at the DA stage is not required.

4. RECOMMENDATION

Council's Development Engineer has determined that the proposal is satisfactory, subject to the following conditions:

A. General Conditions

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

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

- a) The submission of documentary evidence demonstrating that the subdivision plan approved under DA230/2020/1 has been registered with NSW Land Registry Services. A copy of the title document and registered subdivision plan shall be submitted.

Period within which evidence must be produced

The Applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days (1 year) of the date of determination.

Clause 95(4) of the *Regulation*:

*“The applicant may produce evidence to the consent authority sufficient to enable it to be satisfied as to those matters and, if the consent authority has specified a period for the purpose, the evidence **must be produced within that period.**”*

If the evidence is not produced within 365 days (1 year) of the date of determination this deferred commencement consent is of no effect, the consent does not operate and no Construction Certificate can be issued. No development can lawfully occur under this consent unless it operates.

Note: Nothing in the *Act* prevents a person from doing such things as may be necessary to comply with this condition. (See section 4.16(3) of the *Act*)

This consent does not operate until Council has acknowledged compliance with this condition in writing.

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No *Construction Certificate* can be issued until all conditions including this condition required to be satisfied prior to the issue of any *Construction Certificate* have been satisfied.
Standard Condition: A3 (Autotext AA3)

A.5 Approved Plans & Supporting documents

Reference	Description	Author/Drawn	Date(s)
7051	Stormwater Management Plans	Harris Page & Associates	
SW-00-Rev D			25/07/2022
SW-01-Rev D			25/07/2022
SW-02-Rev D			25/07/2022
SW-03-Rev D			25/07/2022
SW-04-Rev D			25/07/2022
SW-05-Rev D			25/07/2022
SW-06-Rev D			25/07/2022

A.8 Ancillary Aspect of the Development (S80A(2) of the Act)

A.31 No Underpinning works

This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties.

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

B.7 Public Road Assets prior to any work/demolition

C. Conditions which must be satisfied prior to the issue of any construction certificate

C.5 Security Deposits

Property Damage Security Deposit (S138)	\$136,430	No	T115
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C.25 Soil and Water Management Plan – Submissions & Approval

C.36 Professional Engineering Details

C.37 Engineer Certification

This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.

Any structural design is not to incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc which encroach outside the boundaries of the subject property. Engineer certification to this effect shall be submitted to the Certifying Authority prior to issue of any Construction Certificate.

C.40 Geotechnical and Hydrogeological Design, Certification and Monitoring

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

These details must be certified by the professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d) Provide tanking of all below ground structures to prevent the entry of all ground water/seepage water such that they are fully tanked and no subsoil drainage/seepage water is discharged to the kerb and gutter to comply with Council's DCP.
- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - will detect any settlement associated with temporary and permanent works and structures,
 - will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
 - will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
 - will detect groundwater changes calibrated against natural groundwater variations,
 - details the location and type of monitoring systems to be utilised,
 - details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,

- details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
- details a contingency plan.

standard Condition: C40 (Autotext: CC40)

C.41 Ground Anchors

This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths. Prior written consent must be obtained from all relevant adjoining property owner(s) for the use of any Ground Anchors extending beyond the boundaries of the subject property.

The use of permanent ground anchors under Council land is not permitted. Temporary ground anchors under Council's land may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.

If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the *Roads Act 1993*. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. Minimum Four weeks should be allowed for assessment.

Note: To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.

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

Note: Clause 20 of the *Roads (General) Regulation 2000* prohibits excavation in the vicinity of roads as follows: "**Excavations adjacent to road** - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the *Roads Act 1993* for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.
Standard Condition: C41 (Autotext: CC41)

C.51 Stormwater Management Plans

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Certifying Authority, detailed stormwater management plans prepared by a suitably qualified and experienced civil engineer, which include the following:

- a) General design in accordance with stormwater management plans, referenced 7051-Rev D, prepared by Harris Page & Associates, dated 25/07/ 2022, other than amended by this and other conditions,
- b) The installation of a rainwater retention and reuse system (RWT) with minimum storage volume of 3m³ for proposed Lot 1 to comply with Council's DCP. Runoff from all roof areas shall be directed to the proposed RWT for non-potable uses such as toilet flushing, laundry device, pool top-up, car washing and garden irrigations etc. Notation to this requirement must be clearly depicted on the drawings. Overflow from the RWT shall be directed to stormwater pit 2.
- c) The installation of a rainwater retention and reuse system (RWT) with minimum storage volume of 5m³ for proposed Lot 2 to comply with Council's DCP. Runoff from all roof areas shall be directed to the proposed RWT for non-potable uses

such as toilet flushing, laundry device, pool top-up, car washing and garden irrigations etc. Notation to this requirement must be clearly depicted on the drawings. Overflow from the RWT shall be directed to stormwater pit 3.

- d) The installation of a rainwater retention and reuse system (RWT) with minimum storage volume of 5m³ for proposed Lot 3 to comply with Council's DCP. Runoff from all roof areas shall be directed to the proposed RWT for non-potable uses such as toilet flushing, laundry device, pool top-up, car washing and garden irrigations etc. Notation to this requirement must be clearly depicted on the drawings. Overflow from the RWT shall be directed to stormwater pit 4.
- e) The discharge of stormwater runoff from each allotment the site to an existing interallotment drainage system. Any stormwater pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3,
- f) All proposed below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is **NOT** to be collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement shall be clearly depicted on the drawings,
- g) Dimensions of all drainage pit and access grates must comply with AS3500,
- h) Compliance the objectives and performance requirements of the BCA, and
- i) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

The *Stormwater Management Plan* must also include the following specific requirements:

Layout plan

A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, *Australian Rainfall and Run-off, 2019* edition or most current version thereof. It must include:

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of proposed rainwater tanks,
- c) All invert levels reduced to Australian Height Datum (AHD),
- d) Location and dimensions of all drainage pits,
- e) Point and method of connection to Councils drainage infrastructure, and
- f) Overland flow paths over impervious areas.

Rainwater Reuse System details:

- a) Any potential conflict between existing and proposed trees and vegetation,
- b) Internal dimensions and volume of the proposed rainwater storage,
- c) Plans, elevations and sections showing the rainwater tanks, finished surface level and adjacent structures,
- d) Details of access and maintenance facilities,
- e) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary first flush products,
- f) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the rainwater tanks,

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

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

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.

Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.
Standard Condition: C.51 (Autotext CC51)

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

D.4 Dilapidation Reports for existing buildings

Dilapidation surveys and dilapidation reports shall be conducted and prepared by a *professional engineer* (structural) for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by a Structural Engineer.

These properties must include (but is not limited to):

No. 1, 1A, 2, 3, 4 and 4A Fern Place

The dilapidation reports must be completed and submitted to the *Certifying Authority* for approval. A copy of the approved reports shall be submitted to Council with the *Notice of Commencement* prior to the commencement of any *development work*.

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by S6.6(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

- To provide a record of the condition of buildings prior to development being carried out
 - To encourage developers and its contractors to use construction techniques that will minimise the risk of damage to buildings on neighbouring land
- Also refer to the Dilapidation Report Advising for more information regarding this condition
Standard Condition: D4 (Autotext DD4)

D.5 Dilapidation Reports for Public Infrastructure

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

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

- a) photographs showing any existing damage to the road pavement fronting of the site,
- b) photographs showing any existing damage to the kerb and gutter fronting the site,

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

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

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any work.

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

- D.6 Adjoining buildings founded on loose foundation materials**
- D.9 Construction Management Plan – Approval & Implementation**
- D.10 Work (Construction) Zone – Approval & Implementation**
- D.14 Erosion and Sediment Controls – Installation**

E. Conditions which must be satisfied during any development work

- E.3 Compliance with Construction Management Plan**
- E.7 Maintenance of Vehicular and Pedestrian Safety and Access**
- E.11 Maintenance of Environmental Controls**
- E.12 Compliance with Geotechnical/Hydrogeological Monitoring Program**
- E.13 Support of Adjoining Land Owners**
- E.15 Erosion and Sediment Controls – Maintenance**
- E.17 Disposal of Site Water during Construction**
- E.19 Site Cranes**
- E.20 Check Surveys – boundary location, building height, stormwater drainage system and flood protection measures relative to Australian height Datum**

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.7 Commissioning and Certification of Systems and Works

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

Nil

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (S109C (1) (c))

H.13 Road Works (including footpaths)

H.14 Dilapidation Report for Public Infrastructure Works

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

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

The dilapidation report must include:

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

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

The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure.

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

H.20 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

Prior to issue of any Occupation Certificate, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings prepared by a registered surveyor and submitted, for approval by the Principal Certifying Authority, certifying:

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the rainwater retention and reuse system,
- c) that a rainwater retention and reuse system with minimum storage of 3m³, 5m³ and 5m³ have been constructed for proposed Lo1, Lot2 and Lot 3 respectively in accordance with the approved stormwater plans,

- d) that runoff from all roof areas of each dwelling has been collected and directed to each as-built rainwater retention and reuse system which have plumbed into all toilet, laundry and garden irrigation etc,
- e) that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings,
- f) pipe invert levels and surface levels to Australian Height Datum, and
- g) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site detention system, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

Note: The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the WAE plans to Council together with the Final Occupation Certificate.

Note: Occupation Certificate must not be issued until this condition has been satisfied.
Standard Condition: H20 (Autotext HH20)

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

I.29 Ongoing Maintenance of the On-Site Stormwater Retention System

The owner(s) must in accordance with this condition and any positive covenant:

- a) permit stormwater to be temporarily retained and reused by the System;
- b) keep the system clean and free of silt rubbish and debris;
- c) maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner;
- d) carry out the matters referred to in paragraphs (b) and (c) at the Owners expense;
- e) not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- f) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;
- g) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice; and
- h) where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.

The Owner

- a) indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (**Claims**) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to

the extent that, the Claim arises because of the Council's negligence or default;
and

- b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.

Note: This condition has been imposed to ensure that owners are aware of require maintenance requirements for their stormwater systems.

Note: This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.

Standard Condition: I29

J. Miscellaneous Conditions

Nil

K. Advisings

K.23 Dilapidation Report

1 August 2022

REFERRAL RESPONSE – TREES & LANDSCAPING

FILE NO: DA 216/2022/1

ADDRESS: Fern Place WOOLLAHRA 2025

PROPOSAL: Construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1)

FROM: Sam Knight

TO: Mr W Perdigao

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by GSA Planning, dated May 2022
- Survey Plan, drafted by Adam Clerke Surveyors Pty Ltd, dated 5 November 2019
- Architectural Drawings, drawn by Modscape, dated 24 May 2022
- Stormwater drainage Plans, drawn by Harris Page & Associates Pty Ltd, dated 12 May 2022
- Arboricultural Impact Assessment Report, written by Treeism, dated April 2022
- Landscape Plans, designed by Edwina Sturt, dated 23 May 2022

A site inspection was carried out on 29 July 2022.

Relevant Control:

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks
- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites
- Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures, written by NSW Department of Planning, Industry and Environment, dated July 2015

SUMMARY

The proposal is for construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1).

A total of 16 trees within and adjacent to the site will be affected by the proposal. This includes 11 trees proposed for removal and the remaining five (5) trees proposed for retention and protection.

Council's Tree and Landscape team has determined that the development proposal is satisfactory in terms of tree preservation and landscaping, subject to compliance with the following Conditions of Consent.

COMMENTS

A total of 16 trees within and adjacent to the site will be affected by the proposal. This includes 11 trees proposed for removal and the remaining five (5) trees proposed for retention and protection.

The following tree numbering has been adopted from the Arboricultural Impact Assessment prepared by Treeism dated April 2022.

Tree Removal – Exempt Species

Tree 14 and 15 have been identified as species that are exempt from the provisions of the WMC DCP Chapter E.3 – Tree Management and can be removed without consent regardless of the proposed development.

Tree Removal – Low Retention Value

Trees 7 has been rated as having Low Landscape Significance and Low Retention Value for various reasons including underperforming health, poor structural condition or found to be providing minimal amenity value to the immediate area.

The plans indicate this tree is proposed for removal to facilitate the works which is supported due to its Low Retention Value rating.

Tree Removal - Moderate Retention Value

Tree 3, 4, 8, 9, 11, 12, 13 and 16 been identified as having Moderate Landscape Significance and Moderate Retention Value.

Trees rated as being of Medium Retention Value are generally considered as less critical for retention than High Valued trees. However, their retention should be a priority with removal considered if all design options have been exhausted and adversely affecting the proposal.

The plans indicate these trees are located within the footprint of the proposed new dwellings and will require removal to facilitate the works. Alternative design options have been considered that would allow for retention of these trees. However due to their locations, major redesigning would be required to allow for their retention which is not considered practical.

Tree Removal – High Retention Value

Tree 9 has been rated as having High Landscape Significance and High Retention Value.

These trees are considered important for retention and should be retained and protected. Design modification or re-location of building/s should be considered to accommodate the setbacks as prescribed by the Australian Standard AS4970 Protection of trees on development sites.

The plans indicate this tree is located within the footprint of Lot 2 dwelling and will require removal to facilitate the works. Alternative design options have been considered that would allow for retention of this tree. However, this would mean a substantial reduction of the proposed floorspace of Lot 2 and 3 which is not considered appropriate given approval has been granted for subdivision allowing for construction of the site.

Therefore, it is acknowledged that the tree will require removal if the current design is approved.

Tree Retention

Trees 1, 2, 5, 6 and 10 are proposed for retention and protection. These trees are located within neighbouring properties and Council land.

Tree 1, 2, 6 and 10 - A review of the plans has revealed works are proposed within the Tree Protection Zones of these trees which has been calculated in accordance with the *Australian Standard AS 4970 – Protection of trees on development sites* as being between 2 metres to 9.5 metres (radius from tree trunk).

The proposed works are not expected to adversely impact on these trees on the condition that tree sensitive construction methods are implemented during the works. This includes hand excavation within the TPZ of any tree which must be supervised by a Project Arborist. This has been detailed in the conditions below which are recommended for inclusion into the DA consent.

Tree 5 - A review of the plans has revealed works are proposed within the Tree Protection Zones of this tree which has been calculated in accordance with the *Australian Standard AS 4970 – Protection of trees on development sites* as being 9.3 metres (radius from tree trunk). Works are also proposed within the Structural Root Zone of this tree. This includes excavation of up to 500mm below the existing grade within the TPZ.

The submitted Stormwater Plans also show extensive excavation will be required within the TPZ for the OSD Tank 2 and rainwater tank.

These works are expected to adversely impact on the neighbour's tree. Modifications to the design will be required to ensure the levels (except for the new Lot 2 building) within the TPZ remain unchanged. The OSD Tank 2 and inground water tank must also be relocated outside of the TPZ.

The above modifications have been detailed in the conditions below which must occur prior to the issuing of the Construction Certificate.

RECOMMENDATIONS

Council's Tree and Landscape Officer has determined that the development proposal is satisfactory in terms of tree preservation and landscaping, subject to compliance with the following Conditions of Consent.

CONDITIONS OF CONSENT

Please note that the standard conditions of consent are generally modified by the Technical Services Department to suit a particular development application. Please ensure all Technical Services conditions of consent are cut and pasted from this document only, and not inserted as standard conditions using the automatically generated (F3) function

A. General Conditions

A.1 Tree Preservation & Approved Landscaping Works

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

a) The following trees shall be retained

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
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5	Corymbia citriodora	Rear Yard of 2 Fern Place	16 x 20
6	Corymbia citriodora	Adj southern boundary – within Road reserve	6 x 5
10	Celtis sinensis	Adj southern boundary – within Road reserve	8 x 6

• Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
1	Lophostemon confertus	Street tree – outside 4A Fern Place	9 x 10	\$20000
2	Lophostemon confertus	Street tree – outside 3 Fern Place	12 x 14	\$20000

Note: The tree/s required to be retained should appear coloured green on the construction certificate plans.

b) The following trees may be removed:

Council Ref No.	Species	Location	Dimension (metres)
3	Alnus jorullensis	Refer to the Arboricultural Impact Assessment prepared by Treeism dated April 2022 for tree numbers and locations.	8 x 10
4	Alnus jorullensis		10 x 8
7	Eucalyptus botryoides		8 x 9
8	Ficus benjamina		11 x 14
9	Platanus acerifolius		15 x 18
11	Morus alba		8 x 8
12	Morus alba		6 x 6
13	Eucalyptus botryoides		10 x 10
14	Schefflera actinophylla*		8 x 5
15	Schefflera actinophylla*		8 x 5
16	Grevillea robusta		14 x 8

Note: Tree/s to be removed shall appear coloured red on the construction certificate plans.

Note: The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.

A.2 Approved Plans and supporting documents

Reference	Description	Author/Drawn	Date(s)
n/a	Arboricultural Impact Assessment Report	Treeism	April 2022

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

B.1 Establishment of Tree Protection Zone (TPZ) Fence

Tree Protection Zones shall be established around all trees to be retained and in accordance with Section 4 of the *Australian Standard Protection of Trees on Development Sites* (AS 4970- 2009). Tree protection zones must also comply with the following requirements;

a) Tree Protection Zone areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
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1	Lophostemon confertus	Street tree – outside 4A Fern Place	6.3m
2	Lophostemon confertus	Street tree – outside 3 Fern Place	9.3m
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m
6	Corymbia citriodora	Adj southern boundary – within Road reserve	2m
10	Celtis sinensis	Adj southern boundary – within Road reserve	2.2m

Note: Where this condition relates to street trees and the fence cannot be placed at the specified radius, the fencing shall be positioned so that the entire verge (nature strip) area in front of the subject property, excluding existing driveways, footpaths and bus stops is protected.

Note: Where this condition relates to trees on private property the radial distance of fencing shall be positioned only within the subject property.

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.
- e) Establishment of Ground protection
Ground protection shall be established within the specified radius from the trunks of the following trees.

Council Ref No.	Species	Tree Location	Radius from Centre of Trunk (Metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

Ground protection shall consist of (geotextile fabric placed directly over the ground surface with 100mm mulch / aggregate / rumble boards strapped over mulch / steel plating over 10mm mulch layer / retention of existing surface. No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within the ground protection area unless specified in this consent.

- f) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in this consent.
- g) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.

- h) The project arborist shall provide written certification of compliance with the above condition.

B.2 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Radius from Trunk (metres)	Approved works
5	Corymbia citriodora	5.4m	Construction of Lot 2 dwelling, landscape upgrade works

The project arborist shall provide written certification of compliance with the above condition.

B.3 Demolition and Construction Management Plan

The Demolition and Construction Management Plan shall be reviewed and certified by the Project Arborist that appropriate tree protection measures have been accounted for. The Demolition and Construction Management Plan shall be prepared in accordance with all tree protection measures specified within this consent. Considerations by the Project Arborist shall include but not be limited to:

- Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;
- The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc;
- Site construction access, temporary crossings and movement corridors on the site defined;
- Contractors car parking;
- Phasing of construction works;
- The space needed for all foundation excavations and construction works;
- All changes in ground level;
- Space for site sheds and other temporary structures such as toilets;
- Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and
- The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.

B.4 Arborists Documentation and Compliance Checklist

The site arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have been complied with. Documentation for each site visit shall include:

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

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

As a minimum the following intervals of site inspections must be made:

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
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Prior to the demolition of any building or construction and prior to the commencement of any development work	<ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist shall install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.
During any development work	<ul style="list-style-type: none"> • The project arborist shall supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist shall supervise the excavation for Lot 2 dwelling within 5.4 metres of Tree No.5, documenting the condition of roots and soil. • The project arborist shall ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter. • Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.
Prior to any occupation or use of the building	<ul style="list-style-type: none"> • Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> • The project arborist shall supervise the dismantling of tree protection measures • After all demolition, construction and landscaping works are complete the project Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified

	the project Arborist should provide recommendations for remediation.
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Inspections and compliance documentation shall be made by an arborist with AQF Level 5 qualifications.

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

C. Conditions which must be satisfied prior to the issue of any construction certificate

C.1 Tree Management Plan

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

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

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

C.2 Modification of details of the development (section 4.17 (1) (g) of the Act)

The approved plans and the Construction Certificate plans and specification, required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation*, must detail the following amendments:

- a) To ensure Tree 5 located within the neighbour's property is not adversely impacted by the works, the design must ensure no levels changes (except for excavation for Lot 2 dwelling) occur within the Tree Protection Zone distance specified in Condition B.2.
- b) To ensure Tree 5 located within the neighbour's property is not adversely impacted by the works, the OSD Tank 2 and inground RWT must be relocated outside of the Tree Protection Zone distance specified in Condition B.2.
- c) To ensure Tree 5 located within the neighbour's property is not adversely impacted by the works, the existing boundary walls and paling fences between the subject property and 2 Fern Place must remain unchanged.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the Construction Certificate drawings and specifications to address specific issues identified during assessment under section 4.15 of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any Construction Certificate subject to this condition unless the Certifying Authority is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any Construction Certificate that is inconsistent with this consent.

C.3 Payment of Long Service Levy, Security, Contributions and Fees

The Certifying Authority must not issue any certificates under section 6.4 of the *Act* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees prior to the issue of a Construction Certificate, Subdivision Certificate or Occupation Certificate, as will apply.

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Tree Damage Security Deposit – making good any damage caused to any public tree	\$40000	No	T114
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$221.34	No	T45
Security Administration Fee	\$190	No	T16

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

Nil

E. Conditions which must be satisfied during any development work

E.1 Tree Preservation

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

General Protection Requirements

- The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.
Note: Trees must be pruned in accordance with *Australian Standard AS 4373 "Pruning of Amenity Trees"* and *WorkCover NSW Code of Practice Amenity Tree Industry*.

E.2 Paving in the vicinity of trees

Paving works within the specified radius from the trunks of the following trees shall be constructed in such a way as to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. When preparing an area for paving within the specified radius the soil surface shall not be skimmed. The new surface shall be established above the former ground level.

Council Ref No.	Species	Location	Radius from
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			centre of trunk (metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

Paving works are to be designed in consultation with a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent) and are to utilise such measures as semiporous material.

The project arborist shall document compliance with the above condition.

E.3 Level changes in the vicinity of trees

No level changes (except for excavation for Lot 2 dwelling) shall occur within the specified radius from the trunks of the following trees.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

The project arborist shall document compliance with the above condition.

E.4 Hand excavation within tree root zones

Excavation undertaken within the specified radius from the trunks of the following trees shall be hand dug.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

Small hand tools such as mattocks or using compressed air or water jetting only shall be used. Roots with a diameter equal to or in excess of 50mm shall not be severed or damaged unless approved in writing by the project arborist.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

All root pruning must be undertaken in accordance with the Australian Standard 4373 "Pruning of Amenity Trees" and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).

The project arborist shall document compliance with the above condition.

E.7 Installation of stormwater pipes and pits in the vicinity of trees

Excavation for the installation of stormwater pipes and pits within the specified radius from the trunks of the following trees shall be hand dug.

Council Ref No.	Species	Location	Radius from
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			centre of trunk (metres)
5	Corymbia citriodora	Rear Yard of 2 Fern Place	5.4m

Any roots greater than 40mm diameter uncovered for the installation of stormwater pipes and pits shall not be severed and remain in situ bridging across the excavated trench. Pipes shall be guided under any roots greater than 40mm bridging across excavated trenches. Stormwater pits shall be positioned so that no roots greater than 40mm diameter are severed.

The project arborist shall document compliance with the above condition.

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Amenity Landscaping

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

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

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

Nil

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))

H.1 Landscaping

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

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

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

Nil

J. Miscellaneous Conditions

Nil

K. Advisings

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

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

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

Sam Knight
Tree Officer



Woollahra
Municipal
Council

29 September 2022

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 216/2022/1

ADDRESS: Fern Place WOOLLAHRA 2025

PROPOSAL: Construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1)

FROM: Shona Lindsay - Heritage Officer

TO: Mr W Perdigao

DOCUMENTATION

The following documentation provided by the applicant has been examined for this referral response:

- Drawing set by Modscape, dated 24 May 2022
- Heritage Impact Statement by Heritage 21, dated April 2022
- Statement of Environmental Effects by GSA Planning, dated May 2022
- Survey plan

RESEARCH

The following research was undertaken in the preparation of this assessment:

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.
- Council's photography files relevant to the immediate area
- Council's heritage inventory sheets
- Council's aerial photography and mapping database
- Google Maps – street view

STATUTORY AND POLICY DOCUMENTS

The following statutory and policy documents are relevant to the application:

- Woollahra LEP 2014
- Woollahra DCP 2015

ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

SIGNIFICANCE OF SUBJECT PROPERTY TO THE CONSERVATION AREA

The subject site is within the Woollahra Heritage Conservation Area, and is not considered a contributory item as per the DCP. The subject site is within the Grafton precinct of the Woollahra of the DCP.

The subject property is a vacant lot and does not have heritage significance. Previous terraces existed on the subject property prior to being demolished for the new road to the south.

Referral Response - Heritage - DA2022 216 1 - Fern Place WOOLLAHRA



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Woollahra LEP 2014

The subject site is not a heritage item in Woollahra Local Environment Plan 2014 'the LEP' and is within a heritage conservation area.

Clause 1.2 Aims of Plan

Subclause 1.2. (2) (f) – to conserve built and natural environmental heritage

AND

Clause 5.10 Heritage Conservation

Significance of items in the vicinity

There are no listed heritage items in close proximity that would be adversely affected by the proposal.

Woollahra DCP 2015

Woollahra HCA DCP

Clause 2.2.5 Desired future character of the Woollahra HCA

Objective O1, O2, O3, O4, O5, O7

- The proposal will maintain the residential character of the area (Objective O3). The proposal adds a contemporary layer into the existing mix of development.

Clause 2.2.7 Contemporary design in Woollahra

- Contemporary design is supported in this instance as the property is at the rear of the streetscape and will not be visible from the HCA.

Clause 2.3. Grafton Precinct

Objective O2

- Due to the siting of the proposal the contemporary design is supported and will complement this section of the precinct.

Clause 2.4.12 Infill development

Objective O1, O2, O3

Controls C1, C3

- The proposed contemporary form, massing, height, and character are supported in this instance as the property is at the rear of the streetscape and will not be visible from the HCA.

Clause 2.5.1 Building height, form and character

Objective O1, O3

Controls C6, C7, C8, C9

- The proposed contemporary form and character are supported in this instance as the property is at the rear of the streetscape and will not be visible from the HCA.

Clause 2.5.4 Materials, finishes and colours

Objective O1,

Controls C1, C2, Table 1

- The proposed materials and finishes are supported in this instance as the property

Referral Response - Heritage - DA2022 216 1 - Fern Place WOOLLAHRA



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is at the rear of the streetscape and will not be visible from the HCA.

Clause 2.5.5 Roofs, skylights and chimneys

Objective O1

Controls C2, C3, C4

- The proposed roof form is supported in this instance as the property is at the rear of the streetscape and will not be visible from the HCA.

CONCLUSION

Woollahra LEP 2014

- Clause 1.2 (2) (f) The development does conserve the built heritage of Woollahra.

Part 5.10

- Clause 1(a) The development does conserve the heritage of Woollahra.
- Clause 1(b) The impact upon the heritage significance of the conservation area will be neutral.
- Clause 4 This referral constitutes an assessment under this clause.

RECOMMENDATION

The proposal is generally acceptable, subject to conditions, as it complies with the relevant statutory and policy documents and would have a satisfactory impact.

Consent, subject to conditions.

1. Archaeological Features – Unexpected Findings

If unexpected archaeological features are discovered during the works covered by this approval, work must cease immediately in the affected area(s) and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified. Additional assessment and approval pursuant to the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity. Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks. During an archaeological excavation the term 'feature' may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).

Standard Condition: B8

Shona Lindsay - Heritage Officer



Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment

REMAC Investment Holdings
Level 11, 22 Market Street,
Sydney NSW 2000

Report number: 210594 – Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment – R4
Date: 15th November 2023
Version: R4

Project Number: 210594

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REMAC Investment Holdings
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DOCUMENT CONTROL

Project Name	Lots 1, 2 & 3 Fern Place, Woollahra
Project Number	210594
Report Reference	210594 – Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment – R4
Client:	REMAC Investment Holdings

Revision	Description	Reference	Date	Prepared	Checked	Authorised
1	R1 – For Information	210594 – Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment – R1	8 December 2021	Matthew Furlong	Ben White	-
2	For Submission	210594 – Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment – R2	8 December 2021	Matthew Furlong	Ben White	Ben White
3	R3 – Updated for Council Comments	210594 – Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment – R3	28 September 2023	Matthew Furlong	Ben White	Ben White
4	R4 – Updated for Council Comments	210594 – Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment – R4	15 November 2023	Matthew Furlong	Ben White	Ben White

PREPARED BY:

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This report has been prepared by Pulse White Noise Acoustics Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the REMAC Investment Holdings. Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of REMAC Investment Holdings
No warranties or guarantees are expressed or should be inferred by any third parties.
This report may not be relied upon by other parties without written consent from Pulse White Noise Acoustics.
This report remains the property of Pulse White Noise Acoustics Pty Ltd until paid for in full by the client, REMAC Investment Holdings.

Pulse White Noise Acoustics disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

REMAC Investment Holdings
Level 11, 22 Market Street,
Sydney NSW 2000



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Sydney NSW 2000



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1 INTRODUCTION

Pulse White Noise Acoustic Pty Ltd (PWNA) has been engaged by REMAC Investment Holdings to undertake an acoustic assessment of the proposed residential developments to be constructed at Lots 1, 3 Fern Place, Woollahra NSW.

The assessment looks at the potential road traffic noise intrusion impacts on the development and noise emissions on nearby receivers from mechanical plant. This report will discuss the acoustic criteria which have been adopted as well as the outcome of the assessment.

A list of acoustic terminology used in this report is included in Appendix A of this report.

1.1 Relevant Guidelines

Acoustic criteria which have been adopted in this assessment include requirements from the local and state authorities and in the absence of any applicable criteria from these bodies, Australian and International Standards will be utilised.

Noise intrusion into the development will be controlled by the requirements of the Woollahra Municipal Council Development Control Plan (DCP) 2015, NSW State Environmental Planning Policy (Transport and Infrastructure) 2021 NSW Department of Planning document Development near rail corridors and busy roads – interim guideline 2008.

Furthermore, the noise emission impacts from the proposed development on the adjacent residences are regulated by the Woollahra Municipal Council Development Control Plan (DCP) 2015 and the NSW EPA Noise Policy for Industry (NPfI) 2017.

1.2 Proposed Development

The proposed development is for three (3) standalone modular residential tri-level dwellings. Each dwelling will be constructed from several modules and will contain living areas, wet area amenities. Two of three dwellings will have four (4) bedrooms and the third will contain three (3) bedrooms.

Architectural drawings for the proposed development, which have been used in our assessment, are prepared by Modscape and dated November 2021.

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2 SITE DESCRIPTION

The site is bounded by the following:

- Existing multi storey residential dwellings located along the northern boundary of the site. With Fern Place located further north/east.
- Existing multi storey residential dwelling located along the eastern boundary of the site. With Fern Place located further north/east.
- Intersection of Old South Head Road and Syd Enfield Drive located along the southern boundary of the site.

The nearest noise receivers to the future food premise are detailed below:

- | | |
|---------------------|---|
| Receiver 1 - | Existing residential dwellings along the northern boundary of the site, situated at 1-4 Fern Place, Woollahra. |
| Receiver 2 - | Existing residential dwellings along the eastern boundary of the site, situated at 76 Old South Head Road, Woollahra. |

A site map has been provided below which identifies the site, the surrounding receivers and monitoring locations; see Figure 1.

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Figure 1 Site Map, Measurement Locations and Surrounding Receivers – Sourced from SixMaps NSW



Project Site	Residential Receiver	Attended Noise Measurement	Unattended Noise Monitor (Acoustic Dynamics Monitor)
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3 NOISE DESCRIPTORS AND TERMINOLOGY

Environmental noise constantly varies in level with time. It is therefore necessary to measure environmental noise in terms of quantifiable time periods and statistical descriptors. Typically, environmental noise is measured over 15-minute periods and relevant statistical descriptors of the fluctuating noise are determined to quantify the measured level.

Noise (or sound) consists of minute fluctuations in atmospheric pressure capable of detection by human hearing. Noise levels are expressed in terms of decibels, abbreviated as dB or dB(A), the A indicating that the noise levels have been frequency weighted to approximate the characteristics of normal human hearing. Because noise is measured using a logarithmic scale, 'normal' arithmetic does not apply, e.g. adding two sources of sound of an equal value results in an increase of 3dB (i.e. 60 dBA + 60 dBA = 63 dBA). A change of 1 dB or 2 dB in the level of a sound is difficult for most people to detect, whilst a 3 dB – 5 dB change corresponds to a small but noticeable change in loudness. A 10 dB change roughly corresponds to a doubling or halving in loudness.

The most relevant environmental noise descriptors are the LAeq, LA1, LA10 and LA90 noise levels. The LAeq noise level represents the "equivalent energy average noise level". This parameter is derived by integrating the noise level measured over the measurement period and is equivalent to a level that would have been experienced had the fluctuating noise level remained constant during the measured time period.

The LA1, LA10 and LA90 levels are the levels exceeded for 1%, 10% and 90% of the sample period. These levels are sometimes thought of as the typical maximum noise level, the average repeatable maximum and average repeatable minimum noise levels, respectively.

Specific acoustic terminology is used in this assessment report. An explanation of common acoustic terms is included as Appendix A.

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4 EXISTING NOISE ENVIRONMENT

Unattended and attended noise surveys were previously undertaken by Acoustic Dynamics in the *Acoustic Assessment for Construction Certificate 4a Fern Place Woollahra*, revision 0, 7th November 2019. Details of the acoustic survey undertaken by Acoustic Dynamics are presented below.

4.1 Acoustic Dynamics Acoustic Assessment Report

Relevant information from the Acoustic Dynamics Acoustic Survey for part of the site previously, see below.

Figure 2 Acoustic Dynamics Acoustic Report – Page 14

2.6 INSTRUMENTATION & MEASUREMENT STANDARDS

All measurements were conducted in accordance with Australian Standard 1055.1-1997, "Acoustics - Description and Measurement of Environmental Noise Part 1: General Procedures". Acoustic Dynamics' sound measurements were carried out using precision sound level meters conforming to the requirements of IEC 61672-2002 "Electroacoustics: Sound Level Meters – Part 1: Specifications". The survey instrumentation used during the survey is set out in **Table 2.5**.

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ACOUSTIC DYNAMICS – EXCELLENCE IN ACOUSTICS

Figure 3 Acoustic Dynamics Acoustic Report – Part 15 (Part 1)



Table 2.5 Noise Survey Instrumentation

Type	Serial Number	Instrument Description
2250	2679541	Brüel & Kjaer Modular Precision Sound Level Meter
4189	2670479	Brüel & Kjaer 12.5 mm Prepolarised Condenser Microphone
4231	909240	Brüel & Kjaer Acoustic Calibrator
Type 1	A2A-06816-E0	NTI Audio XL2 Acoustic Analyzer

The reference sound pressure level was checked prior to and after the measurements using the acoustic calibrator and remained within acceptable limits.

3 EXTERNAL NOISE INTRUSION ASSESSMENT

The following subsections provide an assessment of the proposed development against the various noise criteria and objectives outlined in **Section 2** above.

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Figure 4 Acoustic Dynamics Acoustic Report– Part 15 (Part 2)

3.1 SITE SURVEY & NOISE MONITORING

Acoustic Dynamics advises that the existing external noise levels at the subject development site have been determined based on the results of unattended noise logging conducted at the subject site between Thursday 10 October and Thursday 17 October 2019. The logger was installed at 1.5 metres above ground level at the site. Due to the site layout and topography and the relative height of Syd Einfield Drive to the nearest potentially affected facade of the development, short-term operator-attended measurements were conducted at the curb side on the corner of Syd Einfield Drive and Old Head Road. The measured unattended logging levels have been adjusted for the difference in noise levels at the higher measurement location and are representative of the worst-case road noise intrusion (see location in **Appendix A**). The results from the unattended noise logger are presented graphically in **Appendix B**.

The external maximum L_{Aeq} noise levels have been determined for daytime and night-time periods, in accordance with the relevant assessment guidelines. **Table 3.1** presents the processed noise data obtained from the unattended noise logger and the adjusted noise levels.

Table 3.1 - Measured Maximum $L_{Aeq}(1\text{ hr})$ Noise Levels

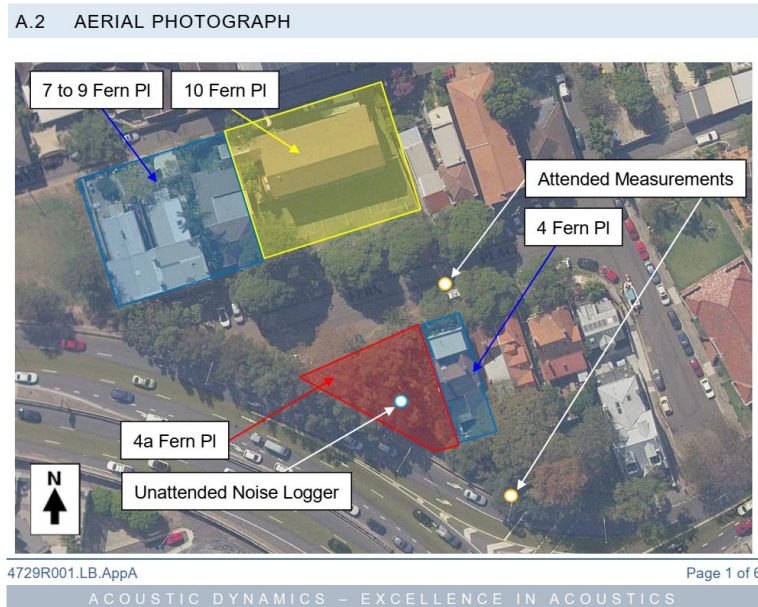
Location	Time of Day	Maximum Measured $L_{Aeq}(1\text{ hr})$ Noise Level ² [dB]	Adjusted $L_{Aeq}(1\text{ hr})$ Noise Level [dB]
4a Fern Pl	Daytime (7am – 10pm) ¹	61	66
	Night-time (10pm – 7am)	58	63

Note: 1) 8am on Sundays and public holidays.
2) Measured noise levels at site ground level.

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Figure 5 Acoustic Dynamics Acoustic Report– Appendix A



4.2 Attended Noise Monitoring (PWNA)

To verify the measured noise levels previously measured by Acoustic Dynamics previously are still valid, PWNA have undertaken our own site attend noise survey.

An attended noise survey was conducted on Thursday 2nd December 2021 between 4:30pm and 5:00pm.

The attended noise measurements were conducted using a Brüel & Kjær Type 2250 sound level meter (serial number 2709757). Calibration of the sound level meter was checked prior to and following the measurements using a Brüel & Kjær Type 4231 sound calibrator (serial number 3009148). The calibrator emitted a calibration tone of 94 dB at 1 KHz. The drift in calibration did not exceed ± 0.5 dB. All equipment carries appropriate and current NATA (or manufacturer) calibration certificates.

Table 1 Measured Attended Noise Measurements

Measurement Location	Date and Time	Measured Noise Level L_{Aeq}^2 (dBA)	Measurement Observations
Intersection of Old South Head Road and Syd Enfield Drive	Thursday 2 nd December 2021	71	Frequent traffic movement along Syd Enfield Drive and Old South Head Road.
<p><i>Note 1: The L_{A90} noise level is representative of the "average minimum background sound level" (in the absence of the source under consideration), or simply the background level.</i></p> <p><i>Note 2: The L_{Aeq} is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.</i></p>			

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5 ACOUSTIC CRITERIA

5.1 Noise Intrusion Acoustic Criteria

5.1.1 Woollahra Municipal Council Development Control Plan (DCP) 2015

Acoustic requirements from the Woollahra Municipal Council Development Control (DCP) 2015 are listed below.

Figure 6 Extract Woollahra Municipal Council DCP 2015

B3.5 Built form and context ▶ 3.5.4 Acoustic and visual privacy	
Objectives	Controls
O1 To ensure adequate acoustic privacy for occupants and neighbours.	<p>C1 Dwellings are designed to ensure adequate acoustic separation and privacy to the occupants of all dwellings.</p> <p>C2 Dwellings located close to high noise sources, such as a busy road or railway line are to:</p> <ul style="list-style-type: none">a) be designed to locate habitable rooms and private open space away from the noise source; andb) include sound attenuation measures, such as acoustic glazing and insulation. <p>Note: Shared walls and floors between dwellings must be designed in accordance with the sound transmission and insulation criteria of the Building Code of Australia.</p> <p>C3 Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.</p>

In the absence of any numerical objectives outlined in the Woollahra Municipal Council DCP 2015, requirements of the NSW Legislation State Environmental Planning Policy (Transport & Infrastructure) 2021 as outlined below will be adopted for internal noise design criteria.

5.1.2 NSW Legislation State Environmental Planning Policy (Transport & Infrastructure) 2021

Clause 2.120 from the SEPP (Transport & Infrastructure) 2021 reads:

2.120 Impact of road noise or vibration on non-road development

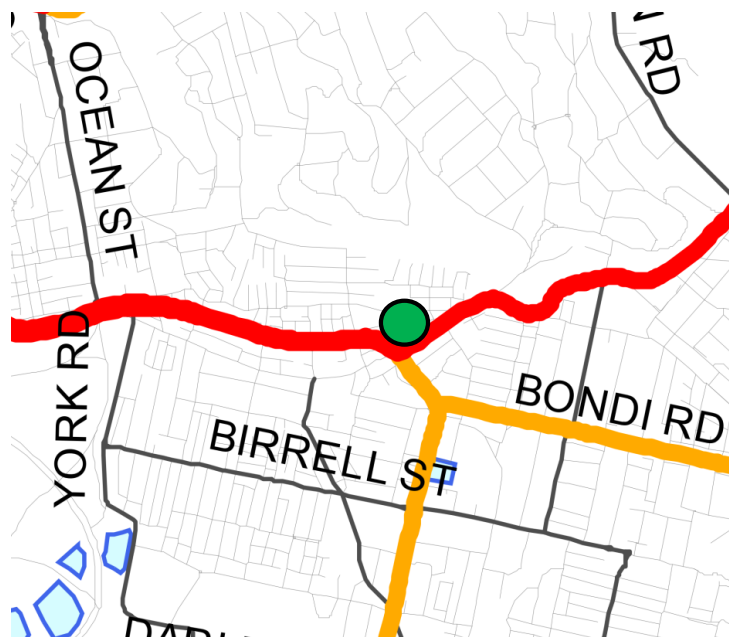
- 1) *This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*
 - *Residential accommodation,*
 - *A place of public worship,*
 - *A hospital,*
 - *An educational establishment or centre-based childcare facility.*

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- 2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*
- 3) *if the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following L_{Aeq} levels are not exceeded—*
 - *In any bedroom in the residential accommodation – 35 dB(A) at any time between 10pm and 7am,*
 - *Anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at anytime.*
- 4) *In this clause, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.*

Figure 7 NSW Traffic Volume Data – Syd Enfield Drive and Old South Head Road



5.1.3 NSW Department of Planning and Environments Development Near Rail Corridors and Busy Roads – Interim Guideline 2008

NSW Department of Planning's document DNRCBR adopts the same internal noise criteria outlined in the SEPP infrastructure (previous 2008, now updated 2021) see below. However, table 3.1 from the policy states:

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Figure 8 Extract - DRCBR - Table 3.1

Table 3.1: Noise criteria		
Residential Buildings		
Type of occupancy	Noise Level dBA	Applicable time period
Sleeping areas (bedroom)	35	Night 10 pm to 7 am
Other habitable rooms (excl. garages, kitchens, bathrooms & hallways)	40	At any time
Non-Residential Buildings		
Type of occupancy	Recommended Max Level dBA	
Educational Institutions including child care centres	40	
Places of Worship	40	
Hospitals	- Wards	35
	- Other noise sensitive areas	45

Note: airborne noise is calculated as $L_{eq}(9h)$ (night) and $L_{eq}(15h)$ (day). Groundborne noise is calculated as L_{wne} (slow) for 95% of rail pass-by events.

5.2 Noise Emission Criteria

5.2.1 Woollahra Municipal Council Development Control Plan (DCP) 2015

Generally, the Woollahra Municipal Council Development Control Plan recommends the following:

"Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site."

5.2.2 NSW EPA Noise Policy for Industry (NPI) 2017

In NSW, the control of noise emissions is the responsibility of Local Government (Council) and the NSW Environment Protection Authority (NSW EPA).

The NSW EPA has recently released a document titled *Noise Policy for Industry* (NSW NPI 2017) which provides a framework and process for determining external noise criteria for the assessment of noise emission from industrial developments. The NSW NPI criteria for industrial noise sources have two components:

- Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term; and
- Maintaining noise level amenity of particular land uses for residents and sensitive receivers in other land uses.

5.2.2.1 Intrusive Noise Impacts (Residential Receivers)

The NSW NPI states that the noise from any single source should not intrude greatly above the prevailing background noise level. Industrial noises are generally considered acceptable if the equivalent continuous (energy-average) A-weighted level of noise from the source (L_{Aeq}), measured over a 15 minute period, does not exceed the background noise level measured in the absence of the source by more than 5 dB(A). This is often termed the Intrusiveness Criterion.

The 'Rating Background Level' (RBL) is the background noise level to be used for assessment purposes and is determined by the methods given in the NSW NPI. Using the rating background noise level approach results in the intrusiveness criterion being met for 90% of the time. Adjustments are to be applied to the level of noise produced by the source that is received at the assessment point where the noise source contains annoying characteristics such as tonality or impulsiveness.

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5.2.2.2 Protecting Noise Amenity (All Receivers)

To limit continuing increases in noise levels, the maximum ambient noise level within an area from industrial noise sources should not normally exceed the acceptable noise levels specified in Table 2.2 of the NSW NPI. That is, the ambient LAeq noise level should not exceed the level appropriate for the particular locality and land use. This is often termed the 'Background Creep' or Amenity Criterion.

The amenity assessment is based on noise criteria specified for a particular land use and corresponding sensitivity to noise. The cumulative effect of noise from industrial sources needs to be considered in assessing the impact. These criteria relate only to other continuous industrial-type noise and do not include road, rail or community noise. If the existing (measured) industrial-type noise level approaches the criterion value, then the NSW NPI sets maximum noise emission levels from new sources with the objective of ensuring that the cumulative levels do not significantly exceed the criterion.

5.2.2.2.1 Area Classification

The NSW NPI characterises the "Suburban" noise environment as an area with an acoustical environment which shows the following:

- An area that has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry.
- This area often has the following characteristic: evening ambient noise levels defined by the natural environment and human activity.

The residential area surrounding the proposed development falls under the "Suburban" area classification (residential areas are located within R3 zones which are classified as "urban" in Table 2.3 of the NSW NPI). For residential and non-residential receivers in an urban area, the recommended amenity criteria are shown in Table 2 below.

Table 2 NSW NPI – Recommended LAeq Noise Levels from Industrial Noise Sources

Type of Receiver	Indicative Noise Amenity Area	Time of Day ¹	Recommended Amenity Noise Level (LAeq, period) ²
Residential	Suburban	Day	55
		Evening	45
		Night	40
<i>Note 1: For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 7:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 8:00 am</i>			
<i>Note 2: The LAeq is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.</i>			

When the existing noise level from industrial noise sources is close to the recommended "Amenity Noise Level" (ANL) given above, noise from the new source must be controlled to preserve the amenity of the area in line with the requirements of the NSW NPI.

Where existing road traffic noise is high enough to render stationary industrial noise sources effectively inaudible, the ANL can be modified so that the amenity criteria is not unduly stringent in an environment where road traffic noise is the dominant source of environmental noise. If all the conditions below are satisfied, the ANL becomes LAeq,traffic minus 15 dBA. The conditions are:

- The road traffic noise is the dominant noise source.
- The existing noise is 10dB(A) or more above the acceptable ANL for the area.
- It is highly unlikely the road traffic noise levels would reduce in the near future.

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5.2.2.3 Maximum Noise Level Event (Sleeping Disturbance)

Section 2.5 of the NPI states the following:

The potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.

Where the subject development/premises night-time noise levels at a residential location exceed:

- $L_{Aeq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,

a detailed maximum noise level event assessment should be undertaken.

As outlined in section above, the measured rating background noise level during the night hours (10:00pm to 7:00am) is 36dBAL_{A90}. Therefore, the resultant RBL + 15dB is 51dBAL_{Max}. As such the minimum being 52 dBAL_{Max} will be adopted.

5.2.3 Project Specific External Noise Emission Criteria

The intrusive and amenity criteria for industrial noise emissions, derived from the measured data, are presented in Table 3. These criteria are nominated for the purpose of determining the operational noise limits for mechanical plant associated with the development which can potentially affect noise sensitive receivers.

For each assessment period, the lower (i.e., the more stringent) of the amenity or intrusive criteria are adopted. These are shown in bold text in Table 3.

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Table 3 External noise level criteria in accordance with the NSW NPI

Location	Time of Day ¹	Project Amenity Noise Level, LAeq, period ² (dBA)	Measured LA90, 15 min (RBL) ³ (dBA)	Measured LAeq, 15 min ⁴ (dBA)	Intrusive LAeq, 15 min Criterion for New Sources (dBA)	Council Background + 0dBA LAeq ⁴	Amenity LAeq, 15 min Criterion for New Sources (dBA) ⁵
Surrounding Residences	Day	50	52	63	57	52	53
	Evening	40	50	58	55	50	43
	Night	35	36	55	41	36	38
<p><i>Note 1: For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 1:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 1:00 am.</i></p> <p><i>Note 2: Project Amenity Noise Levels corresponding to "Suburban" areas, equivalent to the Recommended Amenity Noise Levels minus 5 dBA.</i></p> <p><i>Note 3: The LA90 noise level is representative of the "average minimum background sound level" (in the absence of the source under consideration), or simply the background level.</i></p> <p><i>Note 4: The LAeq is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.</i></p> <p><i>Note 5: Project Noise Trigger Levels are shown in bold.</i></p> <p><i>Note 6: According to Section 2.2 of the NSW NPI, the LAeq, 15 minutes is equal to the LAeq, period + 3 dB.</i></p>							

In addition, a maximum noise level criterion of 52dBA LA_{Fmax} and 41dBA LAeq (15mins) during the night period (10:00pm to 7:00am) at residential receivers also applies.

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6 ACOUSTIC ASSESSMENT

Assessment of each of the noise element associated with the proposal is outlined below.

6.1 Building Envelope Assessment

Preliminary façade acoustic treatments based on the external levels from surrounding roads and other commercial operations as discussed in section 4 and 5 above are provided below.

6.1.1 Glazing Constructions

The recommended sound transmission loss requirement required to satisfy the specified internal noise level criteria outlined in the glazing markup provided in Appendix C of this report (Appendix C – Glazing Markup).

Please note for all windows/door systems, this performance is not only subject to the glazing selection but also to the construction of the window frame and the frame seal selection. Therefore, it is recommended that the window manufacturer should confirm that the required sound insulation can be achieved. It is anticipated that the window system should comprise Q-Lon (or equivalent) or fin seals with deep C channels as part of the window track (**i.e., Performance levels outlined above need to be achieved with glazed panels + frame + seals**).

Table 4 In-principle Glazing Recommendations.

Façade/Occupancy Area ¹	System Number	Minimum Glazing System Rating Requirements ¹	Indicative Construction ¹
Refer to (Appendix C – Glazing Markup)	Façade System 1	Rw (C;Ctr): 31 (-1;-3)	Windows with min. 12.38mm Laminate.
	Façade System 2	Rw (C;Ctr): 33 (-1;-3)	Windows with min. 10mm Float.
	Façade System 3	Rw (C;Ctr): 35 (-1;-3)	Windows with min. 10.38mm Laminate.
	Façade System 4	Rw (C;Ctr): 37 (-1;-3)	Windows with min. 12.38mm Laminate.
	Façade System 5	Rw (C;Ctr): 47 (-1;-6)	Windows with min. 10mm Float Glass + min. 50mm Airgap + 8.38mm Laminate Glass.
Note 1: These are preliminary selections will be confirmed in the detailed design stage once the layouts and façade orientations are finalised.			

Note: To be further development during the Construction Certificate (CC) phase once elevations and façade sections are detailed.

6.1.2 External Wall Construction

External wall constructions will be constructed from a light-weight studwork cladding system. To ensure internal noise levels comply with the requirements outlined above the recommended constructions detailed below are recommended.

Note: To be further development during the Construction Certificate (CC) phase once elevations and façade sections are detailed.

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Table 5 Recommended Light Weight External Wall Construction

Façade	Occupancy Area ¹	External Lining	Studwork System	Internal Lining
Facades facing New South Head Road and/or Syd Enfield Drive	Sleeping areas	Architectural Cladding + 2 x 6mm Fibre Cement Sheeting	Minimum 92mm Steel Studwork + 75mm thick 14kg/m ³ glasswool insulation	13mm Standard Plasterboard OR 1 x 9mm Fibre Cement Sheeting
	Living/study areas			
	Wet areas	Architectural Cladding + 1 x 6mm Fibre Cement Sheeting		
Other facades away from Old South Head Road and/or Syd Enfield Drive	Sleeping areas	Architectural Cladding + 1 x 6mm Fibre Cement Sheeting	Minimum 92mm Steel Studwork + 75mm thick 14kg/m ³ glasswool insulation	13mm Standard Plasterboard OR 1 x 9mm Fibre Cement Sheeting
	Living/study areas			
	Wet areas	Architectural Cladding		
<i>Note 1: Recommended constructions are identical for each level.</i>				
<i>Note 2: These are preliminary selections will be confirmed in the detailed design stage once the layouts and façade orientations are approved.</i>				

Any penetrations through any external skin which are required must ensure all gaps remaining in the penetration are filled with an acoustic grade sealant which provides an equal or better performance to the system being penetrated.

6.1.3 External Roof Construction

External roof constructions will be constructed from a lightweight sheet metal construction. To ensure internal noise levels comply with the requirements outlined above the recommended constructions detailed below are recommended.

Table 6 Recommended Light Weight External Roof Construction

Occupancy Area ¹	External Lining	Truss System	Internal Lining
Sleeping areas	Architectural Roof Sheeting + 1 x 9mm Fibre Cement Sheeting	Min 150mm truss system + 75mm thick 14kg/m³ glasswool insulation	13mm Standard Plasterboard OR 1 x 9mm Fibre Cement Sheeting
Living/study areas			
Wet areas			
Note 1: These are preliminary selections will be confirmed in the detailed design stage once the layouts and final orientations are approved.			

If penetrations through any external skin are required, all gaps remaining in the penetration are to be filled with an acoustic grade sealant which provides an equal or better performance to the system being penetrated.

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6.2 Engineering Services Assessment

Three main mechanical systems are proposed to be installed; each are discussed below:

- 1 Kitchen Exhaust System
- 2 Air Conditioning Plant
- 3 Toilet Exhaust Systems

6.2.1 Kitchen Exhaust System

Currently, the design intent for the Kitchen Exhaust Systems is for the fan to be located on the ceiling void and be discharged via a façade louvre. Based on the ambient noise levels and the typical low noise levels of a kitchen rangehood fan, limited to no acoustic treatment will be required to ensure project trigger noise levels are compliant.

Note: Prior to the issue of the Construction Certificate the recommended acoustic treatments for the engineering services should be reviewed to ensure final selections and mechanical airflow requirements are achieved.

6.2.2 Toilet Exhaust System

Currently, the design intent for the Toilet Exhaust Systems is for the fan to be located on the ceiling void and be discharged via a façade louvre. Based on the ambient noise levels and the typical low noise levels of a toilet exhaust fan, limited to no acoustic treatment will be required to ensure project trigger noise levels are compliant.

Note: Prior to the issue of the Construction Certificate the recommended acoustic treatments for the engineering services should be reviewed to ensure final selections and mechanical airflow requirements are achieved.

6.2.3 Air Conditioning Condensers

Currently, the locations of air conditioning plant are not known. Once locations of the plant are known a detailed assessment can be undertaken, however we believe (subject to further assessment) a night operation mode will need to be active between 10:00pm and 7:00am and vibration isolation will be required.

Note: Prior to the issue of the Construction Certificate the recommended acoustic treatments for the engineering services should be reviewed to ensure final selections and mechanical airflow requirements are achieved.

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7 CONCLUSION

Pulse White Noise Acoustics (PWNA) have been engaged to undertake an acoustic assessment of the proposed residential development to be located at Lots 1, 2 and 3 Fern Place, Woollahra NSW.

- Minimum acoustic performances and associated indicative constructions for the building envelope have been provided in section 6.1 of this report. The recommended treatments have been provided to ensure compliance with the objectives presented in section 5.
- To control noise impacts at external receivers, recommended indicative treatments for major engineering services have been provided in section 6.2. From our review we have formulated the following opinion:
 - At these stages of the project the exact selections/locations of plant items are not known. A preliminary assessment, however, has been carried out using our experience with similar types of developments and the typical plant items installed in each type of plant room.
 - From this review we recommend the selection of high-performance acoustic treatment to ensure that the operation of the plant items comply with the project criteria. Therefore, it is recommended that prior to the issue of a Construction Certificate (CC) a detailed acoustic assessment is undertaken to ensure all cumulative noise from engineering services (including the roof plant room) comply with the requirements as listed in section 5.2.

For any additional information please do not hesitate to contact the person below.

Regards,

Matthew Furlong
Principal Acoustic Engineer
PULSE WHITE NOISE ACOUSTICS PTY LTD

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Sydney NSW 2000



APPENDIX A – ACOUSTIC GLOSSARY

The following is a brief description of the acoustic terminology used in this report.

<i>Ambient Sound</i>	The totally encompassing sound in a given situation at a given time, usually composed of sound from all sources near and far.
<i>Audible Range</i>	The limits of frequency which are audible or heard as sound. The normal ear in young adults detects sound having frequencies in the region 20 Hz to 20 kHz, although it is possible for some people to detect frequencies outside these limits.
<i>Character, acoustic</i>	The total of the qualities making up the individuality of the noise. The pitch or shape of a sound's frequency content (spectrum) dictate a sound's character.
<i>Decibel [dB]</i>	The level of noise is measured objectively using a Sound Level Meter. The following are examples of the decibel readings of every day sounds; <ul style="list-style-type: none"> 0dB the faintest sound we can hear 30dB a quiet library or in a quiet location in the country 45dB typical office space. Ambience in the city at night 60dB Martin Place at lunch time 70dB the sound of a car passing on the street 80dB loud music played at home 90dB the sound of a truck passing on the street 100dB the sound of a rock band 115dB limit of sound permitted in industry 120dB deafening
<i>dB(A)</i>	<i>A-weighted decibels</i> The ear is not as effective in hearing low frequency sounds as it is hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise.
<i>Frequency</i>	Frequency is synonymous to <i>pitch</i> . Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.
<i>Loudness</i>	A rise of 10 dB in sound level corresponds approximately to a doubling of subjective loudness. That is, a sound of 85 dB is twice as loud as a sound of 75 dB which is twice as loud as a sound of 65 dB and so on
<i>L_{Max}</i>	The maximum sound pressure level measured over a given period.
<i>L_{Min}</i>	The minimum sound pressure level measured over a given period.
<i>L₁</i>	The sound pressure level that is exceeded for 1% of the time for which the given sound is measured.
<i>L₁₀</i>	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.
<i>L₉₀</i>	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L ₉₀ noise level expressed in units of dB(A).
<i>L_{eq}</i>	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.
<i>Background Sound Low</i>	The average of the lowest levels of the sound levels measured in an affected area in the absence of noise from occupants and from unwanted, external ambient noise sources. Usually taken to mean the L _{A90} value

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<i>C_{tr}</i>		A frequency adaptation term applied in accordance with the procedures described in ISO 717.
<i>dB (A)</i>		'A' Weighted overall sound pressure level
<i>Noise Reduction</i>		The difference in sound pressure level between any two areas. The term "noise reduction" does not specify any grade or performance quality unless accompanied by a specification of the units and conditions under which the units shall apply
<i>NR Rating</i>	<i>Noise</i>	Single number evaluation of the background noise level. The NR level is normally around 5 to 6 dB below the "A" weighted noise level. The NR curve describes a spectrum of noise levels and is categorised by the level at 1000 Hz ie the NR 50 curve has a value of 50 dB at 1000 Hz. The NR rating is a tangential system where a noise spectrum is classified by the NR curve that just encompasses the entire noise spectrum consideration.
<i>R_w</i>		Weighted Sound Reduction Index - Laboratory test measurement procedure that provides a single number indication of the acoustic performance of a partition or single element. Calculation procedures for <i>R_w</i> are defined in ISO 140-2:1991 "Measurement of Sound Insulation in Buildings and of Building Elements Part 2: Determination, verification and application of precision data".
<i>R'_w</i>		Field obtained Weighted Sound Reduction Index - this figure is generally up to 3-5 lower than the laboratory test determined level data due to flanked sound transmission and imperfect site construction.
<i>Sound Isolation</i>		A reference to the degree of acoustical separation between any two areas. Sound isolation may refer to sound transmission loss of a partition or to noise reduction from any unwanted noise source. The term "sound isolation" does not specify any grade or performance quality and requires the units to be specified for any contractual condition
<i>Sound Pressure Level, L_p dB</i>		A measurement obtained directly using a microphone and sound level meter. Sound pressure level varies with distance from a source and with changes to the measuring environment. Sound pressure level equals 20 times the logarithm to the base 10 of the ratio of the rms sound pressure to the reference sound pressure of 20 micro Pascals.
<i>Sound Power Level, L_w dB</i>		Sound power level is a measure of the sound energy emitted by a source, does not change with distance, and cannot be directly measured. Sound power level of a machine may vary depending on the actual operating load and is calculated from sound pressure level measurements with appropriate corrections for distance and/or environmental conditions. Sound power levels is equal to 10 times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power of 1 picoWatt
<i>Speech Privacy</i>		A non-technical term but one of common usage. Speech privacy and speech intelligibility are opposites and a high level of speech privacy means a low level of speech intelligibility. It should be recognised that acceptable levels of speech privacy do not require that speech from an adjacent room is inaudible.
<i>Transmission Loss</i>		Equivalent to Sound Transmission Loss and to Sound Reduction Index in terminology used in countries other than Australia. A formal test rating of sound transmission properties of any construction, by usually a wall, floor, roof etc. The transmission loss of all materials varies with frequency and may be determined by either laboratory or field tests. Australian Standards apply to test methods for both situations.

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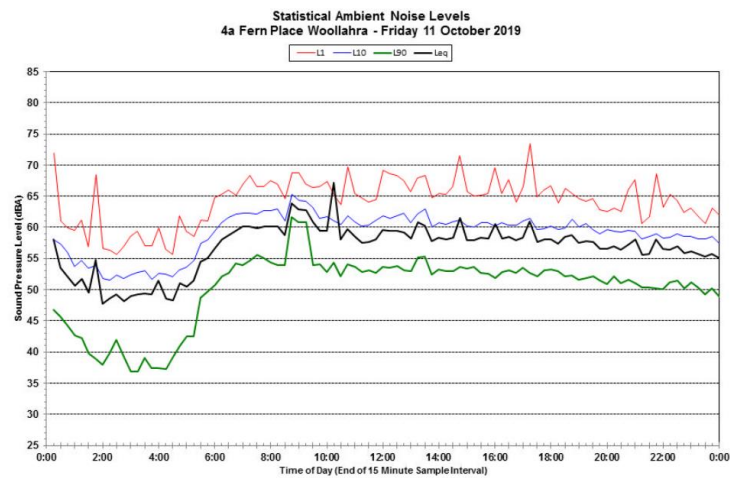
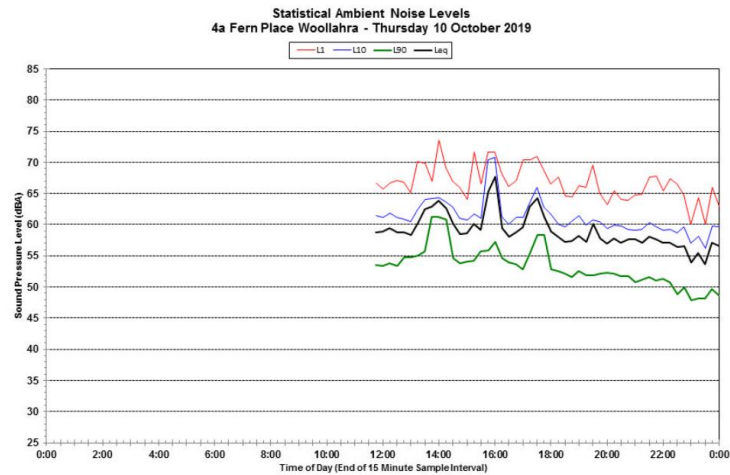
**APPENDIX B – UNATTENDED NOISE MONITOR – ACOUSTIC DYNAMICS
REPORT**

(Previous 4a Fern Place, Woollahra DA Acoustic Assessment)

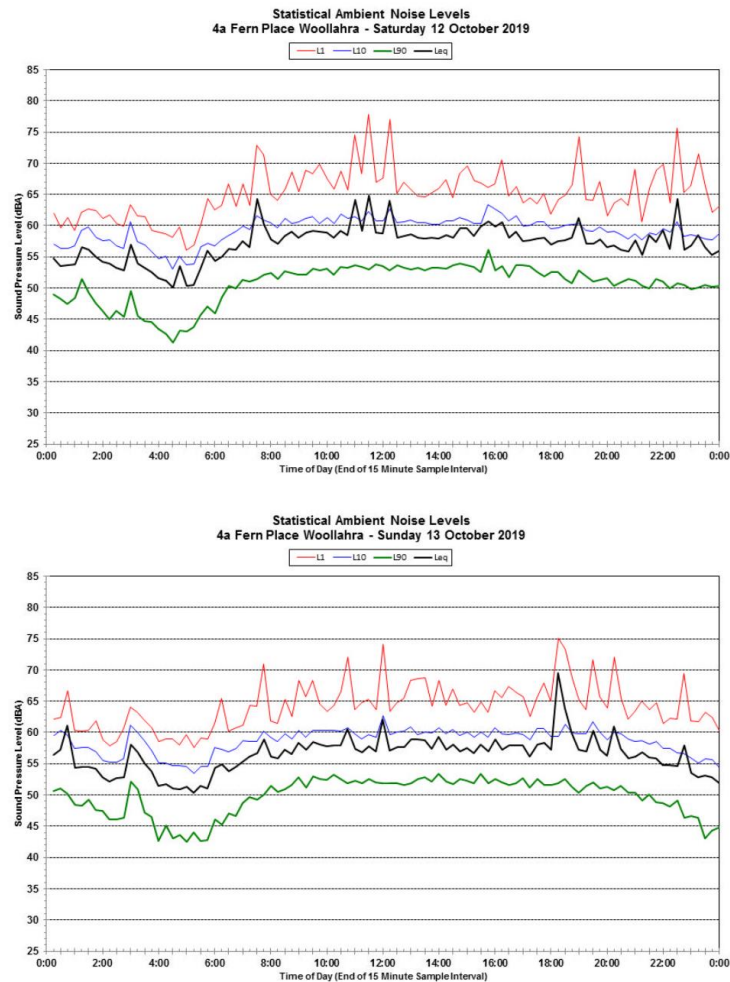
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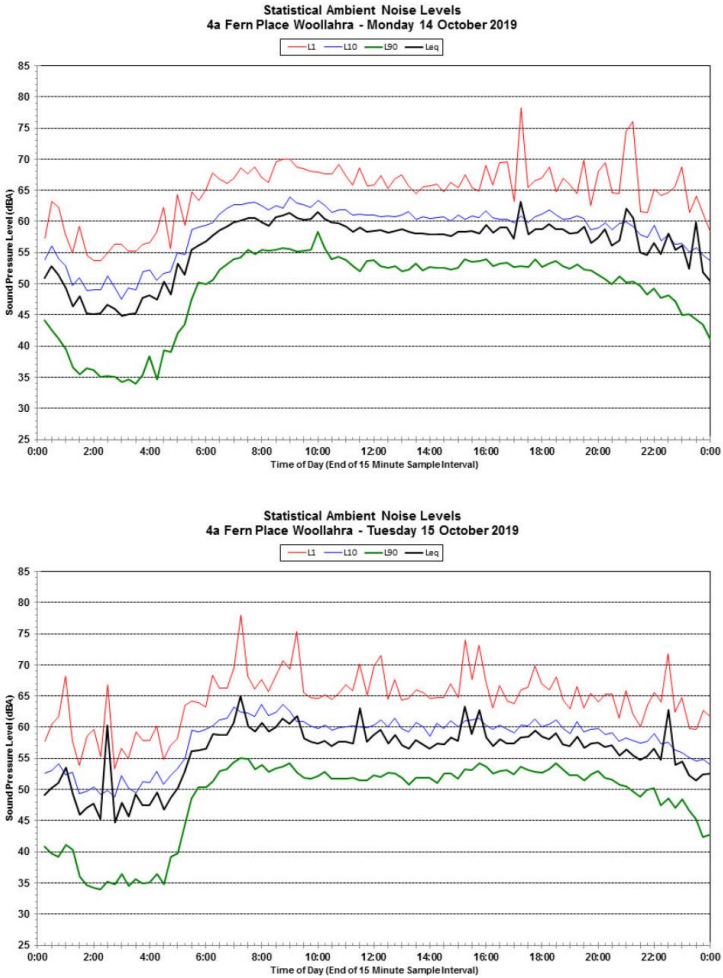
APPENDIX B – UNATTENDED NOISE LOGGER DATA



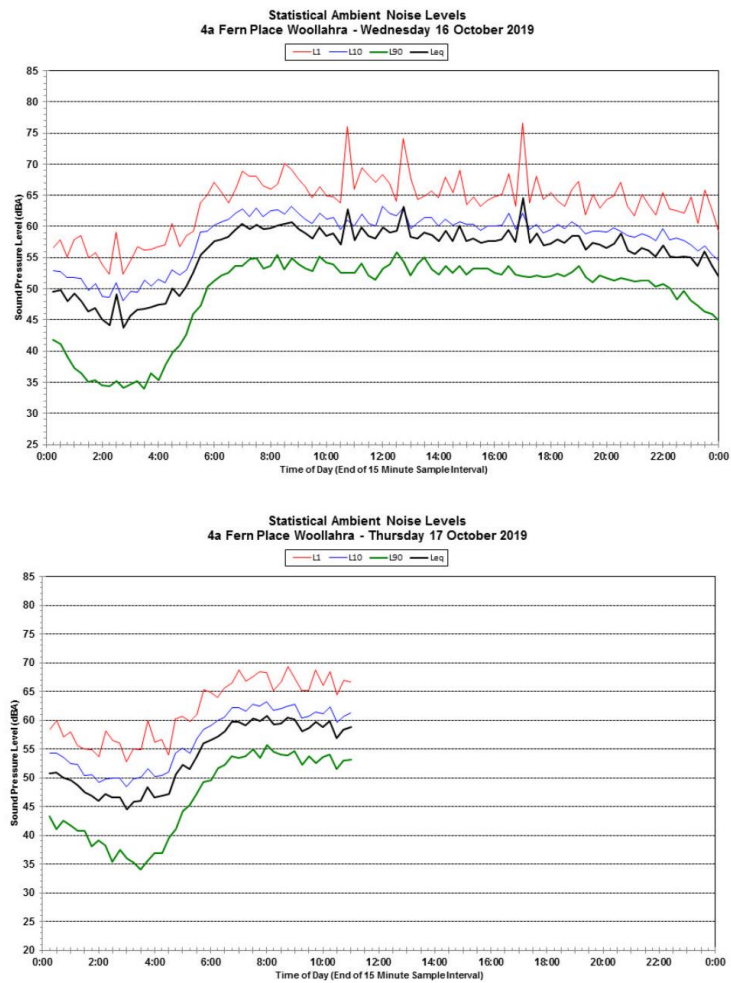
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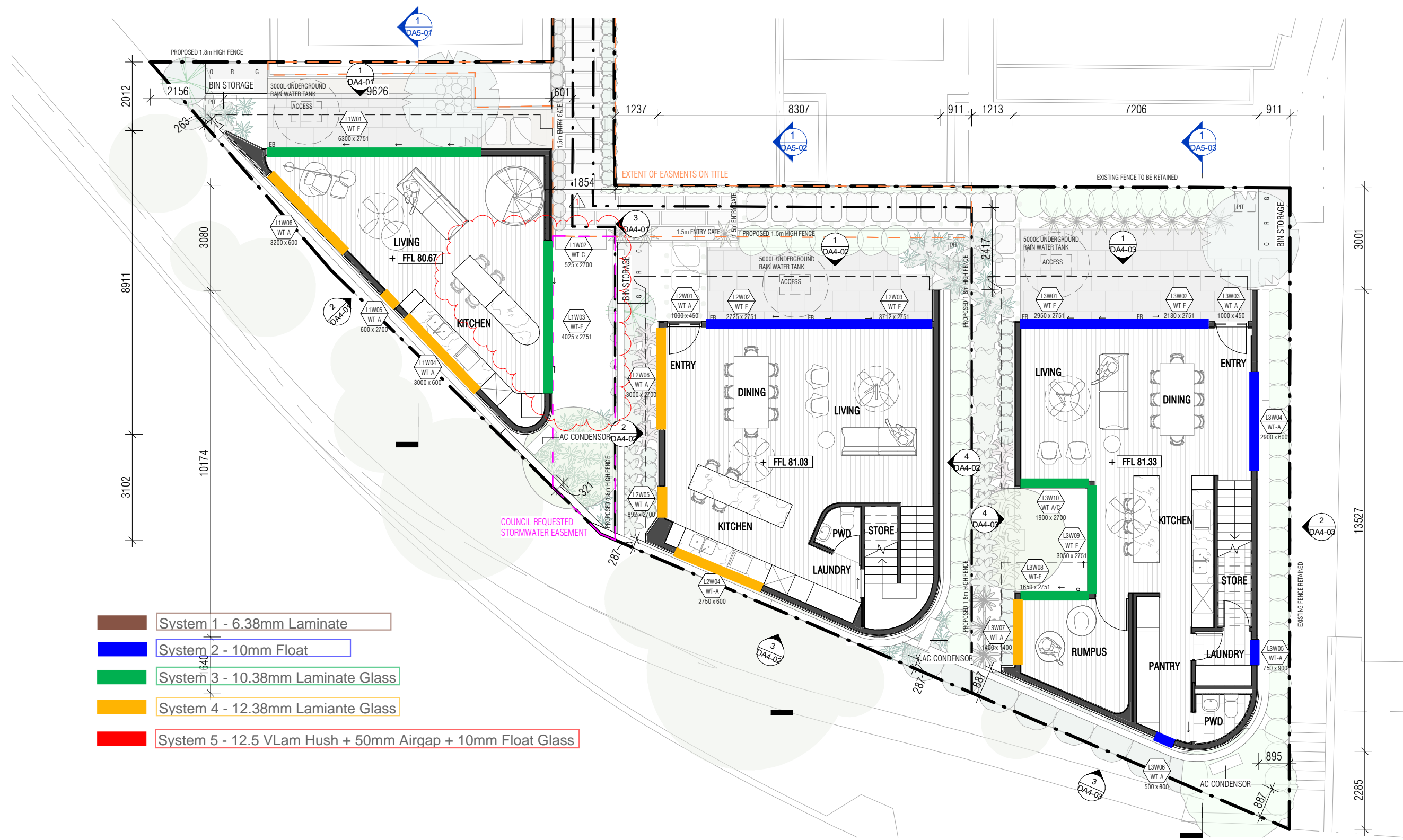
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APPENDIX C – GLAZING MARKUP



DEVELOPMENT APPLICATION SET

REVISIONS			
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed Ground Floor Plan - 1:100

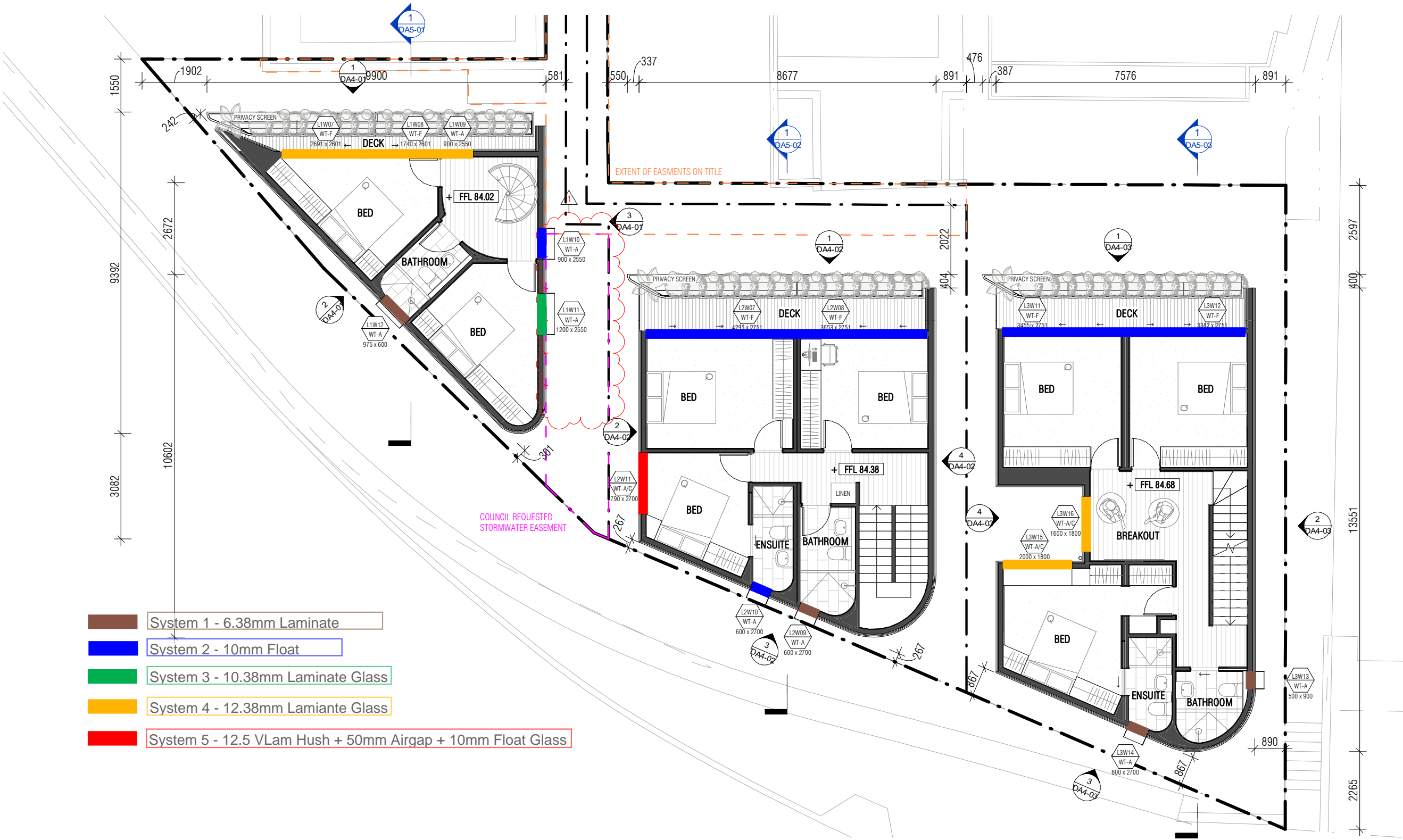
DRAWING NO.

DA2-01

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO. 586
SCALE 1:100@A3

REV: B



REVISIONS			
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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CLIENT
Cameron MacDonald

DRAWING TITLE
Proposed First Floor Plan - 1:100

DRAWING NO.

DA2-02

REV:

B

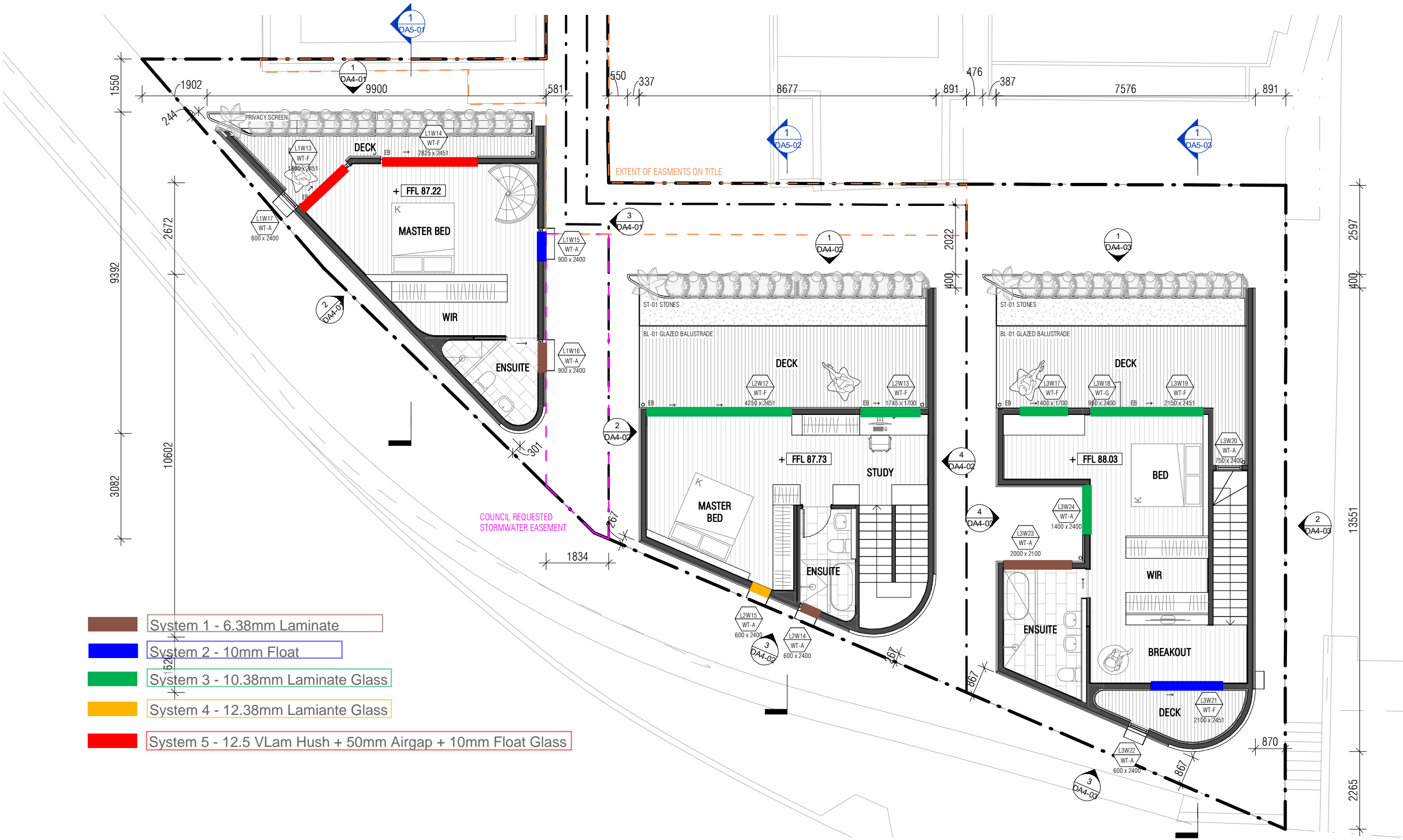
PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.

586

SCALE

1:100@A3



DEVELOPMENT APPLICATION SET

REVISIONS			
B	DA RFI Submission	WV	14.07.2022
A	DA RFI Submission	WV	22.06.2022
*	DA Submission	WV	24.05.2022
Issue	Description	By	Date

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Cameron MacDonald

DRAWING TITLE
Proposed Second Floor Plan - 1:100

DRAWING NO.
DA2-03

PROJECT ADDRESS
4A Fern Place, Woollahra NSW 2025
(Lot 1 in DP1244756; Lot 9 in DP262918; and Lot 10 in DP262918)

JOB NO.
586

SCALE
1:100@A3

REV:
B

MEMORANDUM



210594 - Lots 1, 2 & 3 Fern Place, Woollahra - Review of Council Comments (November 2023) - R1

TO: Cameron McDonald **DATE:** 15 November 2023
COMPANY: REMAC Investment Holdings
EMAIL: -
FROM: Matthew Furlong
SUBJECT: **Lots 1, 2 and 3 Fern Place, Woollahra – PWNA Response to Woollahra Council Comments – R1**

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Pulse White Noise Acoustics Pty Ltd (PWNA) have been requested to review and respond to the Woollahra Municipal Council Environmental Health Officer review of the submitted PWNA acoustic report for the development at Lots 1, 2 and 3 Fern Place, Woollahra (Approved under DA230/2020/1).

PWNA previously prepared a *DA Acoustic Assessment (reference 210594 – Lots 1, 2 and 3 Fern Place, Woollahra – DA Acoustic Assessment – R3, dated 28th September 2023)*. As part of this subsequent letter we have prepared an amended report which should be read in conjunction (Revision 4, dated 15th November 2023).

Councils comments were:

Environmental Health – Conclusion

PWNA Item #1

Pursuant to Clause 2.120 of the SEPP (Transport and Infrastructure) 2021, Environmental Health Unit is not satisfied that appropriate measures have been taken to appropriately mitigate internal noise levels of habitable rooms.

PWNA Item #2

Environmental Health Unit is not satisfied with the applicability of the noise measurements adopted from previous 2019 noise survey performed by Acoustic Dynamic. Although it is understood that a supplementary attended noise survey was performed by PWNA in 2021 to verify these findings, the Environmental Health Unit is not satisfied that this survey adequately corroborates the 2019 noise survey.

PWNA Item #3

Environmental Health Unit notes inconsistencies between the 2019 and 2021 noise measurements results and as such requires additional noise monitoring to verify the applicability of these findings and suitability of the proposed noise mitigation measures and proposed building materials. It is advised that additional noise monitoring be conducted in consideration of Clause 2.120 of the SEPP (Transport and Infrastructure) 2021 and 2008 Development near rail corridors and busy roads - Interim Guidelines.

PWNA Item #4

Additionally, the Environmental Health Unit is not satisfied with the sufficiency of proposed preliminary façade acoustic treatments as means of mitigating intrusive noise impacts on proposed habitable areas.

PWNA Item #5

The report concludes that to achieve compliance as per the established criteria (Section 5.2), high-performance acoustic treatments will be required. Aside from glazing, light-weight studwork cladding systems are proposed for external walls and light-weight sheet metal construction for external rooftops, which may not be sufficient means of noise mitigation.

PULSE WHITE NOISE ACOUSTICS Suite 601, L6, 32 Walker St, North Sydney NSW 2060
P 1800 4 PULSE (1800 478 573) E info@pwna.com.au pwna.com.au ABN 95 642 886 306

PWNA Item #6

Environmental Health requires, some form of internal modelling of proposed mitigation measures to confirm suitability and compliance as per the established criteria.

PWNA Item #7

Moreover, it is noted that the layout of the proposed development, places the sleeping area in close proximity to Syd Einfield Drive/Old South Head road and at risk of corresponding road noise. In consideration of the subject sites' proximity to the major roads, the Interim Guidelines were used to derive the internal noise criteria (see table 3.1). Environmental Health agrees with this application, however further refers to the and 2008 Development near rail corridors and busy roads - Interim Guidelines' recommendations of barrier blocks or screens which may be a more appropriate means of shielding the buildings from major road noise.

Each of the listed items are discussed in detail below.

Item #1 – Clause 2.120 SEPP (Transport and Infrastructure) 2021

Council Comment:

Pursuant to Clause 2.120 of the SEPP (Transport and Infrastructure) 2021, Environmental Health Unit is not satisfied that appropriate measures have been taken to appropriately mitigate internal noise levels of habitable rooms.

PWNA Response

Section 5.1.2 of the originally submitted and subsequent (R4) report includes the internal noise requirements of the *NSW Legislation State Environmental Planning Policy (Transport & Infrastructure) 2021*.

Furthermore, in section 6.1 (*Building Envelope Assessment*) of the originally submitted and subsequent (R4) report includes glazing, external wall and roof constructions to meet the internal noise requirements of the *NSW Legislation State Environmental Planning Policy (Transport & Infrastructure) 2021*.

It is unclear how Woollahra Council's Environmental Health Officer's have come to this conclusion, in particular with reference to the items below.

Item #2 – 2019 "Previously Approved" Noise Survey

Council Comment:

Environmental Health Unit is not satisfied with the applicability of the noise measurements adopted from previous 2019 noise survey performed by Acoustic Dynamic. Although it is understood that a supplementary attended noise survey was performed by PWNA in 2021 to verify these findings, the Environmental Health Unit is not satisfied that this survey adequately corroborates the 2019 noise survey.

PWNA Response

PWNA as a qualified/certified practicing Acoustic Consultant has reviewed the equipment, methodology and locations undertaken by Acoustic Dynamic's and can confirm their measurements are in compliance with the NSW EPA *Noise Policy for Industry (NPI) 2017* and Australian Standard AS 1055.1-1997. Refer to extracts in the previously submitted report.

Further clarification is required. Based on which observations has the Environmental Health Officers relied on to come to this conclusion?

If it would assist Environmental Health Officers PWNA are happy to meet onsite and undertake an acoustic survey in their presence to prove the levels.

Item #3 – Previous Measurements and Criteria

Council Comment:

Environmental Health Unit notes inconsistencies between the 2019 and 2021 noise measurements results and as such requires additional noise monitoring to verify the applicability of these findings and suitability of the proposed noise mitigation measures and proposed building materials. It is advised that additional noise monitoring be conducted in consideration of Clause 2.120 of the SEPP (Transport and Infrastructure) 2021 and 2008 Development near rail corridors and busy roads - Interim Guidelines.

PWNA Response

Based on the information provided by PWNA above, this statement is not considered relevant as all requirements are addressed in the report and the onsite noise measurements have followed the correct measurement procedures and standards.

Item #4 – Suitability of Façade Constructions

Council Comment:

Additionally, the Environmental Health Unit is not satisfied with the sufficiency of proposed preliminary façade acoustic treatments as means of mitigating intrusive noise impacts on proposed habitable areas.

PWNA Response

Based on the information provided by PWNA above, this statement is not considered relevant as all requirements are addressed in the report and the onsite noise measurements have followed the correct measurement procedures and standards. Furthermore, we have provided recommended acoustic constructions to ensure internal noise levels meet the requirements of Clause 2.120 of the SEPP.

Notwithstanding above, it is recommended that a condition of consent is written ensuring internal noise levels meet the requirements of Clause 2.120 of the SEPP. As part of this condition this could include onsite verification measurements as part of the Occupation Certificate (OC).

Item #5 – Suitability of Façade Constructions

Council Comment:

The report concludes that to achieve compliance as per the established criteria (Section 5.2), high-performance acoustic treatments will be required. Aside from glazing, light-weight studwork cladding systems are proposed for external walls and light-weight sheet metal construction for external rooftops, which may not be sufficient means of noise mitigation.

PWNA Response

The recommended constructions in the report are not considered "standard constructions" they are high performing acoustic systems, including high performing acoustic double glazing and multi-layer acoustic façade systems.

Council's Environmental Health Officers are recommended to consult a qualified building consultant to verify their claims.

Item #5 – Internal Modelling

Council Comment:

Environmental Health requires, some form of internal modelling of proposed mitigation measures to confirm suitability and compliance as per the established criteria.

PWNA Response

This has been provided in the report. No further information to be provided.

Item #6 – Internal Noise Level Compliance

Council Comment:

Moreover, it is noted that the layout of the proposed development, places the sleeping area in close proximity to Syd Einfield Drive/Old South Head road and at risk of corresponding road noise. In consideration of the subject sites' proximity to the major roads, the Interim Guidelines were used to derive the internal noise criteria (see table 3.1). Environmental Health agrees with this application, however further refers to the and 2008 Development near rail corridors and busy roads - Interim Guidelines' recommendations of barrier blocks or screens which may be a more appropriate means of shielding the buildings from major road noise.

PWNA Response

Full compliance with the internal noise levels as outlined in the SEPP and Interim Guideline are achieved with the recommended constructions. Therefore, this comment is irrelevant.

Additional Item – External Noise Emission Criteria

Council Comment:

Environmental health unit further advises that noise emissions from mechanical plants are not to exceed the background noise level when measured at the boundary of the site.

PWNA Response

In addressing Councils comment we provided an updated report which includes this requirement for consistency. Refer to Revision 4, dated 15th November 2023.

Conclusion

Pulse White Noise Acoustics Pty Ltd (PWNA) have been requested to review and respond to the Woollahra Municipal Council Environmental Health Officer review of the submitted PWNA acoustic report for the development at Lots 1, 2 and 3 Fern Place, Woollahra (Approved under DA230/2020/1).

An updated report has been provided to address the Council recommended acoustic criteria for noise emissions from the site (Background + 0dBA L_{Aeq}). This is Revision 4, dated 15th November 2023.

In relation to the other six (6) comments provided by Council in relation to the measurements of noise impacts from surrounding roadways and the design of the façade PWNA have addressed these comments in this letter and have shown no further amendments are required to the submitted report.

In the event Council are still not satisfied with the information above, we believe this issue can be addressed through the preparation of a Condition of Consent. The condition would require onsite compliance testing be undertaken once the onsite works are completed ensuring the internal noise levels within the future sleeping spaces and living areas meet the internal noise levels from SEPP Clause 2.120 and would form part of the requirements to be submitted to the certifier.

We believe this would address the concerns of the Environmental Health Officer's to ensure the future occupant's acoustic amenity within these spaces meet the requirements of the SEPP.

For any additional information please do not hesitate to contact the person below.

Regards,



Matthew Furlong
Principal Acoustic Engineer
PULSE WHITE NOISE ACOUSTICS PTY LTD

Member of the Australian Acoustic Society (AAS) and we are a member firm of the Association of Australasian Acoustical Consultants (AAAC)

Completion Date: 02/11/2023

REFERRAL RESPONSE - ENVIRONMENTAL HEALTH

FILE NO: Development Applications: 216/2022/1
ADDRESS: Fern Place WOOLLAHRA 2025
PROPOSAL: Construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1)
FROM: Jasmine Sutrina
TO: Mr W Perdigao

1. ISSUES

- Acoustics – SEPP (Transport and Infrastructure) 2021

2. DOCUMENTATION

I refer to the following documents received for this report:

- Acoustic Report, prepared by Pulse White Noise Acoustics dated 28/09/2023.

3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date:

4. SUMMARY OF PROPOSAL

The proposed development is for three (3) standalone modular residential tri-level dwellings. Each dwelling will be constructed from several modules and will contain living areas, wet area amenities. Two of three dwellings will have four (4) bedrooms and the third will contain three (3) bedrooms.

5. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

a) Acoustics

Environmental Health – Review

Environmental Health – Review of **Acoustic Report, prepared by Pulse White Noise Acoustics dated 28/09/2023.**

An acoustic report has been prepared by PWNA (2023), to investigate the noise impact of mechanical plants on nearby facades and potential road traffic noise intrusion impacts on the development.

Section 4 of the report refers to previous acoustic assessments used to establish the existing noise environment of the subject site. As part of the 2019 *Acoustic Assessment for Construction Certificate 4a Fern Place Woollahra*, attended and unattended noise monitoring was conducted. A 2021 supplementary attended noise survey was later conducted by PWNA to corroborate findings of the initial 2019 noise survey.

Section 5.2 of the report refers to the following acoustic criteria:

- SEPP (Transport and Infrastructure) 2021
 - o NSW Department of Planning document Development near rail corridors and busy roads – interim guideline 2008
- Woollahra DCP 2015
- Noise Policy for Industry 2017

The report notes that there is no quantitative metrics as part of the WDCP2015 and has thus opted to adopt the NSW EPA noise policy for industry (NPI) in assessing noise emissions.

The report concludes that high-performance acoustic treatments are necessary to ensure the plant is operating as per the established criteria (see section 5.2). The report further recommends that prior to the issue of a Construction Certificate (CC) a detailed acoustic response is to be undertaken to ensure the cumulative noise from mechanical plants are to comply with the established criteria (section 5.2).

Environmental health unit further advises that noise emissions from mechanical plants are not to exceed the background noise level when measured at the boundary of the site.

Section 6 of the report refers to assessment of noise elements, i.e. building envelope and engineering services and their corresponding mitigation proposals.

Section 6.1 of the report proposes preliminary façade acoustic treatments based on external levels from surrounding roads as detailed in Section 4 and 5 of the report.

Glazing was identified as a recommendation to be developed and detailed during the CC stage once elevations and façade selections are made (see table 4 for recommended glazing specifications). Windows/door systems frames and seals have

additionally been consolidated as part of the glazing constructions and should be confirmed by window manufactures that compliance levels can be achieved. In addition to glazing, external wall construction is proposed to be constructed from light-weight studwork cladding systems (see table 5 for recommended specifications) which is also proposed to be further refined at the CC stage once elevations and façade selections have been determined.

External Roof Construction is proposed to be constructed from lightweight sheet metal construction (see table 6 for recommended specifications). It is noted that any required penetrations to the external skin are to be filled with acoustic grade sealant which can achieve and equal or better performance to the system being penetrated.

Section 6.2 of the report refers to assessment and proposed measures for engineering services. Based on the ambient noise levels and general low noise levels for kitchen and exhaust systems, the report determines kitchen and toilet exhaust system to require no acoustic treatment to achieve compliance with project trigger levels.

Prior to the issue of a CC the recommended acoustic treatments for engineering services are to be reviewed to determine compliance as per mechanical airflow requirements.

Upon selection of air conditioner condensers, the report proposes the preparation of a detailed assessment. The report however expects that vibration isolation and night operation mode between 10pm-7am will be required.

Environmental Health – Conclusion

Pursuant to Clause 2.120 of the SEPP (Transport and Infrastructure) 2021, Environmental Health Unit is not satisfied that appropriate measures have been taken to appropriately mitigate internal noise levels of habitable rooms.

Environmental Health Unit is not satisfied with the applicability of the noise measurements adopted from previous 2019 noise survey performed by Acoustic Dynamic. Although it is understood that a supplementary attended noise survey was performed by PWNA in 2021 to verify these findings, the Environmental Health Unit is not satisfied that this survey adequately corroborates the 2019 noise survey.

Environmental Health Unit notes inconsistencies between the 2019 and 2021 noise measurements results and as such requires additional noise monitoring to verify the applicability of these findings and suitability of the proposed noise mitigation measures and proposed building materials. It is advised that additional noise monitoring be conducted in consideration of Clause 2.120 of the SEPP (Transport and Infrastructure) 2021 and 2008 Development near rail corridors and busy roads - Interim Guidelines.

Additionally, the Environmental Health Unit is not satisfied with the sufficiency of proposed preliminary façade acoustic treatments as means of mitigating intrusive noise impacts on proposed habitable areas.

The report concludes that to achieve compliance as per the established criteria (Section 5.2), high-performance acoustic treatments will be required. Aside from glazing, light-weight studwork cladding systems are proposed for external walls and light-weight sheet metal construction for external rooftops, which may not be sufficient means of noise mitigation.

Environmental Health requires, some form of internal modelling of proposed mitigation measures to confirm suitability and compliance as per the established criteria.

Moreover, it is noted that the layout of the proposed development, places the sleeping area in close proximity to Syd Einfield Drive/Old South Head road and at risk of corresponding road noise. In consideration of the subject sites' proximity to the major roads, the Interim Guidelines were used to derive the internal noise criteria (see table 3.1). Environmental Health agrees with this application, however further refers to the and 2008 Development near rail corridors and busy roads - Interim Guidelines' recommendations of barrier blocks or screens which may be a more appropriate means of shielding the buildings from major road noise.

6. RECOMMENDATION

Council's Environmental Health Officer has determined that insufficient information has been submitted to enable an assessment of the proposal. The following information is required before any further assessment of the application can be undertaken:

- i. Additional noise monitoring to affirm findings derived from the 2019 Acoustic Assessment by Acoustic Dynamics and suitability of the proposed noise mitigation measures and proposed building materials. Additional noise monitoring is to be conducted with respect to Clause 2.120 of the SEPP (Transport and Infrastructure) 2021 and 2008 Development near rail corridors and busy roads - Interim Guidelines.
- ii. Noise modelling of proposed mitigation measures that can confirm suitability of proposed mitigation measures.

See comments in section 5, for further details.

A. General Conditions

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

C. Conditions which must be satisfied prior to the issue of any construction certificate

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

E. Conditions which must be satisfied during any development work

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

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

Nil.

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))

Nil.

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

J. Miscellaneous Conditions

Nil.

K. Advisings

Nil

Jasmine Sutrina
Environmental Health Officer

Date: 02/11/2023

Completion Date: 13/12/2023

RE-REFERRAL RESPONSE - ENVIRONMENTAL HEALTH

FILE NO: Development Applications: 216/2022/1
ADDRESS: Fern Place WOOLLAHRA 2025
PROPOSAL: Construction of three new dwellings with associated landscaping works on newly created lots 1,2 and 3 (approved under DA230/2020/1)
FROM: Jasmine Sutrina
TO: Mr W Perdigao

1. ISSUES

- Environmental Health Referral dated 02/11/2023

2. DOCUMENTATION

I refer to the following documents received for this report:

- Acoustic Report (R4), prepared by PWNA, dated 15/11/2023.
- Memorandum – Review of Council comments, 15/11/2023

3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date:

4. SUMMARY OF PROPOSAL

The proposed development is for three (3) standalone modular residential tri-level dwellings. Each dwelling will be constructed from several modules and will contain living areas, wet area amenities. Two of three dwellings will have four (4) bedrooms and the third will contain three (3) bedrooms.

5. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

a) Acoustics

Review of the following:

- Acoustic Report (R4), prepared by PWNA, dated 15/11/2023.
- Memorandum – Review of Council comments, 15/11/2023

In consideration of the memorandum provided and the revision of the acoustic report prepared by PWNA, the Environmental Health Unit is acoustically satisfied with the proposal.

6. RECOMMENDATION

Council's Environmental Health Officer has determined that the proposal is satisfactory, subject to the following conditions:

A. General Conditions

A.1 Approved Plans and supporting documents

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with the plans and supporting documents listed below as submitted by the Applicant and to which is affixed a Council stamp "Approved DA Plans" unless modified by any following condition. Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
	Acid Sulphate Soil Management Plan		
210594	Acoustic Report (R4)	PWNA	15/11/2023.
	Noise Management Plan		
	Plan of Management		
	Contaminated Land - Initial Site Investigation Report (Stage 1)		
	Contaminated Land - Detailed Site Investigation Report (Stage 2)		
	Contaminated Land - Remedial Action Plan (Stage 3)		

Note: Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plan.

Note: These plans and supporting documentation may be subject to conditions imposed under section 80A(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A5

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

B.1 Noise Control Objectives during Demolition Works

To assist in managing impacts of noise from the demolishing of the existing dwelling and outbuilding on residences and other sensitive land uses, it is recommended that the *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative

and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

C. Conditions which must be satisfied prior to the issue of any construction certificate

C.1 Light & Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all a lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of [AS 1668.1](#), [AS 1668.2](#) and [AS/NZS 3666.1](#). If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

Note: Clause 98 of the *Regulation* requires compliance with the *BCA*. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *Regulation* details what information must be submitted with any *Construction Certificate*. It is the Applicant's responsibility to demonstrate compliance through the *Construction Certificate* application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the *Protection of the Environment Operations Act 1997* have overriding effect if offensive noise or odour arises from the use. Applicant's must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of [AS 1668.2](#).

Standard Condition C59

C.2 Acoustic Certification of Mechanical Plant & Equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level*, at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the *L_{A90}, 15 minute* level measured by a sound level meter.

Where sound attenuation is required this must be detailed.

Note: Further information including lists of Acoustic Engineers can be obtained from:

1. Australian Acoustical Society—professional society of noise-related professionals

(www.acoustics.asn.au/index.php).

2. Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Standard Condition: C62

C.3 Ventilation - Internal Sanitary Rooms

All internal sanitary rooms and laundry facilities not provided with natural ventilation must be provided with a system of mechanical exhaust ventilation in accordance with *Table B1 Minimum Exhaust Ventilation Flow Rates of AS 1668.2-1991*. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.

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

E. Conditions which must be satisfied during any development work

E.1 Hours of Work –Amenity of the neighbourhood

- a) No *work* must take place on any Sunday or public holiday,
- b) No *work* must take place before 7am or after 5pm any weekday,
- c) No *work* must take place before 7am or after 1pm any Saturday,
- d) The following *work must not* take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday;
 - (i) Piling;
 - (ii) Piering;
 - (iii) Rock or concrete cutting, boring or drilling;
 - (iv) Rock breaking;
 - (v) Rock sawing;
 - (vi) Jack hammering; or
 - (vii) Machine excavation,
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Note: The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of

neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.

Note: Each and every breach of this condition by any person may be subject to separate penalty infringement notice or prosecution.

Note: The delivery and removal of plant, equipment and machinery associated with wide loads subject to RTA and Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.

Note: Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the *Protection of the Environment Operations Act 1997*, the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

Note: EPA Guidelines can be downloaded from
<http://www.epa.nsw.gov.au/noise/nglg.htm>.

Note: see http://www.epa.nsw.gov.au/resources/ci_build_sheet7.pdf
Standard Condition: E6

E.2 Dust Mitigation

Dust mitigation must be implemented in accordance with "*Dust Control - Do it right on site*" published by the Southern Sydney Regional Organisation of Councils.

This generally requires:

- a) Dust screens to all hoardings and site fences.
- b) All stockpiles or loose materials to be covered when not being used.
- c) All equipment, where capable, being fitted with dust catchers.
- d) All loose materials being placed in bags before placing into waste or skip bins.
- e) All waste and skip bins being kept covered when not being filled or emptied.
- f) The surface of excavation work being kept wet to minimise dust.
- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

Note: "*Dust Control - Do it right on site*" can be downloaded free of charge from Council's web site www.woollahra.nsw.gov.au or obtained from Council's office.

Note: Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.workcover.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply.

Note: Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.

Standard Condition: E23

F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)

F.1 Compliance Testing - Internal Noise Levels

Following completion of onsite works, onsite compliance testing is to be undertaken to ensure internal noise levels within future sleeping spaces and

living areas are as outlined in Clause 2.120 of the SEPP, and accordingly form part of the requirements to be submitted to the certifier.

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

Nil.

H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))

Nil.

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

I.1 Noise Control

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

This condition has been imposed to protect the amenity of the neighbourhood.

Note: Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

Useful links:

Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).

Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).

New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2017* (www.legislation.nsw.gov.au).

Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).

Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).

Department of Gaming and Racing - (www.dgr.nsw.gov.au).

Standard Condition: I56

I.2 Maintenance of Sound Attenuation

Sound attenuation must be maintained in accordance with the *Acoustic Report prepared by Acoustic Logic, R4, dated 15/11/2023*.

Standard Condition: I57

I.3 Noise from mechanical plant and equipment

The noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed *background noise level* at any time.

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the L_{A90}, 15 minute level measured by a sound level meter.

This condition has been imposed to protect the amenity of the neighbourhood.

Note: Words in this condition have the same meaning as in the:
NSW Industrial Noise Policy
(http://www.environment.nsw.gov.au/resources/ind_noise.pdf)
ISBN 0 7313 2715 2, dated January 2000, and
Noise Guide for Local Government
(<http://www.environment.nsw.gov.au/noise/nglg.htm>)
ISBN 1741370671, dated December 2004.
Standard Condition: I59

J. Miscellaneous Conditions

Nil.

K. Advisings

Nil

Environmental Health Officer

Date: 13/12/2023

Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

