



Woollahra Local Planning Panel (Electronic Meeting)

Tuesday 27 February 2024

845 New South Head Road, Rose Bay

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

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

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

20 February 2024

To: Woollahra Local Planning Panel Members
Chair
Experts
Community Representative

Dear Panel Members,

Woollahra Local Planning Panel (Electronic Meeting) – 27 February 2024
DA 290/2023/1 - 845 New South Head Road Rose Bay

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel (Electronic Meeting) via teleconference at 10am on 27 February 2024.**

Members of the public are invited to submit late correspondence for consideration by the Panel by emailing records@woollahra.nsw.gov.au by **close of business Friday prior to the meeting.**

Note: DA 290/2023/1 - 845 New South Head Road Rose Bay will then be determined by the Panel (as constituted on the 21 December 2023) electronically. The decision of the Panel will be published on Council's website once a decision has been made.

If you have any questions please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Woollahra Local Planning Panel

(Electronic Meeting)

Agenda

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LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D1
FILE No.	DA290/2023/1
ADDRESS	845 New South Head Road ROSE BAY
COUNCIL WARD	Vaucluse
SITE AREA	969m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Demolition of existing structures on the site and construction of a multi-storey Residential Flat Building with basement parking, including strata subdivision.
TYPE OF CONSENT	Local development
COST OF WORKS	\$5,759,747.00
DATE LODGED	17/08/2023
APPLICANT	MHN Design Union Pty Ltd
OWNER	L S Werner & R W Tobias & R S Werner
AUTHOR	Mr M Moratelli
MANAGER	Mr N Economou
SUBMISSIONS	Six (6)
RECOMMENDATION	Determination of the Application

1. PREAMBLE

On 21 December 2023, the subject application DA 290/2023/1 was tabled to the Woollahra Local Planning Panel (LPP) with a recommendation for refusal, for the following reasons:

- Adverse bulk, scale and form including failure to comply with building envelope and setbacks controls
- Unsatisfactory amenity and building separation
- Unsatisfactory pedestrian and DDA access to the building
- Trees and landscaping
- Bulk waste bins
- Excavation
- Missing and/or Inadequate information
- Public Interest

The LPP resolved to defer the application as follows:

THAT the Woollahra Local Planning Panel, exercising the functions of Council, defer the Development Application No. 290/2023/1 for demolition of existing structures on the site and construction of a multi-storey residential flat building with basement parking, including strata subdivision on land at 845 New South Head Road Rose Bay, to a future Woollahra Local Planning Panel, for the Applicant to submit a Replacement Application including amended plans and updated documentation addressing all the recommended reasons for refusal.

The Replacement Application is to be submitted to Council no later than 22 January 2024. The application will then be determined electronically by the Panel (as constituted on the 21 December 2023), no later than 29 February 2024, unless otherwise decided by the Chair.

On 22 January 2024, the Applicant lodged a replacement application comprising:

- Amended architectural drawings
- Amended landscape plans
- Amended Apartment Design Guide (ADG) report
- Amended NatHERS and BASIX Certificates
- Cover letters

The purpose of this addendum report is to consider and discuss the Replacement Application. This report should be read in conjunction with the previous assessment report, which is attached as Annexure 4 and includes a comprehensive assessment of the relevant matters for consideration under Section 4.15 of the EP&A Act 1979.

2. LOCALITY PLAN



3. PROPOSAL

As outlined in the preamble, the proposal was amended on 22 January 2024 and a Replacement Application was lodged under Clause 37 of the Environmental Planning and Assessment Regulation 2021. It involved the following changes:

- Rear setback increased at the basement, first, second and third floor. The increased setback equates to approximately 530mm at the northern corner of the building and 3m at the southern corner of the building. This consequently increases deep soil landscaped area to the rear yard by approximately 21m² and reduces excavation volume at the basement level by 51m³;
- Third floor setback from the southern side boundary at the rear of the property increased from 1.5m to 2.2m;
- Deletion of a window to the northern elevation at the third floor;

- 270mm reduction in the height of the roof parapet to the rear and the introduction of a non-trafficable rooftop garden;
- Internal reconfigurations in response to the above changes and a minor reduction to the size of an internal courtyard at ground, first, second and third floor.

The proposal, as amended, involves the following works:

- Construction of a new five (5) storey residential flat building, including:
 - Basement level: comprising eight (8) on-site car parking spaces, one (1) visitor car parking space, two (2) motorcycle parking spaces, storage for four (4) bicycles, bin storage and plant.
 - Ground floor level: comprising:
 - Communal common entrance, services cupboard and stairwell; and
 - One (1) three-bedroom unit (Unit 1) with GFA of 229.99m², western harbour facing terrace, north facing courtyard and a plunge swimming pool.
 - First floor level: comprising one (1) four-bedroom unit (Unit 2) with GFA of 286.61m², western harbour facing terrace and access to lower rear garden.
 - Second floor level: comprising one (1) four-bedroom unit (Unit 3) with GFA of 250.88m², western harbour facing terrace and access to lower rear garden.
 - Third floor level: comprising one (1) three-bedroom unit (Unit 4) with GFA of 170.38m² and western harbour facing terrace.
- Excavation of 2,872.2m³ for storage, parking and access to parking,
- Strata subdivision into four (4) units (one (1) unit per floor).

4. ADVERTISING AND NOTIFICATION

4.1 Submissions

The amendments made to the application did not necessitate formal re-notification and re-advertising to surrounding properties and previous objectors under the Woollahra Community Participation Plan 2019 as they did not raise the potential for any further environmental or amenity impact above or beyond the proposal that was previously notified. Notwithstanding this, previous objectors to the application were re-notified from 2 – 9 February 2024.

Following this re-notification, submissions were received from the following:

1. Peter Weinert, 23 Conway Avenue Rose Bay.
2. Tony Moody, Consultant Planner.

It is noted that the above objectors had previously lodged submissions to the application which were tabled and considered by the Woollahra Local Planning Panel in December 2023.

The content of the submissions is summarised as follows:

- The amended proposal remains non-compliant with the rear setback;
- Reiteration of previous objections;
- The amended proposal would give rise to an undesirable precedent.

5. RESPONSE TO PREVIOUS REASONS FOR REFUSAL

Summary of Reason for Refusal	Applicant Response	Planning Comment
1. Bulk, scale and form i. Non-compliance with rear setback control ii. Non-compliance with front setback control	- The rear of the building has been squared off with the rear setback increased by a maximum of 3m at the southern corner of the building	- The proposal remains non-compliant with the rear setback control, equating to a maximum of 8.36m at the northern side of the building and approximately

<p>iii. Non-compliance with minimum lot width</p> <p>iv. Failure to meet various aims and objectives of the Woollahra LEP 2014, Apartment Design Guide and the Woollahra DCP 2015, deriving from the non-compliances listed above</p>	<p>and approximately 530mm at the northern corner of the building;</p> <ul style="list-style-type: none"> - Reduction in the height of the roof parapet by 270mm at the rear of the site; - Third floor setback from the southern side boundary at the rear of the property increased from 1.5m to 2.2m 	<p>6.5m at the southern side of the building.</p> <ul style="list-style-type: none"> - No change has been made to address the non-compliance with the front setback control, which is associated with an elevated pool terrace at the ground floor level. - The proposal remains non-compliant with the minimum lot width control under the Woollahra DCP 2015, which is inevitable as the site boundaries have not changed. - The proposal remains compliant with the side setback controls under the Woollahra DCP 2015 and the FSR and height of building standards under the Woollahra LEP 2014.
<p>2. Unsatisfactory amenity and building separation</p> <p>v. Amenity impacts to adjoining properties in terms of visual impact/visual intrusion associated with the built form and visual privacy impacts</p> <p>vi. Failure to meet Principle 1 and 2 of SEPP 65</p>	<ul style="list-style-type: none"> - The rear of the building has been squared off with the rear setback increased by a maximum of 3m at the southern corner of the building and approximately 530mm at the northern corner of the building; - Reduction in the height of the roof parapet by 270mm at the rear of the site; - Third floor setback from the southern side boundary at the rear of the property increased from 1.5m to 2.2m - A window to the north elevation of the third floor has been deleted. 	<ul style="list-style-type: none"> - The amendments were re-notified and an additional objection was received from the property to the rear. It is understood that this objection relates to visual impact/visual intrusion associated with the rear elevation of the building. No objections were received from any of the adjoining properties to the north or south in response to the amended proposal.
<p>3. Unsatisfactory pedestrian and DDA access to the building</p> <p>vii. Access is inconsistent with the objectives and design criteria under Section 3G of the ADG</p>	<ul style="list-style-type: none"> - No amendments were made in response to this issue. 	<ul style="list-style-type: none"> - As no amendments have been made in response to this issue, it is considered to be unresolved.
<p>4. Trees and Landscaping impacts</p> <p>viii. Tree impacts associated with a new wall along the southern boundary;</p> <p>ix. Inadequate replacement planting to rear setback;</p> <p>x. Failure to meet various aims and objectives of the Woollahra LEP 2014, Apartment Design Guide and the Woollahra DCP 2015, deriving from the non-compliances listed above</p>	<ul style="list-style-type: none"> - The retaining wall along the southern boundary will be retained and made good in its current location; - Minor increase to deep soil landscaping as a result of the rear setback increase. - Amendment of landscape plan to specify replacement planting of 2 x <i>Tristaniopsis Laurina</i>. 	<ul style="list-style-type: none"> - Council's Trees and Landscape Officer reviewed the amended proposal and advised that tree impacts associated with the new wall have been satisfactorily resolved. - The amended landscape plan incorporates sufficient replacement planting and satisfies Council's tree canopy controls.

5. Bulk waste bins - The proposal is inconsistent with the requirements under Section E5.5 of the Woollahra DCP 2015 which discourages bulk waste bins for developments with fewer than 12 dwellings	- No amendments were made in response to this issue.	- No amendments have been made in response to this issue.
6. Excavation - The proposal exceeds the maximum volumetric excavation control under the Woollahra DCP 2015	- Amendment of the basement level has reduced excavation volume by 51m ³ ;	- The proposal remains non-compliant with the excavation volume, with 2,872m ³ proposed versus 969m ³ permitted. - Approximately 1669m ³ of the excavation is associated with parking and access thereto. Allowing for the variation for parking under Control C4 of Section B3.4 of the DCP, the residual parking non-compliance equates to 234m ³ .
7. Insufficient Information - ADG storage requirements - Building height - Lack of dimensions - Lack of information regarding use of rooms in adjoining buildings - Lack of an ongoing maintenance plan for landscaping - Unsatisfactory arborist report and survey plan - Lack of information regarding 'universal design' requirements in the ADG - Mailboxes not shown on plans - Traffic light system not shown on plans - Swimming pool not dimensioned - Inadequate solar analysis - Inadequate view analysis	- No further information was provided in relation to these issues, nor were the architectural drawings amended.	- It is considered that the following items could be addressed by conditions of consent if the application were to be approved: - Location of storage; - Landscape maintenance - Mailboxes - Traffic light system Whilst the remaining items cannot be addressed via condition, the Panel may consider and determine the merits of the proposal in relation to the relevant issues.

6. CONTRIBUTION PLANS

6.1 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.

Cost of Works	Rate based on cost of works	Contribution Payable
\$5,759,700	>\$200,000 = 1%	\$57,597

A condition requiring the payment of Section 7.12 contributions is included in the draft set of conditions attached to this report (Attachment 5).

7. 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, consider the amended plans that have been lodged on 22 January 2024 for Development Application No. 290/2023/1 for demolition of existing structures on the site and construction of a multi-storey residential flat building with basement parking, including strata subdivision on land at 845 New South Head Road Rose Bay, and determine the application as follows:

A. Approval of the application subject to the draft conditions of consent in Attachment 5;

OR

B. Refusal of the application for the following reasons:

7.1 Adverse bulk, scale and form including failure to comply with building envelope and setbacks controls

- a) The proposed development should be refused due to its excessive bulk and scale which represents an overdevelopment of the site in its context when compared to surrounding development, desired future character of the Rose Bay Residential Precinct, which results in adverse amenity, view, and overshadowing impacts.
- b) The proposed development results in unacceptable visual and amenity impacts by virtue of its excessive bulk and scale, inadequate setbacks and incompatibility with the future character of the locality and surrounding natural and built environment.
- c) The rear setback for the proposed development is inadequate and incongruent with the locality. The proposed development fails to comply with the setback and building envelope control required in the Woollahra DCP 2015 and the resulting development will exacerbate the impact of the development on the amenity of the neighbouring properties.
- d) The proposed development is unacceptable with regard to objectives 3 (b) and (d) of clause 2 of SEPP 65.
- e) The proposed bulk, form and scale is contrary to Design Quality Principles 1 (Context and Neighbourhood Character), 2 (Built Form and Scale), 5 (Landscape) and 6 (Amenity) within the SEPP 65 ADG.
- f) The proposed development does not provide an appropriate relationship to adjoining properties as required under objective 4M-1 of the SEPP65 ADG.
- g) The proposal is inconsistent with the Woollahra LEP 2014 on the following grounds:
 - i. The proposed development fails to achieve aim (j) and (k) in the Woollahra LEP 2014 as it does not constitute a high standard of design within the public and private domain and does not provide a development that achieves the desired future character of the area.
 - ii. The proposed development is not consistent with objective dot point 4 of the R3 Medium Density Zone under the Woollahra LEP 2014 which requires that the development is to be of a height and scale that achieves the desired future character of the neighbourhood.
 - iii. The proposed development provides inadequate information in order to confirm compliance with Clause 4.3 Height of Building Control in the Woollahra LEP 2014.
- h) The proposed development does not have accord with the following objectives and controls in the Woollahra DCP 2105:
 - i. The proposed development is inconsistent with the Rose Bay residential precinct objectives O5 and O6 under Part B.1.9.2.
 - ii. The proposal is contrary to C1 of B3.2.1 Front Setbacks as the proposal varies the front setting.

- iii. The proposal is contrary to O1, O2, O3, O4, O5 and O6 of B2.3.4 Rear Setbacks as the proposal significantly varies the rear setting requirement for residential flat buildings. In particular, it is contrary on the following grounds:
 - The proposal fails to provide adequate plantings and a buffer between the proposed development and adjoining development (O1).
 - The rear setback non-compliance does not give rise to an adverse acoustic impacts. However, the non-compliant rear setback and building envelope will exacerbate the impact of the development on the amenity of the neighbouring properties. The non-complying rear setback in conjunction with the elevated levels of the adjoining properties to the north and east at the rear will result in an unreasonable enclosed space, with poor solar access and inadequate separation and plantings between the proposed development and adjoining development (O2)
 - The proposed non-compliant rear setback will result in an unreasonable sense of enclosure (O3)
 - The siting and design of the development will result in an excessively bulky and visually intrusive development particularly when viewed from the rear and side adjoining properties and specifically from the terrace areas and communal/open space areas located at No 843 North South Head Road (O4).
 - The proposed non-compliant rear setback fails to provide adequate plantings and a buffer between the proposed development and adjoining development and do not meet the planned urban character for this site (O5).
 - The proposed non-compliant rear setback will not contribute to a consolidated open space network with adjoining properties to improve natural drainage and support local habitat (O6).
- iv. The proposal is non-compliant with C1 of B2.3.4 Rear Setbacks which requires that the building must not encroach on the minimum rear setback.
- v. The proposal is non-compliant with B3.5 (C1) which provides that on-site parking be designed and located so that it is located within the building envelope, does not dominate the street frontage, and preserves trees and vegetation of landscape value. Pursuant to B3.2.1, the building envelope within R3 Medium Density Residential zones is established by front, side and rear setbacks and maximum building height set by Woollahra LEP 2014. The majority of the car parking is located within the excavated portion of the site. The proposed garage door, entry and ramp are located forward of the front setback line and at ground.
- vi. The proposal is non-compliant with B3.8.1 (C1) relating to minimum lot width. B3.8.1 requires that the parent lot for residential flat buildings containing four (4) or more dwellings is to have a minimum width at the street front alignment of 21m. The site only comprises a 14.42m western frontage to New South Head Road and is non-compliant with the Woollahra DCP 2015. The proposed development's non-compliance is another indicator that the scale of the proposed development is unsuitable for the site, especially considering the cumulative nature of impacts noted throughout this assessment including (but not limited to) the non-compliance with minimum lot width, poor setback, poor amenity to neighbouring properties and undesirable pedestrian access.

7.2 Unsatisfactory amenity and building separation

The proposed development results in unacceptable visual and amenity impacts by virtue of its excessive bulk and scale, inadequate setbacks and incompatibility with the desired future character of the locality and surrounding natural and built and environment as discussed above and below in more detail. In particular:

- a) The proposal is contrary to objectives 3(b) and (d) of Clause 2 of SEPP 65 for the following reasons:

- i. The scale, bulk, form, and massing of the proposed development is excessive and unsympathetic to the existing adjoining and surrounding developments in this locality; and
 - ii. The proposed development has not been designed to support the desired future character of the area and results in inappropriate landscaping, massing, and spacing between buildings; and
 - iii. The proposal will result in unacceptable amenity impacts upon adjoining properties in terms of visual impacts and visual privacy.
- b) The proposal is not satisfactory in relation to Principle 1: Context and Neighbourhood Character of SEPP 65 for the reasons given in regard to non-compliances with building envelope and unsatisfactory amenity and building separation.
- c) The proposal is not satisfactory with Principle 2: Built Form and Scale of SEPP 65 for the following reasons:
 - i. The proposed development will result in a built form and density toward the rear of the site that is incompatible with its environmental constraints and its contextual Relationship with that of adjoining development. The massing and proportions of the development at the rear of the site results in an inadequate design outcome;
 - ii. The scale and bulk are inconsistent with the desired future character of the Rose Bay Precinct because the scale, setbacks and wall heights of that part of the development located within the rear setback area of the site will result in an inadequate landscaped setting and fails to respond adequately to the topography of the Site; and
 - iii. The siting and design of the development will result in a visually intrusive development particularly when viewed from the rear and side adjoining properties and specifically from the terrace areas and communal/open space areas located at No 843 North South Head Road. This is out of character and of an excessive scale in comparison to adjoining development in the immediate vicinity of the subject sites and the surrounding sites.

7.3 Unsatisfactory pedestrian and DDA access to the building

The proposed pedestrian and DDA access is contrary to the objectives and design criteria under Part 3G of the ADG on the following grounds:

- The proposed pedestrian access does not connect to or address the public domain.
- The proposed building entry is not clearly identifiable and communal entries are not clearly distinguishable.
- The proposed development does not provide multiple entries to activate the street.
- The proposed access, entries and pathways are not accessible, are not easy to identify and are not visible from the public domain.
- The proposed DDA access requires navigation through the basement and past vehicles. This is not considered to provide a safe path of travel.
- The narrow communal walkway with entry at the rear of the site poses safety issues and privacy for the ground floor unit.

7.4 Bulk waste bins

The proposal is non-compliant with Part E5.5 (C7) which requires that bulk waste bins are discouraged and are only to be considered for development with 12 or more dwellings. The proposed development will accommodate one (1) 660L bulk waste bins for compostables and two (2) 660L bulk waste bins for residual waste.

7.5 Excavation

The proposed development should be refused as it is considered to be an overdevelopment of the site and results in excessive excavation which is considered unreasonable given the numerous built form non-compliance's noted above. In particular,

- a) The proposals fails to achieve aim (m) of Part 1.2 of the Woollahra LEP 2014 as the proposed volume of excavation is considered excessive due to its non-compliant volume and therefore is not minimised in this case.
- b) The proposed development exceeds the maximum volume of the excavation controls in Part 3.4 Excavation of the Woollahra DCP 2015.
 - i. Pursuant to C2 of Part 3.4 of the Woollahra DCP 2015, the maximum permitted excavation volume equals 1,008m³
 - ii. The proposal seeks an excavation volume of 2,872m³.
 - iii. The proposal does not fulfill Objective 01 and Controls C2 of Part B3.4 of the Woollahra DCP 2015.

7.6 Missing and/or Inadequate information

A. Storage

The application provides inadequate information with regard to the following items:

- a) Part 4B of the ADG requires that for three (3) and four (4) bedroom units the total storage volume is to equal 10m³ of which at least 50% of the required storage area is located within the apartment. Insufficient information is provided with regard to the location of nominated storage areas within the apartments and a storage calculation plan, in order to assess compliance with Part 4B of the ADG.
- b) The Architect's ADG compliance table notes that temporary storage for large, bulky items are provided. The Architectural Plans do not notate the location of these areas. There is insufficient information to make a proper and accurate assessment of compliance or otherwise with Part 4W of the ADG.

B. Height of building

Architectural drawing No. DA3101 prepared by MHN Design Union Pty Ltd illustrates a section plan that depicts the 10.5m height plane in associated with the existing ground line. A section of the parapet/roof form appears to fall outside the 10.5m height maximum. Insufficient information is provided to confirm or otherwise the height of the development. Additional sections are required to be provided with adequate level of information clearly indicated depicting the maximum overall height of the proposed development in relation to the existing ground level below that point in order to confirm compliance with Clause 4.3 of the Woollahra LEP 2014.

C. Visual privacy

The architectural drawings prepared by MHN Design Union Pty Ltd (dated 27 July 2023) do not provide side setback dimensions nor identify the nature of the rooms on the adjoining properties to enable a proper assessment of the impacts of the proposed development and consequently the application has failed demonstrate that the development is suitable for the site and that it will have acceptable environmental impacts on the built environment. Additional dimensions are required to be provided with adequate level of information clearly indicated depicting the separation of buildings and internal layouts of rooms on adjoining properties in order to confirm compliance with Objective 3F-1 of the ADG.

D. Landscape design – ongoing maintenance plan

The application is not accompanied by an ongoing maintenance plan and is therefore not compliant with Objective 4O-1 of the SEPP 65 ADG. It is noted that this could be addressed via conditions of consent requesting an ongoing maintenance plan, if the application were to be approved.

E. Universal design

The Architect's ADG compliance table notes that "all apartments generally comply with the Living Housing Guidelines' silver level universal design features" however no further detail or justification is provided. Accordingly, there is insufficient information to make a proper and accurate assessment in regard to the proposal compliance or otherwise with Part 4Q of the ADG.

F. Location of mail box

The ADG compliance table provided by MHN Design Union Pty Ltd notes that the location of mailboxes is near the pedestrian footpath. The Architectural Plans do not identify the location of mail boxes. Accordingly, there is insufficient information to determine compliance or otherwise with Objective 3C-2 of the ADG and B3.7.3 (C1) of the Woollahra DCP 2015.

G. Parking and access – traffic light system

Council's Traffic Engineer noted that in the absence of a two-way two-lane driveway, a traffic light system is proposed to manage traffic flow between the ground floor and basement. Priorities should be given to vehicles entering the car park to minimise conflicts with traffic along frontage road. Amended Architectural Plans and Traffic Report would be required to demonstrate satisfaction of this request.

H. Swimming pool dimensions

There is insufficient information regarding notated dimensions on the Architectural Plans to determine compliance or otherwise with Controls C3, C4 and C5 of B3.7.4 of the Woollahra DCP 2015.

I. Solar analysis

The proposed development provides insufficient information to adequately assess whether the development complies or otherwise with Principal 6 (Amenity) and Section 4A of SEPP 65 ADG and B53.5.2 of the Woollahra DCP 2015. The solar and shadow diagrams appear to be incorrect and do not adequately demonstrate the shadow cast over the site and neighbouring property. The length of the winter shadows appears to be underestimated and the solar diagrams do not appear to take into consideration the topography of the site. In order to properly calculate the solar access to the proposed development and any overshadowing impacts to neighbouring sites 3-D modelling of views from the sun at 30-minute intervals must be submitted illustrating the overshadowing impacts of the neighbouring residential units at 843 New South Head Road, Rose Bay.

J. Public and private views

The assessment undertaken in the SEE has not had proper regard to the Woollahra DCP 2014 view sharing requirements as well as principles in Tenacity in relation to the following properties:

- No 843 North South Head Road (to the south) 3 storey residential flat building
- No 847 North South Head Road (to the north) 3-4 storey residential flat building

The applicant's assessment has only relied on an inspection around the subject site, real estate photos (which are not included or referenced), aerial photography and survey information. Accordingly, the likely affected properties and addresses have not been identified and the views potentially affected and from where are not adequately addressed.

The proposal also provides insufficient information regarding where the views are obtained on the neighbouring properties and have not outlined the design of the units (living areas, habitable rooms etc) for the neighbouring properties has not been outlined. It is noted that some level information (on sections and elevations) has been provided in terms of the relationship of these adjoining developments to the proposal, however overall, there is insufficient information to determine compliance or otherwise with the controls under B3.5.3 (C5) of the Woollahra DCP 2015.

K. Trees and landscaping

The submitted Arborist report provides inadequate information and assessment to the impact of Trees 7, 8, 9, 10, 11 and 12 which are anticipated to be impacted by the proposed development. Therefore, there is insufficient information to determine compliance or otherwise with the relative landscape and tree canopy controls detailed in Section 26.3 above.

L. Survey plan





The submitted Survey Plan and Architectural Plans have not referenced trees in accordance with the submitted Arboricultural Report. Therefore, there is insufficient information to determine compliance or otherwise with Part 6.9 of the Woollahra LEP 2014.

7.7 Public Interest

The proposed development should be refused as the development is not in the public interest.

a. The development should be refused having regard to the matters set out above.

Attachments

1. Cover Letter to Replacement Application [↓](#) 
2. Amended Architectural Drawings & Landscape Plans [↓](#) 
3. Trees & Landscaping Comments on Amended Plans [↓](#) 
4. Previous Local Planning Panel Report - 21 December 2023 [↓](#) 
5. Draft Conditions of Consent [↓](#) 

mhstudio

MH Studio Architecture Pty Ltd
ABN 89 649 655 087
P.O. Box 3757,
Marsfield, NSW, 2122

22 January 2024

Woollahra Council
536 New South Head Road,
Double Bay NSW 2028

Att: Council,

RE: 845 NEW SOUTH HEAD ROAD, VAUCLUSE – DA290/2003-1

Dear Proper Officer,

Following receipt and review of the WLPP meeting, on behalf of the applicant, please find below a summary of amendments made to the proposal, to reduce impacts arising from the development, and address the concerns raised by the WLPP and development assessment report.

REAR SETBACK INCREASED AT SW CORNER TO REDUCE BULK/SCALE

During the site inspection by the WLPP on 21/12/2023, the panel appeared pleased at the reduced impact of the proposal on the neighbours at the front, but remained concerned about potential impacts arising from the relocated bulk/scale at the rear – in particular potential impacts upon the southern neighbour.

In response, the proposal has been reduced by up to 3m at the rear, in order to reduce bulk and scale when viewed from No.843.



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As a consequence, when compared to the officer's development assessment report plans (plans RevA), the current design (RevE) has made the following important improvements:

- A. The rear of the building has been squared up and cut back by up to 3m, increasing the key rear setback to nearly 10m (9865mm)
- B. L3 southern (side) setback was increased in discussion with the neighbour, and a planter provided along this edge
- C. Bulk/scale at the rear has been reduced
- D. Excavation has been reduced
- E. Deep soil landscaping has been increased
- F. Minor internal alterations have occurred in response to the above reductions
- G. Consultant drawings (shadows, landscape, BASIX) have been updated to reflect these changes
- H. Additional minor corrections and clarifications to traffic, landscaping and stormwater have all been provided (via late correspondence)

We believe that taken collectively, the above modifications represent a genuine effort to mitigate the Panel's key concern.

It reduces any potential impacts arising from the rear portion of the building, whilst retaining the significant improvements (relative to the controls) the design of the front of the building represents. This is skilful design.

It is noted that the updated drawing pack confirms that, compared to Council's control envelope:

- Building Height fully complies
- GFA fully complies
- All neighbours views are retained or improved
- Solar access to all neighbours is retained or improved.
- Tree coverage and soft landscaping comply
- Neighbour's trees can be retained

LIST OF UPDATED INFORMATION PROVIDED

- Architectural drawings by MHN Design Union, Revision E, dated 10/12/2024
- Shadow Diagrams by CAD Draft, Revision E, dated 16/01/2024
- Landscape plans, prepared by SQ1, Revision C, dated January 2024
- Updated BASIX assessment, prepared by Damian O'Toole Town Planning

We trust this information is of assistance in Council's consideration of the application.

Best Regards,



Michael Hay
m. 0411 151 606
e: Michael.Hay@mhstudio.com.au

mhstudio

Nominated Architect Michael Hay NSW RegNo 11663

DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW RESIDENTIAL FLAT BUILDING, SWIMMING POOL AND ASSOCIATED LANDSCAPING

DRAWING LIST				
DRAWING NO.	DRAWING NAME	SHEET	SCALE	REV
DA0000	COVER PAGE + BASIX	A1	NTS	E
DA1001	SITE ANALYSIS	A1	1:250	D
DA1002	OVERALL SITE PLAN	A1	1:200	E
DA1003	COMPLIANCE DIAGRAM - SETBACK	A1	1:200	D
DA2001	ROOF PLAN	A1	1:100	E
DA2002	BASEMENT FLOOR PLAN	A1	1:100	E
DA2003	GROUND FLOOR PLAN	A1	1:100	E
DA2004	FIRST FLOOR PLAN	A1	1:100	E
DA2005	SECOND FLOOR PLAN	A1	1:100	E
DA2006	THIRD FLOOR PLAN	A1	1:100	E
DA3001	ELEVATION NORTH & SOUTH	A1	1:100	E
DA3002	ELEVATIONS EAST & WEST	A1	1:100	E
DA3101	SECTION A & B	A1	1:100	E
DA6001	EXTERNAL FINISHES SCHEDULE	A1	1:100	E
DA9101	COMPLIANCE DIAGRAM - HEIGHT PLANE	A1	NTS	E
DA9102	COMPLIANCE DIAGRAM - AREA SCHEDULE	A1	1:200	E
DA9103	COMPLIANCE DIAGRAM - LANDSCAPE AND PRIVATE OPEN SPACE	A1	1:300	E
DA9104	COMPLIANCE DIAGRAM - EXCAVATION	A1	NTS	E
DA9301	SITE WASTE MANAGEMENT PLAN	A1	1:100	E
DA9302	SITE WASTE MANAGEMENT PLAN	A1	1:100	E
DA9303	SITE WASTE MANAGEMENT PLAN	A1	1:100	E
DA9304	PHOTOMONTAGE	A1	NTS	D
DA9305	3D MODEL IMAGES 01	A1	NTS	D
DA9306	3D MODEL IMAGES 02	A1	NTS	D
DA9307	SITE NOTIFICATION PLAN	A4	1:500	D
DA9308	CROSSOVER DIAGRAMS	A1	1:50	D
DA9309	CROSSOVER DIAGRAMS	A1	1:50	D

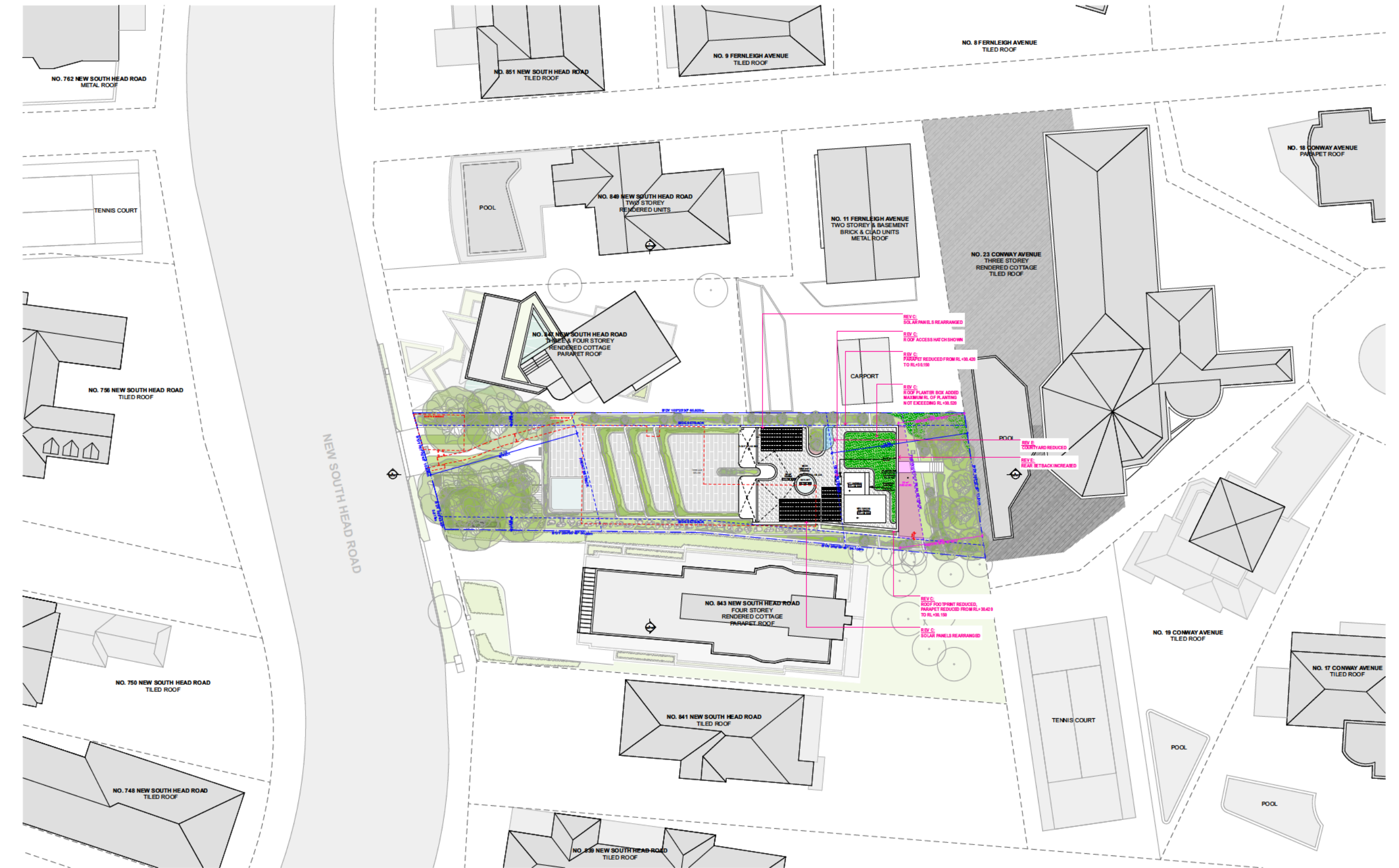


DEVELOPMENT APPLICATION

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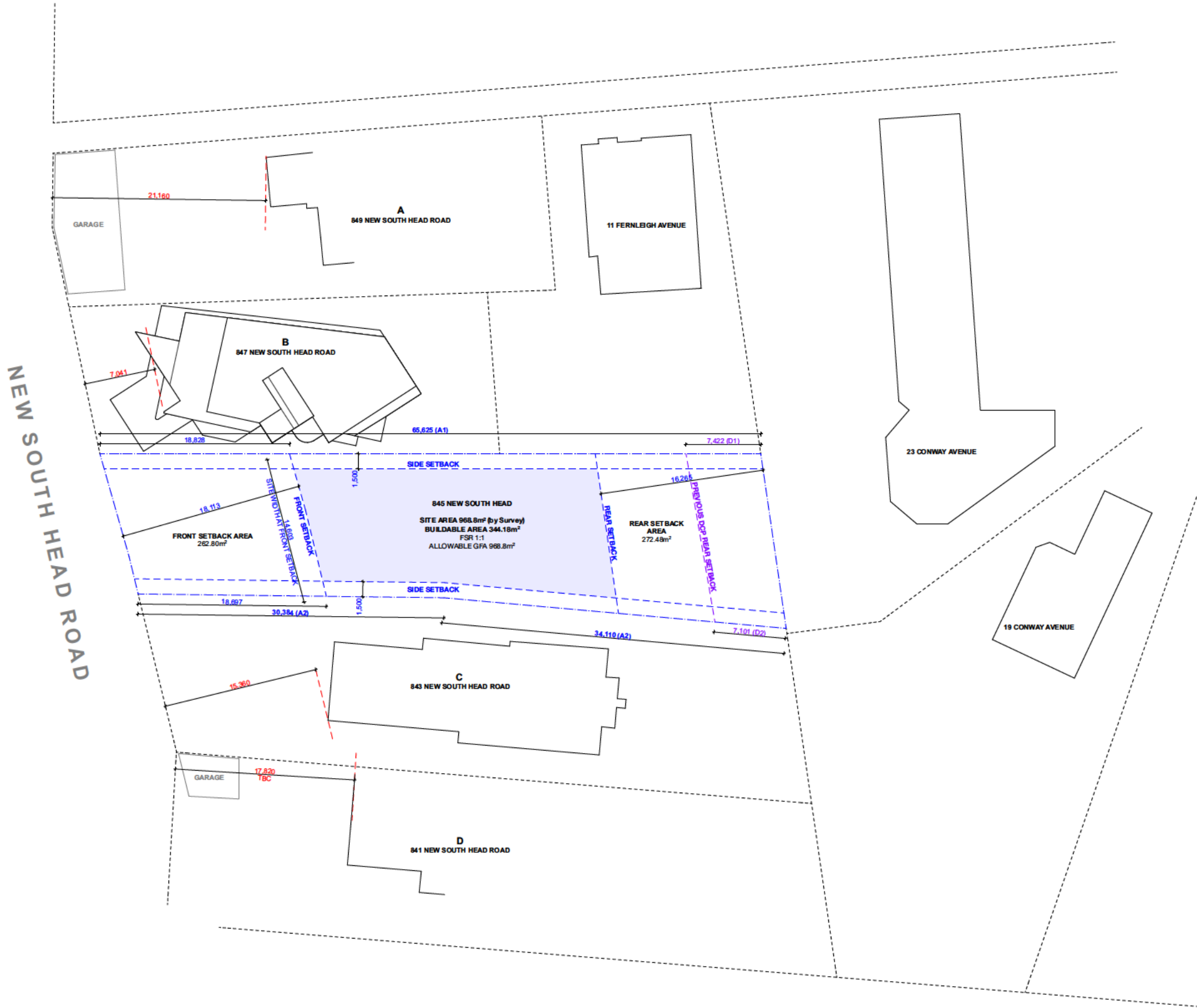


DATE DESCRIPTION		GENERAL NOTE		ALL CONSTRUCTION TO COMPLY WITH BUILDING CODE OF AUSTRALIA AND ALL APPLICABLE STANDARDS		NOTES		ARCHITECT		PROJECT ADDRESS:		PROJECT NUMBER:		OWN NUMBER:	
01	2/7/2023	PRELIMINARY - FOR INFORMATION	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STRUCTURAL DESIGN, LOCAL AUTHORITY REQUIREMENTS, INCLUDING CODES OF PRACTICE.	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STRUCTURAL DESIGN, LOCAL AUTHORITY REQUIREMENTS, INCLUDING CODES OF PRACTICE.	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STRUCTURAL DESIGN, LOCAL AUTHORITY REQUIREMENTS, INCLUDING CODES OF PRACTICE.	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STRUCTURAL DESIGN, LOCAL AUTHORITY REQUIREMENTS, INCLUDING CODES OF PRACTICE.	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STRUCTURAL DESIGN, LOCAL AUTHORITY REQUIREMENTS, INCLUDING CODES OF PRACTICE.	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STRUCTURAL DESIGN, LOCAL AUTHORITY REQUIREMENTS, INCLUDING CODES OF PRACTICE.	35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com	845 NEW SOUTH HEAD ROAD, ROSE BAY NSW 2029 LOT 1 DP 1281007	23-042	DA1001			
A	2/7/2023	DEVELOPMENT APPLICATION	2. CONSULT THE LOCAL AUTHORITY FOR ANY REQUIREMENTS.	2. CONSULT THE LOCAL AUTHORITY FOR ANY REQUIREMENTS.	2. CONSULT THE LOCAL AUTHORITY FOR ANY REQUIREMENTS.	2. CONSULT THE LOCAL AUTHORITY FOR ANY REQUIREMENTS.	2. CONSULT THE LOCAL AUTHORITY FOR ANY REQUIREMENTS.	2. CONSULT THE LOCAL AUTHORITY FOR ANY REQUIREMENTS.			ISSUE DATE:	REVISION:			
D	6/12/2023	CONSOLIDATED DRAWING SET	3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS.	3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS.	3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS.	3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS.	3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS.	3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS.			6/12/2023	D			
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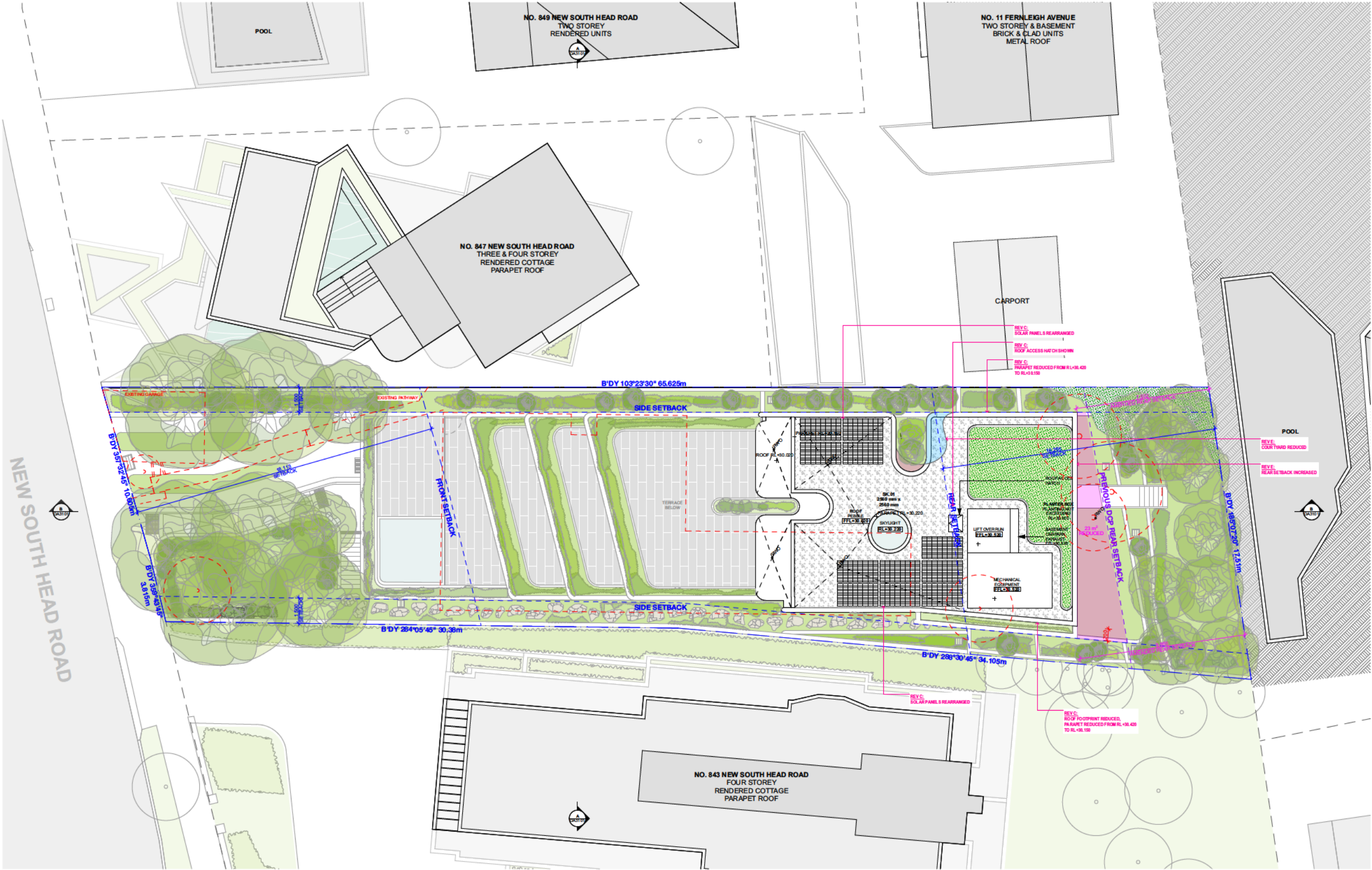
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SITE INFORMATION	
TITLE DESCRIPTION	Lot 1 DP 1281007
ZONING	R3 Medium Density Residential
MAX. BUILDING HEIGHT	10.5m
SITE AREA	968.80m ² (By Survey)
BUILDABLE AREA	344.18 m ²
NON-BUILDABLE AREA	624.62 m ²
FRONT SETBACK AREA	262.80 m ²
REAR SETBACK AREA	272.48 m ²
GROSS FLOOR AREA	968.80m ²
SETBACK SUMMARY	
A. 849 New South Head Road, Rose Bay	= 21,160 (By Survey)
B. 847 New South Head Road, Rose Bay	= 7,041 (Excluded)
C. 843 New South Head Road, Rose Bay	= 15,360 (By Survey)
D. 841 New South Head Road, Rose Bay	= 17,820 (By Survey)
FRONT SETBACK	= (A + C + D) / 3 = (21,160 + 15,360 + 17,820) / 3 = 54,340 / 3 = 18,113
Building Width At Front Setback	= 14,603
SIDE SETBACK	= 1,500
REAR SETBACK	= (A1 + A2) / 2 x 0.25 = (65,625 + 64,494) / 2 x 0.25 = 130,119 / 2 x 0.25 = 65,059 x 0.25 = 16,265

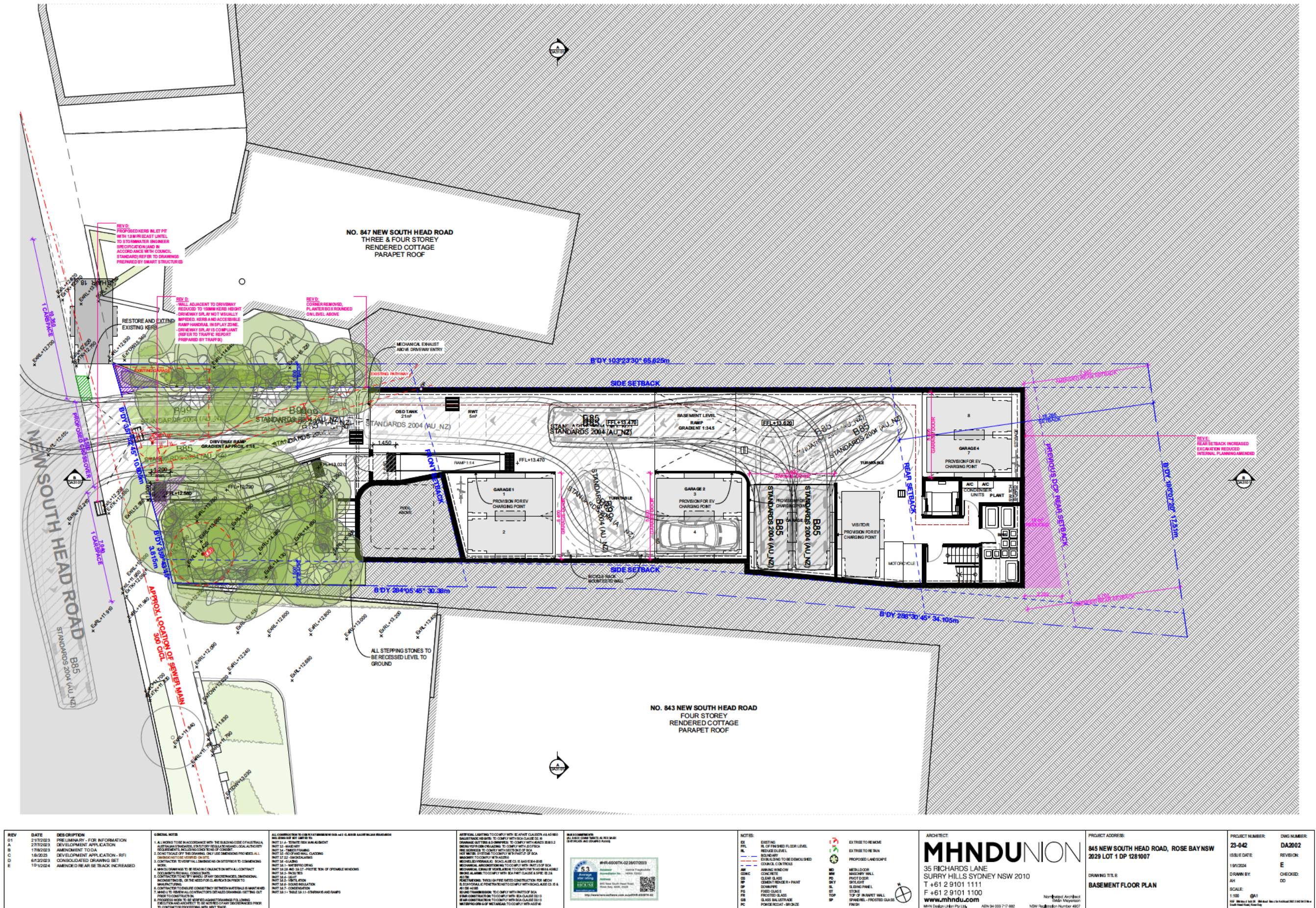
PREVIOUS DCP REAR SETBACK	
BUILDING DEPTH (C1)	= (A1) x 0.6 = 65,625 x 0.6 = 39,375
REAR SETBACK (D1)	= (A1) - (C1) - 18,828 = 65,625 - 39,375 - 18,828 = 7,422
BUILDING DEPTH (C2)	= (A2) x 0.6 = (30,384 + 34,110) x 0.6 = 64,494 x 0.6 = 38,696
REAR SETBACK (D2)	= (A2) - (C2) - 18,697 = 64,494 - 38,696 - 18,697 = 7,101

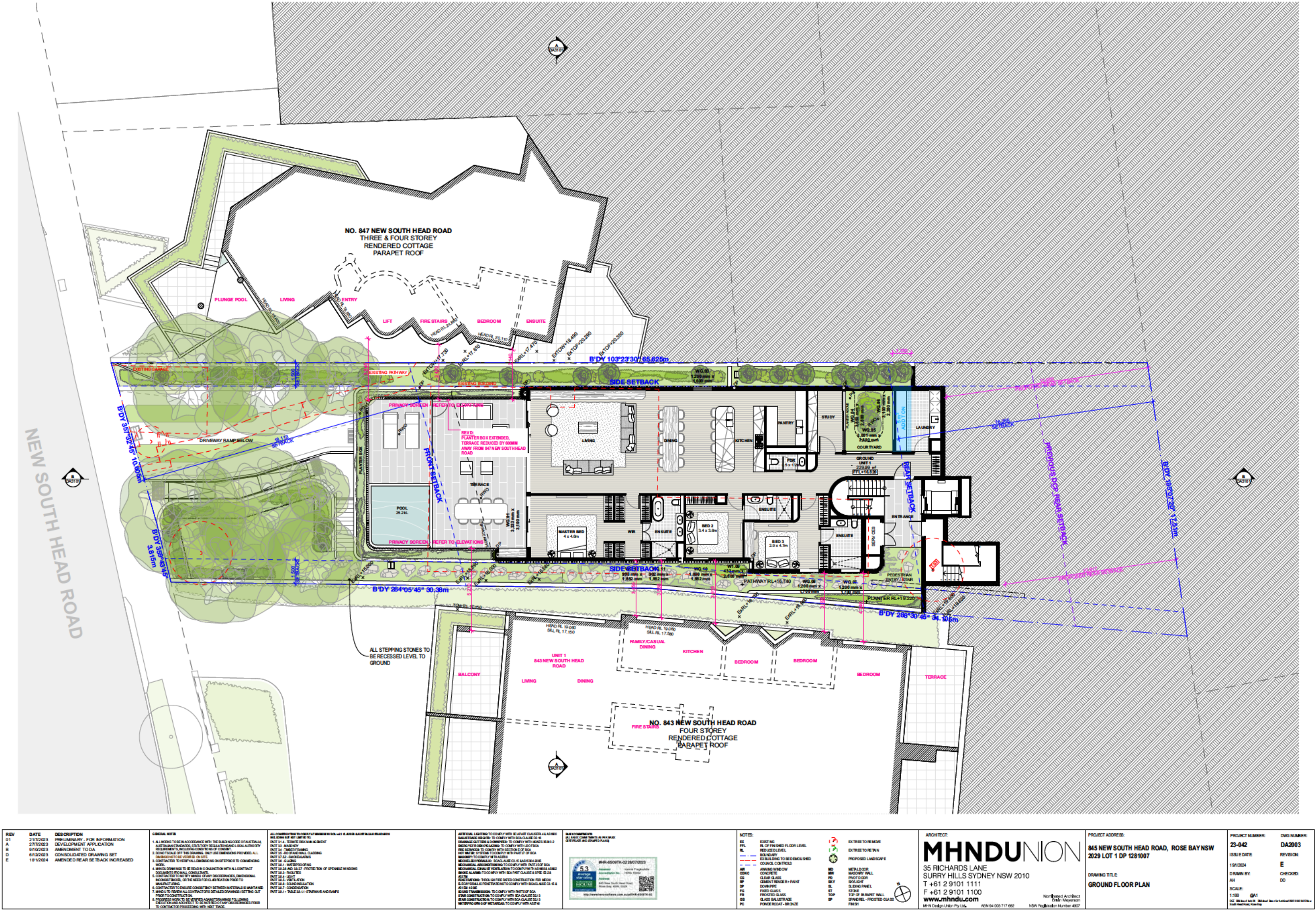


REV	DATE	DESCRIPTION	GENERAL NOTES	NOTES	ARCHITECT	PROJECT ADDRESS	PROJECT NUMBER	DWG NUMBER
D1	2/7/2023	PRELIMINARY - FOR INFORMATION	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA	EXISTING	MHNDUNION	845 NEW SOUTH HEAD ROAD, ROSE BAY NSW	23-042	DA1003
A	2/7/2023	DEVELOPMENT APPLICATION	2. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA	PL	35 RICHARDS LANE	2029 LOT 1 DP 1281007	6/12/2023	D
D	6/12/2023	CONSOLIDATED DRAWING SET	3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	RL	SURRY HILLS SYDNEY NSW 2010			REVISION:
			4. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	BL	T +61 2 9101 1111			CHANGED:
			5. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	CL	F +61 2 9101 1100			DO
			6. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	CP	www.mhndu.com			
			7. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	CS	3000 Design Pty Ltd			
			8. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	CC	NSW Registration Number 4927			
			9. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	CD				
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			11. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	CF				
			12. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	CG				
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			67. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	EJ				
			68. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	EK				
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			165. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	ID				
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			191. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS	JD				

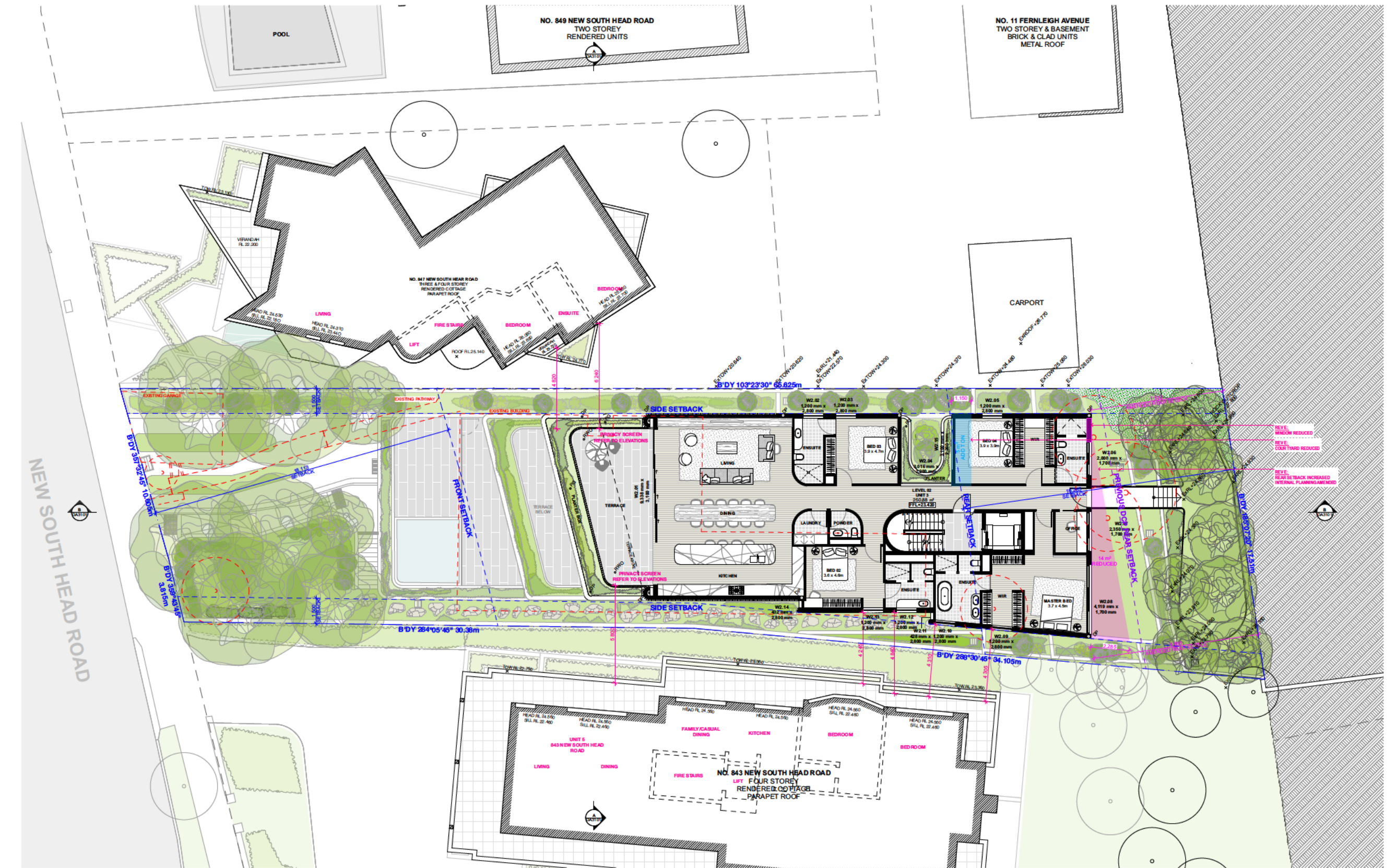


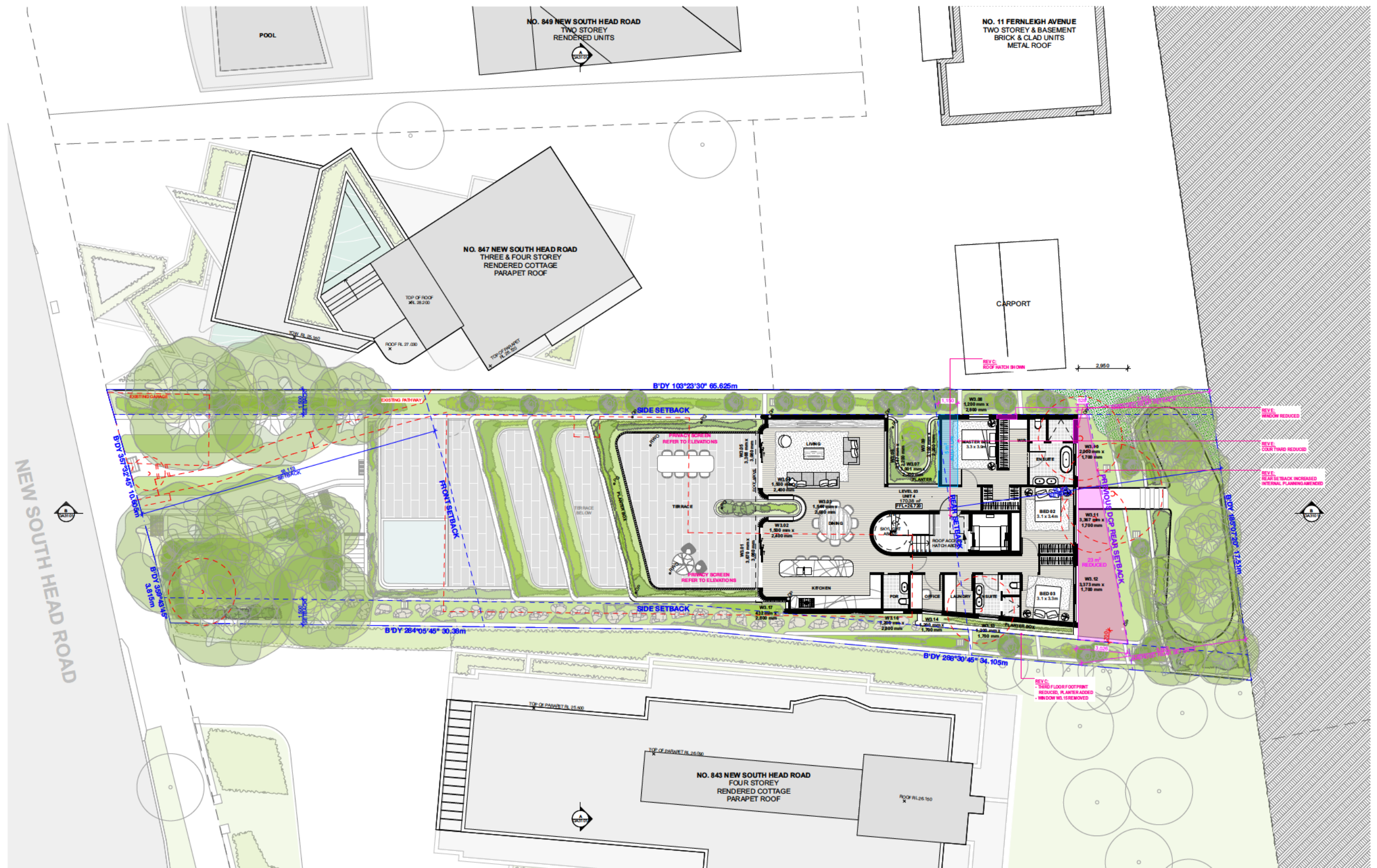
REV	DATE	DESCRIPTION	GENERAL NOTES	NOTES	PROJECT ADDRESS	PROJECT NUMBER	DWG NUMBER
D1	2/7/2023	PRELIMINARY - FOR INFORMATION	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA	EXISTING	845 NEW SOUTH HEAD ROAD, ROSE BAY NSW	23-042	DA2001
A	2/7/2023	DEVELOPMENT APPLICATION	2. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA	PL	2029 LOT 1 DP 1281007	ISSUE DATE	REVISION:
B	6/10/2023	AMENDMENT TO DA	3. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING	RL		1/9/2024	E
C	2/7/2023	AMENDMENTS TO DA	4. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING	CL		1/9/2024	DD
D	6/10/2023	CONSOLIDATED DRAWING SET	5. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING	CP		1/9/2024	
E	10/10/2024	AMENDED REAR SETBACK INCREASED	6. CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING	CS		1/9/2024	





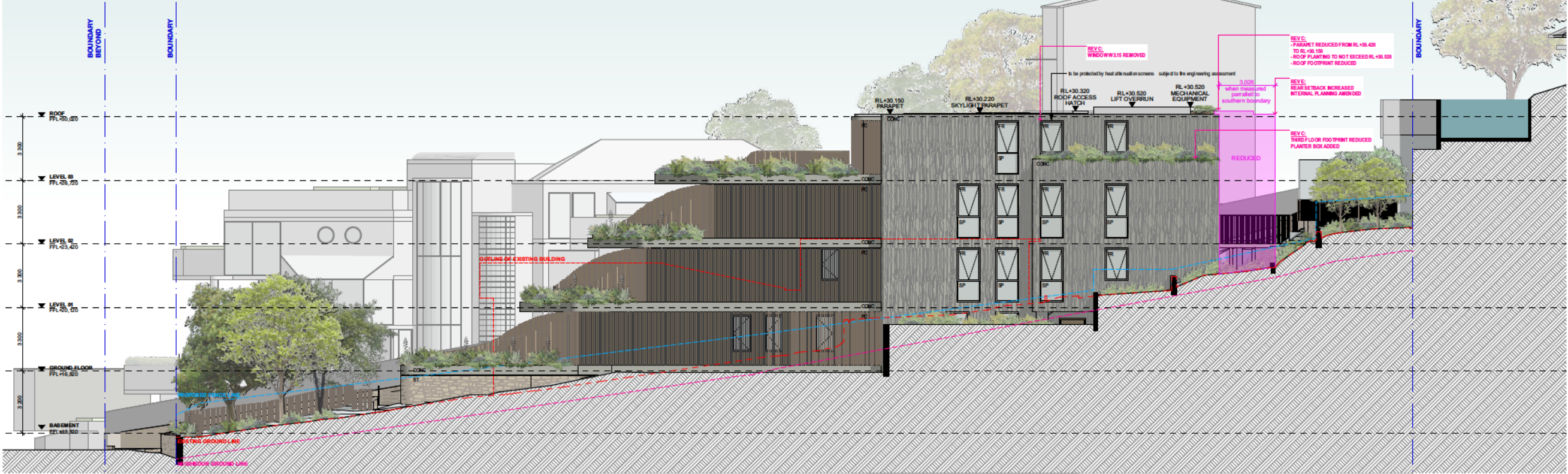


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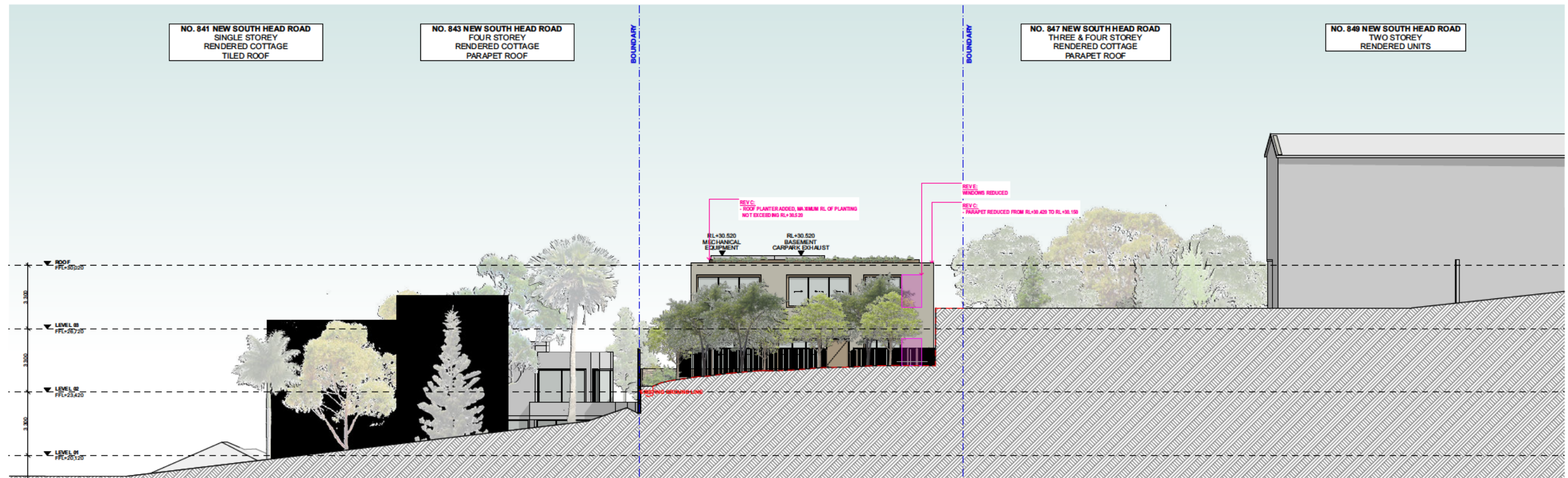


NORTH ELEVATION

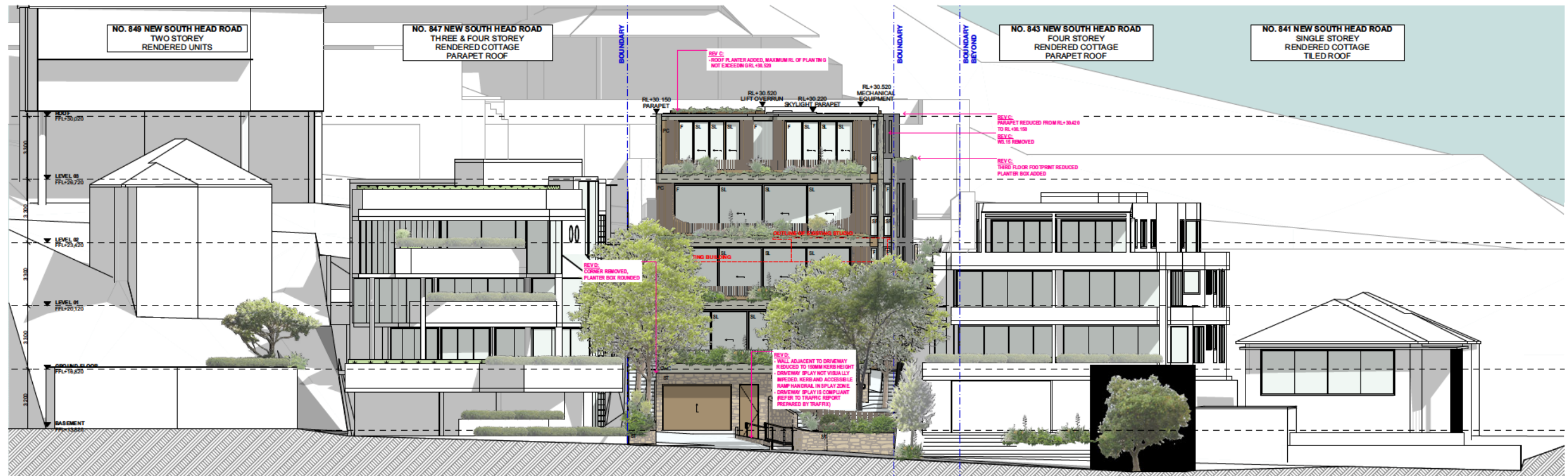


SOUTH ELEVATION

DATE DESCRIPTION			GENERAL NOTE			ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND AS/NZS 1546.01.1		
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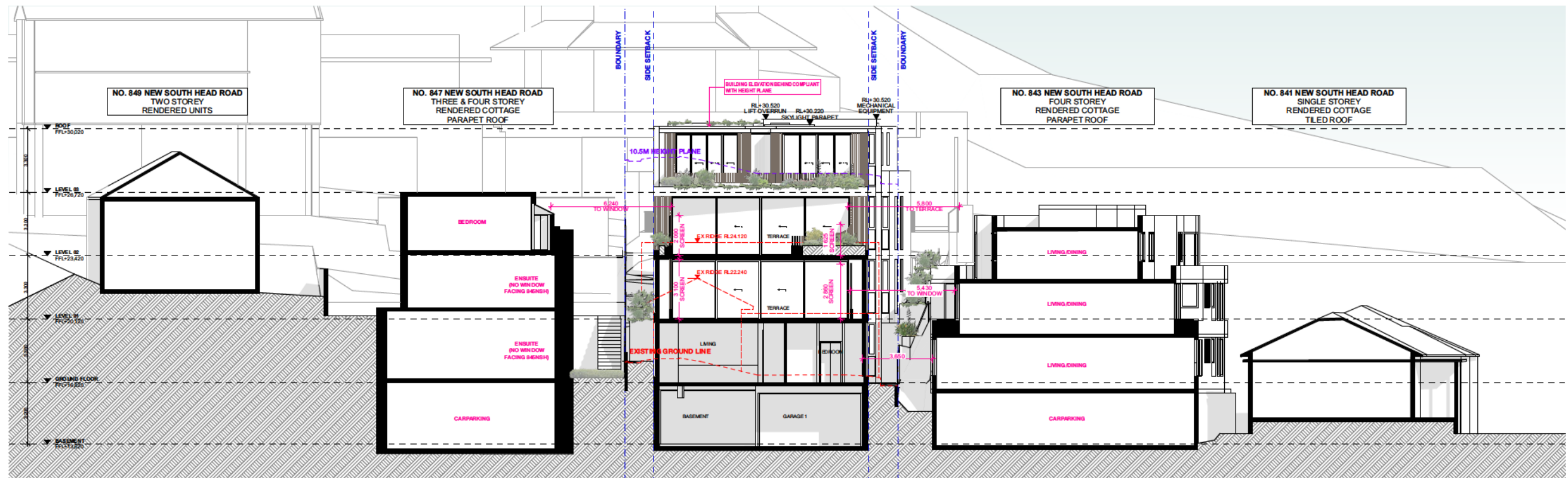


EAST ELEVATION

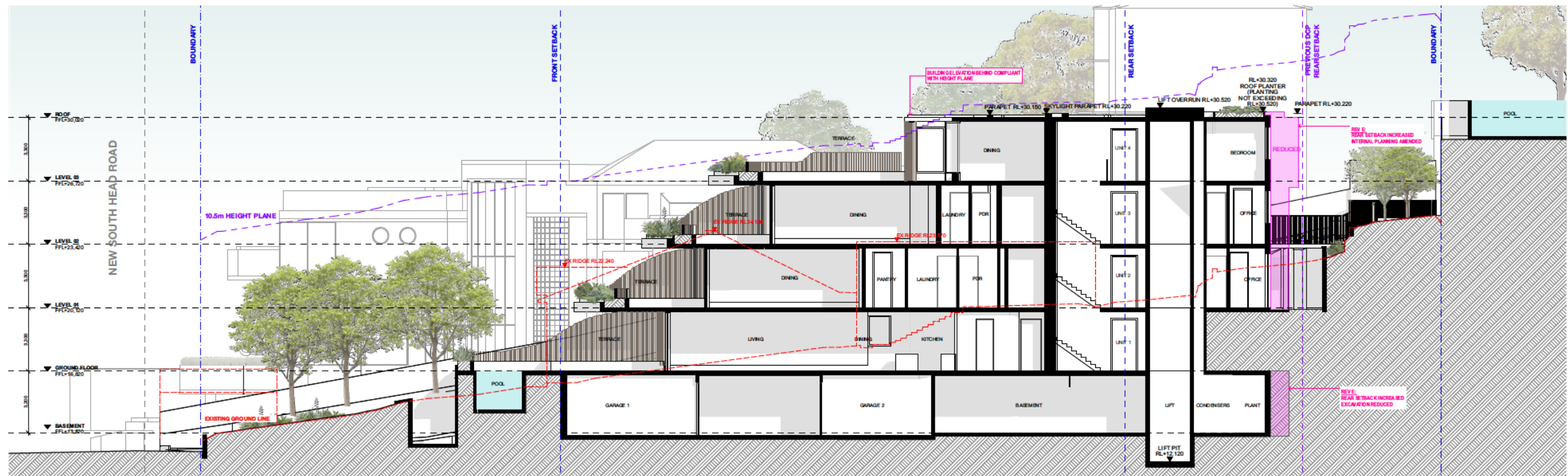


WEST ELEVATION

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SECTION A

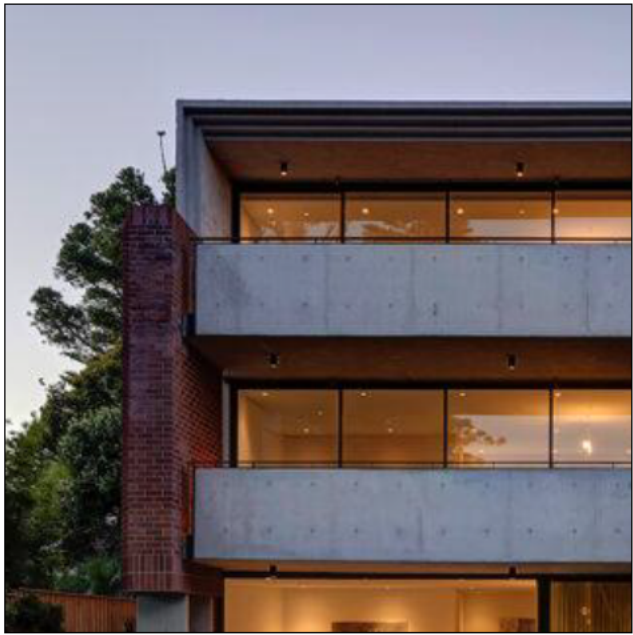


SECTION B

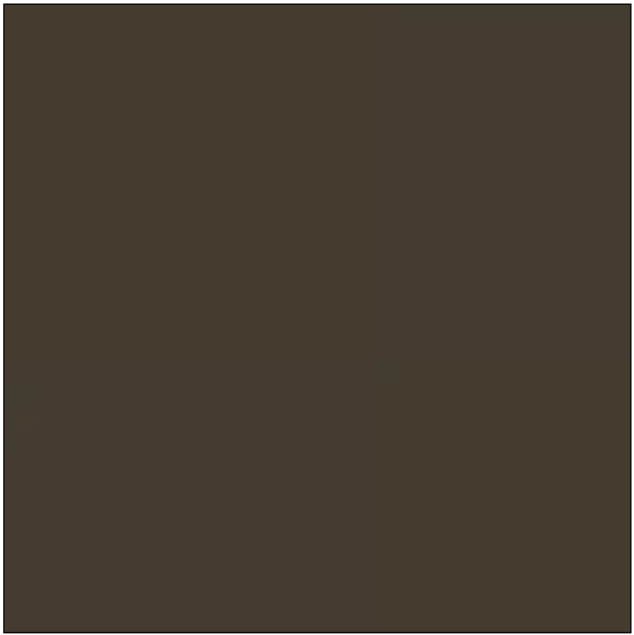
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SYDNEY SANDSTONE RETAINING WALLS AND PODIUM



SMOOTH CONCRETE SLAB EDGE



ALUMINIUM BATTENS POWDERCOAT DULUX DARK BRONZE KINETIC (OR SIMILAR)



BOARDFORM CONCRETE LIGHT COLOUR

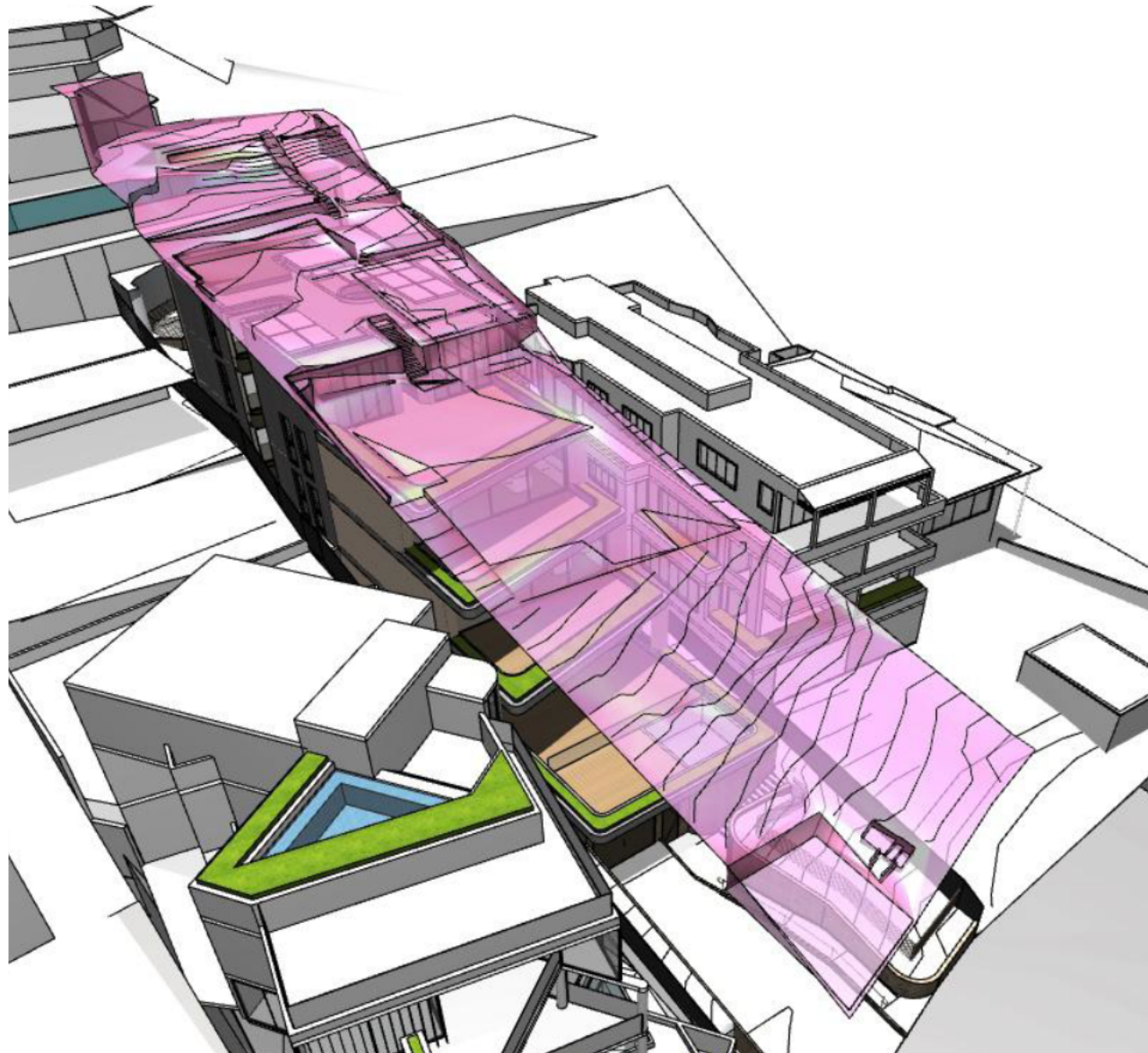


REV	DATE	DESCRIPTION	GENERAL NOTES	ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	NOTES:	ARCHITECT:	PROJECT ADDRESS:	PROJECT NUMBER:	DWG NUMBER:
D1	2/7/2023	PRELIMINARY - FOR INFORMATION	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	EXISTING	MHNDUNION	845 NEW SOUTH HEAD ROAD, ROSE BAY NSW	23-042	DA0001
A	2/7/2023	DEVELOPMENT APPLICATION	2. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	RL OF FINISHED FLOOR LEVEL	35 RICHARDS LANE	2029 LOT 1 DP 1281007	ISSUE DATE	REVISION:
B	2/7/2023	AMENDMENTS TO DA	3. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	REDUCED CLIMB	SURRY HILLS SYDNEY NSW 2010		1/9/2024	E
C	6/1/2023	CONSOLIDATED DRAWING SET	4. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	BOULEYARD	T +61 2 9101 1111	DRAWING TITLE	DRAWN BY:	CHECKED:
D	1/9/2024	AMENDED REAR SET BACK INCREASED	5. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	BOULEYARD	F +61 2 9101 1100	EXTERNAL FINISHES SCHEDULE	AA	DD
E			6. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) AND THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012. ALL CONSTRUCTION TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS (NBR) 2012.	BOULEYARD	www.mhndu.com		SCALE:	

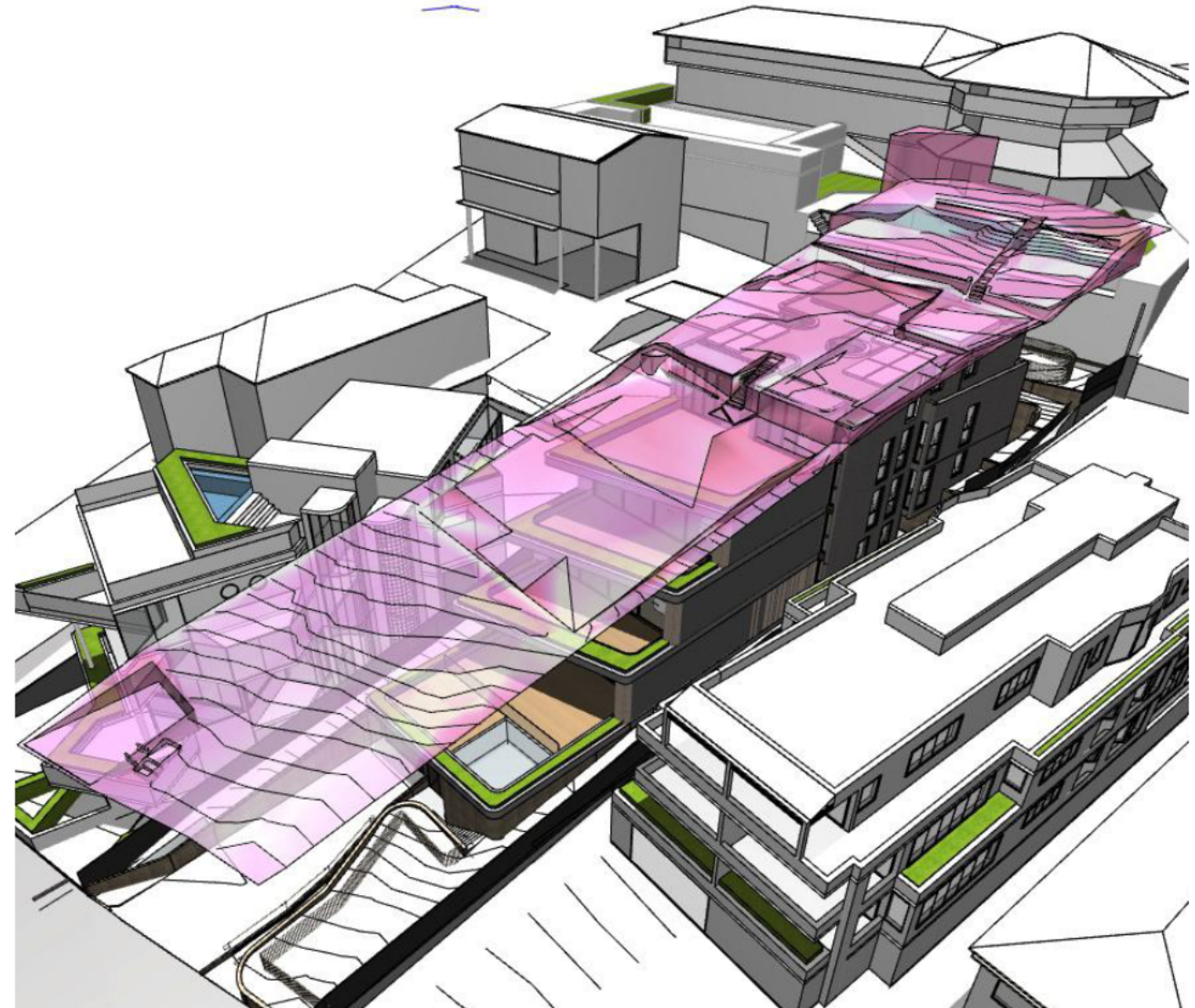
SITE INFORMATION	
TITLE DESCRIPTION	LOT 1 DP 1281007
ZONING	R3 Medium Density Residential
MAX. BUILDING HEIGHT	10.5m
SITE AREA	968.80m ² (By Survey)
BUILDABLE AREA	344.18m ²
NON-BUILDABLE AREA	624.62m ²
FRONT SETBACK AREA	262.80m ²
REAR SETBACK AREA	272.48m ²

CONTROLS		
COUNCIL CONTROLS	CONTROL	REV A
HEIGHT OF BUILDING (LEP)	10.5m	10.5m

COMPLIES	EXISTING	NOTES
YES		



10.5m HEIGHT PLANE DIAGRAM




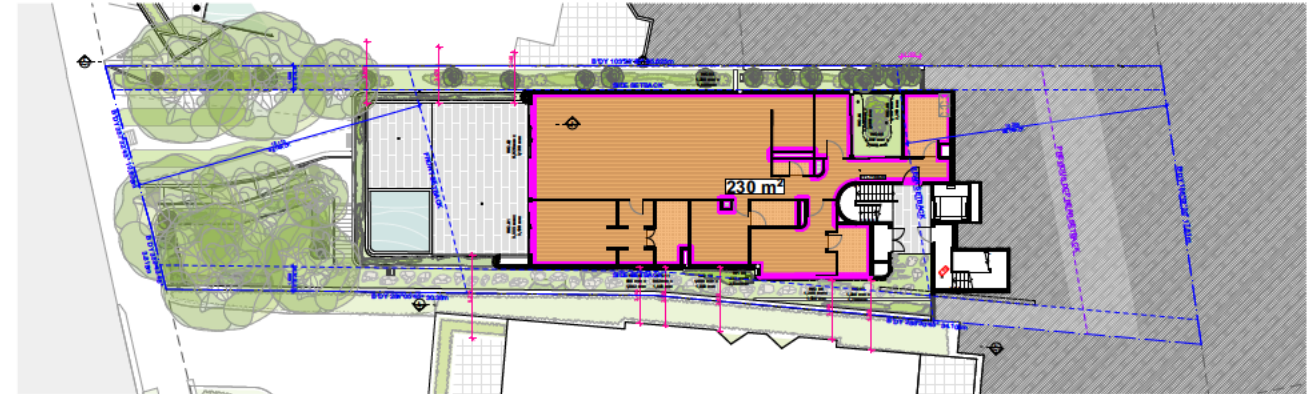
10.5m HEIGHT PLANE DIAGRAM

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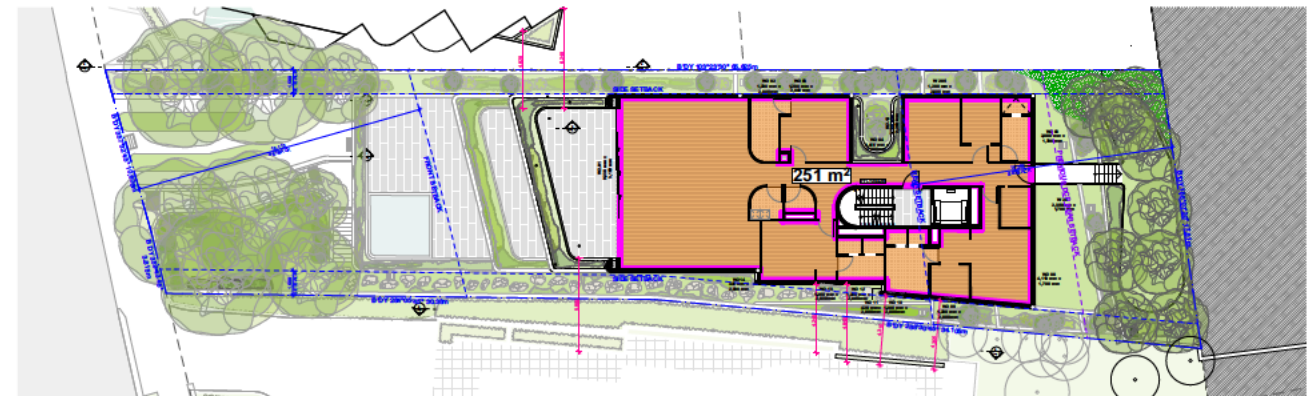
COMPLIES	EXISTING	NOTES
YES		

LEGEND

 GROSS FLOOR AREA



GROUND FLOOR PLAN

229.99 m²

LEVEL 02

286.61 m²250.88 m²

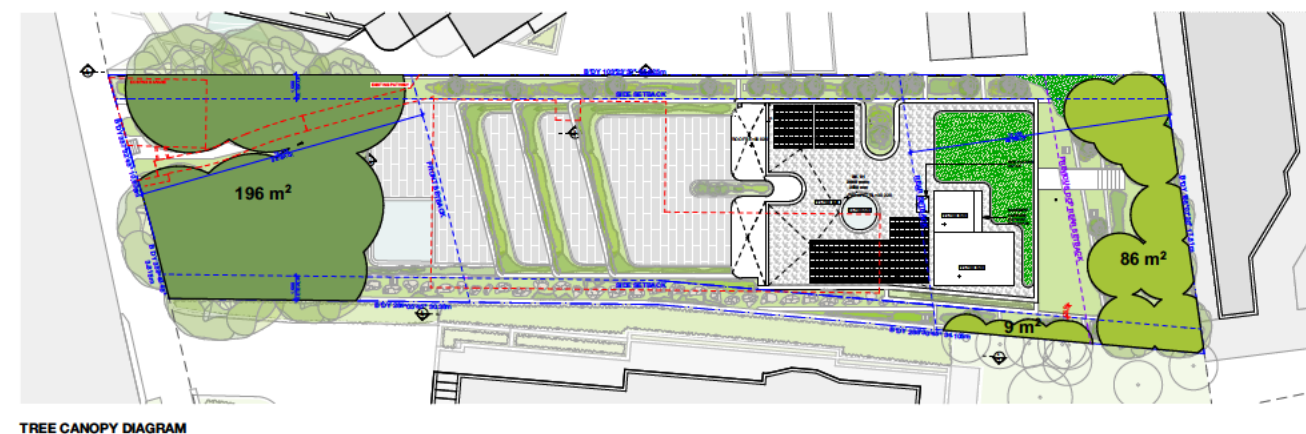
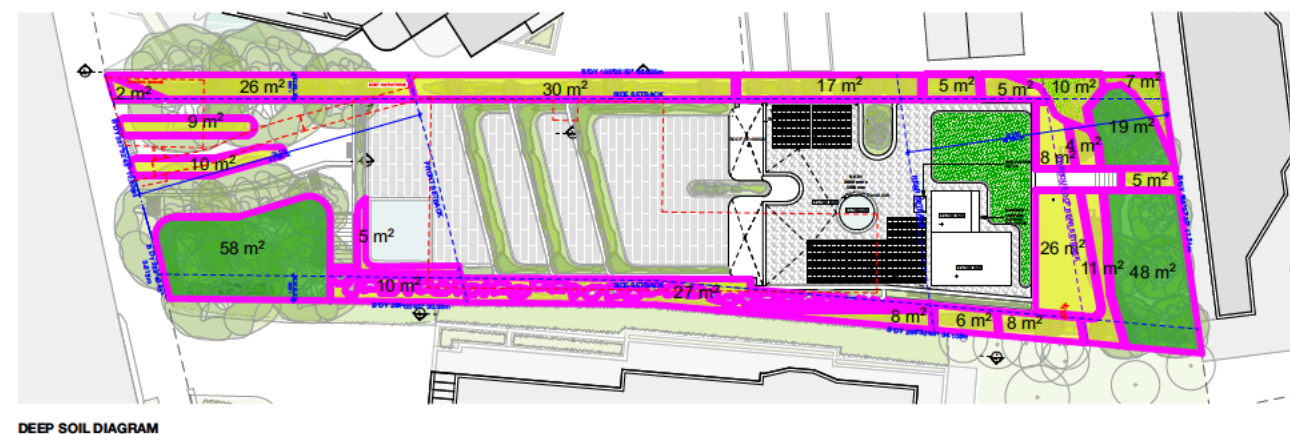
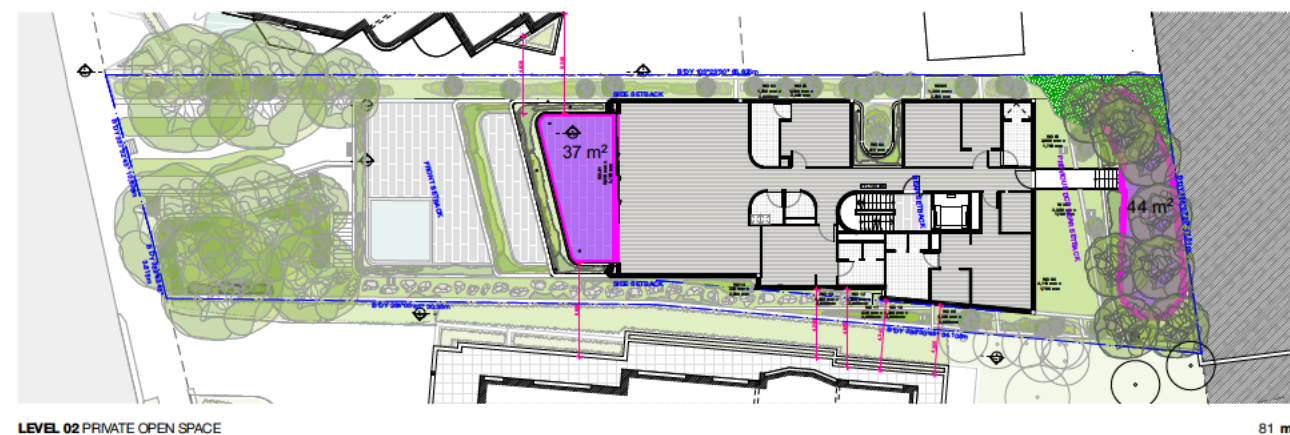
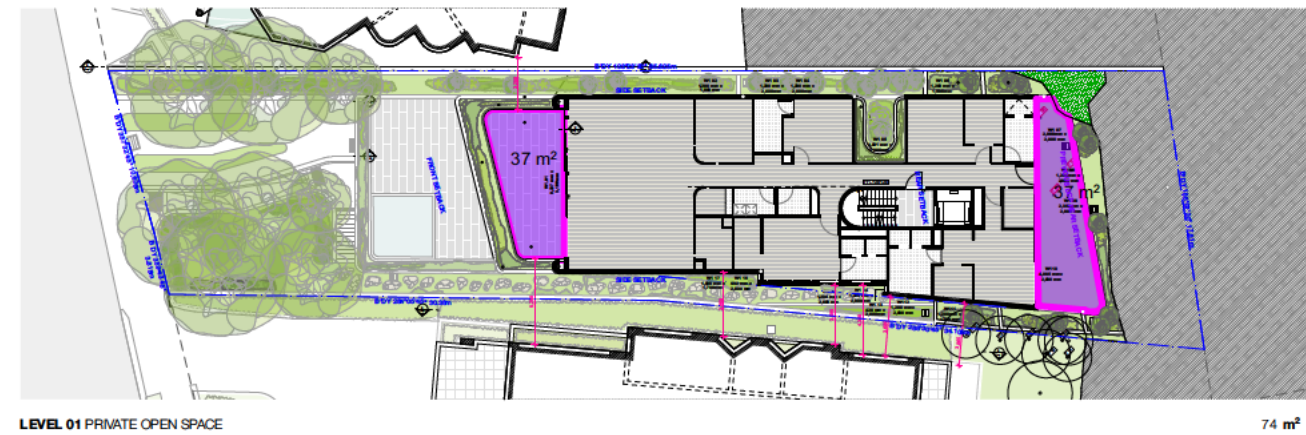
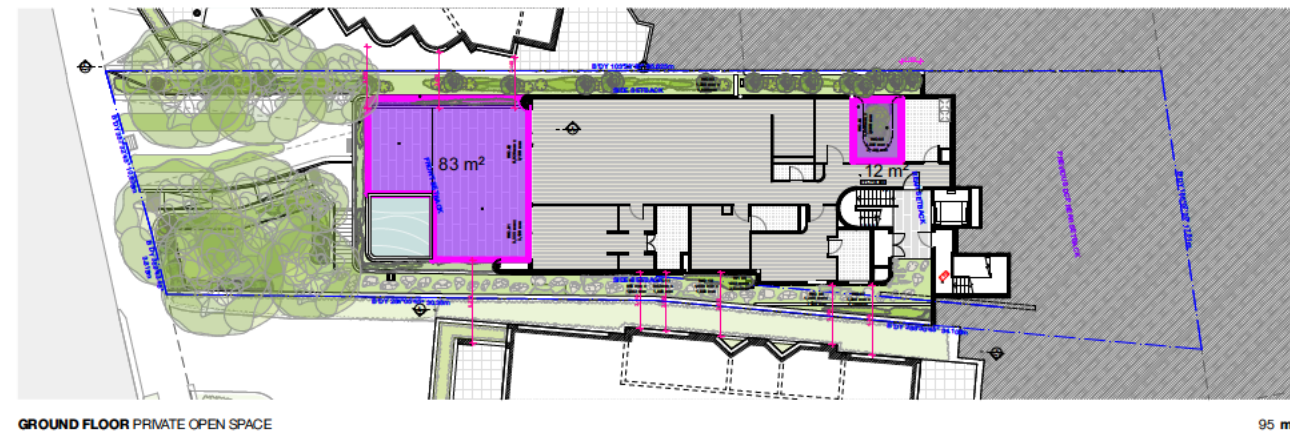
LEVEL 03

170.38 m²[illegible]

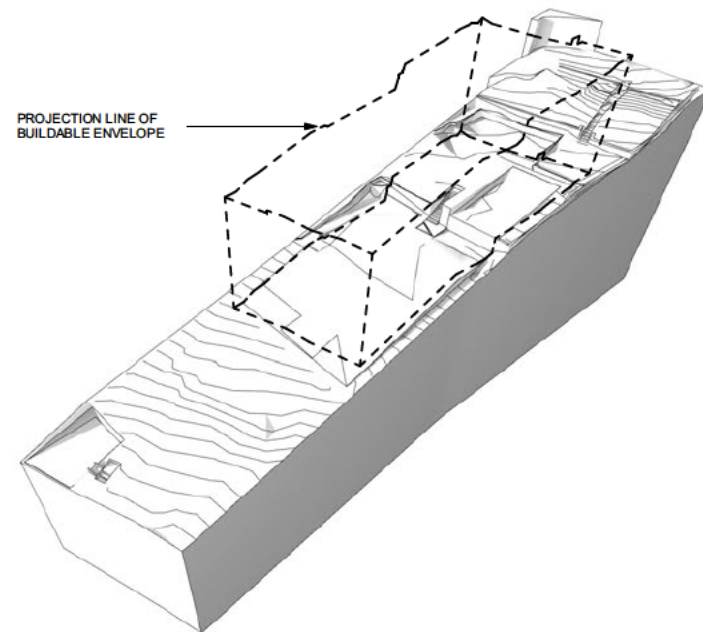
SITE INFORMATION		CONTROLS		
TITLE DESCRIPTION	LOT 1 DP 1281007	COUNCIL CONTROLS	CONTROL	REV A
ZONING	R3 Medium Density Residential	PRIVATE OPEN SPACE	8m ² per unit min. 2m x 2m	min. 66m ²
MAX. BUILDING HEIGHT	10.5m	DEEPSOIL AREA (min. % of front setback area)	105.12m ² 40%	118.86 m ² 45%
SITE AREA	968.80m ² (By Survey)	DEEPSOIL AREA (min. % of site area)	339.08m ² 35%	360.37 m ² 37%
BUILDABLE AREA	344.18m ²	TREE CANOPY (min. % of site area)	290.64m ² 30%	290.69 m ² 30%
NON-BUILDABLE AREA	624.62m ²	TREE CANOPY (of which half is canopy trees)	145.32m ² 15%	195.90 m ² 20%

REVI:
DEEPSOIL INCREASED FROM 339.07m² TO 360.37m²

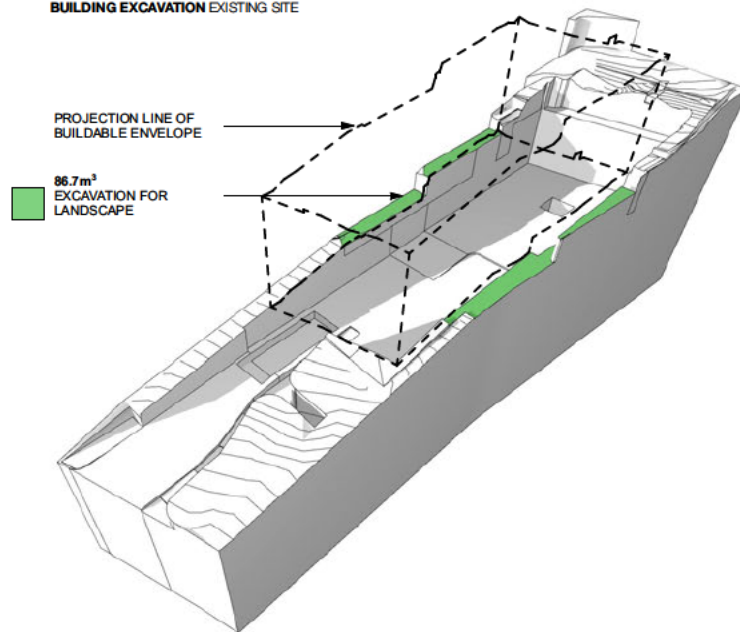
COMPLIES	EXISTING	NOTES	LEGEND
YES		Refer to diagrams below	 PRIVATE OPEN SPACE  DEEP SOIL LANDSCAPED AREA  DEEP SOIL LANDSCAPED AREA (WITH MINIMUM 4M DIMENSION TO ACCOMMODATE CANOPY TREES)  TREE CANOPY AREA  TREE CANOPY AREA - CANOPY TREES
YES			
YES			
YES	83.21m ²	Improved from existing	
YES			

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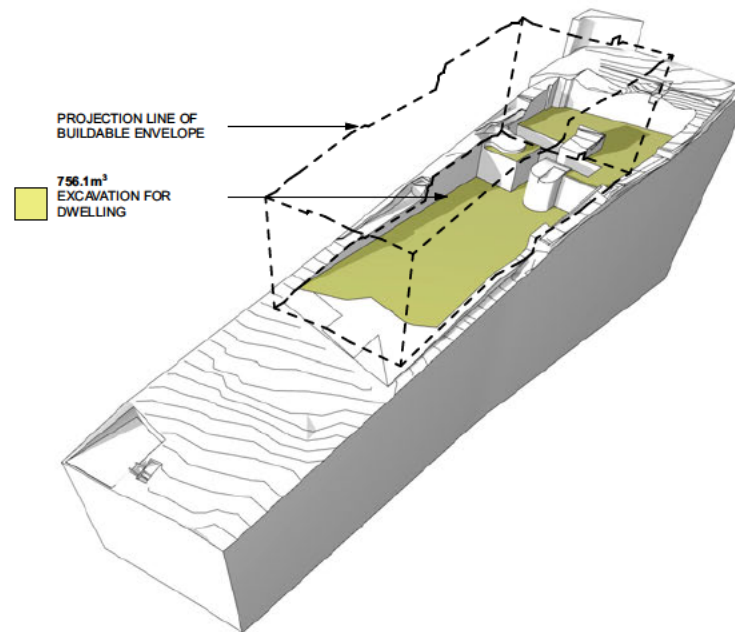
SITE INFORMATION		CONTROLS					
TITLE DESCRIPTION	LOT 1 DP 1281007	COUNCIL CONTROLS	CONTROL	REV A	COMPLIES	EXISTING	NOTES
ZONING	R3 Medium Density Residential	EXCAVATION	968.8m³	PROPOSED GROSS EXCAVATION VOLUME	2872.2m³		
MAX. BUILDING HEIGHT	10.5m			DWELLING	756.1m³		
				CAR PARK AND ACCESS	1669.1m³		
SITE AREA	968.80m² (By Survey)			PLANT ROOM AND SERVICES	360.3m³		
				LANDSCAPING	86.7m³		
BUILDABLE AREA	344.18m²			OFFSET FILL VOLUME	26.3m³		
NON-BUILDABLE AREA	624.62m²			TOTAL PROPOSED EXCAVATION VOLUME	2845.9m³	NO	
FRONT SETBACK AREA	262.80m²			EXCLUDING OFFSET FILL			
REAR SETBACK AREA	272.48m²						



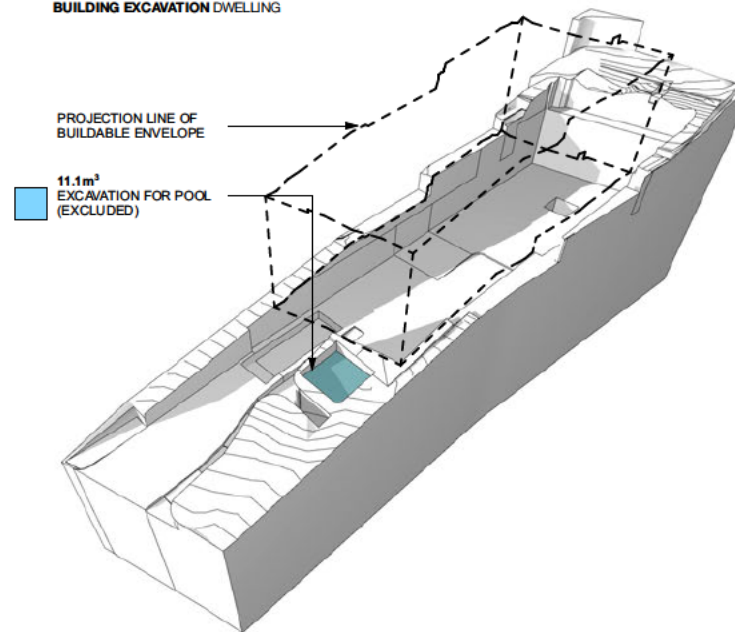
BUILDING EXCAVATION EXISTING SITE



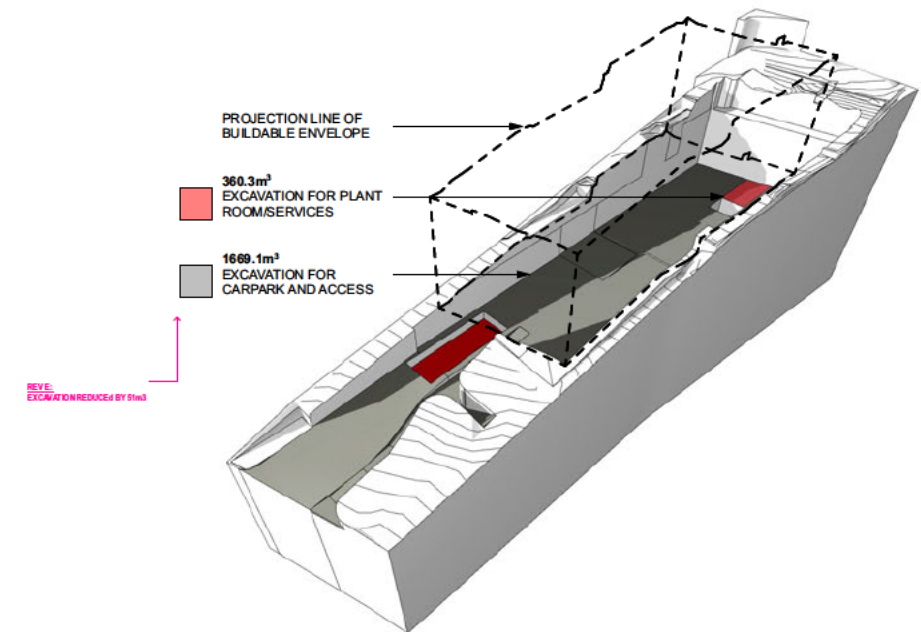
BUILDING EXCAVATION LANDSCAPE



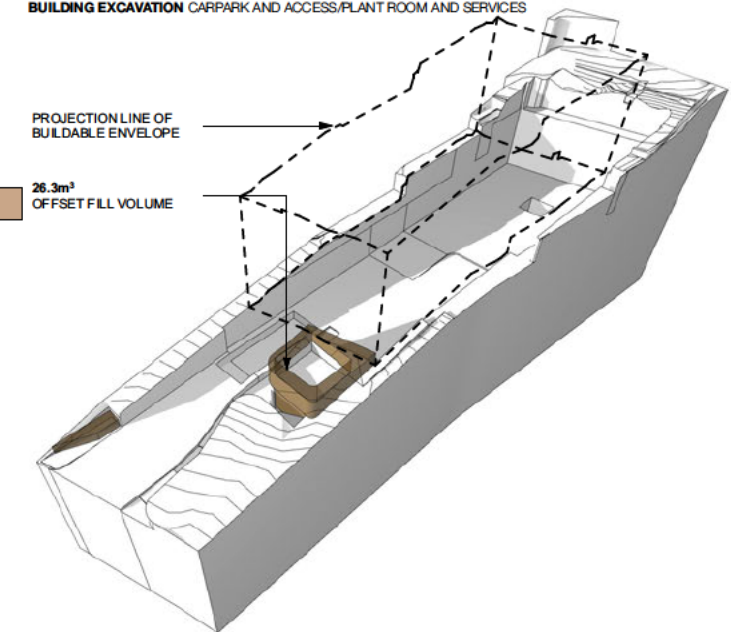
BUILDING EXCAVATION DWELLING



BUILDING EXCAVATION POOL

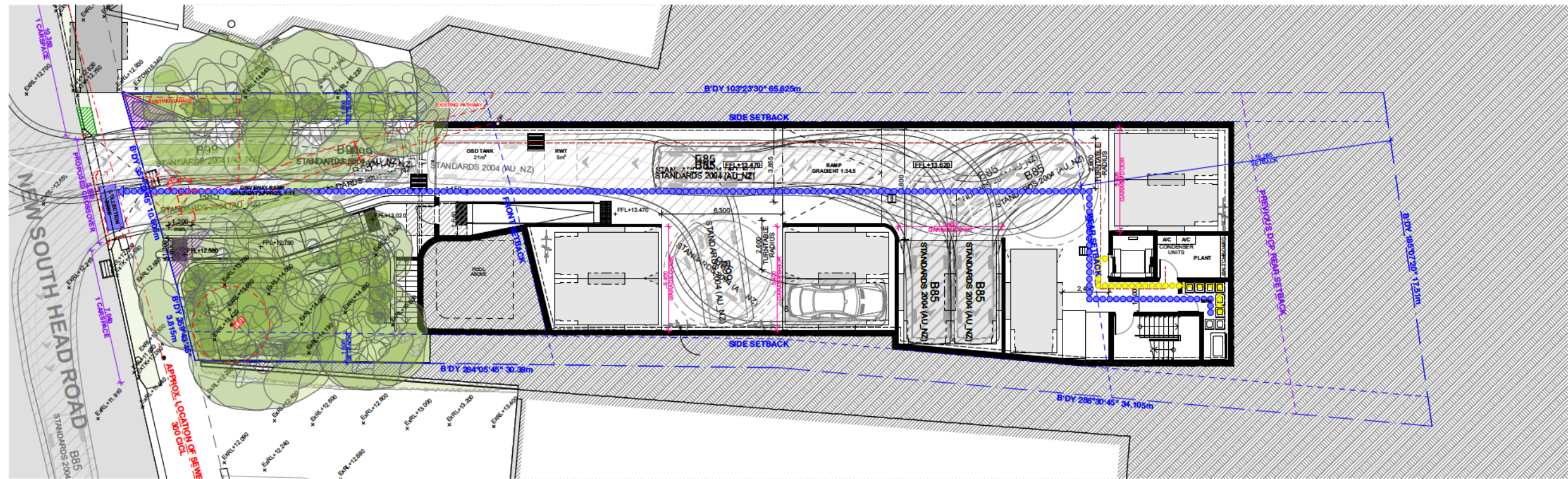


BUILDING EXCAVATION CARPARK AND ACCESS/PLANT ROOM AND SERVICES

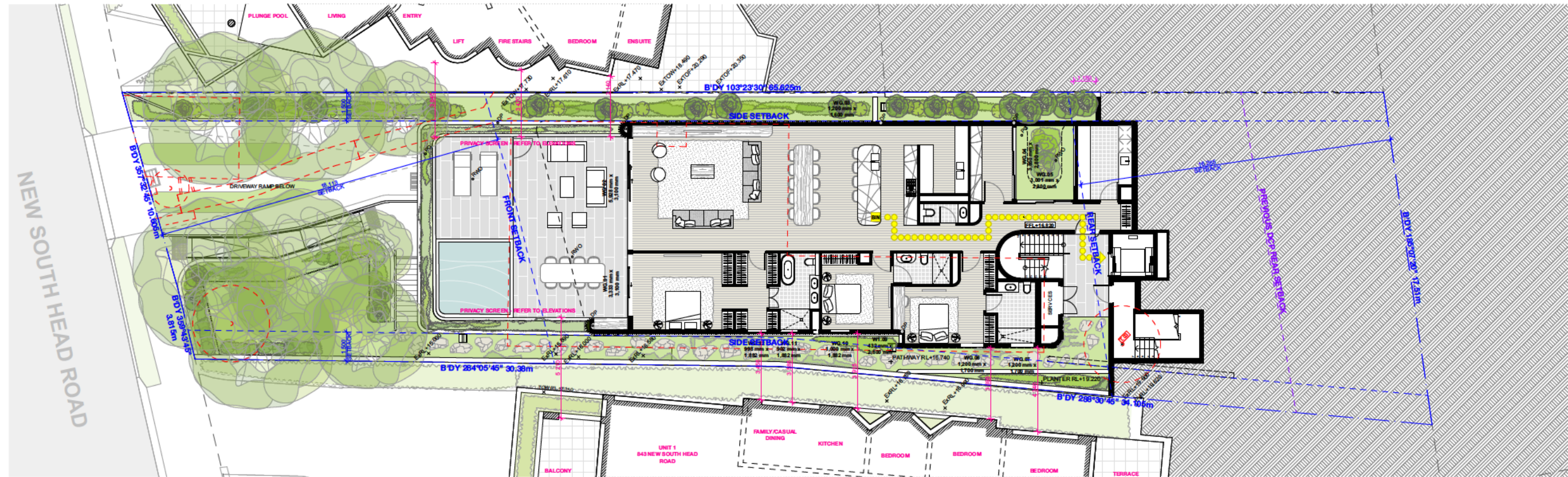


BUILDING EXCAVATION OFFSET FILL VOLUME

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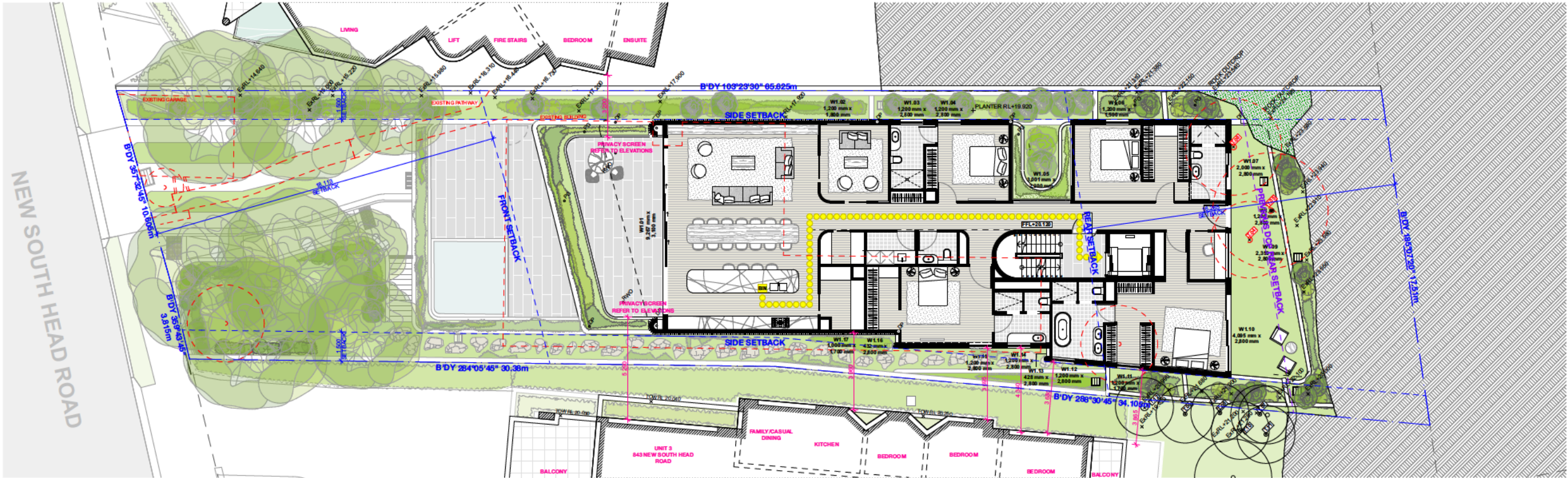


BASEMENT FLOOR PLAN - WASTE MANAGEMENT PLAN

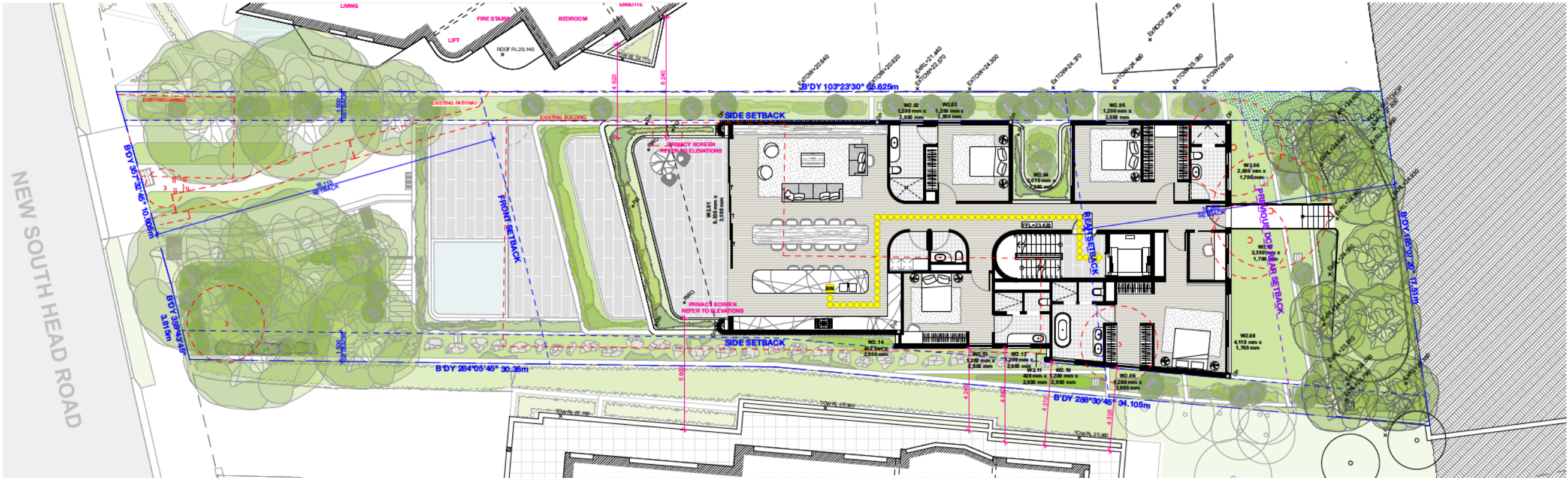


GROUND FLOOR PLAN - WASTE MANAGEMENT PLAN

[illegible]



LEVEL 01 - WASTE MANAGEMENT PLAN



LEVEL 02 - WASTE MANAGEMENT PLAN

REV	DATE	DESCRIPTION
01	2/7/2023	PRELIMINARY - FOR INFORMATION
A	2/7/2023	DEVELOPMENT APPLICATION
D	4/1/2023	CONSOLIDATED DRAWING SET
E	10/12/2024	AMENDED REAR SETBACK INCREASED

GENERAL NOTES

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (AS/NZS 1170:2016) AND THE LOCAL GOVERNMENT'S DEVELOPMENT APPLICATION REQUIREMENTS.

2. THE DRAWING SET IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE LOCAL GOVERNMENT.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

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9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

NOTES:

1. EXISTING FLOOR LEVELS TO REMAIN.

2. EXISTING FLOOR LEVELS TO REMAIN.

3. EXISTING FLOOR LEVELS TO REMAIN.

4. EXISTING FLOOR LEVELS TO REMAIN.

5. EXISTING FLOOR LEVELS TO REMAIN.

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8. EXISTING FLOOR LEVELS TO REMAIN.

9. EXISTING FLOOR LEVELS TO REMAIN.

10. EXISTING FLOOR LEVELS TO REMAIN.

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PROJECT ADDRESS:

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2029 LOT 1 DP 1281007

DRAWING TITLE:

SITE WASTE MANAGEMENT PLAN

PROJECT NUMBER:

23-042

DWG NUMBER:

DA3002

ISSUE DATE:

1/1/2024

REVISION:

E

DRAWN BY:

AH

CHECKED:

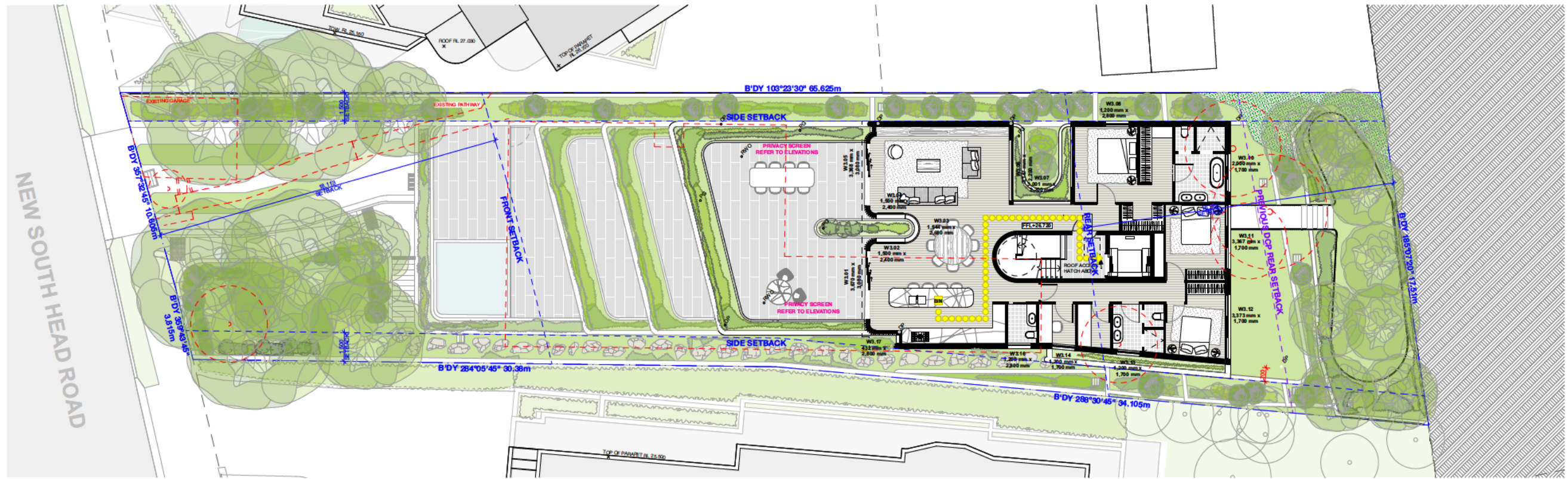
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SCALE:

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DATE:

10/12/2024



LEVEL 03 - WASTE MANAGEMENT PLAN

[illegible]

LANDSCAPE DA REPORT

845 NEW SOUTH HEAD ROAD

ROSE BAY, NSW, 2029

ISSUE C - JANUARY 2024

MHNDU^{NION} SQ1

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PROJECT OVERVIEW

The landscape design intent is to create a lush, dense landscape that embeds the residence within its surrounds and creates a series of attractive and usable landscape rooms and vistas for the residents.

The key principles are based upon requirements from the DCP and best-practice landscape strategies. In general, these principles are the:

- Use of predominantly indigenous species that are suited to the site to promote local biodiversity and create a strong sense of place.
- Inclusion of non-invasive exotic species that are selected for their special growing characteristics that allow them to thrive in transformed built environments such as this.
- Strategic layering of trees, shrubs, climbers, groundcovers and cascading plants to:
 - Minimise the visual intrusion of the built form to the surrounding neighbourhood and allowing the building to feel settled in nature.
 - Screen views to and from neighbouring properties and roadways.
 - Frame attractive views from the building and garden.
 - Create favourable microclimates through shading and screening from sun and wind.
 - Introduce seasonal interest through colour, fragrance and texture.
 - Achieve the required tree canopy area on the site.
- Retention of landscape stormwater for irrigation and sustainable hydrology.
- Addition of substantial on-building planters increase opportunities for vertical greening.

The proposed landscape areas are generally divided into the following areas:

- At grade garden spaces including:
 - front garden (ground level)
 - side gardens (ground level and level 1)
 - back garden (level 2)
- Balcony planting (on ground, level 1, level 2 and level 3)

AT GRADE GARDEN SPACES

The areas between the building and the site boundary make up the main garden spaces across a series of three terraces. They can be viewed and accessed from the residence and overlooked by some of the adjacent neighbours. The primary usable garden spaces are in the front and back and each terraces.

Trees and plants have been chosen to add value to these spaces through microclimate enhancement, incorporation of seasonal colour and fragrance and increasing urban biodiversity. These areas provide opportunities for passive and active recreation for residents, tenants and visitors. Layered planting of trees, shrubs, cascading plants and groundcovers have been designed to mitigate undesirable views, provide privacy and frame attractive views from the garden and residence.

BALCONY PLANTING

Substantial planters have been included on ground, level 1, level 2 and level 3. The planting includes cascading plants, shrubs and groundcovers and maximise the greening of the facades and the balconies.

Ample drainage will be provided for all planters including Dorken Delta Terraxx for the internal planter walls and Dorken Delta Floraxx Top (or similar approved) for the planter bases. In addition, the planters will receive 50mm gravel and 50mm sand layers to assist with drainage. Overflow has been allowed for in all planters and is directed to balcony full-bore drains.

OUTLINE SPECIFICATION

To ensure the rapid establishment and long-term success of the landscape works the following shall be undertaken:

- Installation of soil conditioner, trace elements and fertilisers to improve the existing soil (subject to future soil tests).
- Planters on concrete slabs have the following soil depths:
 - First level: 500mm soil depth for shrub and groundcover plants.
 - Second level: 500mm soil depth for shrub and groundcovplants.
 - Third: 500mm soil depth for shrub and groundcovplants.
- A 50mm minimum wood chip mulch layer to all planters on slab and 100mm to all garden areas to retain moisture and suppress weeds.

VISUAL SENSITIVITY

The proposed development has a prominent position on a busy road and with neighbours the adjacent sites. The landscape works will include as much planting as practically possible to soften the new buildings visually and to blend the new works with the surrounding environment. To achieve this the planting will be layered to provide cascading planters, screen shrubs, and groundcovers.

EXISTING TREES

Existing tree in front garden will be retained and needs to be protected.

SITE DRAINAGE AND IRRIGATION

Landscape drainage has been designed to drain towards planter beds where possible. Permeable hard surfaces are specified to assist with site drainage Permanent irrigation will be provided to all soft landscape areas.

SOIL

The planting comprises of a complementary mix of indigenous species. Soil profiles will be provided which have modest nutrient levels, particularly phosphorus. Suggested material would equal Australian Native Landscapes 'Low P' mixture.

PLANTING




- The plant species have been selected based on the following:
- Predominantly native with limited exotic species to cope with the local site conditions, specifically in raised planters and site microclimates surrounding the buildings
 - Reliable and robust species that will require minimal maintenance.
 - Plants with a variety of colours, flowers, textures and scents to add year-round and seasonal interest to the landscape.

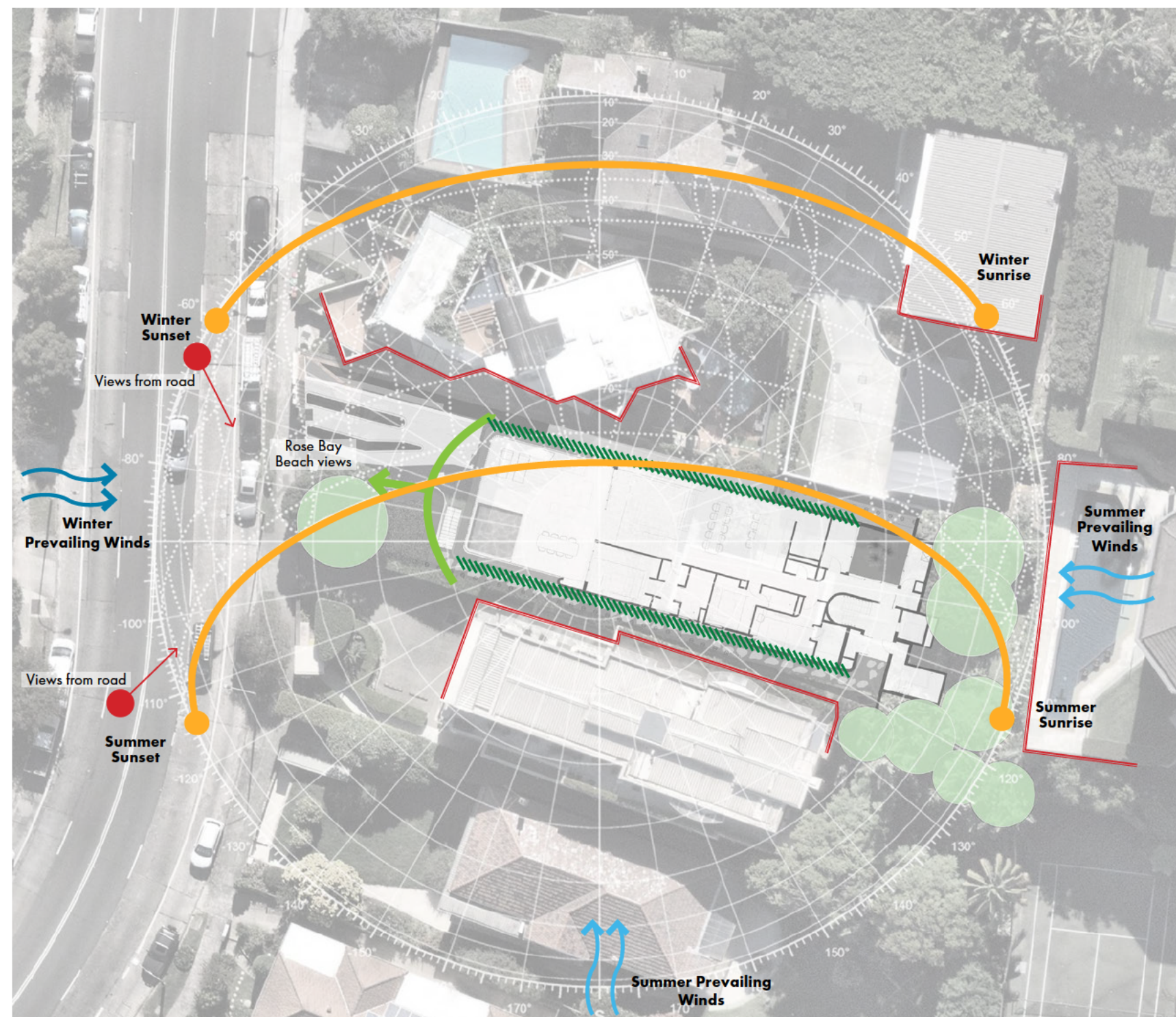
PLANT ESTABLISHMENT & MAINTENANCE

An experienced landscape maintenance contractor will be engaged to keep all plant material in a state of health and vigour after practical completion.

- Screening from surrounding erfs is needed to provide privacy
- Planting will be based on sun locations in different seasons and the prevailing wind.

Legend

-  Existing Tree
-  Views from neighbours
-  High level screening



Legend

Tree canopy area for trees
above 8m height and
8m diameter at maturity:
196.57m²

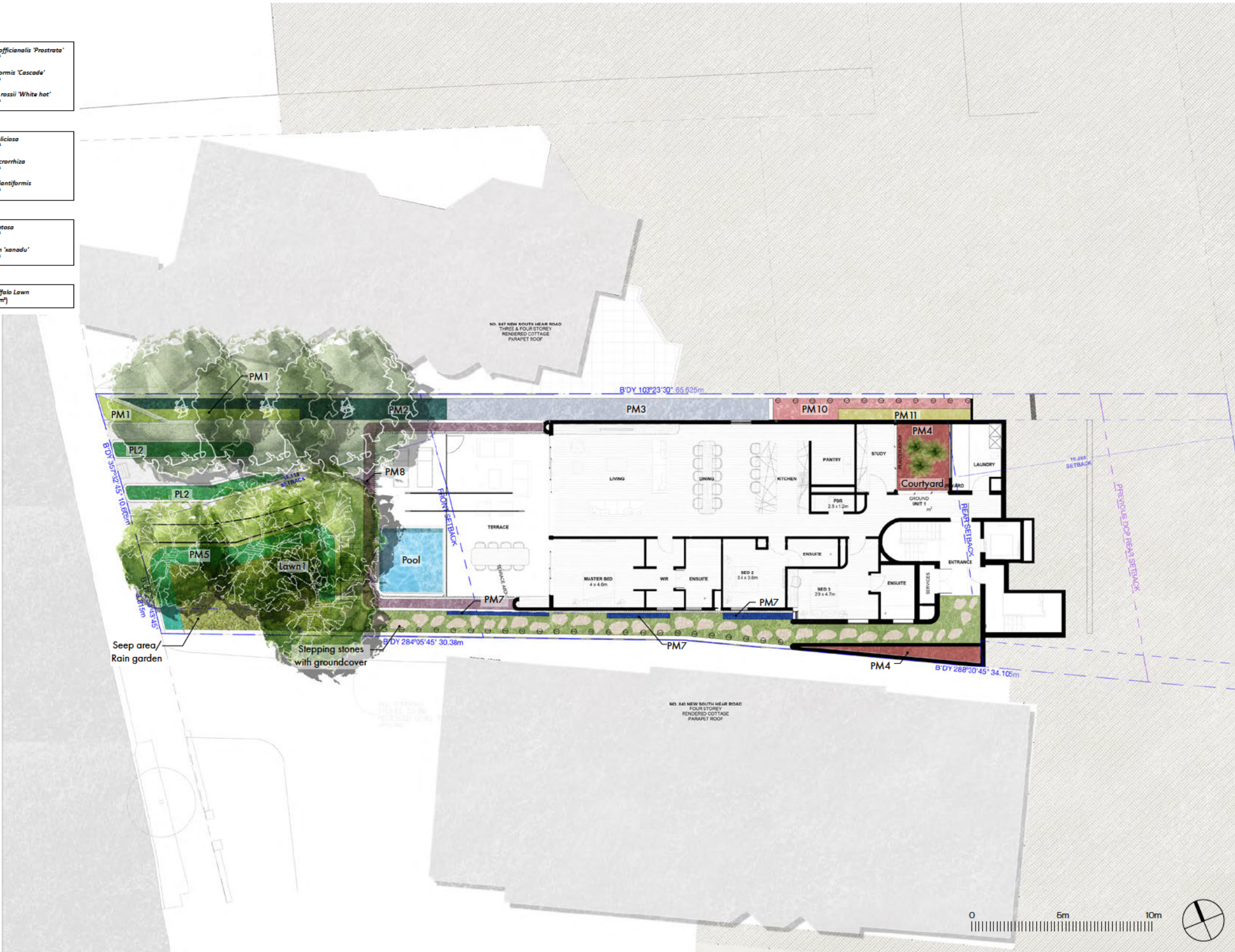
Tree canopy area for trees
above 3m height and
3m diameter at maturity:
90.43m²

Total Tree Canopy Area:
287m²



Legend

Tree	
	<i>Tristania laurina</i> 200L
	<i>Corymbia ficifolia</i> 'Summer Red' 200L
Feature shrub	
	<i>Cyathocha australis</i> 50L
Climber	
	<i>Ficus pumila</i> 200mm
	<i>Pa. thenocissus tricuspidata</i> 200mm
Groundcover (84mm)	
	<i>Scleranthus biflorus</i> 150mm @ 4/m²
	<i>Zoysia tenuifolia</i> 150mm @ 4/m²
Planting Mix 1 (7m²)	
	<i>Adenanthos sericeus</i> 400mm @ 1/m²
	<i>Banksia</i> 'Birthday Candles' 300mm 1/m²
	<i>Myoporum parvifolium</i> 'Yarewa' 200mm @ 1/m²
Planting Mix 2 (17m²)	
	<i>Callistemon citrinus</i> 'White Anzac' 400mm @ 0.5/m²
	<i>Leptospermum petersonii</i> 'Little lemon scent' 200mm @ 2/m²
Planting Mix 3 (23m²)	
	<i>Alpinia nutans</i> 300mm @ 4/m²
	<i>Philodendron</i> 'Imperial red' 200mm @ 1/m²
	<i>Lamium maculatum</i> 200mm @ 1/m²
Planting Mix 4 (16m²)	
	<i>Philodendron</i> 'Xanadu' 200mm @ 4/m²
	<i>Colocasia esculenta</i> 200mm @ 1/m²
	<i>Aspidistra elatior</i> 400mm @ 0.5/m²
Planting Mix 5 (18m²)	
	<i>Adenanthos sericeus</i> 200mm @ 0.5/m²
	<i>Dichandra argentea</i> 'Silver falls' 200mm @ 2/m²
	<i>Casuarina glauca</i> 200mm @ 2/m²
Planting Mix 7 (4m²)	
	<i>Lamium maculatum</i> 200mm @ 2/m²
	<i>Ctenanthe setosa</i> 200mm @ 2/m²
Planting Mix 8 (15m²)	
	<i>Rosmarinus officinalis</i> 'Prostrata' 200mm @ 1/m²
	<i>Acacia cultiformis</i> 'Cascade' 200mm @ 2/m²
	<i>Carpobrotus rossii</i> 'White hot' 200mm @ 1/m²
Planting Mix 10 (10m²)	
	<i>Monstera deliciosa</i> 400mm @ 1/m²
	<i>Alocasia macrorrhiza</i> 200mm @ 1/m²
	<i>Rumohra adiantiformis</i> 200mm @ 4/m²
Planting Mix 11 (5m²)	
	<i>Ctenanthe setosa</i> 200mm @ 1/m²
	<i>Philodendron</i> 'Xanadu' 200mm @ 4/m²
Lawn	
	<i>Sapphire Buffalo Lawn</i> Rolled lawn (36m²)



LANDSCAPE PLAN - GROUND FLOOR PLAN 6 SQ1












Legend

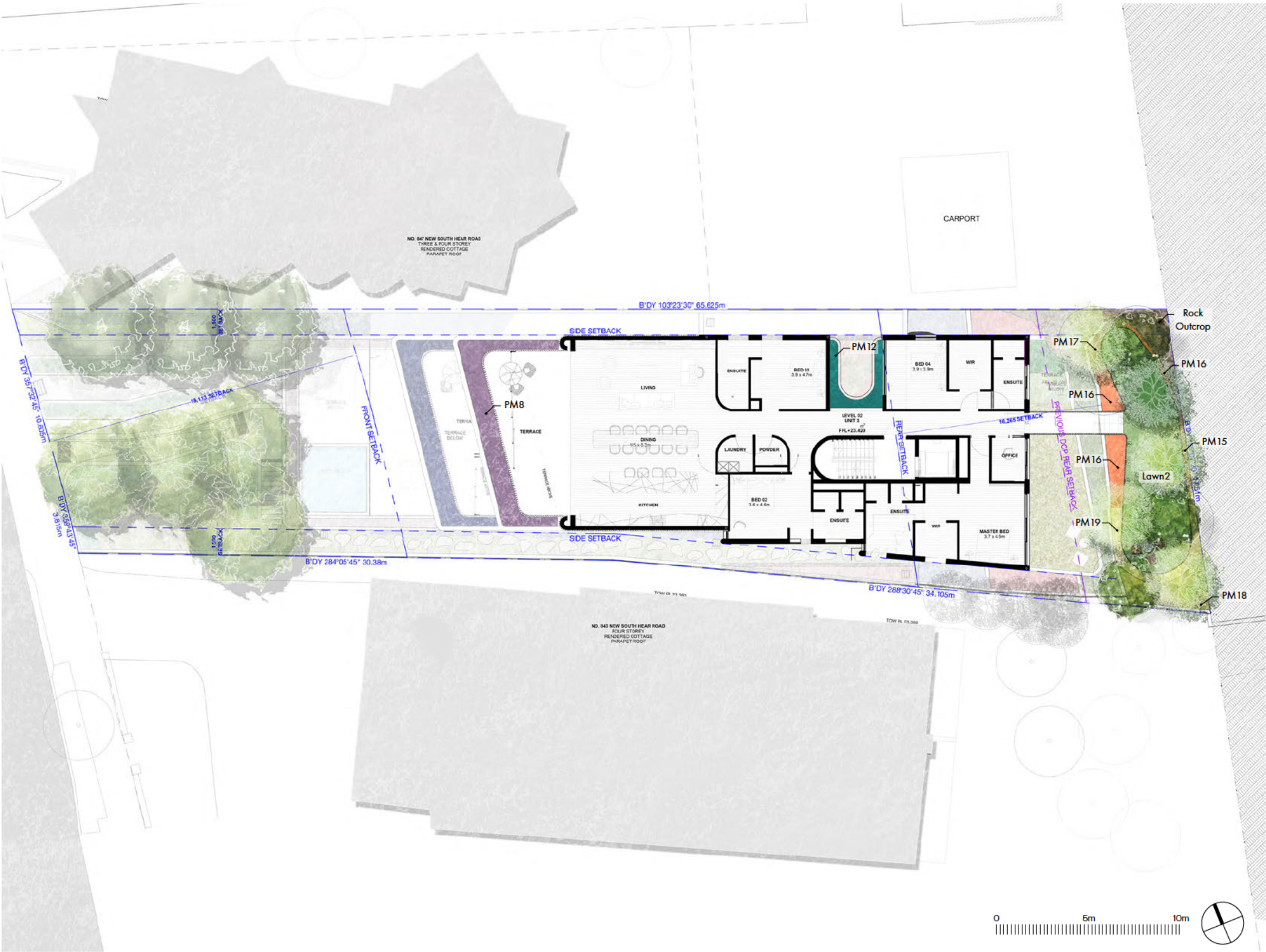
Tree	
	Existing tree
Planting Mix 3 (10m ²)	
PM3	Alpinia nutans 300mm @ 4/m ² Philodendron 'Imperial red' 200mm @ 1/m ² Lamium maculatum 200mm @ 1/m ²
Planting Mix 6 (4m ²)	
PM6	Dianella tasmanica 'Splice' 200mm @ 2/m ² Mentha australis 200mm @ 2/m ²
Planting Mix 9 (3m ²)	
PM9	Alpinia nutans 300mm @ 1/m ² Dianella tasmanica 'Splice' 200mm @ 3/m ²
Planting Mix 10 (10m ²)	
PM10	Monstera deliciosa 400mm @ 1/m ² Alcaesia macrantha 200mm @ 1/m ² Rumohra adiantiformis 200mm @ 4/m ²
Planting Mix 12 (5m ²)	
PM12	Dichondra argentea 'Silver falls' 200mm @ 2/m ² Casuarina glauca 200mm @ 1/m ²
Planting Mix 13 (16m ²)	
PM13	Casuarina glauca 200mm @ 1/m ² Myoporum parvifolium 'White stampede' 200mm @ 2/m ² Leptospermum polygalifolium 'Vertical drop' 200mm @ 1/m ²
Planting Mix 14 (15m ²)	
PM14	Acacia cultiformis 'Cascade' 200mm @ 1/m ² Rosmarinus officinalis 'Prostrata' 200mm @ 1/m ² Carpobrotus rossii 'White hot' 200mm @ 2/m ² Myoporum parvifolium 'White stampede' 200mm @ 1/m ² Adenanthos sericeus 400mm @ 0.5/m ² Banksia spinulosa 300mm @ 0.5/m ²
Lawn	
LAWN1	Sapphire Buffalo Lawn Rolled lawn (28m ²)



LANDSCAPE PLAN - FIRST FLOOR PLAN 7 SQ1

Legend

Tree	
	<i>Corymbia maculata variegata</i> 'Ribbons of Hope' 200L
	<i>Backhousia citriodora</i> 200L
	<i>Angophora hispida</i> 200L
Planting Mix 8 (16m²)	
	<i>Rosmarinus officinalis</i> 'Prostrata' 200mm @ 1/m²
	<i>Acacia cultiformis</i> 'Cascade' 200mm @ 2/m²
	<i>Carpobrotus rossii</i> 'White hot' 200mm @ 1/m²
Planting Mix 12 (5m²)	
	<i>Dichondra argentea</i> 'Silver falls' 200mm @ 2/m²
	<i>Casuarina glauca</i> 200mm @ 1/m²
Planting Mix 15 (2m²)	
	<i>Myoporum parvifolium</i> 'White stampede' 200mm @ 2/m²
	<i>Correa alba</i> 200mm @ 2/m²
	<i>Callistemon hybrid</i> 'Red Rover' 400mm @ 0.5/m²
Planting Mix 16 (7m²)	
	<i>Banksia serrata</i> 'Pygmy possum' 200mm @ 2/m²
	<i>Lomatia silaifolia</i> 200mm @ 2/m²
	<i>Rhagodia spinescens</i> 200mm @ 1/m²
Planting Mix 17 (1m²)	
	<i>Callistemon</i> 'Wilderness white' 400mm @ 0.5/m²
	<i>Leptospermum polygalifolium</i> 200mm @ 1/m²
Planting Mix 18 (11m²)	
	<i>Banksia spinulosa</i> 300mm @ 0.5/m²
	<i>Grevillea</i> 'Caloundra Gem' 200mm @ 2/m²
	<i>Banksia blechnifolia</i> 200mm @ 2/m²
	<i>Leptospermum hybrid</i> 'Pink cascade' 200mm @ 1/m²
	<i>Anigozanthos</i> 'Bush diamond' 200mm @ 2/m²
Planting Mix 19 (4m²)	
	<i>Adenanthos sericeus</i> 400mm @ 0.5/m²
	<i>Eremophila glabra prostrata</i> 200mm @ 4/m²
Lawn	
	<i>Tyftuf Hybrid Bermuda Lawn</i> Rolled lawn (43m²)



Legend

- Planting Mix 8 (4m²)

PM8

 - Rosmarinus officinalis 'Prostrata'
200mm @ 1/m²
 - Acacia cultiformis 'Cascade'
200mm @ 2/m²
 - Carpobrotus rossii 'White hot'
200mm @ 1/m²
- Planting Mix 12 (5m²)

PM12

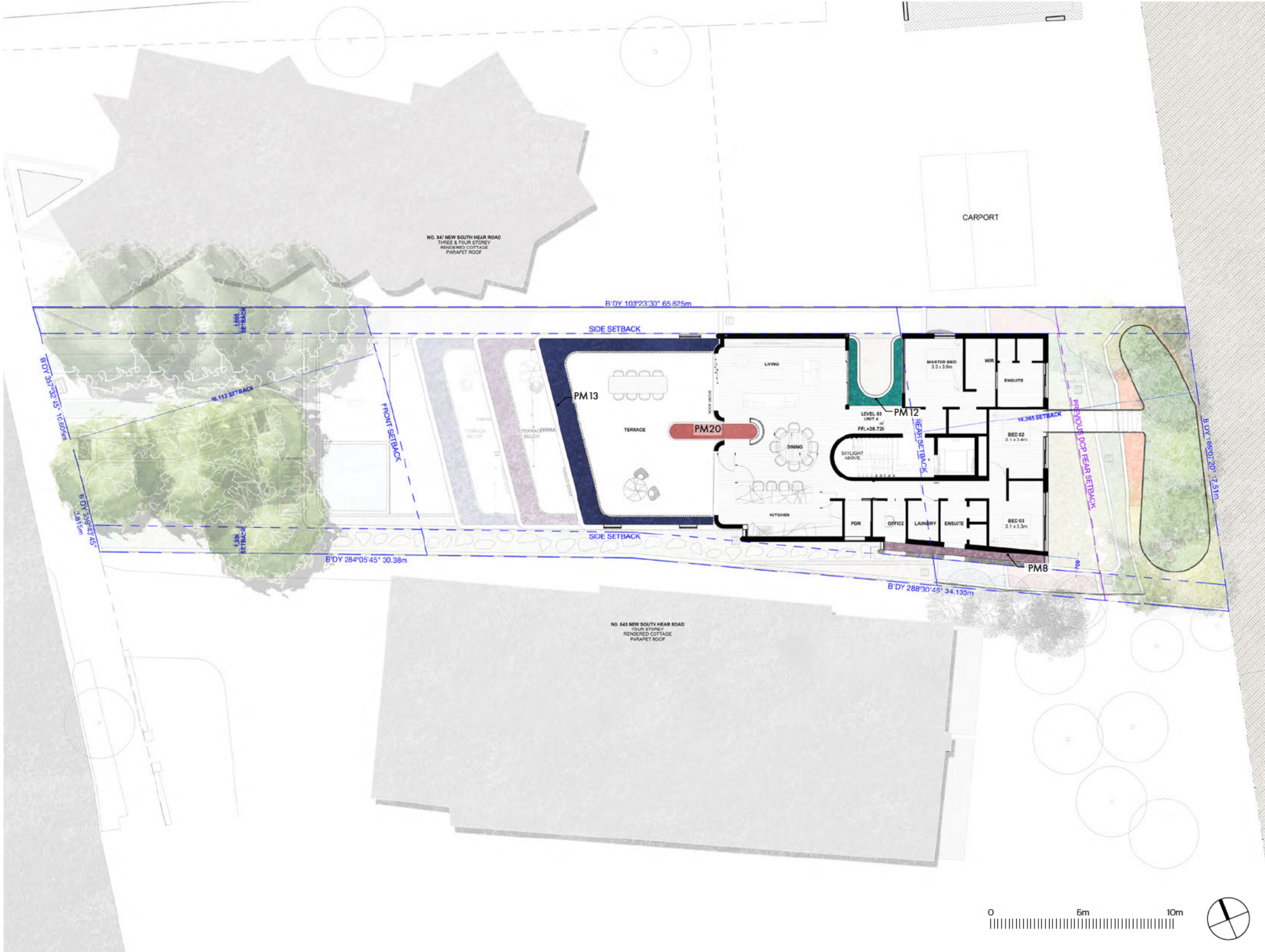
 - Dichondra argentea 'Silver falls'
200mm @ 2/m²
 - Casuarina glauca
200mm @ 1/m²
- Planting Mix 13 (21m²)

PM13

 - Casuarina glauca
200mm @ 1/m²
 - Myoporum parvifolium 'White stampede'
200mm @ 2/m²
 - Leptospermum polygalifolium 'Vertical drop'
200mm @ 1/m²
- Planting Mix 20 (4m²)

PM20

 - Westringia fruticosa 'Grey box'
300mm @ 1/m²
 - Dichondra argentea 'Silver falls'
200mm @ 2/m²



LANDSCAPE PLAN - THIRD FLOOR PLAN 9 SQ1



LANDSCAPE ELEVATION 10 SQ1

GROUND FLOOR

CODE	BOTANIC NAME	COMMON NAME	POT SIZE	MATURE SIZE	SPACING/m²	NUMBER OF PLANTS
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TREES

T1	<i>Tristaniopsis laurina</i>	Water Gum	200L	8x8		4
T2	<i>Corymbia ficifolia</i> 'Summer Red'	Flowering Gum	200L	8x8		3

FEATURE SHRUB

	<i>Cyathea australis</i>	Rough Tree Fern	50L	5x3		3
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CLIMBERS

Fpu	<i>Ficus pumila</i>	Tickey Creeper	200mm	4x12		23
Pqu	<i>Parthenocissus tricuspidata</i>	Boston Ivy	200mm	3x15		23

GROUND COVER (84m²)

PL1	<i>Scleranthus biflorus</i> (71m²)	Two Flowered Knawel	150mm	Spreading	4	284
PL2	<i>Zoysia tenuifolia</i> (13m²)	Velvet Grass	150mm	Spreading	4	52

PLANT MIX 1 (7m²)

PM1	<i>Adenanthos sericeus</i>	Woolly Bush	400mm	5x1.5	1	7
	<i>Banksia</i> 'Birthday Candles'	Banksia	300mm	0.5x1	1	7
	<i>Myoporum parvifolium</i> 'Yareena'	Creeping Boobialla	200mm	0.1x1	1	7

PLANT MIX 2 (17m²)

PM2	<i>Callistemon</i> 'White Anzac'	Bottlebrush	400mm	1.5x3	0.5	9
	<i>Leptospermum petersonii</i> 'Little lemon scent'	Tea Tree	200mm	2x1.5	2	34

PLANT MIX 3 (23m²)

	<i>Alpinia nutans</i>	Dwarf Cardamom	300mm	1.5x1	4	92
	<i>Philodendron</i> 'Imperial red'	Fine Leaf White	200mm	0.3x3	1	23
	<i>Lamium maculatum</i>	Spotted Dead Nettle	200mm	0.2x0.9	1	23

PLANT MIX 4 (16m²)

	<i>Philodendron xanadu</i>	Winterbourn	200mm	1x1	4	64
	<i>Colocasia esculenta</i>	Taro	200mm	1.8x1.8	1	16
	<i>Aspidistra elatior</i>	Cast Iron Plant	400mm	0.7x0.7	0.5	8

PLANT MIX 5 (18m²)

PM5	<i>Adenanthos sericeus</i>	Woolly Bush	200mm	5x1.5	0.5	9
	<i>Dichondria argentea</i> 'Silver falls'	Silver Nickle Vine	200mm	Spreading	2	36
	<i>Casuarina glauca</i>	Swamp She-oak	200mm	0.6x0.9	2	36

PLANT MIX 7 (4m²)

PM7	<i>Lamium maculatum</i>	Spotted Dead Nettle	200mm	0.2x0.9	2	8
	<i>Ctenanthe setosa</i>	Never-never Plant	200mm	1x0.8	2	8

PLANT MIX 8 (15m²)

PM8	<i>Rosmarinus officianalis</i> 'Prostrata'	Creeping Rosemary	200mm	0.6x0.9	1	15
	<i>Acacia cultiformis</i> 'Cascade'	Knife Acacia	200mm	0.4x4	2	30
	<i>Carpobrotus rossi</i> 'White hot'	Native Pig Face	200mm	0.4x1	1	15

PLANT MIX 10 (10m²)

PM10	<i>Monstera deliciosa</i>	Split Leaf Philodendron	400mm	4x2	1	10
	<i>Alocasia macrarrhiza</i>	Giant Taro	200mm	2x1	1	10
	<i>Rumohra adiantiformis</i>	Leatherleaf Fern	200mm	0.5x0.5	4	40

PLANT MIX 11 (5m²)

PM8	<i>Ctenanthe setosa</i>	Never-never Plant	200mm	1x0.8	1	11
	<i>Philodendron xanadu</i>	Winterbourn	200mm	1x1	4	20

ROLLED LAWN

	<i>Sapphire Buffalo Lawn</i>		Spreading			36m²
--	------------------------------	--	-----------	--	--	------

FIRST FLOOR

CODE	BOTANIC NAME	COMMON NAME	POT SIZE	MATURE SIZE	SPACING/m²	NUMBER OF PLANTS
------	--------------	-------------	----------	-------------	------------	------------------

PLANT MIX 3 (10m²)

PM3	<i>Alpinia nutans</i>	Dwarf Cardamom	300mm	1.5x1	4	40
	<i>Philodendron</i> 'Imperial red'	Philodendron	200mm	3x60	1	10
	<i>Lamium maculatum</i>	Spotted Dead Nettle	200mm	0.2x0.9	1	10

PLANT MIX 6 (4m²)

PM6	<i>Dianella tasmanica</i> 'Splice'	Native Flax	200mm	0.6x0.6	2	8
	<i>Mentha australis</i>	River Mint	200mm	0.7x1	2	8

PLANT MIX 9 (3m²)

PM9	<i>Alpinia serecea</i>	Native Ginger	300mm	2x2	1	3
	<i>Dianella tasmanica</i> 'Splice'	Native Flax	200mm	0.6x0.6	3	9

PLANT MIX 10 (10m²)

PM10	<i>Monstera deliciosa</i>	Split Leaf Philodendron	400mm	4x2	1	10
	<i>Alocasia macrarrhiza</i>	Giant Taro	200mm	2x1	1	10
	<i>Rumohra adiantiformis</i>	Leatherleaf Fern	200mm	0.5x0.5	4	40

PLANT MIX 12 (5m²)

PM12	<i>Dichondria argentea</i> 'Silver falls'	Silver Nickle Vine	200mm	Spreading	2	10
	<i>Casuarina glauca</i>	Swamp She-oak	200mm	0.6x0.9	1	5

PLANT MIX 13 (16m²)

PM13	<i>Casuarina glauca</i>	Swamp She-oak	200mm	0.6x0.9	1	16
	<i>Myoporum parvifolium</i> 'White stampede'	Boobialla	200mm	0.3x3	2	32
	<i>Leptospermum polygalifolium</i> 'Vertical drop'	Tea Tree	200mm	0.4x1	1	16

PLANT MIX 14 (15m²)

PM14	<i>Acacia cultiformis</i> 'Cascade'	Knife Acacia	200mm	0.4x4	1	15
	<i>Rosmarinus officianalis</i> 'Prostrata'	Creeping Rosemary	200mm	0.6x0.9	1	15
	<i>Carpobrotus rossi</i> 'White hot'	Native Pig Face	200mm	0.4x1	2	0
	<i>Myoporum parvifolium</i> 'White stampede'	Boobialla	200mm	0.3x3	1	15
	<i>Adenanthos sericeus</i>	Woolly Bush	400mm	5x1.5	0.5	8
	<i>Banksia spinulosa</i>	Hairpin Banksia	300mm	3x3	0.5	8

ROLLED LAWN

	<i>Sapphire Buffalo Lawn</i>		Spreading			28m²
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SECOND FLOOR

CODE	BOTANIC NAME	COMMON NAME	POT SIZE	MATURE SIZE	SPACING/m²	NUMBER OF PLANTS
TREES						
T3	<i>Corymbia maculata variegata 'Ribbons of hope'</i>	Spotted Gum	200L	4x4		3
T4	<i>Backhausia citriodora</i>	Lemon Myrtle	200L	4x4		4
T5	<i>Angophora hispida</i>	Dwarf Apple	200L	4x4		1
PLANT MIX 8 (16m²)						
PM8	<i>Rosmarinus officianalis 'Prostrata'</i>	Creeping Rosemary	200mm	0.6x0.9	1	16
	<i>Acacia cultiformis 'Cascade'</i>	Knife Acacia	200mm	0.4x4	2	32
	<i>Carpobrotus rossi 'White hot'</i>	Native Pig Face	200mm	0.4x1	1	16
PLANT MIX 12 (5m²)						
PM12	<i>Dichondria argentea 'Silver falls'</i>	Silver Nickle Vine	200mm	Spreading	2	10
	<i>Casuarina glauca</i>	Swamp She-oak	200mm	0.6x0.9	1	5
PLANT MIX 15 (2m²)						
PM15	<i>Myoporum parvofolium 'White stampede'</i>	Boobialla	200mm	0.4x0.4	2	4
	<i>Correa alba</i>	White Correa	200mm	1.5x1.5	2	4
	<i>Callistemon hybrid 'Red Rover'</i>	Bottlebrush	400mm	0.4x1.5	0.5	1
PLANT MIX 16 (7m²)						
PM16	<i>Banksia serrata 'Pygmy possum'</i>	Banksia	200mm	0.4x3	2	14
	<i>Lomatia silaifolia</i>	Parsley Bush	200mm	1.5x1.5	2	14
	<i>Rhagodia spinescens</i>	Spiny Saltbush	200mm	3x2	1	7
PLANT MIX 17 (3m²)						
PM17	<i>Callistemon 'Wilderness white'</i>	Bottlebrush	400mm	3x2	0.5	2
	<i>Leptospermum polygalifolium</i>	Tea Tree	200mm	1.5x1.5	1	3
PLANT MIX 18 (11m²)						
PM18	<i>Banksia spinulosa</i>	Hairpin Banksia	300mm	3x3	0.5	6
	<i>Grevillea 'Caloundra Gem'</i>	Grevillea	200mm	3x1.5	2	22
	<i>Banksia blechnifolia</i>	Banksia	200mm	0.5x4	2	22
	<i>Leptospermum hybrid 'Pink cascade'</i>	Tea Tree	200mm	0.8x1.5	1	11
	<i>Anigozanthos 'Bush diamond'</i>	Kangaroo Paw	200mm	0.8x0.6	2	22
PLANT MIX 19 (4m²)						
PM19	<i>Adenanthos sericeus</i>	Woolly Bush	200mm	5x1.5	0.5	2
	<i>Eremophila glabra prostrate</i>	Emu Bush	200mm	0.3x3	4	16
ROLLED LAWN						
	<i>TifTuf Hybrid Bermuda Lawn</i>		Spreading			43m²

THIRD FLOOR

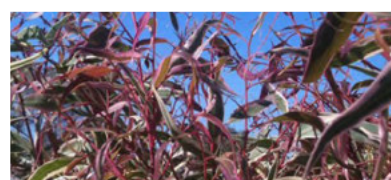
CODE	BOTANIC NAME	COMMON NAME	POT SIZE	MATURE SIZE	SPACING/m²	NUMBER OF PLANTS
PLANT MIX 8 (4m²)						
PM8	<i>Rosmarinus officianalis 'Prostrata'</i>	Creeping Rosemary	200mm	0.6x0.9	1	4
	<i>Acacia cultiformis 'Cascade'</i>	Knife Acacia	200mm	0.4x4	2	8
	<i>Carpobrotus rossi 'White hot'</i>	Native Pig Face	200mm	0.4x1	1	4
PLANT MIX 12 (5m²)						
PM12	<i>Dichondria argentea 'Silver falls'</i>	Silver Nickle Vine	200mm	Spreading	2	10
	<i>Casuarina glauca</i>	Swamp She-oak	200mm	0.6x0.9	1	5
PLANT MIX 13 (21m²)						
PM13	<i>Casuarina glauca</i>	Swamp She-oak	200mm	0.6x0.9	1	21
	<i>Myoporum parvifolium 'White stampede'</i>	Boobialla	200mm	0.3x3	2	42
	<i>Leptospermum polygalifolium 'Vertical'</i>	Tea Tree	200mm	0.4x1	1	21
PLANT MIX 20 (4m²)						
PM20	<i>Westringia fruticosa 'Grey box'</i>	Dwarf Coast Rosemary	300mm	1x1.5	1	4
	<i>Dichondria argentea 'Silver falls'</i>	Knife Blade Wattle	200mm	Spreading	2	8



Tristanopsis laurina
Kanooka



Bachousia citriodora
Lemon Myrtle



Corymbia maculata variegata
'Ribbons of Hope'
Spotted Gum



Corymbia ficifolia 'Summer Red'
Flowering Gum



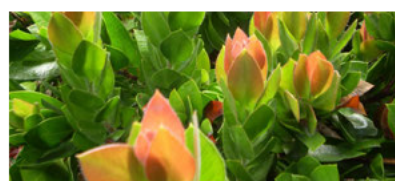
Angophora hispida
Dwarf Apple



Banksia blechnifolia
Banksia



Banksia spinulosa
Hairpin Banksia



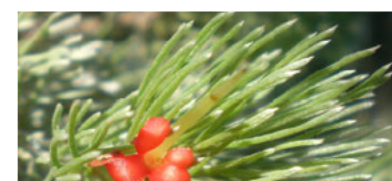
Callistemon hybrid 'Red Rover'
Bottlebrush



Banksia 'Birthday Candles'
Banksia



Westringia fruticosa 'Grey Box'
Dwarf Coast Rosemary



Adenanthos sericeus
Woolly Bush



Banksia serrata 'Pygmy Possum'
Banksia



Dianella tasmanica 'Splice'
Flax lily



Mentha australis
River Mint



Alpinia sericea
Native Ginger



Leptospermum polygalifolium
Tea Tree



Leptospermum petersonii
'Little lemon scents'
Tea Tree



Callistemon citrinus 'Wilderness White'
Bottlebrush



Lomatia silaifolia
Parsley Bush



Eremophila glabra prostrate
Emu Bush



Leptospermum 'Pink cascade'
Tea Tree



Grevillea 'Caloundra Gem'
Grevillea



Leptospermum polygalifolium 'Vertical Drop'
Tea Tree



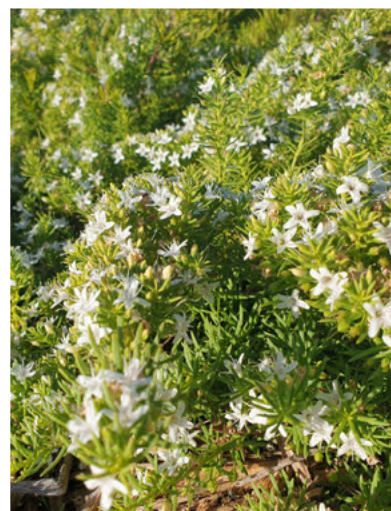
Casuarina glauca
Swamp She-oak



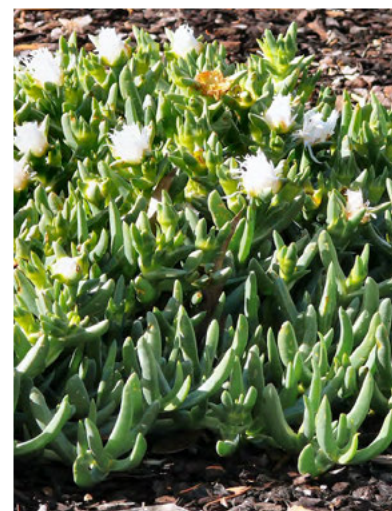
Dichondra argentea 'Silver falls'
Silver Nickle Vine



Acacia cultriformis 'Cascade'
Knife Wattle



Myoporum parvifolium 'White stampede'
Boobialla



Carpobrotus rossii 'White hot'
Native Pig Face



Rosmarinus officinalis 'Prostrata'
Creeping Rosemary



Lamium maculatum
Spotted Dead Nettle



Anigozanthos 'Bush diamond'
Kangaroo Paw



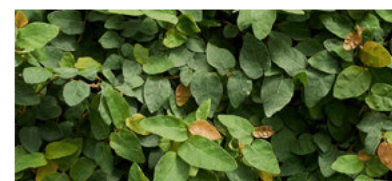
Correa alba
White Correa



Philodendron xanadu
Winterbourn



Alocasia macrorrhiza
Giant Taro



Ficus pumila
Tickey Creeper



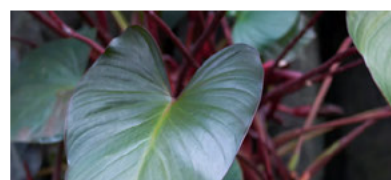
Parthenocissus quinquefolia
Boston Ivy



Myoporum parvifolium 'Yareena'
Creeping Boobialla



Rhagodia spinescens
Spiny Saltbush



Philodendron 'Imperial Red'
Philodendron



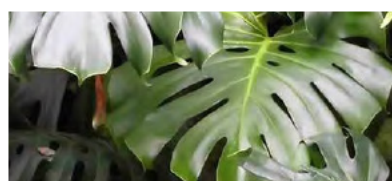
Alpinia nutans
Dwarf Cardamom



Rumohra adiantiformis
Leatherleaf Fern



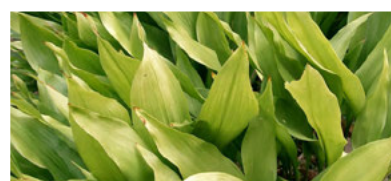
Colocasia esculenta
Taro



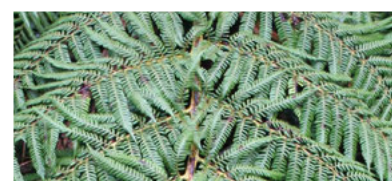
Monstera deliciosa
Split Leaf Philodendron



Ctenanthe setosa
Never-never Plant



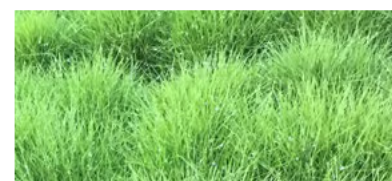
Aspidistra elatior
Bar-room Plant



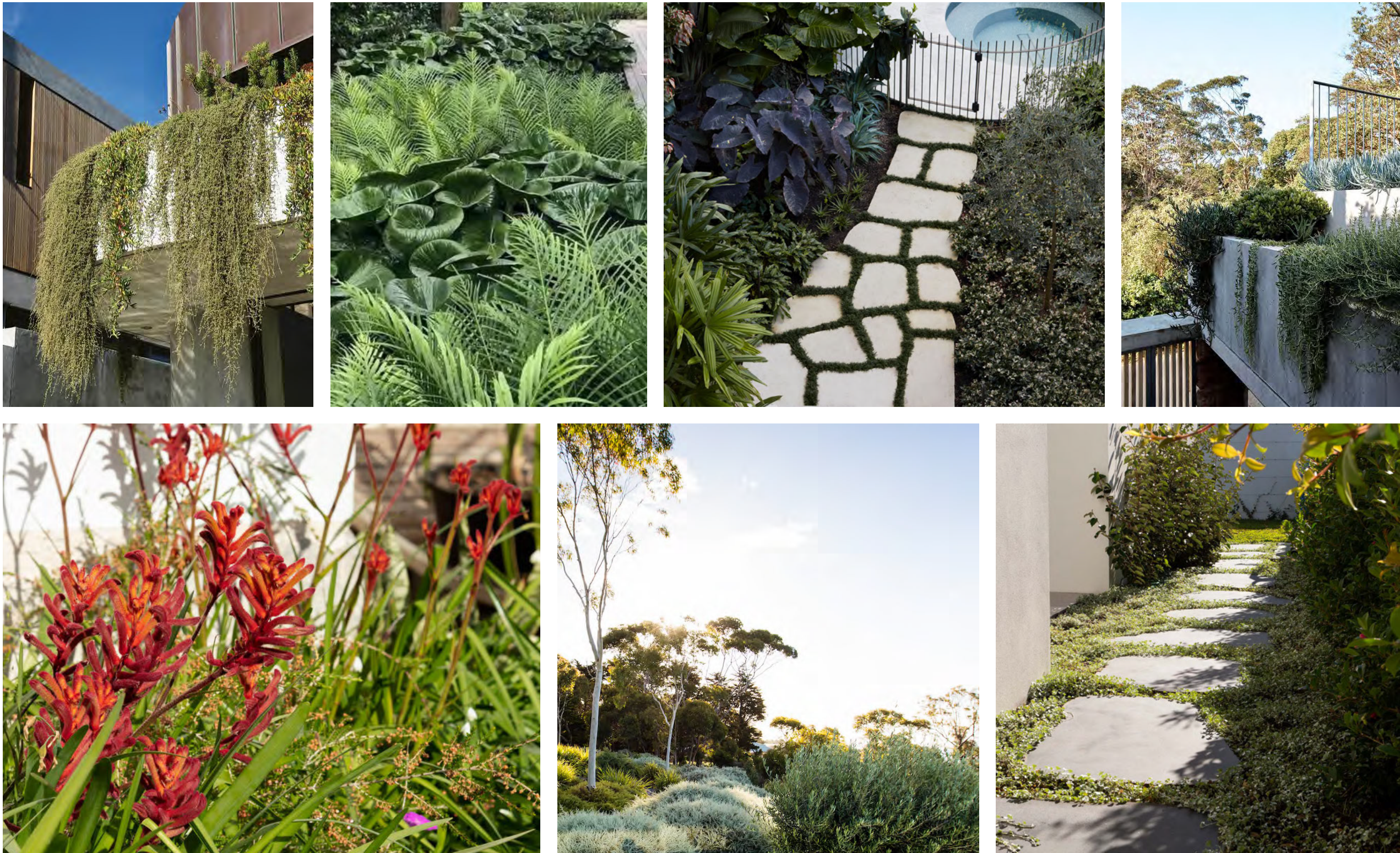
Cyathea australis
Rough Tree Fern



Scleranthus biflorus
Two Flowered Knawel



Zoysia tenuifolia
Velvet Grass



Max Moratelli

From: Nick Williams
Sent: Wednesday, 14 February 2024 1:41 PM
To: Max Moratelli
Subject: Comments for DA290/2023/1 – 845 New South Head Road.

Hi Max,

I have assessed the amended drawings and responded in red underneath all of my outstanding tree and landscape issues which were contained within condition D.2 of my referral response:

- a) The existing *Callistemon* tree located at the rear northern boundary of 843 New South Head Road must be accurately plotted and referenced as Tree 12 on the submitted plans and within Figure 5 of the submitted Botanics tree report.

Tree 12 is now shown on several of the amended drawings. An amended arboricultural report which includes and references this tree has not been submitted.

- b) The proposed boundary wall located within 2 meters of Tree 12 must be positioned at the same line and location as the existing stone boundary wall located between 843 & 845 New South Head Road.

The amended drawings show the proposed boundary wall positioned at the same line and location as the existing stone boundary wall located between 843 & 845 New South Head Road.

This amendment satisfactorily addresses this issue.

- c) The proposed boundary wall located within 1 meter of Trees 7, 8, 9, 10 & 11 must be positioned at the same line and location as the existing stone boundary wall located between 843 & 845 New South Head Road.

The amended drawings show the proposed boundary wall positioned at the same line and location as the existing stone boundary wall located between 843 & 845 New South Head Road. This amendment satisfactorily addresses this issue

- d) The submitted survey plan and all architectural plans must reference and accurately plot all existing trees located within the property and at 843 New South Head Road in accordance with Figure 5 of the Botanics arboricultural report.

Several of the amended architectural drawings now reference existing trees located at 843 New South Head Road, including Tree 12. However, an amended survey plan has not been submitted that accurately plots and references existing trees located within the property and at 843 New South Head Road in accordance with Figure 5 of the Botanics arboricultural report and the updated architectural drawings.

- e) The rear deep soil area shown on the second floor Landscape Plan must include the planting of two (2) of the following tree species that have the potential to grow to a minimum height and spread at maturity of 6 x 3 meters:

2 x *Banksia serrata* (Old-man Banksia), or
2 x *Tristaniopsis laurina* 'Lucious' (Tristaniopsis Luscious), or;
2 x *Lagerstroemia indica* (Crepe

Myrtle)

Trees must be specified to be supplied in a 200 litre container size

The amended Landscape Plan depicts and specifies the planting of 2 x 200 litre *Tristaniopsis* trees. Furthermore it specifies and demonstrates that the proposal will satisfy Council's new tree canopy controls by reaching 29-30 % site canopy coverage through the planting of several suitable tree species. The amendments therefore satisfactorily address the issue of sufficient replacement tree planting.

Kind Regards

845 New South Head Road ROSE BAY
DA 290/2023/1

Local Planning Panel
21/12/2023

LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	0.0
FILE No.	DA290/2023/1
ADDRESS	845 New South Head Road ROSE BAY
COUNCIL WARD	Vaucluse
SITE AREA	969m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Demolition of existing structures on the site and construction of a multi-storey Residential Flat Building with basement parking, including strata subdivision.
TYPE OF CONSENT	Local development
COST OF WORKS	\$5,759,747.00
DATE LODGED	17/08/2023
APPLICANT	MHN Design Union Pty Ltd
OWNER	L S Werner & R W Tobias & R S Werner
AUTHOR	Ms C Firman GYDE Consulting (Planning Consultant)
TEAM LEADER	Mr M Moratelli
SUBMISSIONS	Four (4)
RECOMMENDATION	Refusal

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:

- Sensitive development
 - (a) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment* (SEPP 65) applies.

2. REASONS FOR RECOMMENDATION

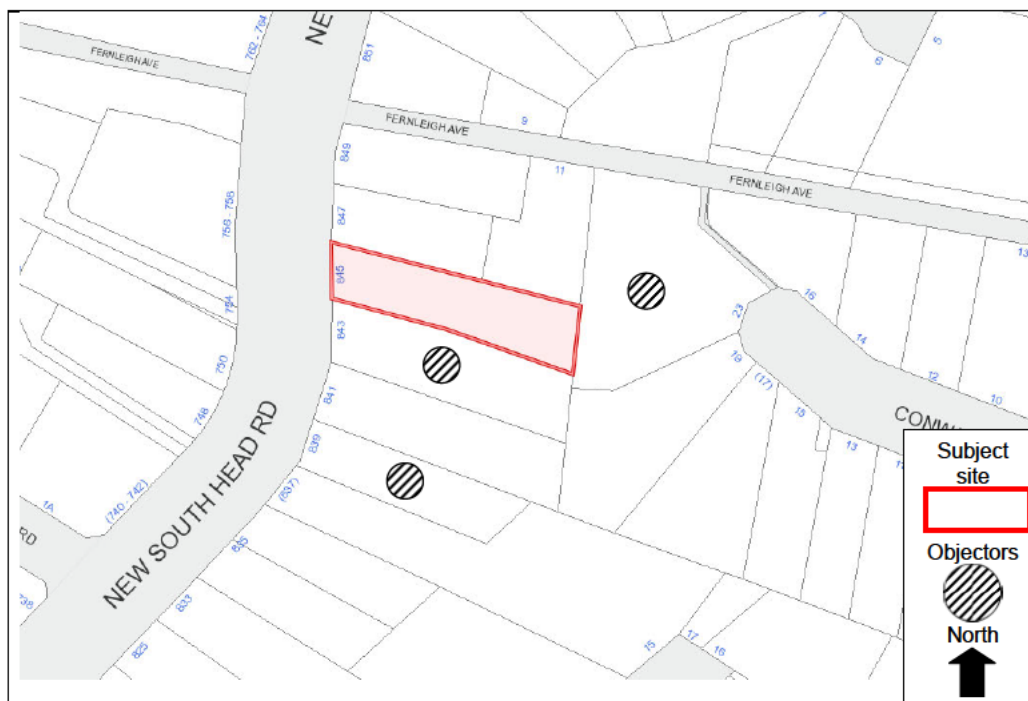
The application has been assessed within the framework of the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is recommended for refusal because:

- It is considered to be unsatisfactory with planning provisions contained in *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015);
- It will have adverse effects on the amenity of adjoining properties and/or local built and natural environment such that refusal is justified;
- The site is not suitable for the proposed development; and
- The proposal is not in the public interest.

845 New South Head Road ROSE BAY
DA 290/2023/1

Local Planning Panel
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3. LOCALITY PLAN



4. PROPOSAL

The proposal involves the demolition of the existing dwelling house and associated structures on site and construction of a new residential flat building comprising the following:

- Construction of a new five (5) storey residential flat building, including:
 - Basement level: comprising eight (8) on-site car parking spaces, one (1) visitor car parking space, two (2) motorcycle parking spaces, storage for four (4) bicycles, bin storage and plant.
 - Ground floor level: comprising:
 - Communal common entrance, services cupboard and stairwell; and
 - One (1) three-bedroom unit (Unit 1) with GFA of 225.29m², western harbour facing terrace, north facing courtyard and a plunge swimming pool.
 - First floor level: comprising one (1) four-bedroom unit (Unit 2) with GFA of 292.38m², western harbour facing terrace and access to lower rear garden.
 - Second floor level: comprising one (1) four-bedroom unit (Unit 3) with GFA of 258.12m², western harbour facing terrace and access to lower rear garden.
 - Third floor level: comprising one (1) three-bedroom unit (Unit 4) with GFA of 193.01m² and western harbour facing terrace.
- Excavation of 2,922.7m³ for storage, parking and access to parking,
- Strata subdivision into four (4) units (one (1) unit per floor).

845 New South Head Road ROSE BAY
DA 290/2023/1

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5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

None.

It is however, noted that under Section 16.4 of this assessment report, that in regard to Clause 4.3 Height of Buildings in the Woollahra LEP 2014, the architectural drawing No. DA3101, prepared by MHN Design Union Pty Ltd, illustrates a section plan that depicts the 10.5m height plane in association with the existing ground line. A section of the parapet/roof form appears to fall outside the 10.5m height maximum and confirmation on whether the height line was measured at the section or the boundary is required.

It is not possible to confirm the height of the development and additional sections are required to be provided in order to confirm compliance with the height standard.

5.2 Primary Issues

Issue	Conclusion	Section
Adverse bulk, scale and form including failure to comply with building envelope and setbacks controls	<p>The proposed development results in unacceptable visual and amenity impacts by virtue of its excessive bulk and scale, inadequate setbacks and incompatibility with the future character of the locality and surrounding natural and built environment. The development does not achieve objectives 3(b) and (d) of SEPP 65 and is non-compliant with a number of other ADG design requirements.</p> <p>The rear setback for the proposed development is inadequate and incongruent with the locality. The proposed development fails to comply with the setback and building envelope control required in the Woollahra DCP 2015 and the resulting development will exacerbate the impact of the development on the amenity of the neighbouring properties.</p> <p>The proposal is non-compliant with B3.8.1 (C1) relating to minimum lot width. The controls apply to residential flat buildings and it is recognised in the Woollahra DCP 2015 that these forms of development require a minimum width to ensure that each dwelling in the development can be designed to provide reasonable amenity having regard to issues such as privacy, building separation, open space and to achieve planned residential density in certain zones consistent with the desired future character of the neighbourhood. The proposed development's cumulative non-compliances (especially with regard to setbacks, neighbouring amenity and minimum lot width) are further indications that the scale of the proposed development is unsuitable for the site. The application fails to demonstrate that the proposal will not detrimentally impact the neighbouring properties.</p>	15.2, 15.3 & 17.2
Unsatisfactory amenity and building separation	The proposed development does not comply with the SEPP 65 required setbacks and building separation to the northern and southern side setbacks causing unacceptable visual and amenity impacts to adjoining residential apartments. The architectural plans do not provide side setback dimensions and does not identify the nature of the rooms on the adjoining properties to enable a proper assessment of the impacts of the proposed development in relation to solar access and amenity and consequently the application has failed to demonstrate that the development is suitable for the site and will have acceptable impacts on the built environment.	15.2 & 15.3
Unsatisfactory pedestrian and	The proposal is the proposal does not satisfy the relevant objectives or design criteria prescribed by Part 3G of the ADG relating to pedestrian access and entries.	15.3

Attachment to report 2429084 (Title Attachment 4 - Previous Local Planning Panel Report - 21 December 2023).DOCxv2.0

3

845 New South Head Road ROSE BAY
DA 290/2023/1

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Issue	Conclusion	Section
DDA access to the building	<p>The proposed pedestrian access to the lobby at the rear of the site requires navigation up a ramp, past landscaping, down a flight of stairs and along an approximately 34m narrow passageway on the southern boundary line.</p> <p>The proposed access, entries and pathways are not accessible, are not easy to identify and are not visible from the public domain. In addition, the narrow communal walkway with entry at the rear of the site poses safety issues and privacy for the ground floor unit. The proposed DDA access requires navigation through the basement and past vehicles and poses a safety risk regarding conflict with vehicles.</p>	
Impact on trees and inadequate landscaping	The application fails to demonstrate that the development will not have an adverse impact upon trees located upon adjoining sites. Insufficient replacement planting is provided within the rear of the property and consequently fails to address Council's landscaping requirements in ensuring privacy and amenity to adjoining properties and greater canopy cover and increased amenity in this area.	12, 15.3, 6.10 & 17.5
Inadequate solar analysis	The application does not establish that the proposal will achieve satisfactory solar amenity and overshadowing impacts to adjoining development. Additional solar analysis is required to determine compliance or otherwise.	15.2, 15.3 & 17.2
Inadequate view loss analysis	The application has failed to demonstrate that the proposed development will not have adverse impacts upon adjoining properties in relation to view loss. The assessment undertaken is insufficient and has not had proper regard to the view sharing principles established in Tenacity and therefore the assessment of compliance or otherwise cannot be determined.	17.2
Extent of excavation	The proposed development is considered to be an overdevelopment of the site and results in excessive excavation which is considered unreasonable considering the numerous built form DCP non-compliances. The proposal exceeds the maximum volume of the excavation controls.	16.9 & 17.2
Insufficient information	The submitted documentation is deficient in information and details to allow an accurate assessment of the proposal under Section 4.14 of the EP&A Act. The extent of additional information to allow a proper assessment has been outlined in the recommendations of this assessment report.	26

5.3 Summary of Submissions

Issue	Conclusion	Section
Inadequate rear building setbacks	<ul style="list-style-type: none"> The proposed development is non-compliant with the rear setback controls under the current Woollahra DCP 2015. The applicant relies on development controls that have since been repealed. 	15.2, 15.3 & 17.2
Impact on amenity	<ul style="list-style-type: none"> The objectors at the property at 23 Conway Avenue, Rose Bay will be impacted in terms of outlook across the site and existing and desired amenity level. In particular, impact to the main entertainment area with proposed roof and equipment, including significant solar panels, positioned closer to their property than allowed under the current DCP. Adverse reflectivity from the proposed roof. Lack of vertical articulation, setbacks, and landscaping on top level of the southern elevation. 	15.2, 15.3, 17.2
Loss of solar access and overshadowing to adjoining properties	<ul style="list-style-type: none"> Height and style (louvred) of privacy screens on front terrace result in additional bulk and loss of solar access loss to 843 New South Head Road, Rose Bay. Objector requests that the screens be 1.7m high and translucent or opaque. Extent of height over the building at 843 New South Head Road, Rose Bay causes significant visual impact and overshadowing issues. 	15.2, 15.3 & 17.2

Attachment to report 2429084 (Title Attachment 4 - Previous Local Planning Panel Report - 21 December 2023).DOCXv2.0

4

845 New South Head Road ROSE BAY
DA 290/2023/1

Local Planning Panel
21/12/2023

Issue	Conclusion	Section
Inadequate deep soil landscape area within rear setback	<ul style="list-style-type: none"> Non-compliant rear setback area fails to provide adequate replacement planting. Inadequate rear landscaped area does not achieve objectives 1, 5 and 6 which seek to provide adequate landscaped areas at the rear of buildings, and to contribute to a consolidated open space network with adjoining properties. 	12, 15.3, 6.10 & 17.5
Excessive excavation and vibration impacts	<ul style="list-style-type: none"> Extent of excavation exceeds maximum allowed volume. Concern regarding vibration resulting from proposed methods of excavation (rock hammering). Objector recommends that rock sawing be used to provide a buffer from vibration and that ongoing monitoring for the entirety of the excavation period be conditioned. 	13.2, 16.9 & 17.2
Loss of privacy	<ul style="list-style-type: none"> Inadequate screening causing loss of privacy to main living rooms at the north-west of Unit 5, 843 New South Head Road, Rose Bay. Adverse visual impact as it will be visible from the client's rear private open space area, contrary to the expected distance from the rear boundary. 	15.2, 15.3 & 17.2
Excessive height and visual bulk	<ul style="list-style-type: none"> Concern regarding height of the property as proposed in the plans (Elevation West) and resultant impact on streetscape. It will ruin the streetscape by being one story higher than 847 and 843. Extent of height over building at 843 New South Head Road is inconsistent with the height of properties at 843 and 847 New South Head Road and is unsympathetic to overall streetscape. 	15, 16.4 & 17.2

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject site is an irregular lot with an area of 968.8m ² . It comprises a 65.63m northern boundary, 17.51m eastern boundary, 64.49m southern boundary and a 14.42m western frontage to New South Head Road.
Topography
The subject site is relatively steep with an east to west fall of 11.38m (24.93 AHD to 13.55 AHD) through the centre of the site.
Existing buildings and structures
The existing structures on the site comprise a single storey brick cottage with a pitched tiled roof and a single storey rear addition with a metal roof.
The subject site currently has pedestrian and vehicular access from New South Head Road.
Surrounding Environment
The site is located to the eastern side of New South Head within the R3 Medium Density Residential Zone of the Woollahra LEP 2014. New South Head Road is a busy sub arterial road in the locality's road hierarchy that provides the primary vehicle access to the centre. It accommodates a wide pedestrian footpath on both sides.
The site forms part of the 'Rose Bay' residential precinct as described in the Woollahra DCP 2015 at Part B1.9. The Woollahra DCP 2015 states the Rose Bay residential precinct incorporates the hillside at the neck of the eastern suburbs' peninsula and the lowest part of the Rose Bay basin (adjacent to the large park and recreational area). The street block system in the low-lying areas is generally rectilinear, allowing for regular building lots. On the hillsides, irregular street and block patterns occur reflecting the topography.
Prominent building types within the precinct include Inter-war Detached housing and Art deco flat buildings. More recent development, particularly in Spencer and Carlisle Streets, has seen the subdivision pattern altered to create larger lots for residential flat buildings.
The Rose Bay residential precinct is sited between the two main urban connectors of Old South Head Road and New South Head Road. The Rose Bay Centre is located on New South Head Road in the western part of the precinct. The mixed use centres of Rose Bay North and Rose Bay South are located on Old South

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Head Road. These centres frame the precinct and serve the daily and weekly shopping needs of the local community.

The immediate surrounding environment is described as follows:

- To the north:
 - No. 847 New South Head Road, a (4) four-storey residential flat building with basement parking at the street level and a flat roof; and
 - No. 849 New South Head Road, a two (2) storey residential flat building with a tiled roof and four attached single garages at the street level.
- To the east:
 - No. 23 Conway Avenue, a two (4) to four (4)-storey dwelling with pitched tiled roofs and a swimming pool along the western boundary.
- To the south:
 - No. 843 New South Head Road, a four (4) storey residential flat building with above ground-level parking; and
 - No. 841 New South Head Road, a single storey rendered dwelling with a pitched tiled roof and a detached single storey garage on the street alignment.
- To the west:
 - Nos. 756-758 New South Head Road, a dwelling house with a pitched tiled roof.



Figure 1. Subject site aerial.

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Figure 2. View north-east to the Site from New South Head Road



Figure 3. View south east from carport at 11 Fernleigh Road, Rose Bay towards rear of the Site

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Figure 4. View south west from carport at 11 Fernleigh Road, Rose Bay towards the front of the site and over 834 New South Head Road



Figure 5. View north west from 23 Conway Avenue, Rose Bay

7. RELEVANT PROPERTY HISTORY

Current use
Dwelling House
Relevant Application History
DA269/2023 - On 2 August 2023, the Applicant submitted a development application (DA) seeking approval for a residential flat building comprising, demolition of existing structures and construction of a Residential

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<p>Flat Building with basement parking, including strata subdivision. The application was rejected by Council on 15 August 2023 due to insufficient information.</p> <p>DA290/2023 – On 17 August 2023, a DA was formally lodged and accepted by Council (subject application).</p> <p>Requests for Additional Information and Replacement Applications</p> <ul style="list-style-type: none"> On 31 August 2023, Council issued a request to the Applicant for the following additional information: <ul style="list-style-type: none"> driveway profile containing all relevant details and demonstration the proposal complies with <i>Australian Standard 2890.1 – 2004 "Off-street car parking"</i> and Council's Standard Drawing RF2 "Standard Crossing & Layback"; revised Geotechnical and Hydrogeological Report; flood Study including details of all proposed flood protection measures; revised owners' consent; drawings depicting the extent of the proposed excavation; and updated plans showing mechanical ventilation exhausts and ducting required to service the proposed basement parking and any air-conditioning unit/condensers. On 1 September 2023, the Applicant provided Council some of the information sought and informed the Council that the balance of the information requested would not be provided. <p>The Applicant provided a response on the following:</p> <ul style="list-style-type: none"> revised owners consent with all three owners signatures. an amended basement plan to include the route of mechanical exhaust for air conditioning units to above the driveway entry. <ul style="list-style-type: none"> The Applicant advised Council that they will not be providing additional information on: <ul style="list-style-type: none"> driveway profile – prevention of vehicle scraping; geotechnical and Hydrogeological Investigation Report; flood study – protection of property; and extent of the proposed excavation <p>Land and Environment Court Appeal(s)</p> <p>On 24 October 2023, a 'deemed refusal' Class 1 appeal was lodged.</p>

8. REFERRALS

Referral	Summary of Referral Response	Annexure
Development Engineering	<p>On 8 November 2023, Council's Development Engineer determined that the proposal is satisfactory, subject to conditions relating to:</p> <ul style="list-style-type: none"> Site drainage - The concept plan is subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate. Flooding and overland flow Vehicle access and accommodation Geotechnical, hydrological and/or structural comments – Requirement to submit an amended Geotechnical and Hydrological Report. 	2
Drainage	<p>On 6 November 2023, Council's Drainage Engineer determined that the proposal is satisfactory, subject to conditions relating to flood inundation protection measures.</p>	3
Heritage	<p>On 20 and 25 October 2023, Council's Heritage Officer determined that the proposed demolition would not adversely impact the cultural heritage of Woollahra subject to conditions relating to:</p> <ul style="list-style-type: none"> Recording of buildings with little or no Heritage significance that are to be demolished Skeletal remains Aboriginal objects – unexpected findings Aboriginal heritage due diligence responsibilities Aboriginal heritage induction Salvaged building materials. 	4
Traffic	<p>On 2 November 2023, Council's Traffic Engineer raised the following issues:</p> <ul style="list-style-type: none"> Sight Splay: A 2m x 2.5m sight splay, clear of obstruction to visibility, should be provided along both sides of the access driveway, as per Clause 3.2.4 and Figure 3.3 of AS/NZS 	5

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Referral	Summary of Referral Response	Annexure
	<p>2890.1:2004. This should be clearly depicted on the architectural plans. Any structure within the splay area should be redesigned/relocated to ensure visibility.</p> <ul style="list-style-type: none"> Traffic Light System: In the absence of a two-way two-lane driveway, a traffic light system is proposed to manage traffic flow between the ground floor and basement. Priorities should be given to vehicles entering the car park to minimise conflicts with traffic along frontage road. <p>Council's Traffic Engineer determined that the proposal is satisfactory, subject to conditions.</p> <p>The Applicant provided to Council for assessment an updated Basement Plan (Rev C, dated 18 August 2023) that integrated the required slight splay.</p>	
Trees and Landscaping	<p>On 11 October 2023, Council's Tree and Landscape Officer raised the following issues:</p> <ul style="list-style-type: none"> Neighbouring <i>Callistemon</i> tree (located at 843 New South Head Road) is likely to be impacted by the proposed works but has not been included within the submitted arboricultural documentation. Neighbouring trees referenced 7, 8, 9, 10 and 11 are likely to be impacted by the proposed boundary wall which sees an encroachment towards the trees and within their tree root zones. The tree referencing shown on the submitted Survey Plan is not consistent with that within the submitted arboricultural documentation. Insufficient replacement tree planting has been proposed within the rear of the property. 	6
Transport for NSW (TfNSW)	<ul style="list-style-type: none"> On 31 August 2023 the Development Application was referred externally to TfNSW for concurrence under Section 138 of the <i>Roads Act 1993</i> and comment under clause 2.119 of the SEPP (Transport and Infrastructure) 2021. On 22 September 2023, correspondence from TfNSW was sent to Council providing a response to the referral. TfNSW commented that they had reviewed the information submitted and would provide concurrence to the proposed vehicular crossing and associated works on New South Head Road under Section 138 of the <i>Roads Act 1993</i>, subject to Councils approval and specific requirements listed in the referral response being included in any development consent. 	7

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

- The provisions of any environmental planning instrument
- The provisions of any proposed instrument that is/has been the subject of public consultation
- The provisions of any development control plan
- Any planning agreement that has been entered into
- Any draft planning agreement that a developer has offered to enter into
- The regulations
- Any coastal zone management plan
- The likely impacts of that development:
 - Environmental impacts on the natural and built environments

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- ii) Social and economic impacts
- 9. The suitability of the site
- 10. Any submissions
- 11. The public interest

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 6 September 2023 to 21 September 2023 in accordance with Chapter 6 of the *Woollahra Community Participation Plan 2019*. Four (4) submissions were received from:

1. David Adler, Unit 5, 845 New South Head Road, Rose Bay;
2. Deanna Mastellone, 839 New South Head Road, Rose Bay;
3. Peter Weinert, 23 Conway Avenue, Rose Bay; and
4. Tony Moody of Tony Moody Planning and Development on behalf of owners at 23 Conway Avenue, Rose Bay

Issues raised in the submissions above are summarised under Section 5.3 of this assessment report.

9.2 Amended plans and Additional Information

The amended plans and additional information as noted in Sections 7 and 8 were not required to be renotified to surrounding residents and previous objectors as per the requirements in Chapter 6 of the *Woollahra Community Participation Plan 2019* because they were considered to have no greater cumulative environmental or amenity impact than the originally notified and advertised plans.

9.3 Statutory Declaration

The applicant has completed the statutory declaration dated 22 September 2023 declaring that the site notice for DA290/2023 was erected and maintained during the notification period in accordance with Schedule 1 of the *Woollahra Community Participation Plan 2019*.

10. NATIONAL PARKS & WILDLIFE ACT 1974

The *National Parks & Wildlife Act 1974* provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community).

Specific clauses within the *National Parks and Wildlife Act, 1974* and the *National Parks and Wildlife Regulations 2009* give rise to certain obligations. Where an activity or task must be undertaken to comply with relevant legislation it will be detailed in Section 7.1. Where a task or activity is recommended to be undertaken to meet the current industry standards it is presented in Section 7.2.

The DA is supported by an Aboriginal Heritage Impact Assessment, prepared by Kayandel Archaeological Services (dated August 2023). Both the Aboriginal Heritage Impact Assessment and Council's Heritage Officer identified that the subject site is in an area of 'Potential Aboriginal Heritage Sensitivity' under the *National parks and Wildlife Act 1974*, and the proposal includes excavation.

In the Aboriginal Heritage Impact Assessment, the following recommendations were listed:

- "1. Works as currently specified in Section 1.2 (see Appendix I) can proceed with caution, subject to the recommendations included below;

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2. *The sensitivity assessment of the Subject Area is assessed to be low. The Woollahra Aboriginal Heritage Sensitivity Map (refer to Figure 3) should be updated to reflect this revised assessment;*
3. *This due diligence assessment must be kept by the Proponent so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the National Parks and Wildlife Act 1974;*
4. *All relevant staff and contractors should be made aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974, which may be implemented as a heritage induction;*
5. *Should the design and/or extent of the proposed development be altered, further archaeological assessment may be required. This may include the need to complete an Aboriginal Cultural Heritage Assessment Report (ACHAR), the full Aboriginal Cultural Heritage Consultation Requirements (ACHCR), sub-surface investigations under the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010a) and applying for an AHIP from Heritage NSW;*
6. *If sandstone outcrops are exposed during the course of works, these should be inspected by a qualified archaeologist and representatives of La Perouse LALC for any evidence of rock engraving;*
7. *If unrecorded Aboriginal object or objects are identified in the Subject Area during works, then all works in the immediate area must cease and the area should be cordoned off. Heritage NSW must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed;*
8. *In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene, or possible Aboriginal remains. If the remains are thought to be Aboriginal, Heritage NSW must be contacted by ringing the Enviroline 131 555. A Heritage NSW officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence; and,*
9. *If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. Heritage NSW (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed."*

Council's Heritage Officer in the referral response (dated 20 October and 25 October 2023) provided relevant conditions of consent based on the recommendation of the Aboriginal Heritage Impact Assessment prepared by Kayandel Archaeological Services. Council's Heritage Officer's referral response is attached in Attachment 4.

Subject to conditions which would have been imposed if approval were being recommended, the proposal is considered acceptable with regard to the *National Parks & Wildlife Act 1974*.

11. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

11.1 Chapter 2: Coastal Management

The provisions of this chapter that are relevant to the subject application involve managing development in the coastal zone and protecting the environmental assets of the coast.

Assessment

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

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It is considered that the proposal would not have any significant adverse environmental impact upon the harbour coastal locality. On this basis, no further consideration is required under Chapter 2 of the SEPP (Resilience and Hazards) 2021.

11.2 Chapter 4: Remediation of Land

Under Clause 4.6(1)(a) of SEPP (Resilience and Hazards) 2021, consideration has been given as to whether the subject site on which the development is occurring is contaminated.

Assessment

The long term land use of the site as well as surrounding adjoining land uses has been and continues to be residential and is therefore considered unlikely by the applicant to be contaminated. On this basis, further investigation was not considered necessary.

Accordingly, the proposal is satisfactory with regard to Chapter 4 of SEPP (Hazards and Resilience) 2021.

12. STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

12.1 Chapter 2: Vegetation in non-rural areas

The provisions of Chapter 2 Vegetation in non-rural areas require the consideration of the proposal with regard to tree impacts.

The DA is accompanied by an Arboricultural Impact Assessment Report, prepared by Botanics (George Palmer) (dated July 2023) and Landscape Report, prepared by SQ1 (dated July 2023).

Council's Tree and Landscape Officer reviewed the above noted reports as well as the Survey Plan, prepared by Evan Akar (dated 4 July 2023) and Architectural Plans, prepared by MHN Design Union. In their referral response (dated 11 October 2023 and attached in Attachment 6) provided the following tree impact assessment comments were provided.

"Existing trees within the site are a random mix of relatively small trees which are considered to provide only a low amount of landscape amenity to the site and surrounding properties. Therefore, there are no major issues with the removal of these trees, subject to replacement tree planting."

Negative impacts to existing trees and other vegetation located on the adjoining neighbouring property at 843 New South Head Road are considered likely with minor amendments aimed at minimising root loss and damage to these trees recommended within this referral response."

Issues

Damage to neighbouring Callistemon tree not included in the submitted documentation

Close to neighbouring Tree 9 (Kentia Palm) is a Callistemon viminalis tree. This tree has not been included or referenced in the submitted arborist report. Plans show the proposed boundary wall encroaching closer towards the tree than the existing stone wall that currently separates the tree from the subject site. Construction of a new wall closer to the tree and within the tree's root zone is likely to damage the tree's root system and render it unviable for retention. It is recommended that a modification is made to the design to show new boundary walls at this location and within 2 metres of this tree are constructed along the same line and

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at the at the same location as the existing stone wall- refer to Condition D.2 of this referral response.

Neighbouring trees referenced 7,8, 9,10,11 & 12 are likely to be impacted by the proposed boundary wall which sees an encroachment towards the trees within their tree root zones.

Construction of a proposed boundary wall closer to these trees and within their root zone is likely to result in root loss and damage and may conflict with their trunks. It is recommended that a modification is made to the design to show new boundary walls at this location, and within 1 metre of these trees, being constructed along the same line and at the at the same location as the existing stone wall that separates the trees from the subject site- refer to Condition D.2 of this referral response.

Inconsistent tree referencing within the submitted documentation

The tree referencing within the Botanics arborist report has been used for the purposes of this referral response. The submitted survey plan however has not referenced trees in accordance with the submitted arborists report. This element of the documentation requires amendment.

Insufficient replacement tree planting within the rear of the property.

The Second floor Landscaping plan shows only small replacement trees at the rear boundary deep soil area. Tree planting with 2 x additional larger trees is required to ensure a greater canopy cover and increased amenity in this area of the site. Additional tree planting is outlined in Condition D.2 of this referral response.

Council's Tree and Landscape Officer determined that for the development proposal to be satisfactory in terms of tree preservation and landscaping, compliance with the following Conditions of Consent is recommended.

There is clearly insufficient information to make a proper and accurate assessment in regard to the proposed developments' impact to the above noted trees and their root zones and this forms the reasons for refusal.

12.2 Chapter 6: Water Catchments

Chapter 6 (Water Catchments) of the SEPP (Biodiversity and Conservation) 2021 applies to the subject land which is located within a regulated catchment being the Sydney Harbour Catchment.

The subject site 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.

Part 2, Clause 6.6 of the SEPP requires the consent authority to consider the following:

- “(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
- (b) whether the development will have an adverse impact on water flow in a natural waterbody,*
- (c) whether the development will increase the amount of stormwater run-off from a site,*
- (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
- (e) the impact of the development on the level and quality of the water table,*
- (f) the cumulative environmental impact of the development on the regulated catchment,*
- (g) whether the development makes adequate provision to protect the quality and quantity of ground water.”*

Assessment

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The proposed development is accompanied by Stormwater Plans, prepared by Smart Structures (Rev C, dated 17 August 2023) demonstrating that the development will not increase stormwater run-off from the site. The development will have a tanked basement and is not considered to have any adverse effect on the quality and quantity of groundwater.

In their referral response (dated 8 November 2023), Councils' Development Engineer has reviewed the development application and has commented that in regard to site drainage, that they have no objections to the Stormwater Management Plan and that the proposal is deemed satisfactory, subject to the inclusion of conditions outlined in the referral relating to flood protection. The referral response provided by Councils' Development Engineers is provided in Attachment 2.

Accordingly, the proposal is satisfactory with regard to Chapter 6 of SEPP (Biodiversity and Conservation) 2021, subject to conditions.

13. STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

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

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

The subject site has a frontage to New South Head Road, which is a Classified road.

The relevant considerations are:

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

It is noted that the accompanying Statement of Environmental Effects, prepared by GSA Planning (dated July 2023), does not include consideration or assessment of SEPP (Transport and Infrastructure) 2021.

Clause 2.119: Development with Frontage to Classified Road

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

Clause 2.119 (2) states:

- “(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential*

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traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."

Assessment

The development application was accompanied by a Traffic Impact Statement, prepared by TRAFFIX (dated 18 August 2023) and a Preliminary Construction Traffic Management Plan, prepared by Jim's Traffic Control (Dated 29 July 2023). The Traffic Impact Statement states that a Category 1 vehicle access is required in accordance with AS2890.1 (2004), being a 3-5.5 meter wide combined entry and exit access. The development application was referred internally to Council's Traffic Engineer and externally to TfNSW.

Council's Traffic Engineer reviewed the application and in their referral response (dated 2 November 2023) commented that:

- The increase of traffic generated is considered minor and is unlikely to generate unacceptable adverse impacts on the surrounding road network in terms of road safety and traffic flow efficiency.
- The proposed driveway is 5.5m wide at property boundary, which complies with width requirement for a Category 1 access facility. Swept path analysis demonstrates passing opportunities at the entry point and that entering vehicles can wait wholly within the site when another vehicle is manoeuvring off the site. This was deemed satisfactory.
- The downgrade ramp with a maximum grade of 1 in 8 for the first 6m of access driveway complies with the gradient requirement stipulated in Clause 3.3 of AS/NZS 2890.1 and was deemed satisfactory.

Council's Traffic Engineer raised the following issues where additional information would be required:

- Sight Splay - A 2m x 2.5m sight splay, clear of obstruction to visibility, should be provided along both sides of the access driveway, as per Clause 3.2.4 and Figure 3.3 of AS/NZS 2890.1:2004. This should be clearly depicted on the architectural plans. Any structure within the splay area should be redesigned/relocated to ensure visibility.
- Traffic Light System - In the absence of a two-way two-lane driveway, a traffic light system is proposed to manage traffic flow between the ground floor and basement. Priorities should be given to vehicles entering the car park to minimise conflicts with traffic along frontage road.

The applicant provided an amended basement plan (Rev C, dated 1 September 2023) that addresses the sight splay requirement.

On 22 September 2023, TfNSW advised that they would grant concurrence to the proposed vehicular crossing and associate works Section 138 of the *Roads Act 1993*, subject to Council's approval and the specific requirements listed in the referral response being included in any development consent.

Council's Traffic Engineer has reviewed the application and determined that the proposal is satisfactory with regard to Clause 2.119 of SEPP (Hazards and Resilience) 2021, subject to conditions relating to the provision of updated architectural plans for assessment.

The response to referral from Council's Traffic Engineer is provided in Attachment 5 and TfNSW correspondence provided in Attachment 7.

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

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

Clause 2.120(2) requires that:

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

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

Clause 2.120(3) requires that:

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

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

Assessment

The development application was accompanied by a Noise Impact Statement, prepared by Acoustic Logic (dated 11 July 2023). The statement demonstrated a compliance with the required noise levels in the SEPP, subject to the following measures being implemented:

- Glazed windows and doors.
- External walls and roofing of masonry construction.

The proposed development has been designed in accordance with the recommendations in the Noise Impact Assessment, including double glazing to windows, acoustic seals to doors and windows and masonry construction.

Accordingly, the proposal is satisfactory with regard to Clause 2.120 of SEPP (Transport and Infrastructure) 2021.

13.2 Clause 2.12: Traffic-generating development

Clause 2.122 requires concurrence from TfNSW, if new development is considered to be Traffic-generating development.

Traffic-generating development is identified in Schedule 3 of the SEPP as of a size or capacity with:

- direct vehicular or pedestrian access to any road; or
- direct vehicular or pedestrian access to a classified road or to a road that connects to a Classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection.

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Assessment

The proposed development has primary frontage, and direct vehicular and pedestrian access to a Classified road. Council's Traffic Engineer commented that:

"Traffic generation from the proposed development has been calculated in accordance with RMS Guide to Traffic Generating Developments 2002, and RMS Guide to Traffic Generating Developments Updated traffic surveys TDT 2013/04a.

Existing Development

Low Density Dwellings

- Weekday peak hour vehicle trips: 1 dwelling x 0.95-0.99 per dwelling = 0.95-0.99 trips
- Daily vehicle trips: 1 dwelling x 10.7 per dwelling = 10.7 trips

Proposed Development

Medium Density Residential – Larger Units

- Weekday peak hour vehicle trips: 4 dwellings x 0.5-0.65 per dwelling = 2-2.6 trips
- Daily vehicle trips: 4 dwellings x 5-6.5 per dwelling = 2-26 trips"

Based on Council's Traffic Engineers' calculations, the increase of traffic generated is considered minor and unlikely to generate unacceptable adverse impacts on the surrounding road network in terms of road safety and traffic flow efficiency.

Accordingly, the proposal is satisfactory with regard to Clause 2.122 of SEPP (Transport and Infrastructure) 2021. Council's Traffic Engineer's referral response is provided in Attachment 5.

14. 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.

Assessment

The development application was accompanied by a BASIX Certificate demonstrating compliance with the SEPP. If it were to be approved these requirements could be enforced by standard conditions.

15. STATE ENVIRONMENTAL PLANNING POLICY 65: DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

SEPP 65: Design Quality of Residential Flat Development applies to all new residential flat buildings (or substantial redevelopment) where it comprises three or more storeys and four (4) or more self-contained dwellings. In this instance, the proposed residential flat building comprises four (4) storeys of residential use, comprising four (4) self-contained dwellings and one (1) level of basement parking.

15.1 Clause 2: Aims and Objectives

The aim of SEPP 65 is to improve the design quality of residential apartment development:

- a) To ensure that it contributes to the sustainable development of New South Wales:
 - (i) By providing sustainable housing in social and environmental terms, and

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- (ii) *By being a long-term asset to its neighbourhood, and*
 - (iii) *By achieving the urban planning policies for its regional and local contexts*
- b) *To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*
- c) *To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*
- d) *To maximise amenity, safety and security for the benefit of its occupants and the wider community, and*
- e) *To minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions*
- f) *To contribute to the provision of a variety of dwelling types to meet population growth*
- g) *To support housing affordability*
- h) *To facilitate the timely and efficient assessment of applications for development to which this Policy applies*

The proposal is unacceptable with regard to objectives 3(b) and (d) of clause 2 of SEPP 65 on the following grounds:

- The scale, bulk, form, and massing of the proposed development is excessive and unsympathetic to the existing adjoining and surrounding developments in this locality.
- The proposed development has not been designed to support the desired future character of the area and results in inappropriate landscaping, massing, and spacing between buildings.
- The proposal will result in unacceptable amenity impacts upon adjoining properties in terms of visual impacts and visual privacy.

For the reasons detailed throughout Section 15 of this assessment report, the proposal is unacceptable with regard to the above stated aims, from the reasons for refusal.

15.2 Design Quality Principles

Clause 30(2) of SEPP 65 requires the assessment of the application against the design quality principles in Schedule 1. A design verification statement has been submitted by the applicant and prepared by registered architects MHN Design Union Pty Ltd. Where the proposal does not satisfy the design principles, these form the reasons for refusal.

i. Principle 1: Context and Neighbourhood Character

“Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.”

Planning Comment

Due to the excessive bulk, scale and form, the proposal is not considered to have positively responded to the site's context. The proposal is considered excessive in scale and form and unsympathetic to the existing adjoining and surrounding developments in this locality.

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The proposed development does not comply with the required setbacks and building separation to the northern and southern side setbacks causing unacceptable visual and amenity impacts to the adjoining residential apartments.

The rear setback for the proposed development is inadequate and incongruent with the locality. The proposed development fails to comply with the required setback and building envelope controls expressed in the Woollahra DCP 2015 and the resulting development will exacerbate the impact of the development on the amenity of the neighbouring properties. This is discussed in detail later in the assessment report.

ii. Principle 2: Built Form and Scale

“Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”

Planning Comment

The proposed development will result in a built form and density towards the rear of the site that is incompatible with its environmental constraints and its contextual relationship with that of the adjoining development. The bulk and scale of the development at the rear of the site results in an inadequate design outcome as it results in amenity impacts to the neighbouring properties and a sense of enclosure on the site itself.

The bulk, scale and form for the proposed development is also not compatible and sympathetic to the desired future character of the Rose Bay residential precinct because the scale, setbacks, and wall heights of that part for the development located within the rear setback area of the site will result in inadequate landscaped setting and fails to respond adequately to the topography of the site.

The siting and design of the development will result in a visually intrusive development, particularly when viewed from the rear and side adjoining properties and specifically from the terrace areas and communal/open space areas located at No.843 New South Head Road. The form of development in this location is out of character and of an excessive scale in comparison to adjoining development in the immediate vicinity of the subject site and surrounding sites due to the topology of the site and difference in levels.

iii. Principle 3: Density

“Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.”

Planning Comment

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Notwithstanding the above concerns, the level of amenity for the proposed apartments is good with each apartment demonstrating good natural ventilation, outlook, generous balcony sizes, internal areas, and good private open space.

The location allows for easy access to Rose Bay Village shops and surrounding schools, beaches, parks, and public transport.

iv. Principle 4: Sustainability

“Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.”

Planning Comment

The proposal adopts a number of measures that facilitate a good response to the need for sustainability. Apartments benefit from a north-western primary aspect, enjoy good internal solar access and cross ventilation areas, facilities for rainwater reuse and provision made for solar PV panel power generation.

Alternative means of transport are encouraged through the provision of compliant rates of bicycle and bike storage facilities. Electric car charging stations are also provisioned in the basement.

The proposed plantings are low maintenance and endemic to the area or Australian native species.

v. Principle 5: Landscape

“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.”

Planning Comment

Council's Tree and Landscaping Officer notes that a *Callistemon minimalis* (located on 843 New South Head Road) will be adversely impacted by the proposed development and the impact has not been addressed within the submitted arboricultural documentation. In addition, trees 7, 8, 9, 10, 11 and 12 (located at 832 New South Head Road) are also likely to be impacted by the proposed boundary wall. Further, the submitted Survey Plan and Architectural Plans have not referenced trees in accordance with the Arboricultural Report.

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Furthermore, the Tree and Landscape Officer reinforced that the current second floor Landscaping plan is inadequate and shows only small replacement trees at the rear boundary deep soil area. Tree planting with two (2) additional larger trees would be required to ensure a greater canopy cover and increased amenity in this area of the site.

The current Aborigicultural Report, Survey Plan, and Architectural Plans provide insufficient information to adequately assess the compliance or otherwise of the development and this is reflected in the reasons for refusal.

vi. Principle 6: Amenity

“Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.”

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.”

Planning Comment

The proposed development does not comply with the required setbacks and building separation to the northern and southern setbacks, causing unacceptable visual and amenity impacts to adjoining residential apartments.

The proposal does not provide convenient pedestrian access on site. The proposed access requires pedestrians to navigate up a ramp, down a set of stairs and along a long, narrow side passage (approximately 34m) to the proposed lobby entry at the rear of the site. This side access also raises concerns regarding the privacy of Unit 1 along this southern boundary. This confusing side access is inconsistent with the AGH which requires that building access areas including lift lobbies and stairwells be clearly visible from the public domain and communal spaces.

Further, DDA access is provided via a ramp and requires navigation through the basement carpark and past vehicles. This results in conflict with vehicles and is not an appropriate or safe design resolution. The proposed design is inconsistent with the ADG which requires that building entries and pedestrian access addresses the public domain and relate to the street.

The application does not adequately demonstrate that the proposal will achieve satisfactory solar amenity, overshadowing, and visual privacy to adjoining development. The proposal provides poor pedestrian access amenity. This, and the provision of insufficient information to determine whether the proposal complies or otherwise with the respective amenity sections in the ADG and Principal 6 (Amenity), therefore forms the reasons for refusal.

vii. Principle 7: Safety

“Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.”

A positive relationship between public and private spaces is achieved through clearly defined

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secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.”

Planning Comment

The design provides surveillance of the public domain through balconies and apartment living areas facing New South Head Road. The vehicle entrance generally enjoy good exposure, is legible and will be comfortable to use. The proposal, however, does not provide good pedestrian access.

The proposed side access is confusing and does not comply with the objectives of the ADG in that it does not provide good exposure, is not legible, is not visible from the street and requires navigation down a long, narrow side passage to the rear of the site. The proposed DDA access requires navigation through the basement and poses safety risks regarding vehicle conflict. The ADG clearly stipulates that pedestrian access and entries must be priorities over vehicle access.

MHN Design Union Pty Ltd note that security/intercom points will be provided at the residential and carpark entries.

The car-park entry has been positioned with clear sight lines for front exiting cars. However, further amendments are required by Council's Traffic Engineer regarding vehicle width and accommodation and driveway profile regarding the prevention of vehicle scraping.

viii. Principle 8: Housing diversity and social interaction

“Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.”

Planning Comment

The proposed development offers two (2) 3-bedroom and two (2) 4-bedroom oversized apartments. The apartment layouts are capable of accommodating first home buyers, downsizers, investors and young families and professionals who seek an alternative form of living to a large, detached dwelling, but with access to similar amenities.

ix. Principle 9: Aesthetics

“Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.”

Planning Comment

The proposed development adopts a sympathetic pallet of materials and colours that suit the built character of the area. The use of masonry materials helps unify built form within the surrounding

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context where most of which are rendered. The materiality and façade of the development will be softened with landscaping and fencing within the front setback. The New South Head Road elevation introduce balconies that contribute to the facade's articulation and architectural expression.

15.3 Apartment Design Guide

Part 3A: Site Analysis

The proposal generally satisfies the relevant design requirements of the Site Analysis Checklist with the exception of the following:

- Appendix 1 Site Analysis Checklist requires for the Site Context and Survey Plan that *"location and size of major trees on site and relative levels where relevant, on adjacent properties and street trees"*.
- In Council's Tree and Landscape Engineer referral, the Officer commented that *"the submitted survey plan however has not referenced trees in accordance with the submitted arborists report. This element of the documentation requires amendment"*.

Part 3B: Orientation

	Proposed	Control	Meets
Building Orientation	Building faces the primary street frontage (New South Head Road) and provides direct access.	Face the Street and Provide Direct Access	YES
Street Frontage – East/West	Building street frontage faces north-west	Rear Buildings Face North	YES
Street Frontage – North/South	Building street frontage faces north-west	Buildings Behind Street Frontage Orientated to East/West	YES
Minimum Solar Access to Adjoining Properties	<i>Insufficient information</i>	Where < 3 hours, Not to be Reduced by > 20%	INSUFFICIENT INFORMATION
Minimum Solar Access to Solar Collectors of Adjoining Properties	Adjoining property to the south does not comprise solar collectors.	Minimum 4 hours	YES

Whilst the proposal will provide for an acceptable internal solar access amenity at the subject site, the application documentation as provided does not establish that the proposal will achieve satisfactory solar amenity and overshadowing impacts to the adjoining developments to the south. Refer to Part 4A for detailed discussion.

Therefore, there is insufficient information to determine compliance or otherwise with Part and therefore forms the reasons for refusal.

Part 3C: Public Domain Interface

	Proposed	Control	Meets
Terraces, balconies and courtyard apartments	Terraces, balconies and do not have direct street entry.	Direct street entry	NO ACCEPTABLE
Upper level balconies and windows	Primary terraces are orientated to overlook New South Head Road.	Overlook the street	YES

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	Proposed	Control	Meets
Maximum Height of Solid Fences/Walls	Front wall stone wall height ranges from 0.9-1.2m	1.0m	NO ACCEPTABLE
Location of Mailboxes	Architectural statement noted that the location of mailboxes is near the pedestrian footpath. Location of mail boxes is not notated on the plans	In the lobby	NO
Terrace planting	Terraced planting is provided	Planting softens edge of any raised terraces to the street	YES
Substation, pump rooms, garbage storage areas etc	Garbage rooms, storage areas and service rooms are located in the basement.	Not visible from the public domain	YES
Underground parking vents	Carpark exhaust vent is located at roof level and is visually unobtrusive.	Visual prominence minimised	YES
Building entry and ground floor for accessibility purposes	The application is accompanied by an Access Report. DDA ramping is required due to the topography of the site. DDA access with lift is provided via the basement.	Ramping for accessibility to be minimised. At footpath level	YES
Building materials	Materials through out the public domain are durable	Durable and graffiti resistant	YES

Objective 3C-1 requires that *"terraces, balconies and courtyard apartments should have direct street entry, where appropriate"*

Access to terraces and balconies are provided internally within the apartments due to the layout of the building and topographic constraints at the site. This is deemed acceptable and therefore the proposal is considered to satisfy the relevant design objectives prescribed by this Part.

Objective 3C-2 requires that *"mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided"* and that *"that front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1 metre."*

In regard to mail boxes, the ADG compliance table provided by MHN Design Union Pty Ltd notes that location of mailboxes is near the pedestrian footpath. The Architectural Plans do not identify the location of mail boxes. It is not feasible for mail boxes to be located in the lobby, as the lobby is located at the rear of the site and only accessed via an approximately 34m narrow passage along the southern side boundary. Accordingly, there is insufficient information to determine compliance or otherwise. Despite this, this is deemed acceptable and therefore the proposal is considered to satisfy the relevant design objectives prescribed by this Part, subject to conditions requiring the submission of updated Architectural Plans illustrating the location of mail boxes prior to construction certificate, which would have been imposed if approval were being recommended.

In regard to front fences, the proposed front stone fence is estimated at range from an estimated 0.9 -1.2m. This averages to approximately 1m and considering the topography on site is deemed

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acceptable and therefore the proposal is considered to satisfy the relevant design objectives prescribed by this Part.

Part 3D: Communal and Public Open Space

Site Area: 968.8m ²	Proposed	Control	Meets
Minimum communal open space	No Communal Open Space is notated in Architectural Plans	25% of the Site (242.2m ²)	NO ACCEPTABLE
Minimum solar access to the principal useable portion of communal space	No Communal Open Space is notated in Architectural Plans	50% for 2 Hours Between 9am and 3pm on June 21	NO ACCEPTABLE

Although the proposal does not satisfy Design Criteria's 1 and 2 as detailed in the compliance table above, the proposal is acceptable in this regard as generous areas of private open space have been provided for each unit with a sufficient amenity. This is considered an acceptable solution in accordance with the design guidance under this Part.

Part 3E: Deep Soil Zones

Site Area: 968.8m ²	Proposed	Control	Meets
Minimum deep soil zone	339.97m ² (35%)	7% of the Site (67.82m ²)	YES
Minimum dimensions of deep soil zone	12.9% deep soil for areas greater than 3m.	3m	YES

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 3F: Visual Privacy

	Proposed	Control	Meets
Minimum Separation from buildings – habitable rooms and balconies	<i>Insufficient information</i>	6m – up to 4 storeys	NO
Minimum separation from buildings – non-habitable rooms	<i>Insufficient information</i>	3m – up to 4 storeys	NO
Separation between blank walls	<i>Insufficient information</i>	Nil	NO
Line of sight across corners	<i>Insufficient information</i>	Avoided	NO
Location of bedrooms	The location of bedrooms, living spaces and other habitable rooms are generally separated from gallery access and other open circulation space by the apartment's service areas.	Separated from access and service areas	YES
Location of balconies and terraces	Primary balcony is located off the living room.	In front of living rooms	YES
Location of windows	Proposed windows are generally offset.	Offset from windows of adjacent properties	YES

Under Clause 6A(1) and (2), any controls in the Woollahra DCP 2015 relating to visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights,

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private open space and balconies, natural ventilation and storage are overridden by controls in SEPP 65.

Objective 3F-1 of the ADG requires that for a building height of up to four (4) storeys, a minimum setback separation of 6m is required from habitable rooms and balconies of two (2) residential apartment buildings and 3m setback separation is required between non-habitable room of two (2) residential flat buildings.

To the building in the north (847 New South Head Road), the proposal provides 1.5m separation to the Site boundary line and:

- Ground Floor – a minimum estimated 2.3m building separation from wall of 847 New South Head Road and the proposed terrace;
- First Floor – a minimum estimated 2.3m building separation from wall of 847 New South Head Road to proposed terrace;
- Second Floor – a minimum estimated 4.1m building separation from wall to proposed terrace;
- Third Floor – a minimum estimated 5.7m building separation from wall of 847 New South Head Road to proposed terrace.

To the building in the south (843 New South Head Road), the proposal provides 1.5m separation to the Site boundary line and:

- Ground Floor – a minimum estimated 3.2m building separation from wall to wall;
- First Floor – a minimum estimated 3.3m building separation from wall to wall;
- Second Floor – a minimum estimated 3.3m building separation from wall to terrace at 843 New South Head Road and estimated 4.9m from wall to wall;
- Third Floor – a minimum estimated 4.9m from wall to wall.

The architectural drawings prepared by MHN Design Union Pty Ltd (dated 27 July 2023) do not provide side setback dimensions nor identify the nature of the rooms on the adjoining properties to enable a proper assessment of the impacts of the proposed development and consequently the application has failed demonstrate that the development is suitable for the site and that it will have acceptable environmental impacts on the built environment, as required by Sections 4.15(1)(b) and (c) of the EP&A Act.

Notwithstanding the absence of this information, based alone on the separation distances noted above, it is considered the proposal fails to demonstrate a reasonable level of external visual amenity impacts to adjoining residential apartments and achieve objective 3F-1 of the ADG.

Part 3G: Pedestrian Access and Entries

	Proposed	Control	Meets
Building entrances and pedestrian access	Multiple entries are not provided along the street edge. DDA access is provided via basement. Pedestrian access is provided via a narrow side boundary passage.	Multiple entries, connection to and addresses public domain.	NO
Communal entries	Proposed building entry is clearly identifiable and communal entries are clearly distinguishable from private entries.	Clearly defined from private entries	NO
Access, entries and pathways	Pedestrian access is proposed down a long narrow passage on southern boundary. DDA	Accessible and easy to identify	NO

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	Proposed	Control	Meets
	access is proposed via the basement and requires navigation around vehicles.		
Location of lift lobbies, stairwells and hallways	Building access areas including lift lobbies, stairwells, and carpark entries are clearly visible from the public domain.	Visible from public domain/ communal spaces	NO
Ground floors and underground car parks	The design of ground floors and underground car parks minimise level changes along pathways and entries where possible with regard to the natural constraints of the site	Minimise level changes	YES
Communal entrance	Electronic key access and intercom points are provided at residential and vehicular entrances	Intercom provided	YES

Part 3G states that "good pedestrian access delivers high quality, equitable, safe and pleasant walking environments along the street, into the development and to individual apartments". It is also established that pedestrian access and entries must be prioritised over vehicle access.

In order to access the lobby at the rear of the site, pedestrians need to navigate up a ramp, past landscaping, down a flight of stairs and along the approximately 34m narrow passageway on the southern boundary line. DDA access requires navigation up a ramp at the front of the site and through the basement, which conflicts with vehicles. No separate path or access is notated on the Architectural Plans.

The proposed pedestrian access (both pedestrian and DDA) is inconsistent with Part 3G on the following grounds:

- The proposed pedestrian access does not connect to or address the public domain.
- The proposed building entry is not clearly identifiable and communal entries are not clearly distinguishable.
- The proposed development does not provide multiple entries to activate the street.
- The proposed access, entries and pathways are not accessible, are not easy to identify and are not visible from the public domain.
- The proposed DDA access requires navigation through the basement and past vehicles. This is not considered to provide a safe path of travel.
- The narrow communal walkway with entry at the rear of the site poses safety issues and privacy for the ground floor unit.

Accordingly, the proposal does not satisfy the relevant objectives or design criteria prescribed by this Part.

Part 3H: Vehicle Access

Site Area: 968.8m ²	Proposed	Control	Meets
Location of car park entries	The proposed location of car park entries does not protrude beyond the building line. It is noted that it does encroach the front setback.	Behind the building line	YES
Location of vehicle entries	The location of vehicular entry is at the most direct	At the lowest point of the site	YES

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Site Area: 968.8m ²	Proposed	Control	Meets
	and lowest point of the site.		
Vehicle standing areas	The development avoids vehicle standing areas	Avoided	YES
Location of access points	Access point locations avoid headlight glare to habitable rooms.	Avoid headlight glare to habitable rooms	YES
Garbage collection, loading and servicing areas	Garbage storage and servicing areas are screened. The garbage collection point is located on the street and temporary. The main garbage storage areas are located in the basement.	Screened from view	YES
Large vehicle turning circles	The need for large vehicles to enter or turn around within the site is avoided.	Avoided	YES
Pedestrian and vehicle access	Pedestrian and vehicle access is separated and distinguishable and include changes in surface material, level change and landscaping.	Separated and distinguishable	YES

The proposal satisfies the relevant design objectives prescribed by this Part.

It is noted that Council's Traffic Engineer requires additional information and design amendments that could be addressed via conditions of consent, if approval were being recommended.

Part 3J: Bicycle and Car Parking

	Proposed	Control	Meets
Location of local car share schemes	Car share spaces are not proposed.	Provided On Site, if proposed.	YES
Motorcycle/scooter park	2 motorcycle/scooter parking spaces is provided in basement, compliant with Woollahra DCP	Sufficient provision	YES
Bicycle parking	4 bicycle parking spaces located in basement, compliant with Woollahra DCP.	Required, undercover and accessible	YES
Electronic charging stations for vehicles	Electronic charging stations are provided for electric vehicles in each garage	Recommended (where applicable)	YES
Access to ancillary basement rooms	All supporting facilities can be accessed and do not cross a car parking space.	Supporting facilities can be accessed without crossing car parking spaces	YES
Lobby spaces within basement	A waiting area is provided to lifts and stairs.	Provided	YES

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	Proposed	Control	Meets
Maximum height of car parks above ground level	Car parking is located below ground	1.0m	YES
Ventilation grills/screening devices for car parking openings	Mechanical ventilation is provided to the basement. Exhaust grilles are located on the roof and are concealed from view.	Integrated into façade and landscape design	YES
Exposed parking	Parking is located in the basement.	Not along primary frontages	YES

Under Clause 30(1) of SEPP 65, refusal cannot occur if car parking is equal to, or greater than that specified in Part 3J.

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 4A: Solar and Daylight Access

	Proposed	Control	Meets
Sunlight to living rooms and private open spaces of at least 3 hours between 9am and 3pm on June 21	<i>Insufficient information to make assessment.</i>	Minimum 70% of apartments	INSUFFICIENT INFORMATION
No sunlight to apartments between 9am and 3pm on June 21	<i>Insufficient information to make assessment.</i>	Maximum 15% of apartments	INSUFFICIENT INFORMATION
Location of rooms	Primary living areas are located to the primary aspect on the north western elevation. Services are located in the basement or located centrally within the building floor plan.	Habitable to the north, services to the south/ west	YES
Design features for sunlight access	Apartments are dual aspect and roof level comprises sky light.	Dual aspect/ shallow layout/ two (2) storey/ bay window	YES
Minimum direct sunlight to living rooms and private open space	<i>Insufficient information to make assessment.</i>	1m ² at 1m above floor level for minimum 15 minutes	INSUFFICIENT INFORMATION
Courtyards, skylights and high level windows as a secondary light source	Skylight at Unit 4 provides light to the internal communal stairwell. Courtyard at ground level is open to sky.	Only for secondary light source	YES
Courtyards used as light source	Private internal courtyard is provided at Ground Level for Unit 1. The communal courtyard is used to provide light to	Used for kitchens, bathrooms or service areas	YES

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	Proposed	Control	Meets
	laundry, hall and study. On the upper levels, the building setback as a result of the courtyard provides light to the hall in Level 1 and 2 (Units 2 and 3 respectively) and to the hallway and Living Room at level 3 (Unit 4).		
	The proposed courtyard is open to the sky.	Open to sky	YES
	Access is provided at ground level.	Access is provided	YES
Shade and glare control	The extent of front balconies provides shading in summer to living areas. Northern windows are protected by frosted glass for privacy that also provide light filters to avoid glare.	Allow summer shade and winter sun	YES

Under Clause 6A (1) and (2), any controls in the Woollahra DCP 2015 relating to solar and daylight access are overridden by controls in SEPP 65.

The application does not establish that the proposal will achieve satisfactory solar amenity and overshadowing impacts to adjoining development. Under Section 4A of the ADG, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. It is unclear on the information provided whether the development complies with that requirement.

The solar and shadow diagrams appear to be incorrect and do not adequately demonstrate the shadow cast over the site and neighbouring property. The length of the winter shadows appears to be underestimated and the solar diagrams do not appear to take into consideration the topography of the site.

The ADG DA checklist (pg 157) requires graphic information at the winter solstice (21 June) at intervals that clearly demonstrate the amount of solar access to the proposed development and a tabulation of results, overshadowing of existing adjacent properties and elevation shadows if shadows are likely to fall on neighbouring windows, openings or solar panels and to adjoining developments.

In order to properly calculate the solar access to the proposed development and any overshadowing impacts to neighbouring sites 3-D modelling of views from the sun at 30-minute intervals must be submitted illustrating the overshadowing impacts of the neighbouring residential units at 843 New South Head Road, Rose Bay.

The analysis must include a matrix showing:

- What balconies and living rooms on the northern elevation of the adjoining development obtain two (2) hours of solar access between 9am to 3pm on June 21.
- What balconies and living rooms do not obtain two (2) hours of solar access between 9am-3pm on June 21 and the extent to which they are over or under.
- Calculations of percentage of solar access compliance as a result of the development.

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Overall, the proposal is inconsistent with the design quality principle 6 (Amenity) under SEPP 65 (Schedule 1 Design principles), there is insufficient information to make a proper and accurate assessment in this regard and forms the reasons for refusal.

Part 4B: Natural Ventilation

	Proposed	Control	Meets
Minimum cross ventilation	4 of 4 apartments (100%) are naturally cross ventilated	60% of apartments	YES
Unobstructed window openings	The area of unobstructed window openings is 5% minimum of the floor area served.	Minimum 5% of the floor area	YES
Light wells to habitable spaces	Light wells are not the primary air source for habitable rooms.	Not primary air source	YES

Under Clause 6A(1) and (2), any controls in the Woollahra DCP 2015 relating to solar and daylight access are overridden by controls in SEPP 65.

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 4C: Ceiling Heights

	Proposed	Control	Meets
Minimum ceiling height – habitable rooms	2.7m	2.7m	YES
Minimum ceiling height – non-habitable rooms	2.4m	2.4m	YES

Under Clause 6A (1) and (2), any controls in the Woollahra DCP 2015 relating to ceiling heights, are overridden by controls in SEPP 65.

Under Clause 30 (1) of SEPP 65, refusal cannot occur if the ceiling heights are equal to, or greater than Part 4C.

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 4D: Apartment Size and Layout

	Proposed	Control	Meets
Minimum apartment layout – 3 Bedroom	Ground Floor Apartment = 225.29m ² Level 3 Apartment = 193.01m ²	95m ²	YES
Minimum apartment layout – 4 bedroom	Level 1 Apartment = 292.38m ² Level 2 Apartment = 258.12m ²	107m ²	YES

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	Proposed	Control	Meets
Habitable room – minimum window surface	All habitable rooms have a window in an external wall with total minimum glass area of not less than 1% of the floor area of the room	10% of floor area and not borrowed	YES
Habitable room depth	All apartments comply	2.5m x the ceiling height	YES
Minimum bedroom size (excluding wardrobes)	All rooms exceed minimum requirements	10m ² master bedroom / 9m ² other bedrooms	YES
Minimum bedroom dimension (excluding wardrobes)	All bedrooms comply except Bedroom 3 (Ground Floor) which has a room dimension of 2.9 x 4.7m	3m	NO ACCEPTABLE
Minimum width of living rooms	All living rooms comply with the minimum requirements.	4m for 2 and 3 bedroom apartments	YES
Kitchens in larger apartments	Kitchens are not located in the main circulation space	Not included in main circulation space	YES
Windows within habitable rooms	Windows are visible from any point in a habitable room	Visible from any point	YES
Main living spaces	Main living rooms are orientated toward the primary outlook and aspect and are buffered from noise sources by the terrace.	Located away from noise sources	YES
Living areas and bedrooms	All living areas and bedrooms should be located on the external face of the building.	Outer edge of building	YES
Minimum length of bedroom wardrobe	All wardrobes exceed the requirement.	1.5m	YES
Minimum dimensions of a wardrobe in a main bedroom	All wardrobes exceed the requirement.	1.8m x 0.6m x 2.1m	YES

Under Clause 6A (1) and (2), any controls in the Woollahra DCP 2015 relating to apartment size and layout are overridden by controls in SEPP 65.

Under Clause 30 (1) of SEPP 65, refusal cannot occur if the internal area for each apartment is equal to, or greater than that specified in Part 4D.

Objective 4D-3 requires that all bedrooms have a minimum dimension of 3m (excluding wardrobe space. Bedroom 3 within Unit 1 (at ground level) is 2.9 x 4.7m in dimension which is non-compliant with the ADG requirement.

The ADG also requires that “Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits”. This is a minor non-compliance and considering the overall room dimensions are 13.63m², which exceed the minimum bedroom size requirements by 4.63m², it is considered acceptable.

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Part 4E: Private Open Space and Balconies

	Proposed	Control	Meets
Private open space (ground floor unit) minimum area	99m ²	15m ²	YES
Private open space (ground floor unit) minimum dimension	More than 3m	3m	YES
Minimum balcony area			
Unit 1 (ground level) – 3 beds	83m ² (+16m ² for internal courtyard)	12m ²	YES
Unit 2 (first floor level) – 4 beds	60m ²	12m ²	YES
Unit 3 (second floor level) – 4 beds	37m ² (+44m ² rear private open space)	12m ²	YES
Unit 4 (third floor level) – 3 beds	66m ²	12m ²	YES
Minimum balcony dimensions			
Unit 1 (ground level) – 3 beds	Min 5.094m	2.4m	YES
Unit 2 (first floor level) – 4 beds	Min 1.7m (rear balcony) Front min 2.8m	2.4m	NO - ACCEPTABLE
Unit 3 (second floor level) – 4 beds	Min 4m	2.4m	YES
Unit 4 (third floor level) – 3 beds	Min 7.7m	2.4m	YES
Storage spaces on balconies	Storage spaces are not included on balcony sizes.	Not included in balcony sizes	YES
Location of primary open space and balconies	The primary terraces are located at the front of the site and adjoining the primary living area. Secondary private open space at Unit 2 is located off the bedrooms.	Adjacent to main living areas	YES
Orientation of primary open space	The primary open space areas attributed to each apartment are orientated north west towards New South Head Road.	North, east or west	YES
Proportions of primary open space	Primary open space and balconies are be orientated with the longer side facing outwards and open to the sky to optimise daylight access into adjacent rooms	Long side facing outwards	YES
Full height glass balustrades	Full height glass balustrades are not proposed.	Not permitted	YES
Downpipes within balcony	All downpipes are integrated into the balcony design.	Integrated into balcony design	YES
Clothes drying, storage and air conditioning units	Clothes drying, storage and air conditioning units are screened.	Screening required	YES
Location of air conditioning units	Airconditioning condenser units are located in the basement, Other associated equipment is integrated into the design.	On roof, basement or integrated	YES

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	Proposed	Control	Meets
Design of balconies	The design of the balustrades do not facilitate climbing. All balconies are designed to BCA compliance. The Application is accompanied by a BCA Assessment Report, prepared by Nest Consulting Group and dated 25 July 2023.	Designed to avoid climbing	YES

Under Clause 6A (1) and (2), any controls in the Woollahra DCP 2015 relating to private open space are overridden by controls in SEPP 65.

The rear balcony of Unit 2, located on the first floor, measures approximately 1.8m in depth by 13.5m wide. Despite the technical non-compliance with the 2.4m minimum balcony dimension control, Unit 2 benefits from a large front balcony (60m²) with dimensions of approximately 9.3m by 2.9m at its most narrow portion in the south and 5m at its greatest depth in the north (excluding planter boxes). Therefore, the proposal is considered to satisfy the relevant design objectives described by this Part.

Part 4F: Common Circulation and Spaces

	Proposed	Control	Meets
Maximum number of units in a corridor	Three (3) Note - Ground level (Unit 1) access of ground lobby and not required to be serviced by lift.	Eight (8)	YES

The proposal satisfies the relevant objectives or design criteria prescribed by this Part.

Part 4G: Storage

	Proposed	Control	Meets
Minimum storage area - Unit 1 (Ground Level) – 3 bed Unit 2 (Level 1) – 4 bed Unit 3 (Level 2) – 4 bed Unit 4 (Level 3) – 3 bed	<i>Insufficient information</i>	10m ³ 10m ³ 10m ³ 10m ³	NO
Provision of storage within apartment – Unit 1 (Ground Level) – 3 bed Unit 2 (Level 1) – 4 bed Unit 3 (Level 2) – 4 bed Unit 4 (Level 3) – 3 bed	<i>Insufficient information</i>	50%	NO

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	Proposed	Control	Meets
Access to storage	Storage in each apartment is located accessible from circulation or living areas	Accessible from circulation or living areas	YES
Provision of storage	Storage in basement is allocated to specific apartments	Allocated to specific apartments	YES
Storage for bulky or less used items	Storage spaces are provided in basement for larger and less frequently accessed items	Provided	YES
Location of storage in basement	Storage is located in basement at the rear or side of car spaces	Rear of side of car spaces	YES
Storage not located in apartment	Storage not in apartment is located in the basement and not visible from the public domain	Integrated into overall building design and not visible from public domain	YES

Under Clause 6A(1) and (2), any controls in the Woollahra DCP 2015 relating to storage are overridden by controls in SEPP 65.

Objective 4G-1 requires that for 3 and 4 bedroom units the total storage volume is to equal 10m³ of which at least 50% of the required storage area is located within the apartment.

Dedicated storage areas have been nominated on the architectural plans in the basement. No storage areas have been nominated on the architectural plans in the apartments and no storage calculation plans have been submitted with the application to demonstrate compliance with the relevant design criteria. This could be addressed via conditions of consent if the application were to be approved.

Part 4H: Acoustic Privacy

	Proposed	Control	Meets
Window and door openings	Window and door openings are generally orientated away from noise sources.	Away from noise sources	YES
Distance of high noise sources from bedrooms	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, are located at least 3m away from bedrooms.	Minimum 3m	YES
Location of rooms	Noisy areas within building are located next to or above each other e.g. building entry/ corridors.	Similar rooms grouped together	YES
Internal apartment layout	Design separates noisy spaces from quiet areas.	Separates noisy spaces from quiet spaces	YES
Party walls	One unit per floor	Minimised	YES

The proposal satisfies the relevant objectives or design criteria prescribed by this Part.

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Part 4J: Noise and Pollution

	Proposed	Control	Meets
Non residential uses	Non-residential uses are located within basement level.	Located at lowest level	YES
Location of habitable rooms adjacent to high noise sources	Units have been designed to setback from New South Head Road, with deep balconies provided to all units to further isolate units from noise.	Located perpendicular to source and buffered by other uses	YES
Units facing high noise sources and solar access	Each unit has dual aspect to the front and rest of the site.	Dual aspect units with shallow depth	YES
High noise sources alternatives	Discussion provided under relative section.	Solar and daylight access, private open space, natural cross ventilation	REFER TO RELATIVE SECTION
Design to high noise source	Methods of mitigating noise impacts from New South Head Road can be integrated into the building – including double laminated glazing to affected facades, acoustic seals to doors and windows and deep balconies to setback to glazing line.	Windergarden, limited openings, double glazing or use of sound absorption materials	YES

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 4K: Apartment Mix

	Proposed	Control	Meets
Apartment mix	2 x 3-bedroom apartments 2.x 4 bedroom apartments	Variety of apartment types	YES
Location of larger apartments	Level 1 and Level 2	Ground level or roof	NO ACCEPTABLE

The proposal provides the location of larger apartments on Level 1 and 2 to minimise the extent of excavation at the rear of the site and reduce the bulk of the roof level. Accordingly, the proposal is considered to have suitably satisfied the relevant objectives and design guidelines prescribed by this Part.

Part 4L: Ground Floor Apartments

	Proposed	Control	Meets
Access to ground floor apartments	Direct street access is not provided to ground floor apartment. Access to all dwellings is provided to all apartments via basement	Street access provided	YES

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	Proposed	Control	Meets
	parking and path along southern boundary to rear of site.		
Ground floor presentation	Street fronts and ground floor presentations are activated with private open space along New South Head Road. Doors and windows face the street.	Private open space and doors/windows to the street	YES
Privacy and safety	Private gardens are elevated above the street level, landscaping is provided.	Provided without obstructing casual surveillance.	YES

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 4M: Facades

	Proposed	Control	Meets
Building services	Building services are integrated into the building facade	Integrated into design	YES
Relationship to adjoining properties	The development encroaches into the front setback. The development also does not include upper level side setbacks which are otherwise included on the adjoining developments.	Relate to upper level setbacks, awnings and colonnade heights	NO
Articulation to building facade	The development comprises horizontal and vertical elements, variation in floor heights, contain elements that are proportional and arranged in patterns include treatments to exterior blank walls and also group balconies and windows.	Creates shadow on the building	YES
Building entry	Building entry – both vehicular and pedestrian are clearly defined.	Clearly defined	YES

Objective 4M-1 requires that “*building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights*”. The neighbouring dwellings exhibit upper-level side setbacks to the subject property. The proposed development does not provide this articulation at the upper levels which would assist in minimising the extent of impact of the development on the amenity on neighbouring properties.

The proposal therefore does not demonstrate an adequate relationship to adjoining properties in particular to the upper level setbacks and is therefore considered unacceptable, forming the reasons for refusal.

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Part 4N: Roof Design

	Proposed	Control	Meets
Habitable roof space	Proposed flat room with apartment on Level 4. Roof steps back from the streetscape.	Penthouse, dormer or skylights provided	YES
Rooftop open space	No rooftop open space is proposed therefore no additional impacts that would be associated with a rooftop open space.	No39inimizing, safety or security impacts	YES
Roof design incorporates sustainability features	Unit 4 on Level 3 comprises a skylight. Roof provides large surface area for photovoltaic panels to support electricity demands of the units.	Integrated into design	YES

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 4O: Landscape Design

Site Area: 968.8m ²	Proposed	Control	Meets
On-going maintenance plans	Not provided with application.	Required	NO
Recommended tree planting in deep soil zones – site area between 850-1,500m ²	The Landscape Plan identifies that 7 trees (200L) are proposed in the front deep soil setback. An additional 8 trees (200L) are provided in the rear deep soil landscape area.	1 large tree or 2 medium trees per 90m ² of deep soil zone	NO
Microclimate	Trees are appropriately scaled near the eastern and western elevations for shade. The development also includes shade structures for balconies.	Lower scale trees to east and west elevations	YES

Objective 4O-1 requires that an ongoing maintenance plan be prepared. The application is not accompanied by an ongoing maintenance plan. This could be addressed via conditions of consent requesting an ongoing maintenance plan, if the application were to be approved.

Council's Tree and Landscape Officer has noted that the Second floor Landscaping plan shows only small replacement trees at the rear boundary deep soil area. Council's Tree and Landscape Officer advised that additional tree planting (two additional larger trees) is required to ensure a greater canopy cover and increased amenity in this area of the site. Therefore, the proposal is considered unsatisfactory in regard to Part 4O of the ADG.

Part 4P: Planting on Structures

The proposal satisfies the relevant objectives or design criteria prescribed by this Part.

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Part 4Q: Universal Design

	Proposed	Control	Meets
Minimum number of Universal Apartments	<i>Insufficient information</i>	20% of all Units to incorporate the Liveable Housing Guideline's silver level universal design features	NO

The Architects ADG compliance table notes that “*all apartments generally comply with the Living Housing Guidelines' silver level universal design features*” however no further detail or justification is provided. Accordingly, there is insufficient information to make a proper and accurate assessment in this regard and forms the reasons for refusal. This could be addressed via conditions of consent, if the application were to be approved.

Part 4R: Adaptive Reuse – Not applicable

Part 4S: Mixed Use – Not applicable

Part 4T: Awnings and Signage

	Proposed	Control	Meets
Awnings over entries	Awnings are proposed above building entry to highlight the entry to the approaching pedestrian and provide shelter	Provided	YES
Lighting	Lighting under awnings are provided for pedestrian safety	Required under awnings	YES
Gutters and downpipes	Gutters and down pipes are integrated and concealed	Concealed	YES
Signage	Building identification signage will be integrated into the design and responds to the scale, proportion and detailing of the development.	Integrated	YES

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 4U: Energy Efficiency

	Proposed	Control	Meets
Passive environmental design	Able to comply to rear balconies/private open space	Clothes drying located in screened outdoor areas	YES
Passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Thermal mass in floors of north facing rooms. Balconies provide shading in summer. Insulated walls and roof.	Smart glass, thermal mass in floors, north facing optimised, timber, concrete, tiles over carpet, insulated roofs, overhangs and shading.	YES
Consolidated heating and cooling infrastructure	AC condenser is located in basement	Centralised location e.g., basement	YES

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	Proposed	Control	Meets
Location of room types	Rooms with similar usage are grouped together	Similar uses grouped together	YES

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 4V: Water Management and Conservation

	Proposed	Control	Meets
Water efficient fittings and appliances	Applicant proposes water efficient fittings and appliances.	Provided	YES
Metering	Apartments are individually metred	Individual metering required	YES
Species of plants	Drought tolerant, low water use plants have been specified by Landscape Architect.	Drought tolerant, low water use	YES
Rainwater	Rainwater Tank is provided on site and located under basement entry.	Rainwater reused on site	YES
Detention tanks	OSD tank is provided on site and located under basement entry	Located under paved areas, driveways or basement	YES

The proposal satisfies the relevant design objectives prescribed by this Part.

Part 4W: Waste Management

	Proposed	Control	Meets
Location of bin storage	Located in basement at rear of site	Away from the front or in basement	YES
	Mechanical ventilation	Well ventilated	YES
Access between bin storage and collection point	Site Waste Minimisation & Management Plan (dated 26 July 2023) maps easy access between bin storage room and collection point.	Easy manoeuvrability to collection point	YES
Temporary storage	<i>Insufficient information</i>	Required	NO
Waste management plan	A Site Waste Minimisation & Management Plan (dated 26 July 2023) has been provided.	Required	YES

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	Proposed	Control	Meets
Internal waste storage in each dwelling	Site Waste Minimisation & Management Plan (dated 26 July 2023) identifies internal waste storage in each dwelling.	Storage space for two days of garbage	YES
Compost facilities	WMP notes compost facilities will be provided in basement in form of 1 x 660L bin	Provided	YES

The Architect's ADG compliance table notes that temporary storage for large, bulky items are provided. The Architectural Plans do not notate the location of these areas. There is insufficient information to make a proper and accurate assessment in this regard. This could be addressed via conditions of consent if the application were to be approved. The conditions of consent would request the provision of updated Architectural Plans and Waste Management Plan to clearly illustrate the location of the temporary storage areas.

Part 4X: Building Maintenance

	Proposed	Control	Meets
Systems and access enable ease of maintenance	Glazing generally allows cleaning from inside building. Service areas are accessed from communal circulation.	Enable ease of maintenance and are able to be cleaned from inside.	YES
Building design detail	Balcony overhangs provide protection to full height sliding doors, Perimeter hobs on balconies and roods incorporate a backfall to avoid staining of facades.	Provides protection from weathering	YES
External scaffolding form maintenance	General maintenance can be generally undertaken without scaffolding	Not permitted	YES
Centralised maintenance	Storage of maintenance equipment provided in communal areas.	Provided for communal open space areas	YES
Material selection	Selected materials are durable and will weather well over time. Per MHN Design Union Pty Ltd compliance table, lighting in common areas are controlled via timers and motion	Easily cleaned, natural surfaces that weather well and improve with time. Sensors to control artificial lighting in common circulation and spaces	YES

The proposal satisfies the relevant design objectives prescribed by this Part.

16. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

16.1 Part 1.2: Aims of Plan

The proposal is unsatisfactory in terms of the aims in Part 1.2(2) of the Woollahra LEP 2014 for the following reasons:

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- The proposal fails to achieve aim (j) as it does not constitute a high standard of design within the private and public domain; and
- The proposal fails to achieve aim (l) as it does not provide a development that achieves the desired future character of the area.

16.2 Land Use Table

The proposal is defined as a residential flat building and is permitted with consent in the R3 Medium Density Residential zone.

The objectives of the R3 zone are:

- *"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."* (emphasis added in bold)

Although the proposal is permissible, it is not consistent with objective dot point 4 (bolded above) of the R3 Medium Density Residential zone on the grounds that the proposed scale will be incompatible with the existing and desired future character of the broader neighbourhood.

16.3 Part 4.1A: Minimum Lot Sizes for a Dual Occupancies, Multi Dwelling Housing and Residential Flat Building

Part 4.1A(2) specifies a minimum lot size of 700m².

Site Area: 968.8m ²	Proposed	Control	Complies
Minimum Lot Size – Multi-Unit/Residential Flat Building	968.8m ²	700m ²	YES

The proposal complies with Part 4.1A(2) of Woollahra LEP 2014.

16.4 Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 10.5m.

	Proposed	Control	Complies
Maximum Building Height	10.5m <i>Insufficient information*</i>	10.5m	INSUFFICIENT INFORMATION

*Additional information is required in order to assess. See below for details.

Architectural drawing No. DA3101 prepared by MHN Design Union Pty Ltd illustrates a section plan that depicts the 10.5m height plane in association with the existing ground line. A section of the parapet/roof form appears to fall outside the 10.5m height maximum.

It is not possible to confirm the height of the development and additional sections are required to be provided with adequate level of information clearly indicated depicting the maximum overall height of the proposed development in relation to the existing ground level below that point to confirm

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compliance with the height standard and whether the height line was measured at the section or the boundary.

Accordingly, there is insufficient information to make a proper and accurate assessment in this regard and forms the reasons for refusal.

16.5 Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 1:1 for a residential flat building.

Site Area: 968.8m ²	Proposed	Control	Complies
Floor Space Ratio	1.1	1:1 (968.9m ²)	YES

The proposal complies with the maximum floor space ratio prescribed by Part 4.4 of Woollahra LEP 2014.

16.6 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.

The proposed development does not contain any heritage items and is not within a heritage conservation area pursuant to Part 5.10 of the Woollahra LEP 2014.

Schedule 5 broadly states that 'various' addresses in the suburb of Rose Bay have street name inlays (i676) that are subject to Part 5.10 of the Woollahra LEP 2013. The specific address location of the street name inlays is not listed under Schedule 5 and Council's mapping data does not detail any within the vicinity of the site.

Council's Heritage Officer commented that *"the site does not meet any of the criteria for identification as a place of local significance, outlined in the guidelines 'Assessing heritage significance,' by Environment and Heritage Group, DPIE. The assessment of the HIS is concurred with and the proposed demolition is supported."*

This is also supported by a Demolition Report and Heritage Impact Statement, prepared by Zoltan Kovacs Architect (dated July 2023).

Therefore, the proposal is acceptable with regard to Part 5.10 of the Woollahra LEP 2014, and its demolition is supported on heritage grounds.

16.7 Part 5.21: Flood Planning

Clause 5.21 seeks to minimise the flood risk to life and property development, allow development on land that is compatible, consider projected changes as a result of climate change and avoid significant adverse impacts on flood behaviour and the environment in flood prone areas.

The objectives of Part 5.21 are:

- "to minimise the flood risk to life and property associated with the use of land,*
- to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- to enable the safe occupation and efficient evacuation of people in the event of a flood."*

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Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- a) *“is compatible with the flood function and behaviour on the land, and*
- b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.”*

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 subject site is not identified on the Flood Planning Map as being flood affected. Notwithstanding this, Council's Rose Bay Floodplain Risk Management Study and Plan, prepared by WMAWater (dated January 2014), identifies that the subject site is not impacted by 1% AEP and PMF flood events. However, the New South Head Road in front of the subject site is impacted by flood waters during 1% AEP and PMF flood events. Therefore, the subject site is considered a flood-controlled lot.

Council's Drainage Engineer has reviewed the Flood Risk Management Report, prepared by Smart Structures Australia (dated 18 September 2023) and Architectural Plans and has determined that the proposal is satisfactory, subject to the inclusion of flood protection conditions relating to flood warning, flood proof material and electricals.

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

16.8 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 1m 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.

The proposal is acceptable with regard to Part 6.1 of Woollahra LEP 2014.

16.9 Part 6.2: Earthworks

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

Part 6.2(1) states:

“The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land”.

Part 6.2(3) states:

In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

- a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- b) the effect of the development on the likely future use or redevelopment of the land,*
- c) the quality of the fill or the soil to be excavated, or both,*
- d) the effect of the development on the existing and likely amenity of adjoining properties,*
- e) the source of any fill material and the destination of any excavated material,*
- f) the likelihood of disturbing relics,*
- g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- h) any appropriate measures proposed to avoid, 46inimize or mitigate the impacts of the development.”*

The proposal involves excavation to accommodate basement parking and a pool. The supporting documentation identifies that the excavation extends to a maximum depth of approximately 8.0m below existing ground level (mBGL) at the rear of the site. Council's Development Engineer reports that the plans measure to be to a depth of about 9m.

The proposed excavation is setback 7.52-7.95m from the rear boundary, 1.5m from the northern boundary and 1.5-2.4m from the southern boundary. The supporting documentation identifies that the proposal involves a total volume of excavation of 2,922.7m³.

The development application is supported by a Geotechnical Investigation Report, prepared by Morrow Geotechnics and dated 26 July 2023 (referenced P2966_01 rev1). The Geotechnical Investigation Report identified that:

- Fill – sand – to depths of 0.3m to 0.8m.
- Sand – various densities – to depths of 0.8 to 4.5m.
- Sandstone bedrock – at depths of 0.8m to 4.5m.
- Groundwater assumed not to be an issue.
- Ground anchors may be 46inimize – Conditions applied.

Council's Development Engineer provided the following comments:

- The Geotechnical Investigation Report referenced, must be amended to address all requirements of Council's DCP Section E2.2.10 and *Attachment 6 – Guidelines for Geotechnical and Hydrogeological Reports*. – Conditions applied.
- Conditions covering these matters as well as others identified by Council were added to the Referral.
- Council's Infrastructure and Sustainability has no objection to the proposed excavation on technical grounds. Notwithstanding this, Council's Planning Officer is also to undertake an

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assessment of the proposed excavation against the relevant excavation objectives and controls prescribed under the Woollahra LEP 2014 and Woollahra DCP 2015.

- The use of any ground anchors or any retention system extending beyond site boundaries would require the approval of neighbouring properties in writing.

Council's Development Engineer has determined that the proposal is satisfactory on the proposed excavation on technical grounds, subject to conditions.

Notwithstanding the above, the proposed development is considered to be an overdevelopment of the site and results in excessive excavation which is considered unreasonable given the numerous built form DCP non-compliances discussed in Section 17 of the assessment report.

16.10 Part 6.9: Tree canopy cover in Zones R2 and R3

Part 6.9 aims to conserve and enhance tree canopy cover in the R2 Low Density Residential zone and R3 Medium Density Residential zone.

Part 6.9 (3) requires Council to consider whether the development incorporates planning and design measures to enable the retention and planting of trees to minimise the urban heat island effect, and to avoid, minimise or mitigate adverse impacts on the existing tree canopy.

The application has failed to demonstrate that the development will not have an adverse impact upon the existing trees located upon adjoining sites particularly regarding the *Callistemon viminalis* (located at 843 New South Head Road). Refer to Section 12 of this assessment report for discussion. It is noted that trees referenced 7, 8, 9, 10, 11 and 12 (located at 843 New South Head Road) are also likely to be impacted by the proposed boundary wall which sees an encroachment towards the trees within their root zone.

Council's Tree and Landscape Officer also noted that the proposed development provides insufficient replacement tree planting within the rear of the property. The second floor Landscaping Plan only shows small replacement trees at the rear boundary deep soil area and fails to address Council's landscaping requirements.

The submitted Survey Plan and Architectural Plans have not referenced trees in accordance with the submitted Aborigicultural Report. Therefore, there is insufficient information to determine compliance or otherwise with Part 6.9 of the Woollahra LEP 2014 and therefore forms the reasons for refusal.

17. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

17.1 Chapter B1: Rose Bay Residential Precinct

Part B1.9.2 establishes that the desired future character of the Rose Bay Residential Precinct and outlines that though much of the R3 zoned land currently contains many dwelling houses, this area is identified for change and will be redeveloped for medium density residential uses, such as residential flat buildings.

The DCP outlines that on hillsides and steeply sloping sites, the built form should step with the land to ensure the development reflects the existing topography and minimises the need for excavation. The extent of excavation proposed is non-compliant with the extent of excavation provisioned for residential flat buildings within the DCP (refer to Part B3.4 within this assessment of the Woollahra DCP 2015).

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The Rose Bay Residential Precinct also requires that the visual relief within streetscapes provided by the separation of buildings, the articulation of facades and building forms. The proposed development is subject to the provisions under the ADG. The proposed development provides inadequate information to properly assess whether the proposal complies or otherwise with the required setbacks and building separations to the northern and southern side setbacks (refer to Section 15 of this assessment report for discussion). The Rose Bay Residential Precinct is also characterised by tree canopy formed by both street and private yard plantings. The noted non-compliances with the buildings' setbacks and tree canopy at the rear of the site demonstrate the development's inconsistency with the existing and future character of Rose Bay.

Due to the inadequate information provided and cumulative impact from non-compliances noted throughout this assessment report, the proposal fails to demonstrate that it complies with the following desired future character objectives of the Rose Bay Residential Precinct on the following grounds:

- The proposal fails to achieve objective O5 as the development does not reinforce a consistent building scale within the streets, particularly regarding non-compliances with the front and rear setbacks. Other developments provide a generally consistent and sympathetic rear setback. Setbacks are discussed in detail in Section 15.3 (SEPP 65 Part 3F Visual Privacy) and Section 17.2 (Part B3.2 Building Envelope).
- The proposal fails to achieve objective O6 as the buildings' design and siting does not minimize cut and fill.
- The proposal fails to achieve objective O8 as the proposed development does not appropriately demonstrate it will maintain the existing tree canopy on neighboring sites.

17.2 Chapter B3: General Development Controls

Part B3.2: Building Envelope

B3.2.1: Where building envelope controls apply

Section B3.2.1 provides that development in the R3 Medium Density Residential Zone (or development other than dwelling houses, semi detached and dual occupancies) the building envelope is established by applying front, side and rear setbacks, maximum building height set by Woollahra LEP 2014. It is noted that the wall height, inclined plane and floorplate controls do not apply.

The maximum building height is 10.5m, set by Clause 4.3 of the Woollahra LEP 2014. As discussed in Section 16.4 of this assessment report, there is insufficient information to make a proper and accurate assessment in regard height.

The proposed development is also non-compliant with the front and rear setbacks as detailed in the table and relevant subsections below. The associated building envelope control is exceeded by approximately 1,250m³ in volume.

For the reasons detailed above, in conjunction with insufficient information to make a proper and accurate assessment, the proposal is considered unacceptable with regard to Chapter B3.2.1 of the Woollahra DCP 2015.

Site Area: 968.8m ²	Proposed	Control	Complies
Front Setback	Approx. 12 m landscape planter box on the front ground floor terrace	Minimum 18.11m for residential flat building	NO#

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	along the southern boundary		
Rear Setback	Approx. range between 5.9m (measured from the rear boundary line to the first floor terrace line) to 7.9m (from rear boundary line to the first and second floor level rear wall).	Minimum 16.27m for residential flat building development	NO#
Side Boundary Setback	1.5m	1.5m	YES
Maximum Unarticulated Length to Street	Less than 6m	6m	YES
Maximum Unarticulated Wall Length	Less than 12m	12m	YES

Additional information is required in order to assess. See below for details.

B3.2.2: Front setback

Control C1 provides that the front setback of the building envelope is determined by averaging the three (3) most typical setbacks of the four (4) closest residential buildings that face the same side of the street.

Based on this calculation, the subject site is required to provide a minimum front setback dimension of 18.11m for residential flat building development.

The proposed front setback is estimated at 12m, measured from the front boundary to the landscape planter box on the front ground floor terrace along the southern boundary.

Furthermore, the Architectural plans fail to meet the requirements of Section 1.4 (Requirements for drawings) of the NSW Government Application requirements (dated March 2022), which requires that Architectural plans are to show setback distances from boundaries to proposed new buildings.

For the reasons detailed above, in conjunction with insufficient information to make a proper and accurate assessment, the proposal is considered unacceptable with regard to Chapter B3.2.4 of the Woollahra DCP 2015 and forms the reasons for refusal.

B3.2.3: Side setback

Under Clause 6A(1) and (2) of SEPP 65, any controls in the Woollahra DCP 2015 relating to side setbacks, are overridden by controls in SEPP 65.

Notwithstanding this, C2 of the Woollahra DCP 2015 requires that the minimum side setback for residential flat buildings, manor houses, multi dwelling housing, multi dwelling housing (terraces) and attached dwellings is determined by the table in Figure 5B.

Pursuant to Figure 5B within the Woollahra DCP 2015, the side setback is based on the site width measured along the front setback line in metres. The subject site has a front setback line of 14.42m

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and therefore, per Figure 5B, a front setback side width of 13- <15m is required to have a setback of 1.5m.

The proposed development is compliant with the side setback control of 1.5m and is therefore acceptable with regard to B3.2.3 of the Woollahra DCP 2015.

However, under Clause 6A(1) and (2) of the SEPP 65 provisions that any controls in the Woollahra DCP 2015 relating to side setbacks, are overridden by controls in SEPP 65. As discussed above, the proposal provides significantly less setbacks than required under the provisions of SEPP 65 and does not adequately justify the reduction.

B3.2.4: Rear setback

B3.2.4 (C1) provides that the minimum rear setback control is 25% of the average of the two (2) side boundary dimensions, measured perpendicular to the rear boundary. Control C1 also states that the building must not encroach on the minimum rear setback.

Calculated in accordance with C1, the subject site requires a minimum rear setback dimension of 16.27m for residential flat building development, calculated at minimum, 25% of the average of the two (2) side boundary dimensions, measured perpendicular to the rear boundary.

The architectural drawings prepared do not provide front side, rear or front setback dimensions to enable a proper assessment of the impacts of the proposed development and consequently the application has failed demonstrate that the development is suitable for the site and that it will have acceptable environmental impacts on the built environment, as required by Sections 4.15(1)(b) and (c) of the EP&A Act.

It is estimated the proposed rear setbacks as follows:

- First floor level – an estimated 5.9m, measured from the rear boundary line to the first floor terrace line and 7.9m to rear wall (office) – *It is noted that this level at the rear is located partially below existing ground level.*
- Second floor level - an estimated 7.9m from rear boundary line to the second floor level rear wall.
- Third floor level – an estimated 7.3m to the third floor rear wall (office).
- Roof Plan - 7.4m from boundary line to roofline.

The proposal results in a non-compliance with the controls under B3.2.5(C1) with regard to rear setback control at first, second third and roof levels as noted above. Having regard to this, it is considered that the DA does not uphold the underlying objectives of the control for the reasons detailed below (**bolded**):

- The proposal fails to provide adequate plantings and a buffer between the proposed development and adjoining development (O1).
- The rear setback non-compliance does not give rise to an adverse acoustic impacts. However, the non-compliant rear setback and building envelope will exacerbate the impact of the development on the amenity of the neighbouring properties (O2).
- The non-complying rear setback in conjunction with the elevated levels of the adjoining properties to the north and east at the rear will result in an unreasonable enclosed space, with poor solar access and inadequate separation and plantings between the proposed development and adjoining development (O2).
- The proposed non-compliant rear setback will result in an unreasonable sense of enclosure (O3) and an unacceptable amenity for the future residents.
- The siting and design of the development will result in an excessively bulky and visually intrusive development particularly when viewed from the rear and side adjoining properties and

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specifically from the terrace areas and communal/open space areas located at No 843 North South Head Road (O4).

- The proposed non-compliant rear setback fails to provide adequate plantings and a buffer between the proposed development and adjoining development and do not meet the planned urban character for this site (O5).
- The proposed non-compliant rear setback will not contribute to a consolidated open space network with adjoining properties to improve natural drainage and support local habitat (O6).
- The rear setback for the proposed development is inadequate and incongruent with the locality.
- The exceedance results in a scale and bulk that is visually dominant and overbearing when compared to adjoining development and development in the locality.
- The built form in this location is incompatible in terms of the prevailing adjoining rear setbacks and desired setback anticipated under this control.

Furthermore, the Architectural plans fail to meet the requirements of Section 1.4 (Requirements for drawings) of the NSW Government Application requirements (dated March 2022), which requires that that Architectural plans are to show setback distances from boundaries to proposed new buildings.

For the reasons detailed above, in conjunction with insufficient information to make a proper and accurate assessment, the proposal is considered unacceptable regarding Chapter B3.2.4 of the Woollahra DCP 2015 and forms the reasons for refusal.

Part B3.3: Floorplates

The floorplate controls do not apply to land or development where an FSR applies, as in this case where a residential flat building is proposed on land zoned R3 Medium Density Residential.

Part B3.4: Excavation

Part B3.4 (C2) of the Woollahra DCP requires that the maximum excavation volume for a residential flat buildings is 969m³. The Architectural Plans states the proposed excavation volume is 2,922.7m³ and is therefore non-compliant with the maximum excavation volume permitted under C4 of the Woollahra DCP 2015.

Control C9 provides that excavation below 2m or within 1.5m of the boundary must be accompanied by a geotechnical and hydrogeological report and a structural report demonstrating that the works will not have any adverse effect on surrounding structures. The DA is supported by a Geotechnical Report, prepared by Morrow Geotechnics Pty Ltd (dated 26 July 2023).

Council's Development Engineers commented that:

"The Geotechnical Investigation Report referenced within this consent, must be amended to address all requirements of Council's DCP Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports. – Conditions applied.

Conditions covering these matters as well as others identified by Council have been added to the Referral.

Council's Infrastructure and Sustainability has no objection to the proposed excavation on technical grounds. Notwithstanding this, Council's Planning Officer is also to undertake an assessment of the proposed excavation against the relevant excavation objectives and controls prescribed under the LEP and DCP."

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The proposed development is considered to be an overdevelopment of the site and result in excessive excavation which is considered unreasonable given the numerous built form DCP non-compliances noted throughout this assessment report.

The inadequate consideration of E2.2.10 and the requirement for an amended Geotechnical Investigation Report results in the provision of insufficient information to make a proper and accurate assessment in this regard and forms the reasons for refusal.

The proposal is therefore unacceptable with regard to the excavation controls in Part B3.4 of the Woollahra DCP 2015 as detailed above and therefore, forming the reasons for refusal.

Part B3.5: Built Form and Context

B3.5.1: Streetscape and local character

Control C1 requires the proposal to be consistent with the desired future character of the Rose Bay residential precinct as specified in Part B1.9.2 of the Woollahra DCP 2015. The desired future character also includes sympathetic consideration of the existing character of the area. As discussed in Section 17.1 of this assessment report, the proposal is inconsistent with the Rose Bay residential precinct. In particular, the streetscape is characterised by the visual relief within streetscapes provide by the separation of buildings, articulation of facades and building forms as well as Inter War and Art deco architectural style within the area. Tree canopy formed by both street and private yard plantings are also a key character element in the region. The noted non-compliances with the buildings' setbacks and tree canopy at the rear of the site demonstrate the developments inconsistency with the existing and future character of Rose Bay. On this basis, the underlying Objective O1 is not upheld.

Control C4 provides that development is to minimise the disturbance and adverse impacts on existing canopy trees which are to be retained. As discussed in Section 12 of this assessment report, Council's Tree and Landscape Officer noted the following key issues:

- Neighbouring *Callistemon* tree (located at 843 New South Head Road) is likely to be impacted by the proposed works but has not been included within the submitted arboricultural documentation.
- Neighbouring trees referenced 7, 8, 9, 10 and 11 are likely to be impacted by the proposed boundary wall which sees an encroachment towards the trees and within their tree root zones.
- The tree referencing shown on the submitted Survey Plan is not consistent with that within the submitted arboricultural documentation.
- Insufficient replacement tree planting within the rear of the property

On this basis, the underlying objective O3 which aims to encourage urban greening and retaining, protecting and enhancing tree canopy cover is not upheld. Of particular note, Council's Tree and Landscape Officer commented that the second floor Landscaping Plan shows only small replacement trees at the rear boundary deep soil area. Tree planting with two additional larger trees is required to ensure a greater canopy cover and increased amenity in this area of the site.

The proposal is therefore unsatisfactory with regards to the streetscape and local character objectives and controls of Part B3.5.1 forming the reasons for refusal.

B3.5.2: Overshadowing

Control C1 provides that the development is to be designed so that:

- “a) *sunlight is provided to at least 50% (or 35m² with a minimum dimension of 2.5 metres, whichever is the lesser) of the main ground level private open space of adjacent properties*

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- for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and*
- b) north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface."*

Control C2 provides that lot orientation may make C1 above difficult to achieve so a reduced amount of solar access may be considered, provided the proposed building complies with all setback controls.

The application does not establish that the proposal will achieve satisfactory solar amenity and overshadowing impacts to adjoining development. Under Clause 6A(1) and (2) of the SEPP 65, any controls in the Woollahra DCP 2015 relating to overshadowing, are overridden by controls in SEPP 65. Refer to Section 15 for detailed discussion.

B3.5.3: Public and private views

The objectives of B3.5.3 are as follows:

- "O1 To protect and enhance existing views and vistas from the public domain.*
- O2 To provide additional views and vistas from streets and other public spaces where opportunities arise.*
- O3 To encourage view sharing as a means of ensuring equitable access to views from private property.*
- O4 To ensure that views are not unreasonably compromised by landscaping."*

The subject site is in the Rose Bay Precinct in an area that is known for its significant views and vistas to the north and northwest across Rose Bay and Sydney Harbour towards Bradleys Head and the suburbs and associated landforms of Clifton Gardens, Mosman and Cremorne Point. Existing key elements of the Precinct are the iconic and harbour views available from the streets and other public spaces, including view corridors between buildings.

Section B3.5.3 of the WDCP states *"Views are a special element of Woollahra's unique character. The sloping topography, leafy setting and harbour frontage combine to offer dramatic bushland and water views which contribute to the amenity of both private dwellings and the public domain"*.

Regarding private views, under B3.5.3 Development should be designed to reflect the view sharing principles in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* ('Tenacity').

Control C5 requires development to be sited and designed to enable a sharing of views with surrounding private properties, particularly from the habitable rooms.

An inspection of the site and surrounds revealed that the impacts upon No 23 Conway Avenue in terms of views impacted would likely be considered reasonable.

The assessment undertaken in the SEE has not had proper regard to the DCP view sharing requirements as well as principles in *Tenacity* in relation to the following properties:

- No 843 North South Head Road (to the south) 3 storey residential flat building
- No 847 North South Head Road (to the north) 3-4 storey residential flat building

These properties would likely enjoy water views to the north, northwest, and southwest and district views predominately to the south and southwest. These properties will be affected but the extent of affectation is unknown. The application does not assess these properties, particularly in terms of which units enjoy views, what parts of the property's views are obtained and the extent of impact.

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The applicant's assessment has relied on an inspection around the subject site, real estate photos (which are not included or referenced), aerial photography and survey information. Accordingly, the likely affected properties and addresses have not been identified and the views potentially affected and from where are not adequately addressed.

The proposal also provides insufficient information regarding where the views are obtained on the neighbouring properties and have not outlined the design of the units (living areas, habitable rooms etc) for the neighbouring properties has not been outlined. It is noted that some level information (on sections and elevations) has been provided in terms of the relationship of these adjoining developments to the proposal, however overall, there is insufficient information to determine compliance or otherwise with the controls under B3.5.3 above.

B3.5.4: Acoustic and visual privacy

Under Clause 6A(1) and (2) of the SEPP 65, any controls in the Woollahra DCP 2015 relating to acoustic and visual privacy, are overridden by controls in Part 3F (Visual Privacy) and Part 4H (Acoustic Privacy) in SEPP 65. Refer to Section 15 for detailed discussion.

B3.5.5: Internal amenity

Under Clause 6A(1) and (2) of SEPP 65, any controls in the Woollahra DCP 2015 relating to internal amenity, are overridden by controls in SEPP 65.

Notwithstanding this, C1 of the Woollahra DCP 2015 requires that all habitable rooms in a dwelling must have at least one external wall primarily above the existing ground level which provides an unobstructed window opening. C2 requires that all habitable rooms and sanitary compartments in a dwelling must have direct natural light and direct natural ventilation. C3 requires that the area of unobstructed window openings should be equal to at least 20% of the room floor area for habitable rooms, C4 Light wells must not be the primary air source for habitable rooms. C5 requires that any room of a dwelling either partially or fully below existing ground level (excluding basement parking and storage areas) is limited to a maximum room depth of 2 times the ceiling height.

Bedroom 3 and the study in Unit 1, located on ground level, is non-compliant with C1 which requires all habitable rooms in a dwelling have at least one external wall primarily above existing ground level which provides an unobstructed window opening.

The ensuite and powder room in Unit 1 at ground level, powder rooms at Units 2 and on Level 1 and 2 respectively are non-compliant with C2 which provides that all sanitary compartments in a dwelling must have direct access to natural light and direct natural ventilation.

Finally, the Unit 1 (ground level) open plan living room is non-compliant with C5 as it will be partially below the existing ground level and its depth will exceed the numerical requirement. Despite the non-compliance, the proposed development is considered generally consistent with the objectives.

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Part B3.6: On-Site Parking

Site Frontage (New South Head Road): 14.42m.	Proposed	Control	Complies
Location of parking	Predominantly within building envelope.	Located within building envelope; does not dominate street frontage	YES
Width of parking structure	Carparking entrance visually is less than 6m.	No greater than 40% of the site frontage width (5.768m) or 6m.	YES
Basement parking	Parking located in basement.	Parking is to be provided in basement for development comprising 3+ dwellings	YES
Maximum number of driveways	One driveway entrance is provided	One	YES

Control C1 provides that on-site parking be designed and located so that it is located within the building envelope, does not dominate the street frontage, and preserves trees and vegetation of landscape value.

Pursuant to B3.2.1, the building envelope within R3 Medium Density Residential zones is established by front, side and rear setbacks and maximum building height set by Woollahra LEP 2014. The majority of the car parking is located within the excavated portion of the site. The proposed garage door, entry and ramp are located however at ground level forward of the front setback line, dominate the streetscape and results in a non-compliance with the building envelope controls required under Part B3.2.1 of the Woollahra DCP 2015. Refer to Section 17.2 of this assessment report for discussion.

Part B3.7: External Areas

B3.7.1: Landscaped areas and private open space

Under Clause 6A(1) and (2) of SEPP 65, any controls in the Woollahra DCP 2015 relating to external landscaped areas and private open space, are overridden by controls in SEPP 65.

Notwithstanding this, Part B3.7.1 of the Woollahra DCP 2015 applies to development in the R2 and R3 residential zones that alter the existing building footprint and/or building envelope and/or impacts upon existing landscapes.

Site Area: 968.8m ²	Proposed	Control	Complies
Tree canopy	30% (290.69m ²)	Minimum 30% of site area (290.64m ²) for residential development other than dwelling houses, dual occupancies, demi-detached development and attached dwellings	YES
Quantity of canopy trees	195.90m ² (20%)	At least half (15%) of the total tree canopy area on the site is contributed by canopy tree/s (145.32m ²)	YES
Deep soil landscaping	35% (339.97m ²)	At least 35% of the site area (339.08m ²)	YES

Attachment to report 2429084 (Title Attachment 4 - Previous Local Planning Panel Report - 21 December 2023).DOCXv2.0

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Deep soil landscaping - front setback	45% (118.86m ²)	At least 40% of front setback (105.12m ²)	YES
Primary open space for residential flat building	Minimum 60m ²	Minimum area of 8m ² per dwelling/unit and minimum dimensions of 2m x 2m.	YES
Native species	>50	At least 50% of the plants	YES

The proposal is acceptable with regard to Chapter B3.7 of the Woollahra DCP 2015.

B3.7.2: Fences

The proposal is acceptable with regard to Chapter B3.7.2 of the Woollahra DCP 2015.

B.3.7.3: Site facilities

The potential impacts of site facilities on the overall appearance of developments and the local streetscape must be considered. It is generally considered the proposal is compliant with the controls under B3.7.3 which relate to the location, size and design of site facilities including hydrant and booster installations and mechanical plant equipment such as lift overruns, air-conditioning units and condensers, heating, ventilation and other mechanical systems that maintain and support the operations of the building.

Notwithstanding the above, C1 provides that lockable mail boxes be provided close to the street and are integrated with front fences or building entries. The Architectural Plans do not identify the location of mail boxes. Accordingly, there is insufficient information to determine compliance or otherwise with C1 above.

The proposal is considered satisfactory with regard to Part B3.7.3 of the Woollahra DCP 2015, subject to be subject to conditions requiring the submission of updated Architectural Plans illustrating the location of mail boxes prior to construction certificate, which would have been imposed if approval were being recommended.

B3.7.4: Ancillary development – swimming pools, tennis courts and outbuildings

The following controls relate to the siting and design of swimming pools:

- C1 requires that the swimming pool does not occupy the deep soil landscaped area. Compliance is achieved.
- C2 provides that excavation beyond the controls in Section B3.4 is permitted to accommodate a backyard swimming pool, where the pool is outside the building envelope. Compliance is achieved.
- C3 requires excavation for swimming pools to be setback 1.8m from property boundaries.
- C4 states that swimming pool surrounds are to be no more than 1.2m above or below ground level.
- C5 limits the depth of a swimming pool to 2.0m.
- C6 provides that the location and design of the swimming pool and associated works do not adversely impact on prescribed trees. Compliance is achieved.

There is insufficient information regarding notated dimensions on the Architectural Plans to determine compliance or otherwise with Controls C3, C4 and C5 above.

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Part B3.8: Additional Controls for Development Other Than Dwelling Houses

Part B3.8 includes additional controls including but not limited to residential flat buildings. Refer to relative controls below for assessment.

B3.8.1: Minimum lot width

Section B3.8.1 states that the minimum lot width, as measured from the street frontage, is the minimum required to accommodate development on a site. The controls apply to residential flat Buildings recognising that these forms of development require a minimum width to ensure that each dwelling in the development can be designed to provide reasonable amenity having regard to issues such as privacy, building separation, open space and to achieve planned residential density in certain zones consistent with the desired future character of the neighbourhood.

Control C1 provides that the parent lot for residential flat buildings containing four or more dwellings is to have a minimum width at the street front alignment of 21m. The site comprises a 14.42m western frontage to New South Head Road and is non-compliant and unacceptable with the objectives and controls under B3.8.1 of the Woollahra DCP 2015.

The application fails to demonstrate that the design does not detrimentally impact on neighbours, in both terms of amenity and isolation. This is another indicator that the scale of the proposed development is unsuitable for the site, especially considering the cumulative nature of impacts noted throughout this assessment including (but not limited to) the non-compliance with minimum lot width, poor setback, poor solar and undesirable pedestrian access.

Therefore, the proposal is unacceptable with regard to Chapter B3.8.1 of the Woollahra DCP 2015.

B3.8.6: Residential flat buildings, manor houses, multi dwelling housing and multi dwelling housing (terraces)

It is noted that in addition to the Woollahra DCP 2015 controls, *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)* is also a mandatory consideration for all applications for residential flat buildings and multi dwelling housing that is three or more storeys and contains four or more self-contained dwellings. Refer to Section 15 of this assessment report for detailed discussion.

17.3 Chapter E1: Parking and Access

Council's Traffic Engineer assessed the proposed development parking controls against Chapter E1 Parking and Access of the Woollahra DCP 2015.

The tables below have been copied from their referral response which is included as Attachment 5 to this assessment report.

Residential Component	Quantity	DCP Maximum Requirement per Dwelling	DCP Maximum Permitted Parking
3 or more bedrooms	4	2	8
Visitor	4	0.25	1
Total Permitted			9

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BICYCLE			
	Quantity	DCP Minimum Requirement	DCP Minimum Required Parking
Residential Residents	4	1 per dwelling	4
Residential Visitors	4	1 per 10 dwellings	0.4 (0)
Total required			4
MOTORBIKE			
	Quantity	DCP Minimum Requirement	DCP Minimum Required Parking
Car Spaces	9	1 per 10 car spaces	0.9 (1)
Total required			1

Council's Traffic Engineer have provided the following comments.

Part E1.4: Residential parking

The proposed provision of nine (9) car parking spaces (including eight (8) spaces for residents and one (1) for visitors) complies with the Woollahra DCP 2015 maximum requirement.

Council's Traffic Engineer has deemed the proposed parking as satisfactory and therefore the proposal is acceptable with regard to Chapter E1.4 of the Woollahra DCP 2015.

Part E1.6: Bicycle parking and end-of-trip facilities

The proposed provision includes four (4) bicycle parking spaces which complies with the Woollahra DCP 2015's minimum requirement.

Council's Traffic Engineer has deemed the proposed bicycle parking as satisfactory and therefore the proposal is acceptable with regard to Chapter E1.6 of the Woollahra DCP 2015.

Part E1.7: Motorcycle parking rates

The proposed provision includes two (2) motorbike parking spaces, which complies with the Woollahra DCP 2015's minimum requirement.

Council's Traffic Engineer has deemed the proposed bicycle parking as satisfactory and therefore the proposal is acceptable with regard to Chapter E1.7 of the Woollahra DCP 2015.

Part E1.10: Parking and access design standards

Council's Traffic Engineer commented that the driveway width at property boundary, swept path analysis is deemed satisfactory. In addition, the downgrade ramp complies with the gradient stipulated in Clause 3.3 of AS/NZS 2890.1 and is deemed satisfactory.

Council's Traffic Engineer requested that additional information and updated plans be provided to demonstrate that the development satisfies the following requirement(s):

- Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS2890.1-2004;
- Traffic light system be incorporated to manage traffic flow between the ground floor and basement level. Priorities should be given to vehicles entering the car park to minimise conflicts with traffic along the frontage road.

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Pursuant to the Traffic Engineers recommendation, this could be addressed via conditions of consent if the application were to be approved.

The Applicant provided an updated Basement Plan (Rev C, dated 18 August 2023) that integrated in the required slight splay.

Part E1.11: Electric vehicle charging points

The proposal is acceptable with regard to Chapter E1.11 of the Woollahra DCP 2015.

17.4 Chapter E2: Stormwater and Flood Risk Management

The application is accompanied by a Flood Risk Management Report prepared by Smart Structures Australia (dated 18 September 2023) and Stormwater Plans, prepared by Smart Structures Australia (Rev C dated 17 August 2023).

Council's Drainage Engineer has reviewed the Flood Risk Management Report, prepared by Smart Structures Australia (dated 18 September 2023) and Architectural Plans and has determined that the proposal is satisfactory, subject to the inclusion of flood protection conditions relating to the inclusion of a Flood Management Plan on the basis of Flood Planning Level, flood warning, flood proof material and electricals.

17.5 Chapter E3: Tree Management

Part E3.1.3 outlines the objectives of Chapter E3 Tree Management:

- "O1 To identify trees which are prescribed for the purpose of Part 2.3 of the Biodiversity and Conservation SEPP.*
- O2 To define the different circumstances under which a development consent or permit application is required for works to a prescribed tree.*
- O3 To promote, maintain and conserve the leafy character of the Woollahra Municipality.*
- O4 To conserve significant trees of historic, cultural, commemorative, scientific, visual or aesthetic importance.*
- O5 To sustain and enhance Woollahra's tree canopy cover whilst providing opportunities for development on private land."*

As discussed in Section 12 of this assessment report, Council's Tree and Landscape Officer noted the following key issues:

- Neighbouring *Callistemon* tree (located at 843 New South Head Road) is likely to be impacted by the proposed works but has not been included within the submitted arboricultural documentation.
- Neighbouring trees referenced 7, 8, 9, 10 and 11 are likely to be impacted by the proposed boundary wall which sees an encroachment towards the trees and within their tree root zones.
- The tree referencing shown on the submitted Survey Plan is not consistent with that within the submitted arboricultural documentation.
- The second flood landscaping plan shows only small replacement trees at the rear of the boundary deep soil area. The planting of two additional larger trees is required to ensure greater canopy cover and increased amenity in this area of the site.

On this basis, the underlying objective O5 which aims to *"sustain and enhance Woollahra's tree canopy cover whilst providing opportunities for development on private land"* has not been adequately addressed and is therefore not upheld.

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17.6 Chapter E4: Contaminated Land

Part E4.2.1 requires an initial evaluation must accompany every development application to determine whether contamination is an issue and where sufficient information is available to carry out a planning function.

SEPP (Resilience and Hazards) 2021 includes outlines controls of what should be considered when undertaking the initial evaluation. The long-term land use of the site as well as surrounding adjoining land uses has been and continues to be residential and is therefore it is considered unlikely by the applicant to be contaminated. On this basis, further investigation was not considered necessary.

Accordingly, the proposal is satisfactory with regard to Chapter 4 of SEPP (Hazards and Resilience) 2021 and the proposal is acceptable with regard to Chapter E4 of the Woollahra DCP 2015.

17.7 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 DA is accompanied by a Site Waste Minimisation and Management Plan (SWMMP). The SWMMP addresses volume and type of waste and recyclables to be generated, storage and treatment of waste and recyclables on site, disposal of residual waste and recyclables and operational procedures for ongoing waste management once the development is complete.

The applicant provided a SWMMP with the development application and it was found to be satisfactory.

Part E5.2: Demolition and Construction Phase

Controls C2 and C3 promote reuse of salvaged and excess construction materials. C4 promotes prefabricated or recycled materials where possible. C5 seeks to minimise site excavation and disturbance.

The proposed excavation volume is 2,922.7m³ which is non-compliant with the excavation volume standard set out in Part B3.4 of the Woollahra DCP 2015 which provides that the maximum excavation volume for a residential flat building is 969m³. The proposal is considered to be an overdevelopment of the site and results in excessive excavation. Accordingly, the proposal fails to minimise excavation as required under C5 and does not meet O3 which aims to encourage building design and construction techniques that minimise waste generation during demolition and construction.

The proposal is therefore unacceptable with regard to Part E5.2 of the Woollahra DCP 2015, forming the reasons for refusal.

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Part E5.3: On-site waste and recycling controls for all development

	Proposed	Control	Complies
Garbage and recycling areas	Recyclable – 4 x 240L & 4 x 240L Compostable – 1 x 660L Residual Waste – 2 x 660L	Storage areas facilitate the separation of garbage and recycling	YES
Location of garbage and recycling areas	Waste storage areas are, integrated into design of development, located behind building line and within basement.	Behind building line or non-habitable areas	YES

The proposal is acceptable with regard to Part E5.3 of the Woollahra DCP 2015.

Part E5.5: Multi dwelling housing and residential flat buildings

Control C7 requires that bulk waste bins are discouraged and considered only for developments with 12 or more dwellings.

The SWMMP details that the proposed development will accommodate one (1) 660L bulk waste bins for compostables and two (2) 660L bulk waste bins for residual waste.

The proposal is therefore unacceptable with regard to C7 of Part E5.5 of the Woollahra DCP 2015.

17.8 Chapter E6: Sustainability

The proposal was accompanied by a BASIX Certificate and this therefore considered acceptable with regard to Chapter E6 of the Woollahra DCP 2015.

17.9 Chapter E8: Adaptable Housing

Part E8.5(C1) requires that development for an attached dwelling, multi dwelling housing, multi dwelling housing (terraces), manor houses, residential flat building or shop top housing containing 10 or more dwellings, designs and constructs at least 10% of the dwellings to Class A certification under AS 4299 – Adaptable housing.

The proposed residential flat building comprises four (4) dwellings and is acceptable with regard to the objectives and controls in Chapter E8 of the Woollahra DCP 2015.

18. DRAFT AMENDMENTS TO POLICIES AND PLANS

N/A

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19. CONTRIBUTION PLANS

19.1 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.

Cost of Works	Rate based on cost of works	Contribution Payable
\$5,759,747	1%	\$57,597.00

20. APPLICABLE ACTS/REGULATIONS

20.1 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 would be addressed by Council's standard condition if the application were to be approved.

20.2 Swimming Pools Act 1992

The *Swimming Pools Act 1992*, requires swimming pools to be surrounded by a child-resistant barrier, which separates the swimming pool from any residential building. The barrier must be designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations.

Additional controls relate to:

- a) Swimming pool registration in accordance with Section 30B of the *Swimming Pools Act 1992*
- b) A Certificate of Compliance pursuant to Section 22D of the *Swimming Pools Act 1992*
- c) Water recirculation and filtration systems
- d) Backwash discharge to the sewer

These requirements would be imposed by standard condition if the application were to be approved.

21. 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.

22. THE SUITABILITY OF THE SITE

The site is unsuitable for the proposed development for the reasons outlined under Section 24 of this assessment report.

23. THE PUBLIC INTEREST

The proposal is considered not to be in the public interest.

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24. CONCLUSION

Based on the assessment contained within this report, the proposal is unacceptable against the relevant heads of considerations under Section 4.15 of the EP&A Act 1979 and the proposal is therefore recommended for refusal.

25. 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.

26. 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, REFUSE development consent to DA290/2023/1 for *'Demolition of existing structures on the site and construction of a multi-storey Residential Flat Building with basement parking, including strata subdivision'* on land at 845 New South Head Road ROSE BAY, for the following reasons:

26.1 Adverse bulk, scale and form including failure to comply with building envelope and setbacks controls

- a) The proposed development should be refused due to its excessive bulk and scale which represents an overdevelopment of the site in its context when compared to surrounding development, desired future character of the Rose Bay Residential Precinct, which results in adverse amenity, view, and overshadowing impacts.
- b) The proposed development results in unacceptable visual and amenity impacts by virtue of its excessive bulk and scale, inadequate setbacks and incompatibility with the future character of the locality and surrounding natural and built environment.
- c) The rear setback for the proposed development is inadequate and incongruent with the locality. The proposed development fails to comply with the setback and building envelope control required in the Woollahra DCP 2015 and the resulting development will exacerbate the impact of the development on the amenity of the neighbouring properties.
- d) The proposed development is unacceptable with regard to objectives 3 (b) and (d) of clause 2 of SEPP 65.
- e) The proposed bulk, form and scale is contrary to Design Quality Principles 1 (Context and Neighbourhood Character), 2 (Built Form and Scale), 5 (Landscape) and 6 (Amenity) within the SEPP 65 ADG.
- f) The proposed development does not provide an appropriate relationship to adjoining properties as required under objective 4M-1 of the SEPP65 ADG.
- g) The proposal is inconsistent with the Woollahra LEP 2014 on the following grounds:
 - i. The proposed development fails to achieve aim (j) and (k) in the Woollahra LEP 2014 as it does not constitute a high standard of design within the public and private domain and does not provide a development that achieves the desired future character of the area.
 - ii. The proposed development is not consistent with objective dot point 4 of the R3 Medium Density Zone under the Woollahra LEP 2014 which requires that the development is to be of a height and scale that achieves the desired future character of the neighbourhood.
 - iii. The proposed development provides inadequate information in order to confirm compliance with Clause 4.3 Height of Building Control in the Woollahra LEP 2014.

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- h) The proposed development does not have accord with the following objectives and controls in the Woollahra DCP 2105:
- i. The proposed development is inconsistent with the Rose Bay residential precinct objectives O5 and O6 under Part B.1.9.2.
 - ii. The proposal is contrary to C1 of B3.2.1 Front Setbacks as the proposal varies the front setting.
 - iii. The proposal is contrary to O1, O2, O3, O4, O5 and O6 of B2.3.4 Rear Setbacks as the proposal significantly varies the rear setting requirement for residential flat buildings. In particular, it is contrary on the following grounds:
 - The proposal fails to provide adequate plantings and a buffer between the proposed development and adjoining development (O1).
 - The rear setback non-compliance does not give rise to an adverse acoustic impacts. However, the non-compliant rear setback and building envelope will exacerbate the impact of the development on the amenity of the neighbouring properties. The non-complying rear setback in conjunction with the elevated levels of the adjoining properties to the north and east at the rear will result in an unreasonable enclosed space, with poor solar access and inadequate separation and plantings between the proposed development and adjoining development (O2)
 - The proposed non-compliant rear setback will result in an unreasonable sense of enclosure (O3)
 - The siting and design of the development will result in an excessively bulky and visually intrusive development particularly when viewed from the rear and side adjoining properties and specifically from the terrace areas and communal/open space areas located at No 843 North South Head Road (O4).
 - The proposed non-compliant rear setback fails to provide adequate plantings and a buffer between the proposed development and adjoining development and do not meet the planned urban character for this site (O5).
 - The proposed non-compliant rear setback will not contribute to a consolidated open space network with adjoining properties to improve natural drainage and support local habitat (O6).
 - iv. The proposal is non-compliant with C1 of B2.3.4 Rear Setbacks which requires that the building must not encroach on the minimum rear setback.
 - v. The proposal is non-compliant with B3.5 (C1) which provides that on-site parking be designed and located so that it is located within the building envelope, does not dominate the street frontage, and preserves trees and vegetation of landscape value. Pursuant to B3.2.1, the building envelope within R3 Medium Density Residential zones is established by front, side and rear setbacks and maximum building height set by Woollahra LEP 2014. The majority of the car parking is located within the excavated portion of the site. The proposed garage door, entry and ramp are located forward of the front setback line and at ground.
 - vi. The proposal is non-compliant with B3.8.1 (C1) relating to minimum lot width. B3.8.1 requires that the parent lot for residential flat buildings containing four (4) or more dwellings is to have a minimum width at the street front alignment of 21m. The site only comprises a 14.42m western frontage to New South Head Road and is non-compliant with the Woollahra DCP 2015. The proposed development's non-compliance is another indicator that the scale of the proposed development is unsuitable for the site, especially considering the cumulative nature of impacts noted throughout this assessment including (but not limited to) the non-compliance with minimum lot width, poor setback, poor amenity to neighbouring properties and undesirable pedestrian access.

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26.2 Unsatisfactory amenity and building separation

The proposed development results in unacceptable visual and amenity impacts by virtue of its excessive bulk and scale, inadequate setbacks and incompatibility with the desired future character of the locality and surrounding natural and built and environment as discussed above and below in more detail. In particular:

- a) The proposal is contrary to objectives 3(b) and (d) of Clause 2 of SEPP 65 for the following reasons:
 - i. The scale, bulk, form, and massing of the proposed development is excessive and unsympathetic to the existing adjoining and surrounding developments in this locality; and
 - ii. The proposed development has not been designed to support the desired future character of the area and results in inappropriate landscaping, massing, and spacing between buildings; and
 - iii. The proposal will result in unacceptable amenity impacts upon adjoining properties in terms of visual impacts and visual privacy.
- b) The proposal is not satisfactory in relation to Principle 1: Context and Neighbourhood Character of SEPP 65 for the reasons given in regard to non-compliances with building envelope and unsatisfactory amenity and building separation.
- c) The proposal is not satisfactory with Principle 2: Built Form and Scale of SEPP 65 for the following reasons:
 - i. The proposed development will result in a built form and density toward the rear of the site that is incompatible with its environmental constraints and its contextual Relationship with that of adjoining development. The massing and proportions of the development at the rear of the site results in an inadequate design outcome;
 - ii. The scale and bulk are inconsistent with the desired future character of the Rose Bay Precinct because the scale, setbacks and wall heights of that part of the development located within the rear setback area of the site will result in an inadequate landscaped setting and fails to respond adequately to the topography of the Site; and
 - iii. The siting and design of the development will result in a visually intrusive development particularly when viewed from the rear and side adjoining properties and specifically from the terrace areas and communal/open space areas located at No 843 North South Head Road. This is out of character and of an excessive scale in comparison to adjoining development in the immediate vicinity of the subject sites and the surrounding sites.

26.3 Unsatisfactory pedestrian and DDA access to the building

The proposed pedestrian and DDA access is contrary to the objectives and design criteria under Part 3G of the ADG on the following grounds:

- The proposed pedestrian access does not connect to or address the public domain.
- The proposed building entry is not clearly identifiable and communal entries are not clearly distinguishable.
- The proposed development does not provide multiple entries to activate the street.
- The proposed access, entries and pathways are not accessible, are not easy to identify and are not visible from the public domain.
- The proposed DDA access requires navigation through the basement and past vehicles. This is not considered to provide a safe path of travel.
- The narrow communal walkway with entry at the rear of the site poses safety issues and privacy for the ground floor unit.

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26.4 Trees and landscaping

The application has failed to demonstrate that the development will not have an adverse impact upon trees located upon adjoining sites on the following grounds:

- a) Council's Landscape Officer commented that trees referenced 7, 8, 9, 10, 11 and 12 are likely to be impacted by the proposed boundary wall which sees an encroachment towards the trees within their tree root zones. Construction of a proposed boundary wall closer to these trees and within their root zone is likely to result in root loss and damage and may conflict with their trunks.
- b) The inadequate replacement tree planting in the rear deep soil zone is non-compliant with Part 4O of the SEPP 65 ADG. Council's Tree and Landscape Officer has noted that the Second floor Landscaping plan shows only small replacement trees at the rear boundary deep soil area. Council's Tree and Landscape Officer advised that additional tree planting (two additional larger trees) is required to ensure a greater canopy cover and increased amenity in this area of the site.
- c) The proposal is contrary to Part 6.9(3) of the Woollahra LEP 2014 which requires Council to consider whether the development incorporates planning and design measures to enable the retention and planting of trees to minimise the urban heat island effect, and will avoid, minimise or mitigate adverse impacts on the existing tree.
- d) The proposed development does not have accord with the following objectives and controls in the Woollahra DCP 2105:
 - i. The proposal fails to achieve O8 of B1.9.2 relating to the Rose Bay Residential Precinct.
 - ii. The proposal is non-compliant with O5 of B2.3.4, relating to rear setback controls, on the grounds that the proposed non-compliant rear setback fails to provide adequate plantings and a buffer between the proposed development and adjoining development and does not meet the planned urban character for this site.
 - iii. The proposal is contrary to O3 of B3.5.1 which aims to encourage urban greening and retaining, protecting and enhancing tree canopy cover.
 - iv. The proposal is not consistent with C4 of B3.5.1 which provides that development is to minimise the disturbance and adverse impacts on existing canopy trees which are to be retained.
 - v. The proposal is contrary to O5 of Part E3 Tree Management on the basis that the development does not *"sustain and enhance Woollahra's tree canopy cover whilst providing opportunities for development on private land"*.

26.5 Bulk waste bins

The proposal is non-compliant with Part E5.5 (C7) which requires that bulk waste bins are discouraged and are only to be considered for development with 12 or more dwellings. The proposed development will accommodate one (1) 660L bulk waste bins for compostables and two (2) 660L bulk waste bins for residual waste.

26.6 Excavation

The proposed development should be refused as it is considered to be an overdevelopment of the site and results in excessive excavation which is considered unreasonable given the numerous built form non-compliance's noted above. In particular,

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- a) The proposals fails to achieve aim (m) of Part 1.2 of the Woollahra LEP 2014 as the proposed volume of excavation is considered excessive due to its non-compliant volume and therefore is not minimised in this case.
- b) The proposed development exceeds the maximum volume of the excavation controls in Part 3.4 Excavation of the Woollahra DCP 2015.
 - i. Pursuant to C2 of Part 3.4 of the Woollahra DCP 2015, the maximum permitted excavation volume equals 1,008m³
 - ii. The proposal seeks an excavation volume of 2,922m³.
 - iii. The proposal does not fulfill Objective 01 and Controls C2 of Part B3.4 of the Woollahra DCP 2015.

26.7 Missing and/or Inadequate information

A. Storage

The application provides inadequate information with regard to the following items:

- a) Part 4B of the ADG requires that for three (3) and four (4) bedroom units the total storage volume is to equal 10m³ of which at least 50% of the required storage area is located within the apartment. Insufficient information is provided with regard to the location of nominated storage areas within the apartments and a storage calculation plan, in order to assess compliance with Part 4B of the ADG.
- b) The Architect's ADG compliance table notes that temporary storage for large, bulky items are provided. The Architectural Plans do not notate the location of these areas. There is insufficient information to make a proper and accurate assessment of compliance or otherwise with Part 4W of the ADG.

B. Height of building

Architectural drawing No. DA3101 prepared by MHN Design Union Pty Ltd illustrates a section plan that depicts the 10.5m height plane in associated with the existing ground line. A section of the parapet/roof form appears to fall outside the 10.5m height maximum. Insufficient information is provided to confirm or otherwise the height of the development. Additional sections are required to be provided with adequate level of information clearly indicated depicting the maximum overall height of the proposed development in relation to the existing ground level below that point in order to confirm compliance with Clause 4.3 of the Woollahra LEP 2014.

C. Visual privacy

The architectural drawings prepared by MHN Design Union Pty Ltd (dated 27 July 2023) do not provide side setback dimensions nor identify the nature of the rooms on the adjoining properties to enable a proper assessment of the impacts of the proposed development and consequently the application has failed demonstrate that the development is suitable for the site and that it will have acceptable environmental impacts on the built environment. Additional dimensions are required to be provided with adequate level of information clearly indicated depicting the separation of buildings and internal layouts of rooms on adjoining properties in order to confirm compliance with Objective 3F-1 of the ADG.

D. Landscape design – ongoing maintenance plan

The application is not accompanied by an ongoing maintenance plan and is therefore not compliant with Objective 4O-1 of the SEPP 65 ADG. It is noted that this could be addressed via conditions of consent requesting an ongoing maintenance plan, if the application were to be approved.

E. Trees and landscaping

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The Aboricultural Impact Assessment, Survey Plan and Landscape Plan are insufficient to enable assessment of the application. Additional information is required to be provided in accordance with Council's Tree and Landscape Officer response to referral which is provided in Attachment 6.

F. Universal design

The Architect's ADG compliance table notes that "all apartments generally comply with the Living Housing Guidelines' silver level universal design features" however no further detail or justification is provided. Accordingly, there is insufficient information to make a proper and accurate assessment in regard to the proposal compliance or otherwise with Part 4Q of the ADG.

G. Location of mail box

The ADG compliance table provided by MHN Design Union Pty Ltd notes that the location of mailboxes is near the pedestrian footpath. The Architectural Plans do not identify the location of mail boxes. Accordingly, there is insufficient information to determine compliance or otherwise with Objective 3C-2 of the ADG and B3.7.3 (C1) of the Woollahra DCP 2015.

H. Parking and access – traffic light system

Council's Traffic Engineer noted that in the absence of a two-way two-lane driveway, a traffic light system is proposed to manage traffic flow between the ground floor and basement. Priorities should be given to vehicles entering the car park to minimise conflicts with traffic along frontage road. Amended Architectural Plans and Traffic Report would be required to demonstrate satisfaction of this request.

I. Swimming pool dimensions

There is insufficient information regarding notated dimensions on the Architectural Plans to determine compliance or otherwise with Controls C3, C4 and C5 of B3.7.4 of the Woollahra DCP 2015.

J. Solar analysis

The proposed development provides insufficient information to adequately assess whether the development complies or otherwise with Principal 6 (Amenity) and Section 4A of SEPP 65 ADG and B53.5.2 of the Woollahra DCP 2015. The solar and shadow diagrams appear to be incorrect and do not adequately demonstrate the shadow cast over the site and neighbouring property. The length of the winter shadows appears to be underestimated and the solar diagrams do not appear to take into consideration the topography of the site. In order to properly calculate the solar access to the proposed development and any overshadowing impacts to neighbouring sites 3-D modelling of views from the sun at 30-minute intervals must be submitted illustrating the overshadowing impacts of the neighbouring residential units at 843 New South Head Road, Rose Bay.

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K. Public and private views

The assessment undertaken in the SEE has not had proper regard to the Woollahra DCP 2014 view sharing requirements as well as principles in Tenacity in relation to the following properties:

- No 843 North South Head Road (to the south) 3 storey residential flat building
- No 847 North South Head Road (to the north) 3-4 storey residential flat building

The applicant's assessment has only relied on an inspection around the subject site, real estate photos (which are not included or referenced), aerial photography and survey information. Accordingly, the likely affected properties and addresses have not been identified and the views potentially affected and from where are not adequately addressed.

The proposal also provides insufficient information regarding where the views are obtained on the neighbouring properties and have not outlined the design of the units (living areas, habitable rooms etc) for the neighbouring properties has not been outlined. It is noted that some level information (on sections and elevations) has been provided in terms of the relationship of these adjoining developments to the proposal, however overall, there is insufficient information to determine compliance or otherwise with the controls under B3.5.3 (C5) of the Woollahra DCP 2015.

L. Trees and landscaping

The submitted Arborist report provides inadequate information and assessment to the impact of Trees 7, 8, 9, 10, 11 and 12 which are anticipated to be impacted by the proposed development. Therefore, there is insufficient information to determine compliance or otherwise with the relative landscape and tree canopy controls detailed in Section 26.3 above.

M. Survey plan

The submitted Survey Plan and Architectural Plans have not referenced trees in accordance with the submitted Aboricultural Report. Therefore, there is insufficient information to determine compliance or otherwise with Part 6.9 of the Woollahra LEP 2014.

26.8 Public Interest

The proposed development should be refused as the development is not in the public interest.

- a. The development should be refused having regard to the matters set out above.

ATTACHMENTS

1. Architectural Documentation & Survey Plan
2. Development Engineer Referral Response
3. Drainage Referral Response
4. Heritage Referral Response
5. Traffic Referral Response
6. Trees & Landscaping Referral Response
7. TfNSW Referral Response

Attachment 5 – Draft Conditions of Consent

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A.1 Conditions

A. 1.	<p>Conditions</p> <p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 ("the Act"), and the provisions of the Environmental Planning and Assessment Regulation 2021 ("the Regulations") and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 ("the Development Certification and Fire Safety Regulations"), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p>Notes:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> 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. • Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences. • 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. • 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. <p>Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.</p>
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A.2 Definitions

A. 2.	<p>Definitions</p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p>Applicant means the applicant for this consent.</p>
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Attachment 5 – Draft Conditions of Consent

	<p>Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p>Local native plants means species of native plant endemic to Sydney's eastern suburbs.</p> <p>Owner-builder has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p>PC means the Principal Certifier under the <i>Act</i>.</p> <p>Principal Contractor has the same meaning as in the <i>Act</i>, 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.</p> <p>Professional engineer has the same meaning as in the <i>BCA</i>.</p> <p>Public place has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p>Road has the same meaning as in the <i>Roads Act 1993</i>.</p> <p>SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p>Site means the land being developed subject to this consent.</p> <p>Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.</p> <p>Woollahra LEP means <i>Woollahra Local Environmental Plan 2014</i></p> <p>Woollahra DCP means <i>Woollahra Development Control Plan 2015</i></p> <p>Work for the purposes of this consent means:</p> <ul style="list-style-type: none">• 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 <i>site</i> of any machine, article, material, or thing, or• the occupation of the <i>site</i> by any person unless authorised by an occupation certificate. <p>Condition Reason: To ensure all parties are aware of the relevant definitions.</p>
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A.3 Approved Plans and Supporting Documents

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 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	Date
DA1002 (Rev.E)	Site Plan	MHN Design Union	10/1/2024
DA2001 (Rev.E)	Roof Plan		
DA2002 (Rev.E)	Basement Floor Plan		
DA2003 (Rev.E)	Ground Floor Plan		
DA2004 (Rev.E)	First Floor Plan		
DA2005 (Rev.E)	Second Floor Plan		
DA2006 (Rev.E)	Third Floor Plan		
DA3001 (Rev.E)	Elevation North & South		
DA3002 (Rev.E)	Elevation East & West		
DA3101 (Rev.E)	Section A & B		
DA6001 (Rev.E)	External Finishes Schedule		
DA9308 (Rev.01)	Driveway Crossover Diagrams		7/09/2023
DA9309 (Rev.01)			
1405756M_03	BASIX Certificate	Sustain Build Projects	22/01/2024
230728SP1EA Sheets 1-6	Draft Strata Subdivision Plan	Ehsan (Evan) Akar	31/07/2023
23.064r01v03	Traffic Impact Statement	TRAFFIX	18 August 2023
Issue C	Landscape Plans	SQ1	January 2024.
	Arboricultural Impact Assessment Report	Botanics (George Palmer)	July 2023
Project No. 230134, Rev. C	Stormwater Management Plan	Smart Structures Australia	17/08/2023
230134 – REV01	Flood Risk Management Report		18/09/2023
P2966_01 rev1	Geotechnical Report	Morrow Geotechnics	26/07/2023
Attachment 1	Site Waste Minimisation & Management Plan	MHN Design Union	26/07/2023

Notes:

Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must 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 plans.

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.

Condition Reason:

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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

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A. 4.	<p>Ancillary Aspects of Development (section 4.17(2) of the Act)</p> <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> 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. <p>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</p>
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A.5 Tree Preservation and Landscaping Works

A. 5.

Tree Preservation and Landscaping Works

While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.

a) The following trees may be removed:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Camellia japonica</i> (Camellia)	Front garden	3 x 2 metres
2	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Front garden	5 x 5 metres
3	<i>Ficus carica</i> (Common Fig)	Rear garden	5 x 2 metres
4,5, 6, 6a, 6 b	<i>Syzygium australe</i> (Brush Cherry Lillypilly) x 5	Rear garden	6 x 3 metres

The tree/s that may be removed must appear coloured red on the Construction Certificate plans.

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

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	Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents.
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A.6 Conditions of Concurrence – Roads Act 1993 (TfNSW - Classified Roads)

A. 6.	Conditions of Concurrence – Roads Act 1993 (TfNSW - Classified Roads)
	<p>The following conditions of concurrence have been imposed by Transport for NSW (TfNSW) in relation to classified roads:</p> <ol style="list-style-type: none"> 1. All buildings and structures together with any improvements integral to the future use of the site, are to be wholly within the freehold property unlimited in height or depth along the New South Head Road boundary. 2. All vehicles are to be wholly contained on site before being required to stop. 3. All vehicles are to enter and leave the site in a forward direction. 4. The proposed driveway must be a minimum of 5.5m in width at the property boundary and of sufficient width to ensure that a B99 vehicle and a B85 vehicle can pass on the driveway in accordance with AS2890.1:2004 requirements. 5. Any part of the redundant driveway on the New South Head boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter and the new vehicular crossing on New South Head Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au. 6. Detailed design plans of the proposed kerb and gutter and vehicular crossing are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au. 7. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW. 8. A traffic light system within the development site is required to be installed and operational at all times to control traffic movements within the property, with priority given to traffic entering the site from New South Head Road. The traffic light system must not be visible to drivers on New South Head Road and must be maintained by the developer at no cost to TfNSW. 9. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. 10. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

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	<p>11. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.</p> <p>12. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au</p> <p>13. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.</p> <p>14. The proposed development should be designed such that road traffic noise from New South Head Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 2.120 (3) of State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>15. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on the subject section of New South Head Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.</p> <p>Condition Reason: To ensure that conditions of concurrence imposed by Transport for NSW are incorporated.</p>
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DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B.1 Construction Certificate Required Prior to Any Demolition

B. 1.	<p>Construction Certificate Required Prior to Any Demolition</p> <p>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" under section 6.6 of the Act.</p> <p>In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:</p> <ul style="list-style-type: none"> • Before issue of a construction certificate • Before building work commences <p>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.</p> <p>Note:</p>
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	<ul style="list-style-type: none"> • See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.
	Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.

B.2 Erosion and Sediment Controls – Installation

B. 2.	Erosion and Sediment Controls – Installation
	<p>Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <p>a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p> <p>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • 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. • 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.
	Condition Reason: To prevent potential water pollution and dust nuisance.

B.3 Establishment of Tree Protection Zones

B. 3.	Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)
	<p>Prior to any site works, tree protection measures must be established around all trees to be retained in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p>

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A Construction Site Management Plan, which clearly details the tree protection measures, must be prepared before the issue of a construction certificate. The tree protection measures must comply with the following requirements;

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
7 & 8	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear garden of 843 New South Head Road, northern boundary. Refer to figure 5 of the submitted Botanics tree report	2 metres
9	<i>Howea forsteriana</i> (Kentia palm)	Rear garden of 843 New South Head Road, northern boundary. Refer to figure 5 of the submitted Botanics tree report	2 metres
10 & 11	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear garden of 843 New South Head Road, northern boundary. Refer to figure 5 of the submitted Botanics tree report	2 metres
12	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear garden of 843 New South Head Road, northern boundary.	2 metres

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

Where this condition relates to trees on private property, the radial distance of fencing must be positioned only within the subject property relating to the development consent.

b) Tree Protection Zones must be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence must be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm. The soil within the TPZ area must be kept in a moist condition for the duration of

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	<p>the construction works. Unless approved by the site arborist there must be no access within the TPZ area.</p> <p>c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.</p> <p>d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.</p> <p>e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.</p> <p>f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.</p> <p>g) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.</p>
	<p>Condition Reason: To ensure the protection of existing trees</p>

B.4 Identification of Hazardous Material

B. 4.	<p>Identification of Hazardous Material</p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> • 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.
	<p>Condition Reason: 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.</p>

B.5 Public Road Assets Prior to Any Work/Demolition

B. 5.	Public Road Assets Prior to Any Work/Demolition
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	<p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> • road pavement, • street signage including street lights, • kerb and gutter, • footway including pedestrian crossings, footpath, and driveways, • retaining walls, or other significant structures, • Heritage Items, including street name inlays, • utility service items including historical utility covers, and • drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>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 site works under this consent.</p> <p>Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>
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B.6 Recording of Buildings with Little or No Heritage Significance that are to be Demolished

<p>B. 6.</p>	<p>Recording of Buildings with Little or No Heritage Significance that are to be Demolished</p> <p>Prior to any site works and prior to the issue of any Construction Certificate, a photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer.</p> <p>The photographic archival recording is to be submitted in a digital format and is to include the following:</p> <p>a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.</p> <p>b) Coloured photographs of:</p> <ul style="list-style-type: none"> • each elevation, • each structure and landscape feature, and • views to the subject property from each street and laneway or public space. <p>Notes:</p> <ul style="list-style-type: none"> • Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf
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	Condition Reason: To ensure existing building and landscape elements are recorded.

B.7 Skeletal Remains

B. 7.	Skeletal Remains
	<p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <ul style="list-style-type: none"> a) NSW Police, and b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. <p>Details of the remains and their precise location are to be provided.</p> <p>Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p>
	Condition Reason: To ensure the appropriate management of skeletal remains.

B.8 Aboriginal Objects – Unexpected Findings

B. 8.	Aboriginal Objects – Unexpected Findings
	<p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ul style="list-style-type: none"> 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 Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under 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. g) If sandstone outcrops are exposed during the course of works, these should be inspected by a qualified archaeologist and representatives of La Perouse LALC for any evidence of rock engraving. <p>Notes:</p>

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	<p>h) The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is 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.</p> <p>Condition Reason: To protect Aboriginal objects</p>
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B.9 Aboriginal Heritage Due Diligence Responsibilities

B. 9.	<p>Aboriginal Heritage Due Diligence Responsibilities</p> <p>While site work is being carried out, 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)].</p> <p>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.</p> <p>Condition Reason: To protect Aboriginal heritage.</p>
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B.10 Aboriginal Heritage Induction

B. 10.	<p>Aboriginal Heritage Induction</p> <p>Prior to any site works:</p> <ul style="list-style-type: none"> a) All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974; b) An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and c) Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier. <p>Condition Reason: To protect Aboriginal heritage.</p>
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B.11 Payment of Security and Fees

B. 11.	<p>Payment of Security and Fees</p> <p>Prior to any site works, the following security and fees must be paid in full:</p>
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Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$139,580	No	T115
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Security Deposit Administration Fee	\$225.00	No	T16
TOTAL SECURITY AND FEES	\$139,805		

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 any site works being undertaken, 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.

Notes:

- 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 the 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

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	<p>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.</p> <ul style="list-style-type: none"> The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au
	<p>Condition Reason: To ensure any relevant security and fees are paid.</p>

B.12 Dilapidation Reports for Existing Buildings

B. 12.	<p>Dilapidation Reports for Existing Buildings</p> <p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer 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.</p> <p>These properties must include (but is not limited to):</p> <ol style="list-style-type: none"> No. 843 New South Head Road No. 843 New South Head Road No. 23 Conway Avenue <p>Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access.</p> <p>The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work.</p> <p>No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).</p> <p>Notes:</p> <ol style="list-style-type: none"> 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 caused by the carrying out of the development. This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. 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. Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings. <p>Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
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B.13 Dilapidation Reports for Public Infrastructure

B. 13.	Dilapidation Reports for Public Infrastructure
	<p>Before any site work commences, to clarify the existing state of public infrastructure prior to the commencement of the development (including prior to any demolition), a dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site must be prepared.</p> <p>The dilapidation report must be submitted to Council prior to the commencement of any site work and include:</p> <ul style="list-style-type: none"> a) photographs showing any existing damage to the road pavement fronting the site, b) photographs showing any existing damage to the kerb and gutter fronting the site, c) photographs showing any existing damage to the footway including footpath pavement fronting the site, d) photographs showing any existing damage to retaining walls within the footway or road, e) closed circuit television/video inspection (in DVD format) and report of the public stormwater drainage system traversing/adjoining the site, and f) the full name and signature of the Chartered Professional Engineer. <p>The report is to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital, and date stamped.</p> <p>The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any site work. If the required report is not submitted, Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site work under this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> • If a dilapidation report is not submitted as required by this condition, and damage is occasioned to public assets, which adjoin 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.
	<p>Condition Reason: To establish and document the structural condition of public land for comparison as site work progresses and is completed and ensure Council is provided with the dilapidation report.</p>

B.14 Adjoining Buildings Founded on Loose Foundation Materials

B. 14.	Adjoining Buildings Founded on Loose Foundation Materials
	<p>Before any site work commences, a professional engineer must determine 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</p>

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	<p>adjoining or adjacent buildings founded on such soil on a case by case basis, and any reasonable direction of the professional engineer must be complied with.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure 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. • The person with the benefit of this consent is 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. <p>Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.</p>
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B.15 Construction Management Plan

<p>B. 15.</p>	<p>Construction Management Plan</p> <p>Before any site work commences, and as a result of the site constraints, limited space and access, a Construction Management Plan (CMP) is to be submitted to Council for approval. Also, due to lack of on-street parking a Work Zone may be required during construction.</p> <p>An application for the CMP must be submitted for approval, and all associated application fees must be paid.</p> <p>The CMP must be submitted as a self-contained document that outlines the nature of the construction project and as applicable, include the following information:</p> <ol style="list-style-type: none"> Detail the scope of the works to be completed including details of the various stages, e.g. demolition, excavation, construction etc. and the duration of each stage. Identify local traffic routes to be used by construction vehicles. Identify ways to manage construction works to address impacts on local traffic routes. Identify other developments that may be occurring in the area and identify ways to minimise the cumulative traffic impact of these developments. Should other developments be occurring in close proximity (500m or in the same street) to the subject site, the developer/builder is to liaise fortnightly with the other developers/builders undertaking work in the area in order to minimise the cumulative traffic and parking impacts of the developments. Detail how construction workers will travel to and from the site and parking arrangements for those that drive. Identify any proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access, or reversing manoeuvres onto a public road, and provide Traffic Control Plans (TCPs) prepared by an accredited RMS Red or Orange card holder to manage these temporary changes. Detail the size (including dimensions), numbers and frequency of arrival of the construction vehicles that will service the site for each stage of works. Provide for the standing of vehicles during construction.
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	<p>i) If construction vehicles are to be accommodated on the site, provide a scaled drawing showing where these vehicles will stand and the vehicle swept path to show that these vehicles can access and egress the site in a forward direction (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).</p> <p>j) If trucks are to be accommodated on Council property, provide a scaled drawing showing the location of any proposed Works Zone (including dimensions and all adjacent traffic control devices, such as parking restrictions, pedestrian facilities, kerb extensions, etc.).</p> <p>k) Show the location of any site sheds and any anticipated use of cranes and concrete pumps and identify the relevant permits that will be required.</p> <p>l) If a crane/s are to be accommodated on site, detail how the crane/s will be erected and removed, including the location, number and size of vehicles involved in the erection/removal of the crane/s, the duration of the operation and the proposed day and times, any full or partial road closures required to erect or remove the crane/s and appropriate Traffic Control Plans (TCPs) prepared by an approved RMS Red or Orange Card holder.</p> <p>m) Make provision for all materials, plant, etc. to be stored within the development site at all times during construction.</p> <p>n) State that any oversized vehicles proposed to operate on Council property (including Council approved Works Zones) will attain a Permit to Stand Plant on each occasion (Note: oversized vehicles are vehicles longer than 7.5m or heavier than 4.5T.)</p> <p>o) Show the location of any proposed excavation and estimated volumes.</p> <p>p) When demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work must only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times.</p> <p>q) Show the location of all Tree Protection (Exclusion) zones (Note: storage of building materials or access through Reserve will not be permitted without prior approval by Council).</p> <p>Notes:</p> <ul style="list-style-type: none"> • A minimum of eight weeks will be required for assessment. Site work must not commence until the Construction Management Plan is approved. • Failure to comply with this condition may result in fines and proceedings to stop work. • Council and NSW Police approval is required prior to a partial or full temporary road closure. If you are seeking a partial or full temporary road closure you must comply with the relevant conditions of this consent and you must also gain the approval of the Eastern Suburbs Police Area Command. • If you partial or full close a road without compliance with Council and NSW Police requirements Council Rangers or the Police can issue Penalty Infringement Notices or Court Attendance Notices leading to prosecution. • Traffic Supervisors at the Eastern Suburbs Police Area Command can be contacted on eastsubtraffic@police.nsw.gov <p>Condition Reason: To facilitate the efficient operation of construction projects, minimise traffic disruption, and protect the public, and the surrounding environment, during site works and construction.</p>
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B.16 Works (Construction) Zone – Approval and Implementation

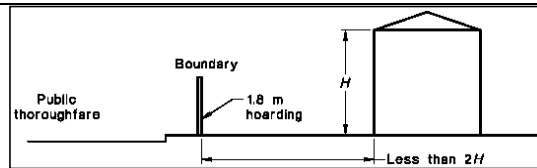
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B. 16.	<p>Works (Construction) Zone – Approval and Implementation</p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>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 site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service. <p>Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>
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B.17 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

B. 17.	<p>Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection</p> <p>Before any site work commences, 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.</p> <div data-bbox="601 1393 1141 1559" data-label="Diagram"> </div> <p>Type A Hoarding</p> <p>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.</p>
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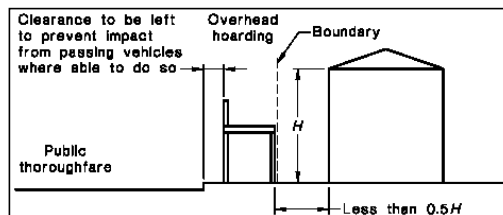
Type B Hoarding

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:

- a) the vertical height above footpath level of the structure being demolished is less than 4.0m; or
- b) 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:

- a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary,
- b) have a clear height above the footpath of not less than 2.1m,
- c) 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 overhead protective structures must be installed and maintained in accordance with the NSW "Code of Practice - Overhead Protective Structures 1995". This is code available at www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

All Hoardings

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

Hoardings on Public Land including 'Creative Hoardings'

All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full.

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

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	<p>Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au</p> <p>Notes:</p> <ul style="list-style-type: none"> A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees. 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: <ul style="list-style-type: none"> A. Hoardings proposed on land zoned E1 Local Centre, or MU1 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: <ol style="list-style-type: none"> the capital investment value of the work to which the hoarding relates is less than \$1 million, or the land is zoned R2 Low Density Residential, or the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. 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 <p>Condition Reason:To ensure public safety.</p>
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B.18 Site Signs

<p>B. 18.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p>Erection of signs</p> <ul style="list-style-type: none"> 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: <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and
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	<p>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</p> <p>c) stating that unauthorised entry to the work site is prohibited.</p> <ul style="list-style-type: none"> 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. <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p>Signs on development sites</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>Notes:</p> <ul style="list-style-type: none"> Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. 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 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation. <p>Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>
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B.19 Toilet Facilities

B. 19.	<p>Toilet Facilities</p> <p>Before any site work commences, 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.</p> <p>Each toilet provided:</p> <ul style="list-style-type: none"> 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
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	<p>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.</p> <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
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B.20 Establishment of Boundary Location, Building Location and Datum

B. 20.	<p>Establishment of Boundary Location, Building Location and Datum</p> <p>Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:</p> <ol style="list-style-type: none"> set out the boundaries of the site by permanent marks (including permanent recovery points), set out the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans, establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and provide a copy of a survey report, prepared by the registered surveyor, detailing the title boundaries, pegs/profiles, recovery points and bench mark locations as established under this condition to the Principal Certifier. <p>Notes:</p> <ul style="list-style-type: none"> Where there is any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent. On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor. <p>Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p>
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B.21 Compliance with Australian Standard for Demolition

B. 21.	Compliance with Australian Standard for Demolition
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	While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.
	Condition Reason To control the risks of demolition work.

B.22 Construction Management Plan Arborist Review

B. 22.	Construction Management Plan Arborist Review
	<p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p> <p>The plan must address:</p> <ul style="list-style-type: none"> 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.
	Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.

B.23 Arborists Documentation and Compliance Checklist

B. 23.	Arborists Documentation and Compliance Checklist
	<p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> • 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.

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<p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p>					
<table border="1"> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> <tr> <td>Prior to any site works</td><td> <ul style="list-style-type: none"> Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. </td></tr> </table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to any site works	<ul style="list-style-type: none"> Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. 	
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to any site works	<ul style="list-style-type: none"> Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. 				
<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>					
<p>Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>					

B.24 Permissible work within Tree Protection Zones

B. 24.	Permissible work within Tree Protection Zones													
	Prior to any site works, the following works are permissible within the Tree Protection Zone:													
	<table border="1"> <tr> <th>Council Ref No</th><th>Species</th><th>Radius from Centre of Trunk (Metres)</th><th>Approved works</th></tr> <tr> <td>7 & 8</td><td><i>Strelitzia nicolai</i> (Giant Bird of Paradise)</td><td>Rear garden of 843 New South Head Road , northern boundary</td><td>Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.</td></tr> <tr> <td>9</td><td><i>Howea forsteriana</i> (Kentia palm)</td><td>Rear garden of 843 New South Head Road , northern boundary</td><td>Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.</td></tr> </table>	Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works	7 & 8	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.	9	<i>Howea forsteriana</i> (Kentia palm)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.	
Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works											
7 & 8	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.											
9	<i>Howea forsteriana</i> (Kentia palm)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.											

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10 & 11	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.
12	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear garden of 843 New South Head Road , northern boundary	Demolition of existing walls; Construction of new boundary wall at the same line and location as the existing stone boundary wall.
The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.			
Condition Reason To establish the works which are permissible within the Tree Protection Zones.			

REMEDICATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil.

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D.1 Payment of Long Service Levy and S7.12 Contributions

D	1.	Payment of Long Service Levy and S7.12 Contributions			
		Before the issue of any construction certificate, the original receipt(s) for the payment of all of the following levy and contributions must be provided to the Principal Certifier:			
		Description	Amount	Indexed	Council Fee Code
		LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
		Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	

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SECTION 7.12 DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2022 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$57,597 + Index Amount	Yes, quarterly	T96
TOTAL CONTRIBUTIONS AND LEVIES	\$57,597 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 Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.

How must the payments be made?
Payments must be made by:

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

How will the section 7.12 levy (formerly known as 94A levy) be indexed?
To ensure that the value of 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 2.12 of the Woollahra Section 7.12 Development Contributions Plan 2022 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 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 (e.g. 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 7.12 Development Contributions Plan 2022
Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, 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:

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	<ul style="list-style-type: none"> the guarantee is by an Australian bank for the amount of the total outstanding contribution, the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate, 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 recourse 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, 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. <p>Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 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.</p> <p>Condition Reason: To ensure any relevant levy and contributions are paid.</p>
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D.2 Modification of Details of the Development (section 4.17(1)(g) of the Act

D	2.	Modification of Details of the Development (section 4.17(1)(g) of the Act
		<p>Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p> <p>a) The existing <i>Callistemon</i> tree located at the rear northern boundary of 843 New South Head Road must be accurately plotted and referenced as Tree 12 on the submitted plans and within Figure 5 of the submitted Botanics tree report.</p> <p>b) The submitted survey plan and all architectural plans must reference and accurately plot all existing trees located within the property and at 843 New South Head Road in accordance with Figure 5 of the Botanics arboricultural report.</p> <p>Notes:</p> <ul style="list-style-type: none"> Clause 20 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with. Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent. <p>Condition Reason: To ensure the modification of an existing development consent/consents.</p>

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D.3 BASIX Commitments

D 3.	BASIX Commitments
	<p>Before the issue of any construction certificate, BASIX Certificate No. 1405756M_03 must be submitted to the Principal Certifier with any application for a construction certificate.</p> <p>All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any. <p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>

D.4 Hydraulic Fire Services

D 4.	Hydraulic Fire Services
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must detail all hydraulic fire safety services required by this condition.</p> <p>Fire hydrants, booster valve assembly installations, sprinkler valves and associated hydraulic equipment, must be:</p> <p>a) enclosed with doors, if located in the building façade; or b) housed in a cabinet or enclosure, if located external to the building.</p> <p>The location, design, colour and material of the doors, cabinet or enclosure must be visually unobtrusive and suitably integrated with the development, including any fencing and landscaping.</p> <p>Notes:</p> <ul style="list-style-type: none"> These conditions apply in addition to requirements in AS 2419.1 Fire hydrant installations. <p>Condition Reason: To ensure that, in accordance with clause 7 of the Development Certification and Fire Safety Regulation, that hydraulic fire safety services are provided, but not visually intrusive when viewed from the street.</p>

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D.5 State Environmental Planning Policy 65 – Design Verification Statement

D	5.	State Environmental Planning Policy 65 – Design Verification Statement
		<p>Before the issue of any construction certificate, as required under clause 15 of the Development Certification and Fire Safety Regulation, a statement by a qualified designer verifying that the relevant building work plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principle in State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development must be provided to the Principal Certifier.</p> <p>Notes:</p> <ul style="list-style-type: none"> Although a Principal Certifier may under clause 73(2)(b) of the Development Certification and Fire Safety Regulation be satisfied to any matter that relates to the external finish of a building the specific provisions of clause 15 of the Development Certification and Fire Safety Regulation overrides the Principal Certifier's powers under clause 73(2)(b). No Principal Certifier can set aside this requirement. Qualified designer means a person registered as an architect in accordance with the Architects Act 2003. There are several methods of verifying the status of an individual or corporation or firm offering architectural services. Ask the individual for their four digit NSW Architects Registration Number, ask a corporation or firm for the name and registration number of their "nominated architect", check to see whether an individual is listed on the NSW Register of Architects or the corporation or firm is listed on the list of architect corporations and firms on the Board's website www.architects.nsw.gov.au or call the NSW Architects Registration Board on 9241 4033 to check the status of an individual or corporation or firm.
		Condition Reason: To ensure a design verification statement from a qualified designer is provided for the development.

D.6 Flood Protection

D	6.	Flood Protection
		<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <p>a) A permanent flood risk management plan shall be installed in a prominent area of the garage,</p> <p><u>Flood Proof Material</u></p> <p>a) Flood compatible materials shall be used for all flood exposed construction,</p> <p><u>Electricals</u></p> <p>a) All flood exposed electrical wiring and equipment shall be waterproofed,</p>

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	<p>Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.</p> <p>Notes:</p> <ul style="list-style-type: none"> The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection. <p>Condition Reason: To ensure the development incorporates flood inundation protection measures.</p>
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D.7 Road and Public Domain Works

D 7.	<p>Road and Public Domain Works</p> <p>Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:</p> <p><u>Drainage Works:</u></p> <p>a) The discharge of stormwater by direct connection to the back of a <u>new</u> Kerb Inlet Pit (KIP) over the existing stormwater pipeline front the site on New South Head Road. Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 and a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section. Note: Transport for NSW approval may be required.</p> <p><u>Road and Footpath Works:</u></p> <p>a) The removal of the existing vehicular crossing including layback and gutter and the construction of a 5.5 metres wide vehicular crossing in accordance with Council's Crossing Specification, standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new vehicular crossing must be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment.</p> <p>b) The proposed vehicular crossing must have a minimum clearance of 1m from the existing Telstra Pit other than amended by Council's Asset Engineer. As such, the existing Telstra Pit must be relocated with written approval obtained from Telstra. Transport for NSW approval may also be required.</p> <p>f) Removal and replacement of the existing footpath for the full width of the property in accordance with Council's standard drawing RF3. Transport for NSW approval is also required.</p>
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- g) Removal and replacement of all cracked or damaged kerb and gutter for the full width of the property in accordance with Council's standard drawing RF3.
- h) Removal of all driveway crossings and kerb laybacks which will be no longer required.
- i) Reinstatement of footpath, kerb and gutter to match existing.
- j) 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.

Before the issue of any construction certificate, the principal certifier must be provided with the original receipt(s) for the payment of all of the following security bonds and fees:

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Infrastructure Works Bond - completing any public work required in connection with the consent.	\$21,440	No	T113
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Road and Footpath Infrastructure Inspection Fee	\$645	No	T45
TOTAL SECURITY AND FEES	\$22,085		

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 any site works being undertaken, 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.

Notes:

- **Road** has the same meaning as in the Roads Act 1993.
- Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under Roads Act

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	<p>1993 approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> - 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). 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. • 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 must 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. • When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment. • 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 the 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.
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	<ul style="list-style-type: none"> • 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. • When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s. • 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.
	<p>Condition Reason: To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.</p>

D.8 Waste Storage – Residential Units (up to four units)

D	8.	Waste Storage – Residential Units (up to four units)
		<p>Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must make provision for:</p> <ol style="list-style-type: none"> a) The storage of waste and recycling bins behind the building line or within non-habitable areas of the building as close as possible to the service road collection point. b) A path for wheeling bins between the waste and recycling storage area and the collection point free of steps and kerbs and having a maximum grade of 1:8.
		<p>Condition Reason: To ensure a waste and recycling storage area is provided.</p>

D.9 Waste Storage – Compliance with Approved Site Waste Minimisation and Management Plan (SWMMP)

D	9.	Waste Storage – Compliance with Approved Site Waste Minimisation and Management Plan (SWMMP)
		<p>Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must detail provisions for waste management in accordance with the approved SWMMP.</p> <p>Waste storage areas must meet the following requirements:</p> <ol style="list-style-type: none"> a) Bins must be stored with lids down to prevent vermin from entering the waste containers. b) The area must be constructed with a smooth impervious floor graded to a floor waste. A waste storage area that is located internal to the building must be fitted with both a hot and cold water supply and hose cocks. Wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water.

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	<p>c) Walls and ceilings of the waste storage area must be constructed of an impervious material with a smooth finish. The junction between the walls and the floor must be covered with a minimum radius of 25mm to prevent the accumulation of waste matter.</p> <p>d) The garbage storage area must be well lit to enable use at night. A timer switch must be fitted to the light fitting to ensure the light is turned off after use.</p> <p>e) Odour problems must be minimised by good exhaust ventilation.</p> <p>f) Both putrescible and recycling bins/crates must be stored together. Recycling bins must never stand alone. They must always be located beside putrescible waste bins. Putrescible bins must be located closest to the entrance to the waste storage room.</p> <p>g) Signage on the correct use of the waste management system and what materials may be recycled must be posted in the communal waste storage cupboard/ room or bin bay.</p>
	<p>Condition Reason: To ensure a waste and recycling storage area is provided.</p>

D.10 Utility Services Generally

D	10. Utility Services Generally
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate that all utility services (telecommunications, electricity, gas, water and waste water) will be provided underground. All service ducts, pipes and conduits must be provided within the fabric of the building (excluding stormwater down pipes).</p> <p>Where telecommunications and electricity are provided from existing poles in the road they must, in accordance with the relevant suppliers' requirements, be carried to the site underground directly to the main switch board within the fabric of the building.</p> <p>Where adequate provision has not been made for an electrical sub-station within the building, this may necessitate the lodgement of an application to amend this consent under section 4.55 of the Act to detail the location, landscape/streetscape impacts and compliance with AS2890 as applicable.</p> <p>The location of service poles and substations required by the relevant suppliers must be shown upon the plans submitted with any construction certificate application together with a letter from each relevant supplier setting out their requirements.</p> <p>Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building unless expressly shown upon the approved DA plans. Details confirming compliance with this condition must be shown on the construction certificate plans and/or detailed within the construction certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on the construction certificate plans.</p>

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	<p>The construction certificate plans and specifications, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be UPVC or copper with continuously welded joints.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition has been imposed to ensure that where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta pipes be replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main. • Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest. <p>Condition Reason: To ensure the adequate provision of utility services, and to ensure that any proposed cables, pipes, conduits, ducts, plant, equipment, electricity substations or the like does not compromise the design quality of the development.</p>
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D.11 Provision for Energy Supplies

D 11.	<p>Provision for Energy Supplies</p> <p>Before the issue of any construction certificate, a letter from Ausgrid setting out Ausgrid's requirements relative to the provision of electricity/gas supply to the development, must be provided to the Principal Certifier.</p> <p>Any required electricity pillar and/or substation must be located within the boundaries of the site. Where an electricity pillar and electricity substation is required within the site but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans an application under section 4.55 of the Act is required to be submitted to Council. Council will assess the proposed location of the required electricity pillar and/or substation.</p> <p>The construction certificate plans and specifications, required to be submitted under clause 7 of the Development Certification and Fire Safety Regulation, must detail provisions to meet the requirements of Ausgrid.</p> <p>Where an electricity pillar and/or substation is required, the construction certificate plans and specifications must provide:</p> <ol style="list-style-type: none"> A setback not less than 3m from the road boundary and dense landscaping of local native plants to screen the electricity pillar and/or substation from view within the streetscape. A setback not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility under clause 3.2.4 of AS2890.1 (See: Figures 3.2 and 3.3). A setback to and not within the drip line of any existing tree required to be retained. A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less
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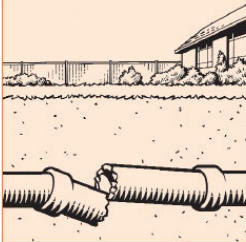
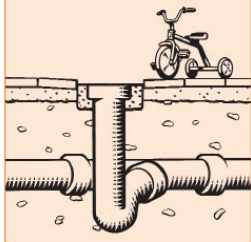
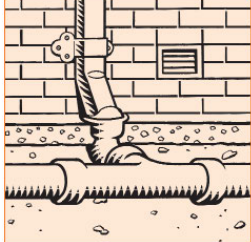

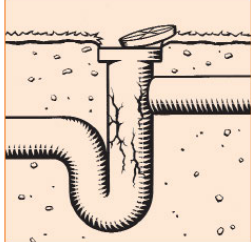
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	<p>than 2 m each side of and 3 m above the upper hose connections in the booster assembly under clause 5.6.3(c)(ii) of AS 2419.1, and</p> <p>e) The Owner must dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity pillar and/or substation to be established, if required. The size and location of the electricity pillar and/or substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road reserve.</p> <p>Notes:</p> <ul style="list-style-type: none"> • If the electricity pillar and/or substation is not located within the building its location, screening vegetation, all screen walls or fire separating walls must have been approved by the grant of development consent or amended development consent prior to the issue of any construction certificate for those works. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Principal Certifier prior to issue of the construction certificate. The Principal Certifier must be satisfied that the requirements of the energy authority have been met prior to issue of the construction certificate. • Where it is proposed to shield any booster connection or any building from any electricity pillar and/or substation under clause 5.6.3(c)(ii) of AS 2419.1 or by fire resisting construction under the BCA respectively and this construction has not been detailed upon the approved development consent plans such works should be considered inconsistent with consent under clause 19 of the Development Certification and Fire Safety Regulation. The Applicant must lodge with Council details for any such construction under section 4.55 of the Act to allow assessment under section 4.15 of the Act. • Electricity pillar and/or Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set) Parking Facilities Set whether such driveways service the site or any adjoining land. <p>Condition Reason: To ensure the adequate provision of energy supply, and to ensure that any proposed electricity substation or the like does not compromise the design quality of the development.</p>
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D.12 Water and Waste Water - section 73 Developers Certificate and Upgrading of Existing System

D	12.	Water and Waste Water - section 73 Developers Certificate and Upgrading of Existing System
		<p>Prior to the issue of any construction certificate, a Compliance Certificate must be obtained from Sydney Water under section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains.</p> <p>The construction certificate plans and specifications, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be sewer grade UPVC or copper with continuously welded joints.</p>

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<p><i>Cracked pipes</i></p>	<p><i>Broken pipes</i></p>	<p><i>Damaged or low-lying gullies</i></p>
		
<p><i>Direct stormwater connections</i></p>	<p><i>Hidden or damaged maintenance holes</i></p>	<p><i>Hidden or damaged inspection points</i></p>
<p>Notes:</p> <ul style="list-style-type: none"> • Sydney Water will assess the development and if required will issue a 'Notice of Requirements' letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Please make early contact with Sydney Water or a WSC, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. • For more information go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water. • Where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta systems are replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main as part of the development. Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest. 		
<p>Condition Reason: To ensure that private sewer pipes are upgraded where required to prevent water pollution, and unsafe and unhealthy conditions.</p>		

D.13 Checking Construction Certificate Plans – Protecting Assets Owned by Sydney Water

<p>D 13.</p>	<p>Checking Construction Certificate Plans – Protecting Assets Owned by Sydney Water</p>
<p>Before the issue of any construction certificate, the approved plans must be submitted to Sydney Water Tap In TM online service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and any requirements need to be met.</p>	

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	<p>The Tap In™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> • building plan approvals • connection and disconnection approvals • diagrams • trade waste approvals • pressure information • water meter installations • pressure boosting and pump approvals • changes to an existing service or asset, e.g. relocating or moving an asset. <p>Notes:</p> <ul style="list-style-type: none"> • For more information go to Sydney Water www.sydneywater.com.au/tapin/index.htm and www.sydneywater.com.au/SW/plumbing-building-developing/building/building-over-or-next-to-assets/index.htm or call 1300 082 746. <p>Condition Reason: To ensure the development meets the requirements of Sydney Water, and protects existing assets owned by Sydney Water.</p>
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D.14 Erosion and Sediment Control Plan – Submission and Approval

D 14.	<p>Erosion and Sediment Control Plan – Submission and Approval</p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <p>a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and</p> <p>b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. • The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au • Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
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D.15 Tree Protection Plan and Specification

D	15.	Tree Protection Plan and Specification
		<p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> • 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 <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> • Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. • The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. • Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. • To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p>
		Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.

D.16 Professional Engineering Details

D	16.	Professional Engineering Details
		<p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic,</p>

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	<p>hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>
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D.17 Engineer Certification

D 17.	<p>Engineer Certification</p> <p>Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property.</p> <p>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.</p> <p>Condition Reason: To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.</p>
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D.18 Geotechnical and Hydrogeological Design, Certification and Monitoring

D 18.	<p>Geotechnical and Hydrogeological Design, Certification and Monitoring</p> <p>The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the <i>Regulation</i> must be accompanied by a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.</p> <p>Note: the Geotechnical Investigation Report referenced within this consent, must be amended to address <u>all</u> requirements of Council's DCP <u>Section E2.2.10</u> and <u>Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports</u>. – Conditions applied.</p> <p>Geotechnical reports must be prepared by an appropriately qualified Geotechnical Engineer who is NER registered with a minimum of 10 years practice in the geotechnical field in the last 15 years.</p>
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	<p>These details must be certified by a professional engineer to:</p> <ol style="list-style-type: none"> Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure. Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater). Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time. Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required. Provide a Geotechnical and Hydrogeological Monitoring Program that: <ul style="list-style-type: none"> Will detect any settlement associated with temporary and permanent works and structures, Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like), Will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity), Will detect groundwater changes calibrated against natural groundwater variations, Details the location and type of monitoring systems to be utilised, Details the pre-set acceptable limits for peak particle velocity and ground water fluctuations, Details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and Details a contingency plan. <p>Condition Reason: To ensure that geotechnical and hydrogeological impacts are appropriately managed.</p>
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D.19 Ground Anchors

D 19.	<p>Ground Anchors</p> <p>This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths.</p> <p>This development consent does <u>NOT</u> give approval to any ground anchors encroaching onto adjoining private properties. Use of any Ground Anchors extending beyond site boundaries requires the approval of neighbouring private properties in writing.</p>
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This development consent does <u>NOT</u> give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.	
The use of permanent ground anchors under Council land is not permitted.	
Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.	
If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under section 138 of the <i>Roads Act 1993</i> . Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.	
Notes: <ul style="list-style-type: none"> To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds. Road has the same meaning as in the Roads Act 1993. Clause 17 of the Roads (General) Regulation 2018 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. 	
	Condition Reason: To ensure the relevant approval is gained for any temporary ground anchors.

D.20 Parking Facilities

D	20.	Parking Facilities
		The Construction Certificate plans and specifications required by clause 139 of the <i>Regulation</i> , must include detailed plans and specifications for all bicycle, car and commercial vehicle parking in compliance with AS 2890.3:2015 <i>Parking Facilities - Bicycle Parking Facilities</i> , AS/NZS 2890.1:2004 : <i>Parking Facilities - Off-Street Car Parking</i> and AS 2890.2:2018 – <i>Off-Street Parking: Commercial Vehicle Facilities</i> respectively and including the following;

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	<p>a) The internal width of the proposed Garage 1 and Garage 4, must be increased to minimum 5.4m in accordance with the AS/NZS 2890.1:2004.</p> <p>b) Sight distance requirements must comply with Clause 3.2.4 and Figure 3.3 of AS2890.1-2004;</p> <p>c) Traffic light system to be incorporated to manage traffic flow between the ground floor and basement level. Priorities should be given to vehicles entering the car park to minimise conflicts with traffic along the frontage road.</p> <p>Access levels and grades must comply with access levels and grade required by Council under the <i>Roads Act</i> 1993.</p> <p>Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.</p>
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D.21 Stormwater Management Plan

D 21.	Stormwater Management Plan
	<p>The Construction Certificate plans and specifications, required by clause 139 of the <i>Regulation</i>, must include a Stormwater Management Plan for the site and prepared by a suitably qualified and experienced civil engineer. The Stormwater Management Plan must detail:</p> <p>a) General design in accordance with the Stormwater Management Plan, Project No. 230134, Rev. C, prepared by Smart Structures Australia, dated 17/08/2023, other than amended by this and other conditions;</p> <p>b) The discharge of stormwater by direct connection to back of a new Kerb Inlet Pit (KIP) over the existing stormwater pipeline front the site on New South Head Road. Note: the new KIP must be a standard double grated gully pit with a 1.8m kerb lintel in accordance with Council's standard drawing DR1 and a minimum clearance of 0.5m from any vehicular crossings. The access grate must be Class D "bicycle-friendly" grate. Longitudinal sections must be submitted. Design details and location of all existing public utility services must be included in the longitudinal section.</p> <p>c) The location of the existing Stormwater Drainage System including all pipes, inspection openings, surface drains, pits and their discharge location,</p> <p>d) Any remedial works required to upgrade the existing Stormwater Drainage System crossing the footpath and any new kerb outlets,</p> <p>e) Any new Stormwater Drainage Systems complying with the BCA,</p> <p>f) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath,</p> <p>g) Compliance with the objectives and performance requirements of the BCA,</p> <p>h) Any rainwater tank (see Note below) required by BASIX commitments including Their overflow connection to the Stormwater Drainage System,</p> <p>i) General compliance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</p> <p>j) Provision of a 5m³ Rainwater Tank, a 21m³ Onsite Stormwater Detention (OSD) System and Stormwater Treatment Systems.</p> <p>All systems must be designed in accordance with the Woollahra DCP</p>

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2015 Chapter E2 – Stormwater and Flood Risk Management requirements.

- a. As such, the volume of the proposed OSD System must be increased to be minimum 21m³ in accordance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management requirements.
- b. The proposed OSD System must provide an emergency overflow outlet, to safely convey water to the street, in the event of a blockage or failure of the OSD System, in accordance with Council's Chapter E2 "Stormwater and Flood Risk Management" DCP. As such, one or more of the following options must be complied with:
 - i. OSD System is located as close as possible to the lowest point of the site at the property frontage so that any surcharge will overflow to the street through a spillway/weir. It must be ascertained that the overflow is not through any neighbouring properties.
 - ii. Surcharge is directed to a flow path through the development such that buildings are not inundated nor are flows concentrated on adjoining properties.
 - iii. A 900mm x 900mm overflow pit must be provided adjacent to the Discharge Control Pit.
- c. Additional access grates for the OSD System must be provided for easy maintenance.

OSD System Requirements:

The minimum (OSD) Site Storage Requirements ("SSR") and the Peak Site Discharge ("PSD") from the site must be in accordance with the following minimum storage/discharge relationships based upon a 1000m² site area:

Average Recurrence Interval	PS D (L/s)	Minimum Site Storage Requirement (SSR) m ³
2 year	23.5 L/s	4m ³
100 year	34 L/s	25m ³ – Dwelling House

Note: All values based on per 1000m² site area (interpolate to site area).

Where a rainwater tank is proposed in conjunction with the OSD System, the volume of the rainwater tank may contribute to the SSR as follows:

- a) Here the rainwater tank is used for external uses only, 40% of the rainwater tank volume to a maximum of 4m³, or
- b) Where the rainwater tank is used for external and internal uses, 75% of the rainwater tank volume to a maximum of 7.5m³.

Example: The Site Storage Requirements may be 25,000 litres and a 10,000 litre rainwater tank is to be used for garden irrigation. Therefore, the rainwater tank contributes 4,000 litres toward SSR. Therefore, the OSD tank needs to be 21,000 litres (25,000 litres less the 4,000 litres allowance). Note: 1m³ = 1,000 litres.

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

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	<p><u>Layout plan</u> A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, <i>Australian Rainfall and Run-off</i>, 1987 edition or most current version thereof.</p> <p>The layout plan must include:</p> <ul style="list-style-type: none"> a) All pipe layouts, dimensions, grades, lengths and material specification, b) Location of the OSD System, Rainwater Tank Stormwater Treatment Systems, 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. <p><u>Stormwater Management Systems</u> The OSD System, Rainwater Tank and Stormwater Treatment Systems utilised within the site must address:</p> <ul style="list-style-type: none"> a) Any potential conflict between existing and proposed trees and vegetation, b) Internal dimensions and volume of the proposed detention storage, c) Diameter of the outlet to the proposed detention storage basin, d) Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures, e) Details of access and maintenance facilities, f) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products, g) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the systems. <p><u>Copies of certificates of title</u></p> <ul style="list-style-type: none"> a) Showing the creation of private easements to drain water by gravity, if required. <p><u>Subsoil drainage</u> The subsoil drainage is to address:</p> <ul style="list-style-type: none"> a) Subsoil drainage details, b) Clean out points, and c) Discharge point. <p>Where any new <i>Stormwater Drainage System</i> crosses the footpath area within any road, separate approval under section 138 of the <i>Roads Act 1993</i> must be obtained from Council for those works prior to the issue of any <i>Construction Certificate</i>.</p> <p>All <i>Stormwater Drainage System</i> work within any road or public place must comply with Woollahra Municipal Council's <i>Specification for Roadworks, Drainage and Miscellaneous Works</i> dated February 2012.</p> <p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
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D.22 Swimming and Spa Pools – Child Resistant Barriers

D	22.	Swimming and Spa Pools – Child Resistant Barriers
		<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia.</p> <p>Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Notes:</p> <ul style="list-style-type: none"> A statement to the effect that isolation swimming pool fencing complying with AS1926 will be installed does not satisfy this condition. The location of the required barriers and the sign must be detailed upon the construction certificate plans. <p>Condition Reason: To ensure child-resistant swimming and spa pool barriers are provided.</p>

D.23 Swimming and Spa Pools – Backwash

D	23.	Swimming and Spa Pools – Backwash
		<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2.</p> <p>Notes:</p> <ul style="list-style-type: none"> The plans must show the location of Sydney Water's sewer, the yard gully or any new connection to the sewer system including a detailed cross section of the connection complying with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2. The discharge of backwash water to any stormwater system is water pollution and an offence under the Protection of the Environment Operations Act 1997. The connection of any backwash pipe to any stormwater system is an offence under the Protection of the Environment Operations Act 1997. <p>Condition Reason: To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.</p>

D.24 Electric vehicle circuitry and electric vehicle charging point requirements

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D 24.	Electric vehicle circuitry and electric vehicle charging point requirements
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include an accurate electrical plan and specifications for all off-street car parking, prepared by a suitably qualified person, demonstrating the following;</p> <p>a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:</p> <ul style="list-style-type: none"> • Identify the power capacity to each car parking space. • Identify the load management system on each level of parking such as a distribution board. • Identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system must allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem). <p>b) A minimum of one Level 2 electric charger must be provided and Level 2 chargers must be provided to not less than 10% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.</p> <p>c) The Principal Certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) prior to the issue of the construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are: <ul style="list-style-type: none"> - Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and - Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power.
	<p>Condition Reason: To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s), and electric charging points if 10 or more car parking spaces are provided.</p>

D.25 Acoustic Certification of Mechanical Plant and Equipment

D 25.	Acoustic Certification of Mechanical Plant and Equipment
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must be accompanied by a certificate from a professional acoustic engineer certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level, at any time.</p>
	<p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed.</p>

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	<p>For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p>Where sound attenuation is required this must be detailed.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Further information including lists of Acoustic Engineers can be obtained from: <ul style="list-style-type: none"> - Australian Acoustical Society - professional society of noise-related professional www.acoustics.asn.au - Association of Australian Acoustical Consultant - professional society of noise related professionals www.aaac.org.au <p>Condition Reason: To ensure the development does not result in any unreasonable acoustic impacts.</p>
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E. BEFORE BUILDING WORK COMMENCES

E.1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

E 1.	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under 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:</p> <ol style="list-style-type: none"> 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. <p>This condition does not apply:</p> <ol style="list-style-type: none"> a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> • 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. • All new guttering is to comply with the provisions of AS3500. <p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
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E.2 Erosion and Sediment Controls – Installation

E 2.	<p>Erosion and Sediment Controls – Installation</p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> The Soil and Water Management Plan if required under this consent; “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au 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. 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. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
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E.3 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)

E 3.	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> 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 The person having the benefit of the development consent has: <ul style="list-style-type: none"> 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
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	<p>c) The Principal Certifier has, no later than 2 days before the building work commences:</p> <ul style="list-style-type: none"> 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 <p>d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:</p> <ul style="list-style-type: none"> 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. <p>Notes:</p> <ul style="list-style-type: none"> 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. 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. 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: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125. Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au 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. 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. <p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>
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E.4 Notification of Home Building Act 1989 requirements

E 4.	<p>Notification of Home Building Act 1989 requirements</p> <p>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:</p> <p>a) In the case of work for which a Principal Contractor is required to be appointed:</p> <ul style="list-style-type: none"> the name and licence number of the Principal Contractor, and
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	<ul style="list-style-type: none"> the name of the insurer by which the work is insured under Part 6 of that Act, <p>b) In the case of work to be done by an Owner-builder:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> <p>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.</p> <p>Condition Reason: To ensure Council is notified of the Home Building Acts 1989 requirements.</p>
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F. DURING BUILDING WORK

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

F	1.	<p>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) 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. <p>This condition does not apply:</p> <ul style="list-style-type: none"> a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or b) to the erection of a temporary building. <p>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.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p>
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	Notes: <ul style="list-style-type: none"> All new guttering is to comply with the provisions of AS 3500.
	Condition Reason: To ensure compliance with the BCA and Home building Act 1989.

F.2 Compliance with Construction Management Plan

F	2.	Compliance with Construction Management Plan
		<p>While site work is being carried out, all development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times. A copy of the CMP must be kept on-site at all times and made available to the Principal Certifier on request.</p>
		Notes: <ul style="list-style-type: none"> Irrespective of the provisions of the Construction Management Plan the provisions of traffic and parking legislation prevails.
		Condition Reason: To ensure compliance with the Construction Management Plan.

F.3 Requirement to Notify about New Evidence

F	3.	Requirement to Notify about New Evidence
		<p>While site work is being carried out, any new information that comes to light, 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.</p>
		Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.

F.4 Critical Stage Inspections

F	4.	Critical Stage Inspections
		<p>While site work is being carried out, 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, the Development Certification and Fire Safety Regulation, and the Regulation.</p>
		<p>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.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the</p>

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	<p>purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development. <p>Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>
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F.5 Hours of Work –Amenity of the Neighbourhood

F 5.	<p>Hours of Work –Amenity of the Neighbourhood</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> No work must take place on any Sunday or public holiday. No work must take place before 7am or after 5pm any weekday. No work must take place before 7am or after 1pm any Saturday. 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: <ul style="list-style-type: none"> piling, piering, rock or concrete cutting, boring or drilling, rock breaking, rock sawing, jack hammering, or machine excavation. 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. 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. No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour. <p>Notes:</p> <ul style="list-style-type: none"> 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. Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.
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	<ul style="list-style-type: none"> • The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. • 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. • NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nglg.htm
	<p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>

F.6 Public Footpaths – Safety, Access and Maintenance

F 6.	Public Footpaths – Safety, Access and Maintenance
	<p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <ol style="list-style-type: none"> Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway. Not use the road or footway for the storage of any article, material, matter, waste or thing. Not use the road or footway for any work. Keep the road and footway in good repair free of any trip hazard or obstruction. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. Not stand any plant and equipment upon the road or footway. If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand. Provide a clear safe pedestrian route a minimum of 1.5m wide. Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development. <p>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:</p> <ol style="list-style-type: none"> Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. Australian Road Rules. <p>Notes:</p> <ul style="list-style-type: none"> • Section 148B of the Road Transport Act 2013 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. • Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> - erect a structure or carry out a work in, on or over a public road, or

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	<ul style="list-style-type: none"> - 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. • 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: <ul style="list-style-type: none"> - Part C Management of waste: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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.
	<p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>

F.7 Tree Preservation

<p>F 7.</p>	<p>Tree Preservation</p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> 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.</p> <p>General Protection Requirements:</p> <ul style="list-style-type: none"> a) The tree protection measures 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. <p>Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.</p> <p>Condition Reason: To protect trees during the carrying out of sitework.</p>
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F.8 Maintenance of Environmental Controls

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F	8.	Maintenance of Environmental Controls
		While site work is being carried out, the following monitoring, measures and controls must be maintained: a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions.
		Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.

F.9 Compliance with Geotechnical / Hydrogeological Monitoring Program

F	9.	Compliance with Geotechnical / Hydrogeological Monitoring Program
		While site work is being carried out, excavation must be undertaken in accordance with the recommendations of the Geotechnical / Hydrogeological Monitoring Program and any oral or written direction of the supervising professional engineer. The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to: a) the location and type of monitoring systems to be utilised, b) recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and c) the contingency plan. Notes: • The consent authority cannot require that the author of the geotechnical/hydrogeological report submitted with the development application to be appointed as the professional engineer supervising the work however, it is the Council's recommendation that the author of the report be retained during the construction stage.
		Condition Reason: To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.

F.10 Support of Adjoining Land and Buildings

F	10.	Support of Adjoining Land and Buildings
		While site work is being carried out, a person must not to 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).

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	<p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> the consent of the owners of such adjoining or supported land to trespass or encroach, or an access order under the Access to Neighbouring Land Act 2000, or an easement under section 88K of the Conveyancing Act 1919, or an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. 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). Clause 17 of the Roads Regulation 2018 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. 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. <p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
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F.11 Vibration Monitoring

F 11.	<p>Vibration Monitoring</p> <p>While site work is being carried out, vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.</p> <p>If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event.</p>
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	<p>Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.</p> <p>Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice.</p> <p>The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.</p> <p>A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.</p> <p>Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Professional engineer has the same mean as in Schedule 1 of the BCA. • Building has the same meaning as in section 1.4 of the Act i.e. "building includes part of a building and any structure or part of a structure...." • Supported land has the same meaning as in the Conveyancing Act 1919. <p>Condition Reason: To monitor and manage vibration impacts from development.</p>
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F.12 Erosion and Sediment Controls – Maintenance

F	12. Erosion and Sediment Controls – Maintenance
	<p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> 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" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • 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

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	<p>Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.</p> <ul style="list-style-type: none"> • 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. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
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F.13 Disposal of Site Water During Construction

F 13.	<p>Disposal of Site Water During Construction</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of 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. <p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
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F.14 Filling of Site

F 14.	<p>Filling of Site</p> <p>While site work is being carried out, to the extent that this consent permits filling of the site, such fill must be virgin excavated natural material (“VENM”).</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under Schedule 1 of the Protection of the Environment Operations Act 1997 “virgin excavated natural material” means natural material (such as clay, gravel, sand, soil or rock fines): <ul style="list-style-type: none"> - that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and - that does not contain any sulfidic ores or soils or any other waste, and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being under an EPA Gazettal notice. • Sulfidic ores and soils are commonly known as acid sulfate soils. • If a person transports waste to a place (the site) that cannot lawfully be used as a waste facility for that waste: (a) the person, and, (b) if the person is not the owner of
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	<p>the waste, the owner, are each guilty of an offence under section 143 of the Protection of the Environment Operations Act 1997.</p> <ul style="list-style-type: none"> • A person who is the owner or occupier (principal contractor) of any land that cannot lawfully be used as a waste facility and who permits the land to be used as a waste facility is guilty of an offence under section 144 of the Protection of the Environment Operations Act 1997. • Additional information is available from the NSW Environment Protection Authority website.
	Condition Reason: To ensure that waste material is not used as fill.

F.15 Site Cranes

F	15.	Site Cranes
		<p>While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.</p> <p>Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.</p> <p>The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).</p> <p>No illuminated sign(s) must be erected upon or displayed upon any site crane.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place. • Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate must be obtained. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.
		Condition Reason: To ensure site cranes are used safely with the relevant approvals.

F.16 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

F	16.	Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum
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	<p>While site work is being carried out, a registered surveyor must carry out check surveys and provide 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.</p> <p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:</p> <ol style="list-style-type: none"> 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. 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. 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. 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. 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. Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. Flood protection measures are in place confirming location, height and capacity. <p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
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F.17 Placement and Use of Skip Bins

F	17.	Placement and Use of Skip Bins
		<p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <ol style="list-style-type: none"> 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 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. <p>Notes:</p> <ul style="list-style-type: none"> 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. <p>Condition Reason: To ensure waste storage containers are appropriately located.</p>

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F.18 Prohibition of Burning

F	18.	Prohibition of Burning
		<p>While site work is being carried out, 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.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning. <p>Condition Reason: To ensure no burning of waste occurs.</p>

F.19 Dust Mitigation

F	19.	Dust Mitigation
		<p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> Dust screens to all hoardings and site fences. All stockpiles or loose materials to be covered when not being used. All equipment, where capable, being fitted with dust catchers. All loose materials being placed bags before placing into waste or skip bins. All waste and skip bins being kept covered when not being filled or emptied. The surface of excavation work being kept wet to minimise dust. Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. 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. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>

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F.20 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway

F	Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway
	<p>While site work is being carried out, all work carried out on assets which are under Council ownership or will revert to the ownership, care, control or management of Council in connection with the development to which this consent relates must comply with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012).</p> <p>The person with the benefit of this consent must meet all costs associated with such works.</p> <p>This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within roads and other public places.</p> <p>Notes:</p> <ul style="list-style-type: none"> A copy of Council's Specification for Roadworks, Drainage and Miscellaneous Works can be downloaded from Council's website www.woollahra.nsw.gov.au
	Condition Reason: To ensure that any road, drainage, or miscellaneous works comply with Council's specifications.

F.21 Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters

F	21. Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters
	<p>While site work is being carried out, temporary child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and Building Code of Australia where any swimming pool or spa pool, as defined by the Swimming Pools Act 1992, contains more than 300mm in depth of water at any time.</p> <p>Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia as soon as practical.</p> <p>Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the Swimming Pools Act 1992 must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition does not prevent Council from issuing an order under section 23 of the Swimming Pool Act 1992 or taking such further action as necessary for a breach of this condition or the Swimming Pools Act 1992.
	Condition Reason: To ensure access to swimming pools is effectively restricted to maintain child safety.

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F.22 Site Waste Minimisation and Management – Demolition

F	22.	Site Waste Minimisation and Management – Demolition
		<p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, 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), separate collection bins and/or areas for the storage of residual waste are to be provided, the purpose and content of the bins and/or storage areas are to be clearly 'signposted', measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, waste is only transported to a place that can lawfully be used as a waste facility, 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 evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained. <p>Notes:</p> <ul style="list-style-type: none"> Materials that have an existing reuse or recycling market must 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. <p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>

F.23 Site Waste Minimisation and Management – Construction

F	23.	Site Waste Minimisation and Management – Construction
		<p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ol style="list-style-type: none"> the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,

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	<p>b) deliveries of materials must be arranged so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage,</p> <p>c) consideration must be given to returning excess materials to the supplier or manufacturer,</p> <p>d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),</p> <p>e) the purpose and content of the storage areas must be clearly 'signposted',</p> <p>f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,</p> <p>g) separate collection bins or areas for the storage of residual waste must be promoted,</p> <p>h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,</p> <p>i) site disturbance must be minimised and unnecessary excavation limited,</p> <p>j) all waste must be transported to a place that can lawfully be used as a waste facility, and</p> <p>k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.</p> <p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
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F.24 Asbestos Removal

F 24.	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>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:</p> <p>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.</p> <p>b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.</p> <p>c) No asbestos products may be reused on the site.</p> <p>d) No asbestos laden skip or bins must be left in any public place.</p> <p>Notes:</p> <ul style="list-style-type: none"> Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> Work Health and Safety Act 2011, Work Health and Safety Regulation 2017, SafeWork NSW "Code of Practice: How to Safely Remove Asbestos" (2016), and
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	<ul style="list-style-type: none"> - SafeWork NSW "Code of Practice: How to Manage and Control Asbestos in the Workplace" (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050 <p>Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>
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F.25 Classification of Hazardous Waste

F 25.	<p>Classification of Hazardous Waste</p> <p>While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.</p> <p>Condition Reason: 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.</p>
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F.26 Disposal of Asbestos and Hazardous Waste

F 26.	<p>Disposal of Asbestos and Hazardous Waste</p> <p>While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.</p> <p>Condition Reason: 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.</p>
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F.27 Asbestos Removal Signage

F 27.	<p>Asbestos Removal Signage</p> <p>While site work is being carried out and when asbestos is being removed, 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.</p> <p>Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.</p>
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F.28 Notification of Asbestos Removal

F	28.	Notification of Asbestos Removal
		While site work is being carried out, 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.
		Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.

F.29 Arborists Documentation and Compliance Checklist

F	29.	Arborists Documentation and Compliance Checklist			
		While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:			
		<div><div>a) a record of the condition of trees to be retained prior to and throughout development,</div><div>b) recommended actions to improve site conditions and rectification of non-compliance, and</div><div>c) recommendations for future works which may impact the trees.</div></div>			
		<p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table><tr><td>Stage of arboricultural inspection and supervision</td><td>Compliance documentation and photos must include</td></tr><tr><td></td><td></td></tr></table>		Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				

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	<table border="1"> <tr> <td data-bbox="446 344 619 869">While site work is carried out</td><td data-bbox="619 344 1292 869"> <ul style="list-style-type: none"> The project arborist must supervise the demolition of the existing stone wall within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12. The condition of exposed roots must be managed and documented. The project arborist must supervise excavation for any new footings and walls within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12, documenting the condition of roots and soil. The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. Regular inspections as indicated in the Tree Management Plan. </td></tr> </table>	While site work is carried out	<ul style="list-style-type: none"> The project arborist must supervise the demolition of the existing stone wall within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12. The condition of exposed roots must be managed and documented. The project arborist must supervise excavation for any new footings and walls within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12, documenting the condition of roots and soil. The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. Regular inspections as indicated in the Tree Management Plan.
While site work is carried out	<ul style="list-style-type: none"> The project arborist must supervise the demolition of the existing stone wall within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12. The condition of exposed roots must be managed and documented. The project arborist must supervise excavation for any new footings and walls within 2 metres from Trees No. 7, 8, 9, 10, 11 & 12, documenting the condition of roots and soil. The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees. Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees. Regular inspections as indicated in the Tree Management Plan. 		
	<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>		
	<p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>		

F.30 Replacement/Supplementary trees which must be planted

F 30.	Replacement/Supplementary trees which must be planted								
<p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the criteria outlined below.</p>									
<table><tr><th>Species/Type</th><th>Planting Location</th><th>Container Size/Size of Tree (at planting)</th><th>Minimum Dimensions at Maturity (metres)</th></tr><tr><td>4 x <i>Tristaniopsis laurina</i> (Water gum)</td><td>Front. As plotted on the submitted SQ1 Landscape Plan</td><td>200 litre</td><td>8 (h) x 8 (w) metres</td></tr></table>		Species/Type	Planting Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)	4 x <i>Tristaniopsis laurina</i> (Water gum)	Front. As plotted on the submitted SQ1 Landscape Plan	200 litre	8 (h) x 8 (w) metres
Species/Type	Planting Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)						
4 x <i>Tristaniopsis laurina</i> (Water gum)	Front. As plotted on the submitted SQ1 Landscape Plan	200 litre	8 (h) x 8 (w) metres						

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3 x <i>Corymbia ficifolia</i> (Summer Red)	Front. As plotted on the submitted SQ1 Landscape Plan	200 litre	8 (h) x 8 (w) metres
2 x <i>Banksia serrata</i> (Old-man Banksia), or 2 x <i>Tristaniopsis laurina</i> 'Lucious' (Tristaniopsis Luscious), or; 2 x <i>Lagerstroemia indica</i> (Crepe Myrtle)	Rear deep soil area (Second Floor)	200 litre	6 (h) x 4 (w) metres
The project arborist must document compliance with the above condition.			
Condition Reason: To ensure the provision of appropriate replacement planting.			

F.31 Hand excavation within tree root zones

F 31.

Hand excavation within tree root zones

While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
7 & 8	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear garden of 843 New South Head Road , northern boundary	2 metres
9	<i>Howea forsteriana</i> (Kentia palm)	Rear garden of 843 New South Head Road , northern boundary	2 metres
10 & 11	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear garden of 843 New South Head Road , northern boundary	2 metres
12	<i>Callistemon viminalis</i>	Rear garden of 843 New South	

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	(Weeping Bottlebrush)	Head Road , northern boundary	2 metres
<p>Small hand tools such as mattocks or using compressed air or water jetting only must be used. Roots with a diameter equal to or in excess of 50mm must not be severed or damaged unless approved in writing and documented by the project arborist.</p> <p>Mechanical excavation is permitted beyond this radius when root pruning by hand along the hand excavated perimeter line is completed. Exposed roots to be retained must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.</p> <p>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).</p> <p>The project arborist must document compliance with the above condition.</p>			
<p>Condition Reason: To ensure demolition and excavation works would not adversely impact upon the health of existing trees.</p>			

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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

G	1.	Occupation Certificate (section 6.9 of the Act)
		<p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> New building includes an altered portion of, or an extension to, an existing building.
		Condition Reason: To ensure the building is suitable to occupy.

G.2 Fire Safety Certificates

G	2.	Fire Safety Certificates
		<p>Before the issue of any occupation certificate to authorise a person:</p> <p>a) to commence occupation or use of a new building, or</p> <p>b) to commence a change of building use for an existing building, the Principal Certifier must be satisfied that a final fire safety certificate has been issued for the building.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition: <i>interim fire safety certificate</i> has the same meaning as it has in Part 11

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	<p>of the Development Certification and Fire Safety Regulation. final fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. new building has the same meaning as it has in section 6.1 of the Act.</p>
	<p>Condition Reason: To ensure that a final fire safety certificate is issued prior to occupation.</p>

G.3 Amenity Landscaping

G	3.	Amenity Landscaping
		<p>Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.</p>
		<p>Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p>

G.4 Commissioning and Certification of Systems and Works

G	4.	Commissioning and Certification of Systems and Works
		<p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 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 must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ul style="list-style-type: none"> 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. <p>Notes:</p>

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	<ul style="list-style-type: none"> 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). The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate.
	<p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>

G.5 Commissioning and Certification of Public Infrastructure Works

G 5.	<p>Commissioning and Certification of Public Infrastructure Works</p> <p>Before the issue of any occupation certificate, certification from a professional engineer that all public infrastructure works have been executed in compliance with this consent and with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) must be submitted to the satisfaction of Council, and the Principal Certifier must be provided with correspondence from Council to this effect.</p> <p>The certification must be supported by closed circuit television / video inspection provided on DVD of all stormwater drainage together with works-as-executed engineering plans and a survey report detailing all finished reduced levels.</p> <p>Condition Reason: To ensure that any road, drainage, or miscellaneous works have been completed in accordance with Council's specifications to the satisfaction of Council.</p>
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G.6 State Environmental Planning Policy 65 – Design Verification Statement

G 6.	<p>State Environmental Planning Policy 65 – Design Verification Statement</p> <p>Before the issue of any occupation certificate, as required under clause 43 of the Development Certification and Fire Safety Regulation, the Principal Certifier must have received a design statement from a qualified designer.</p> <p>A design statement means a statement by a qualified designer verifying that the development achieves the design quality shown in the plans and specifications for which the construction certificate was issued, having regard to the design quality principles in State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.</p> <p>Notes:</p> <ul style="list-style-type: none"> Although a Principal Certifier may under clause 73 of the Development Certification and Fire Safety Regulation be satisfied to any matter that relates to the external
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	<p>finish of a building, clause 43 of the Development Certification and Fire Safety Regulation overrides the Principal Certifier's powers under clause 73.</p> <ul style="list-style-type: none"> • Qualified designer means a person registered as an architect in accordance with the Architects Act 2003.
	<p>Condition Reason: To ensure residential flat building development achieves the required quality of design.</p>

G.7 Street Numbering

G 7.	<p>Street Numbering</p>
	<p>Before the issue of any occupation certificate, the development must be provided with street and sole occupancy unit numbers determined by Council.</p>
	<p>Notes:</p> <ul style="list-style-type: none"> • Applications for the allocation of street and sole occupancy unit numbers must be made together with any application for a strata certificate or Torrens or community title subdivision certificate. Council will determine at its discretion in accordance with its policy street numbers and street addresses that best suit the public interest.
	<p>Condition Reason: To ensure that emergency services, utility services, and the general public are able to clearly and readily locate any property and to protect the integrity of street numbering and land information.</p>

G.8 Letter Box(es)

G 8.	<p>Letter Box(es)</p>
	<p>Before the issue of any occupation certificate, all letter boxes must be constructed and located in accordance with AS/NZS 4253: Mailboxes and to Australia Post's satisfaction.</p>
	<p>Notes:</p> <ul style="list-style-type: none"> • Council has been alerted to an increase in mailbox theft, and as such, all new development, being new dwelling houses and residential flat buildings, are encouraged to have lockable mail boxes.
	<p>Condition Reason: To ensure that mail can be delivered to occupiers of the site.</p>

G.9 Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters

G 9.	<p>Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters</p>
	<p>Before the issue of any occupation certificate, and prior to filling any swimming pool, as defined by the Swimming Pools Act 1992:</p> <p>a) Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia.</p>

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	<p>b) The swimming pool must be registered in accordance with section 30B of the Swimming Pools Act 1992 on the NSW Government Swimming Pool Register.</p> <p>c) The Principal Contractor or Owner must either obtain a certificate of compliance issued under section 22D of the Swimming Pools Act 1992 or an appropriate occupation certificate authorising use of the swimming pool.</p> <p>d) Public pools must comply with the NSW Health Public Swimming Pool and Spa Pool Guidelines in force at that time and private pools are encouraged to comply with the same standards as applicable.</p> <p>e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3: Swimming pool safety - Water recirculation systems.</p> <p>Backwash must be discharged to the sewer in compliance with AS/NZS 3500.</p> <p>Water recirculation and filtration systems must be connected to the electricity supply by a timer that limits the systems operation such that it does not operate before 8 am or after 8 pm on any Sunday or public holiday, or before 7 am or after 8 pm on any other day.</p> <p>Notes:</p> <ul style="list-style-type: none"> NSW Health guidelines and fact sheets are available at www.health.nsw.gov.au <p>Condition Reason: To ensure that the swimming pool maintains public safety and to manage the amenity impacts of swimming pools.</p>
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G.10 Swimming Pool Fencing

G 10.	<p>Swimming Pool Fencing</p> <p>Before the issue of any occupation certificate, swimming pool fencing is to be constructed in accordance with AS1926: Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools.</p> <p>Notes:</p> <ul style="list-style-type: none"> Pools commenced or completed after May 2013 must meet the BCA and AS1926. <p>Condition Reason: To ensure swimming pool safety.</p>
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G.11 Certification of Electric Vehicle Charging System

G 11.	<p>Certification of Electric Vehicle Charging System</p> <p>Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by Condition D.24, must be submitted to the satisfaction of the Principal Certifier.</p> <p>Condition Reason: To ensure the certification of the electric vehicle charging system.</p>
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G.12 Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation

G	12.	Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation
		Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. 1405756M_03.
		Notes: <ul style="list-style-type: none">• Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.
		Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.

G.13 Removal of Ancillary Works and Structures

G	13.	Removal of Ancillary Works and Structures
		Before the issue of any occupation certificate for the whole of the building, The following articles must be removed 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.
		Condition Reason: To ensure that all ancillary matter is removed prior to occupation.

G.14 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

G	14.	Positive Covenant and Works-As-Executed Certification of Stormwater Systems
		<p>On completion of construction work, stormwater drainage works are to be certified by a <i>professional engineer</i> with Works-As-Executed drawings supplied to the <i>PCA</i> detailing:</p> <ul style="list-style-type: none"> a) Compliance with conditions of development consent relating to stormwater; b) The structural adequacy of the Onsite Stormwater Detention (OSD) System, Rainwater Tank and Stormwater Treatment Systems; c) That the works have been constructed in accordance with the approved design and will be in accordance with the submitted calculations;

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	<p>d) Pipe invert levels and surface levels to Australian Height Datum; e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.</p> <p>A positive covenant pursuant to section 88E of the <i>Conveyancing Act 1919</i> must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the Rainwater Tank, OSD System and Stormwater Treatment Systems incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.</p> <p>Notes:</p> <ul style="list-style-type: none"> The required wording of the Instrument can be downloaded from Council's website www.woollahra.nsw.gov.au. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate. The occupation certificate for the whole of the building must not be issued until this condition has been satisfied. <p>Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>
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G.15 Positive Covenant for Mechanical Parking Installation & Work-As-Executed Certification of Mechanical Systems

<p>G 15.</p>	<p>Positive Covenant for Mechanical Parking Installation & Work-As-Executed Certification of Mechanical Systems</p> <p>Before the issue of any occupation certificate for the whole of the building, mechanical parking installations are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:</p> <p>a) Compliance with conditions of development consent relating to mechanical parking installation including traffic light system; b) That the works have been constructed in accordance with the approved design; c) A positive covenant pursuant to Section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the turntable, car lift, car stacker and traffic signal system incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered at the Land and Property Information NSW.</p> <p>Notes:</p> <ul style="list-style-type: none"> The PCA must supply a copy of the WAE Plans to Council together with the occupation certificate for the whole of the building. The occupation certificate for the whole of the building must not be issued until this condition has been satisfied. <p>Condition Reason: To ensure the certification and ongoing maintenance of the mechanical parking installations and to indemnify Council from any claims or actions.</p>
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G.16 Landscaping

G	16.	Landscaping
		Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
		Condition Reason: To ensure that all landscaping work is completed prior to occupation.

G.17 Arborists Documentation and Compliance Checklist – Prior to any occupation certificate

G	17.	Arborists Documentation and Compliance Checklist – Prior to any occupation certificate				
		Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:				
		a) A record of the condition of trees to be retained prior to and throughout development.				
		b) Recommended actions to improve site conditions and rectification of non-compliance.				
		c) Recommendations for future works which may impact the trees.				
		All compliance certification documents must be kept on site by the site Supervisor.				
		As a minimum the following intervals of site inspections must be made:				
		<table><tr><td>Stage of arboricultural inspection and supervision</td><td>Compliance documentation and photos must include</td></tr><tr><td>Prior to the issue of any occupation certificate</td><td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr></table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				
	Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.					
	Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.					
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.					

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H. OCCUPATION AND ONGOING USE

H.1 Swimming and Spa Pools – Maintenance

H 1.	Swimming and Spa Pools – Maintenance
	<p>During the occupation and ongoing use, swimming and spa pools must be maintained:</p> <ul style="list-style-type: none"> a) in compliance with the Swimming Pools Act 1992 and the Building Code of Australia with regard to the provision of child-resistant barriers and resuscitation signs, b) in compliance with the NSW Health “Public Swimming Pools and Spa Pools Advisory Document” in force at that time. Private pools are encouraged to comply with the same standards as applicable, c) in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems, d) with backwash being discharged to the sewer in compliance with AS/NZS 3500, and e) with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open): <ul style="list-style-type: none"> • before 8 am or after 8 pm on any Sunday or public holiday, or • before 7 am or after 8 pm on any other day. <p>Notes:</p> <ul style="list-style-type: none"> • Child-resistant barriers, resuscitation signs, recirculation and filtration systems and controls systems require regular maintenance to ensure that life safety, health and amenity standards are maintained. • The NSW Health public swimming pools and spa pools guidelines are available at www.health.nsw.gov.au
	Condition Reason: To ensure public health and safety.

H.2 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)

H 2.	Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)
	<p>During the occupation and ongoing use, each year, an annual fire safety statement must be provided to Council and the Commissioner of Fire and Rescue NSW. The annual fire safety statement must be prominently displayed in the building.</p> <p>Notes:</p> <ul style="list-style-type: none"> • essential fire safety measure has the same meaning as in Schedule 2 of the Development Certification and Fire Safety Regulation. • annual fire safety statement has the same meaning as in clause 88 of the Development Certification and Fire Safety Regulation. • Visit Council's website for additional information in relation to fire safety www.woollahra.nsw.gov.au.
	Condition Reason: To ensure public safety.

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H.3 Outdoor Lighting – Residential

H	3.	Outdoor Lighting – Residential
		During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: 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.
		Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting.

H.4 Noise from Mechanical Plant and Equipment

H	4.	Noise from Mechanical Plant and Equipment
		During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time.
		<p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p>Notes:</p> <ul style="list-style-type: none"> Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government <p>Condition Reason: To protect the amenity of the neighbourhood.</p>

H.5 Ongoing Maintenance of the On-Site Stormwater Detention System

H	5.	Ongoing Maintenance of the On-Site Stormwater Detention System
		<p>The Owner(s) must in accordance with this condition and any positive covenant:</p> <ol style="list-style-type: none"> Permit stormwater to be temporarily detained by the system; Keep the system clean and free of silt rubbish and debris; If the car park is used as a retention basin, a weather resistant sign must be maintained in a prominent position in the car park warning residents that periodic inundation of the car park may occur during heavy rain; Maintain renew and repair as reasonably required from time to time the whole or part of the system so that it functions in a safe and efficient manner and in doing so complete the same within the time and in the manner reasonably specified in written notice issued by the Council;

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	<p>e) Carry out the matters referred to in paragraphs (b) and (d) at the Owners expense;</p> <p>f) Not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;</p> <p>g) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;</p> <p>h) Comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time reasonably stated in the notice;</p> <p>i) Where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations;</p> <p>j) Indemnify the Council against all claims or actions and costs arising from those claims or actions which Council may suffer or incur in respect of the system and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant. <p>Condition Reason: To ensure that owners are aware of maintenance requirements for their stormwater systems.</p>
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H.6 Parking Permits

H 6.	<p>Parking Permits</p> <p>During the occupation and ongoing use, future tenants and residents of the proposed development will not be eligible for resident or visitor parking permits.</p> <p>Condition Reason: To minimise the impact of the development upon on street car parking.</p>
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H.7 On-going Maintenance of the Mechanical Parking Installations

H 7.	<p>On-going Maintenance of the Mechanical Parking Installations</p> <p>During the occupation and ongoing use, the Owner must ensure the ongoing maintenance of the mechanical parking installations in accordance with this condition and any positive covenant. The Owner must:</p> <p>a) keep the system clean and free of silt rubbish and debris;</p> <p>b) maintain renew and repair as reasonably required from time to time the whole of the system so that it functions in a safe and efficient manner;</p> <p>c) carry out the matters referred to in paragraphs (a) and (b) at the Owners expense;</p>
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	<p>d) not make any alterations to the system or elements thereof without prior consent in writing of the Council and not interfere with the system or by its act or omission cause it to be interfered with so that it does not function or operate properly;</p> <p>e) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land with regard to compliance with the requirements of this covenant;</p> <p>f) comply with the terms of any written notice issued by Council in respect to the requirements of this clause within the time stated in the notice; and</p> <p>g) where the Owner fails to comply with the Owner's obligations under this covenant, permit the Council or its agents at all times and on reasonable notice at the Owner's cost to enter the land with equipment, machinery or otherwise to carry out the works required by those obligations.</p> <p>The Owner</p> <p>a) indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant; and</p> <p>b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant. <p>Condition Reason: To ensure the ongoing maintenance of the mechanical parking installations.</p>
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H.8 Maintenance of BASIX Commitments

H	8.	Maintenance of BASIX Commitments
		<p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1405756M_03.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p> <p>Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.</p>

I. BEFORE THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

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Nil.

K. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (SUBDIVISION WORKS)

Nil.

L. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (NO SUBDIVISION WORKS)

Nil.

M. BEFORE THE ISSUE OF A STRATA CERTIFICATE

M.1 Strata Title Subdivision Certificate (Part 4 Strata Schemes Development Act 2015)

M	1.	Strata Title Subdivision Certificate (Part 4 Strata Schemes Development Act 2015)
		Before the issue of any subdivision certificate, in addition to the statutory requirements of the Strata Schemes Development Act 2015, a strata certificate must not be issued which would have the effect of: a) transferring to any strata unit entitlement, any areas of common property shown upon the approved development application plans, b) transferring to any strata unit entitlement, any visitor parking spaces, or c) creating any unit entitlement to any car parking spaces not associated with an occupiable unit entitlement within the strata plan.
		Condition Reason: To ensure that: a) common property is not alienated from the strata scheme and assigned to any one or more strata lots, b) visitor parking is not alienated from the strata scheme and assigned to any one or more strata lots such that visitors would be restricted from lawful access and use of required visitor parking, c) parking spaces are not strata subdivided as separate strata lots which may be sold with full strata title rights as a parking space lot, reducing available parking to strata lots and visitors required to reduce demand for on-street public parking.