



# Woollahra Local Planning Panel (Electronic Meeting)

Thursday 15 February 2024  
at the Conclusion of the Public Meeting

## Agenda

**Woollahra Local Planning Panel (Electronic Meetings):**

Woollahra Council will be holding Woollahra Local Planning Panel (Electronic Meetings) remotely using conferencing technology.

The Chair of the panel, members of the Panel and staff will be participating in meetings by an audio-visual link instead of attending in person.

In response to the Directive issued by the Minister for Planning & Public Spaces on 30 June 2020, the Woollahra Local Planning Panel was required to change the way applications are considered from 1 August 2020.

In this regard, the applications listed on this Agenda will not be considered at a public meeting but rather considered **electronically** by the Panel.

When considering applications electronically, the Panel will be provided with an assessment report, relevant attachments and submissions (including copies of any submissions made by members of the public).

Meetings held electronically by the Panel, are not public meetings, and therefore members of the public are **unable** to address the panel meeting.

Late correspondence may be submitted for consideration by the Panel. All late correspondence must be received by **12 noon on the day before the meeting**. Late correspondence is to be emailed to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au)

The Woollahra Local Planning Panel (Electronic Agenda), including the assessment report on the development application, will be publically available on Council's website six (6) days prior to the meeting at: [www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/agendas\\_and\\_minutes](http://www.woollahra.nsw.gov.au/council/meetings_and_committees/agendas_and_minutes)

Minutes of the Woollahra Local Planning Panel (Electronic Meeting) will be posted to Council's website once finalised.

If you have any questions in relation to the above mentioned changes, please contact Council's Governance department on (02) 9391 7001.

**Woollahra Local Planning Panel Membership:**

1 Chair, 2 Experts and 1 Community Representative

**Quorum:**

3 Panel members



# Woollahra Municipal Council

## Notice of Meeting

6 February 2024

To: Woollahra Local Planning Panel Members  
*Chair*  
*Experts*  
*Community Representative*

Dear Panel Members,

### Woollahra Local Planning Panel (Electronic Meeting) – 15 February 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel (Electronic Meeting)** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Thursday 15 February 2024 at the Conclusion of the Public Meeting.**

The applications listed on this Agenda will not be considered at a public meeting but rather considered **electronically** by the Panel.

When considering applications electronically, the Panel will be provided with an assessment report, relevant attachments and submissions (including copies of any submissions made by members of the public). Meetings held electronically by the Panel, are not public meetings, and therefore members of the public are **unable** to address the panel meeting.

Members of the public are however invited to submit late correspondence for consideration by the Panel by emailing [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) by **12 noon on the day prior to the meeting.**

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

Regards,

Craig Swift-McNair  
General Manager



Woollahra Local Planning Panel

(Electronic Meeting)

Agenda

Item	Subject	Page
1	Opening	
2	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
3	Leave of Absence and Apologies	
4	Disclosures of Interest	
Items to be Decided by the Panel		
D1	DA234/2023/1 - 65 Adelaide Street Woollahra - 24/19161 .....7	
	*See Recommendation Page 24	

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## **LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT**

<b>ITEM No.</b>	D1
<b>FILE No.</b>	DA234/2023/1
<b>ADDRESS</b>	65 Adelaide Street WOOLLAHRA
<b>COUNCIL WARD</b>	Cooper
<b>SITE AREA</b>	120m <sup>2</sup>
<b>ZONING</b>	R3 Medium Density Residential
<b>PROPOSAL</b>	Alterations and additions to existing dwelling house including new second storey addition
<b>TYPE OF CONSENT</b>	Local development
<b>COST OF WORKS</b>	\$703,095.00
<b>DATE LODGED</b>	04/07/2023
	<b>31 October 2023 - Amended plans</b>
<b>APPLICANT</b>	Mr M E James
<b>OWNER</b>	Mr M E James & Mrs I M Guerreiro-James
<b>AUTHOR</b>	Mr S Grevler-Sacks
<b>TEAM LEADER</b>	Mr G Fotis
<b>SUBMISSIONS</b>	One
<b>RECOMMENDATION</b>	Conditional Approval

### **1. REASON FOR REPORT TO LOCAL PLANNING PANEL (LPP)**

The application is to be determined by the Woollahra Local Planning Panel (LPP) as it falls under the category of:

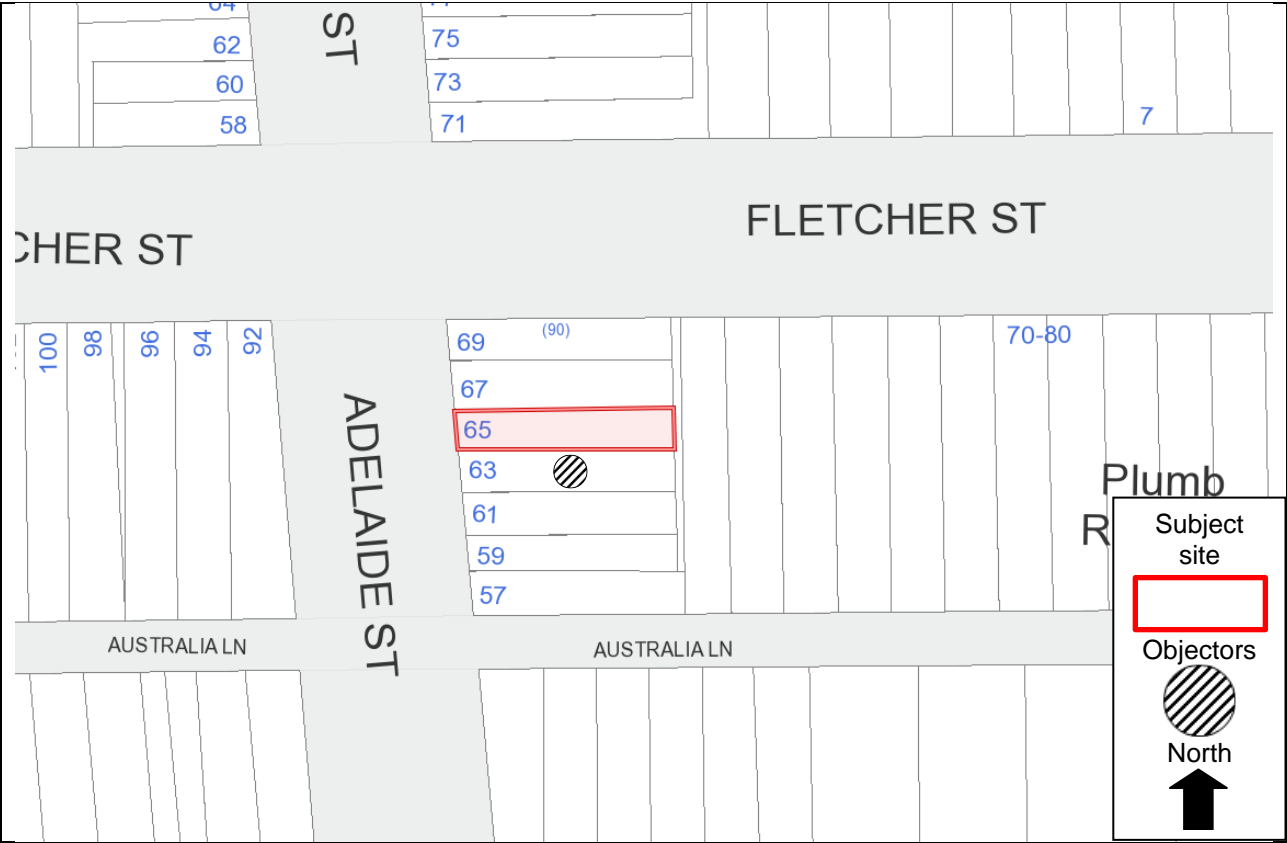
- Departure from development standards
  - (a) Development that contravenes a development standard imposed by an environmental planning instrument by more than 10%

### **2. 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 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.

3. LOCALITY PLAN



Existing elevation to Adelaide Street





*Existing first floor addition viewed from Fletcher Street*



*Existing rear elevation viewed from Plumb Reserve*



## 4. PROPOSAL

The proposal includes alterations and additions to the existing attached dwelling comprising the following works:

- Demolition of the existing ground floor extension and first floor addition;
- Construction of a new boundary-to-boundary ground floor rear extension;
- Construction of a new first floor addition comprising two bedrooms, two bathrooms, and a rear-facing Juliette balcony.

The proposal was **amended on 31 October 2023** in response to feedback provided by Council's Heritage Officer. The amendments included the following changes:

- Adjusted ridge height to ensure it does not exceeds the approved ridge heights at nos. 61 & 63 Adelaide Street;
- Change to the direction of the roof pitch adjoining the rear roof plane over the principal building form;
- Rear wall and gable of the rear extension aligned with the approved dwellings at nos. 61 & 63;
- Privacy screening added to each side of the proposed balcony;
- Alteration to placement and dimensions of the window openings to the northern elevation;
- Amended treatment to the rear elevation to reinforce vertical appearance;
- Replacement of window hoods with horizontal timber louvres/shutters to the casement windows;
- Incorporation of Colorbond Custom Orb metal roofing;
- Chimney relocated to eliminate visibility from Adelaide Street.

## 5. ISSUES

### 5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.4	Floor Space Ratio	112.7m <sup>2</sup> or 44.5% departure from the 78m <sup>2</sup> control	Satisfactory

### 5.2 Primary Issues

Issue	Conclusion	Section
Overshadowing	Satisfactory. The numerical non-compliance is considered acceptable and the proposal is consistent with the relevant objectives in the Woollahra DCP 2015.	14.1.5

## PROPERTY DETAILS AND REFERRALS

## 6. SITE AND LOCALITY

Physical features
The subject site is roughly rectangular in shape, with a 4.7m western frontage to Adelaide Street, 4.7m eastern rear boundary, 25.6m northern side boundary, and 24.8m southern side boundary. It has an area of 120m <sup>2</sup> . The eastern rear boundary adjoins a strip of land owned by Council (Lot 1 DP 133838) that runs north-south from Fletcher Street to the northern side boundary of no. 57 Adelaide Street. The strip adjoins the eastern edge of Plumb Reserve.
Topography
The site experiences a gradual rise from RL 62.9 to AHD at the front of the site to RL 63.6 to AHD at the rear of the site.



<b>Existing buildings and structures</b>
The subject site contains an existing two-storey dwelling that forms the northernmost member of a group of attached dwellings that runs from no. 57-65 Adelaide Street. The existing dwelling has a maximum ridge height of RL 69.29 over the principal building form, and maximum ridge height of RL 68.78 to the contemporary rear addition.
<b>Surrounding Environment</b>
Surrounding development is comprised of rows of attached dwelling and terrace houses, and residential apartment buildings. Plumb Reserve is located immediately to the east of the subject site.

## 7. RELEVANT PROPERTY HISTORY

<b>Current use</b>
Residential dwelling
<b>Relevant Application History</b>
N/A
<b>Relevant Compliance History</b>
N/A
<b>Pre-DA</b>
N/A
<b>Requests for Additional Information and Replacement Applications</b>
Refer to Section 4.
<b>Land and Environment Court Appeal(s)</b>
N/A

## 8. REFERRALS

Referral	Summary of Referral Response	Attachment
Trees and Landscaping	Satisfactory, subject to conditions	2
Heritage	Satisfactory, subject to conditions	3

## ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

1. The provisions of any environmental planning instrument
2. The provisions of any proposed instrument that is/has been the subject of public consultation
3. The provisions of any development control plan
4. Any planning agreement that has been entered into
5. Any draft planning agreement that a developer has offered to enter into
6. The regulations
7. The likely impacts of that development:
  - i) Environmental impacts on the natural and built environments
  - ii) Social and economic impacts
8. The suitability of the site
9. Any submissions
10. The public interest

## 9. ADVERTISING AND NOTIFICATION

### 9.1 Submissions

The application was advertised and notified from 26/07/2023 to 10/08/2023 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. One submission was received from:

1. Jessica Baker – 63 Adelaide Street, Woollahra

The submission raised the following issues:

Issue	Conclusion	Section
Request for dilapidation report	Council's Development Engineer has provided conditions in relation to the proposal, including a requirement for the applicant to prepare a dilapidation report for the neighbouring dwelling at no. 63 Adelaide Street.	Conditions of consent
Amenity impacts during construction	Council's standard conditions have been imposed with regard to neighbour amenity during the construction process.	Conditions of consent
Overshadowing impacts	The neighbour requested that amended shadow diagrams be provided to show their property in its existing form as a single storey dwelling, as opposed to the approved two-storey dwelling, which the applicant provided. The numerical non-compliance with the solar access control is considered acceptable and the proposal is consistent with the relevant objectives in the Woollahra DCP 2015.	14.1.5

### 9.2 Statutory Declaration

The applicant has completed the statutory declaration dated 22/08/2023 declaring that the site notice for DA234/2023/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

### 9.3 Replacement Application (Amended plans)

The amendments to the application noted above in Part 4 were not renotified to surrounding residents and previous objectors under Schedule 1 of the Woollahra Community Participation Plan 2019 because the proposal, as amended, was considered to have no greater impacts than the previously advertised application.

## 10. STATE ENVIRONMENTAL PLANNING POLICY (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 a BASIX Certificate demonstrating compliance with the SEPP. These requirements are imposed by standard condition.

## 11. STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

### 11.1 Chapter 6 – Water Catchments

Chapter 6 (Water Catchments) of the SEPP applies to the subject land which is located within a regulated catchment being the Sydney Harbour Catchment.

The land is within the Sydney Harbour Catchment but is outside the Foreshores and Waterways Area and therefore only the provisions in Part 6.2 of the SEPP applies.

In deciding whether to grant development consent to development on land in a regulated catchment, matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management must be considered.

The proposal will have no significantly adverse impacts on the Sydney Harbour Catchment, subject to standard conditions including erosion and sedimentation, stormwater and flood risk management control.

The proposal therefore satisfies the relevant criteria prescribed by Chapter 6 – Water Catchments of the Biodiversity and Conservation SEPP 2021.

## **12. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

### **12.1. 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). Furthermore, sub-clauses 2.10(3) and 2.11(2) state:

*This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

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

### **12.2. Chapter 4 – Remediation of Land**

The Object of this Chapter aims 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, 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 use, it is considered that the land does not require further consideration under Section 4.6(3) and 4.6(4) of Chapter 4 – Remediation Of Land of the Resilience and Hazards SEPP 2021.

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

## **13. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014**

### **13.1 Part 1.2: Aims of Plan**

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

### **13.2 Land Use Table**

The proposal is defined as alterations and additions to an attached dwelling and is permitted and is consistent with the objectives of the R3 Medium Density Residential zone.

### 13.3 Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 9.5m.

	Existing	Proposed	Control	Complies
Maximum Building Height	5.69m	6.22m	9.5m	Yes

The proposal complies with the maximum building height prescribed by Part 4.3 of Woollahra LEP 2014. It is also acceptable with regard to the relevant objectives under Part 4.3(1) of Woollahra LEP 2014 in the following manner:

- a) *To establish building heights that are consistent with the desired future character of the neighbourhood*

Comment: The bulk and scale of the proposal will be commensurate with existing development in the area and will remain consistent with the desired future character for the neighbourhood.

- b) *To establish a transition in scale between zones to protect local amenity*

Comment: The proposal will not adversely impact local amenity to the neighbouring Public Open Space area, and will achieve an appropriate transition in scale.

- c) *To minimise the loss of solar access to existing buildings and open space*

Comment: The proposal will not unreasonably reduce the extent of solar access to existing buildings and open space neighbouring the subject site.

- d) *To minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion*

Comment: The proposed development will not unreasonably impact on disruption of views, privacy, solar access, or visual intrusion to neighbouring properties.

- e) *To protect the amenity of the public domain by providing public views of the harbour and surrounding areas*

Comment: The proposed works would not impact on public views of the harbour or surrounding areas.

### 13.4 Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 0.65:1 for an attached dwelling.

Site Area: 120m <sup>2</sup>	Existing	Proposed	Control	Complies
Floor Space Ratio	0.93:1 112.1m <sup>2</sup>	0.94:1 112.7m <sup>2</sup>	0.65:1 78m <sup>2</sup>	No

The proposal does not comply with Part 4.4 of Woollahra LEP 2014 as detailed and assessed in Part 13.5.

### 13.5 Part 4.6: Exceptions to Development Standards

#### Departure

The proposal exceeds the 0.65:1 maximum floor space ratio development standard under Clause 4.4 of the Woollahra LEP 2014. The existing development comprises 112.1m<sup>2</sup> of gross floor area, representing a 34.1m<sup>2</sup> non-compliance with the standard, resulting in an existing FSR of 0.93:1. The proposed additions and alterations to the existing dwelling will contribute to the gross floor area by 0.6m<sup>2</sup>, resulting in a gross floor area of 112.7m<sup>2</sup> and a proposed FSR of 0.94:1.

#### Purpose

Part 4.6 allows a contravention of a development standard with the objectives being to allow an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

#### Written Request

Part 4.6(3) stipulates that a written request is required from the applicant that justifies the contravention of the development standard by demonstrating that compliance with is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the contravention.

The applicant has provided a written request in relation to the departure.

#### Assessment

##### **Clause 4.6 (4) (a) (i) – Assessment**

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be addressed by Cl 4.6(3). There are two separate matters for consideration contained within Cl 4.6(3) and these are addressed as follows:

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Comment: The applicant's written request has adequately demonstrated that the objectives of the *Floor Space Ratio* development standard are achieved, notwithstanding the numerical non-compliance.

In doing so, the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a). The objectives of the development standard are discussed further in the assessment of Clause 4.6(4)(a)(ii).

- b) That there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (paragraph 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

‘As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be ‘environmental planning grounds’ by their nature: See *Four2Five Pty Ltd. v Ashfield Council*. The adjectival phrase “environmental planning” is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act including the objects in s1.3 of the EPA Act. ‘

S1.3 of the EPA Act reads as follows:

*1.3 Objects of Act*

*(cf previous s 5)*

*The objects of this Act are as follows:*

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The applicant’s written request, which supports the proposed non-compliance with the floor space ratio development standard, has adequately demonstrated that the proposed development promotes good design and local amenity of the built environment, in accordance with the object 1.3(g) of the EPA Act.

The applicant’s written request has therefore demonstrated sufficient environmental planning grounds to justify the contravention of the development standard as required by Clause 4.6(3)(b) and the consent authority can be satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

**Clause 4.6 (4) (a) (ii) – Assessment**

Clause 4.6 (4) (a) (ii) requires the consent authority to be satisfied that:

- ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the *Floor Space Ratio* development standard, and the zone objectives of the R3 Medium Density Residential zone. An assessment against these objectives is provided below.

#### **Clause 4.4 – Floor Space Ratio**

The proposal is assessed against the objective of the Development Standard prescribed by Clause 4.4 which states:

- (a) *For development in Zone R3 Medium Density Residential –*
  - i) *To ensure the bulk and scale of new development is compatible with the desired future character of the area, and*
  - ii) *To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and*
  - iii) *To ensure that development allows adequate provision on the land for deep soil planting, tree canopy cover and areas of private open space*

Comment: The applicant has adequately demonstrated that the proposal achieves consistency with the objectives of the floor space ratio development standard. The proposed alterations and additions to the existing development on the site will increase the GFA and FSR for the development by a small degree, and result in a minor increase to the bulk and scale of the development at the rear, visible from Fletcher Street and from Plumb Reserve. The development will present appropriately to Adelaide Street, as advised by Council's Heritage Officer. The development will continue to comply with the requirement for deep soil within the site.

#### **Objectives of the R3 Medium Density Residential Zone:**

The proposal responds to the objectives of the R3 Medium Density Residential Zone as follows:

- *To provide for the housing needs of the community within a medium density residential environment*
- *To provide a variety of housing types within a medium density residential environment*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood*
- Comment: The applicant has adequately demonstrated that the proposal achieves consistency with the relevant objectives of the R3 Medium Density Residential zone and achieves the desired future character of the neighbourhood given the existing context of the group.

#### **Conclusion:**

The departure from the development standard is considered to be satisfactory with the intent of the R3 zone objectives and there are sufficient environmental planning grounds to justify the contravention.

- The objectives of the Clause 4.4 Floor Space Ratio development standard have been satisfied;
- The objectives of the R3 Medium Density Residential zone have been satisfied; and
- There are sufficient environmental planning grounds to justify contravening the development standard in this instance.

### **Clause 4.6(4)(a)(b)**

Clause 4.6(4)(b) requires the consent authority to be satisfied that:

(b) *the concurrence of the Secretary has been obtained.*

The Department issued a Planning Circular No. PS20-002 (dated 05 May 2020) which notified Councils of arrangements “...where the Director General’s concurrence may be assumed for exceptions to development standards under environmental planning instruments which adopt clause 4.6 ...of the Standard Instrument...” Clause 64 of the EPA Regulations provides that Council may assume the Director-General’s [Secretary’s] concurrence for exceptions to development standards, thus satisfying the terms of this clause.

### **Conclusion**

The written submission from the applicant has adequately demonstrated that the variation of the development standard prescribed by Clause 4.4 is justified pursuant to the relevant matters for consideration prescribed by Clause 4.6.

The consent authority is satisfied that the applicant’s written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances in this case, and that sufficient environmental planning grounds have been demonstrated to justify the contravention of the development standard.

The consent authority is satisfied that the proposal is in the public interest as it is consistent with the objectives of the Floor Space Ratio development standard and those applicable to development within the zone. Accordingly, departure from the development standard is justified in this instance and departure from the control can be supported.

### **13.6 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.

Council’s Heritage Officer has provided the following information in relation to the site:

*The existing building at 65 Adelaide Street, Woollahra is a semi-detached Victorian terrace house constructed in the late 19<sup>th</sup> century. It is part of a group located at 57-65 Adelaide Street. The property is located along the eastern side of Adelaide Street, its primary (western) elevation presenting to Adelaide Street and its eastern (rear) elevation facing Plumb Reserve. As a result, the eastern and western elevations of the subject site are highly visible from the public domain. The side elevations of the property may also be visible from Fletcher Street and Australia Lane. The existing principal building form is of a rendered and painted brick masonry construction covered with a gabled roof of terracotta tiles. A smaller gable projects from the primary façade, facing Adelaide Street. Further, the original chimney has been removed. The property is set back from the street by a small front garden. There is an intrusive double storey rear addition protruding from the rear roof plane of the principal building form, constructed prior to the endorsement of the DCP. It is noted that 3 out of the 5 terraces in the group (nos. 57, 59 and 65) have had intrusive rear additions carried out before the endorsement of the DP. In addition, the remaining two dwellings at nos. 61 and 63 have recently had approvals for double storey rear additions (DA2018/438 and DA2019/165). As a result, the group is considered to be altered to the rear.*



*The interiors of the principal building form has been modified throughout the years. However, the original room layout of the principal building form has been retained. The original chimney breasts and fireplaces within the principal building form have been removed.*

*As part of a group of Victorian terrace houses within Adelaide Street, the existing building makes a contribution to the historic streetscape and character of the Woollahra Heritage Conservation Area (HCA).*

The subject site is not a heritage item in the LEP, and is located within Woollahra Heritage Conservation Area. There are no listed heritage items in close proximity that would be adversely affected by the proposal.

Council's Heritage Officer has advised that:

- 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.

The proposal is therefore acceptable with regard to Part 5.10 of the Woollahra LEP 2014.

### **13.7 Part 5.21: Flood Planning**

In deciding whether to grant development consent on land to which Part 5.21 applies, the consent authority must consider the following matters:

- a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- b) the intended design and scale of buildings resulting from the development,*
- c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion*

The proposal is acceptable with regard to Part 5.21 of Woollahra LEP 2014.

### **13.8 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.

### **13.9 Part 6.2: Earthworks**

The proposal does not involve any excavation. It is acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

## **14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015**

### **14.1 Chapter C2: Woollahra Heritage Conservation Area**

#### **14.1.1 Part C2.2.5: Desired future character of the Woollahra HCA**

Council's Heritage Officer has provided the following response in relation to the proposed works:

*A two storey rear addition is acceptable on merit in this instance, as 3 out of the 5 terraces within the group (including the subject site) have constructed two storey rear additions (approved prior to the endorsement of the DCP), while 2 have a recent approval for a two storey rear addition. As a result, the precedence within the terrace group for a two storey addition exists. However, it should be noted that the design of the rear addition at nos. 57 and 59 are not considered as precedent, as they were approved prior to the endorsement of the DCP. Any new addition needs to comply with the objectives and controls of the DCP and be in keeping with the approved additions at nos. 61 and 63.*

*The two storey addition would not be more than the addition approved at no. 61 Adelaide Street. The ridge height of the proposed addition (as seen in the rear eastern elevation drawing) matches that of no. 61 as shown in the survey drawing submitted with the application. This is supported from a heritage perspective and complies.*

*The proposal generally retains the internal layout of the principal building form and the single storey presentation of the dwelling to Adelaide Street which is supported.*

Considering the above, the proposal is acceptable in relation to Part C2.2.5 of the Woollahra DCP 2015.

#### **14.1.2 Part C2.3.6: Fletcher Precinct**

The demolition of the existing double storey rear addition is supported from a heritage perspective as it does not retain fabric of heritage significance. The proposed internal reconfiguration works within the principal building form will continue to retain an interpretation of the original internal layout of the principal building form and its single storey presentation to Adelaide Street, which is supported.

The proposal is acceptable with regard to Part C2.3.6 of the Woollahra DCP 2015.

#### **14.1.3 Part C2.4.1: Single-storey residential buildings**

The proposal would retain the single storey presentation of the dwelling to Adelaide Street which is supported in principal. An upper floor addition to the principal building form already exists. As a result, the works in the attic level are supported in this instance.

Building boundary to boundary on the ground floor is supported as this will not disrupt the existing pattern of the terrace group and the existing rear wing currently has a boundary to boundary extension at ground floor level. As discussed, a two storey rear addition is acceptable on merit in this instance and the proposed form is acceptable as it would not exceed the height and bulk of the existing dwelling at no. 61 Adelaide Street, and the approved dwelling at no. 63 Adelaide Street.

The proposed roof form of the front section of the addition (attached to the rear roof plane of the principal building form) falls to the north, which is acceptable. The pitched roof form is supported from a heritage perspective and complies as it is in keeping with the roof forms of the terrace group.

The gabled roof form of the rear part of the rear addition is supported as it would be in keeping with the recent approvals at nos. 61 and 63 and would retain the predominant rear roof form of the group.

As discussed, the proposal retains an interpretation of the original room layout of the principal building form which is supported and complies.

The proposal is acceptable with regard to Part C2.4.1 of the Woollahra DCP 2015.

#### **14.1.4 Part C2.4.4: Terrace style housing**

As discussed above, the proposal retains an interpretation of the original room layout of the principal building form which is supported and complies. The proposed roof form of the rear addition attached to the rear roof plane of the principal building form is acceptable, and the gabled roof form of the rear part of the rear addition is supported. An interpretation of the breezeway would be retained at first floor level which is supported.

As discussed, the height of the rear additions is appropriate in relation to the existing height of no. 61 and the approved height of no. 63 to ensure consistency with the predominant height of the group.

The rear alignment of the addition at first floor level does not extend beyond that of nos. 61 and 63, which is supported. The proposed balcony also does not extend beyond that of nos. 61 and 63.

The proposed openings of the northern elevation of the first floor addition display appropriate solid to void ratios, and the openings are vertically proportioned. The proposal would reflect traditional solid to void ratios and would be in keeping with the openings that have been recently approved at nos. 61 and 63.

The proposal is acceptable with regard to Part C2.4.4 of the Woollahra DCP 2015.

#### **14.1.5 Part C2.5.1: Building height, form and character**

##### Building location, height and form

As discussed, the proposed height, form and character of the proposal reflect recent approvals in the group. The proposal provides a built form with appropriate height, setbacks, roof forms and solid to void ratios.

##### Overshadowing

The rear private open space to the dwelling at no. 63 Adelaide Street currently receives less than 2 hours of direct sunlight on 21 June between 9am – 3pm. The proposed works to the subject site would result in additional overshadowing to that rear private open space by approximately 1m<sup>2</sup> at 12pm and would therefore be non-compliant with Control C13.

Notwithstanding the non-compliance, the proposed two-storey built form to the rear is consistent with the bulk and scale of the approved dwellings at nos. 61 & 63 Adelaide Street, and with the impact of those developments on solar access. The increase in overshadowing on 21 June is considered to be minor and is in keeping with the scale of development in the group. The proposal is therefore acceptable with regard to the impact on solar access.

The proposal is acceptable with regard to Part C2.5.1 of the Woollahra DCP 2015.

#### **14.1.6 Part C2.5.2: Conservation of contributory items**

As discussed, the proposed height, form and character of the proposal reflect recent approvals within the group. The proposal provides a built form with appropriate height, setbacks, roof forms and solid to void ratios.

The proposed traditional corrugated profile roofing complies and is supported, and would be in a light colour that is in keeping with traditional colour schemes. Similarly, the proposed horizontal timber batten profile CFC cladding has a traditional appearance and profile, and is supported.

The proposal is acceptable with regard to Part C2.5.2 of the Woollahra DCP 2015.

#### **14.1.7 Part C2.5.3: Conservation of contributory groups**

As discussed, the proposed height, form and character of the proposal reflect recent approvals within the group. The proposal provides a built form with appropriate height, setbacks, roof forms and solid to void ratios.

Similarly, the proposed materials, finishes and colours are appropriate to the group and acceptable.

The proposal is acceptable with regard to Part C2.5.3 of the Woollahra DCP 2015.

#### **14.1.8 Part C2.5.4: Materials, finishes and colours**

The proposal, as amended, utilises appropriate external materials, finishes and colours to the dwelling, including timber cladding, privacy screens and shutters, roofing materials and colours, painted brickwork, simple metal balustrades, and timber framed sliding glass doors and windows.

Furthermore, the incorporation of a new timber and brick fence along the side boundary is supported.

The proposal is acceptable with regard to Part C2.5.4 of the Woollahra DCP 2015.

#### **14.1.9 Part C2.5.5: Roofs, skylights and chimneys**

The proposed roof forms and skylight are acceptable.

The proposed new chimney protrudes from the roof of the addition, rather than the principal building rear roof plane, which is acceptable. The height of the chimney is below the roof ridge.

The proposal is acceptable with regard to Part C2.5.5 of the Woollahra DCP 2015.

#### **14.1.10 Part C2.5.6: Open space and landscaping**

<b>Site Area: 120m<sup>2</sup></b>	<b>Existing</b>	<b>Proposed</b>	<b>Control</b>	<b>Complies</b>
Deep soil area	6.1m <sup>2</sup>	6.1m <sup>2</sup>	5m <sup>2</sup>	Yes
Private open space	21m <sup>2</sup>	20.6m <sup>2</sup>	12m <sup>2</sup> (10%)	Yes
Min. dimension	19.5m <sup>2</sup>	18.4m <sup>2</sup>	10m <sup>2</sup>	Yes

The proposal complies with the relevant controls with regard to deep soil areas and private open space.

The proposal is acceptable with regard to Part C2.5.6 of the Woollahra DCP 2015.

#### **14.1.11 Part C2.5.7: Fences, gates and retaining walls**

The proposal retains the existing brick boundary walls surrounding the rear private open space area. New replacement timber fencing is proposed along the northern side elevation to a maximum height of 1.8m which is acceptable.

No changes are proposed to the existing front or rear fencing.

The proposal is acceptable with regard to Part C2.5.7 of the Woollahra DCP 2015.

#### **14.1.12 Part C2.5.12: Acoustic and visual privacy**

The proposal includes replacement of the existing first floor rear balcony with a new balcony. There will be no additional adverse visual privacy impacts as a result of the replacement balcony.

The proposal includes new first floor windows to the northern elevation (W4 – W7), including two to habitable rooms (W4 and W7). All windows feature horizontal fixed timber privacy screening to mitigate any potential visual privacy impacts.

The proposal is acceptable with regard to Part C2.5.12 of the Woollahra DCP 2015.

### **14.2 Chapter E2: Stormwater and Flood Risk Management**

The proposal is acceptable with regard to Chapter E2 of the Woollahra DCP 2015.

### **14.3 Chapter E3: Tree Management**

Council's Tree and Landscape Officer has reviewed the proposal and provided the following comments in relation to site vegetation:

*A 4m LiliPili hedge along the northern boundary fence in the rear is proposed to be retained. The 5 or 6 trees are not considered prescribed trees due to their small size but do provide amenity to the area. The plants are young and the stormwater works are offset by around 1m and not likely to provide substantial impacts to the trees.*

*The works are not expected to provide any impacts on the vegetation in Plumb Reserve.*

The proposal is acceptable with regard to Chapter E3 of the Woollahra DCP 2015.

### **14.4 Chapter E4: Contaminated Land**

The proposal is acceptable with regard to Chapter E4 of the Woollahra DCP 2015.

### **14.5 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.

The applicant has not provided a SWMMP with the development application. However, given the scope of demolition and construction works, it is necessary in this instance, as detailed in **Condition C.11**.

## **15. CONTRIBUTION PLANS**

### **15.1 Section 7.12 Contributions Plan**

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 2022.

<b>Cost of Works</b>	<b>Rate based on cost of works</b>	<b>Contribution Payable</b>
\$703,095	> \$200,000 = 1%	\$7,030.95

Refer to **Condition C.2.**

## **16. APPLICABLE ACTS/REGULATIONS**

### **16.1 Environmental Planning and Assessment Regulation 2021**

#### **Clause 61(1) Additional matters that consent authority must consider**

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.

## **17. 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.

## **18. THE SUITABILITY OF THE SITE**

The site is suitable for the proposed development.

## **19. THE PUBLIC INTEREST**

The proposal is considered to be in the public interest.

## **20. CONCLUSION**

The proposal is acceptable against the relevant considerations under Section 4.15.

## **21. 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.

## **22. RECOMMENDATION: PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, is satisfied that the written request from the applicant under Part 4.6 of the Woollahra Local Environmental Plan 2014 to the floor space ratio development standard under Clause 4.4 of Woollahra LEP 2014 has adequately addressed the relevant matters and the proposed development will be in the public interest because it is consistent with the relevant objectives of the particular standard and the zone. The Panel assumes the concurrence of the Secretary, Department of Planning and Environment.

**AND**

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, grant development consent to Development Application No. 234/2023/1 for alterations and additions to existing dwelling house including new second storey addition on land at 65 Adelaide Street Woollahra, subject to the following conditions:

## **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)
A100 Rev G	Existing/Demolition Plan Ground	Alwill Architecture	3/11/2023
A101 Rev G	Existing/Demolition Plan Level 1		27/06/2023
A102 Rev G	Existing/Demolition Plan Roof		27/06/2023
A103 Rev G	Proposed Ground Floor Plan		23/10/2023
A104 Rev G	Proposed First Floor Plan		
A105 Rev G	Proposed Plan Roof		
A200 Rev H	Elevations East/West		
A201 Rev H	Elevation North		
A202 Rev H	Elevation South		



Reference	Description	Author/Drawn	Date(s)
A300 Rev H	Sections Long		
A301 Rev H	Sections Long		
A302 Rev H	Sections Short		
A303 Rev H	Sections Short		
A483587_03	BASIX Certificate	NSW Department of Planning and Environment	26/10/2023

**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 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 Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip	20 x 20	\$8000

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

#### A.5 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.6 Development Consent is Not Granted in Relation to these Matters

This approval does not give consent to any works outside of the established boundaries of the subject site.

Standard Condition: A9 (Autotext AA9)

## A.7 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.1 Construction Certificate Required Prior to Any Demolition

Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" pursuant to section 6.6 of the *Act*.

In such circumstance all conditions in Part C and Part D of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the *Act*.

**Note:** See *Over our Dead Body Society Inc v Byron Bay Community Association Inc* [2001] NSWLEC 125.  
Standard Condition: B1 (Autotext BB1)

### B.2 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	Protection Area
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip	Protect exposed roots in nature strip opposite 65 Adelaide

b) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Protection Area, unless specified in this consent.

c) The site manager 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 manager.

### B.3 Permissible work within Tree Protection Areas

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Location	Approved works
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip opposite 65 Adelaide	Stormwater connection to kerb. No roots larger than 50mm in diameter to be damaged

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

#### B.4 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:

- 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.5 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 Manager.

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"><li>• 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.</li><li>• The project arborist shall install or supervise the installation of tree protection fencing, trunk protection and/or ground protection as relevant.</li></ul>
During any development work	<ul style="list-style-type: none"><li>• 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.</li></ul>
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"><li>• 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.</li></ul>

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.6 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.7 Public Road Assets Prior to Any Work/Demolition**

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

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

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

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

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

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

Standard Condition: B7

## B.8 Aboriginal Objects – Unexpected Findings

If unexpected Aboriginal objects or bones are found during any activity associated with this consent, you must:

- a) Not further disturb or move these objects or bones.
- b) Immediately cease all work at the particular location.
- c) In the case of suspected human remains, notify NSW Police.
- d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse LALC on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.
- e) Not recommence any work at the particular location unless authorised in writing by Heritage NSW. Additional assessment and approval pursuant to the *National Parks and Wildlife Act 1974* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

**Note:** The Definition of Aboriginal object as per the Woollahra Local Environmental Plan 2014: any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Standard Condition: B10 (Autotext BB10)

## B.9 Aboriginal Heritage Due Diligence Responsibilities

Nothing in this approval allows to cause harm to an Aboriginal object as defined in the *National Parks & Wildlife Act 1974*. Under the *National Parks & Wildlife Act 1974*, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.

Standard Condition: B12 (Autotext BB12)

## 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) Drainage Plan

The Drainage Plan must note that the connection line to the kerb is to be carried out without causing damage to roots larger than 50mm in diameter.

**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 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
<b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
<b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a>	Contact LSL Corporation or use online calculator	No	
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council	\$21,255	No	T115
<b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree	\$8,000	No	T114
<b>DEVELOPMENT LEVY</b> under Woollahra Section 7.12 Development Contributions Plan 2021 This plan may be inspected at Woollahra Council or downloaded at <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>			
<b>Development Levy</b> (section 7.12)	\$7,030.95 + Index Amount	Yes, quarterly	T96
<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$231.30	No	T45
Public Road/Footpath Infrastructure Inspection Fee	\$645	No	
Security Administration Fee	\$225	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$37,387.25 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](http://www.longservice.nsw.gov.au) or the Long Service Corporation on 131 441.

### How must the payments be made?

Payments must be made by:

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

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

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],

- the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,
- the bank guarantee is lodged with the Council prior to the issue of the Construction Certificate, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

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

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 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.3 BASIX Commitments**

The Applicant must submit to the Certifying Authority BASIX Certificate No. A483587\_03 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.4 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act 1993* is to be made to, and be approved by Council as the road authority, for the following infrastructure works prior to issue of any Construction Certificate. The infrastructure works must be carried out at the applicant's expense:

- a) The installation of stormwater outlet pipe across the nature strip shall be made by using 150mm x 75mm galvanised RHS in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers. The kerb discharge must be located within the frontage of the site. Details showing the reinstatement of the nature strip due to the installation of the stormwater outlet pipe must be provided to the satisfaction of Council's Assets Engineers. Design longitudinal profile of the proposed stormwater outlet pipe, starting from the boundary junction pit to the street kerb must also be submitted for assessment,
- b) The reinstatement of all damaged footpath, kerb and gutter and road pavement to the Council's specification and to the satisfaction of Council's Engineers, and
- c) Where a grass verge exists, the balance of the area between the footpath and the kerb 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 Couch turf.

**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:** The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any *Construction Certificate*. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Roads Act 1993* approvals may necessitate design and levels changes under this consent. This may in turn require the applicant to seek to amend this consent.

**Note:** See condition K24 in *Section K. Advising* of this Consent titled *Roads Act Application*.  
Standard Condition: C13 (Autotext CC13)

#### C.5 Soil and Water Management Plan – Submission and Approval

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

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

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



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

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

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

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

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

Standard Condition: C25

## C.6 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.7 Structural Adequacy of Existing Supporting Structures

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

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

Standard Condition: C35 (Autotext CC35)

## C.8 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.9 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.10 Stormwater Management Plan

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

- a) The discharge of stormwater from the site to the street kerb located within the frontage of the site,
- b) The provision of a minimum 450mm x 450mm boundary junction pit shall be provided prior to discharging stormwater from the site to the street drainage system. Only one stormwater outlet with a maximum discharge rate of 20 l/s in the 1% AEP storm event will be permitted. Any proposed stormwater pipe across Council's property must have a minimum grade of 1% and be located within the frontage of the site to comply with Council's Specification and AS3500.3,
- c) All below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is NOT 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,
- d) The stormwater management plans must specify any components of the existing drainage system to be retained and certified to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required,
- e) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans,
- f) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system,
- g) Detail any remedial works required to upgrade the existing stormwater drainage system,
- h) Dimensions of all drainage pit and access grates must comply with AS3500 and Council's DCP,
- i) Compliance with the objectives and performance requirements of the BCA, and
- j) 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 Council's drainage infrastructure, and
- f) Overland flow paths over impervious areas.

For the 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.11 Submission of a Site Waste Minimisation and Management Plan

A Site Waste Minimisation and Management Plan, prepared in accordance with Woollahra Development Control Plan 2015 Chapter E5 – Waste Management, is to be submitted to Council for approval prior to a Construction Certificate being issued.

Standard Condition: C68 (Autotext: CC68)

## 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 the Structural Engineer.

These properties must include (but is not limited to):

- a) 63 Adelaide Street, Woollahra
- b) 67 Adelaide Street, Woollahra

The dilapidation reports must be completed and submitted to the *Certifying Authority* for approval. An approved copy of the 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 Section 6.6(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.

**Note:** Also refer to the Dilapidation Report Advising for more information regarding this condition  
Standard Condition: D4 (Autotext DD4)

## D.3 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.4 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.

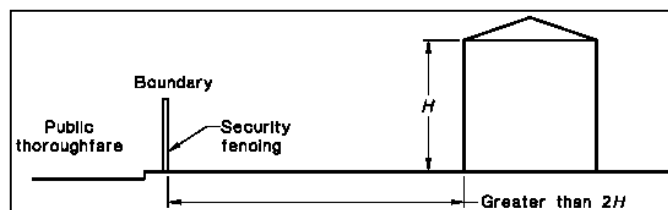
The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any work. Signs are 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)

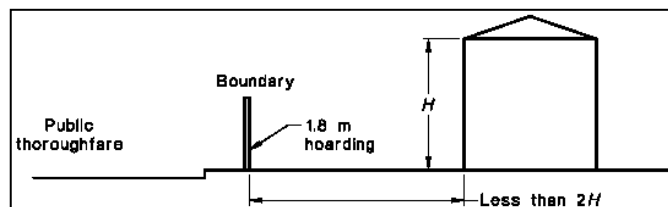
## D.5 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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

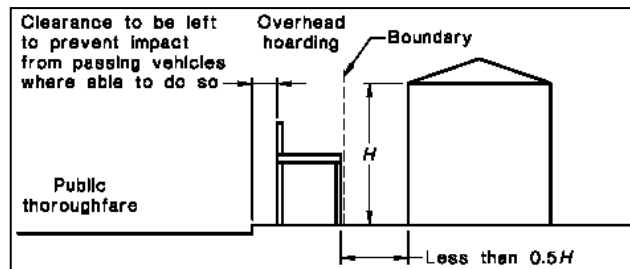
Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

- 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

- d) 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](http://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](http://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](http://www.woollahra.nsw.gov.au) or for more information contact Council's Cultural Development Team.

Standard Condition: D11 (Autotext DD11)

## D.6 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.7 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.8 Erosion and Sediment Controls – Installation

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

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

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

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

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

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

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

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

## D.9 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](http://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.10 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)

## **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 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.4 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.5 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](http://www.epa.nsw.gov.au/noise/nqlg.htm)

Standard Condition: E6 (Autotext EE6)

## **E.6 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.7 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.8 Hand excavation within tree root zones

Excavation undertaken within the specified area shall be hand dug.

Council Ref No.	Species	Tree Location	Area
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip	Nature strip opposite 65 Adelaide

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.9 Installation of stormwater pipes and pits in the vicinity of trees

Excavation for the installation of stormwater pipes and pits within the specified area shall be hand dug.

Council Ref No.	Species	Location	Area
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip	Nature strip opposite 65 Adelaide

Any roots greater than 50mm 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 50mm bridging across excavated trenches. Stormwater pits shall be positioned so that no roots greater than 50mm diameter are severed.

The project arborist shall document compliance with the above condition.

## E.10 Maintenance of Environmental Controls

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

- erosion and sediment controls,
- dust controls,
- dewatering discharges,
- noise controls,

- e) vibration monitoring and controls,
- f) ablutions.

Standard Condition: E11

### E.11 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:

- a. the consent of the owners of such adjoining or supported land to trespass or encroach, or
- b. an access order under the *Access to Neighbouring Land Act 2000*, or
- c. an easement under section 88K of the *Conveyancing Act 1919*, or
- d. an easement under section 40 of the *Land 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.12 Erosion and Sediment Controls – Maintenance

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

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

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



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

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

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

Standard Condition: E15 (Autotext EE15)

### E.13 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

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

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

Standard Condition: E17 (Autotext EE17)

### E.14 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.15 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.16 Prohibition of Burning

There must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW.

All burning is prohibited in the Woollahra local government area.

**Note:** Pursuant to the *Protection of the Environment Operations (Clean Air) Regulation 2010* all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning.

Standard Condition: E22 (Autotext EE22)

### E.17 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](http://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](http://www.safework.nsw.gov.au) and [www.epa.nsw.gov.au](http://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.18 Site Waste Minimisation and Management – Demolition

In order to maximise resource recovery and minimise residual waste from demolition 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) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements),
- c) provide separate collection bins and/or areas for the storage of residual waste,
- d) clearly ‘signpost’ the purpose and content of the bins and/or storage areas,
- e) implement measures to prevent damage by the elements, odour, health risks and windborne litter, and
- f) minimise site disturbance, limiting unnecessary excavation.

When implementing the SWMMP the Applicant must ensure:

- a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval,
- b) any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act 1997*,
- c) waste is only transported to a place that can lawfully be used as a waste facility,
- d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and
- e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

**Note:** Materials that have an existing reuse or recycling market should not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Standard Condition: E31 (Autotext EE31)

## E.19 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.20 Shoring and Adequacy of Adjoining Property

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 an excavation that extends below the level of the base of the footings of a building on adjoining land.

The person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

**Note:** This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Standard condition: E33 (Autotext: EE33)

## E.21 Asbestos Removal

All asbestos removal work must be carried out safely according to NSW work health and safety legislation.

Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:

- a) Be undertaken by contractors who hold a current SafeWork NSW "demolition licence" and a current SafeWork NSW "Class A licence" for friable asbestos removal.
- b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.
- c) No asbestos products may be reused on the site.
- d) No asbestos laden skip or bins shall be left in any public place.

**Note:** This condition is imposed to protect the health and safety of persons working on the site and the public

Standard Condition: E39

## E.22 Classification of Hazardous Waste

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste, 2014*.

**Note:** This condition is imposed to ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.

Standard Condition: E40

### **E.23 Disposal of Asbestos and Hazardous Waste**

Asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition above must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

**Note:** This condition is imposed to ensure that asbestos and other hazardous waste is disposed of lawfully under the *Protection of the Environment Operations Act 1997* and relevant NSW EPA requirements.

Standard Condition: E41

### **E.24 Asbestos Removal Signage**

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site when asbestos is being removed.

**Note:** This condition is imposed to ensure awareness of any hazard to the health and safety of persons working on the site and public.

Standard Condition: E42

### **E.25 Notification of Asbestos Removal**

In addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.

The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.

**Note:** This condition has been imposed to ensure that local residents are informed and have adequate communication facilitated for incidents of asbestos removal.

Standard Condition: E43

## **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 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)

## **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 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. A483587\_03.

**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](http://www.woollahra.nsw.gov.au) or obtained from Council's customer service centre.

Standard Condition: H13 (Autotext HH13)

### H.4 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) that all below ground structures are fully tanked and subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter,
- c) that only one stormwater outlet pipe to kerb has been constructed within the frontage of the site,
- d) that the stormwater works have been constructed in accordance with the approved construction stormwater plans,
- e) pipe invert levels and surface levels to Australian Height Datum, and
- f) 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.

**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.1 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. A483587\_03.

**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 Outdoor Lighting – Residential

Outdoor lighting must comply with AS/NZS 4282:2019: *Control of the obtrusive effects of outdoor lighting*. The maximum luminous intensity from each luminaire and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282:2019.

**Note:** This condition has been imposed to protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.

**Note:** This condition has been imposed to control the obtrusive effects of outdoor lighting.  
Standard Condition: I49

## J. Miscellaneous Conditions

Nil

## 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](http://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](http://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](http://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](http://www.safework.nsw.gov.au) or call 131 050. Standard Condition: K7 (Autotext KK7)

### K.6 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](http://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](http://www.cjc.nsw.gov.au) or call 1800 990 777.  
Standard Advising: K10 (Autotext KK10)

## K.7 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Mr S Grevler-Sacks, Assessment Officer, on (02) 9391 7150.

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.8 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](http://www.woollahra.nsw.gov.au)

Standard Condition: K15 (Autotext KK15)



## K.9 Recycling of Demolition and Building Material

It is estimated that building waste, including disposable materials, resulting from demolition, excavation, construction and renovation, accounts for almost 70% of landfill. Such waste is also a problem in the generation of dust and the pollution of stormwater. Council encourages the recycling of demolition and building materials.

Standard Condition: K17 (Autotext KK17)

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

Standard Advising: K23 (Autotext KK23)

## K.13 Roads Act 1993 Application

Works or structures over, on or under public roads or footpaths are subject to sections 138, 139 and 218 of the *Roads Act 1993* and specifically:

- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's below ground stormwater system

- Installation of soil/rock anchors under the roadway
- Installation of Stormwater outlet pipes across the nature strip

An "Application to Carry Out Works in a Public Road" form must be completed and lodged, with the application fee, at Council's Customer Services. Detailed plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage etc) within existing roads, must be attached, submitted to and approved by Council under section 138 of the *Roads Act 1993*, before the issue of any Construction Certificate.

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

- Engineering drawings (plan, sections and elevation views) and specifications of the footpath, driveways, kerb and gutter, new gully pit showing clearly the connection point of site outlet pipe(s). Note, the connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
- Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.

All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – *Off-street car parking*. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.

The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council's Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations.

Note: Any adjustments required from the garage slab and the street levels are to be carried out internally on private property

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

Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy".

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

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

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

**Note:** When an application under the *Roads Act* is required, then four (4) weeks is to be allowed for assessment.

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

**Note:** The intent of this condition is that the design of the road, footpaths, driveway crossings and public stormwater drainage works must be detailed and approved prior to the issue of any Construction Certificate. Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under *Road Act 1993* approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.  
Standard Advising: K24 (Autotext KK24)

## Attachments

1. Architectural Drawings [↓](#) 
2. Referral Response - Trees and Landscaping [↓](#) 
3. Re-Referral Response - Heritage [↓](#) 
4. Clause 4.6 Variation Request - FSR [↓](#) 
5. Existing Drawings - 65 Adelaide Street WOOLLAHRA [↓](#) 
6. Stamped Approved Plans - DA20191651 - 63 Adelaide Street WOOLLAHRA [↓](#) 

Alterations + Additions

JAMES RESIDENCE  
65 ADELAIDE STREET, WOOLLAHRA NSW

Site Location Plan (NTS)



Sheet No.	Sheet Name	Sheet Size	Rev. No.	Rev. Date	Legend
A 000	COVERSHEET	A3	G	27/6/23	Existing Wall
A 001	SITE ANALYSIS PLAN	A3	F	27/6/23	Demolished
A 100	EXISTING/DEMOLITION PLAN GROUND	A3	G	27/6/23	Proposed Works
A 101	EXISTING/DEMOLITION PLAN LEVEL 1	A3	G	27/6/23	Existing Shadow
A 102	EXISTING/DEMOLITION PLAN ROOF	A3	G	27/6/23	Additional Shadow
A 103	PROPOSED GROUND FLOOR PLAN	A3	G	23/10/23	
A 104	PROPOSED FIRST FLOOR PLAN	A3	G	23/10/23	
A 105	PROPOSED PLAN ROOF	A3	G	23/10/23	
A 200	ELEVATIONS EAST/WEST	A3	H	23/10/23	
A 201	ELEVATION NORTH	A3	H	23/10/23	
A 202	ELEVATION SOUTH	A3	H	23/10/23	
A 300	SECTIONS LONG	A3	H	23/10/23	
A 301	SECTIONS LONG	A3	H	23/10/23	
A 302	SECTIONS SHORT	A3	H	23/10/23	
A 303	SECTIONS SHORT	A3	H	23/10/23	
A 400	SCHEDULE OF FINISHES	A3	F	23/10/23	
A 500	BASIX CERTIFICATE	A3	E	23/10/23	
A 530	COMPLIANCE CHECKLIST	A3	C	23/10/23	
A 540	SHADOW DIAGRAMS JUNE 22 9AM - APPROVED CC	A3	F	23/10/23	
A 541	SHADOW DIAGRAMS JUNE 22 12PM - APPROVED C	A3	F	23/10/23	
A 542	SHADOW DIAGRAMS JUNE 22 3PM	A3	F	23/10/23	
A 543	SHADOW DIAGRAM ELEVATIONS - APPROVED CON	A3	E	23/10/23	
A 544	SHADOW DIAGRAM ELEVATIONS - EXISTING CONTE	A3	A	23/10/23	
A 545	SHADOW DIAGRAMS JUNE 22 9AM - EXISTING CON	A3	A	23/10/23	
A 546	SHADOW DIAGRAMS JUNE 22 12PM - EXISTING CO	A3	F	23/10/23	
A 547	SHADOW DIAGRAMS JUNE 22 3PM - EXISTING CON	A3	A	23/10/23	
A 570	PHOTOMONTAGE	A3	G	23/10/23	
A 580	SITE WASTE MINIMISATION + MANAGEMENT PLAN	A3	B	27/6/23	

BASIX Notes

**Lighting**  
At least 40% new lighting to be LED fixtures in accordance with BASIX certificate.

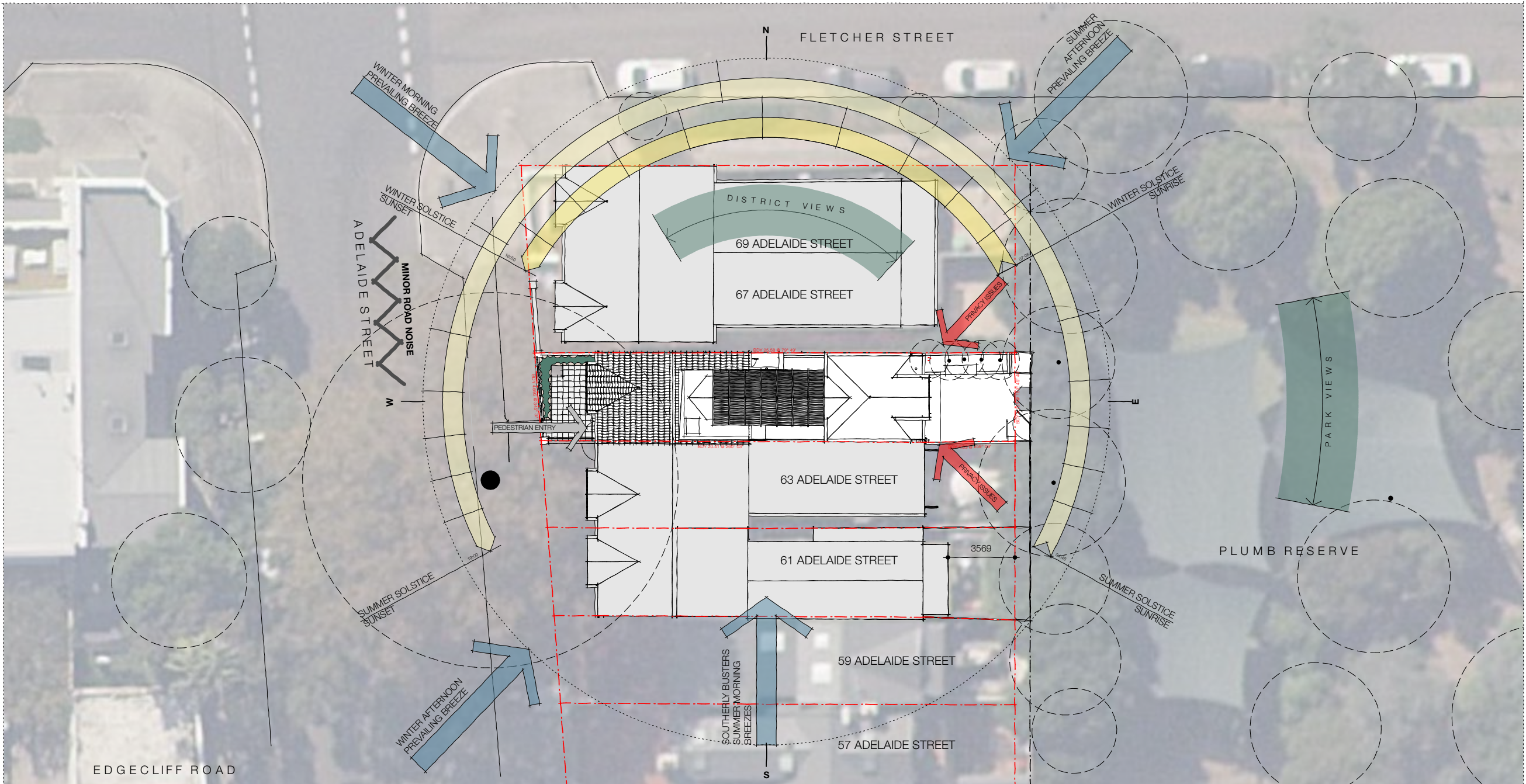
**Fixtures**  
New Showerheads to be max 9L/m low rate or 3 star rated.  
New toilets to be max 4L per flush or 3 star rated.  
New taps to be max 9L/m flow rate or 3 star water rating.

**Windows and doors**  
All new windows and doors to have orientation, area or glass, shading and frame and glass type in accordance with BASIX certificate A483587 (refer dwg A 500).

For Development Application Only

				ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS	CL CENTRE LINE EX EXISTING CC CHIMNEY COWL TC TIMBER CLADDING DIA DIAMETER TBC TO BE CONFIRMED TBD TO BE DECIDED TF TIMBER FLOOR TD TIMBER DECK NW NEW WINDOW CFC FIBRE CEMENT FB FACE BRICK DP DOWNPIPE RT ROOF TILE EG EAVE GUTTER BG BOX GUTTER D DOOR	RL RELATIVE LEVEL FFL FINISHED FLOOR LEVEL FSL FINISHED SLAB LEVEL FRL FINISHED ROOF LEVEL FCL FINISHED CEILING LEVEL COS CHECK ON SITE TFD TO FUTURE DETAIL WM WATER METER GM GAS METER SKY SKYLIGHT SGD SLIDING GLASS DOOR PBW PAINTED BRICKWORK HD HOOD PS PRIVACY SCREEN MS METAL SHEET STN STONE PF PAINT FINISH	NOTES	PROJECT TITLE:  65 ADELAIDE STREET, WOOLLAHRA NSW	
				THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUNDLINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE				DWG TITLE:  COVERSHEET	
G	27/6/23	FOR DEVELOPMENT APPLICATION		DO NOT SCALE DRAWINGS				SCALE: NTS@A3 ISSUE: 20 SEP 2022 PROJECT NO: 22-0100 DATE: 20 SEP 2022 DRAWN BY: DP CHECKED: NA	DWG NO: A 000 REV: -
F	14/6/23	FOR CLIENT REVIEW		ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK					
E	15/2/23	FOR COORDINATION		ALL STRUCTURAL WORK IS TO BE DONE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DOCUMENTATION					
D	20/1/23	FOR CLIENT REVIEW							
C	22/12/22	FOR CLIENT REVIEW							
B	13/12/22	FOR COORDINATION							
A	29/9/22	MEASURED DRAWINGS							
REV	DATE	DESCRIPTION							
REVISIONS				GENERAL NOTES	ABBREVIATIONS	NOTES			
ALWILL ARCHITECTURE				258 DECONHRE ST SURRY HILLS NSW 2016 AUSTRALIA TEL: +61 2 9559 5302 FAX: +61 2 9559 5303 EMAIL: STUDIO@ALWILL.COM.AU WEB: 40 128 557 599 NEW REGISTRATION NUMBER 7906 NADINE ALWILL					

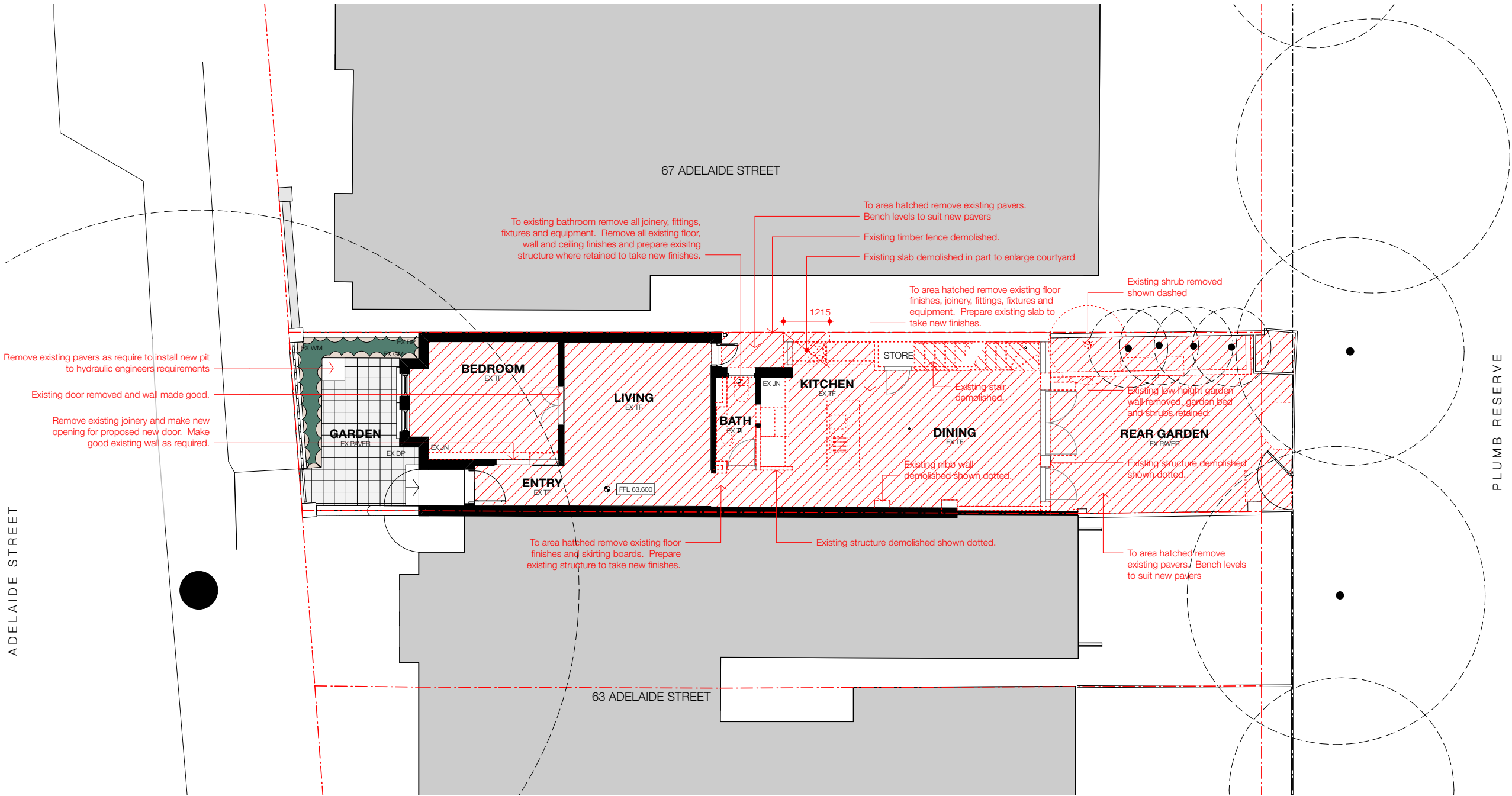




1 Site Analysis Plan  
Scale: 1:200

For Development Application Only

			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS						PROJECT TITLE: 65 ADELAIDE STREET, WOOLLAHRA NSW		
			THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUND LINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE						DWG TITLE: SITE ANALYSIS PLAN		
			ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK						SCALE: 1:100@A3 ISSUE: 22-0100 PROJECT NO: 20 SEP 2022 DATE: 20 SEP 2022 DRAWN BY: DP CHECKED: NA		
			DO NOT SCALE DRAWINGS						DWG NO: A 001 REV: -		
			ALL STRUCTURAL WORK IS TO BE DONE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DOCUMENTATION						258 DEBORAH RE ST SURRY HILLS NSW 2016 AUSTRALIA TEL: +61 2 9559 5302 FAX: +61 2 9559 5303 EMAIL: STUDIO@ALWILL.COM.AU WWW: ALWILL.COM.AU NEW REGISTRATION NUMBER 7906		
REV			DATE	DESCRIPTION							
F			27/5/23	FOR DEVELOPMENT APPLICATION							
E			14/6/23	FOR CLIENT REVIEW							
D			15/2/23	FOR COORDINATION							
C			20/1/23	FOR CLIENT REVIEW							
B			22/12/22	FOR CLIENT REVIEW							
A			13/12/22	FOR COORDINATION							
REV			DATE	DESCRIPTION							
REVISIONS					GENERAL NOTES	ABBREVIATIONS		NOTES			
ALWILL											
ARCHITECTURE											



1 Existing/Demolition Plan Ground  
Scale: 1:100

For Development Application Only

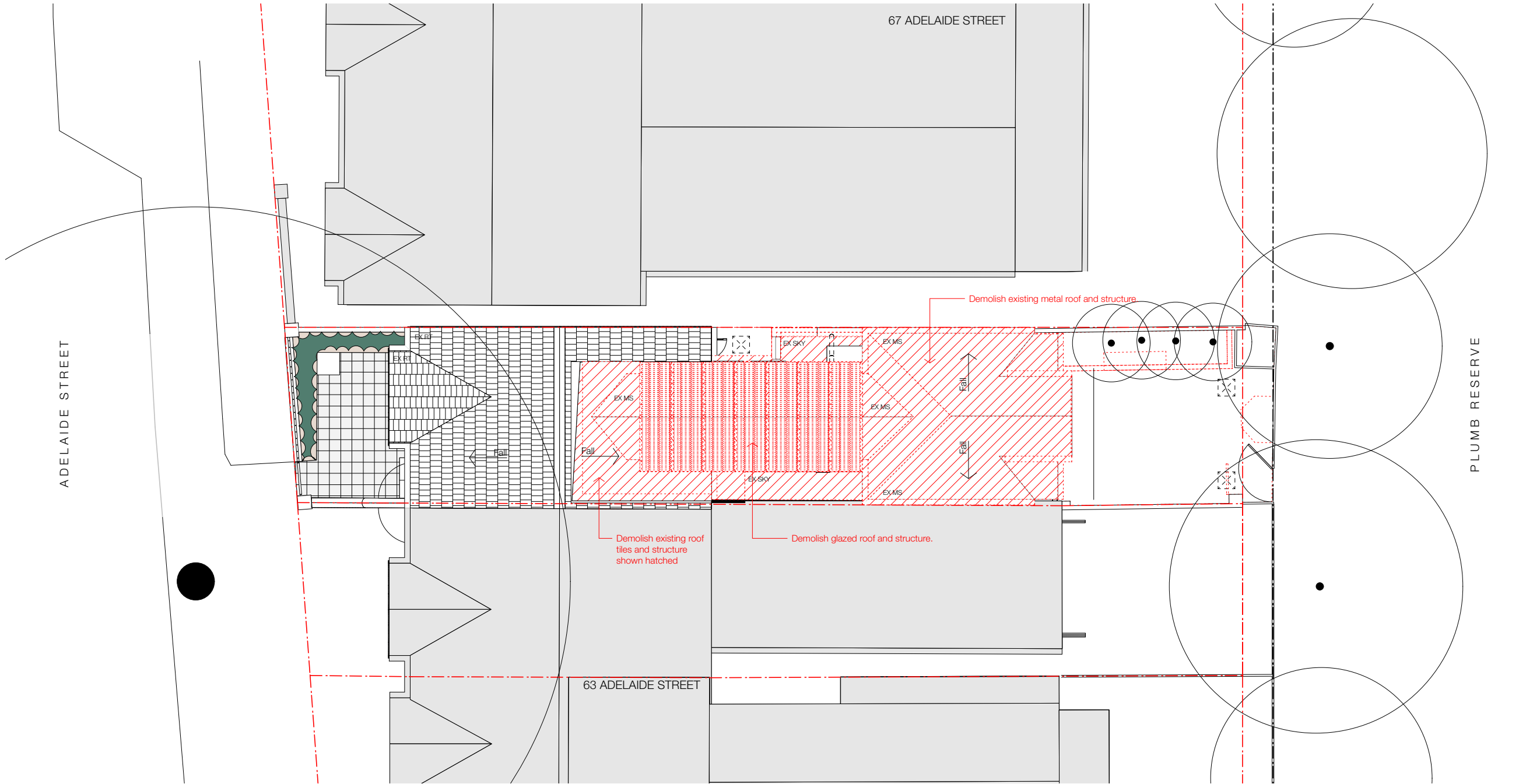
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Existing/Demolition Plan Roof

Scale: 1:100

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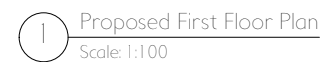
<div><div>REV</div><div>DATE</div><div>DESCRIPTION</div></div> <div><div>REVISIONS</div><div>GENERAL NOTES</div><div>ABBREVIATIONS</div><div>NOTES</div></div>	<div><div>ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS</div><div>THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUND LINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE</div><div>ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK</div><div>DO NOT SCALE DRAWINGS</div><div>ALL STRUCTURAL WORK IS TO BE DONE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DOCUMENTATION</div></div> <div><div>CL</div><div>EX</div><div>CC</div><div>TC</div><div>DIA</div><div>TBC</div><div>TBD</div><div>TF</div><div>TD</div><div>NW</div><div>CFC</div><div>FB</div><div>DP</div><div>RT</div><div>EG</div><div>BG</div><div>D</div><div>CENTRE LINE</div><div>EXISTING CHIMNEY COWL</div><div>TIMBER CLADDING</div><div>DIAMETER</div><div>TO BE CONFIRMED</div><div>TO BE DECIDED</div><div>TIMBER FLOOR</div><div>TIMBER DECK</div><div>NEW WINDOW</div><div>FIBRE CEMENT</div><div>FACE BRICK</div><div>DOWNPIPE</div><div>ROOF TILE</div><div>EAVE GUTTER</div><div>BOX GUTTER</div><div>DOOR</div><div>RL</div><div>FFL</div><div>FSL</div><div>FRL</div><div>FOL</div><div>COS</div><div>TFD</div><div>WM</div><div>GM</div><div>SKY</div><div>SGD</div><div>PBW</div><div>HD</div><div>PS</div><div>MS</div><div>STN</div><div>PF</div><div>RELATIVE LEVEL</div><div>FINISHED FLOOR LEVEL</div><div>FINISHED SLAB LEVEL</div><div>FINISHED ROOF LEVEL</div><div>FINISHED CEILING LEVEL</div><div>CHECK ON SITE</div><div>TO FUTURE DETAIL</div><div>WATER METER</div><div>GAS METER</div><div>SKYLIGHT</div><div>SLIDING GLASS DOOR</div><div>PAINTED BRICKWORK</div><div>HOOD</div><div>PRIVACY SCREEN</div><div>METAL SHEET</div><div>STONE</div><div>PAINT FINISH</div></div> <div><div>NOTES</div><div>Existing Wall</div><div>Demolished</div><div>Proposed Works</div><div>Existing Shadow</div><div>Additional Shadow</div></div>	<div><div>PROJECT TITLE:</div><div>65 ADELAIDE STREET, WOOLLAHRA NSW</div><div>DWG TITLE:</div><div>EXISTING/DEMOLITION PLAN ROOF</div><div>SCALE:</div><div>1:100@A3</div><div>DWG NO:</div><div>A 102</div><div>ISSUE:</div><div>22-0100</div><div>DATE:</div><div>20 SEP 2022</div><div>DRAWN BY:</div><div>DP</div><div>CHECKED:</div><div>NA</div><div>258 DECONBRIE ST SURRY HILLS NSW 2016 AUSTRALIA</div><div>Tel: +61 2 9559 5302</div><div>Fax: +61 2 9559 5303</div><div>EMAIL: STUDIO@ALWILLARCH.COM.AU</div><div>NEW REGISTRATION NUMBER 7906</div><div>NEW REGISTRATION NUMBER 7906</div></div>
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Attachment 1 Architectural Drawings



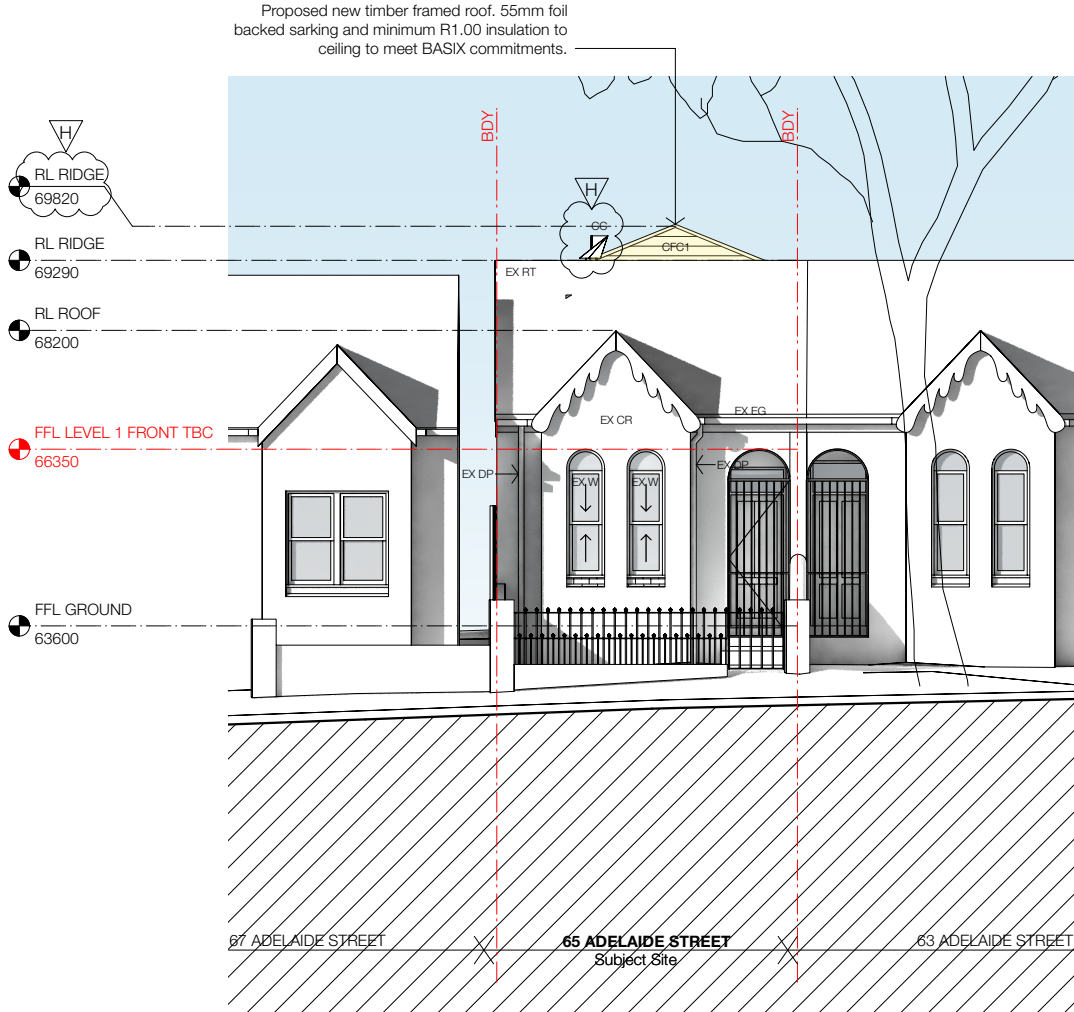
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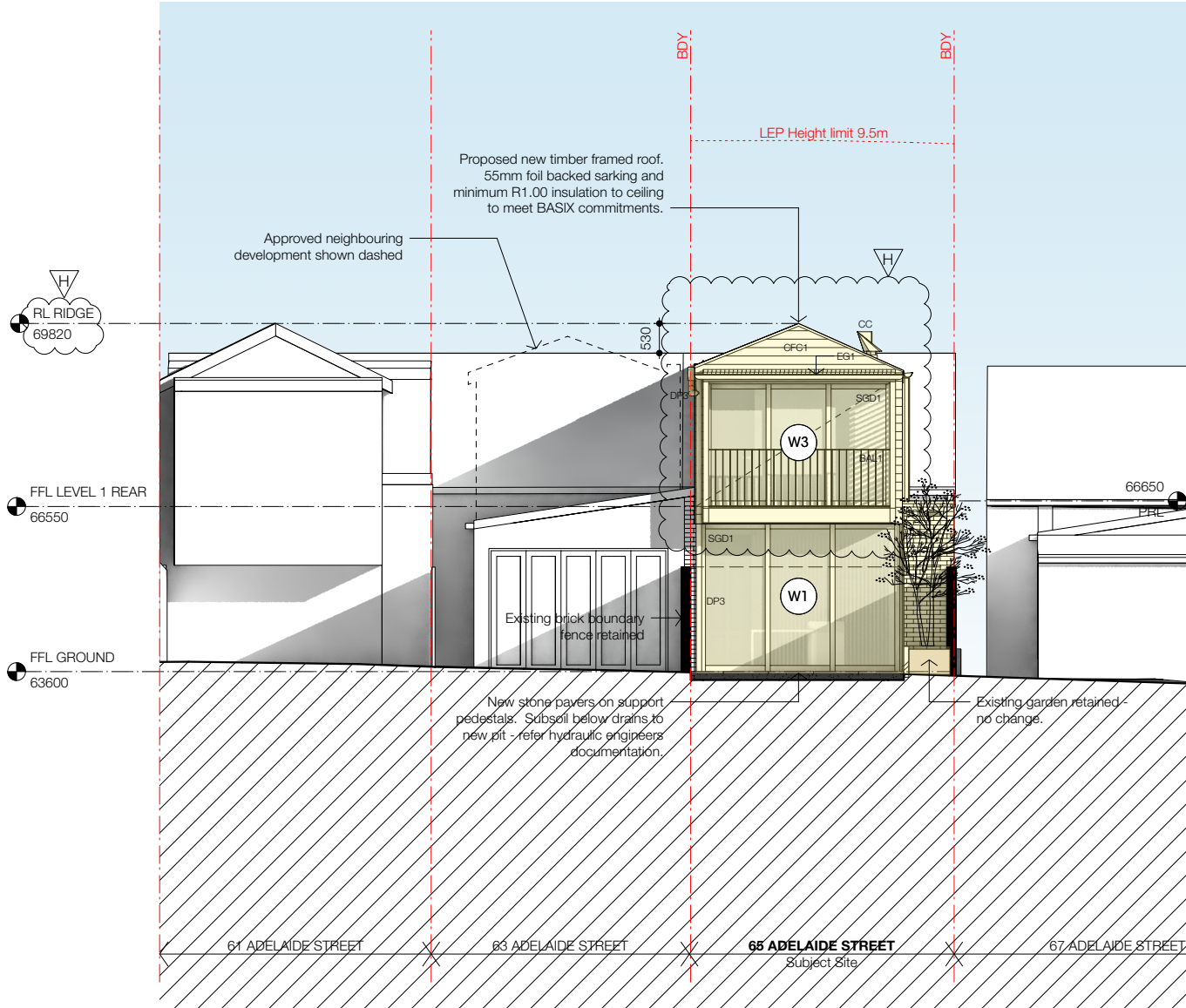


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			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS	CL CENTRE LINE EX EXISTING CC CHIMNEY COWL FRL FINISHED ROOF LEVEL DIA DIAMETER TBC TO BE CONFIRMED TBD TO BE DECIDED TF TIMBER FLOOR TD TIMBER DECK NW NEW WINDOW CFC FIBRE CEMENT FACE BRICK DP DOWNPIPE RT ROOF TILE EG EAVE GUTTER STN STONE D DOOR	RL RELATIVE LEVEL FFL FINISHED FLOOR LEVEL FSL FINISHED SLAB LEVEL TC TIMBER CLADDING FCL FINISHED CEILING LEVEL COS CHECK ON SITE TFD TO FUTURE DETAIL WM WATER METER GM GAS METER SKY SKYLIGHT SGD SLIDING GLASS DOOR FB PAINTED BRICKWORK HD HOOD PS PRIVACY SCREEN MS METAL SHEET BSG BOX GUTTER PF PAINT FINISH	NOTES		PROJECT TITLE:  65 ADELAIDE STREET, WOOLLAHRA NSW
G	23/10/23	REVISED FOR DEVELOPMENT APPLICATION					<div><div></div> Existing Wall</div> <div><div></div> Demolished</div> <div><div></div> Proposed Works</div> <div><div></div> Existing Shadow</div> <div><div></div> Additional Shadow</div>	DWG TITLE:  PROPOSED PLAN ROOF
F	27/9/23	FOR DEVELOPMENT APPLICATION	ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK					SCALE: 1:100@A3 DWG NO: A 105
E	14/8/23	FOR CLIENT REVIEW	DO NOT SCALE DRAWINGS					ISSUE:
D	15/2/23	FOR COORDINATION	ALL STRUCTURAL WORK IS TO BE DONE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DOCUMENTATION					PROJECT NO: 22-0100 DATE: 29 SEP 2022 REV:
C	20/1/23	FOR CLIENT REVIEW						DRAWN BY: DP -
B	22/12/22	FOR CLIENT REVIEW						CHECKED: NA
A	13/12/22	FOR COORDINATION						
REV	DATE	DESCRIPTION	GENERAL NOTES	ABBREVIATIONS	NOTES			
REVISIONS								
<div>AWILL ARCHITECTURE</div>							<div>250 DEVONSHIRE ST SURRY HILLS NSW 2150 AUSTRALIA TEL +61 2 9699 5302 FAX +61 2 9699 5303 EMAIL INFO@AWILL.COM.AU WEB 42 DSD 197 535 NADINE AWILL</div>	



1 West Elevation  
Scale: 1:100

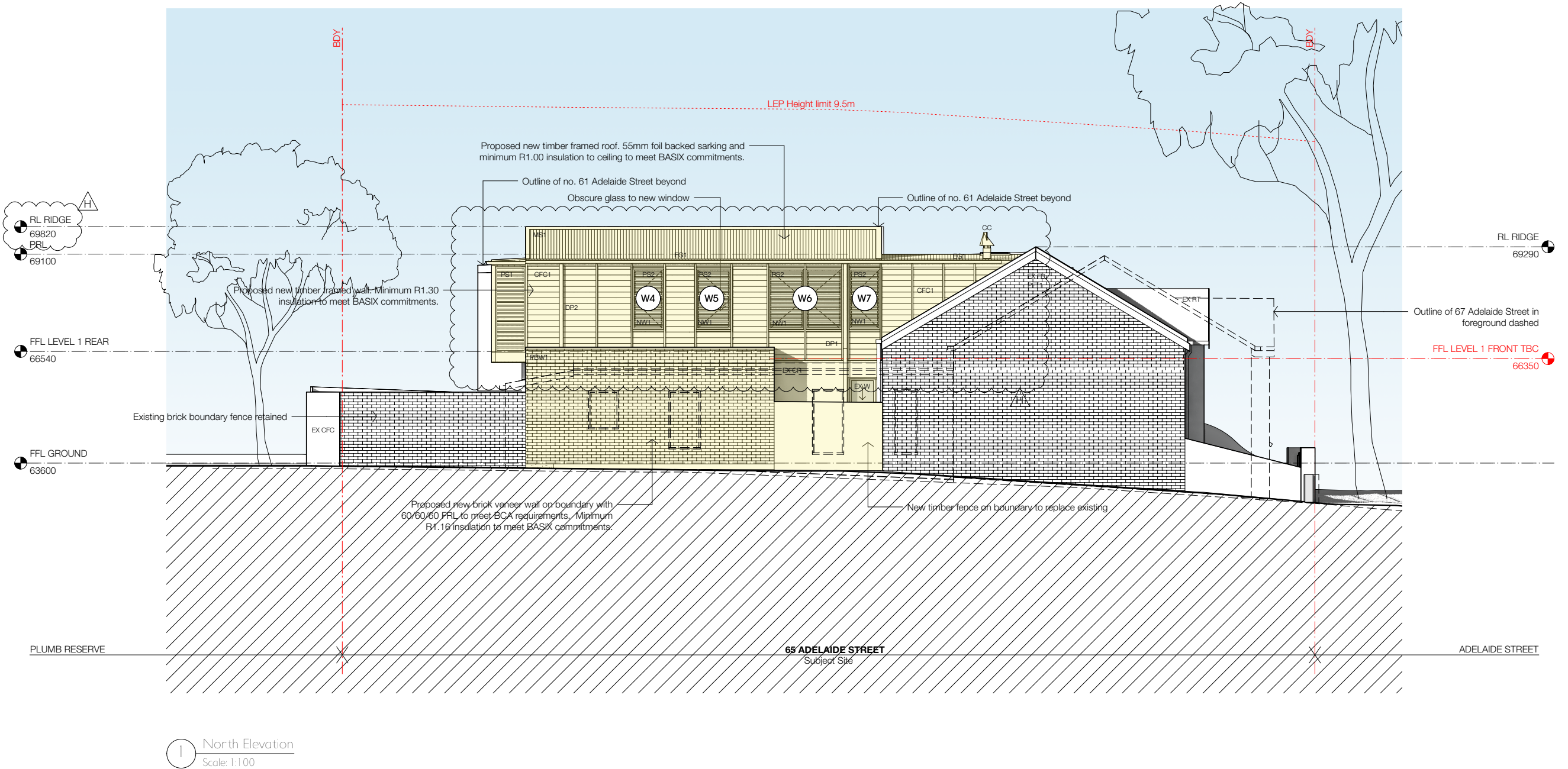


2 East Elevation  
Scale: 1:100

For Development Application Only

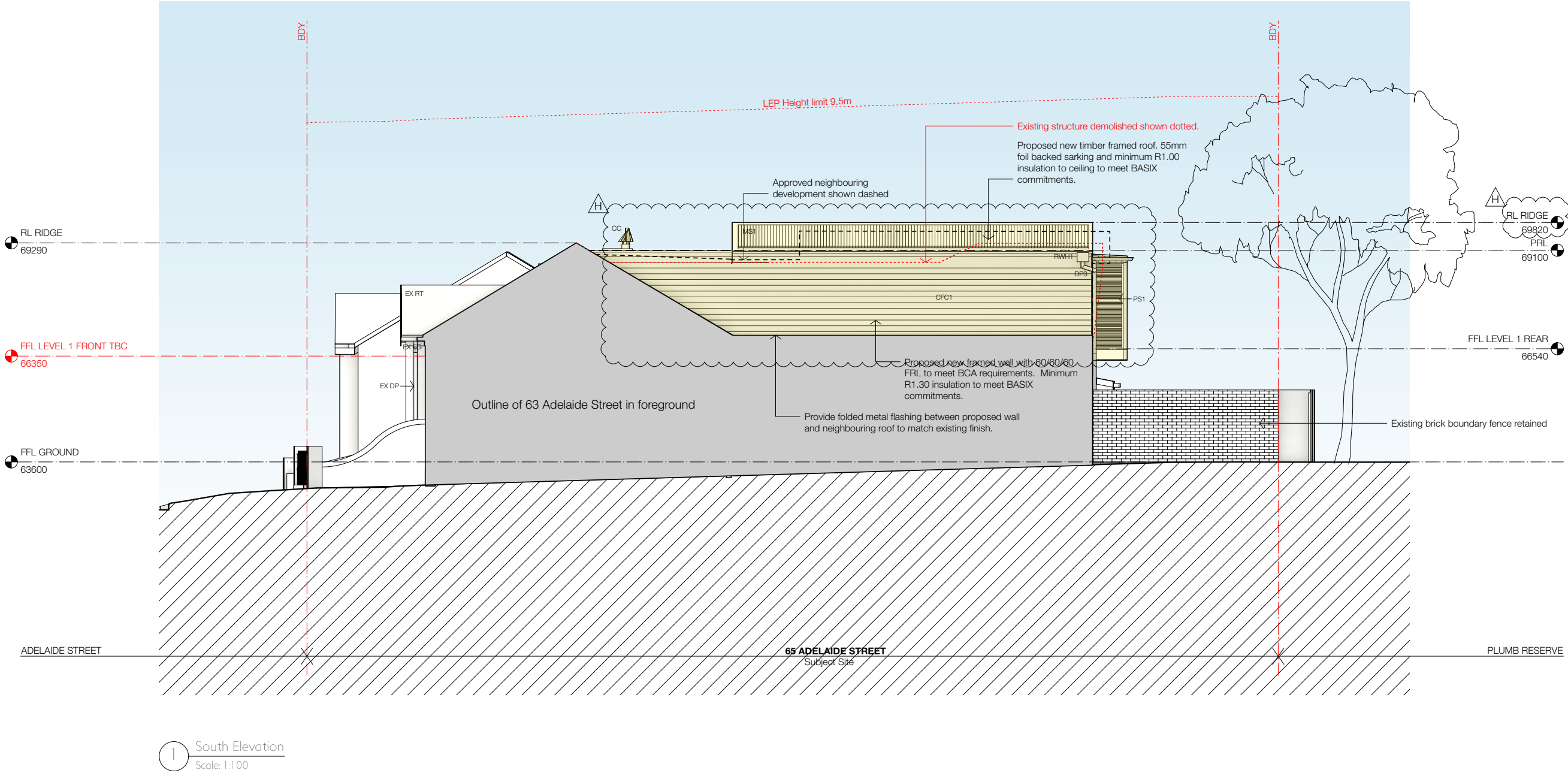
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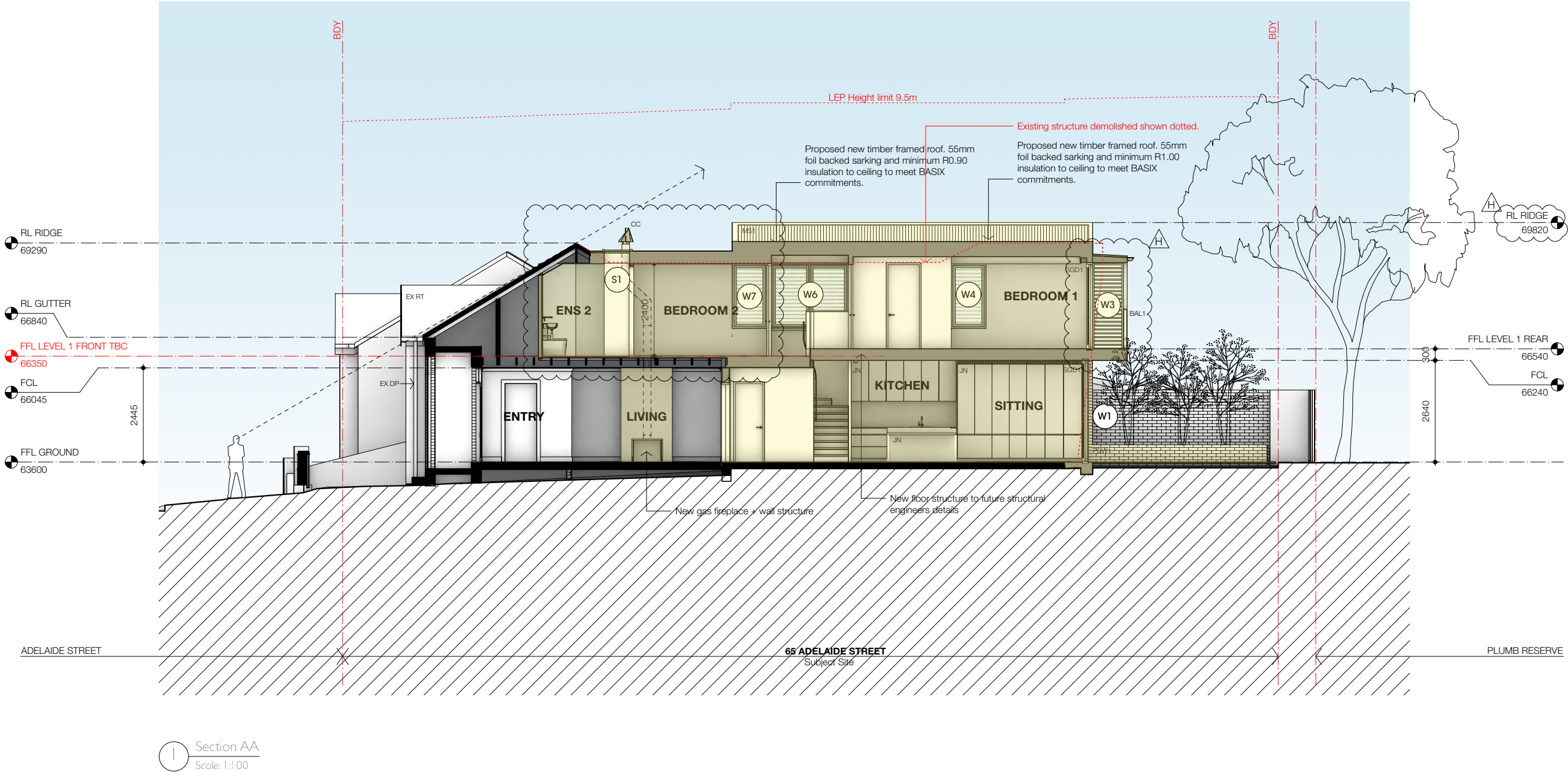
For Development Application Only

			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS						PROJECT TITLE: 65 ADELAIDE STREET, WOOLLAHRA NSW		
			THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUND LINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE						DWG TITLE: ELEVATION NORTH		
			ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK						SCALE: 1:100@A3 ISSUE: 22-0100 PROJECT NO: 22-0100 DATE: 20 SEP 2022 DRAWN BY: DP CHECKED: NA		
			DO NOT SCALE DRAWINGS						DWG NO: A 201 REV: 1		
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E 15/2/23 FOR COORDINATION											
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For Development Application Only

			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS						PROJECT TITLE: 65 ADELAIDE STREET, WOOLLAHRA NSW		
			THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUNDLINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE						DWG TITLE: ELEVATION SOUTH		
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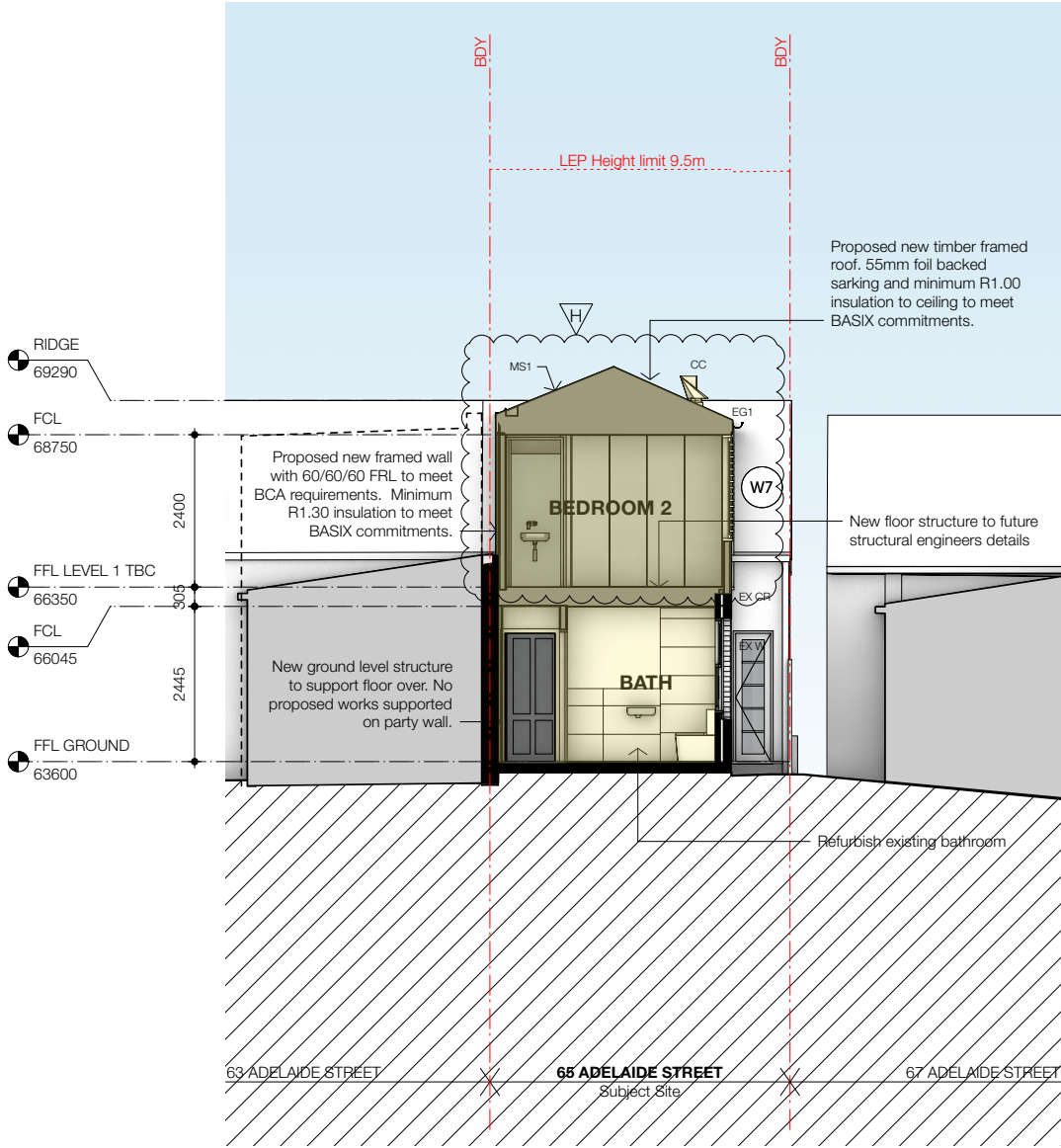
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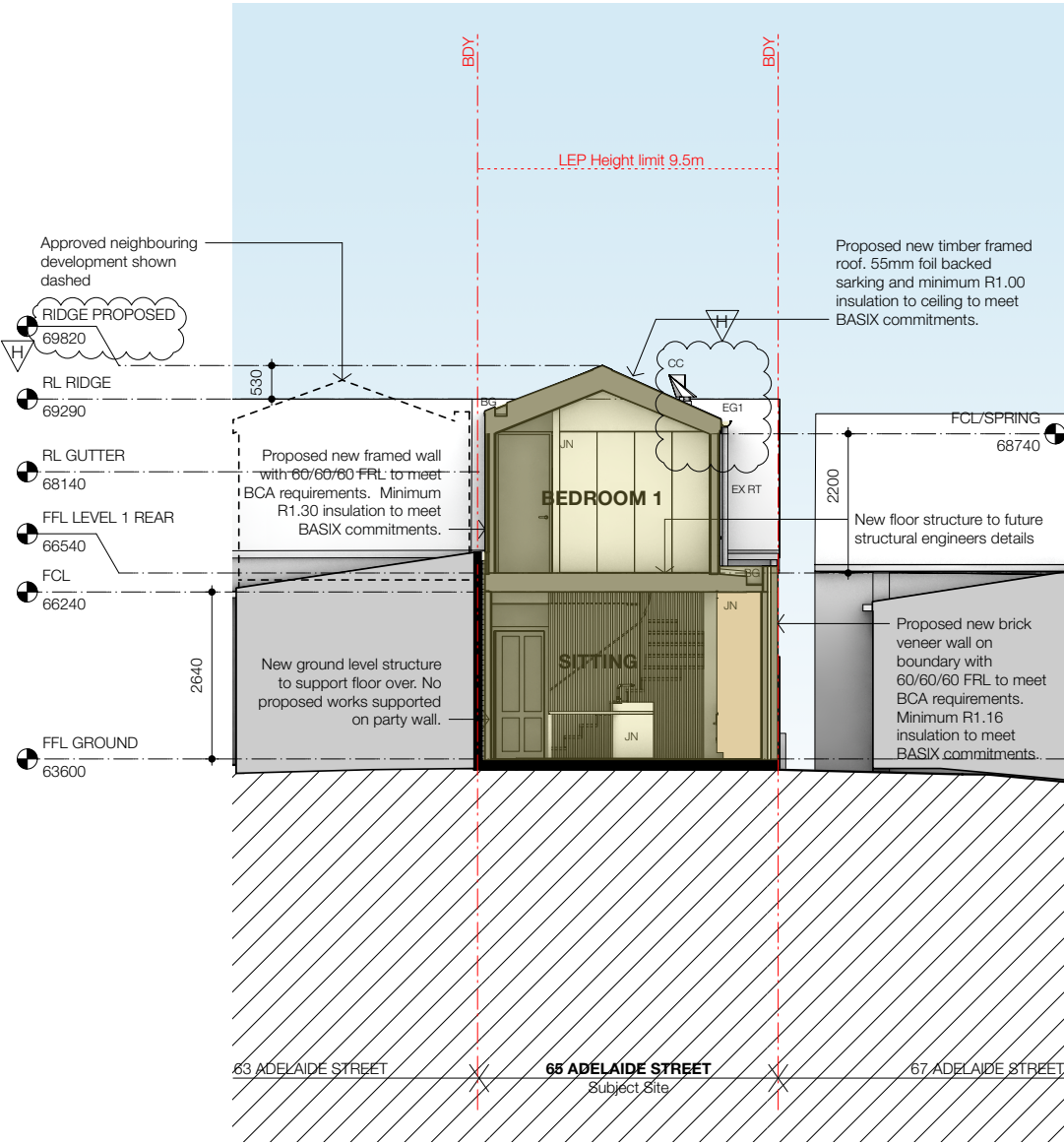
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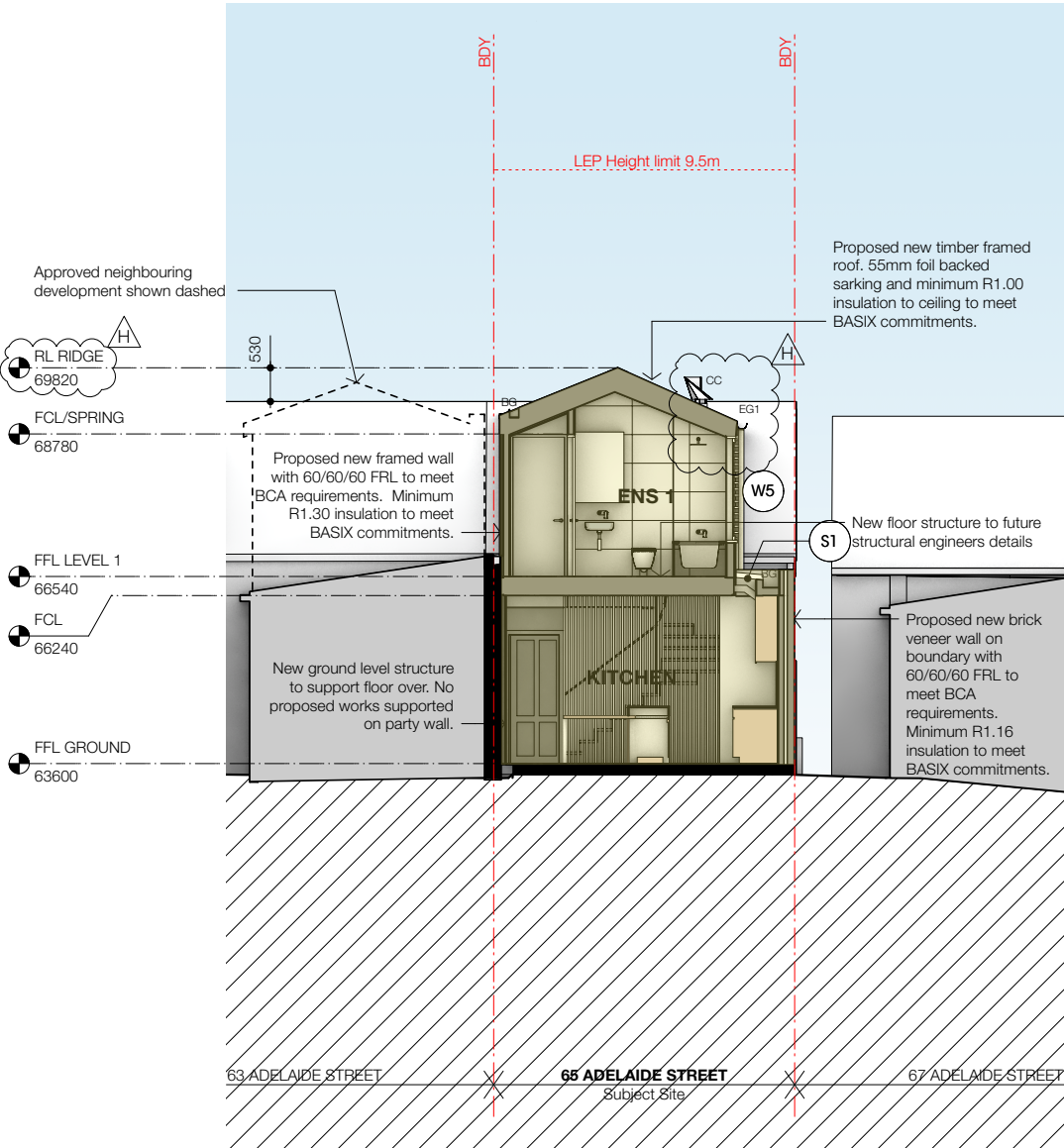
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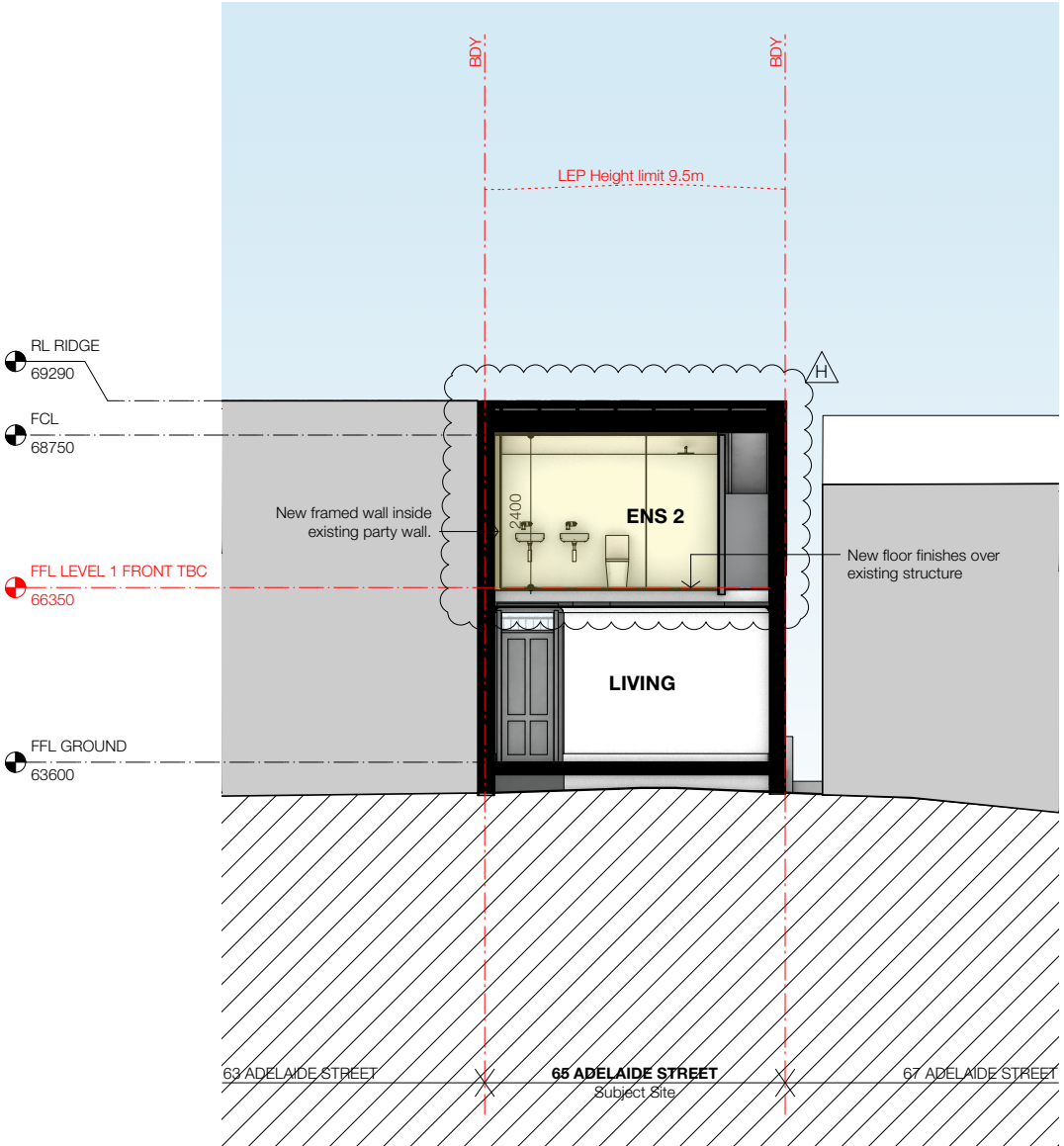
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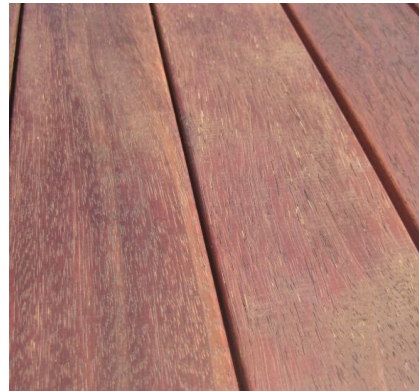
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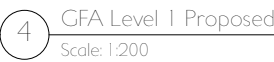
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Attachment 1 Architectural Drawings



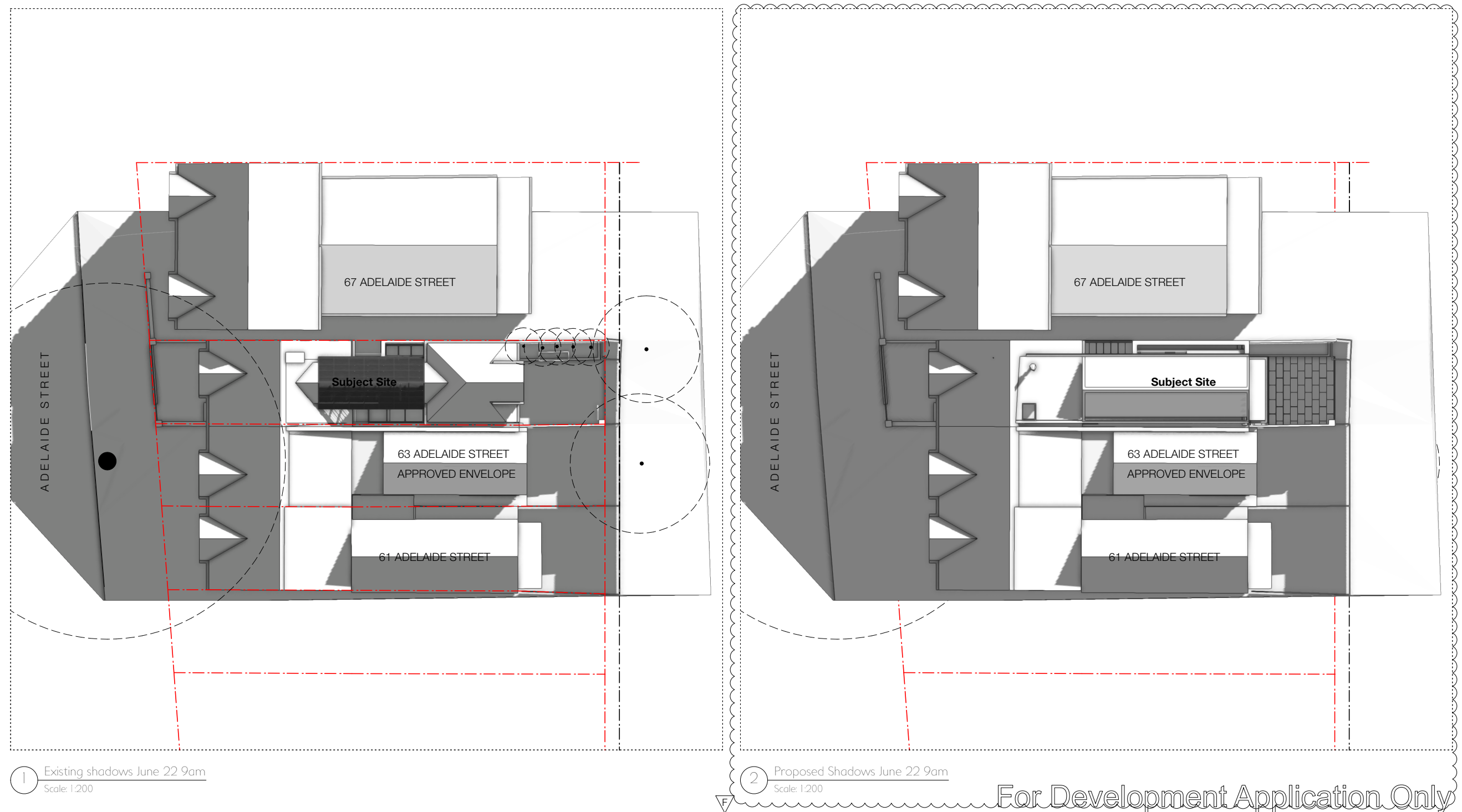
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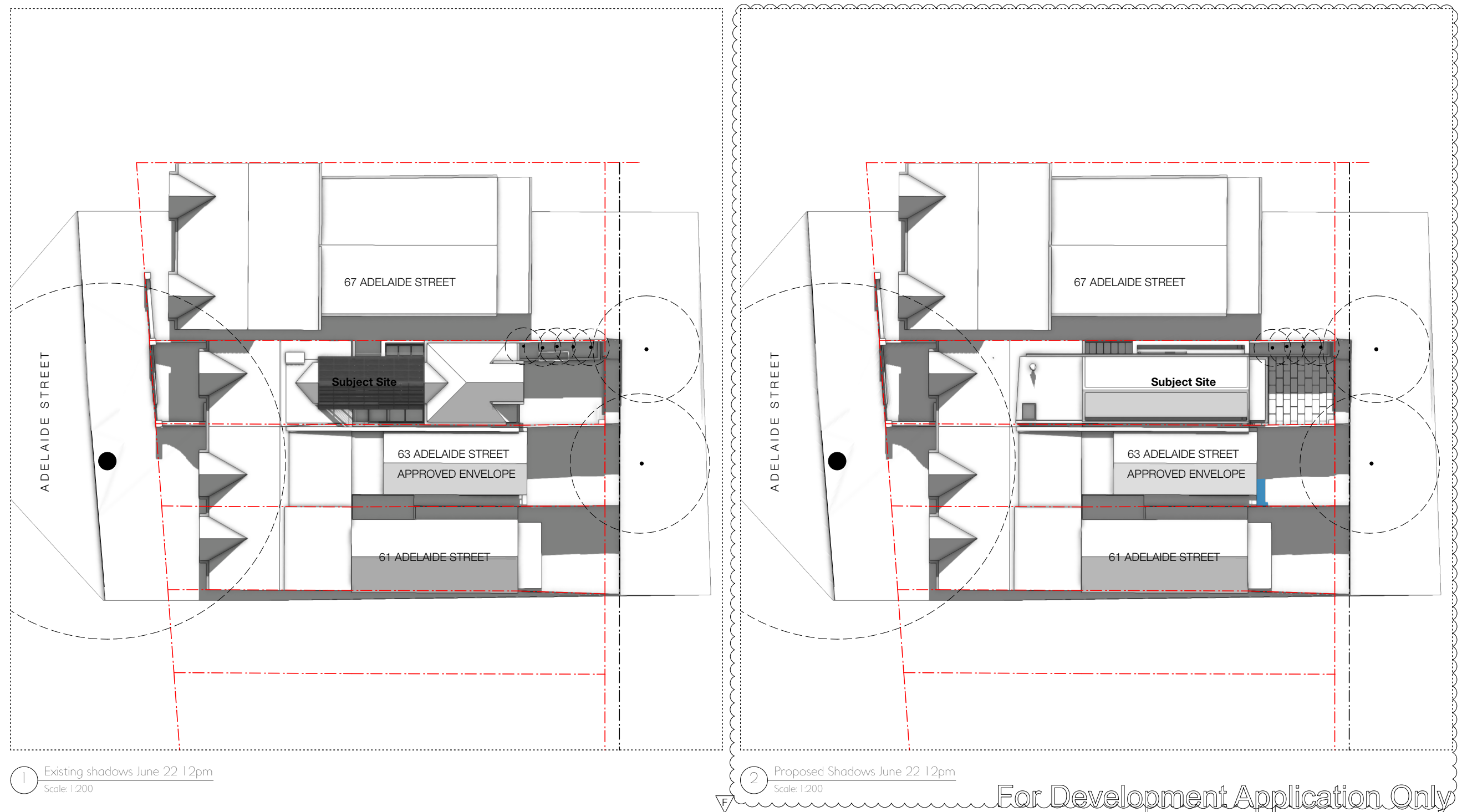
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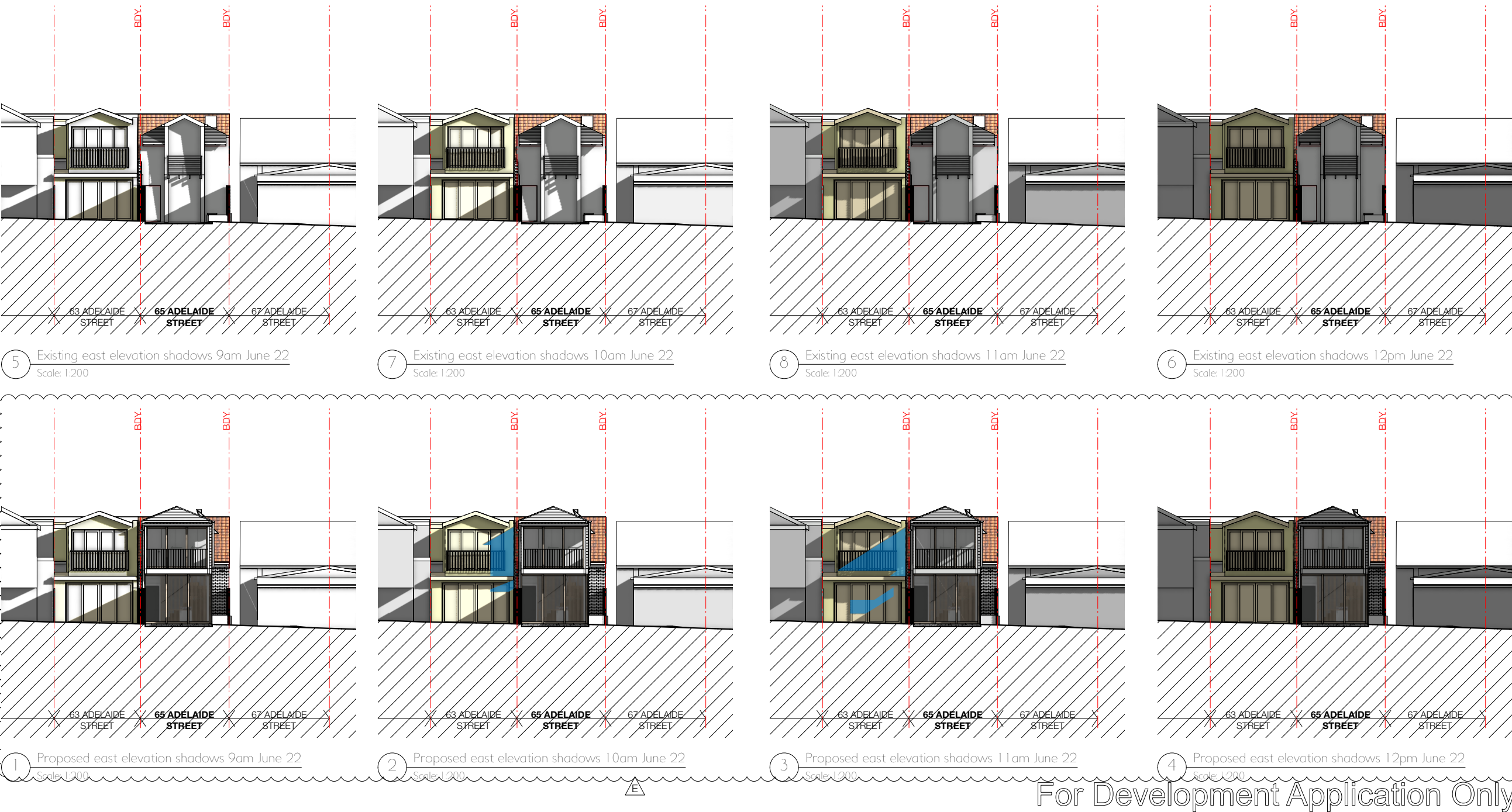
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Attachment 1 Architectural Drawings

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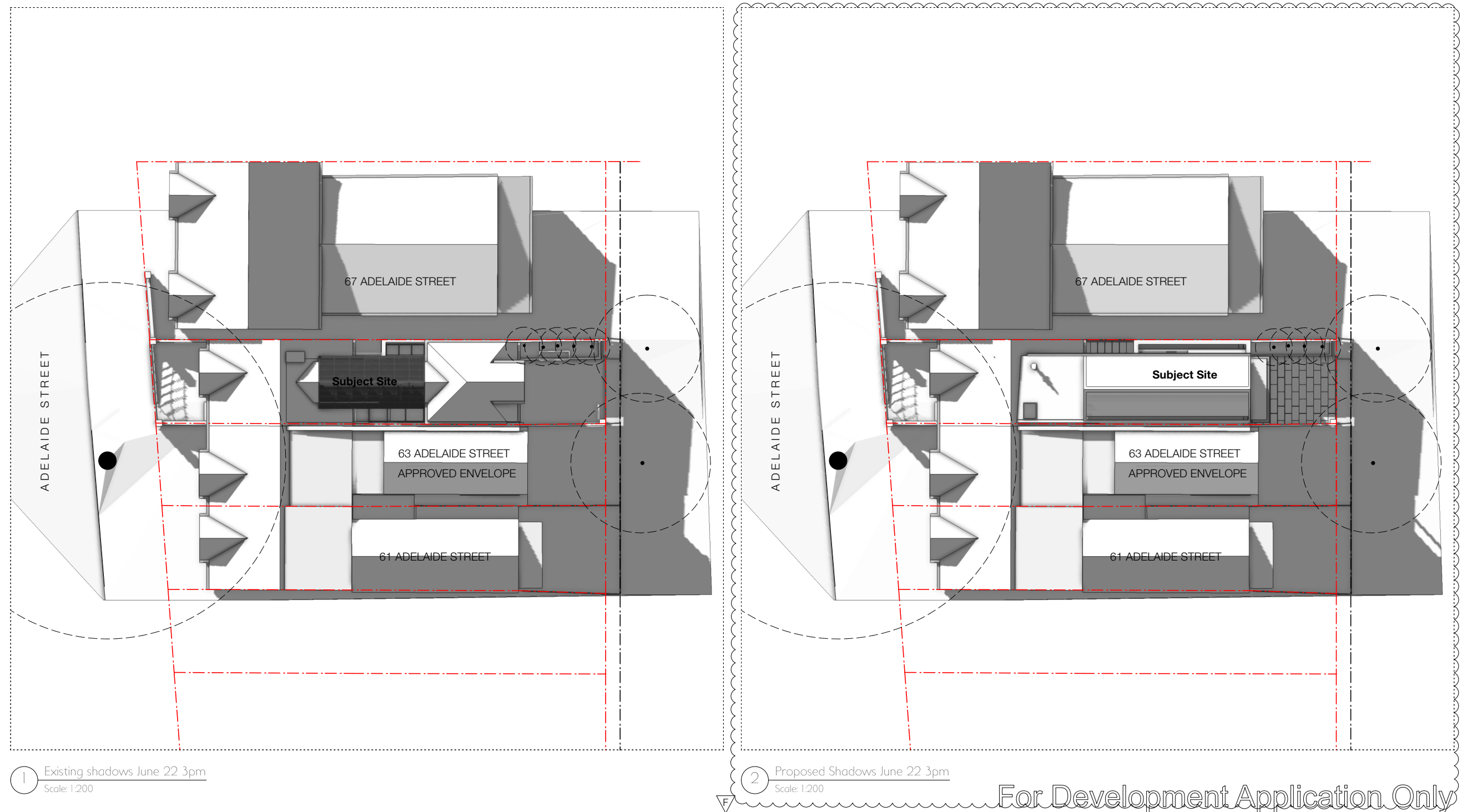
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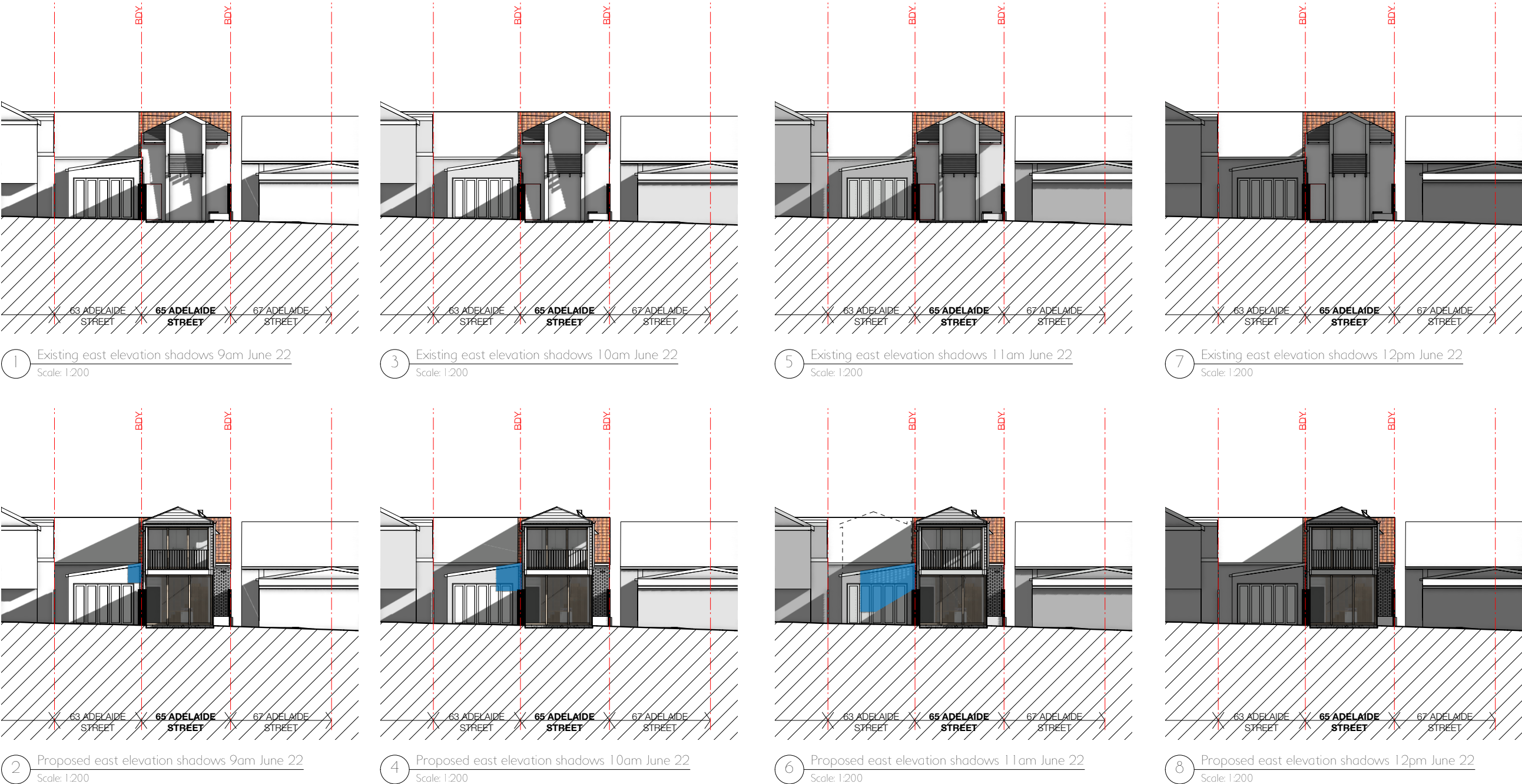




			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS			CL CENTRE LINE EX EXISTING CC CHIMNEY COWL TC TIMBER CLADDING DIA DIAMETER TBC TO BE CONFIRMED TBD TO BE DECIDED TF TIMBER FLOOR TD TIMBER DECK NW NEW WINDOW CFC FIBRE CEMENT FB FACE BRICK DP DOWNPIPE RT ROOF TILE EG EAVE GUTTER BG BOX GUTTER D DOOR			RL RELATIVE LEVEL FFL FINISHED FLOOR LEVEL FSL FINISHED SLAB LEVEL FRL FINISHED ROOF LEVEL FCL FINISHED CEILING LEVEL COS CHECK ON SITE TFD TO FUTURE DETAIL WM WATER METER GM GAS METER SKY SKYLIGHT SGD SLIDING GLASS DOOR PEW PAINTED BRICKWORK HD HOOD PS PRIVACY SCREEN MS METAL SHEET STN STONE PF PAINT FINISH			NOTES			PROJECT TITLE:  65 ADELAIDE STREET, WOOLLAHRA NSW		
			THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUND LINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE						<div><div></div> Existing Wall</div> <div><div></div> Demolished</div> <div><div></div> Proposed Works</div> <div><div></div> Existing Shadow</div> <div><div></div> Additional Shadow</div>			DWG TITLE:  SHADOW DIAGRAM ELEVATIONS - APPROVED CONTEXT					
			ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK									SCALE: 1:100@A3 DWG NO: A 543					
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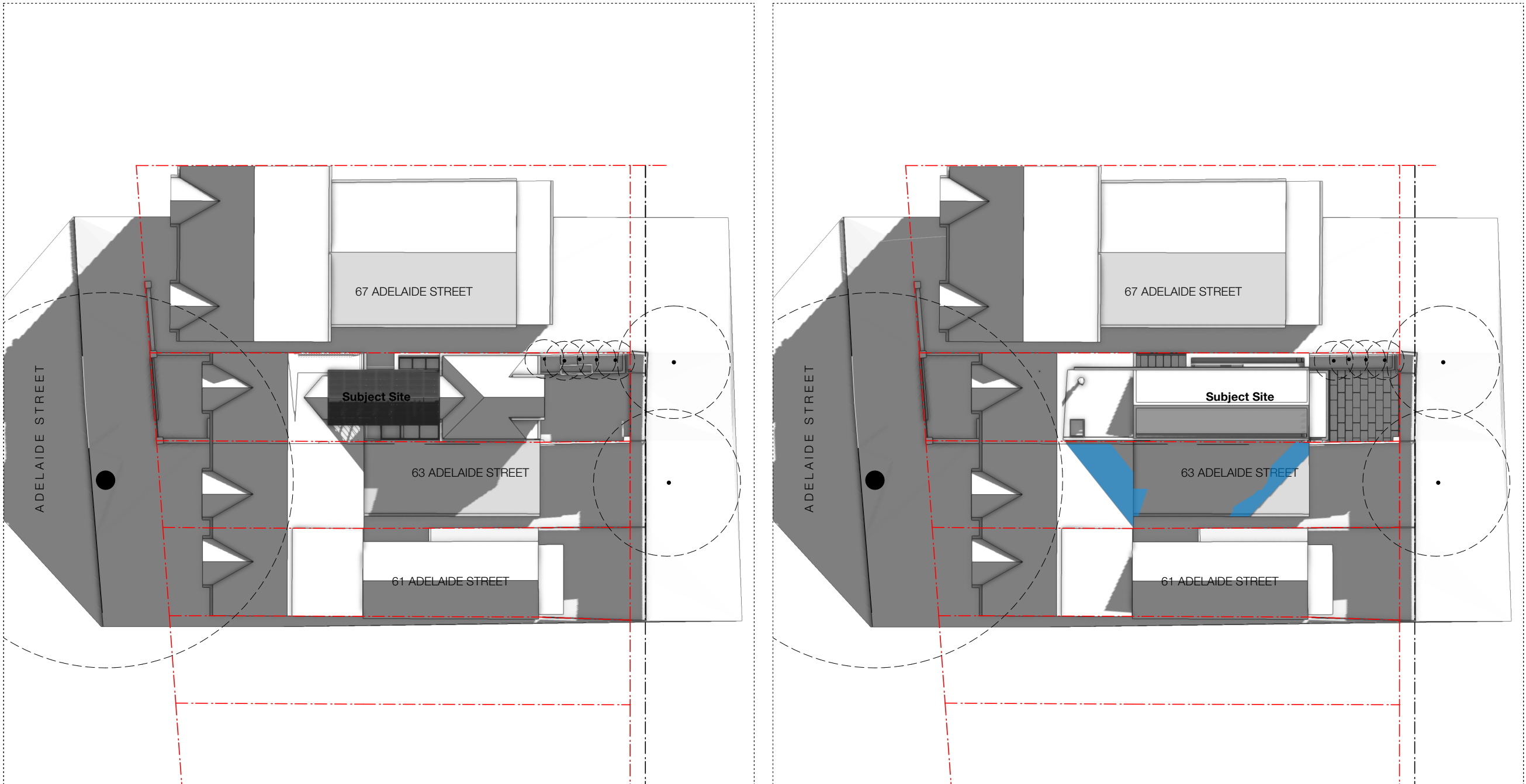


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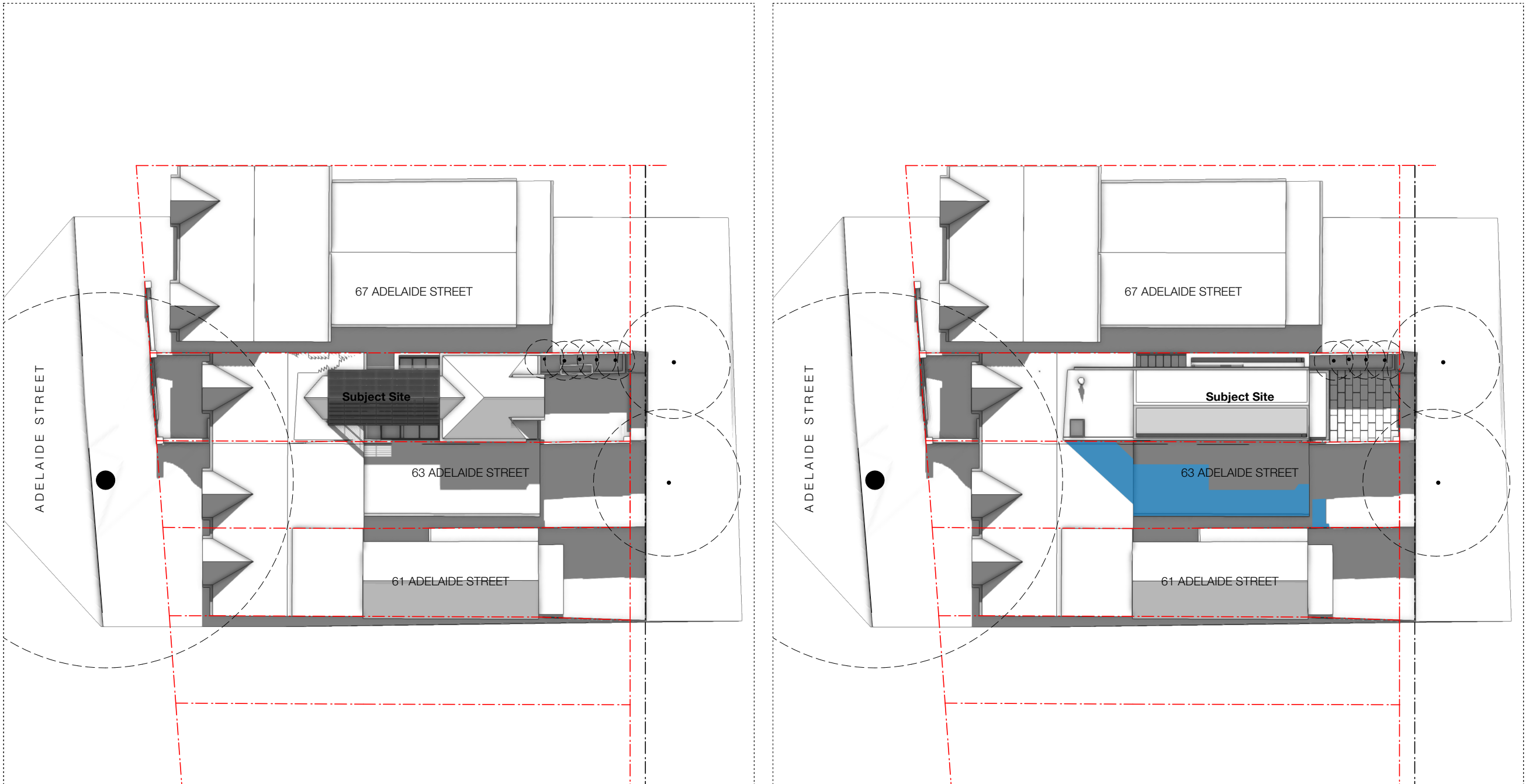


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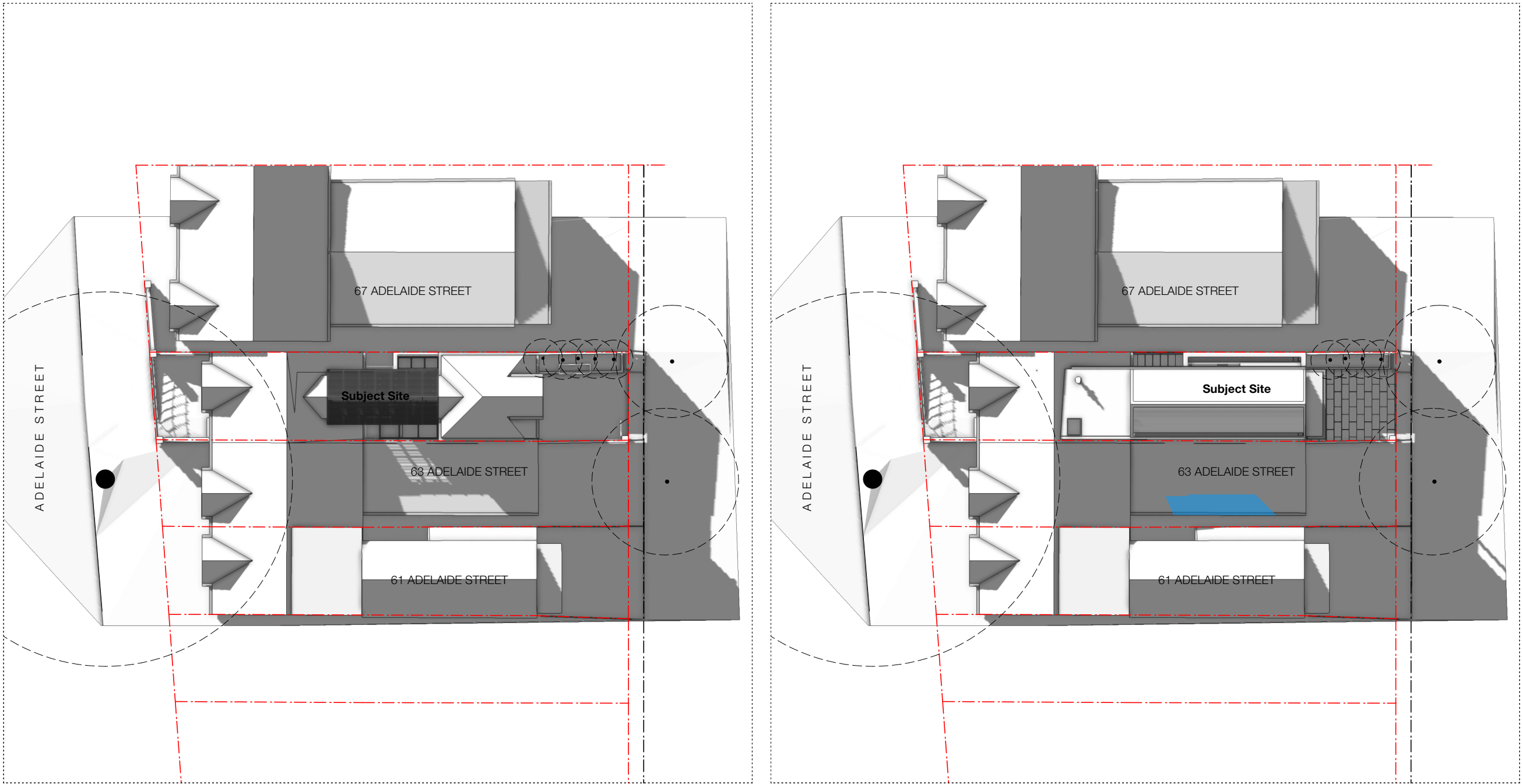


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3 Existing shadows June 22 3pm  
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4 Proposed Shadows June 22 3pm  
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1 Existing view - Fletcher Street looking south west  
Scale: NTS



2 Proposed view - Fletcher Street looking south west  
Scale: NTS

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E	14/6/23	FOR CLIENT REVIEW	ALL STRUCTURAL WORK IS TO BE DONE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DOCUMENTATION					
D	15/2/23	FOR COORDINATION						
C	20/1/23	FOR CLIENT REVIEW						
B	22/12/22	FOR CLIENT REVIEW						
A	13/12/22	FOR COORDINATION						
REV	DATE	DESCRIPTION						
REVISIONS			GENERAL NOTES	ABBREVIATIONS	NOTES			
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4 September 2023

## REFERRAL RESPONSE – TREES & LANDSCAPING

**FILE NO:** Development Applications: 234/2023/1  
**ADDRESS:** 65 Adelaide Street WOOLLAHRA 2025  
**PROPOSAL:** Alterations and additions to existing dwelling house including new second storey addition  
**FROM:** Gorka Ojeda - Tree & Landscape Officer  
**TO:** Mr S Grevler-Sacks

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### I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by Damian O'Toole , dated June 2023
- Survey Plan No. 11441/22 , drafted by Stuchbury Jaques P/L, dated 9/2/2022
- Architectural Drawing Set Rev G, dated 27/6/2023, drawn by Alwill Architecture
- Stormwater drainage Plan No. C-DA000, C-DA 100, C-DA 101 & C-DA 500 Rev P2 , drawn by JHA, dated Feb 2023

A site inspection was carried out on 4/9/2023.

### 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)
- 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

### SUMMARY

One street tree potentially affected by stormwater lines, will require protection during construction

### COMMENTS

#### Street tree

The proposal has the potential to impact on one significant street tree (Tree 1) in the nature strip.

The tree is a prominent Plane tree in good condition, with a substantial trunk (1m+ in diameter) and buttressing roots extending north along the inside of the kerb.

One superficial root extends for three meters to the north and may be impacted by the works, specifically the proposed stormwater outlet to the kerb.

Conditions are included below to ensure the stormwater outflow line to the kerb does not impact on significant roots.

A Thyer Tree Valuation has provided a value of \$63,184 for the tree. A nominal amount of \$8,000 is recommended as Tree Damage Security Deposit.

**Rear garden**

A 4m LiliPili hedge along the northern boundary fence in the rear is proposed to be retained. The 5 or 6 trees are not considered prescribed trees due to their small size but do provide amenity to the area.

The plants are young and the stormwater works are offset by around 1m and not likely to provide substantial impacts to the trees.

The works are not expected to provide any impacts on the vegetation in Plumb Reserve

**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 Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip	20 x 20	\$8000

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

**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	Protection Area
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip	Protect exposed roots in nature strip opposite 65 Adelaide

- b) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Protection Area, unless specified in this consent.
- c) The site manager 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 manager.

**B.2 Permissible work within Tree Protection Areas**

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Location	Approved works
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip opposite 65 Adelaide	Stormwater connection to kerb. No roots larger than 50mm in diameter to be damaged

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:

- 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 Manager.

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"><li>• 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.</li><li>• The project arborist shall install or supervise the installation of tree protection fencing, trunk protection and/or ground protection as relevant.</li></ul>
During any development work	<ul style="list-style-type: none"><li>• 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.</li></ul>

Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> <li>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.</li> </ul>
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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) The Drainage Plan must note that the connection line to the kerb is to be carried out without causing damage to roots larger than 50mm in diameter.

**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
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree	\$8.000	No	T114
<b>INSPECTION FEES</b> 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 Hand excavation within tree root zones**

Excavation undertaken within the specified area shall be hand dug.

Council Ref No.	Species	Tree Location	Area
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip	Nature strip opposite 65 Adelaide

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 area shall be hand dug.

Council Ref No.	Species	Location	Area
1	<i>Platanus x hybrida</i> (Plane Tree)	Nature strip	Nature strip opposite 65 Adelaide

Any roots greater than 50mm 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 50mm bridging across excavated trenches. Stormwater pits shall be positioned so that no roots greater than 50mm 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)**

Nil

**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**

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](http://www.woollahra.nsw.gov.au) or call Council on 9391 7000 for further advice.

Gorka Ojeda  
**Tree Officer**



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23 November 2023

## RE-REFERRAL RESPONSE - HERITAGE

**FILE NO:** Development Applications: 234/2023/1

**ADDRESS:** 65 Adelaide Street WOOLLAHRA 2025

**PROPOSAL:** Alterations and additions to existing dwelling house including new second storey addition

**FROM:** Nastaran Forouzesh - Heritage Officer

**TO:** Mr S Grevler-Sacks

### DOCUMENTATION

The following documentation provided by the applicant has been examined for this referral response:

- Revised drawing set by Alwill Architecture, dated 27 June 2023, Revision G, sent on 31 October 2023
- Revised demolition plans by Alwill Architecture, dated 3 November 2023, Revision H
- Drawing set by Alwill Architecture, dated 27 June 2023, Revision G
- Heritage Impact Statement by Damian O'Toole Town Planning & Heritage Services, dated June 2023,
- Photomontage by Alwill Architecture, dated 27 June 2023, Revision F
- Statement of Environmental Effects by Damian O'Toole Town Planning & Heritage Services, dated June 2023
- Survey plan by Stutchbury Jaques Pty Ltd, dated 9 February 2022
- Existing drawing set by Alwill Architecture, dated 29 September 2022, Revision A
- Schedule of proposed finishes by Alwill Architecture dated 27 June 2023, Revision F

### RESEARCH

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.
- Heritage referral response for DA2023/234/1 dated 18 August 2023
- 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:

- National Parks & Wildlife Act 1974
- 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

Re-Referral Response - Heritage - DA20232341 - 65 Adelaide Street WOOLLAHRA





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The existing building at 65 Adelaide Street, Woollahra is a semi-detached Victorian terrace house constructed in the late 19<sup>th</sup> century. It is part of a group located at 57-65 Adelaide Street. The property is located along the eastern side of Adelaide Street, its primary (western) elevation presenting to Adelaide Street and its eastern (rear) elevation facing Plumb Reserve. As a result, the eastern and western elevations of the subject site are highly visible from the public domain. The side elevations of the property would also be visible from Fletcher Street and Australia Lane. The existing principal building form is of a rendered and painted brick masonry construction covered with a gabled roof of terracotta tiles. A smaller gable projects from the primary façade, facing Adelaide Street. The original chimney has been removed. The property is set back from the street by a small front garden. There is an intrusive double storey rear addition protruding from the rear roof plane of the principal building form, constructed prior to the endorsement of the DCP. It is noted that 3 out of the 5 terraces in the group (nos. 57, 59 and 65) have had intrusive rear additions carried out before the endorsement of the DP. In addition, the remaining two dwellings at nos. 61 and 63 have recently had approvals for double storey rear additions (DA2018/438 and DA2019/165). As a result, the group is considered to be altered to the rear.

The interiors of the principal building form has been modified throughout the years. However, the original room layout of the principal building form has been retained. The original chimney breasts and fireplaces within the principal building form have been removed.



Figure 1. Photograph taken c.1980s of no. 65 Adelaide Street, Woollahra.  
Source: Woollahra Libraries Local History Digital Archives

As part of a group of Victorian terrace houses within Adelaide Street, the existing building makes a contribution to the historic streetscape and character of the Woollahra Heritage Conservation Area (HCA).

#### National Parks and Wildlife Act 1974

The site is in an area of no Aboriginal Heritage Sensitivity. Therefore, an Aboriginal Heritage Impact Assessment was not required as part of the DA.

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A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 3 August 2023 from the Office of Environment & Heritage NSW (OEH) website has revealed that there are 2 recorded Aboriginal sites recorded within a 200m buffer in or near the above location. However, the site does not contain landscape features that indicate the likely existence of Aboriginal objects as defined in Section 2, Step 2 p.12 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW ('Due Diligence Code') published by the Department of Environment, Climate Change and Water and dated 13 September 2010. In addition, the subject site is considered to be on 'disturbed land' as per the definition outlined in the Due Diligence Code, p. 18. Nevertheless, 'Unexpected Findings' and 'Due Diligence' conditions of consent will be provided below.

#### Woollahra LEP 2014 Clause 5.10 Heritage Conservation

The subject site is not a heritage item in Woollahra Local Environment Plan 2014 'the LEP' and is within a heritage conservation area. Therefore, Clause 5.10 does apply.

#### *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

The subject site is within the Woollahra Heritage Conservation Area, and is considered a contributory item and a significant item. The subject site is within the Fletcher precinct of the Woollahra Chapter of the DCP.

The subject site is listed in Part C2.7 'Schedule of Contributory Items' of the Woollahra DCP 2015 and described as 'Victorian terrace house'.

On 18 August 2023, design amendments were requested in response to the original drawing set submitted with the application. The applicant has since submitted an amended design, which will be assessed in this referral response.

The original comments are in italics below and a response to whether they have been addressed in the amended design is provided in plain text:

1. *The height of the two storey addition is to be lowered, so that it is not higher than the additions approved at nos. 61 and 63 Adelaide Street. This is to ensure that the height of the addition is in keeping with the predominant height of the terrace group and in order to comply with:*

- Woollahra DCP 2015, Chapter C2, Clause 2.2.5, Objectives O1, O4
- Woollahra DCP 2015, Chapter C2, Clause 2.3.6, Objectives O4
- Woollahra DCP 2015, Chapter C2, Clause 2.4.1, Objective O2, Controls C5, C6, C8
- Woollahra DCP 2015, Chapter C2, Clause 2.4.4, Objectives O1, O4, Control C1
- Woollahra DCP 2015, Chapter C2, Clause 2.5.1, Objective O3, Control C7
- Woollahra DCP 2015, Chapter C2, Clause 2.5.2, Objectives O5, O6
- Woollahra DCP 2015, Chapter C2, Clause 2.5.3, Objectives O1, O2, Control C2

It has been clarified in the amended documentation that the height of the two storey addition would not be more than the addition approved at no. 61 Adelaide Street. The ridge



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height of the proposed addition (as seen in the rear eastern elevation drawing) matches that of no. 61 as shown in the survey drawing submitted with the application. This is supported from a heritage perspective and complies.

2. *The proposed roof form of the front section of the addition (the roof form attached to the rear roof plane of the principal building form) is not supported as it is not traditional and is not keeping with the other terraces in the group. The roof form is to be pitched and in keeping with the approvals at nos. 61 and 63 in order to comply with:*
- Woollahra DCP 2015, Chapter C2, Clause 2.2.5, Objectives O1, O4
  - Woollahra DCP 2015, Chapter C2, Clause 2.3.6, Objective O4
  - Woollahra DCP 2015, Chapter C2, Clause 2.4.1, Objective O2, Controls C2, C5, C8
  - Woollahra DCP 2015, Chapter C2, Clause 2.4.4, Objective O4, Controls C1, C11
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.1, Control C7
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.2, Objective O5
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.3, Objectives O1, O2, Control C2
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.5, Objective O1, Controls C1, C8

The proposed roof form of the front section of the addition (the roof form attached to the rear roof plane of the principal building form) has been modified to fall to the north. The pitched roof form is supported from a heritage perspective and complies as it is in keeping with the roof forms of the terrace group.

3. *The rear alignment of the addition at first floor level does not retain the established rear setback of the group. It is not to extend beyond that of nos. 61 and 63 in order to comply with:*
- Woollahra DCP 2015, Chapter C2, Clause 2.4.4, Objective O4, Controls C1, C5
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.1, Objective O1 Controls C1, C6
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.2, Objective O6
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.3, Objective O2, Control C2

The rear alignment of the addition at first floor level has been amended. It does not extend beyond that of nos. 61 and 63, which is supported. The proposed balcony also does not extend beyond that of nos. 61 and 63. This setback is also supported from a heritage perspective.

4. *The proposed solid to void ratios of the side (northern and southern) elevations of the new addition at first floor level are not supported and do not comply as they employ extensive glazing. The extent of glazing is to be reduced and the solid to void ratios are to resemble traditional ratios, and those that have been recently approved at nos. 61 and 63. In addition, the openings are to be vertically proportioned. The height of a new window is to be greater than 1.4 times the width and less than twice the width in order to comply with:*
- Woollahra DCP 2015, Chapter C2, Clause 2.2.5, Objectives O1, O4
  - Woollahra DCP 2015, Chapter C2, Clause 2.3.6, Objective O4
  - Woollahra DCP 2015, Chapter C2, Clause 2.4.4, Objectives O3, O4, Controls C1, C12
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.1, Control C8
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.2, Objective O5
  - Woollahra DCP 2015, Chapter C2, Clause 2.5.3, Objective O2, Control C2

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- *Woollahra DCP 2015, Chapter C2, Clause 2.5.4, Objective O1, Controls C2, C10*

The southern elevation of the new addition at first floor level would not incorporate any openings. The proposed openings of the northern elevation of the addition at first floor level have been amended to reduce the amount of glazing proposed. In addition, the openings would be vertically proportioned. This modification is supported from a heritage perspective as it would resemble traditional solid to void ratios and would be in keeping with the openings that have been recently approved at nos. 61 and 63.

The amended drawing set now includes the addition of timber privacy screens to the rear balcony at first floor level and timber shutters to the windows of the northern elevation. These new elements are supported from a heritage perspective due to their traditional materiality.

5. *The proposed new hoods are not supported and are considered intrusive as they would not be appropriate to the architectural style of the existing building, and would not be in keeping with the terrace group and the HCA. The hoods are to be deleted from the drawing set in order to comply with:*

- *Woollahra DCP 2015, Chapter C2, Clause 2.5.2, Objective O5*
- *Woollahra DCP 2015, Chapter C2, Clause 2.5.3, Objective O2, Control C2*
- *Woollahra DCP 2015, Chapter C2, Clause 2.5.4, Objectives O1, O3, Controls C1, C2, C5*

The originally proposed hoods have been deleted from the drawing set which complies and is supported from a heritage perspective.

6. *The proposed use of Klip-dek metal deck roofing for the front section of the addition is not supported as it is an intrusive profile. The DCP does not allow the use of tray profiled metal roofing. Any new metal roofing is to be of a traditional corrugated profile similar to Colorbond Custom Orb in a light to mid grey colour in order to comply.*

- *Woollahra DCP 2015, Chapter C2, Clause 2.5.2, Objective O5*
- *Woollahra DCP 2015, Chapter C2, Clause 2.5.3, Objective O2, Control C2*
- *Woollahra DCP 2015, Chapter C2, Clause 2.5.4, Objectives O1, O3, Controls C1, C2, C5, Table 1*
- *Woollahra DCP 2015, Chapter C2, Clause 2.5.5, Objective O1, Controls C1, C8*

The previously proposed Klip-dek metal deck roofing has been replaced with a traditional corrugated profile which is supported and complies. While the colour would not be a light or mid grey colour as stated in the DCP, it would be in a light colour, in keeping with traditional colour schemes. It is therefore supported from a heritage perspective in this instance.

7. *The proposed use of exposed fire cement sheeting and the timber cladding for the rear additions is not supported as it is of non-traditional materiality and profile. Due to the visibility of the addition from the public domain, the materiality of the walls is to be traditional and in compliance with Table 1 in this section of the DCP.*

- *Woollahra DCP 2015, Chapter C2, Clause 2.5.2, Objective O5*
- *Woollahra DCP 2015, Chapter C2, Clause 2.5.3, Objective O2, Control C2*
- *Woollahra DCP 2015, Chapter C2, Clause 2.5.4, Objectives O1, O3, Controls C1, C2, C5, Table 1*

The proposed cladding for the rear addition has been replaced with a horizontal timber

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batten profile CFC cladding. The new cladding has a traditional appearance and profile. It is therefore supported from a heritage perspective in this instance.

8. *The proposed new chimney is not supported as the chimney would be visible from the primary façade and would not be in keeping with the other dwellings in the group. The chimney is to be deleted from the drawing set in order to comply with:*
- *Woollahra DCP 2015, Chapter C2, Clause 2.5.5, Objective O1*

The proposed chimney has been relocated and now protrudes from the roof of the addition, and not from the existing principal building rear roof plane. Its height has also been reduced, so that it is not higher than the proposed rear addition. Its impact has therefore been significantly reduced and it is therefore supported in this instance from a heritage perspective.

Summary:

The proposal has been amended in response to the heritage comments provided in the heritage referral response dated 18 August 2023 for DA2023/234/1. The amended drawings have resolved the heritage contentions. The design of the two storey rear addition generally complies with the objectives and controls of the DCP and reflects the character and significance of the Fletcher Precinct.

## CONCLUSION

National Parks & Wildlife Service Act, 1979

Appropriate conditions of consent to manage Aboriginal heritage will be provided below.

Woollahra LEP 2014

### 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:

### Standard Conditions

#### 1. Aboriginal Objects – Unexpected Findings

If unexpected Aboriginal objects or bones are found during any activity associated with this consent, you must:

- a) Not further disturb or move these objects or bones.
- b) Immediately cease all work at the particular location.
- c) In the case of suspected human remains, notify NSW Police.



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- d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse LALC on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.
- e) Not recommence any work at the particular location unless authorised in writing by Heritage NSW. Additional assessment and approval pursuant to the *National Parks and Wildlife Act 1974* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

**Note:** The Definition of Aboriginal object as per the Woollahra Local Environmental Plan 2014: any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Standard Condition: B10 (Autotext BB10)

## 2. Aboriginal Heritage Due Diligence Responsibilities

Nothing in this approval allows to cause harm to an Aboriginal object as defined in the *National Parks & Wildlife Act 1974*. Under the *National Parks & Wildlife Act 1974*, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.

Standard Condition: B12 (Autotext BB12)

Nastaran Forouzesh - Heritage Officer

65 Adelaide Street, Woollahra

**REQUEST TO VARY DEVELOPMENT STANDARD PURSUANT TO  
CLAUSE 4.6 OF WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014**

**TO ACCOMPANY A DEVELOPMENT APPLICATION TO  
WOOLLAHRA COUNCIL FOR ALTERATIONS AND ADDITIONS TO A DWELLING**

**Property:** 65 Adelaide Street, Woollahra.

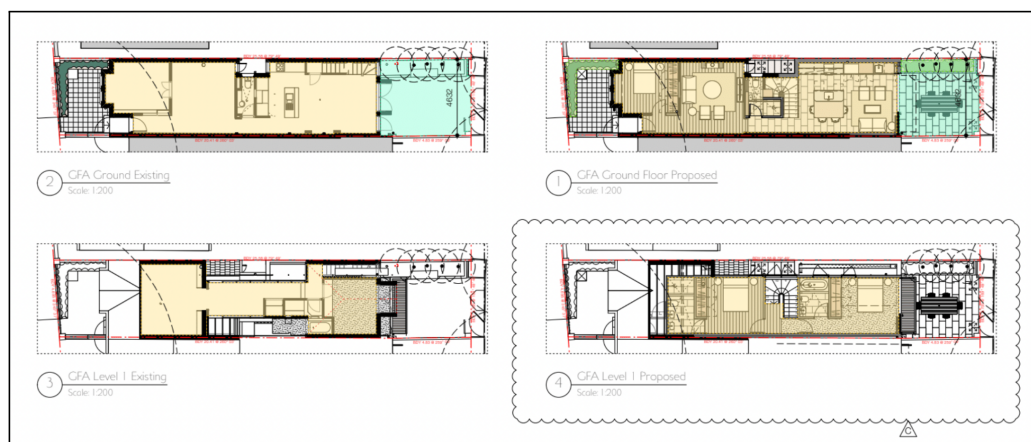
**Proposal:** Alterations to a dwelling.

**Zoning:** R3 Medium Density Residential.

**Development standard to which the request to vary the standard is taken:** Clause 4.4 of the Woollahra LEP 2014 (LEP 2014) prescribes a maximum floor space ratio of 0.65:1 applying to the site.

**The Aim of the request:** To allow the site to provide a FSR of 0.94:1 (noting that the proposal will increase GFA on the site by only 0.58m<sup>2</sup>). Note that the existing FSR is 0.93:1.

Clause 4.6 of LEP 2014 allows the applicant to provide a request to vary the non-compliance with a development standard.



**Fig 1 – GFA/FSR calculations are provided in the diagram above.**

**Application and Assessment of Clause 4.6 Exceptions to development standards**

Clause 4.6 of LEP 2014 is designed to provide the consent authority some flexibility in the strict compliance with the application of the development standard. There have been various Land and Environment Court judgments that have some relevance to addressing the application of Clause 4.6, among them being,

1. Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46



65 Adelaide Street, Woollahra

2. Wehbe v Pittwater Council [2007] NSWLEC 827
3. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009; NSWLEC 90; NSWCA 248
4. Moskovich v Waverley Council [2016] NSWLEC 1015
6. Hansimikali v Bayside Council [2019] NSWLEC 1353
7. Rebel MH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.

In the assessment of using Clause 4.6 it is particularly relevant to address parts (3) and (4) of the clause, being,

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Secretary has been obtained.

In assessment of the proposal against parts 3(a), 3(b) and 4(ii) the following is offered.

**How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the non-compliance. Under *Four2Five*, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6 (3)(a).

The five part test described in *Wehbe* is therefore appropriately considered in this context.

- (1) The objectives of this clause are as follows—
  - (a) for development in Zone R3 Medium Density Residential—
    - (i) to ensure the bulk and scale of new development is compatible with the desired future character of the area, and

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- (ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and
- (iii) to ensure that development allows adequate provision on the land for deep soil planting, tree canopy cover and areas of private open space,

The works are considered to be consistent with the objectives for this clause noted above because;

- The bulk of the built form envelope is entirely reasonable. The proposed rear form mimics the recent approvals at No.61 and No.63 Adelaide Street. The form follows the design approach, height and bulk of recent approvals to No.61 Adelaide Street (DA 438/2018) and No.63 Adelaide Street (DA 165/2019) (note figures 4 and 5 below). The addition to No.61 has been constructed; No.63 has not been added to at the time of providing this document. Particular attention has been paid to the rear roof form and setbacks of these recent approvals with the proposal mimicking these aspects. At the time of the assessment of the DA for No.63, Council used the approval at No.61 as a general guide with respect to roof form and setbacks. This subject proposal has used both of these approvals as a guide in respect of these built form aspects. Accordingly a built form consistently is achieved with recent additions within this contributory row. It is noted that the two noted DAs above did not require the submission of a Clause 4.6 variation request given Council's determination that the subject site forms part of an 'attached dwelling' for which the FSR standard applies. This definition did not apply to the other DAs noted above, albeit that the circumstances of this DA mirror those of the other noted DAs above.

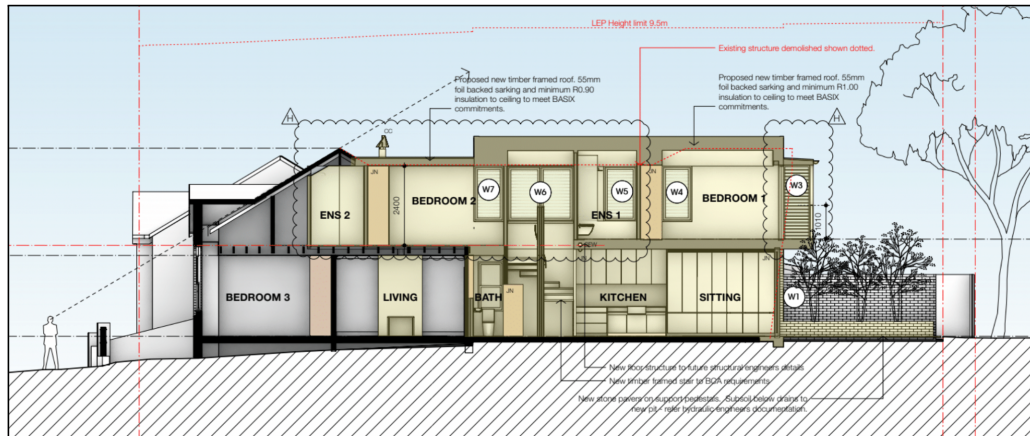
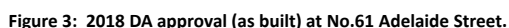


Fig 2 – Subject proposal.



- In light of the above, this request provides that the non-compliant FSR satisfies the objective in question.

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

The exception request does not rely on this reason.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The exception request does not rely on this reason.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The zoning of the land is appropriate for the site. The exception request does not rely on this reason.

In addition to demonstrating that the principles of Wehbe are satisfied, strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons.

In the case of *Moskovich v Waverley Council*, the Land and Environment Court accepted that compliance with the standard (FSR in that case) was unreasonable and unnecessary because the design achieved the objectives of the standard and the respective zone, in a way that addressed the particular circumstances of the site, and resulted in a better streetscape and internal and external amenity outcome than a complying development. For the subject application, the proposed development which seeks to also vary the FSR standard, achieves a better response to the objectives of the subject R3 – Medium Density Residential Zone in that it provides a high level of amenity for occupants and because the street appearance of the dwelling is not affected.

Additionally, the LEP 2014 objectives for the R3 – Medium Density Residential Zone are noted as,

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.
- To ensure development conserves and enhances tree canopy cover.

The works are considered consistent with the objectives for the zone as the works will improve amenity on the site and allow for improved use of the dwelling by the owner-occupiers, without having any unreasonable adverse impact to the amenity of adjoining neighbours or to the visual amenity of the area.

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

**Sufficient environmental planning grounds to justify the contravention**

This request provides that there is sufficient environmental planning ground to justify the contravention. Such grounds include:

It has been demonstrated that the proposal and its FSR breach remains consistent with the objectives of the subject R3 – Medium Density Residential Zone as well as Clause 4.4 and 4.6 of the Woollahra LEP 2014, despite the numerical non-compliance.

The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.

The existing non-compliant FSR does not result in any unreasonable visual or amenity impacts.

The existing non-compliant FSR does not result in any unreasonable overshadowing impacts.

The existing non-compliance assists with providing improved amenity for residents.

To seek a reduction in FSR by reducing the existing building envelope would be unreasonable and unnecessary and no benefits would result.

**Is the variation in the public interest?**

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest. The proposal is considered to be in the public interest because it is consistent with the objectives of the particular standard, and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the standard have been addressed above and are demonstrated to be satisfied. The works are consistent with the requirements for the R3 – Medium Density Residential Zone because of significant improvements to the amenity of the dwelling that will arise following the works, with an improved design and the wider improvement to the amenity of the housing stock on the site.

**Is the variation well founded?**

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the Woollahra LEP 2014, that:

Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;

There are sufficient environmental planning grounds to justify the requested contravention;

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The development achieves and is consistent with the objectives of the development standard and the objectives of the R3 – Medium Density Residential Zone;

The proposed development is in the public interest and there is no public benefit in maintaining the standard; and

The contravention does not raise any matter of State or Regional Significance.

The variation is therefore considered well founded.

Prepared by Damian O'Toole Town Planning Pty Ltd



**Damian O'Toole**  
**Director**  
**MA Town Planning**  
**Grad Dip Heritage Conservation**

***Oct 2023***



Alterations + Additions

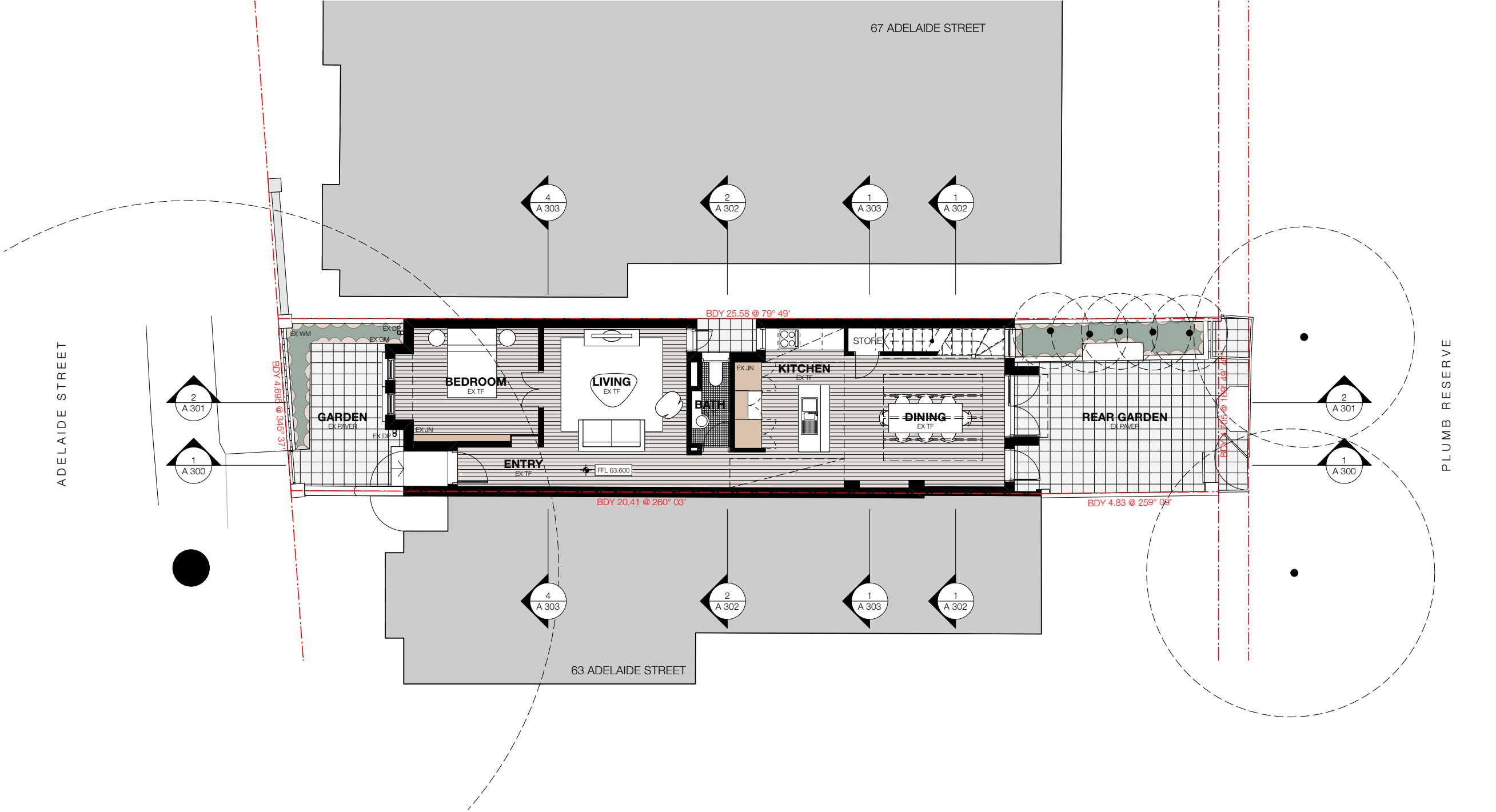
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65 ADELAIDE STREET, WOOLLAHRA NSW

Site Location Plan (NTS)

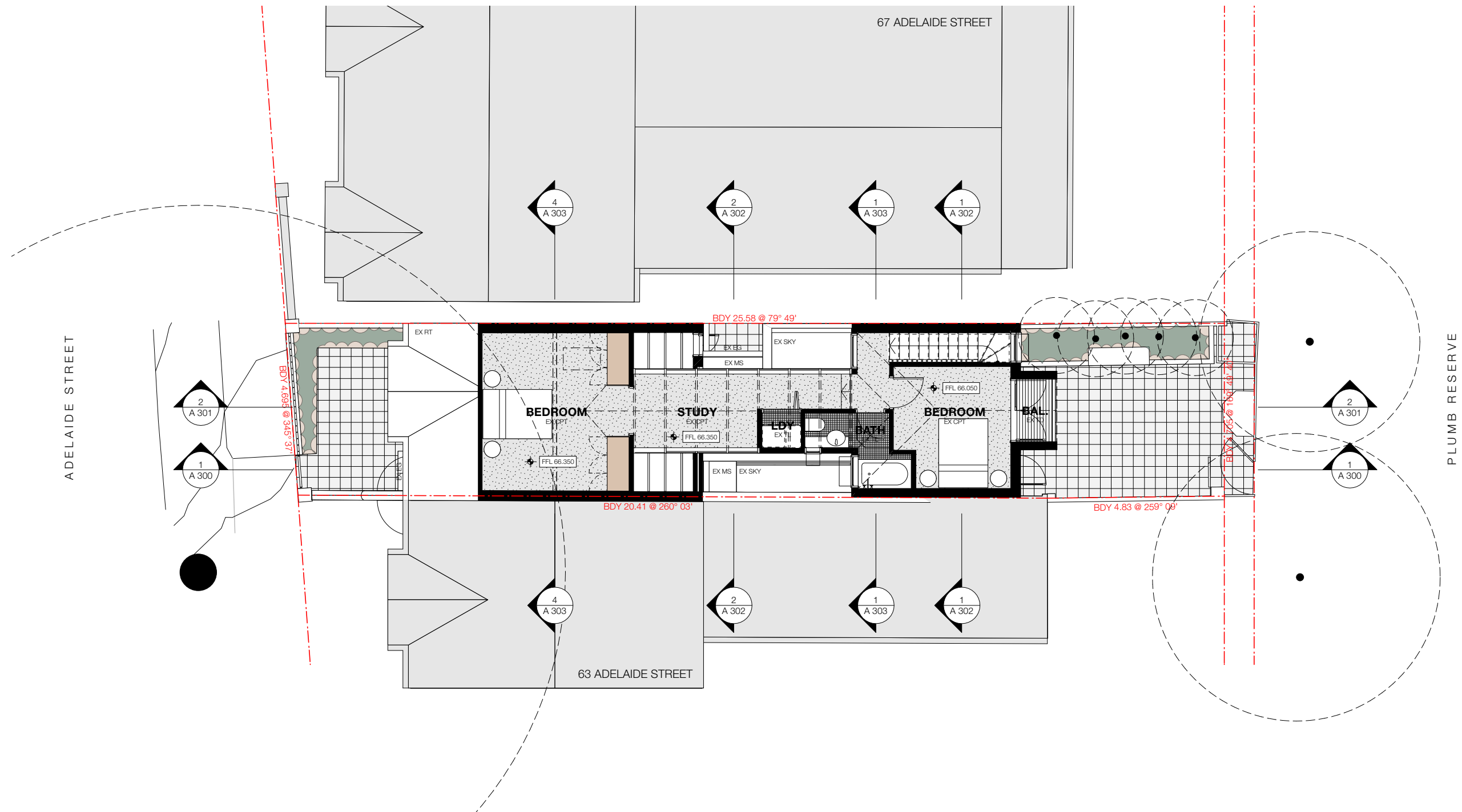


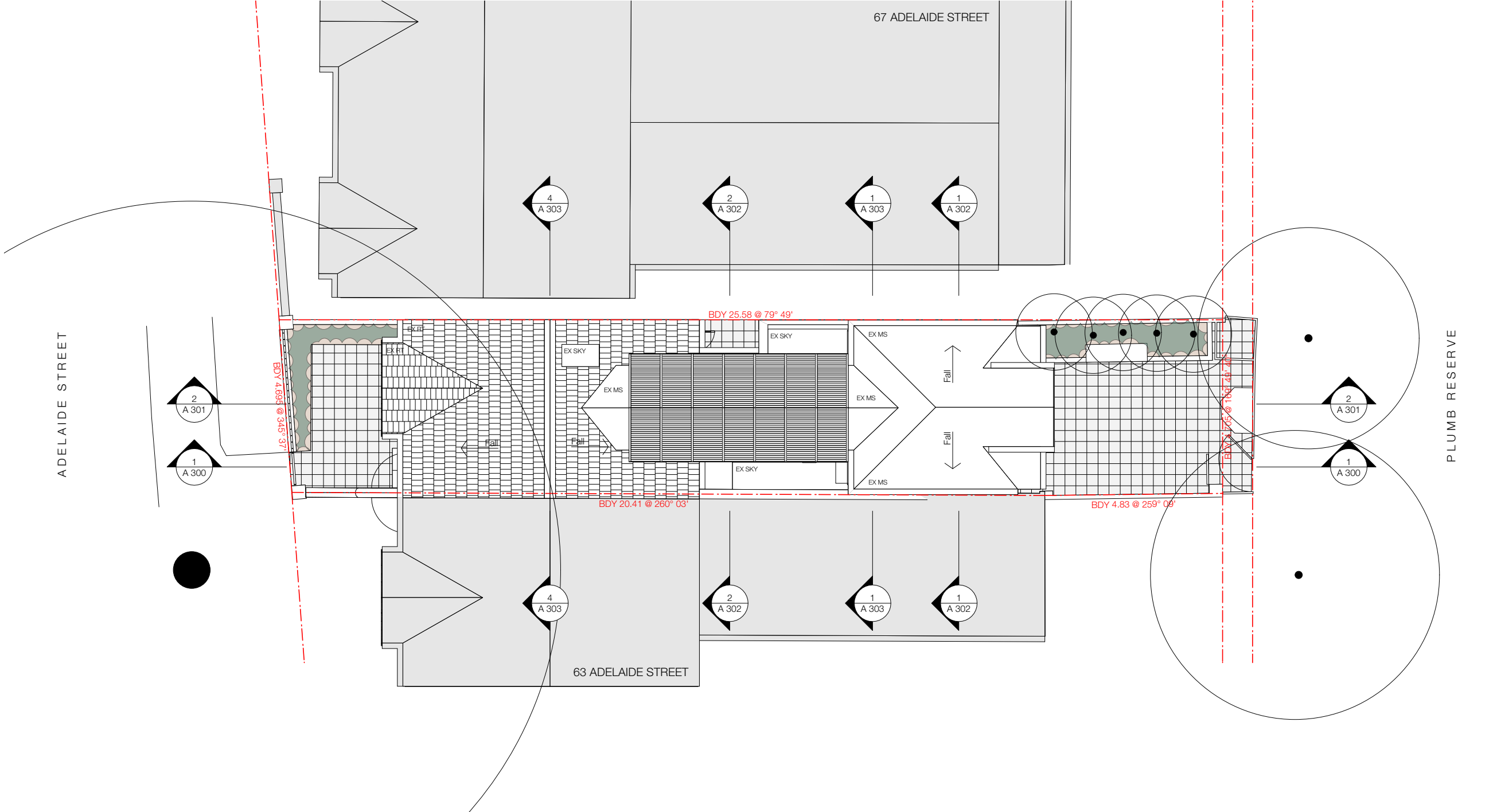
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A 100	EXISTING/DEMOLITION PLAN GROUND	A3	A	29/9/22	Demolished
A 101	EXISTING/DEMOLITION PLAN LEVEL 1	A3	A	29/9/22	Proposed Works
A 102	EXISTING/DEMOLITION PLAN ROOF	A3	A	29/9/22	Existing Shadow
A 200	ELEVATIONS EAST/WEST	A3	A	29/9/22	Additional Shadow
A 201	ELEVATION NORTH	A3	A	29/9/22	
A 202	ELEVATION SOUTH	A3	A	29/9/22	
A 300	SECTIONS LONG	A3	A	29/9/22	
A 301	SECTIONS LONG	A3	A	29/9/22	
A 302	SECTIONS SHORT	A3	A	29/9/22	
A 303	SECTIONS SHORT	A3	A	29/9/22	

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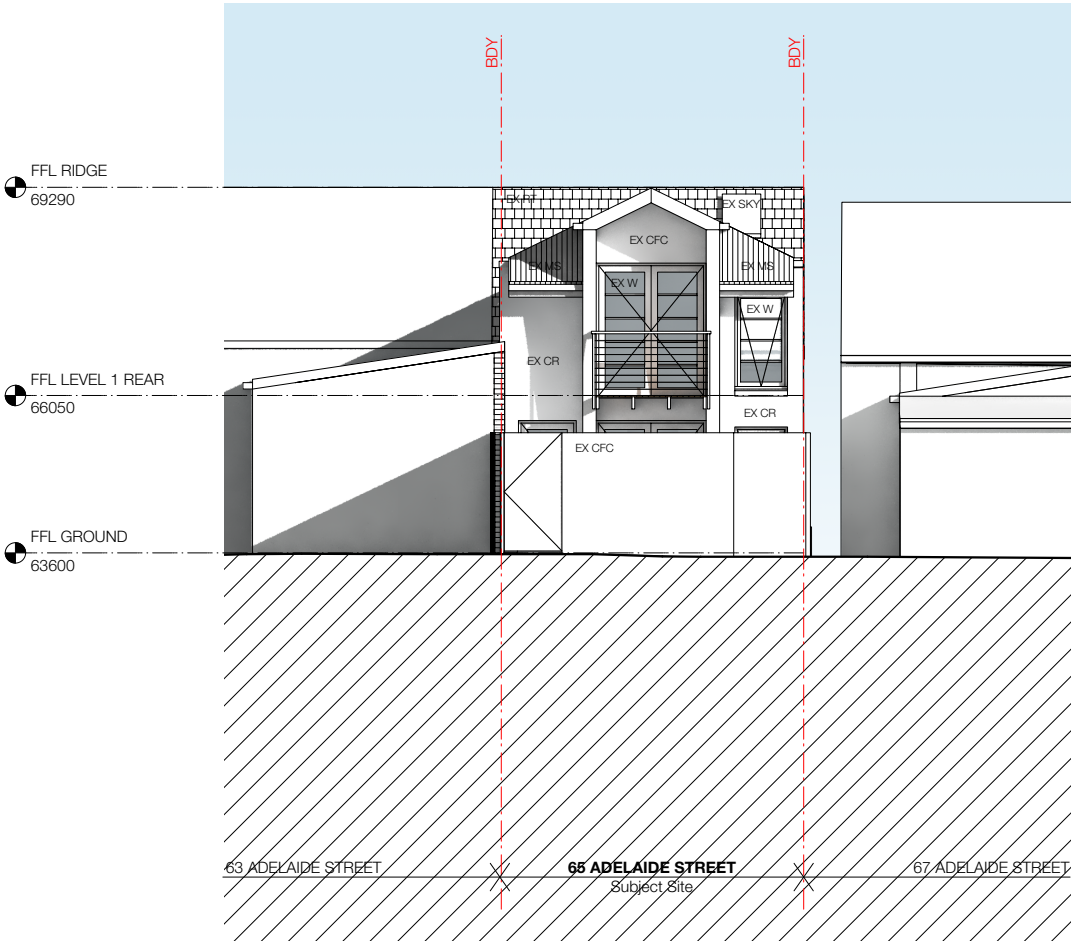
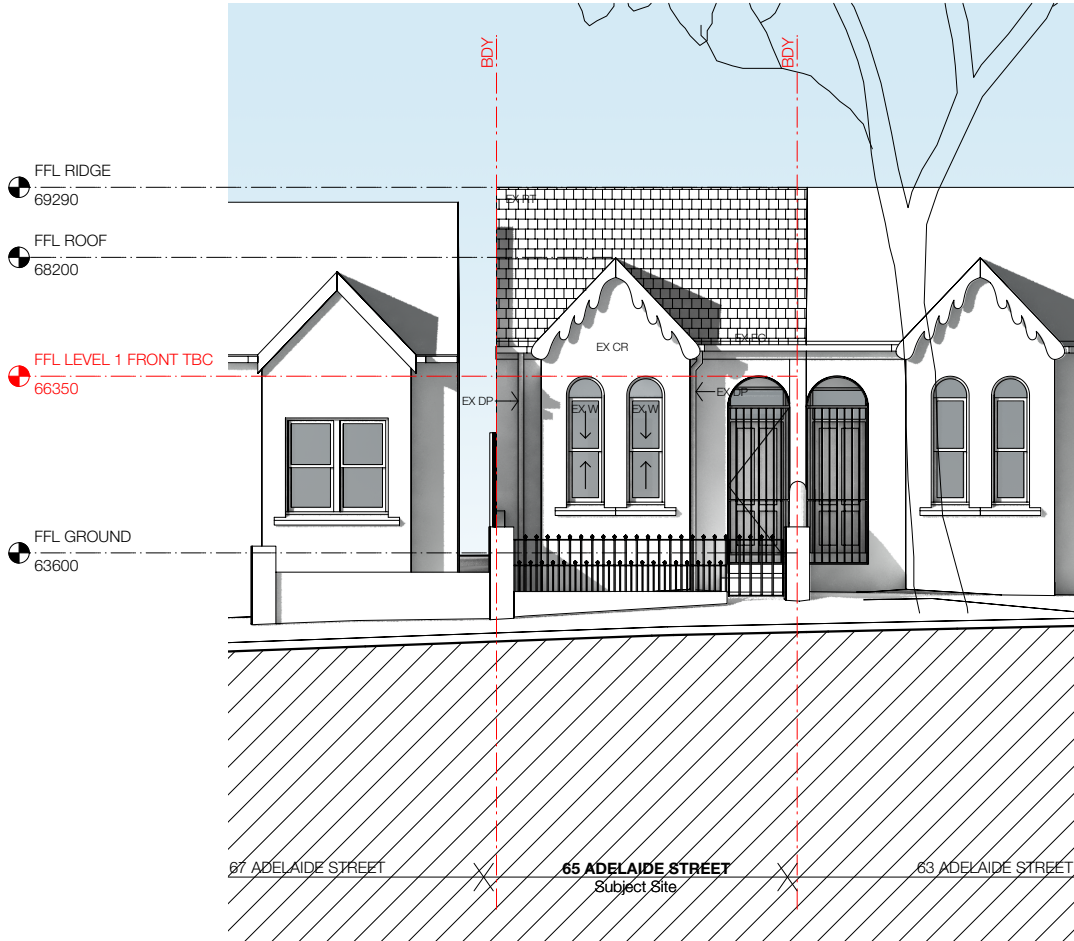


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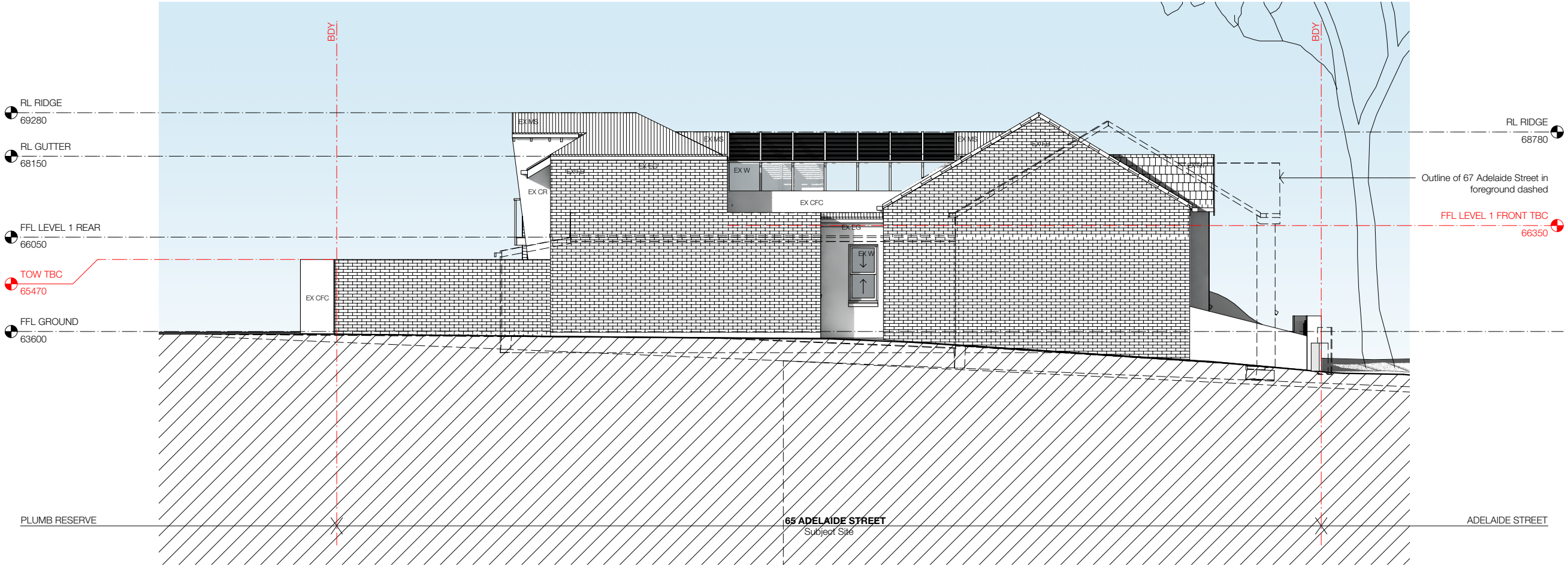


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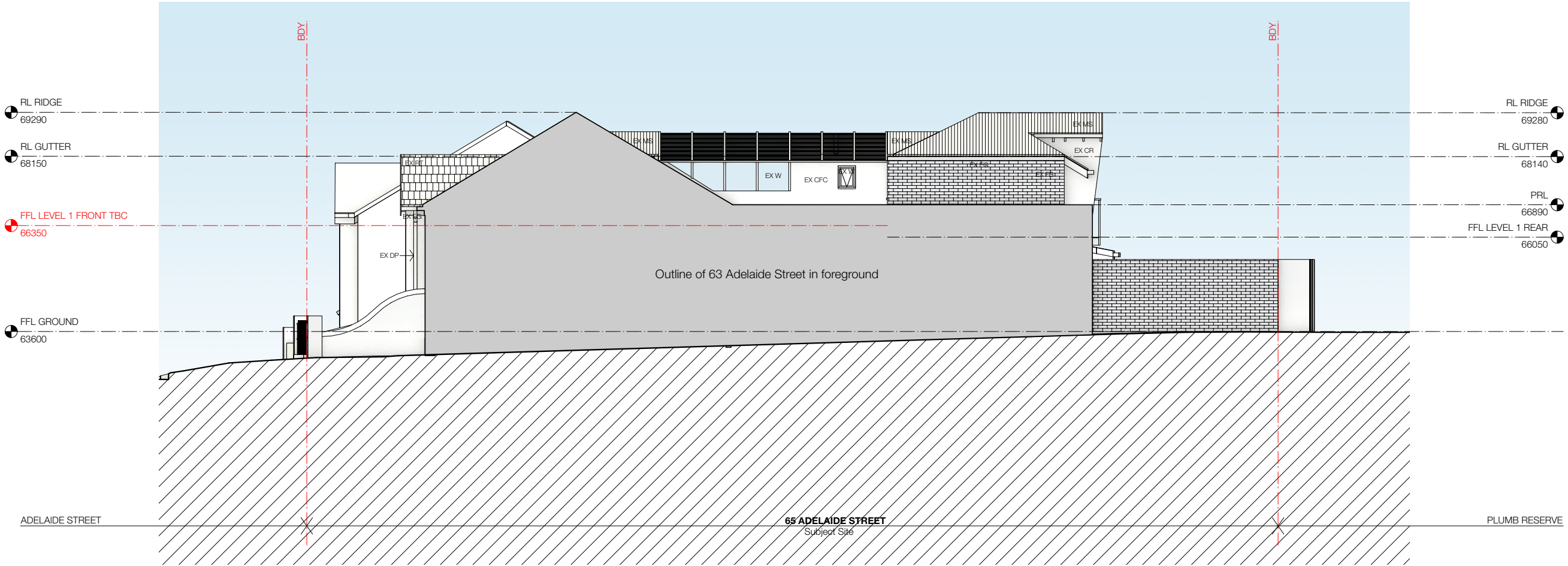
			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS	CL CENTRE LINE EX EXISTING U/G UNDERGROUND O/H OVERHEAD DIA DIAMETER TBC TO BE CONFIRMED TBD TO BE DECIDED TF TIMBER FLOOR TD TIMBER DECK W WINDOW CFC FIBRE CEMENT FB FACE BRICK DP DOWNPIPE RT ROOF TILE EG EAVE GUTTER BG BOX GUTTER D DOOR	DWR DRAWER ADJ ADJUSTABLE SHELF RL RELATIVE LEVEL FSL FINISHED FLOOR LEVEL FSL FINISHED SLAB LEVEL FRL FINISHED ROOF LEVEL FCL FINISHED CEILING LEVEL COS CHECK ON SITE TFD TO FUTURE DETAIL WM WATER METER GM GAS METER SKY SKYLIGHT	NOTES	PROJECT TITLE:  65 ADELAIDE STREET, WOOLLAHRA NSW
			THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUND LINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE				DWG TITLE:  ELEVATIONS EAST/WEST
			ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK				SCALE: 1:100@A3 ISSUE: A 200 PROJECT NO: 22-0100 DATE: 29 SEP 2022 DRAWN BY: DP CHECKED: NA
			DO NOT SCALE DRAWINGS				DWG NO: REV: -
A	29/9/22	MEASURED DRAWINGS	ALL STRUCTURAL WORK IS TO BE DONE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DOCUMENTATION				
REV	DATE	DESCRIPTION					
REVISIONS			GENERAL NOTES	ABBREVIATIONS	NOTES		
ALWILL ARCHITECTURE			288 DEVONSHIRE ST, SURRY HILLS, NSW 2010, AUSTRALIA TEL: +61 2 9689 5392 FAX: +61 2 9689 5393 EMAIL: STUDIO@ALWILL.COM.AU AHW: 45 128 597 599 NSW REGISTRATION NUMBER 7386 NADINE ALWILL				



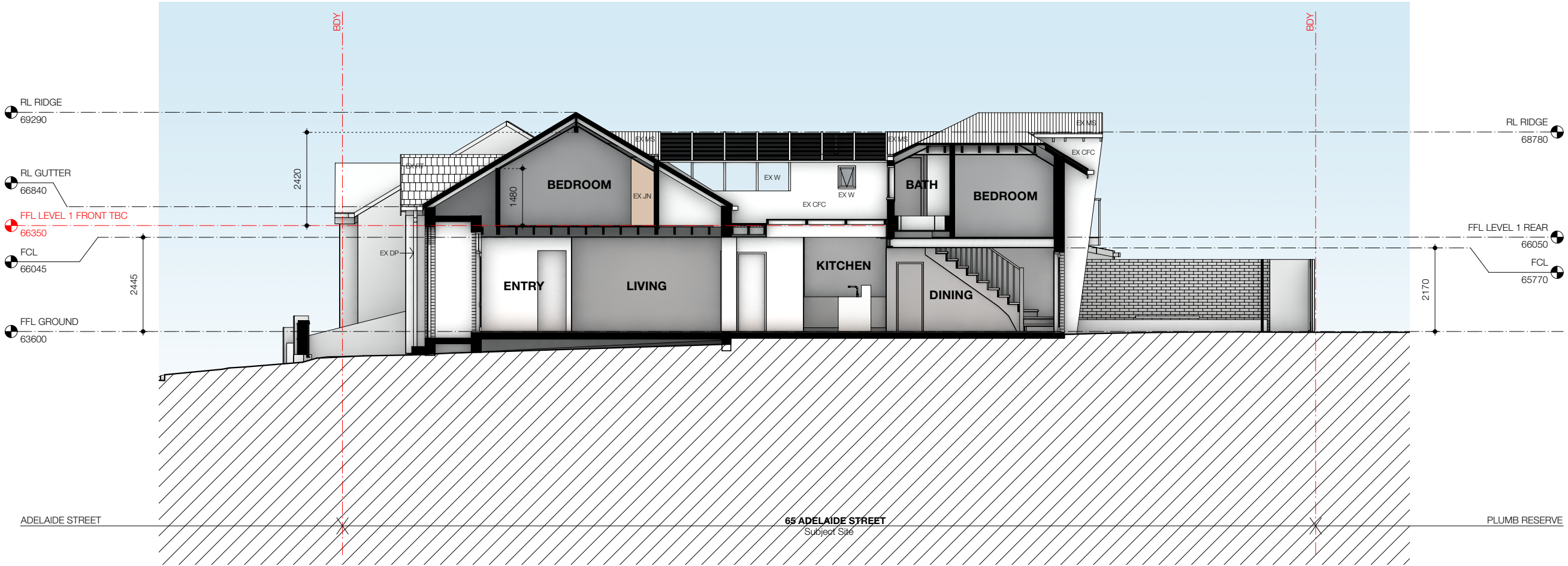


			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS	CL CENTRE LINE EX EXISTING U/G UNDERGROUND O/H OVERHEAD DIA DIAMETER TBC TO BE CONFIRMED TBD TO BE DECIDED TF TIMBER FLOOR TD TIMBER DECK W WINDOW CFC FIBRE CEMENT FB FACE BRICK DP DOWNPIPE RT ROOF TILE EG EAVE GUTTER BG BOX GUTTER D DOOR	DWR DRAWER ADJ ADJUSTABLE SHELF RL RELATIVE LEVEL FSL FINISHED FLOOR LEVEL FSL FINISHED SLAB LEVEL FRL FINISHED ROOF LEVEL FCL FINISHED CEILING LEVEL COS CHECK ON SITE TFD TO FUTURE DETAIL WM WATER METER GM GAS METER SKY SKYLIGHT	NOTES	PROJECT TITLE:  65 ADELAIDE STREET, WOOLLAHRA NSW
			THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUND LINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE				DWG TITLE:  ELEVATION NORTH
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REVISIONS			GENERAL NOTES	ABBREVIATIONS	NOTES		
ALWILL ARCHITECTURE			208 DEVONSHIRE ST, SURRY HILLS, NSW 2010, AUSTRALIA TEL: +61 2 9699 5392 FAX: +61 2 9699 5393 EMAIL: STUDIO@ALWILL.COM.AU ARL: 45 128 597 599 NSW REGISTRATION NUMBER 7386 NADINE ALWILL				



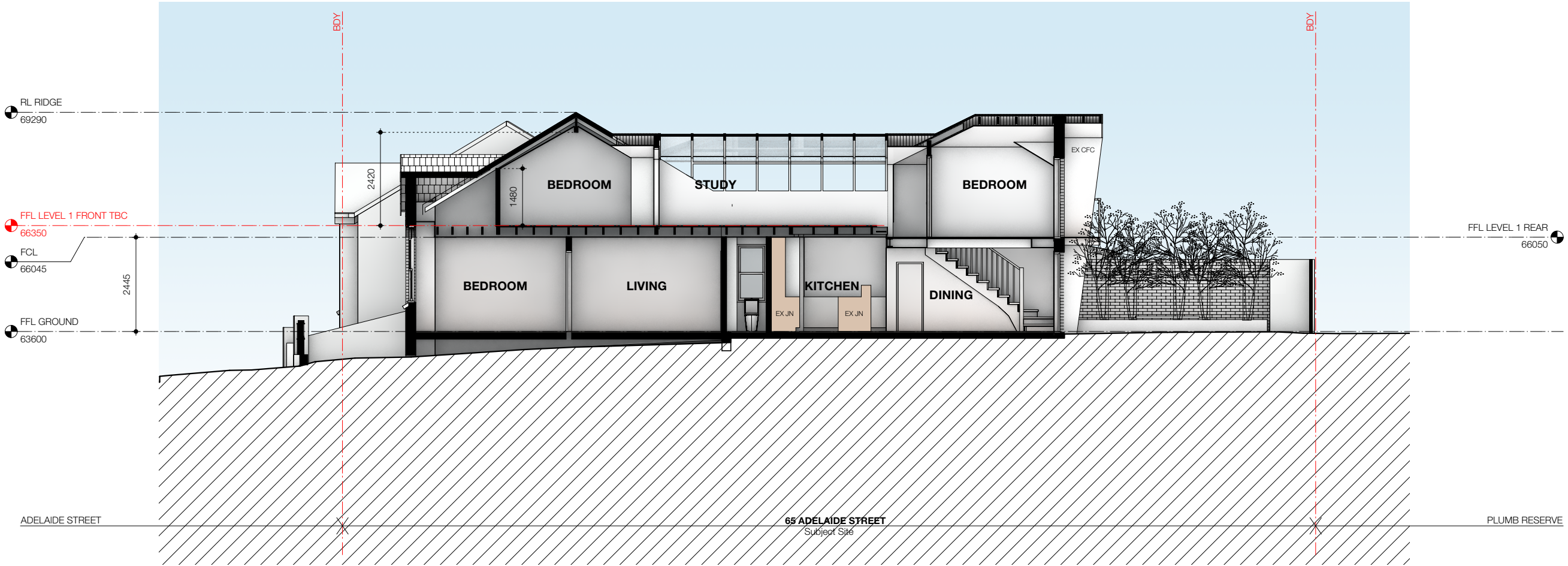


			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS	CL CENTRE LINE EX EXISTING U/G UNDERGROUND O/H OVERHEAD DIA DIAMETER TBC TO BE CONFIRMED TBD TO BE DECIDED TF TIMBER FLOOR TD TIMBER DECK W WINDOW CFC FIBRE CEMENT FB FACE BRICK DP DOWNPIPE RT ROOF TILE EG EAVE GUTTER BG BOX GUTTER D DOOR	DWR DRAWER ADJ ADJUSTABLE SHELF RL RELATIVE LEVEL FSL FINISHED FLOOR LEVEL FSL FINISHED SLAB LEVEL FRL FINISHED ROOF LEVEL FCL FINISHED CEILING LEVEL COS CHECK ON SITE TFD TO FUTURE DETAIL WM WATER METER GM GAS METER SKY SKYLIGHT	NOTES	PROJECT TITLE:  65 ADELAIDE STREET, WOOLLAHRA NSW
			THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUND LINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE				DWG TITLE:  ELEVATION SOUTH
			ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK				SCALE: 1:100@A3 ISSUE: A 202 PROJECT NO: 22-0100 DATE: 29 SEP 2022 DRAWN BY: DP CHECKED: NA
			DO NOT SCALE DRAWINGS				DWG NO: A 202 REV: -
A	29/9/22	MEASURED DRAWINGS	ALL STRUCTURAL WORK IS TO BE DONE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DOCUMENTATION				
REV	DATE	DESCRIPTION					
REVISIONS			GENERAL NOTES	ABBREVIATIONS	NOTES		
ALWILL ARCHITECTURE			208 DEVONSHIRE ST, SURRY HILLS, NSW 2010, AUSTRALIA TEL: +61 2 9689 5392 FAX: +61 2 9689 5393 EMAIL: STUDIO@ALWILL.COM.AU AHW: 45 128 957 859 NSW REGISTRATION NUMBER 7386 NADINE ALWILL				

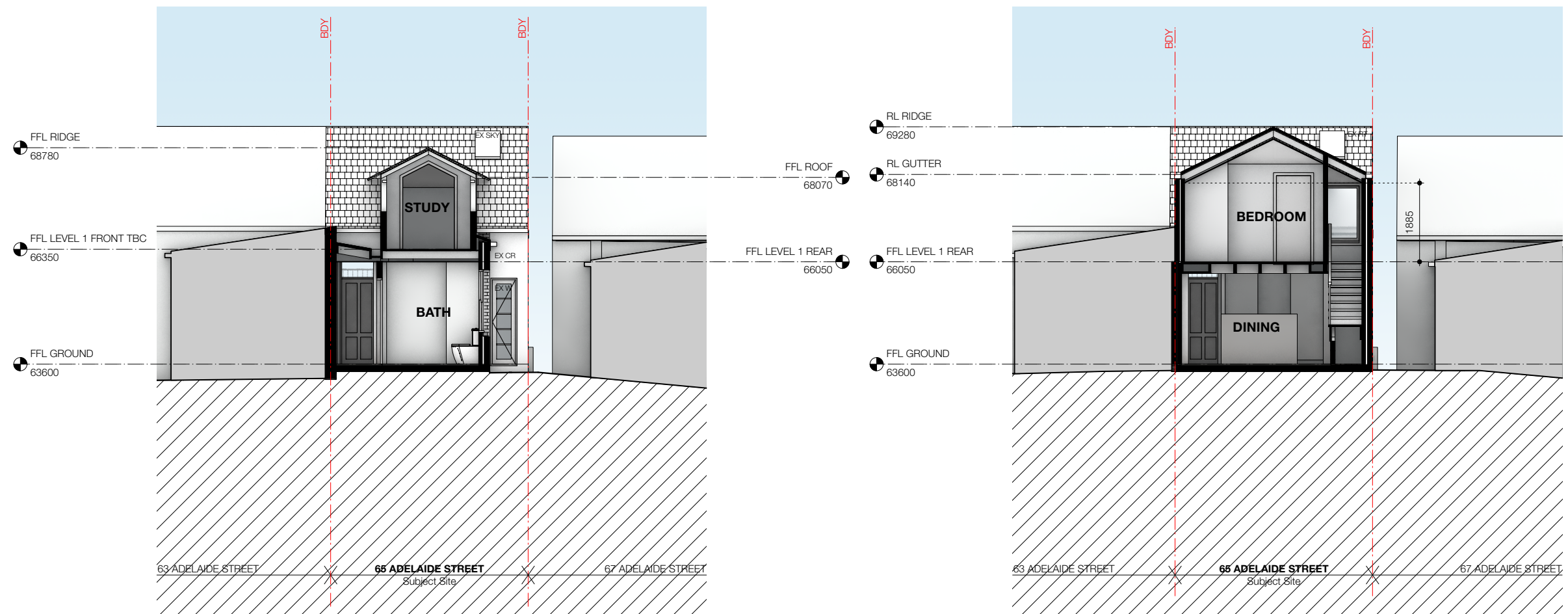


			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS	CL CENTRE LINE EX EXISTING U/G UNDERGROUND O/H OVERHEAD DIA DIAMETER TBC TO BE CONFIRMED TBD TO BE DECIDED TF TIMBER FLOOR TD TIMBER DECK W WINDOW CFC FIBRE CEMENT FB FACE BRICK DP DOWNPIPE RT ROOF TILE EG EAVE GUTTER BG BOX GUTTER D DOOR	DWR DRAWER ADJ ADJUSTABLE SHELF RL RELATIVE LEVEL FSL FINISHED FLOOR LEVEL FSL FINISHED SLAB LEVEL FRL FINISHED ROOF LEVEL FCL FINISHED CEILING LEVEL COS CHECK ON SITE TFD TO FUTURE DETAIL WM WATER METER GM GAS METER SKY SKYLIGHT	NOTES	
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A	29/9/22	MEASURED DRAWINGS					
REV	DATE	DESCRIPTION					
REVISIONS			GENERAL NOTES	ABBREVIATIONS		NOTES	
ALWILL							
ARCHITECTURE							

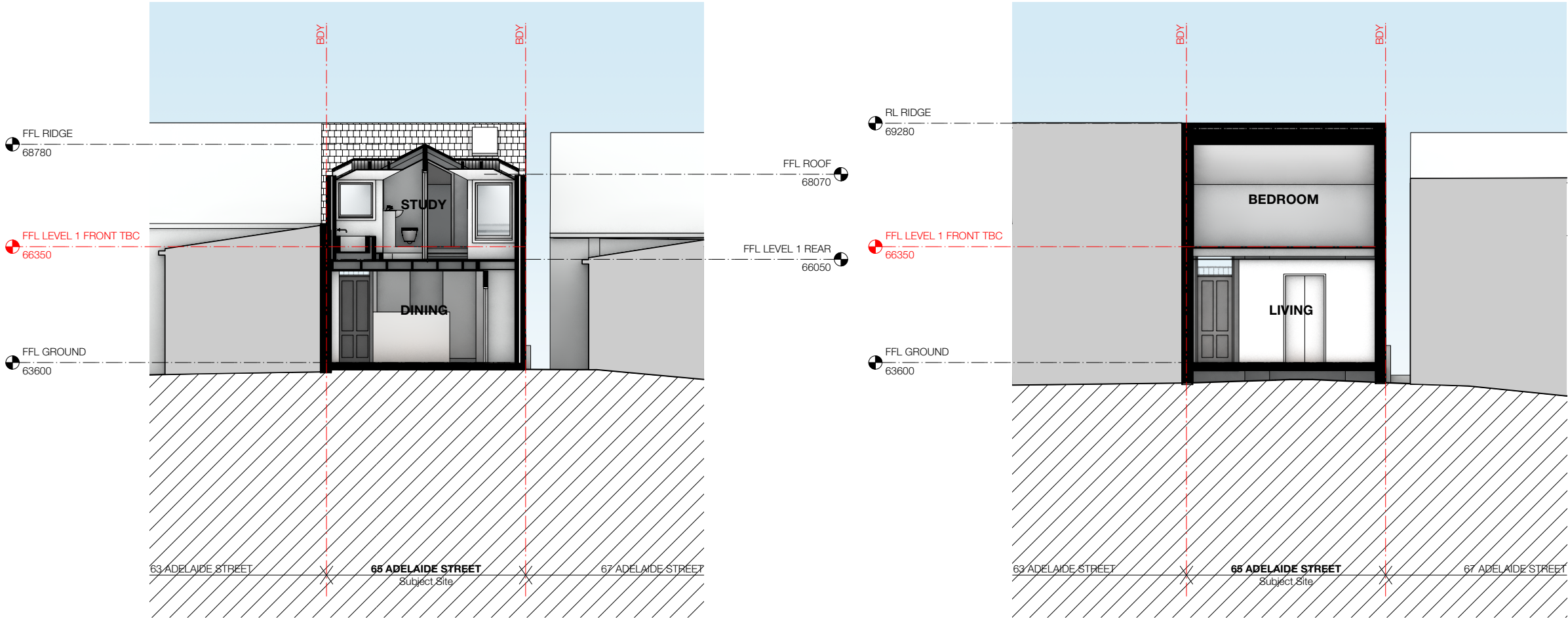
PROJECT TITLE:	
65 ADELAIDE STREET, WOOLLAHRA NSW	
DWG TITLE:	
SECTIONS LONG	
SCALE:	1:100@A3
ISSUE:	A 300
PROJECT NO:	22-0100
DATE:	29 SEP 2022
DRAWN BY:	DP
CHECKED:	NA
258 DEVONSHIRE ST, SURRY HILLS, NSW 2010, AUSTRALIA	
TEL: +61 2 9689 5302	FAX: +61 2 9689 5303
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NSW REGISTRATION NUMBER 7386	NADINE ALWILL



			ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS	CL CENTRE LINE EX EXISTING U/G UNDERGROUND O/H OVERHEAD DIA DIAMETER TBC TO BE CONFIRMED TBD TO BE DECIDED TF TIMBER FLOOR TD TIMBER DECK W WINDOW CFC FIBRE CEMENT FB FACE BRICK DP DOWNPIPE RT ROOF TILE EG EAVE GUTTER BG BOX GUTTER D DOOR	DWR DRAWER ADJ ADJUSTABLE SHELF RL RELATIVE LEVEL FSL FINISHED FLOOR LEVEL FSL FINISHED SLAB LEVEL FRL FINISHED ROOF LEVEL FCL FINISHED CEILING LEVEL COS CHECK ON SITE TFD TO FUTURE DETAIL WM WATER METER GM GAS METER SKY SKYLIGHT	NOTES	PROJECT TITLE:  65 ADELAIDE STREET, WOOLLAHRA NSW
			THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUNDLINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE				DWG TITLE:  SECTIONS LONG
			ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK				SCALE: 1:100@A3 ISSUE: A 301 PROJECT NO: 22-0100 DATE: 29 SEP 2022 DRAWN BY: DP CHECKED: NA
			DO NOT SCALE DRAWINGS				DWG NO: A 301 REV: -
A	29/9/22	MEASURED DRAWINGS	ALL STRUCTURAL WORK IS TO BE DONE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DOCUMENTATION				
REV	DATE	DESCRIPTION					
REVISIONS			GENERAL NOTES	ABBREVIATIONS	NOTES		
ALWILL							
ARCHITECTURE							
			208 DEVONSHIRE ST, SURRY HILLS, NSW 2010, AUSTRALIA TEL: +61 2 9689 5302 FAX: +61 2 9689 5303 EMAIL: STUDIO@ALWILL.COM.AU AHW: 45 128 507 509 NSW REGISTRATION NUMBER 7386 NADINE ALWILL				

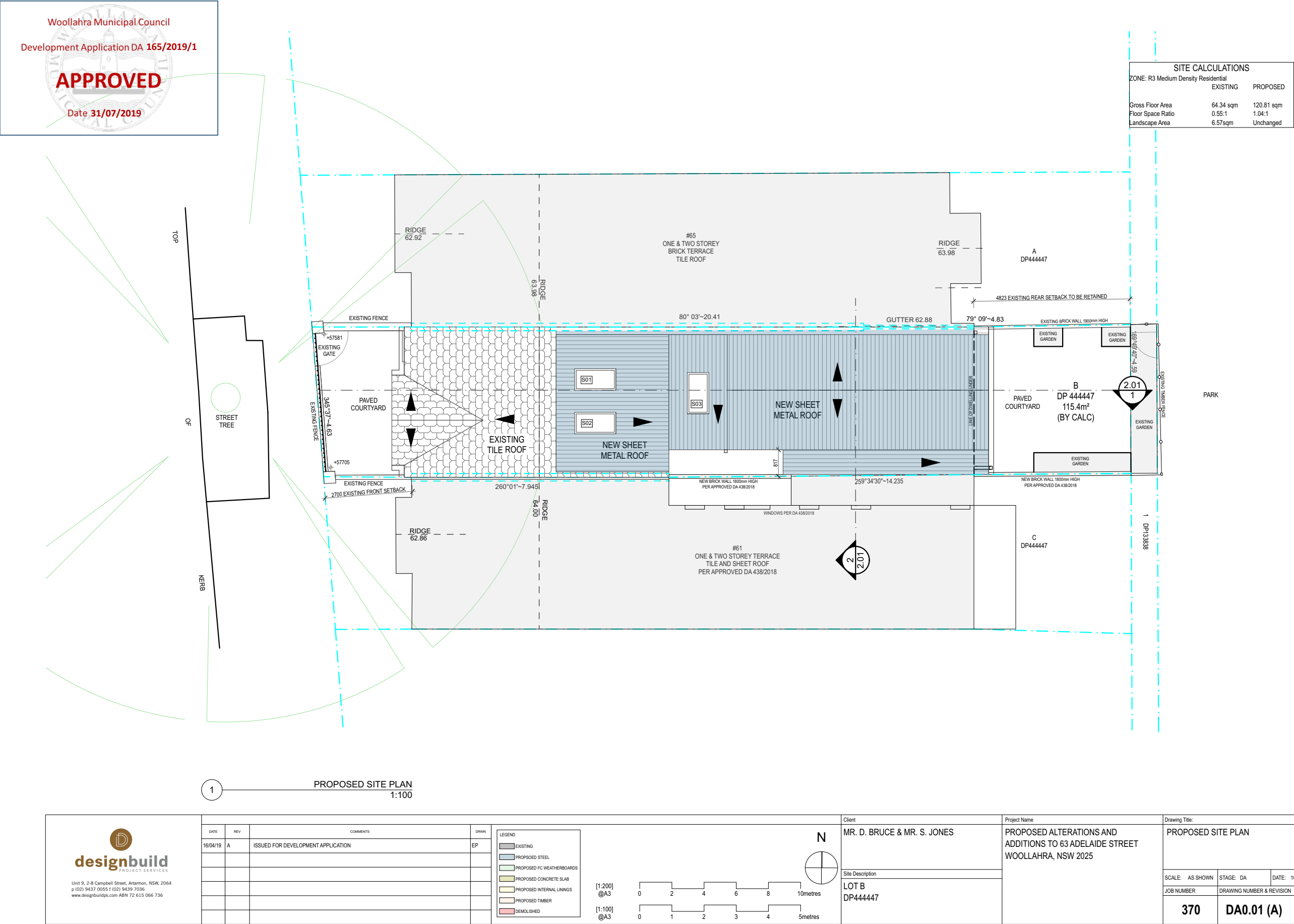


				ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, SAA CODES AND RELEVANT BY-LAWS	CL EX U/G O/H D/A TBC TBD TF TD W CFC FB DP RT EG BG D	CENTRE LINE EXISTING UNDERGROUND OVERHEAD DIAMETER TO BE CONFIRMED TO BE DECIDED TIMBER FLOOR TIMBER DECK WINDOW FIBRE CEMENT FACE BRICK DOWNPIPE ROOF TILE EAVE GUTTER BOX GUTTER DOOR	DWR ADJ RL FSL FRL FCL COS TED WM GM SKY	DRAWER ADJUSTABLE SHELF RELATIVE LEVEL FINISHED FLOOR LEVEL FINISHED SLAB LEVEL FINISHED ROOF LEVEL FINISHED CEILING LEVEL CHECK ON SITE TO FUTURE DETAIL WATER METER GAS METER SKYLIGHT	NOTES
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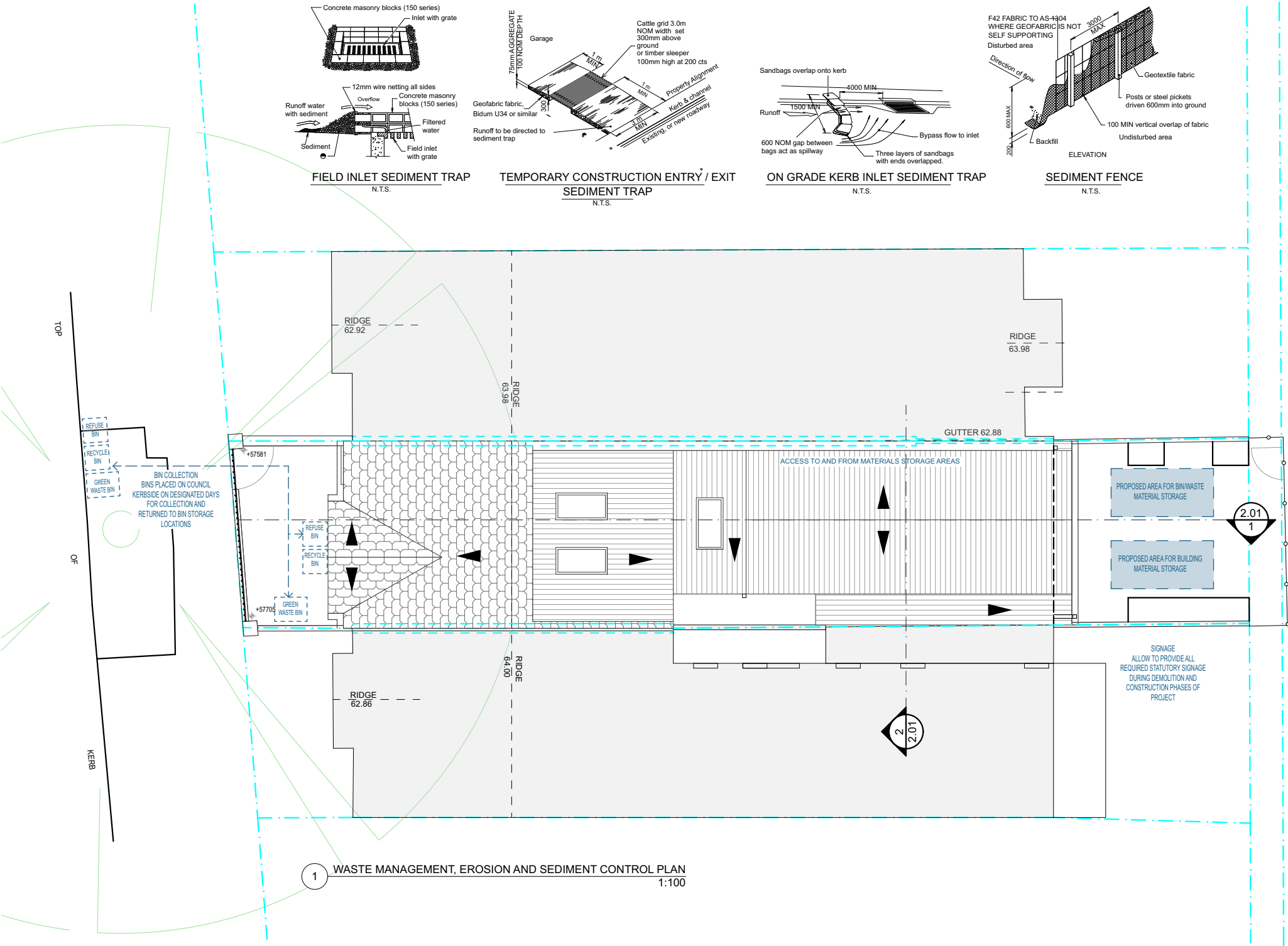


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			THE CONTRACTOR / MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUNDLINES AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF ANY WORK ON SITE				DWG TITLE:  SECTIONS SHORT
			ALL MEASUREMENTS ARE IN MILLIMETRES AND ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK				SCALE: 1:100@A3 ISSUE: 22-0100 PROJECT NO: 29 SEP 2022 DATE: 29 SEP 2022 DRAWN BY: DP CHECKED: NA
			DO NOT SCALE DRAWINGS				DWG NO: A 303 REV: -
A	29/9/22	MEASURED DRAWINGS	ALL STRUCTURAL WORK IS TO BE DONE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DOCUMENTATION				
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ALWILL ARCHITECTURE			28 DEVONSHIRE ST, SURRY HILLS, NSW 2010, AUSTRALIA TEL: +61 2 9689 5302 FAX: +61 2 9689 5303 EMAIL: STUDIO@ALWILL.COM.AU AHW: 42 128 557 559 NSW REGISTRATION NUMBER 7386 NADINE ALWILL				









SEDIMENT & EROSION CONTROL NOTES

- E1 THE SEDIMENT & EROSION CONTROLS SHALL BE MAINTAINED EFFECTIVELY FOR THE DURATION OF THE PROJECT. THEY SHALL NOT BE REMOVED UNTIL THE SITE HAS BEEN STABILIZED OR LANDSCAPED TO THE PRINCIPAL CERTIFYING AUTHORITIES SATISFACTION.
- E2 A SINGLE ALL WEATHER ACCESS WAY SHALL BE PROVIDED AT THE FRONT OF THE PROPERTY CONSISTING OF 50-80 MM AGGREGATE OR SIMILAR MATERIAL WITH A MINIMUM THICKNESS OF 150 MM LAID OVER NEEDLE-PUNCHED GEOTEXTILE FABRIC (BIDIM A14 OR SIMILAR) AND INSTALLED PRIOR TO ANY WORKS BEING COMMENCED ON SITE.
- E3 WHERE THE BUILDING WORKS ARE GREATER THAN A SINGLE DWELLING DEVELOPMENT, A SHAKER PAD MUST BE INSTALLED AS PART OF THE VEHICULAR ACCESSWAY. THE SHAKER PAD SHALL BE:  
- ESTABLISHED ON SUITABLE PREPARED & COMPACTED MATERIAL.  
- CONSTRUCTED SUCH THAT IT IS FLUSH WITH THE ADJOINING SURFACES.  
- A MINIMUM OF 5000 MM IN LENGTH AND BREADTH.  
- DESIGNED WITH RUNGS SPACED 200-250 MM APART & WITH A MAXIMUM WIDTH OF 75 MM EACH.
- E4 THE CONTRACTOR SHALL ENSURE THAT NO SPOIL OR FILL ENCROACHES UPON ADJACENT AREAS DURING THE PROJECT.
- E5 THE CONTRACTOR SHALL ENSURE THAT ALL KERB INLETS AND DRAINS AFFECTED BY STORMWATER FLOW FROM THE SITE ARE PROTECTED AT ALL TIMES DURING THE PROJECT. KERB INLET SEDIMENT TRAPS SHALL BE INSTALLED ALONG THE IMMEDIATE VICINITY ALONG THE STREET FRONTAGE. THESE SHALL BE REGULARLY MAINTAINED DURING THE PROJECT.
- E6 THE STREET / ROAD SHALL BE KEPT CLEAN FROM DIRT AND DEBRIS FROM VEHICLES DEPARTING THE SITE.
- E7 SEDIMENT FENCING SHALL BE SECURED TO POSTS (PLEASE NOTE THAT IF STAR PICKETS OR SIMILAR ARE USED THEN PLASTIC SAFETY CAPS SHALL BE INSTALLED ON TOP OF THE POSTS) AT 2000 MM INTERVALS WITH THE GEOTEXTILE FABRIC EMBEDDED A MINIMUM OF 200 MM INTO THE SOIL.
- E8 ALL THE TOPSOIL STRIPPED FROM THE SITE SHALL BE STOCKPILED SUCH THAT IT DOES NOT INTERFERE WITH DRAINAGE LINES AND STORMWATER INLET PITS. THE STOCKPILE SHALL BE SUITABLY COVERED WITH AN IMPERVIOUS MEMBRANE AND SCREENED BY SEDIMENT FENCING.

SOIL CONSERVATION NOTE:

- C1 PRIOR TO THE COMMENCEMENT OF THE SITE WORKS THE FOLLOWING SHALL BE PROVIDED TO CAPTURE WATER BORNE SEDIMENTS:  
- SEDIMENT FENCING  
- SEDIMENT TRAP  
- WASHOUT AREA
- C2 THESE SHALL BE MAINTAINED REGULARLY DURING THE COURSE OF THE CONSTRUCTION WITH THE SEDIMENT TRAP CLEANED AFTER EACH STORM EVENT

SEDIMENT TRAP

- T1 A 1000 X 1000 MM SQUARE BY 500 MM DEEP PIT LOCATED AT THE LOWS POINT OF THE SITE.

SEDIMENT FENCE

- F1 PROVIDE SEDIMENT FENCE ON DOWN SLOPE BOUNDARY AS SHOWN ON PLAN.
- F2 GEOTEXTILE FABRIC TO BE BURIED 200 MM BELOW GROUND AT THE LOWER EDGE.
- F3 DRAINAGE AREA IS 0.5 HA WITH A MAXIMUM SLOPE GRADIENT 1:2 MAXIMUM AND A MAXIMUM SLOPE LENGTH OF 50 M.

VEHICLE ACCESS TO SITE

- V1 VEHICLE ACCESS TO THE BUILDING SITE SHALL BE RESTRICTED TO A SINGLE POINT SO AS TO REDUCE THE AMOUNT OF SOIL DEPOSITED ON THE STREET PAVEMENT.

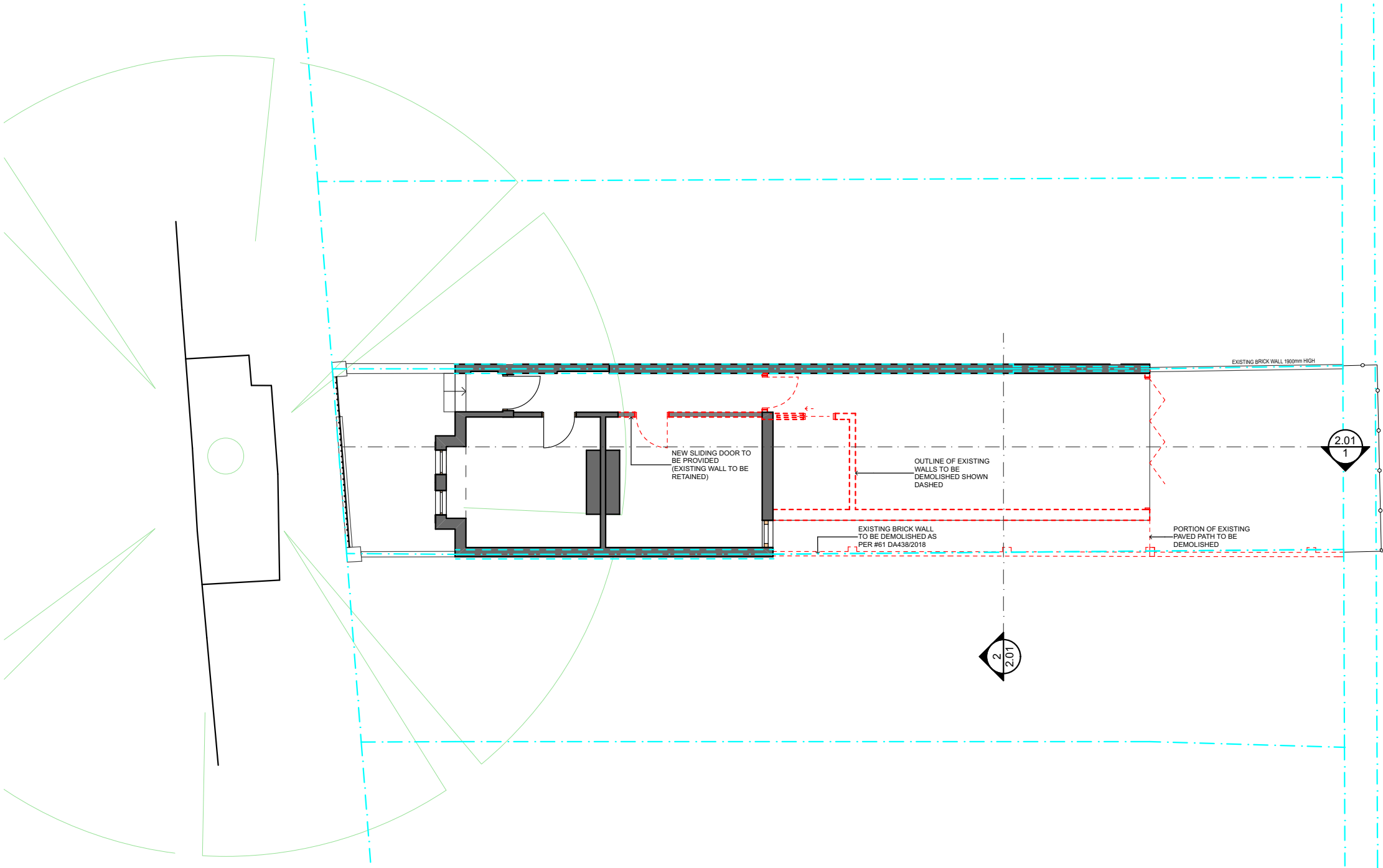
BUILDING MATERIALS STOCKPILES

- M1 WHERE THERE ARE STOCKPILES OF MATERIAL ON SITE THEY SHALL BE LOCATED AT LEAST 2000 MM AWAY FROM ANY HAZARD INCLUDING SURFACES WITH GRADIENTS GREATER THAN 15%, AWAY FROM ZONES OF CONCENTRATED STORMWATER FLOWS, AWAY FROM DRIVEWAYS, TEMPORARY VEHICULAR ACCESSWAYS, FOOTPATHS, NATURE STRIPS, KERBS, OPEN SVALES & THE DRIP ZONE OF TREES.
- M2 SEDIMENT FENCING SHALL BE INSTALLED DOWNSLOPE OF ALL STOCKPILES.
- M3 THE STOCKPILE SHALL BE COVERED WITH A IMPERVIOUS COVER AND HELD DOWN FIRMLY AT ALL CORNERS AND SIDES.

SANDBAG KERB SEDIMENT TRAP

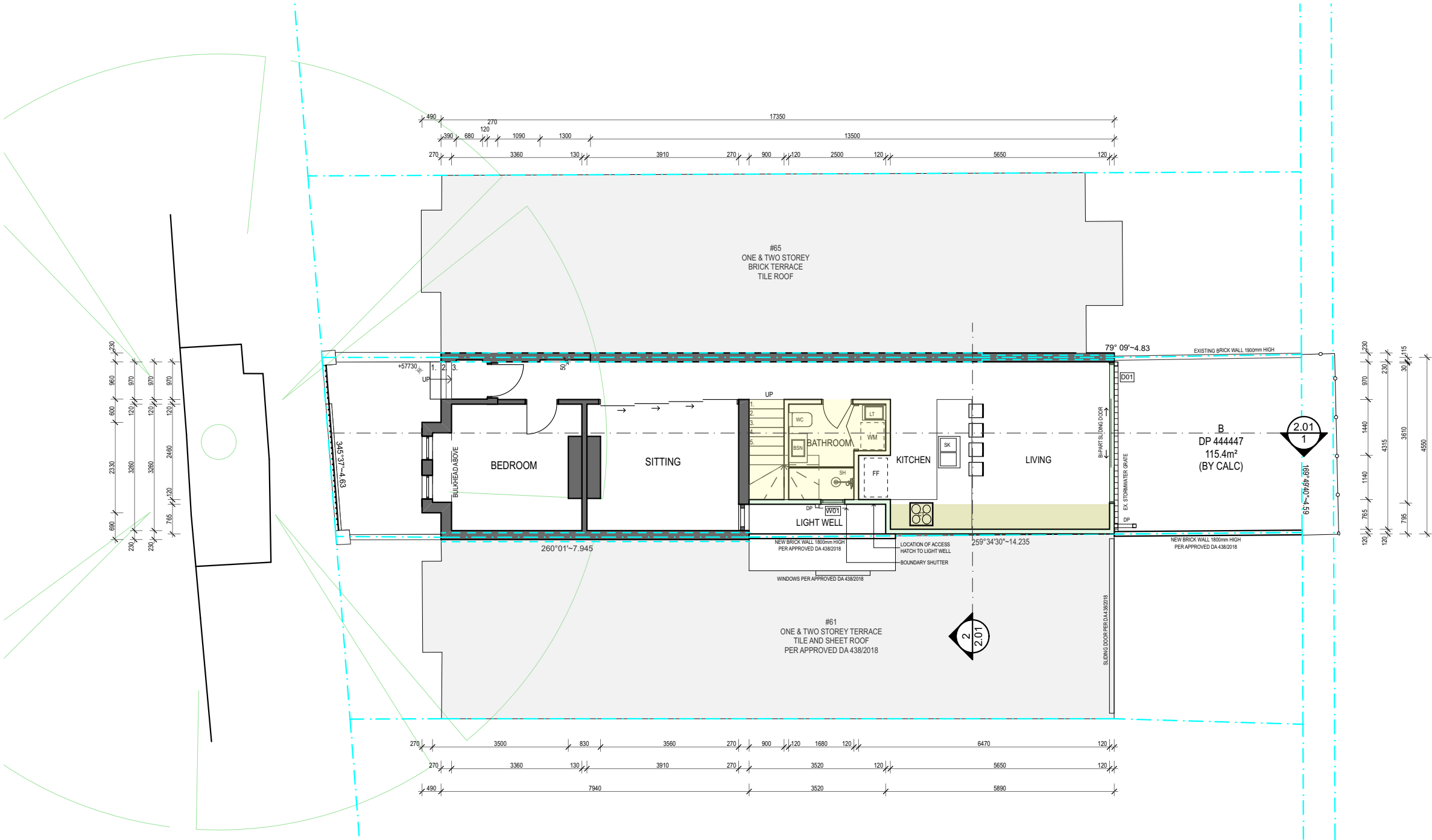
- K1 IN CERTAIN CIRCUMSTANCES EXTRA SEDIMENT TRAPPING MAYBE NEEDED IN THE STREET GUTTER.

<div><div><div></div></div><div>designbuild</div><div>PROJECT SERVICES</div></div> <div>Unit 9, 2-8 Campbell Street, Artarmon, NSW, 2064 p (02) 9437 0055 f (02) 9439 7036 www.designbuildps.com ABN 72 615 066 736</div>	DATE	REV	COMMENTS	DRWN	<div>LEGEND</div> <div><div><div></div>EXISTING</div><div><div></div>PROPOSED STEEL</div><div><div></div>PROPOSED FC WEATHERBOARDS</div><div><div></div>PROPOSED CONCRETE SLAB</div><div><div></div>PROPOSED INTERNAL LININGS</div><div><div></div>PROPOSED TIMBER</div><div><div></div>DEMOLISHED</div></div> <div><div>1:200</div><div>@A3</div><div>0246810metres</div></div> <div><div>1:100</div><div>@A3</div><div>012345metres</div></div> <div><div>N</div><div></div></div>	Client		Project Name		Drawing Title:		
	16/04/19	A	ISSUED FOR DEVELOPMENT APPLICATION	EP		MR. D. BRUCE & MR. S. JONES		PROPOSED ALTERATIONS AND ADDITIONS TO 63 ADELAIDE STREET WOOLLAHRA, NSW 2025		PROPOSED WASTE MANAGEMENT, EROSION AND SEDIMENT CONTROL PLAN		
						Site Description				SCALE: AS SHOWN	STAGE: DA	DATE: 16/04/2019
						LOT B DP444447				JOB NUMBER	DRAWING NUMBER & REVISION	
										370		DA0.03 (A)



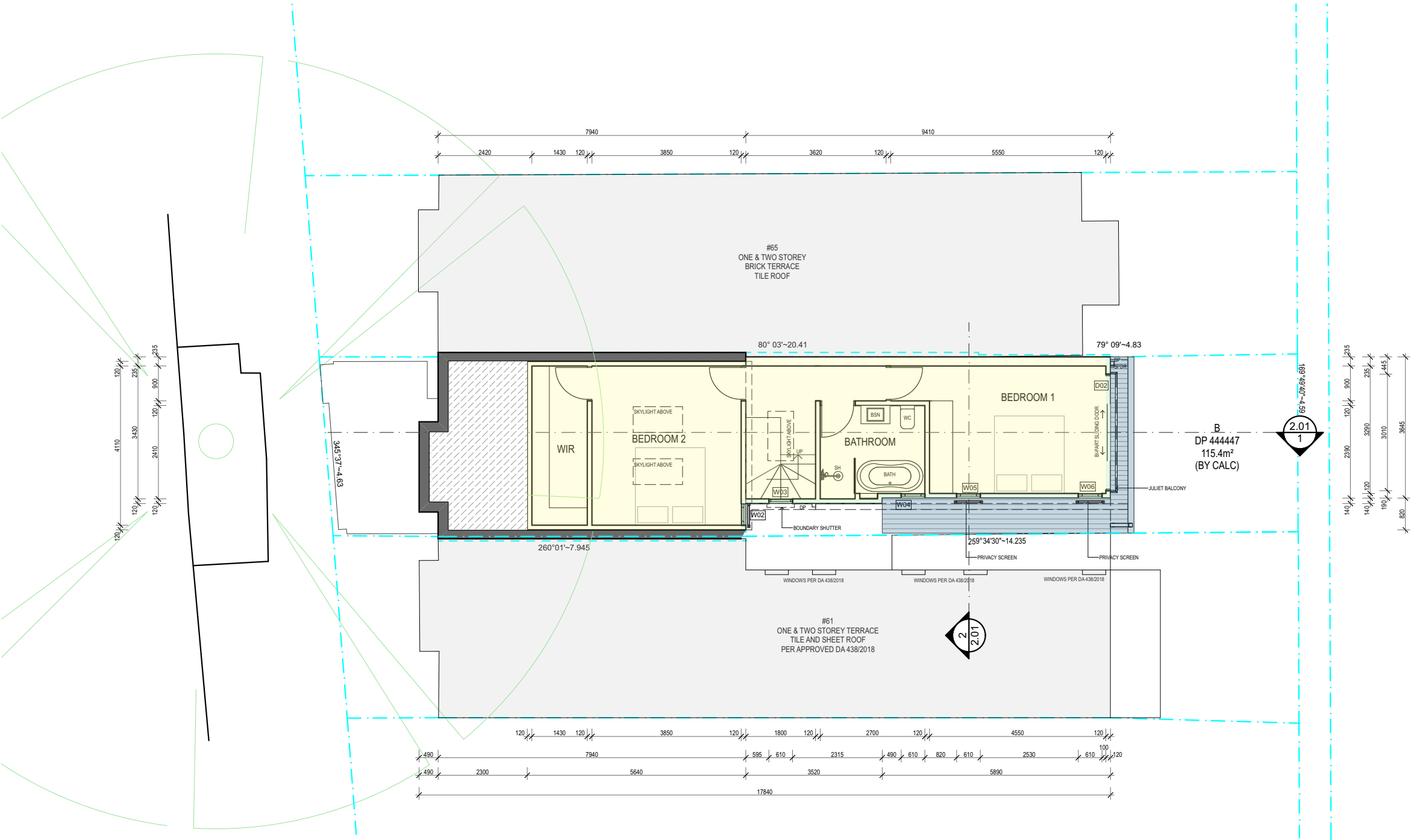
1 PROPOSED DEMOLITION PLAN  
1:100

<div><div><div></div></div><div>designbuild</div><div>PROJECT SERVICES</div><div><div>Unit 9, 2-8 Campbell Street, Artarmon, NSW, 2064</div><div>p (02) 9437 0055 f (02) 9439 7036</div><div>www.designbuildps.com ABN 72 615 066 736</div></div></div>	DATE	REV	COMMENTS	DRWN	<div><div>LEGEND</div><div><div>EXISTING</div><div>PROPOSED STEEL</div><div>PROPOSED PC WEATHERBOARDS</div><div>PROPOSED CONCRETE SLAB</div><div>PROPOSED INTERNAL LININGS</div><div>PROPOSED TIMBER</div><div>DEMOLISHED</div></div><div><div>[1:200] @A3</div><div>0 2 4 6 8 10metres</div><div>[1:100] @A3</div><div>0 1 2 3 4 5metres</div></div></div>	Client		Project Name		Drawing Title:	
	16/04/19	A	ISSUED FOR DEVELOPMENT APPLICATION	EP		MR. D. BRUCE & MR. S. JONES		PROPOSED ALTERATIONS AND ADDITIONS TO 63 ADELAIDE STREET WOOLLAHRA, NSW 2025		PROPOSED DEMOLITION PLAN	
						Site Description				SCALE: AS SHOWN	STAGE: DA
						LOT B DP444447				DATE: 16/04/2019	
										JOB NUMBER	DRAWING NUMBER & REVISION
										370	DA1.00 (A)



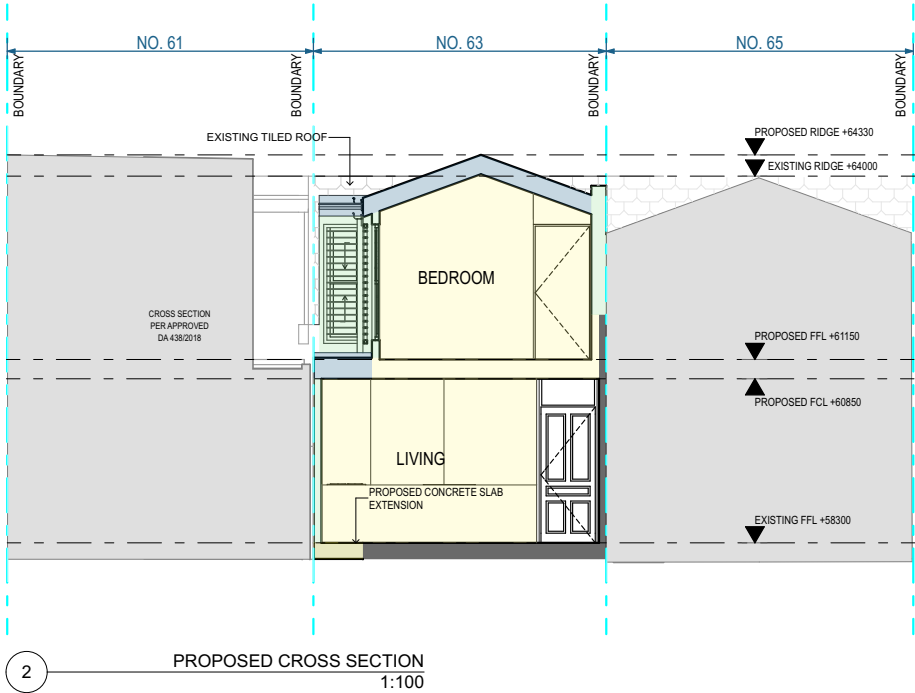
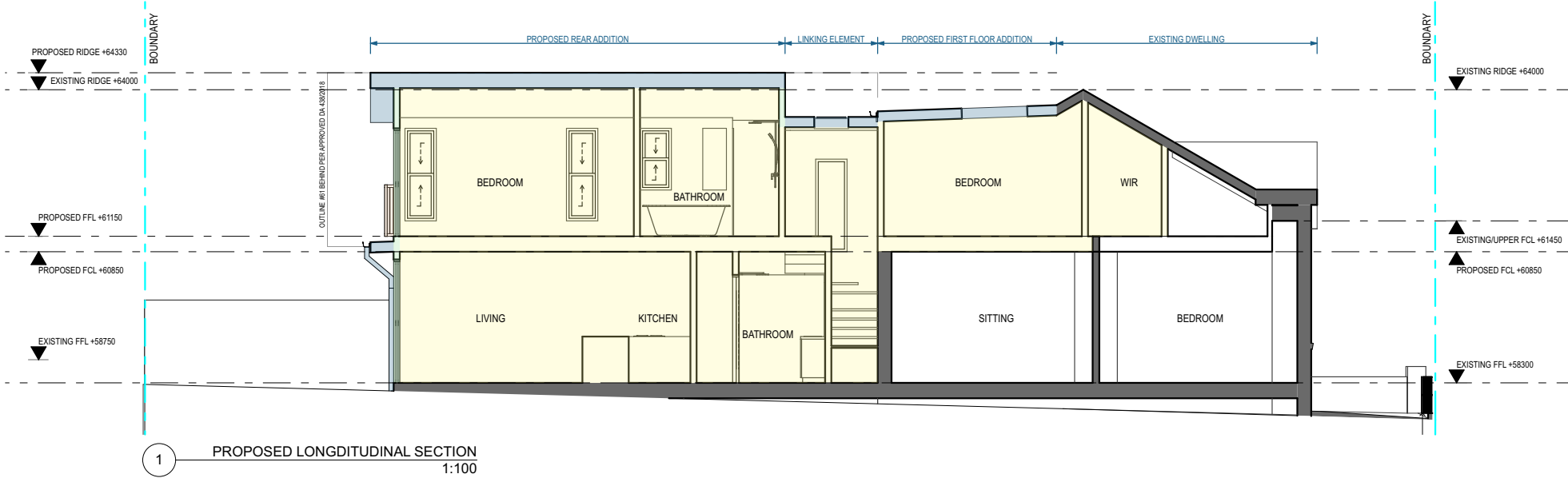
1 PROPOSED GROUND FLOOR PLAN  
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<div><div><div></div><div>designbuild</div><div>PROJECT SERVICES</div></div><div><div>Unit 9, 2-8 Campbell Street, Artarmon, NSW, 2064</div><div>p (02) 9437 0055 f (02) 9439 7036</div><div>www.designbuildps.com ABN 72 615 066 736</div></div></div>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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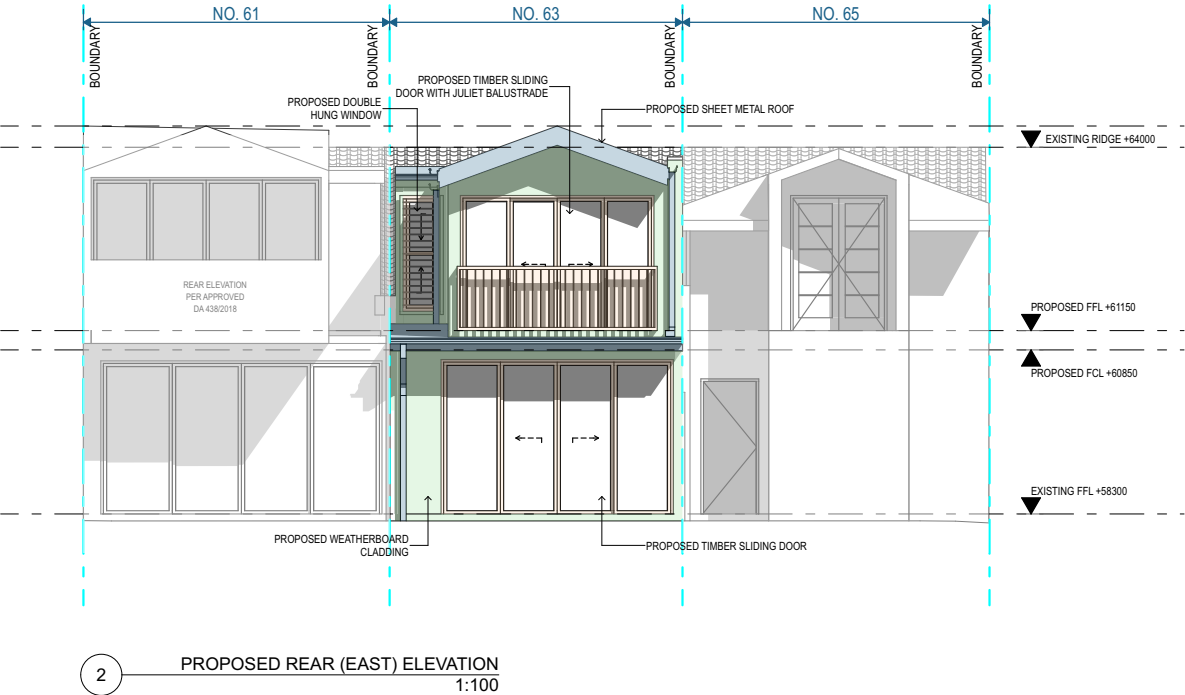


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<div><div><div></div><div>designbuild</div><div>PROJECT SERVICES</div></div><div><div>Unit 9, 2-8 Campbell Street, Artarmon, NSW, 2064</div><div>p (02) 9437 0055 f (02) 9439 7036</div><div>www.designbuildps.com ABN 72 615 066 736</div></div></div>	DATE	REV	COMMENTS	DRWN	<div><div>LEGEND</div><div><div>EXISTING</div><div>PROPOSED STEEL</div><div>PROPOSED PC WEATHERBOARDS</div><div>PROPOSED CONCRETE SLAB</div><div>PROPOSED INTERNAL LININGS</div><div>PROPOSED TIMBER</div><div>DEMOLISHED</div></div><div><div>[1:200] @A3</div><div>0 2 4 6 8 10metres</div></div><div><div>[1:100] @A3</div><div>0 1 2 3 4 5metres</div></div><div><div>N</div><div></div></div></div>	Client	Project Name	Drawing Title:			
	16/04/19	A	ISSUED FOR DEVELOPMENT APPLICATION	EP		MR. D. BRUCE & MR. S. JONES	PROPOSED ALTERATIONS AND ADDITIONS TO 63 ADELAIDE STREET WOOLLAHRA, NSW 2025				
							Site Description		SCALE: AS SHOWN	STAGE: DA	DATE: 16/04/2019
							LOT B		JOB NUMBER	DRAWING NUMBER & REVISION	
							DP444447		370	DA1.02 (A)	

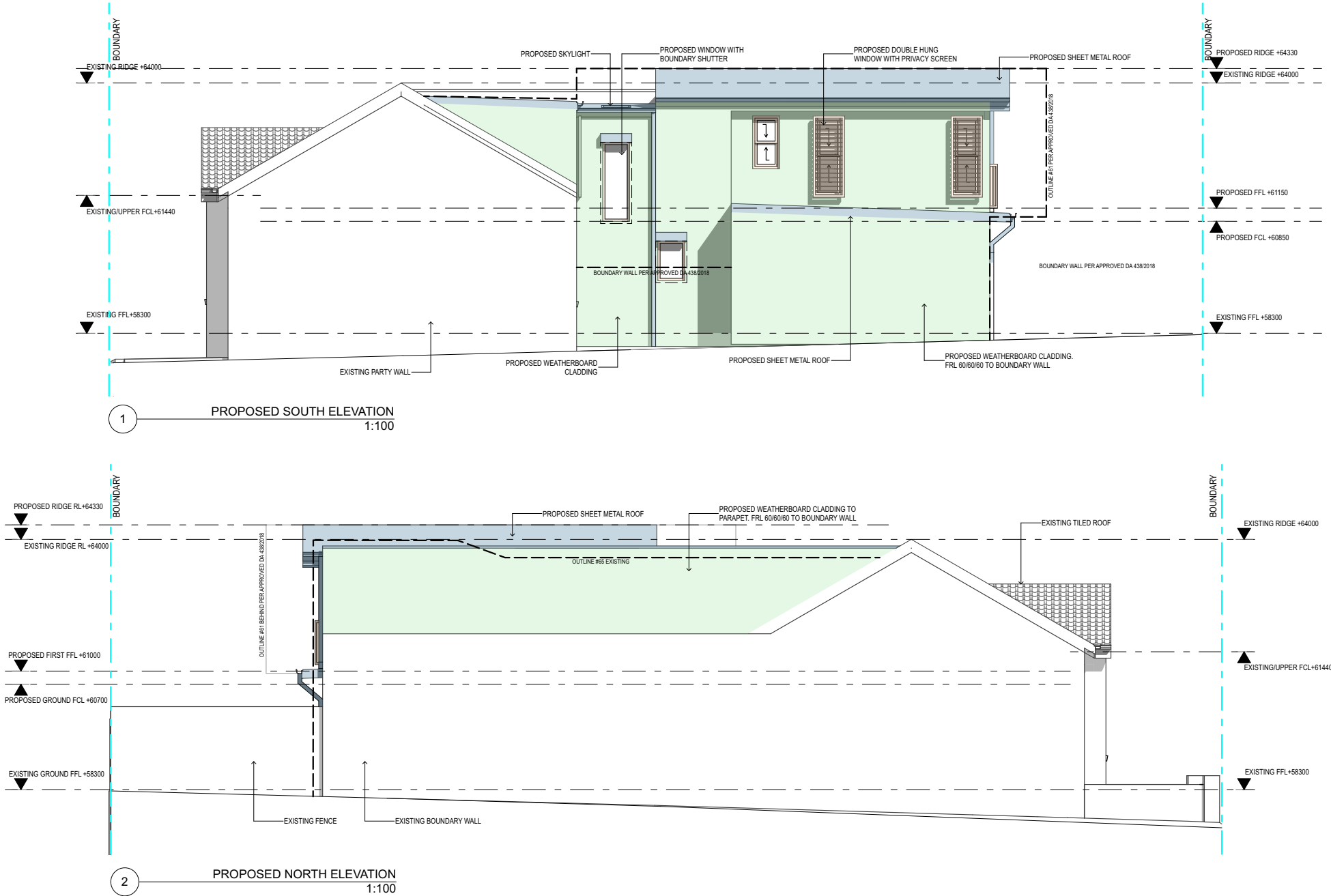


<div><div><div></div></div><div>designbuild</div><div>PROJECT SERVICES</div><div><div>Unit 9, 2-8 Campbell Street, Artarmon, NSW, 2064</div><div>p (02) 9437 0055 f (02) 9439 7036</div><div>www.designbuildps.com ABN 72 615 066 736</div></div></div>	DATE	REV	COMMENTS	DRWN	<div><div>LEGEND</div><div><div>EXISTING</div><div>PROPOSED STEEL</div><div>PROPOSED PC WEATHERBOARDS</div><div>PROPOSED CONCRETE SLAB</div><div>PROPOSED INTERNAL LININGS</div><div>PROPOSED TIMBER</div><div>DEMOLISHED</div></div><div><div>[1:200] @A3</div><div>0 2 4 6 8 10metres</div><div>[1:100] @A3</div><div>0 1 2 3 4 5metres</div></div></div> <th colspan="2">Client</th> <th colspan="2">Project Name</th> <th colspan="2">Drawing Title:</th>	Client		Project Name		Drawing Title:			
	16/04/19	A	ISSUED FOR DEVELOPMENT APPLICATION	EP		MR. D. BRUCE & MR. S. JONES		PROPOSED ALTERATIONS AND ADDITIONS TO 63 ADELAIDE STREET WOOLLAHRA, NSW 2025		PROPOSED SECTIONS			
							Site Description				SCALE: AS SHOWN	STAGE: DA	DATE: 16/04/2019
							LOT B DP444447				JOB NUMBER	DRAWING NUMBER & REVISION	
											370	DA2.01 (A)	



<div><div><div></div></div><div>designbuild</div><div>PROJECT SERVICES</div><div>Unit 9, 2-8 Campbell Street, Artarmon, NSW, 2064 p (02) 9437 0055 f (02) 9439 7036 www.designbuildps.com ABN 72 615 066 736</div></div>	DATE	REV	COMMENTS	DRWN	<div>LEGEND</div> <div><div>EXISTING</div><div>PROPOSED STEEL</div><div>PROPOSED PC WEATHERBOARDS</div><div>PROPOSED CONCRETE SLAB</div><div>PROPOSED INTERNAL LININGS</div><div>PROPOSED TIMBER</div><div>DEMOLISHED</div></div> <div><div>[1:200] @A3</div><div>0 2 4 6 8 10metres</div><div>[1:100] @A3</div><div>0 1 2 3 4 5metres</div></div>	Client	Project Name	Drawing Title:	
	16/04/19	A	ISSUED FOR DEVELOPMENT APPLICATION	EP		MR. D. BRUCE & MR. S. JONES	PROPOSED ALTERATIONS AND ADDITIONS TO 63 ADELAIDE STREET WOOLLAHRA, NSW 2025	PROPOSED ELEVATIONS - SHEET 1	
						Site Description		SCALE: AS SHOWN	STAGE: DA
						LOT B		DATE: 16/04/2019	
						DP444447		JOB NUMBER	DRAWING NUMBER & REVISION
								370	DA3.01 (A)





<div><div><div></div></div><div>designbuild</div><div>PROJECT SERVICES</div><div><div>Unit 9, 2-8 Campbell Street, Artarmon, NSW, 2064</div><div>p (02) 9437 0055 f (02) 9439 7036</div><div>www.designbuildps.com ABN 72 615 066 736</div></div></div>	DATE			REV	COMMENTS	DRAWN	LEGEND	<div><div>[1:200] @A3</div><div>0 2 4 6 8 10metres</div></div> <div><div>[1:100] @A3</div><div>0 1 2 3 4 5metres</div></div>	Client	Project Name	Drawing Title:		
	16/04/19	A	ISSUED FOR DEVELOPMENT APPLICATION								PROPOSED ELEVATIONS - SHEET 2		
											SCALE: AS SHOWN	STAGE: DA	DATE: 16/04/2019
											JOB NUMBER	DRAWING NUMBER & REVISION	
											370	DA3.02 (A)	