



# Woollahra Local Planning Panel (Public Meeting)

Thursday 7 March 2024  
1.00pm

## Agenda

### Woollahra Local Planning Panel (Public Meetings):

Woollahra Council will be holding Woollahra Local Planning Panel (WLPP) meetings remotely using conferencing technology. The Chair of the panel, members of the Panel and staff will be participating in meetings in person and members of the public may attend via audio-visual link.

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 be considered at a public meeting by the Panel.

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

Instructions on how to join the meeting will be forwarded to person who have pre-registered to listen or make a submission to the panel.

This information will be forwarded on the day of the meeting via email.

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

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

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

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

A audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

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

- The Chair will call the Meeting to order and ask the Panel/Staff to present apologies and/or late correspondence.
- The Chair will commence the Order of Business as shown in the Index to the Agenda.
- To listen to the meeting, please register by sending your name, phone number, email address and item you are interested in to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) by **12 noon on the day before the meeting**.
- To register to speak at the meeting, you should register using the appropriate 'Register to address the Panel Application Form' as available on Council's website at: [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) by **12 noon on the day before the meeting**.
- Members of the Public who have pre-registered to listen or speak at a meeting will be sent an email with the audio-visual link prior to the meeting. Please **do not** share the audio-visual link with any third party/ies.
- Members of the Public who have pre-registered to speak will be allowed three (3) minutes in which to address the Panel, one (1) warning bell will be rung at the conclusion of two (2) minutes and two (2) warning bells rung at the conclusion of three (3) minutes. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated three (3) minutes, the speaker takes no further part in the debate unless specifically called to do so by the Chair.
- If there is more than one (1) person wishing to address the Panel from the same side of the debate, the Chair will request that where possible a spokesperson be nominated to represent the parties.
- After considering any submissions the Panel will debate the matter (if necessary) in closed session, and arrive at a resolution.
- Minutes of the Woollahra Local Planning Panel (Public Meeting) will be posted to Council's website once finalised.

### Disclaimer:

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

Woollahra Council does not accept any liability for statements, comments or actions taken by individuals during a Council meeting.

Any part of the meeting that is held in closed session will not be recorded.

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

The recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

For further information please visit [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

### Woollahra Local Planning Panel Membership:

1 Chair, 2 Experts and 1 Community Representative

### Quorum:

3 Panel members



# Woollahra Municipal Council

## Notice of Meeting

28 February 2024

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

Dear Panel Members,

### Woollahra Local Planning Panel (Public Meeting) – 7 March 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel (Public Meeting)** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Thursday 7 March 2024 at 1.00pm.**

Members of the public may:

- Register to address the meeting by **no later than 12 noon on the day before the meeting** using the following Register to Speak Form  
[https://www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/planning\\_panels/woollahra\\_local\\_planning\\_panel\\_wlpp/wlpp\\_register\\_to\\_speak](https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_register_to_speak).
- Submit late correspondence for consideration by the Panel by emailing [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) by **no later than 12 noon on the day before the meeting.**
- Watch and listen to the meeting live via Council's website **from 1.00pm on the day of the meeting:**  
[https://www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/planning\\_panels/woollahra\\_local\\_planning\\_panel\\_wlpp/wlpp\\_agendas\\_audio\\_recordings\\_and\\_minutes](https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_agendas_audio_recordings_and_minutes)

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

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

Regards,

Craig Swift-McNair  
General Manager



**Woollahra Local Planning Panel  
(Public Meeting)  
Agenda**

<b>Item</b>	<b>Subject</b>	<b>Page</b>
1	Opening	
2	Acknowledgement of Country (Gadigal People and Birrabirragal People)	
3	Leave of Absence and Apologies	
4	Disclosures of Interest	

**Items to be Decided by the Panel**

D1	DA445/2022/1 - 1 Vaocluse Road Vaocluse - 24/33564 .....7 <b>*See Recommendation Page 63</b>
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## **LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT**

<b>ITEM No.</b>	D1
<b>FILE No.</b>	DA445/2022/1
<b>ADDRESS</b>	1 Vaucluse Road VAUCLUSE
<b>COUNCIL WARD</b>	Vaucluse
<b>SITE AREA</b>	887.30m <sup>2</sup>
<b>ZONING</b>	R2 Low Density Residential
<b>PROPOSAL</b>	Demolition of the existing dwelling and construction of a new dual-occupancy development; swimming pools and landscaping works.
<b>TYPE OF CONSENT</b>	Local development
<b>COST OF WORKS</b>	\$4,839,603.00
<b>DATE LODGED</b>	20/10/2022
<b>APPLICANT</b>	MHN Design Union Pty Ltd
<b>OWNER</b>	Mr D W & Mrs V A Thomson
<b>AUTHOR</b>	Mr V Aleidzans
<b>TEAM LEADER</b>	Mr M Moratelli
<b>SUBMISSIONS</b>	Twenty-One (21)
<b>RECOMMENDATION</b>	Conditional Approval

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

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

- Contentious development  
Development that:  
(a) is the subject of 10 or more unique submissions by way of objection

### **2. REASONS FOR RECOMMENDATION**

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

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

### 3. LOCALITY PLAN



*Note: Only those objecting properties captured on the above locality plan have been identified. Where multiple objections were received from the same/on behalf of the same property these have only been identified once on the above locality plan. For a complete list of objectors refer to Section 9 of this assessment report.*

### 4. PROPOSAL

The proposal was amended on 19/06/2023 and involved the following changes:

- Reduced excavation volume;
- New vehicle turntable at the basement level;
- Replacement of paved areas with grass areas;
- Clarification regarding retention of the existing sandstone fence along Vaucluse Road with extension of sandstone wall to top and replacement of existing palisade fence on top of sandstone wall to match existing height;
- Raingarden and stair to be gravel or lawn;
- Reduced pantry at ground floor – House A to accommodate new plant room;
- Removal of existing plant room and relocation of new plant room;
- Reduced front fence height along Gilliver Avenue to 1.5m; and
- Provision of open fixed frame to entrance portico along Gilliver Avenue.

The proposal was amended on 21/08/2023 and involved the following changes:

- Reduced excavation volume;
- Reduced basement level size and internal reconfigurations;
- Amendments to finished floor levels;
- Reduced building envelope at the lower ground floor;
- Rearrangement of 'back of house' areas including internal reconfigurations at the lower ground, ground and first floor;

- Removal of balcony at the ground floor and new glass balustrade to bedrooms 2 and 3;
- Revised driveway width at Gilliver Avenue;
- Rearrangement of private open space areas at the first floor; and
- Redesigned second floor with roof terrace.

The proposal, as amended, involves demolition of the existing dwelling and construction of a new dual-occupancy development; swimming pools and landscaping works.

#### Basement Level

- New vehicle access point via Vaocluse Road;
- 2 x car parking spaces with vehicle turntable for House B;
- Plant room;
- Laundry;
- Bin storage area;
- Internal lift and access stairs; and
- Lobby – House B.

#### Lower Ground Floor – House A

- Open planned lounge, dining and kitchen area;
- Butler's pantry;
- Plant room and storage space;
- Laundry;
- Powder room;
- Bedroom 4 with ensuite and robe space;
- Lobby – House A and B;
- Internal lifts and access stairs;
- Terraced areas for House A;
- Landscaping throughout;
- Swimming Pool for House A; and
- Water tank.

#### Ground Floor – House A

- Three bedrooms each with ensuite and robe spaces;
- Linen/cloak cupboards and shoe store;
- Internal access stairs and lifts;
- Lobby – House A and B;
- Double garage for House A;
- Entrance pergola; and
- Landscaping throughout.

#### First Floor – House B

- Open planned lounge, dining and kitchen area;
- Bathroom;
- Internal access stairs and lift;
- Storage areas;
- 2 x bedrooms each with robe spaces and one with ensuite; and
- Terrace and spa.

#### Second Floor – House B

- Bedroom 3 with robe space and ensuite;
- Internal lift and access stairs; and
- Roof terrace.

#### Roof Areas

- Green roofs;
- Photovoltaic panels;
- Skylights; and
- Lift overrun.

## 5. ISSUES

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

None.

### 5.2 Primary Issues

Issue	Conclusion	Section
View loss.	Subject to the recommendations of Condition C.1, the proposed views sharing impacts are considered acceptable.	14 and Condition C.1
Excavation volume.	Council's Development Engineer has raised no objection to the proposed excavation on technical grounds, subject to the recommended conditions of consent. Furthermore, the objectives pertaining to the relevant excavation controls are also satisfied and the numerical non-compliances are supported.	14

## PROPERTY DETAILS AND REFERRALS

### 6. SITE AND LOCALITY

<b>Physical features</b>
The subject site is an irregularly shaped, triangular corner allotment which is bound by Vacluse Road to the west and Gilliver Avenue to the east. To Vacluse Road, the site's total frontage length equals 50.595m with the Gilliver Road frontage length equalling a total length of 46m. The northern side boundary equals 37.11m in length. Overall the area of the subject site equals 887.3m <sup>2</sup> .
<b>Topography</b>
The subject site is relatively steep and experiences a fall in the order of 4.98m from east to west along the northern side boundary with a fall in the order of 2.86m from south to north along Vacluse Road.
<b>Existing buildings and structures</b>
At present the subject site comprises a 2-3 storey dwelling house with garage in the north-eastern corner of the site. The site also comprises a swimming pool along with hard paved area and soft landscaping throughout.
<b>Surrounding Environment</b>
The surrounding locality typically comprises two to three storey dwelling houses which are characterised by an array of architectural styles. St Michaels Church is also located within vicinity of the subject site to the south-east. Properties on the eastern side of Gilliver Avenue are generally sited above the street level with properties on the western side typically sited lower (presenting as either one or two storeys to the street and three storeys to Vacluse Road. Properties on the western side of Vacluse Road are sited at a lower level than the subject site given the prevailing topography and again typically present as either one or two storeys to the street and three storeys to the west. Adjoining the site at No 2A Gilliver Avenue is 2-3 storey dwelling house of a more contemporary character.





Image 1: Aerial view of the subject site



Image 2: Subject site viewed from Gilliver Avenue





Image 3: Subject site viewed from Vaucluse Road



Image 4: No. 2A Gilliver Avenue as viewed from Vaucluse Road



Image 5: No. 2A Gilliver Avenue as viewed from Gilliver Avenue

## 7. RELEVANT PROPERTY HISTORY

Current use
Dwelling house
Relevant Application History
N/A
Relevant Compliance History
N/A
Pre-DA
N/A
Requests for Additional Information and Replacement Applications
<p>A Stop the Clock Letter dated 01 November 2022 was issued and requested additional information pertaining to the following:</p> <ul style="list-style-type: none"><li>- Geotechnical Report;</li><li>- Amended landscape and architectural plans; and</li><li>- Height of buildings.</li></ul> <p>The additional information request was addressed on 11 November 2022.</p> <p>A request for additional information and design amendments was made on 08 March 2023 pertaining to the following:</p> <ul style="list-style-type: none"><li>- Floorplate;</li><li>- Excavation;</li><li>- View loss;</li><li>- Front fencing; and</li><li>- Deep soil landscaping.</li></ul> <p>Additional information addressing the above was received on 19 June 2023 and also incorporated the design amendments detailed under Section 4 of this assessment report.</p>

<p>A request for additional information and design amendments was made on 04 July 2023 pertaining to the following:</p> <ul style="list-style-type: none"> <li>- Excavation volume;</li> <li>- Floorplate; and</li> <li>- View loss.</li> </ul> <p>Additional information by way of a replacement application addressing the above was received on 21 September 2023 and also incorporated the design amendments detailed under Section 4 of this assessment report.</p>
<b>Land and Environment Court Appeal(s)</b>
N/A

## 8. REFERRALS

Referral	Summary of Referral Response	Attachment
Development Engineering	Satisfactory, subject to conditions.	3
Trees and Landscaping	Satisfactory, subject to conditions.	4
Drainage	Satisfactory, subject to conditions.	5

## ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

1. The provisions of any environmental planning instrument
2. The provisions of any proposed instrument that is/has been the subject of public consultation
3. The provisions of any development control plan
4. Any planning agreement that has been entered into
5. Any draft planning agreement that a developer has offered to enter into
6. The regulations
7. Any coastal zone management plan
8. The likely impacts of that development:
  - i) Environmental impacts on the natural and built environments
  - 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 09/11/2023 to 24/11/2023 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. Stuart Robinson – South Head Anglican Parish – St. Michael's Vacluse 1 ST Michaels Place, Vacluse
2. Nathan Gollan – 2A Gilliver Avenue, Vacluse
3. Hedwig Ludwig – 3A Gilliver Avenue, Vacluse
4. Emmanuel & Mary Pertsoulis – 1 Gilliver Avenue, Vacluse (multiple submissions)
5. Maria Scarlis – 3 Gilliver Avenue, Vacluse (multiple submissions). Also 2 x prior submissions were received, however, were superseded
6. Daniella Freed – 8 Vacluse Road, Vacluse
7. Bernard Moroz of BMA Urban on behalf of Emmanuel & Mary Pertsoulis – 1 Gilliver Avenue, Vacluse



8. Eddie Bosch - South Head Anglican Parish – St. Michael's Vaucluse 1 ST Michaels Place, Vaucluse (an email response was received from Doreen Laforest, however, this was emailed to the Objector and Council was cc'd. This is not deemed to be an additional submission)
9. Debbie Ludwig – 3A Gilliver Avenue, Vaucluse
10. Ivan Ritossa – 5 Queens Avenue, Vaucluse
11. Marina Ritossa – 5 Queens Avenue, Vaucluse
12. Triton Pty Ltd Investment Trust – 7 Queens Avenue, Vaucluse
13. Hillary Kramer – 12 Vaucluse Road, Vaucluse
14. Anne Keogh – on behalf of 10 Vaucluse Road and 3B Queens Avenue, Vaucluse
15. Emma Rogerson of Corona Projects – on behalf of 8 Vaucluse Road, Vaucluse
16. Belinda Thomas of Urbis on behalf of Peter Satouris – 6 Vaucluse Road, Vaucluse
17. John and Sam McDonald – 6 New South Head Road, Vaucluse
18. Robyn Jarvis – No address provided
19. Tony Moody on behalf of – 1 and 3 Gilliver Avenue, Vaucluse

The submissions raised the following issues:

Issue	Conclusion	Section
Public and private view loss including from landscaping.	Subject to the recommendations of Condition C.1, the proposed view impacts are considered acceptable. There are no unreasonably adverse impacts deemed to arise from the proposed landscaping outcome.	14 and Condition C.1
Acoustic and visual privacy impacts.	The acoustic and visual privacy impacts upon surrounding properties are considered acceptable and no further privacy mitigation measures are deemed necessary.	14
Construction impacts including but not limited to noise, parking and vibration and requirement for dilapidation reports.	Construction impacts are considered to be suitably dressed via the recommended conditions of consent.  The requirement of a Construction Management Plan has not been recommended by Council's Development Engineers.	23
Building height and associated non-compliances.	The proposal achieves compliance with the prescribed 9.5m height of buildings development standard and stipulated by the Woollahra LEP 2014.	13.3
Overdevelopment.	The proposal is permissible within the R2 Low Density Residential zone and subject to the recommended conditions of consent will satisfy the underlying objectives of the zone.	13.1
Excessive excavation and risks associated to the area including water issues.	Council's Development Engineer has raised no concern regarding the proposed excavation subject to the recommended conditions of consent which are deemed acceptable in reasonably addressing potential impacts.	Attachment 3
Issues regarding notification.	The application was advertised and notified in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019.	9
Inconsistent streetscape outcome and inconsistency with the desired future character.	The upper most storey would detract from the desired future character of the Vaucluse West Residential Precinct and is to be deleted via Condition C.1.	14 and Condition C.1
Adverse bulk and scale.	Although, the proposal is essentially compliant with the permitted floorplate control (0.4m <sup>2</sup> variation) the upper most storey would detract from the desired future character of the locality and have an adverse view sharing impact. These issues are deemed to be suitably addressed via Condition C.1.	14 and Condition C.1
Height of car parking structure along Gilliver Avenue.	The height of the parking structure is considered acceptable and would not detract from the streetscape.	14
Disagreement with points made in the Statement of Environmental Effects.	Notwithstanding the content of the Statement of Environmental Effects, this assessment report has provided an independent assessment against the relevant considerations of the EP&A Act 1979.	Throughout this assessment report.

Issue	Conclusion	Section
Inadequacy of geotechnical and hydrogeological report.	Council's Development Engineer has raised no concerns regarding the adequacy of the submitted report.	Attachment 3
Flooding of downstream properties.	Council's Drainage Engineer has raised no concerns regarding any flooding impacts upon downstream properties. Furthermore, The proposal is considered to provide a suitable stormwater design subject to the recommended conditions of consent.	Attachment 3 and 5
Detrimental impacts upon community amenities provided by St Michael's Church as a consequence of construction related activities and potential damage.	Construction impacts are considered to be suitably dressed via the recommended conditions of consent.  The requirements of a Construction Management Plan has not been recommended by Council's Development Engineers.	23
Loss of sky view.	The proposal is not considered to have any adverse view sharing impacts in terms of the sky. However, for the reasons detailed in this assessment report, the proposed private view sharing impacts not supported. This is suitably addressed via Condition C.1.	14 and Condition C.1
No Statement of Environmental Effects was submitted.	A Statement of Environmental Effects accompanied the submission of this Development Application.	N/A
The proposed demolition and rebuild is not sustainable.	The proposal is permissible within the R2 Low Density Residential zone and subject to the recommended conditions of consent will satisfy the underlying objectives of the zone.	13.1
Impacts on Sydney Water assets.	The subject site is not considered to have any impacts on Sydney Water Assets and concurrence was not sought.	N/A
Inefficient location of vehicle access along Vacluse Road.	Council's Development Engineer has raised no concerns regarding the proposed vehicle access arrangement subject to the recommended conditions of consent.	Attachment 3
Issues regarding private certification.	Issues regarding private certification are not a relevant consideration in the assessment of this development application and would be managed by the future Certifying Authority.	N/A
Issue regarding materiality of the Vacluse Road wall.	No concern is raised regarding the materiality of the Vacluse Road wall as this will complement the existing condition and surrounding locality.	14
Non-compliances and discrepancies with the Woollahra LEP 2014 and DCP 2015 including inaccurate calculations.	This report has provided an assessment against the relevant considerations of the Woollahra LEP 2014 and DCP 2015. Where there are any non-compliances these are either considered to be satisfactory having regard to the underlying objectives of the controls or are addressed via the requirements of Condition C.1.	13, 14 and Condition C.1
Accuracy of photomontages.	The issue of view sharing would be addressed via Condition C.1. Notably with the removal of proposed upper most level, the overall height of the dual occupancy would not exceed that of the existing dwelling.	14 and Condition C.1
A skilful design regarding view sharing has not been employed.	The upper most level is to be deleted to ensure an acceptable view sharing impact. This will also result in a more positive design response in the context of the desired future character of the Vacluse West Residential Precinct.	14 and Condition C.1
Pruning of a tree has occurred since the original view assessment and a further more informed analysis should be undertaken given the changed context.	The upper most level is to be deleted as this is deemed to have an unacceptable view sharing impact. Therefore, the maximum height of the proposed dual occupancy would not rise above the existing maximum building height.	Condition C.1

Issue	Conclusion	Section
Stormwater impacts associated with excavation.	Council's Development Engineer has raised no concerns regarding the stormwater impacts associated with excavation.	Attachment 3
Reduced deep soil landscaped area will limit on-site stormwater absorption.	The proposal achieves compliance with the required deep soil landscape area requirements and is therefore considered acceptable in this regard.	14
The proposal is not in the public interest.	Subject to the recommended conditions the proposal is considered to be within the public interest.	Throughout this assessment report.
Necessity of the proposed development.	The proposal is permissible within the R2 Low Density Residential zone and subject to the recommended conditions of consent will satisfy the underlying objectives of the zone.	13.1
Redesign suggestions.	The design in its current form has been assessed having regard to the relevant planning controls.	Throughout this assessment report.
Undesirable precedent.	The proposal subject the recommended conditions is considered to have an acceptable response to the desired future character Vaucluse West Residential Precinct.	14
Tree impacts.	Council Tree and Landscaping Officer considers the proposal to have acceptable tree impacts subject to the recommended conditions of consent.	Attachment 4
Need for a construction management plan and interim access arrangements in Vaucluse Road and Gilliver Avenue. Such document should be provided to neighbours for review.	The requirements of a Construction Management Plan has not been recommended by Council's Development Engineers.	Attachment 3
The approved works at No. 3 Gilliver Avenue have not been considered in the view sharing assessment.	Having visited the objecting property there is sufficient scope to understand the potential view impacts from the approved works (unconstructed) toward the front of the dwelling where the view is the most apparent. This would notably have comparable views as the existing living area and front facing balcony.	N/A

## 9.2 Replacement Application

The additional information and design amendments noted in Section 4 were renotified from 4 October 2023 to 19 October 2023 to surrounding residents and previous objectors under Schedule 1 of the Woollahra Community Participation Plan 2019 because the proposal, as amended, may potentially have varying impacts than the previously advertised application.

## 9.3 Statutory Declaration

The applicant has completed the statutory declaration dated 29/11/2022 declaring that the site notice for DA445/2022/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

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

### 10.1 Chapter 2 – Coastal Management

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

It is considered that the proposal, as conditioned, will not have any significant adverse environmental impact upon the harbour coastal locality and therefore satisfactory with regard to the relevant provisions of the planning instrument.

## **10.2 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.

As the site has a long history of residential use, it is considered that the land does not require further consideration under Clause 4.6(1) (b) and (c) of SEPP (Resilience and Hazards) 2021. The proposal is therefore acceptable with regard to SEPP (Resilience and Hazards) 2021.

## **11. STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004**

The development application was accompanied by a BASIX Certificate demonstrating compliance with the SEPP. These requirements are imposed by standard conditions.

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

### **12.1 Chapter 2 – Vegetation in non-rural areas**

Council's Tree and Landscaping Officer has raised no objections to the proposal subject to the recommended conditions of consent. The proposal is considered to be acceptable having regard to Chapter 2 of the SEPP.

### **12.2 Chapter 6 – Water Catchments - Part 6.3 Foreshores and Waterways Area**

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

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

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

The proposal will have no significantly adverse impacts on the Sydney Harbour Catchment, subject to standard conditions.

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

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

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

Subject to the recommended conditions of consent, the proposal is consistent with the aims in Part 1.2(2) of the Woollahra LEP 2014.



### 13.2 Land Use Table

The proposal is defined as a dual occupancy and is permitted with consent in the R2 Low Density Residential zone. Subject to the recommended conditions of consent the proposal is consistent with the objectives of the R2 Low Density Residential zone.

### 13.3 Part 4.3: Height of Buildings

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

	Proposed	Control	Complies
Maximum Building Height	9.45m	9.5m	Yes

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

### 13.4 Part 5.10: Heritage Conservation

The subject site is not identified as a heritage item nor is it located within a heritage conservation area. The application was reviewed by Council's Heritage Officer at the Development Application Review Committee (DARC) Stage and no heritage related conditions have been recommended. Therefore, the proposal is acceptable with regard to the Part 5.10 of the Woollahra LEP 2014.

### 13.5 Part 5.21: Flood Planning

Although the subject site is not identified as being within a flood planning area, the application was reviewed by Council's Drainage Engineer. No objections were raised to this aspect of the proposal subject to a flood related condition. Accordingly, the proposal is acceptable with regard to Part 5.21 of Woollahra LEP 2014.

### 13.6 Part 6.1: Acid Sulfate Soils

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

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

### 13.7 Part 6.2: Earthworks

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

The proposal involves excavation to accommodate the basement level, lower ground floor level, swimming pool and general site works throughout. This assessment is satisfied that the proposed extent of earthworks is contextually acceptable in this case given the sloping nature of the subject site. The volume of excavation is discussed further within this assessment where the proposal is assessed against Part B3.4 of the Woollahra DCP 2015.

Furthermore, no objection has been raised by Council's Engineer with regard to this aspect of the development subject to the recommended conditions of consent.

This assessment is also satisfied that any potentially adverse impacts upon surrounding properties would be addressed via the recommended conditions of consent. The proposal is considered acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

## 14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

### 14.1 Chapter B1: Vacluse West Residential Precinct

The proposal is generally acceptable having regard to the precinct objectives, however, in its current form it would contravene desired future character objective O4 which reads as follows:

*O4 To minimise building bulk and scale of three storey development by designing development to generally present as a two storey form to the street.*

The proposal will present as four storeys to the Vacluse Road streetscape which is uncharacteristic of the locality and surrounding development including more contemporary examples.

Therefore, the upper most level is to be deleted via Condition C.1. Although this would result in a three storey form, this would have a more positive response to the surrounding development context verses the proposed four storey presentation.

Subject to the recommended conditions of consent, the proposal meets the streetscape character and key elements of the precinct and desired future character objectives of the Vacluse West Residential Precinct, as noted in Part B1.10.2 of the Woollahra DCP 2015.

### 14.2 Chapter B3: General Development Controls

#### Part B3.2: Building Envelope

Site Area: 887.3m <sup>2</sup>	Proposed	Control	Complies
Front Setback	4.1m	4.1m	Yes
Rear Setback	6.4m minimum then up to and beyond 12.6m following the site's boundary.	4.929m – 12.6m	Yes
Side Boundary Setbacks	Minimum 0.78m to basement, 0m to plant/storage room access and 0m to raised terrace area.	3.4m	Partially
Maximum Wall Height	<7.2m and vertically stepped	7.2m	Yes
Inclined Plane From Wall Height	Protrusions	45°	No
Maximum Unarticulated Length to Street	Max 15.8m	6.0m	No
Maximum Unarticulated Wall Length	Max. 12.53m	12m	No

#### Part B3.2.2: Front Setback

C1 states that the front setback is the average of the three most typical setbacks of the four closest residential properties. In this instance the front setback has been determined utilising the setbacks exhibited along Gilliver Avenue. This is considered to be a more appropriate response. Two of the closest properties (and which are most representative of the front setback pattern) are through sites with dual frontages as is the case of the subject site. To rely on typical setbacks to Vacluse Road would provide an inaccurate representation of the average building siting and would result in an inconsistent alignment. The proposal as detailed in the table above achieves compliance with C1.

C2 requires that the building has a maximum unarticulated width of 6m to the street frontage. The proposal is non-compliant with C2 as stated in the compliance table above. Nevertheless, O4 is upheld as the variations in materials and finishes will create a visual interest. The overall dwelling will be suitably articulated so as not to create an adverse streetscape impact.

The suitability of the garage location along Gilliver Avenue is discussed in further detail where Part B3.6 of the Woollahra DCP 2015 is assessed within this report.

#### Part B3.2.3: Side Setbacks

C1 requires a minimum side setback of 3.4m as detailed in the compliance table above with the proposal being partially compliant. The variations are limited to the northern side boundary and majority of these pertain to ancillary elements with the primary building bulk and scale achieving compliance.

C4 requires that the building has a maximum unarticulated wall length of 12m to the side elevation. The proposal is non-compliant as detailed in the compliance table above.

Notwithstanding the above, the underlying objectives have been considered and are upheld in the following manner.

*O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.*

*O2 To ensure the side elevation of buildings are well articulated.*

*O3 To protect the acoustic and visual privacy of residents on adjoining properties.*

*O4 To facilitate solar access to habitable windows of adjoining properties.*

*O5 To facilitate views between buildings.*

*O6 To provide opportunities for screen planting.*

*O7 To allow external access between the front and rear of the site.*

- The proposed variations are relatively contained and would not result in an unreasonable sense of enclosure upon surrounding development. O1 is upheld.
- The proposal incorporates a varied materials and finishes palette which reduces the perceived visual monotony of continuous wall lengths and satisfies O2.
- There are no adverse privacy, solar access, or view impacts that would arise from the non-compliant elements as detailed within this assessment report. O3 – O5 are upheld.
- Opportunities for screen planting and external access along the side setbacks would not be compromised as a consequence of the variations which satisfies O6 and O7, respectively.

#### Conclusion

The proposal is acceptable with regard to the building envelope controls in Part B3.2 of the Woollahra DCP 2015.

#### **Part B3.3: Floorplates**

<b>Site Area: 887.3m<sup>2</sup> Buildable Area: 384m<sup>2</sup></b>	<b>Proposed</b>	<b>Control</b>	<b>Complies</b>
Maximum Floor Plate	634m <sup>2</sup> (165.10%)	633.6m <sup>2</sup> (165%)	<b>No</b>

As detailed in the compliance table above, the proposal is non-compliant with the permitted floorplate prescribed by C1 with the variation equalling 0.4m<sup>2</sup>.

C2 requires the floorplate to be contained within the building envelope. Part of the proposed floorplate is outside of the buildable area which is non-compliant with C2.

C3 states that the intention of the floorplate is to respond to the predominant form of the streetscape and retain and share views. The proposal in its current form would result in unsupportable view sharing impacts. Condition C.1 requires deletion of the upper most level in order to comply with C3.

C6 allows outbuildings and parking outside the floorplate subject to compliance with parking, deep soil landscaping, private open space, solar access and privacy controls. The proposed carport along Gilliver Avenue is acceptable in this instance as suitable deep soil landscaping is proposed along with acceptable privacy and solar access relationships with surrounding properties. The suitability of the proposed car parking outcome is discussed further in this assessment report. Although non-compliant with C1 and C2 as detailed above, the underlying objectives have been upheld as follows:

*O1 To ensure the bulk and scale of buildings are consistent with the desired future character of the area.*

*O2 To ensure the size and location of buildings allow for the sharing of views and minimise impact on the privacy and sunlight access to neighbouring properties.*

- The proposed variations are minor and would not result in an unreasonable sense of enclosure upon surrounding development. O1 is upheld.
- The specific location of the non-compliances would not give rise to privacy, solar access or view sharing impacts which satisfies O2.

### Conclusion

The proposal, subject to the recommended conditions, is therefore acceptable with regard to the floorplate controls in Part B3.3 of the Woollahra DCP 2015.

### **Part B3.4: Excavation**

It should be prefaced that, the *Draft Woollahra Development Control Plan Amendment No. 20 (Enhanced Excavation Provisions)* (Draft DCP) came into effect on Monday 5 December 2022. Given this application was lodged prior to this date, those provisions which applied at the time have been considered.

<b>Site Area: 841.44m<sup>2</sup></b>	<b>Proposed</b>	<b>Control</b>	<b>Complies</b>
Maximum Volume of Excavation	1,173.6m <sup>3</sup>	218.28m <sup>3</sup>	<b>No</b>
Excavation, Piling and Subsurface Wall Setback	0.78m	3.4m	<b>No</b>
Geotechnical Report	Provided	Required Where > 2.0m	<b>Yes</b>

C1 limits the volume of excavation to 218.28m<sup>3</sup>. The total proposed volume of excavation equals 1,133.6m<sup>3</sup> which is non-compliant with C1. Exceptions to the volumetric control are permitted in accordance with C4 and C5 for the compliant amount of parking, storage (20m<sup>3</sup> per dwelling) along with backyard swimming pools and tennis courts outside the buildable area. The swimming pool excavation has not been accounted for in the compliance table above as this is an exclusion to the volume.

Once all relevant exemptions have been accounted for the proposed volume equals 599.2m<sup>3</sup> which is non-compliant with C1. The total non-compliance equals 380.92m<sup>3</sup>.

A total of 110.8m<sup>3</sup> will also be backfilled which would further reduce the extent of excavated volume leaving the site to a non-compliance of 270.12m<sup>3</sup>.

C6 requires a minimum setback for excavation of 3.4m. The proposed basement walls are setback a minimum of 780mm from the property boundaries which is non-compliant.

Notably, Council's Development Engineer has raised no objection to the proposed excavation on technical grounds, subject to the recommended conditions of consent. Furthermore, the objectives pertaining to the relevant excavation controls are also satisfied as detailed below.

*O1 To allow buildings to be designed and sited to relate to the topography.*

*O2 To minimise excavation.*

*O3 To ensure the cumulative impacts of excavation do not adversely impact land stabilisation, ground water flows and vegetation.*

*O4 To minimise structural risks to adjoining structures.*

*O5 To minimise noise, vibration, dust and other amenity impacts to adjoining and adjacent properties.*

- In the circumstances of this case, the proposed volume of excavation is considered acceptable to accommodate a dual occupancy development which offers a reasonable amenity for future occupants in the context of its sloping topography along with streetscape and surrounds.

Majority of the basement level garage has been designed to be within a permitted buildable area with the access being the element which is largely situated beyond. This outcome reduces the streetscape impact of additional car parking and access with this area suitably integrated into the Vaucluse Road wall height.

Noting the sloping topography of the site, the proposed excavation will allow for reasonable access from Vaucluse Road and connectivity between the low and high sides of the subject site which is not considered unreasonable given the proposed dual occupancy land use.

The excavation required for landscaping and floor levels will ensure that indoor and outdoor areas are relative to one another for a suitable residential amenity.

As detailed above, the variation is not considered excessive in this instance and O1 is upheld. Notably, the proposal will also reuse part of the excavated volume within the site to assist in offsetting the variation.

- The degree of excavation is largely a consequence of the site's sloping topography and the need to provide for a suitable residential amenity and contextually appropriate car parking solution. It should also be noted that the proposed lower ground floor level is comparable to the existing ground level with the degree of excavation not considered to be readily discerned from the streetscape or surrounding properties. The proposal accommodates reasonable and level access to and within the site noting its current topography. Overall it is deemed that O2 is satisfied.
- Impacts upon land stabilisation, ground water flows and vegetation are addressed by the recommended conditions of consent, satisfying O3.
- Structural risks to adjoining structures are addressed by the recommended conditions of consent, satisfying O4.
- Conditions of consent are recommended which address noise, vibration, dust and other amenity impacts upon adjacent properties. O5 is satisfied.

### Conclusion

The proposal is therefore acceptable with regard to the excavation controls in Part B3.4 of the Woollahra DCP 2015.

## **Part B3.5: Built Form and Context**

### Part B3.5.1: Streetscape and Local Character

Subject to the recommended conditions of consent, the proposal is considered to be satisfactory with regard to the desired future character provisions of the Vacluse West residential precinct and would offer a suitable response in terms of the streetscape and relationship with surrounding properties.

### Part B3.5.2: Overshadowing

C1(a) stipulates that sunlight is provided to at least 50% (or 35m<sup>2</sup> with a minimum dimension of 2.5m whichever is the lesser) of the main ground level private open space to adjoining properties for a minimum of two hours between 9am and 3pm on June 21.

C1(b) states that north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun during the same period over a portion of their surface.

The proposal will provide a suitable overshadowing relationships with surrounding properties as it relates to private open space and as required by C1(a).

There are no upper level north facing windows that would experience additional overshadowing which is compliant with C1(b).

Overall, the proposal is considered to be satisfactory with regard to the solar access requirements in Part B3.5.2 of Woollahra DCP 2015.

### Part B3.5.3: Public and Private Views

*C1 To protect and enhance existing views and vistas from the public domain.*

*C3 Development on the low side of the street preserves district, iconic and harbour views from the street by:*

- a) Providing substantial breaks between buildings, front fences, car parking and other structures; and*
- b) Incorporating fences with transparent or open end panels at each side boundary to provide for views.*

There are no views or vistas from the public domain that would be adversely impacted and the proposal is acceptable with regard to controls C1 and C3.

*C5 Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from the habitable rooms.*

Objections on the basis of view loss were received from the following properties:

- St. Michael's Church Vacluse at 1 St Michaels Place, Vacluse
- 1 Gilliver Avenue, Vacluse
- 3 Gilliver Avenue, Vacluse
- 6 New South Head Road, Vacluse

In assessing the reasonableness or otherwise of the degree of view loss, this report has had regard to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* which has established a four step assessment of view sharing. The steps are as follows:

1. The assessment of the views affected

*The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*



Image 6: Aerial map indicating the orientation of views from affected properties towards the subject site which is highlighted in red

**St. Michael's Church Vacluse**

Of concern is the interruption of whole views to the west and north-east where the interface of land and water is apparent along with land and water views. There are no iconic views or views of the Sydney CBD that would be impacted over the subject site.



**Table 1 – Views currently obtained from St. Michael’s Church Vaucluse toward the subject site**



Image 1: Outside church entrance (standing)



Image 2: Church front lawn (standing)





Image 3: Church front lawn (standing)

### **No. 1 Gilliver Avenue, Vacluse**

Of concern is the interruption of whole views to the west where the interface of land and water is apparent along with views of land, water, Sydney CBD and Shark Island. Concern is raised regarding the interruption water, land and whole views along with iconic views including the Sydney Harbour Bridge and Sydney Opera House. It should be acknowledged that one of the ground floor rooms was being used a bedroom at the time of the site inspection. It was advised by the objector that this has since been converted back into a living space. Furthermore, the objector advises of a tree which has been pruned since the time of taking the photographs which has had an impact of view attainment from this property.

### **Table 2 – Views currently obtained from No. 1 Gilliver Avenue, Vacluse toward the subject site**



Image 1: First floor bedroom (standing)



Image 2: First floor bedroom (sitting)



Image 3: Ground floor living (standing)





Image 4: Ground floor secondary living (standing)



Image 5: First floor study (standing)



Image 6: First floor study (sitting)



Image 7: First floor bathroom (standing)





Image 8: First floor bathroom (sitting)



Image 9: First floor bathroom (standing)





Image 10: Ground floor verandah (standing)



Image 11: Ground floor verandah (sitting)





Image 12: Ground floor rumpus room (standing)



Image 13: Ground floor rumpus (sitting)

**No. 3 Gilliver Avenue, Vauclose**

Of concern is the interruption of whole views to the west where the interface of land and water is apparent along with views of land, water, Sydney CBD and Shark Island. Concern is raised regarding the interruption of Sydney CBD views, land, water, whole and iconic views including the Sydney Harbour Bridge and Sydney Opera House.

**Table 3 – Views currently obtained from No. 3 Gilliver Avenue, Vaucluse towards the subject site**



Image 1: Ground floor dining (standing)



Image 2: Ground floor dining (sitting)





Image 3: Ground floor living (standing)



Image 4: Ground floor living (sitting)





Image 5: Ground floor balcony northern side (standing)



Image 6: Ground floor balcony southern side (standing)



Image 7: Upper level bedroom 1 (standing)



Image 8: Upper level bedroom 1 (sitting)





Image 9: Upper level bedroom 2 (standing)



Image 10: Upper level bedroom 2 (sitting)



Image 11: Roof terrace (standing)



Image 12: Roof terrace (sitting)





Image 13: Roof level study (standing)



Image 14: Roof level study (sitting)

**No. 6 New South Head Road, Vaucluse**

View lines from this property are not considered to be adversely impacted by the proposal on the basis that this property sits to the east of the subject site and is raised above Nos. 1 and 3 Gilliver Avenue.

This is shown in Table 4 below. The subject site is deemed to be masked from view by the properties along Gilliver Avenue and on that basis would have no unreasonably adverse impacts. No further assessment from this property is considered necessary.

**Table 4 – Views currently obtained from No. 6 New South Head Road, Vaucluse towards the subject site**



Image 1: 3D Image of surrounding context

2. Consideration from what part of the property the views are obtained

*The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

**St. Michaels Church, Vaucluse**

The views over the subject site identified in Table 1 are obtained from the front lawn area of the church grounds and entrance area to the church. An objection from this property also identifies that views are available from the first floor sunroom of the church hall and the first floor of the church hall itself. However, there were no details as to whether these were captured from a standing or sitting position. This objection also mentioned that the available views formed part of the National Trust listing for the site. A copy of the National Trust Listing was obtained which did not make mention of such views. The photographs taken by the author of this assessment report and applicant are from a standing position. Views are obtained across the front and side boundary toward the subject site.



### **No. 1 Gilliver Avenue, Vaucluse**

The views over the subject site identified in Table 2 are obtained from the ground floor living area, ground floor secondary living space, ground floor rumpus room and ground floor verandah. At the first floor, views are obtained from a bedroom, study and bathrooms. It should be acknowledged that the first floor bedroom comprises an adjoining balcony and a comparable view as from within the bedroom would be obtained. All views over the subject site are obtained across the front boundary. Both standing and sitting views have been considered.

### **No. 3 Gilliver Avenue, Vaucluse**

The views over the subject site identified in Table 3 are obtained from the ground floor dining/living area, ground floor balcony, ground floor study, upper level bedrooms, roof terrace and roof level study. It should be acknowledged that one of the upper floor bedrooms comprises an adjoining balcony from which a comparable view as from within the bedroom would be obtained. All views over the subject site are obtained across the front boundary. Both standing and sitting views have been considered.

#### **3. The extent of the impact**

*The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

It should be acknowledged that where the applicant's photomontages have been included, the pink shading represents the built form to be demolished with the proposal shown in white.

The green outline is the applicant's representation of a complying building envelope when accounting for relevant controls and development standards specified by the Woollahra LEP 2014 and DCP 2015. However, there is a lack of information to ascertain its accuracy.

Regarding the proposed built form the applicant has provided a methodology statement to confirm accuracy, noting that no surveyed height poles were established. This is included within Attachment 2.

### **St Michael's Church, Vaucluse**

Views from St Michael's Church would be affected by the proposed development. Both the applicant and objector submitted photomontages/analysis with the respect to this property. The objector's images included in Table 5 below have shown in red the area where the impact is understood to occur.

Based on these images, it is considered that water views would be lost as a consequence of the proposed building. It is considered that these views would be impacted from both a standing and sitting positions based on the nature of the photographs.

In consideration of the photographs provided in Table 1, views directly to the west would remain largely interrupted, these aspects contain land, water and whole views, iconic views of the Sydney Harbour Bridge, Sydney Opera House along with the Sydney CBD skyline and Shark Island.



Notwithstanding the above points, the overall extent of view impact to St Michael’s Church can be qualitatively described as minor for the following reasons:

- The impacted views comprise water views from both a standing and sitting position.
- Impacted views are partially obtained across a side boundary which the planning principle identifies as often being unrealistic to retain.
- No iconic, Sydney CBD or Shark Island views across the front boundary would be impacted.
- Whole views directly to the west across the front boundary would be largely unaffected.

**Table 5 – Extent of View Loss from St Michael’s Church, Vacluse**



Image 1: View of proposal from church lawn



Image 2: First floor sunroom of Church hall (submitted and marked up by objector)



Image 3: First floor of church hall (submitted and marked up by objector)

### **No. 1 Gilliver Avenue, Vaucluse**

Views from No. 1 Gilliver Avenue would be affected by the proposed development. Based on the site inspection of this property and the submitted photomontages, views from both a standing and sitting position would be impacted.



At the ground floor living room and secondary living, views to the west comprising iconic Sydney Harbour Bridge and Sydney Opera House would be impacted from both a standing and sitting position. It is considered that the availability of views from the ground floor rumpus room and adjoining portion of the ground floor verandah would be largely unaffected.

At the first floor bedroom and adjoining balcony, the proposal will result in the partial loss of whole views, water views and land views of Shark Island.

From the first floor study and bathrooms, partial water and land (Shark Island) views would be lost.

Notwithstanding the above points, the overall extent of view impact to No. 1 Gilliver Avenue can be qualitatively described as moderate for the following reasons:

- The impacted views comprise iconic and partial whole views which hold a higher value in accordance with the planning principle.
- Land, water and whole views (including that of Shark Island) would be impacted at the first floor.
- Views from both a standing and sitting position across the front boundary would be impacted.
- Majority of views including iconic and whole views along with views of the Sydney CBD from the first floor bedroom would be maintained.

**Table 6 – Extent of View Loss from 1 Gilliver Avenue, Vaucluse**



Image 1: First floor bedroom (standing)



Image 2: First floor bedroom (sitting)



Image 3: Ground floor living (standing)



Image 4: Ground floor secondary living (standing)

### **No. 3 Gilliver Avenue, Vaucluse**

Views from No. 3 Gilliver Avenue would be affected by the proposed development. Based on the site inspections of this property and the included photomontages it is considered that views would be impacted from both a standing and sitting position.

From the ground floor views to the west and south-west would be impacted. The impacted views would comprise whole views where the interface of land and water is apparent along with water, land and Sydney CBD views. Iconic views of the Sydney Opera House and Sydney Harbour Bridge would also be interrupted.

From the upper level bedrooms and adjoining balcony, water views along with a part of Shark Island would be impacted.

From the roof areas water views would be impacted.

Notwithstanding the above points, the overall extent of view impacts to No. 3 Gilliver Avenue can be qualitatively described as moderate for the following reasons:

- Whole, water and land views would be impacted from the ground level dining and living areas which are held in a high regard under the planning principle. Whole views to the north-west would remain unaffected.
- Whole, water, land and views of the Sydney CBD would be impacted from ground floor balcony areas. Views to the north-west would remain unaffected.
- Iconic views would only be impacted from the ground floor balcony.
- Water views along with part of Shark Island views would be impacted.
- Whole, land, water and iconic views would remain unobstructed from both standing and sitting positions at the upper level and roof level areas.



**Table 7 – Extent of View Loss from No. 3 Gilliver Avenue, Vacluse**



Image 1: Ground floor view (standing)



Image 2: Ground floor balcony northern side (standing)



Image 3: Ground floor balcony southern side (standing)



Image 4: Upper bedroom 1 (standing)





Image 5: Upper bedroom 1 (sitting)



Image 6: Upper bedroom 2 (standing)





Image 7: Roof terrace (sitting)



Image 8: Roof terrace (standing)



Image 9: Roof terrace (standing)

4. The reasonableness of the proposal that is causing the impact

*The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The Court poses two questions in *Tenacity Consulting vs Warringah (2004) NSWLEC 140*.

The first step is to determine whether a non-compliance with one or more planning controls results in view loss.

In response to this, the proposal does involve several numerical non-compliances with the Woollahra DCP 2015. In accordance with Step 4 above, a development which complies with the planning controls would be considered more reasonable than one which breaches them. Whilst the proposal does involve several numerical non-compliances these are not all considered determinative to the proposed view sharing relationships. The proposal does not satisfy Objective O4 of Part B1.10.2 of the Woollahra DCP 2015 whereby the upper most level does not conform to the general streetscape pattern and is the element which is causing the view impact.

It is therefore not unreasonable to take into account the second consideration which is whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.



In this case it is considered that a more skilful design could be achieved that would offer the applicant the same development potential and amenity and reduce the impact on the views of neighbours.

At present, No. 1 Vacluse Road achieves whole, water, city and iconic views from the ground floor with more expansive views of the same achieved at the first floor. Refer to Table 8 below.

**Table 8 – Views Currently Obtained from No. 1 Vacluse Road, Vacluse**



Image 1: Ground floor view



Image 2: Ground floor view





Image 3: Ground floor view



Image 4: First floor view



Image 5: First floor view

The existing ground floor has an RL of approximately RL48.9 and a proposed RL of RL48.7. The first floor has a proposed RL of RL51.9. Based on the submitted section plans, which shows the outline of the existing dwelling, the finished floor level between existing and proposed would be similar. Notably, the existing and proposed lower ground levels would have a lesser view than shown in the images above and are set at comparable levels.

Based on the images above, and the requirements of Condition C.1, the applicant is still considered to achieve a reasonable amenity as the resulting views would be comparable to the existing. This would also maintain views for surrounding properties. The current design seeks to gain enhanced views at the detriment of surrounding properties which is not found to be equitable view sharing.

Overall, the view impacts from surrounding properties are considered to be minor to moderate, when assessed holistically and are found to largely result from the upper most level which is not considered to reflect a skilful design. In its current form, the proposal does not satisfy the relevant objectives contained within Part B3.5.3 of the Woollahra DCP 2015. Therefore, **Condition C.1** requires that the upper most level be deleted.

#### Part B3.5.4: Acoustic and Visual Privacy

In terms of the acoustic privacy requirements from mechanical plant equipment **Condition I.5** is recommended which states that 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.

C4 requires that new windows in habitable rooms are designed to prevent a direct sightline to the habitable room windows or private open space of an adjacent dwelling within 9m.

Where necessary privacy mitigation measures have been included within the design to overcome overlooking impacts, with remaining windows either suitably offset from surrounding properties or not having view lines within 9m.

C5 requires that windows to bathrooms and toilet areas have translucent glazing where these have a direct view to, and from, habitable rooms and private open space on adjoining and adjacent properties.

The proposed bathrooms are not considered to give rise to any unreasonably adverse privacy concerns and therefore no further mitigation measures are necessary.

C7 requires that private open spaces and the trafficable area of roof terraces (at or below the second storey) are to be suitably located and screened to prevent direct views to neighbouring habitable rooms and private open space within 9m.

C10 requires that the trafficable area of a roof terrace (above the second storey) is setback so that there is no direct lines of sight, from that part of the building where the terrace or deck is, to neighbouring private open space or windows of habitable rooms within 12m.

Privacy screening is shown to the northern side of the ground and first floor balconies which is considered acceptable in mitigating any unreasonably adverse overlooking impacts.

The roof terrace is to be deleted by the requirements of Condition C.1.

Subject to the recommended conditions, the proposal is considered acceptable having regard to C7 and C10.

#### Part B3.5.5: Internal Amenity

C2 requires that all habitable rooms and sanitary compartments in a dwelling must have direct natural light and direct natural ventilation. Whilst not all sanitary compartments and laundries satisfy this requirement, a condition of consent has been included pertaining to the suitable mechanical ventilation of such areas.

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 x the ceiling height. The proposed lower ground floor provides a depth of approximately 9.7m which exceeds the 5.1m requirement in accordance with C5.

Although non-compliant the objectives have been satisfied as detailed below.

*O1 To encourage high levels of internal amenity through the provision of direct natural light and direct natural ventilation.*

*O2 To encourage buildings that are designed to maximise natural light provision in habitable rooms.*

Overall, the dual occupancy will provide a suitable residential amenity which maximises opportunities for natural ventilation and light to habitable areas through open planned configurations, outlooks and windows/doors. Sanitary compartments would be suitably mechanically ventilated with artificial lighting that would uphold an acceptable amenity.

The lower ground floor contains windows with a northern-western and western orientation to encourage natural light and ventilation. These windows are of a generous size and will have sightlines over the landscaped front setback along with swimming pool and terraced areas. Views toward Sydney Harbour are also available.



The location and extent of windows will provide for a high visual amenity along with suitable provision of natural light and ventilation. Objectives O1 and O2 are upheld.

### Conclusion

The proposal is acceptable with regard to the built form and context controls in Part B3.5 of the Woollahra DCP 2015.

## **Part B3.6: On-Site Parking**

### Location of Parking

The proposal will provide for new basement level car parking and access partially within the buildable area with access via Vaucluse Road. Additionally, a carport partially located outside of the buildable area is proposed along Gilliver Avenue. Contextually, the car port along Gilliver Avenue will continue to offer a consistent streetscape response noting the general prevalence of garaging forward of the primary building line and adjoining the street. This would also largely replicate the existing onsite parking configuration. Along Vaucluse Road, only the garage entrance would be visible as this would be framed by the existing sandstone wall. Contextually, the location of parking is deemed suitable with regard to Control C1 and objectives O1-O4 of Part B3.6 of the Woollahra DCP 2015 as discussed further below.

### Width of Parking Structure

In this case, C2 specifies that the maximum allowable parking structure width equals 6m of the street frontage along Gilliver Avenue and Vaucluse Road, respectively. The garage entrance along Vaucluse Road equals 3.8m in width which is compliant. To Gilliver Avenue the car port width equals 8.3m which is non-compliant.

### Size of Parking Structure

C6(c) requires that when located within the setback, the maximum area of the parking structure is 40m<sup>2</sup>. The overall area of the car port along Gilliver Avenue equals 44m<sup>2</sup>, however, the portion of this structure that is outside the buildable area equals 39m<sup>2</sup>.

### Maximum Height

C7 requires car parking structures located within the front setback to have a maximum height of 2.7m above the footpath level. Along Gilliver Avenue the carport will have a height of 2.9m and along Vaucluse Road the garage entrance would have a height of 2.7m noting this is largely framed by the existing sandstone wall.

Noting the non-compliances detailed above, reference is made to the underlying objectives of the respective controls which are upheld in the following manner.

*O1 To minimise the visual impact of garages, car parking structures and driveways on the streetscape.*

*O2 To ensure that on-site parking does not detract from the streetscape character and amenity.*

*O3 To minimise loss of on-street parking.*

*O4 To retain trees and vegetation of landscape value.*

*O5 To facilitate on-site parking on steeply sloping sites.*

- The proposed development would not have an adverse visual impact upon the streetscape nor upon its overall amenity. There are several examples of garage structures along Gilliver Avenue within proximity of the site and therefore it would not contravene the character of the streetscape. The overall size and width is contextually suitable noting the generous Gilliver

Road frontage would mitigate a sense of visual dominance to the non-complying element. Along Vacluse Road the entry area would be suitably incorporated into the street wall and would not present an adverse bulk, scale or streetscape impact. O1 and O2 are upheld. Overall, the proposed garaging is not considered excessive in the context of the subject site and the locality. O1 and O2 are both satisfied.

- This assessment is satisfied that there would be no loss of on street car parking subject to the requirements of **Condition C.1**. This includes reconstructing the existing vehicular crossing along Gilliver Avenue to have a maximum width of 3m (currently 12.2m). With the inclusion of the new vehicle crossing along Vacluse Road and the shortening of the existing crossing, there is considered to be no net loss to the capacity of on-street parking. O3 is upheld.
- There would be no adverse impact upon the site's landscaped value subject to the recommended conditions of consent, which satisfies O4.
- Given the site's sloping topography the proposal offers a suitable off-street parking solution which satisfies O5.

### Conclusion

In the absence of any significant adverse impacts to adjoining properties and the streetscape, the non-compliances with the controls under Part B3.6 of the Woollahra DCP 2015 are considered acceptable.

### **Part B3.7: External Areas**

<b>Site Area: 887.3m<sup>2</sup></b>	<b>Proposed</b>	<b>Control</b>	<b>Complies</b>
Deep Soil Landscaping – Area Outside Buildable Area	56.42% (284m <sup>2</sup> )	50% of Area Outside Buildable Area (251.65m <sup>2</sup> )	<b>Yes</b>
Deep Soil Landscaping – Front Setback	70.55% (127m <sup>2</sup> )	40% (72m <sup>2</sup> )	<b>Yes</b>
Deep Soil Landscaping – Rear Setback	50% (109m <sup>2</sup> )	50% or Rear Setback 218 (109m <sup>2</sup> )	<b>Yes</b>
Minimum Area of Private Open Space at Ground Level	House A: >35m <sup>2</sup> House B: >25.6m <sup>2</sup>	35m <sup>2</sup>	<b>Partially</b>
Maximum Depth of Excavation for Landscaping	Approx. 1.5m	1.2m	<b>No</b>
Location of Private Open Space	To the west, with northerly aspects available	To the North	<b>Satisfactory</b>
Lockable Mailboxes	Sufficient scope to accommodate	Provided at Street Entrance	<b>Satisfactory</b>
Clothes Drying Facilities	Sufficient scope to accommodate	At Least One per Dwelling	<b>Satisfactory</b>
Fire Places	None proposed	Non Solid Fuel Burning Only	<b>N/A</b>
Swimming Pool Excavation, Piling and Subsurface Wall Setback	1.2m	1.8m	<b>No</b>
Level of Swimming Pool Above or Below Ground Level	<1.2m	Maximum 1.2m Change	<b>Yes</b>
Maximum Depth of Swimming Pool	<2m	2.0m	<b>Yes</b>

#### Part B3.7.1: Landscaped Areas and Private Open Space

In accordance with the compliance table above the proposal provides a compliant extent of deep soil landscaped area as required by C1, C2 and C4.

C7 requires that a private open space area of at least 35m<sup>2</sup> be provided for each dwelling within the dual occupancy development. House B would have a shortfall of 4.4m<sup>2</sup> and is therefore non-compliant. Although non-compliant Objective O4 has been considered below and is upheld.

C9 permits excavation of up to 1.2m for the purposes of achieving a compliant gradient. Although non-compliant with the proposed level change equalling approximately 1.5m, the underlying objective has been upheld.

*O4 To ensure the adequate provision of accessible and useable primary open space.*

The proposed will provide for private open space areas which are readily accessible and usable for the beneficial amenity of future residents. The private open space for House B will comprise a spa along with terrace area which allows for diversity in terms of usability which is considered acceptable. O4 is upheld and the variations are supported.

#### Part B3.7.2: Fences

C4 limits fencing to 1.2m, or 1.5m if 50% transparent or open. On the high side of the street, C6 allows fences to a height of 1.2m above the high side. The front fence along Gilliver Avenue will have a maximum height of 1.5m and is of a transparent design which is compliant with C4. The entry portico along Gilliver Avenue would have a height of 2.7m which is non-compliant.

Along Vaucluse Road the existing sandstone fence height will be largely retained and built upon in some instances where the slope in the street is the greatest. At present there is palisade fencing above the sandstone wall. New palisade fencing is proposed which in some cases will be higher and in some instances lower than the existing configuration. This will also occupy the entire frontage where the current fence does not. The maximum fence height measured to the top of the palisade fencing equals between 2.25m - 4.1m.

The architectural plans have not detailed any new fencing along the northern side boundary shared with No. 2A Gilliver Avenue.

Despite the non-compliances detailed above, the underlying objectives are upheld in the following manner.

*O1 To ensure fences and walls improve amenity for existing and new residents and contribute positively to streetscape and adjacent buildings.*

*O2 To ensure that fences and walls are not visually intrusive in the streetscape and to enhance pedestrian safety.*

*O3 To ensure that fences and walls do not unreasonably restrict views and vistas from streets and other public spaces.*

*O4 To ensure that development creates well defined areas of public and private space.*

- The proposed fencing outcome is not considered to have any adverse streetscape or amenity impacts upon adjacent buildings. The provision of a portico is not out of character with the Gilliver Avenue streetscape noting the presence of structures within front setbacks. To Vaucluse Road the additional palisade fencing will be of a transparent design to mitigate a dominant visual presentation with there being no pedestrian safety concerns. O1 and O2 are upheld.
- There are no views or vistas that would be impacted by the proposed fencing, satisfying O3.
- The public and private domain will be well defined, satisfying O4.

C9 stipulates that side and rear boundary fences are no higher than 1.8m, as measured from the low side (if applicable). Where there is an increase in ground level in excess of 1.2m, the height may increase by 1.2m. The architectural plans have not detailed any new fencing along the northern side boundary shared with No. 2A Gilliver Avenue. Fencing along the Vaucluse Road and Gilliver Avenue frontages is discussed above.

C12-C14 require the retention and maintenance of sandstone fencing and retaining walls. Notwithstanding the proposed vehicle access point via Vaucluse Road, the proposal would maintain a large majority of the existing sandstone fencing which is acceptable having regard to C12-C14.

#### Part B3.7.3: Site Facilities

**Condition I.5** requires that 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. The lift overrun has been suitably integrated into the built form with plant areas considered suitable in housing air conditioning equipment noting that no air condition units have been shown in areas that are visible from the public domain. The proposal is therefore acceptable with regard to C7 and C8.

#### Part B3.7.4: Ancillary Development – Swimming Pools

C3 requires that swimming pools to be setback 1.8m from property boundaries. Although non – compliant with the swimming pool being setback 1.2m from the Vaucluse Road boundary, the underlying objectives of the control have been upheld in the following manner.

*O1 To provide for recreational opportunities for swimming without compromising the amenity of the adjoining properties.*

*O2 To limit excavation.*

*O3 To retain trees and vegetation of landscape value.*

- The proposed swimming pool would facilitate diversified recreational opportunities at the subject site, noting the non-compliance pertains to a road frontage and therefore would not create any adverse amenity impacts upon surrounding properties from the variation. O1 is upheld.
- The non-compliance is not considered to generate any additional excavation beyond a compliant setback which upholds O2.
- The proposed location is not considered to have adverse tree or landscaping impacts noting that Council's Tree and Landscaping Officer has raised no objections subject to the recommended conditions of consent. O3 is upheld.

#### Conclusion

The proposal is acceptable with regard to the external controls in Part B3.7 of the Woollahra DCP 2015.

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

#### Part B3.8.4 Dual Occupancy

C1 states that both dwellings in a dual occupancy development must be complementary. Both dwellings are integrated into the overall design of the proposal and are considered complimentary. Compliance with C1 is achieved.



C2 does not permit private open space within the front setback with C3 requiring each dwelling to have access to private open space. Private open spaces are either located within the buildable area or within the rear setbacks which is compliant with C2. These spaces are designated for each dwelling and are readily accessible.

C4 states that private open space must not be overlooked by the adjoining dual occupancy dwelling. The overlooking relationships between the two private open spaces are considered mutual with no one dwelling being adversely burdened beyond the other. Compliance with C4 is achieved.

C5 requires that dual occupancies share a common driveway cross-over. However, separate cross overs may be considered on corner lots, where the access is from separate streets. The subject site is a corner allotment and therefore dual access may be considered.

Contextually, this is considered acceptable against the underlying objectives as the proposed garaging and vehicle access outcome would not detract from the streetscape which upholds O3. Regarding O4, there is not considered to be a loss of on-street parking subject to Condition C.1. This includes reconstructing the existing vehicular crossing along Gilliver Avenue to have a maximum width of 3m (currently 12.2m). With the inclusion of the new vehicle crossing along Vaucluse Road and the shortening of the existing crossing, there is considered to be no net loss to the capacity of on-street parking. O4 is upheld.

### Conclusion

The proposal is acceptable with regard to the additional controls in Part B3.8 of the Woollahra DCP 2015.

## **14.3 Chapter E1: Parking and Access**

### **Part E1.4: Residential parking**

	<b>Proposed</b>	<b>Control</b>	<b>Complies</b>
Max Number of Car Parking Spaces – Dual Occupancy	2 Spaces per dwelling, however, this is modified by Condition C.1 whereby this will result in 2 spaces for House B and 1 space for House A.	2 Spaces per Dwelling	<b>Yes</b>

Parking for residential uses is calculated using the generation rates specified in E1.4.2.

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

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

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

## **14.5 Chapter E3: Tree Management**

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

## **14.6 Chapter E5: Waste Management**

The requirement for a SWMMP has been conditioned accordingly.

### **Part E5.2: Demolition and Construction Phase**

The proposal is acceptable with regard to Part E5.2 of the Woollahra DCP 2015.

## **Part E5.3: On-Site Waste and Recycling Controls for all Development**

### **Waste and Recycling Controls for all Development**

	<b>Proposed</b>	<b>Control</b>	<b>Complies</b>
Garbage and Recycling Areas	Separated	Separated	<b>Yes</b>
Location of Garbage and Recycling Areas	Behind Building Line or Non-Habitable Areas	Behind Building Line or Non-Habitable Areas	<b>Yes</b>

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

## **14.7 Chapter E6: Sustainability**

The proposal was accompanied by a BASIX Certificate. Furthermore, the proposal incorporates photovoltaic panels which are suitably integrated into the flat roof form. Overall, the proposal is considered acceptable with regard to the objectives and controls in Chapter E6 of the Woollahra DCP 2015.

## **15. DRAFT AMENDMENTS TO POLICIES AND PLANS**

None relevant.

## **16. CONTRIBUTION PLANS**

Contributions plans allow funds to be raised from approved development applications. The funds are used for the intended provision, extension or augmentation of public facilities, or towards recouping the cost of facilities that have been provided, extended or augmented. These contributions relate to sections 7.11 and 7.12 of the EP&A Act, formerly known as section 94 and section 94A.

### **16.1 Section 7.12 Contributions Plan**

A 1% levy applies with the monies being used for a variety of works as outlined in Schedule 1 of the Section 7.12 Contributions Plan 2022.

<b>Cost of Works</b>	<b>Rate based on cost of works</b>	<b>Contribution Payable</b>
\$4,839,603.00	>\$200,000 = 1%	\$48,396.03

Refer to **Condition C.2**.

### **16.2 Application of Contributions**

The consent authority cannot impose conditions under both Section 7.11 and Section 7.12 on the same development consent.

In this instance, Section 7.12 contributions have been applied. Accordingly, Section 7.11 contributions are not applicable.

## **17. APPLICABLE ACTS/REGULATIONS**

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

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

Clause 61(1) of the EPA Regulation 2021 requires Council to take into consideration Australian Standard AS 2601-2001: The demolition of structures. This requirement is addressed by Council's standard condition.

## **17.2 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 provisions 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 are imposed by standard conditions.

## **18. 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.

## **19. THE SUITABILITY OF THE SITE**

The site is suitable for the proposed development.

## **20. THE PUBLIC INTEREST**

The proposal is considered to be in the public interest.

## **21. CONCLUSION**

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

## **22. 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.

## **23. 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, grant development consent to Development Application No. 445/2022/1 for demolition of the existing dwelling and construction of a new dual-occupancy development, swimming pools and landscaping works on land at 1 Vacluse Road Vacluse, subject to the following conditions:

### **A. General Conditions**

#### **A.1 Conditions**

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

Standard Condition: A1 (Autotext AA1)



## A.2 Definitions

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

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

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

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

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

**Council** means Woollahra Municipal Council

**Court** means the Land and Environment Court

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

**Stormwater drainage system** means all works, facilities and documentation relating to:

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

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

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

**PC** means the Principal Certifier under the *Act*.

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

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

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

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

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

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

**Woollahra LEP** means *Woollahra Local Environmental Plan 2014*

**Woollahra DCP** means *Woollahra Development Control Plan 2015*

**Work** for the purposes of this consent means:

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

**Note: Interpretation of conditions** - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.  
Standard Condition: A2 (Autotext AA2)

### A.3 Approved Plans and Supporting Documents

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

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

Reference	Description	Author/Drawn	Date(s)
DA-03 (Rev D)	Site/Roof Plan	MHNDU	21/08/2023
DA-04 (Rev D)	Basement Floor Plan		21/08/2023
DA-05 (Rev D)	Lower Ground Floor Plan		21/08/2023
DA-06 (Rev D)	Ground Floor Plan		21/08/2023
DA-07 (Rev D)	First Floor Plan		21/08/2023
DA-08 (Rev D)	Second Floor Plan		21/08/2023
DA-09 (Rev D)	Sections A & B		21/08/2023
DA-10 (Rev D)	Sections C and D (Driveway)		21/08/2023
DA-12 (Rev D)	Elevations West & East		21/08/2023
DA-13 (Rev D)	Elevations North and South		21/08/2023
DA-16 (Rev D)	External Finishes Schedule		21/08/2023
DA01-05 - D5922 Rev.B,	Landscape Plan	Dangar Barin Smith	10/11/2022
	Arboricultural Impact Assessment Report	George Palmer Botanics P/L	March 2022
Project Number 220504, Issue A	Stormwater Management Plan	RTS	07/10/2022
Job No. 220504	Stormwater Concept Design Statement	RTS	7 Oct 2022
Job No. 220504, Issue A	Flood Impact Risk Assessment Report	RTS	10 Oct 2022
35034PHrpt Rev 1	Geotechnical and Hydrogeological Investigation Report	JK Geotechnics	4 Nov 2022
35034PH2rpt	Geotechnical and Hydrogeological Monitory Program	JK Geotechnics	4 Nov 2022
1315744M	BASIX Certificate	NSW Department of Planning and Environment	15 Sep 2022

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

**Note:** These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the *Act* modifying or amending the development (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)  
Standard Condition: A5 (Autotext AA5)

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

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

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

Standard Condition: A8 (Autotext AA8)

#### A.5 No Underpinning Works

This development consent does **NOT** give approval to any works outside the boundaries of the subject site, including any underpinning works to any structures on adjoining properties without written approval from all affected properties.

#### A.6 Tree Preservation & Approved Landscaping Works

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

a) The following trees shall be retained

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
6	<i>Cedrus deodara</i> (Deodar Cedar)	Side setback	10 x 14

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
1	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Council verge	4 x 3	\$2500
2	<i>Cupaniopsis anacardioides</i> (Tuckeroo)		6 x 6	\$2500
3	<i>Pittosporum undulatum</i> (Sweet Pittosporum)		3 x 3	-
4	<i>Callistemon viminalis</i> . (Weeping Bottle Brush)		4 x 5	-
5	<i>Syzygium smithii</i> (Lillypilly)		5 x 3	-

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



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

### **B.1 Construction Certificate Required Prior to Any Demolition**

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

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

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

### **B.2 Identification of Hazardous Material**

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

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

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

**Note:** This condition is imposed to protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.  
Standard Condition: B6

### **B.3 Public Road Assets Prior to Any Work/Demolition**

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

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

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

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

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

**Note:** If the Applicant or Owner fails to submit the asset condition report required by this condition and damage is occasioned to public assets adjoining the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure. Nothing in this condition prevents Council making any claim against security held for this purpose  
Standard Condition: B7

#### B.4 Establishment of Tree Protection Zone (TPZ) Fence

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

a) Tree Protection Zone areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
6	<i>Cedrus deodara</i> (Deodar Cedar)	Side setback	6m

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

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

b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being bought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.

c) Trunk protection shall be installed around the trunks of the following trees:

Council Ref No.'s	Species
1 & 2	<i>Cupaniopsis anacardioides</i> (Tuckeroo)

Trunk protection shall consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centres. The planks shall be secured with 8 gauge wire at 300mm spacing. Trunk protection shall extend a minimum height of 2 metres or to the maximum possible length permitted by the first branches.

d) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.

e) 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.

- f) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in this consent.
- g) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- h) The project arborist shall provide written certification of compliance with the above condition.

## B.5 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Approved works
1	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	New pedestrian entry and soft landscaping
2	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Soft landscaping
3	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Soft landscaping
4	<i>Callistemon viminalis</i> . (Weeping Bottle Brush)	-
5	<i>Syzygium smithii</i> (Lillypilly)	-
6	<i>Cedrus deodara</i> (Deodar Cedar)	Footpath, sidepath, stormwater services and soft landscaping

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

## B.6 Demolition and Construction Management Plan

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

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



## B.7 Arborists Documentation and Compliance Checklist

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

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

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

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
Prior to the demolition of any building or construction and prior to the commencement of any development work	<ul style="list-style-type: none"><li>• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.</li><li>• The project arborist shall install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li></ul>
During any development work	<ul style="list-style-type: none"><li>• The project arborist shall supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent.</li><li>• The project arborist shall supervise excavation and construction works for the new pedestrian entry within the TPZ of Tree No. 1</li><li>• Excavation works for stormwater services within the TPZ of Tree No. 6 must be done under arborist supervision.</li><li>• 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.</li></ul>
Prior to any occupation or use of the building	<ul style="list-style-type: none"><li>• Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</li></ul>
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"><li>• The project arborist shall supervise the dismantling of tree protection measures</li><li>• After all demolition, construction and landscaping works are complete the project Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.</li></ul>

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

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

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

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

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

- a) In order to achieve compliance with Part B1.10.2 Objective O4, Part B.3 Objective O2 and Control C3, Part B3.5.3 Objective O3 and Control C5 of the Woollahra DCP 2015, the second floor level along with roof level terrace and associated balustrading is to be deleted. The maximum height of the proposal is to not exceed RL55.1.
- b) Amended Landscape Plan. The submitted landscape plan shall be amended to include the following prior to the issue of the Construction Certificate:
  - A minimum of one (1) *Banksia integrifolia* (Coastal Banksia) x 100L additional tree must be included in the design. It must be located within the rear setback of the property to west. It must not be planted less than 1m from proposed structures and services.
  - A minimum of one (1) native tree x 100L to be planted within front setback of the property to east. See attached condition for tree species selection. It must be located within the rear setback of the property to west. It must not be planted less than 1m from proposed structures and services.
- c) The proposed double garage on Gilliver Avenue frontage shall be converted to a single garage having minimum internal dimensions of 3m wide x 5.4m long in accordance with AS/NZS 2890.1:2004. The vehicular access shall be positioned as close as possible to the neighbouring property boundary.
- d) The existing 12.2m vehicular crossing on Gilliver Avenue shall be reconstructed to be a standard vehicular crossing, having a width of 3m at property boundary and perpendicular to the road carriageway. The crossing shall be positioned as close as possible to the neighbouring property boundary.
- e) Construction of a standard vehicular crossing on Vaucluse Road, having a width of 3m at property boundary and perpendicular to the road carriageway.

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

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

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

Standard Condition: C4 (Autotext CC4)

### C.2 Payment of Long Service Levy, Security, Contributions and Fees

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

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
<b>Long Service Levy</b> <a href="http://www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator">www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</a>	Contact LSL Corporation or use online calculator	No	

<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council	\$118,049.00	No	T115
<b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree	\$5,000.00	No	T114
<b>DEVELOPMENT LEVY</b> under Woollahra Section 7.12 Development Contributions Plan 2021 This plan may be inspected at Woollahra Council or downloaded at <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>			
<b>Development Levy</b> (section 7.12)	\$48,396.03 + Index Amount	Yes, quarterly	T96
<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$221.34	No	T45
Public Road/Footpath Infrastructure Inspection Fee	\$615.00	No	T45
Security Administration Fee	\$215.00	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$172,496.37 plus any relevant indexed amounts and long service levy		

#### **Building and Construction Industry Long Service Payment**

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

#### **How must the payments be made?**

Payments must be made by:

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

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

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

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

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



**Do you need HELP indexing the levy?**

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

**Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 94A Development Contributions Plan 202**

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

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

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

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

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

Standard Condition: C5

### **C.3 BASIX Commitments**

The Applicant must submit to the Certifying Authority BASIX Certificate No.1315744M with any application for a Construction Certificate.

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

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

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

Standard Condition: C7

## C.4 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act 1993* is to be made to, and approved by Council prior to the issuing of a Construction Certificate for the following infrastructure works, which must be carried out at the applicant's expense:

### Drainage Works:

- a) The discharge of stormwater by direct connection to back of a new Kerb Inlet Pit (KIP) over Council's existing drainage system on Vacluse Road. The new Kerb Inlet Pits (KIP) must be a standard double grated gully pit with a 1.8m kerb lintel fronting the site, other than amended by Council's Asset Engineer.  
Longitudinal sections shall be submitted. Design details and location of all existing public utility services shall be included in the longitudinal section.

### Road and Footpath Works:

- a) The existing 12.2m vehicular crossing on Gilliver Avenue shall be reconstructed to be a standard vehicular crossing, having a width of 3m at property boundary and perpendicular to the road carriageway, in accordance with Council's standard driveway drawing RF2-D, other than amended by Council's Asset Engineer.  
The crossing shall be positioned as close as possible to neighbouring property boundary with a minimum 1m clearance from the existing electrical pole. The centreline of the crossing shall align with the centreline of the single garage.
- b) Construction of a full width vehicular crossings on Vacluse Road, having a width of 3m at property boundary and perpendicular to the road carriageway, in accordance with Council's standard driveway drawing RF2-D, other than amended by Council's Asset Engineer.  
The centreline of the vehicular crossing shall align with the centreline of the internal driveway.  
The vehicular crossing shall have a minimum clearance of 0.5m from the new KIP.
- c) A design longitudinal surface profile for the proposed driveway must be submitted for assessment. All gradients and transitions shall be in accordance with the AS/NZS 2890.1:2004.
- d) Removal and replacement of all cracked or damaged footpath and kerb and gutter for the full width of the property on both Vacluse Road and Gilliver Avenue in accordance with Council's standard drawing RF3.
- e) Removal of all driveway crossings and kerb laybacks which will be no longer required. As such, the redundant portion of the 12.2m vehicular crossing to on Gilliver Avenue as well as the pedestrian access path over Council's road reserve shall be removed and the area restored.
- f) Reinstatement of footpath, kerb and gutter to match existing.
- g) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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

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

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

**Note:** See section K. *Advisings* of this consent titled *Roads Act Application*.  
Standard Condition: C13 (Autotext CC13)

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

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

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

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

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

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

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

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

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

Standard Condition: C25

## C.6 Professional Engineering Details

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

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

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

Standard Condition: C36

## C.7 Engineer Certification

This development consent does **NOT** give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties without written approval from all affected properties.

Any structural design is not to incorporate any underpinning works which encroaches outside the boundaries of the subject property without written approval from all affected properties.

## C.8 Geotechnical and Hydrogeological Design, Certification and Monitoring

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

The Geotechnical & Hydrogeological Report must be prepared in accordance with all Council's DCP requirements within Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports

These details must be certified by a professional engineer to:

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

Standard Condition: C40 (Autotext: CC40)

## C.9 Ground Anchors

This development consent does NOT 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.

This development consent does NOT 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 *Roads Act 1993*. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

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

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

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

Standard Condition: C41 (Autotext: CC41)

### C.10 Parking Facilities

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

- a) The existing double garage on Gilliver Avenue frontage shall be converted to a single garage having minimum internal dimensions of 3m wide x 5.4m long in accordance with AS/NZS 2890.1:2004. The vehicular access shall be positioned as close as possible to the neighbouring property boundary.
- b) Driveway splays shall be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1:2004. Alternatively a fence/gate/landscaping to a maximum height of 0.9m is permitted in the splay area. Exceptions to this may be accepted where an object in the adjoining property creates an obstruction to visibility within the splay area.
- c) All gradients and transitions shall be in accordance with the AS/NZS 2890.1:2004.

Access levels and grades must comply with access levels and grade required by Council under the *Roads Act 1993*.

The *Certifying Authority* has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.

Standard Condition: C45 (Autotext: CC45)

### C.11 Stormwater Management Plan (site greater than 500m<sup>2</sup>)

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include a Stormwater Management Plan for the site. The Stormwater Management Plan must detail:

- a) General design in accordance with the Stormwater Management Plan, Project Number 220504, Issue A, prepared by RTS, dated 07/10/2022, other than amended by this and other conditions;

- b) The discharge of stormwater by direct connection to back of a new Kerb Inlet Pit (KIP) over Council's existing drainage system on Vaucluse Road. The new Kerb Inlet Pits (KIP) must be a standard double grated gully pit with a 1.8m kerb lintel fronting the site. Design details and location of all existing public utility services shall be included in the longitudinal section.
- c) Compliance with the objectives and performance requirements of the BCA,
- d) Any rainwater tank (see Note below) required by BASIX commitments including Their overflow connection to the Stormwater Drainage System,
- e) General compliance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management, and
- f) Provision of a Rain Garden and Rainwater Tanks, having a minimum volume of 8.9m<sup>2</sup> and 30m<sup>3</sup> respectively.  
Note: the proposed Rain Garden shall be designed in accordance with in accordance with Council's Chapter E2 "Stormwater and Flood Risk Management" DCP requirements.
- g) Provision of a basement pump-out system.  
Note: the proposed basement Pump-out System shall only collect surface water from the basement area which cannot drain under gravity. No other surface water shall be drained to and collected by the pump-out system.  
The pump-out system shall be designed in accordance with all requirements stipulated within Council's Stormwater DCP and AS 3500.3.
- h) Provision of a Mechanical Flood Barrier for Vaucluse Road driveway entry.

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

Layout plan

A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof.

The layout plan must include:

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of the Rainwater Tank and basement Pump-out System.
- 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.

Stormwater Management Systems

The Rainwater Tank and basement Pump-out System utilised within the site shall address:

- 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.

Copies of certificates of title

- a) Showing the creation of private easements to drain water by gravity, if required.

### Subsoil drainage

The subsoil drainage is to address:

- a) Subsoil drainage details,
- b) Clean out points, and
- c) Discharge point.

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

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

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

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

## **C.12 Non-Gravity Drainage Systems**

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include a Stormwater Management Plan for the site.

The Stormwater Management Plan must detail the non-gravity drainage systems (charged, siphon, pump/sump systems) being designed in accordance with section 6.2.4 – "Non-gravity drainage systems" of Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

**Note:** The Woollahra DCP is available from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).  
Standard Condition: C.52 (Autotext CC52)

## **C.13 Flood Protection**

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL) detailing:

- a) A permanent flood risk management plan shall be installed in a prominent area of the basement carpark.
- b) The Vaucluse Road driveway entry shall be protected by a mechanical flood barrier with the threshold set to the flood planning level of 43.74m AHD.
- c) Permanent brass plaques shall be mounted adjacent to all mechanical flood barriers explaining their purpose and operation.
- d) Flood compatible materials shall be used for all flood exposed construction.
- e) All flood exposed electrical wiring and equipment shall be waterproofed.
- f) All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation.

Flood protection is to comply with Woollahra DCP 2015, Part E "General Controls for All Development" Chapter E2 "Stormwater and Flood Risk Management" DCP.

**Note:** The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1 – 2004, 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. Standard Condition C.54 (autotext CC54)

#### C.14 Electric vehicle circuitry and electric vehicle charging point requirements

An accurate electrical plan of all off-street car parking spaces must be prepared by a suitably qualified person and it must include details and specifications to illustrate how the off-street car parking spaces will be constructed with the capacity to install at a minimum, a 'Level 2' (single phase, 7Kw power) electric vehicle charger point. This plan must be submitted to the certifier, prior to the issue of the construction certificate.

Standard Condition: C58 (Autotext CC58)

#### C.15 Tree Management Plan

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

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

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

#### C.16 Submission of a Site Waste Minimisation and Management Plan

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

Standard Condition: C68 (Autotext: CC68)

#### C.17 Swimming and Spa Pools – Child Resistant Barriers

The Construction Certificate plans and specifications required by clause 139 of the *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.

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' pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**Note:** 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.

Standard Condition: C55 (Autotext CC55)

#### C.18 Swimming and Spa Pools – Backwash

The Construction Certificate plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

**Note:** 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 3500.2.2:1996.



**Note:** 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*.  
Standard Condition: C56 (Autotext CC56)

## C.19 Ventilation - Internal Sanitary Rooms

All internal sanitary rooms and laundry facilities not provided with natural ventilation must be provided with a system of mechanical exhaust ventilation in accordance with *Minimum Exhaust Ventilation Flow Rates of AS 1668.2-2012*. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifying Authority demonstrating compliance with AS 1668 Parts 1 & 2.

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

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

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

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

This condition does not apply:

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

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

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

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

#### D.2 Dilapidation Reports for Existing Buildings

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

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

- a) No.2A Gilliver Avenue

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

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by Section 6.6(2) of the *Act* not less than two (2) days prior to the commencement of any work.

**Note:** The reasons for this condition are:

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

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

### D.3 Adjoining Buildings Founded on Loose Foundation Materials

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

**Note:** A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the *Conveyancing Act 1919*.  
Standard Condition: D6 (Autotext DD6)

### D.4 Works (Construction) Zone – Approval and Implementation

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

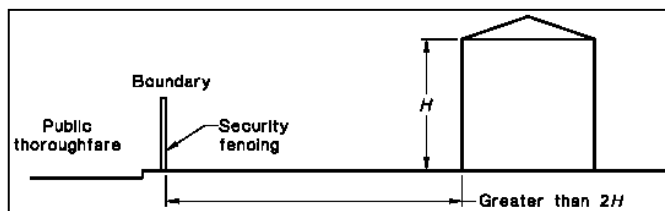
The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any work. Signs are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

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

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

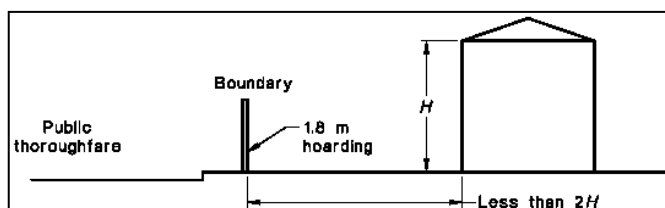
### D.5 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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



### Type A Hoarding

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



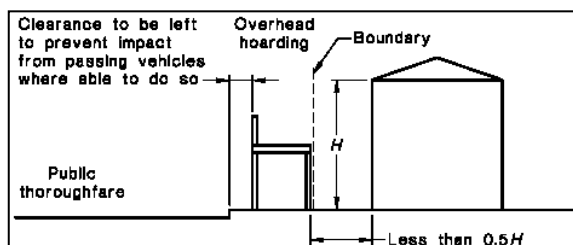
### Type B Hoarding

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

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

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

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



The Principal Contractor or Owner-builder must ensure that overhead protective structures are installed and maintained in accordance with the NSW "Code of Practice - Overhead Protective Structures 1995". This is code available at [www.safework.nsw.gov.au/data/assets/pdf\\_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf](http://www.safework.nsw.gov.au/data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf)

### **All Hoardings**

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

### **Hoardings on Public Land including 'Creative Hoardings'**

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

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

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

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

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

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

The Creative Hoardings Policy can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or for more information contact Council's Cultural Development Team.

Standard Condition: D11 (Autotext DD11)

## **D.6 Site Signs**

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

Clause 98A of the *Regulation* provides:

### **Erection of signs**

- For the purposes of section 4.17(11) of the *Act*, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:



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

Clause 227A of the *Regulation* provides:

**Signs on development sites**

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

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

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

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

Standard Condition: D12 (Autotext DD12)

## D.7 Toilet Facilities

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

Each toilet provided:

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

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

In this condition:

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

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

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

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

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

Standard Condition: D13 (Autotext DD13)

## D.8 Erosion and Sediment Controls – Installation

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

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

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

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

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

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

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

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

## D.9 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the *Act*)

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

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

- given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

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

**Note:** Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

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

#### D.10 Notification of Home Building Act 1989 requirements

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

#### E. Conditions which must be satisfied during any development work

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

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

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

This condition does not apply:

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

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

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

## E.2 Compliance with Australian Standard for Demolition

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

Standard Condition: E2 (Autotext EE2)

## E.3 Requirement to Notify about New Evidence

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

Standard Condition: E4 (Autotext EE4)

## E.4 Critical Stage Inspections

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

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

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

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

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

Standard Condition: E5 (Autotext EE5)

## E.5 Hours of Work –Amenity of the Neighbourhood

- a) No *work* must take place on any Sunday or public holiday.
- b) No *work* must take place before 7am or after 5pm any weekday.
- c) No *work* must take place before 7am or after 1pm any Saturday.
- d) The following *work* **must not** take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday:
  - (i) piling,
  - (ii) piercing,
  - (iii) rock or concrete cutting, boring or drilling,
  - (iv) rock breaking,
  - (v) rock sawing,



- (vi) jack hammering, or
- (vii) machine excavation.
- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- g) No rock excavation being cutting, boring, drilling, breaking, sawing, jack hammering or bulk excavation of rock, must occur without a 15 minute break every hour.

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

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

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

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

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

**Note:** NSW EPA Noise Guide is available at [www.epa.nsw.gov.au/noise/nqlg.htm](http://www.epa.nsw.gov.au/noise/nqlg.htm)  
Standard Condition: E6 (Autotext EE6)

## E.6 Public Footpaths – Safety, Access and Maintenance

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

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

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

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

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

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

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

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

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

Standard Condition: E7 (Autotext EE7)

## **E.7 Maintenance of Environmental Controls**

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

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

Standard Condition: E11

## **E.8 Compliance with Geotechnical / Hydrogeological Monitoring Program**

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.

**Note:** 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.

Standard Condition: E12 (Autotext EE12)

## **E.9 Support of Adjoining Land and Buildings**

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

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

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

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

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

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

**Note:** The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the *Local Government Act 1993*. Standard Condition: E13 (Autotext EE13)

## E.10 Vibration Monitoring

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.

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.

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.

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.

The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.

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*.

**Note:** *professional engineer* has the same mean as in clause A1.1 of the BCA.

**Note:** *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....”

**Note:** *supported land* has the same meaning as in the *Conveyancing Act 1919*.  
Standard Condition: E14 (Autotext EE14)

### E.11 Erosion and Sediment Controls – Maintenance

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

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

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



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

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

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

Standard Condition: E15 (Autotext EE15)

### E.12 Disposal of Site Water During Construction

The Principal Contractor or Owner-builder must ensure:

- a) Prior to pumping any water into the road or public stormwater system that approval is obtained from Council under section 138(1)(d) of the *Roads Act 1993*.
- b) That *water pollution*, as defined by the *Protection of the Environment Operations Act 1997*, does not occur as the result of the discharge to the road, public stormwater system or other place or any site water.



- c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

**Note:** This condition has been imposed to ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not concentrate water such that they cause erosion and water pollution.  
Standard Condition: E17 (Autotext EE17)

### E.13 Site Cranes

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

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

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

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

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

**Note:** Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, the Principal Contractor or Owner-builder must obtain an access order under the *Access to Neighbouring Land Act 2000* or easement under section 88K of the *Conveyancing Act 1919* or section 40 of the *Land and Environment Court Act 1979* as appropriate. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.  
Standard Condition: E19 (Autotext EE19)

### E.14 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

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

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

- a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level.
- b) Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey.
- c) Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof.

- d) Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like.
- e) Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels.
- f) Stormwater drainage Systems prior to back filling over pipes confirming location, height and capacity of works.
- g) Flood protection measures are in place confirming location, height and capacity.

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

Standard Condition: E20 (Autotext EE20)

### E.15 Placement and Use of Skip Bins

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

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

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

Standard Condition: E21 (Autotext EE21)

### E.16 Prohibition of Burning

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

All burning is prohibited in the Woollahra local government area.

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

Standard Condition: E22 (Autotext EE22)

### E.17 Dust Mitigation

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

This generally requires:

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

**Note:** “*Dust Control - Do it right on site*” can be downloaded from Council’s website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or obtained from Council’s office.

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

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

Standard Condition: E23 (Autotext EE23)

#### **E.18 Compliance with Council’s Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway**

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).

The Owner, Principal Contractor or Owner-builder must meet all costs associated with such works.

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.

**Note:** A copy of Council’s *Specification for Roadworks, Drainage and Miscellaneous Works* can be downloaded from Council’s website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

Standard Condition: E24 (Autotext EE24)

#### **E.19 Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters**

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.

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.

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 3500.2.2:1996.

**Note:** This condition does not prevent Council from issuing an order pursuant to 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*.

Standard Condition: E26

#### **E.20 Site Waste Minimisation and Management – Demolition**

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

- a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,
- b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements),
- c) provide separate collection bins and/or areas for the storage of residual waste,
- d) clearly ‘signpost’ the purpose and content of the bins and/or storage areas,

- e) implement measures to prevent damage by the elements, odour, health risks and windborne litter, and
- f) minimise site disturbance, limiting unnecessary excavation.

When implementing the SWMMP the Applicant must ensure:

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

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

Standard Condition: E31 (Autotext EE31)

## **E.21 Site Waste Minimisation and Management – Construction**

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

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

Standard Condition: E32 (Autotext EE32)

## **E.22 Asbestos Removal**

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

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



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

**Note:** This condition is imposed to protect the health and safety of persons working on the site and the public  
Standard Condition: E39

### E.23 Classification of Hazardous Waste

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

**Note:** This condition is imposed to ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.  
Standard Condition: E40

### E.24 Disposal of Asbestos and Hazardous Waste

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

**Note:** This condition is imposed to ensure that asbestos and other hazardous waste is disposed of lawfully under the *Protection of the Environment Operations Act 1997* and relevant NSW EPA requirements.  
Standard Condition: E41

### E.25 Asbestos Removal Signage

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

**Note:** This condition is imposed to ensure awareness of any hazard to the health and safety of persons working on the site and public.  
Standard Condition: E42

### E.26 Notification of Asbestos Removal

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

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

**Note:** This condition has been imposed to ensure that local residents are informed and have adequate communication facilitated for incidents of asbestos removal.  
Standard Condition: E43

## E.27 Tree Preservation

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

### General Protection Requirements

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

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

## E.28 Replacement/Supplementary trees which must be planted

Any replacement or supplementary tree shall be grown in accordance with Tree stock for landscape use (AS 2303:2018). The replacement tree shall 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.

Species/Type	Planting/Location	Minimum Container Size/ Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
1 x <i>Banksia integrifolia</i> (Coastal Banksia)	Rear setback to west	100L	6 x 3
1 x <i>Elaeocarpus reticulatus</i> (Blueberry Ash), <i>Stenocarpus sinuatus</i> (Firewheel Tree) Or <i>Hymenosporum flavum</i> (Native Frangipani)	Front setback to east		
1 x <i>Acer palmatum</i> (Japanese Maple)	As per Landscape Plan	100L	5 x 3
2 x <i>Magnolia sp.</i> (Magnolia)	As per Landscape Plan	75L	5 x 3
1 x <i>Plumeria acutifolia</i> (Frangipani)	As per Landscape Plan	45L	5 x 3

The project arborist shall document compliance with the above condition.

### E.29 Paving in the vicinity of trees

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

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
1	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Council verge	2m

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

The project arborist shall document compliance with the above condition.

### E.30 Level changes in the vicinity of trees

No level changes shall occur within the specified radius from the trunks of the following trees.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
6	<i>Cedrus deodara</i> (Deodar Cedar)	Council verge	5m

The project arborist shall document compliance with the above condition.

### E.31 Hand excavation within tree root zones

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

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
1	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Council verge	2m
6	<i>Cedrus deodara</i> (Deodar Cedar)	Council verge	6m

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

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

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

The project arborist shall document compliance with the above condition.

### E.32 Installation of stormwater pipes and pits in the vicinity of trees

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

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
6	<i>Cedrus deodara</i> (Deodar Cedar)	Side setback	6m

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

The project arborist shall document compliance with the above condition.

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

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

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

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

#### F.2 Commissioning and Certification of Systems and Works

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

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

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

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



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

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

Standard Condition: F7 (Autotext FF7)

### F.3 Swimming and Spa Pools – Permanent Child Resistant Barriers and other Matters

Prior to filling any swimming pool, as defined by the *Swimming Pools Act 1992*:

- a) Permanent child-resistant barriers must be installed in compliance with the *Swimming Pools Act 1992* and the Building Code of Australia.
- 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.
- c) The Principal Contractor or Owner must either obtain a certificate of compliance issued pursuant to section 22D of the *Swimming Pools Act 1992* or an appropriate Occupation Certificate authorising use of the swimming pool.
- 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.
- e) Water recirculation and filtration systems must be installed in compliance with AS 1926.3-2010: *Swimming pool safety - Water recirculation systems*.

Backwash must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996.

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.

**Note:** NSW Health guidelines and fact sheets are available at

[www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx](http://www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx)

Standard Condition: F13 (Autotext FF13)

### F.4 Swimming Pool Fencing

Swimming pool fencing is to be constructed in accordance with AS1926-2012 Australian Standard Swimming Pool Safety Part 1 – *Safety Barriers for Swimming Pools*.

**Note:** Pools commenced or completed after May 2013 must meet Part 3.9.6 of the BCA AS1926.1-2012 and AS1926.2-2012

Standard Condition: F20 (Autotext FF20)

### F.5 Certification of Electric Vehicle Charging System

Prior to the issue of any Occupation Certificate or occupation or use of part of the building, the Principal Contractor or Owner-builder must submit to the satisfaction of the Principal Certifier, 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 C.14**.

Standard Condition: F22 (Autotext FF22)

### F.6 Amenity Landscaping

The *owner or principal contractor* must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

**Note:** This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.

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

Nil.

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

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

All BASIX commitments must be effected in accordance with the BASIX Certificate No. 1315744M.

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

**H.2 Removal of Ancillary Works and Structures**

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

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

**Note:** This condition has been imposed to ensure that all ancillary matter is removed prior to the issue of the Final Occupation Certificate.  
Standard Condition: H12 (Autotext HH12)

**H.3 Road Works (including footpaths)**

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

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

**Note:** Security held by Council pursuant to section 4.17(6) of the *Act* will not be release by Council until compliance has been achieved with this condition. An application for refund of security must be submitted with the Final Occupation Certificate to Council. This form can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or obtained from Council's customer service centre.  
Standard Condition: H13 (Autotext HH13)

#### H.4 Positive Covenant & Works-As-Executed Certification of Mechanical Systems

On completion of construction work, the mechanical installation works are to be certified by a *professional engineer* with Works-As-Executed drawings supplied to the *PCA* detailing:

- a) Compliance with conditions of development consent relating to the Mechanical Car Turntable;
- b) The structural adequacy of the mechanical system;
- c) That the works have been constructed in accordance with the approved design;

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 Mechanical Car Turntable incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

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

**Note:** The Final Occupation Certificate must not be issued until this condition has been satisfied.

#### H.5 Positive Covenant and Works-As-Executed Certification of Stormwater Systems

On completion of construction work, stormwater drainage works are to be certified by a *professional engineer* with Works-As-Executed drawings supplied to the *PCA* detailing:

- a) Compliance with conditions of development consent relating to stormwater;
- b) The structural adequacy of the Rainwater Tank, Mechanical Flood Barrier and basement Pump-out System.
- c) That the works have been constructed in accordance with the approved design and will be in accordance with the submitted calculations;
- 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.

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 Rainwater Tank, Mechanical Flood Barrier and basement Pump-out 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 with the NSW Land Registry Services.

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

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

## H.6 Landscaping

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

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

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

### I.1 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1315744M.

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

### I.2 On-going Maintenance of the Rainwater Tank, Mechanical Flood Barrier and basement Pump-out System

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

- a) Permit stormwater to be temporarily detained by the system;
- b) Keep the system clean and free of silt rubbish and debris;
- c) 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;
- d) 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;
- e) Carry out the matters referred to in paragraphs (b) and (d) at the Owners expense;
- 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;
- 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;
- 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;
- 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;
- 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.

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

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



### I.3 On-going Maintenance of the Mechanical Car Turntable

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

- a) Keep the systems clean and free of rubbish and debris;
- b) 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;
- c) Carry out the matters referred to in paragraphs (a) and (b) at the Owners expense;
- d) Not make any alterations to the systems or elements thereof without prior consent in writing of the Council and not interfere with the systems or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- 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;
- f) 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;
- 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;
- h) 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 systems and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

This condition has been imposed to ensure that owners are aware of maintenance requirements for their mechanical systems.

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

### I.4 Swimming and Spa Pools – Maintenance

Swimming and spa pools must be maintained:

- 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 1926.3-2010 *Swimming pool safety - Water recirculation and filtration systems*,
- d) with backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996, 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):
  - 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.

**Note:** 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.

**Note:** The NSW Health public swimming pools and spa pools guidelines are available at [www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx](http://www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx)  
Standard Condition: I30

## I.5 Noise from Mechanical Plant and Equipment

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

The *background noise level* is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the L<sub>A90, 15 minute</sub> level measured by a sound level meter.

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

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

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

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

Standard Condition: I59

## J. Miscellaneous Conditions

Nil.

## K. Advisings

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

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

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

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

#### Warnings as to potential maximum penalties

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

#### Warning as to enforcement and legal costs

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

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

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

Standard Advising: K1 (Autotext KK1)

## K.2 Dial Before You Dig



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

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

Standard Advising: K2 (Autotext KK2)

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

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

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

**Note:** For more information go to the NSW Fair Trading website

[www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating](http://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating)

Standard Condition: K5 (Autotext KK5)

## K.4 Building Standards - Guide to Standards and Tolerances

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

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

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

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

**Note:** For more information on the *NSW Guide to Standards and Tolerances* go to the NSW

Fair Trading website [www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances](http://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances) or call 133

[220](http://www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/after-you-build-or-renovate/guide-to-standards-and-tolerances). Standard Condition: K6 (Autotext KK6)

## K.5 SafeWork NSW Requirements

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

**Note:** For more information go to the SafeWork NSW website [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au) or call 131 050.

Standard Condition: K7 (Autotext KK7)

## K.6 Dividing Fences

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

**Note:** Further information can be obtained from the NSW Civil and Administrative Tribunal [www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing\\_fences.aspx](http://www.ncat.nsw.gov.au/Pages/cc/Divisions/dividing_fences.aspx)

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

Standard Advising: K10 (Autotext KK10)

## K.7 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Valdis Aleidzans, Assessment Officer, on (02) 9391 7159.

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

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

Standard Condition: K14 (Autotext KK14)

## K.8 Release of Security

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

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

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

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

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

**Note:** The Refund of Security Bond Application form can be downloaded from  
[www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)  
Standard Condition: K15 (Autotext KK15)

## **K.9 Recycling of Demolition and Building Material**

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

Standard Condition: K17 (Autotext KK17)

## **K.10 Owner-builders**

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

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

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

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

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

Standard Condition: K19 (Autotext KK19)

## **K.12 Dilapidation Report**

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

- a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- d) Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.



- e) In the event that access for undertaking the dilapidation survey is denied the Applicant is to demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

Standard Advising: K23 (Autotext KK23)

### **K.13 Roads Act 1993 Application**

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

- Construction of driveways and/or new or alterations to footpath paving
- Alteration and/or extension to Council drainage infrastructure
- Alteration and/or addition of retaining walls
- Pumping of water to Council's below ground stormwater system
- Installation of soil/rock anchors under the roadway
- Installation of Stormwater outlet pipes across the nature strip

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

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

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

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

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

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

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

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

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

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

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






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

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

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

Standard Advising: K24 (Autotext KK24)

## Attachments

1. Architectural Plans, Landscape Plans and Site Survey [↓](#) 
2. Applicant's View Impact Assessment [↓](#) 
3. Development Engineering Referral Response [↓](#) 
4. Trees and Landscaping Referral Response [↓](#) 
5. Drainage Referral Response [↓](#) 



NEW DUAL OCCUPANCY  
1 VAUCLUSE ROAD VAUCLUSE NSW  
2030  
DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A  
NEW DUAL OCCUPANCY, SWIMMING POOL AND LANDSCAPING

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ABBREVIATIONS

SLI	SLIDING PANEL
F	FIXED WINDOW
AN	ANEETA WINDOW
SCR	SCREEN
AW	AWNING WINDOW
HD	HINGED DOOR
GB	GLASS BALUSTRADE
RD	RENDER FINISH
TR	TRAVERTINE TILES
CN	CONCRETE
ME	MEDIUM BRONZE CLADDING



DEVELOPMENT APPLICATION

REVISION	DATE	DESCRIPTION	35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 +61 2 9431 1111 WWW.MHNDU.COM
A	14/10/2022	DEVELOPMENT APPLICATION	
B	11/11/2022	AMENDED	
C	19/06/2023	AMENDED	
D	21/08/2023	AMENDED	NOMINATED ARCHITECT BRIAN MEYERSON 4907

PROJECT:  
1 VAUCLUSE ROAD  
DRAWING TITLE:  
COVER PAGE

PROJECT ADDRESS:  
1 VAUCLUSE ROAD VAUCLUSE NSW 2030

DATE:  
21/8/23  
PROJECT NUMBER:  
21-126

SCALE:  
@A1  
DRAWING NUMBER:  
DA-00

MHNDUION



Project summary			
Project name	1 Vauclose Rd Vauclose M32		
Street address	1 Vauclose Road Vauclose 2030		
Local Government Area	Woollahra Municipal Council		
Plan type and plan number	deposited 937008		
Lot no.	1		
Section no.	-		
No. of residential flat buildings	1		
No. of units in residential flat buildings	2		
No. of multi-dwelling houses	0		
No. of single dwelling houses	0		
Project score			
Water	✓ 40	Target 40	
Thermal Comfort	✓ Pass	Target Pass	
Energy	✓ 35	Target 35	

Certificate Prepared by	
Name / Company Name:	Gradelux Consulting
ABN (if applicable):	66 872 791 764

1. Commitments for Residential flat buildings - Building1

(a) Dwellings

(i) Water												Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below:														
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).												✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.													✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.													✓	✓
(e) The applicant must install:														
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and													✓	✓
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.													✓	✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.												✓	✓	
(f) If specified in the table, this pool or spa (or both) must have a pool cover or shading (or both).													✓	
(g) The pool or spa must be located as specified in the table.													✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.													✓	✓

Fixtures												Appliances				Individual pool				Individual spa			
Dwelling no.	All shower heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded									
A	4 star (+ 4.5 bud <= 6 L/min)	4 star	6 star	6 star	no	4 star	4 star	28.0	yes	outdoors	no	-	-	-									
All other dwellings	4 star (+ 4.5 bud <= 6 L/min)	4 star	6 star	6 star	no	4 star	4 star	-	-	-	-	8.0	no	no									

Alternative water source										Alternative water supply systems			
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection	Laundry connection	Pool top-up	Spa top-up					
All dwellings	central water tank (no. 1)	See central systems	See central systems	yes	yes	yes	no	no					
None	-	-	-	-	-	-	-	-					

(i) Energy

(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.												Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.														
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.													✓	✓
(d) The applicant must install the cooling and heating systems specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling, if no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zone(s)" is specified beside an air conditioning system, then the system must provide for daylight zoning between living areas and bedrooms.													✓	✓

(ii) Energy

(a) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.												Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(b) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.													✓	✓
(c) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:														
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool); if specified, the applicant must install a timer, to control the pool's pump; and													✓	✓
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa); if specified, the applicant must install a timer to control the spa's pump.													✓	✓
(h) The applicant must install in the dwelling:														
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;													✓	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and													✓	✓
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.													✓	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".													✓	

Hot water		Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous 6 star	individual fan, ducted to facade or roof	manual switch on/off	individual fan, ducted to facade or roof	manual switch on/off	individual fan, ducted to facade or roof	manual switch on/off

Cooling		Heating		Artificial lighting		Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Main kitchen
A	1-phase airconditioning 2.5 Star (old label)	1-phase airconditioning 2.5 Star (old label)	1-phase airconditioning 2.5 Star (old label)	1-phase airconditioning 2.5 Star (old label)	4 (dedicated)	1 (dedicated)	yes
All other dwellings	1-phase airconditioning 2.5 Star (old label)	1-phase airconditioning 2.5 Star (old label)	1-phase airconditioning 2.5 Star (old label)	1-phase airconditioning 2.5 Star (old label)	2 (dedicated)	1 (dedicated)	yes

Individual pool		Individual spa		Appliances & other efficiency measures							
Dwelling no.	Pool heating system	Timer	Spa heating system	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
A	gas	yes	-	-	gas cooktop & gas oven	1.5 star	no	3 star	3 star	-	yes
All other dwellings	-	-	gas	yes	gas cooktop & gas oven	1.5 star	no	3 star	3 star	-	no

(iii) Thermal Comfort

(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.												Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.														
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.														

(iii) Thermal Comfort												Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.												✓		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.													✓	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.													✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must:													✓	✓
(aa) install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or													✓	✓
(bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.													✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.													✓	✓
(i) The applicant must show on the plans accompanying the development application for the proposed development, the locations of ceiling fans set out in the Assessor Certificate.													✓	
(j) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.													✓	

Thermal loads		
Dwelling no.	Area adjusted heating load (in mJ/m <sup>2</sup> /yr)	Area adjusted cooling load (in mJ/m <sup>2</sup> /yr)
A	33.6	25.5
All other dwellings	45.3	25.4

(b) Common areas and central systems/facilities

(i) Water												Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.													✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.													✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kL) greater than that specified for the pool or spa in the table.													✓	
(d) A pool or spa listed in the table must have a cover or shading (if specified for the pool or spa in the table).													✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.													✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.													✓	✓

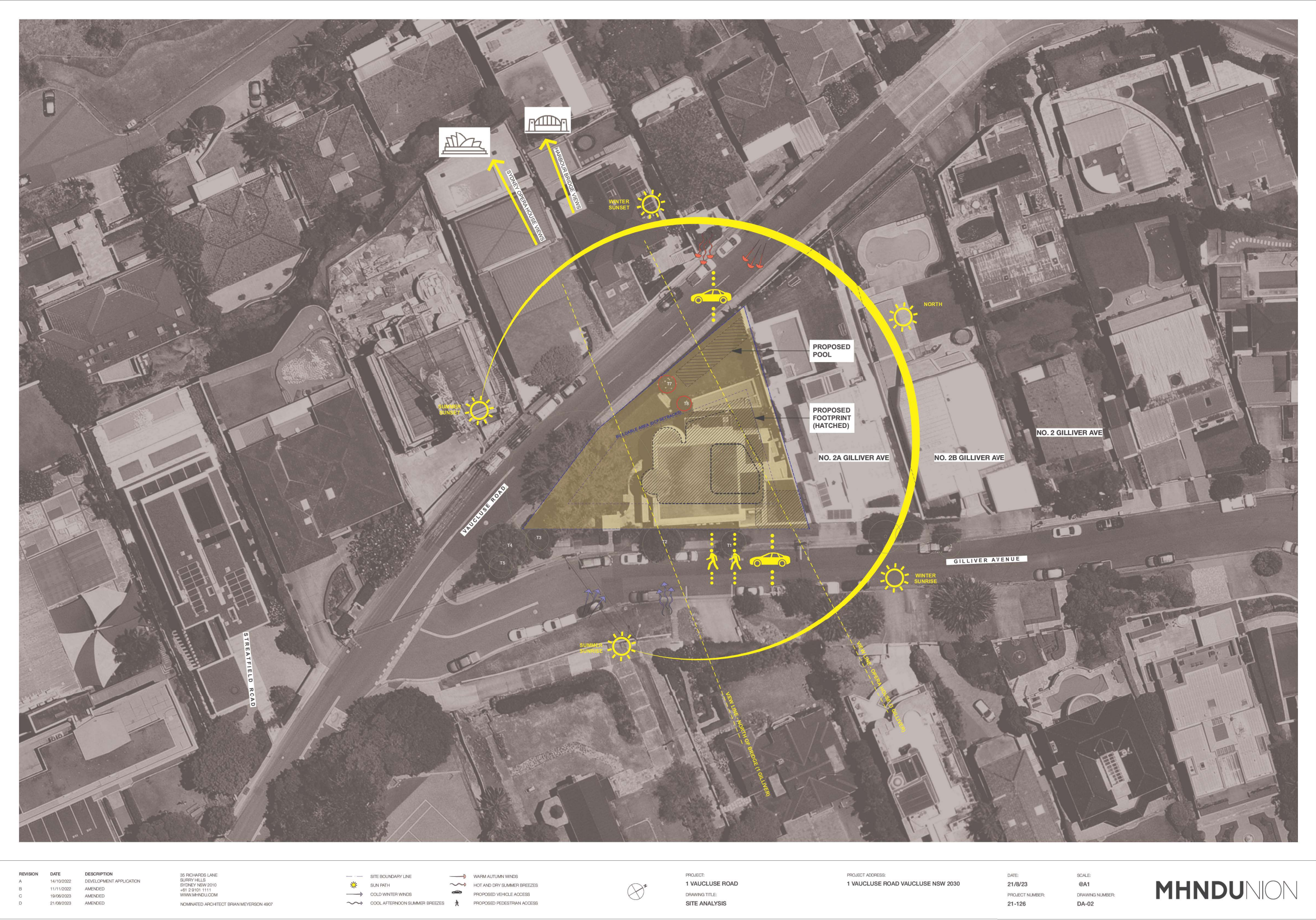
Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

Central systems	Size	Configuration	Connection (to allow for...)
Central water tank - rainwater or stormwater (No. 1)	30000.0	To collect run-off from at least: - 78.0 square metres of roof area of buildings in the development - 0.0 square metres of impervious area in the development - 0.0 square metres of garden/leisure area in the development - 0.0 square metres of planter box area in the development (excluding, in each case, any area which drains to, or supplies, any other alternative water supply system).	- irrigation of 9.0 square metres of common landscaped area on the site - car washing in 0 car washing bays on the site

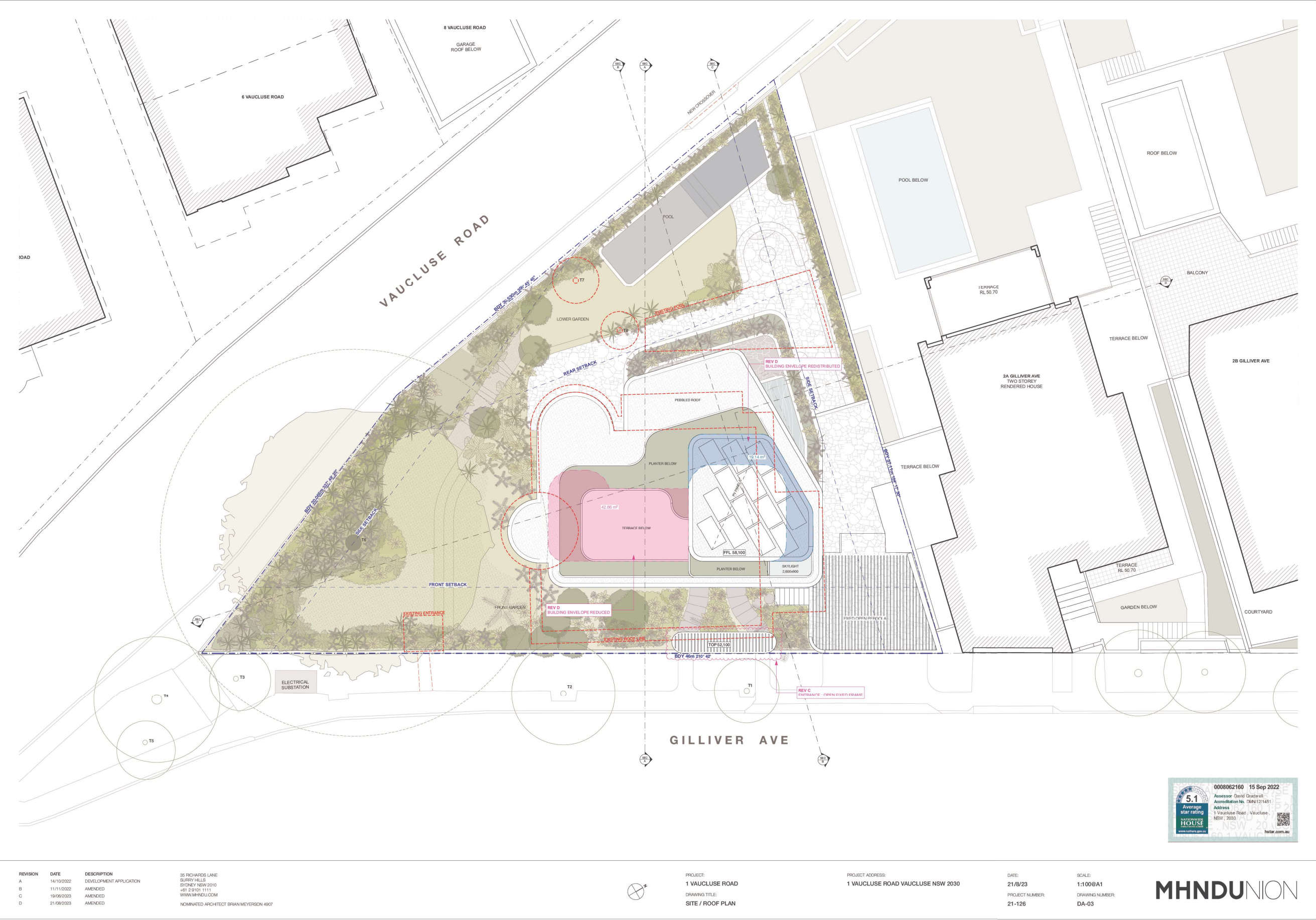
(ii) Energy												Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.													✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.													✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.													✓	✓

4. Commit

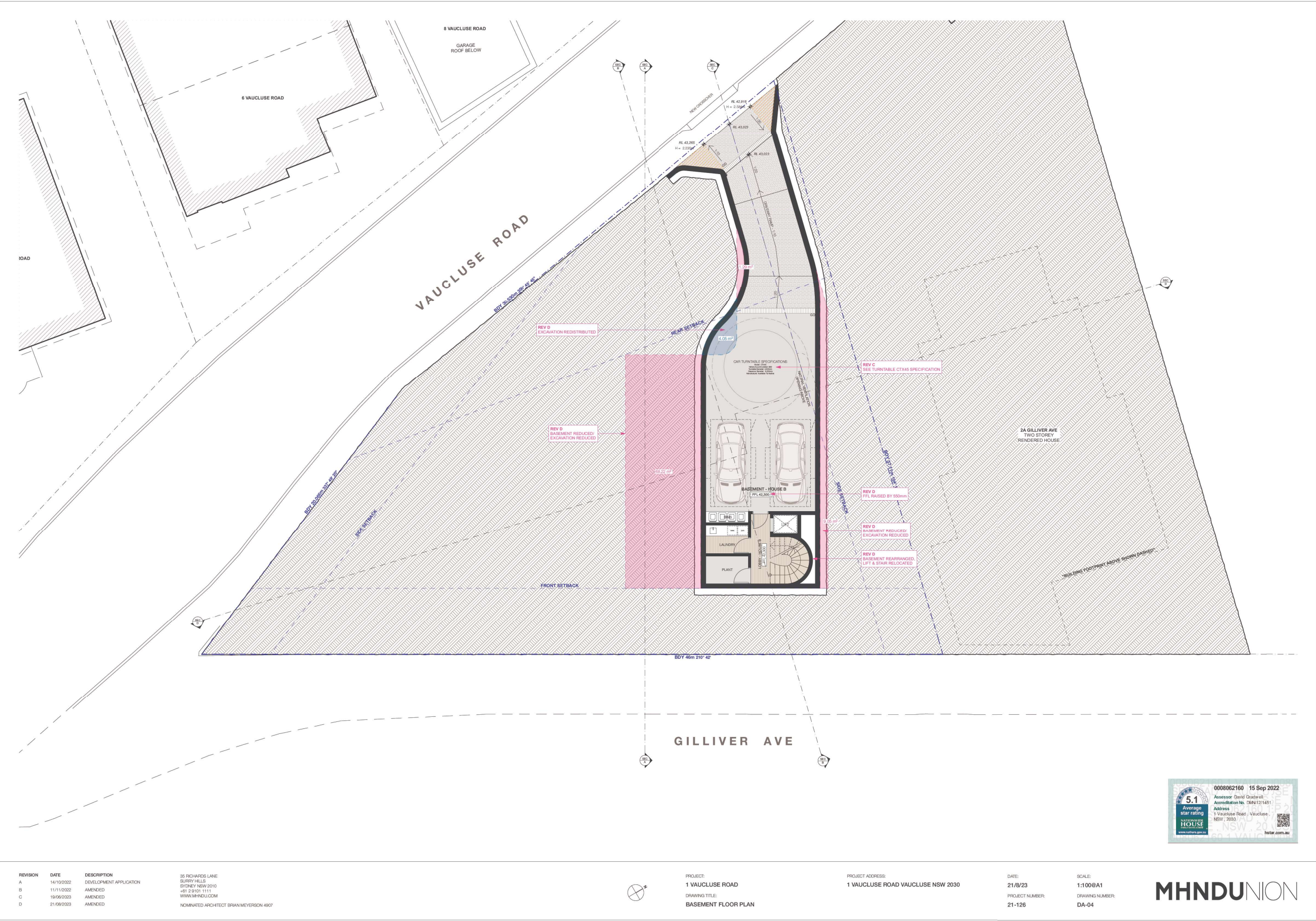




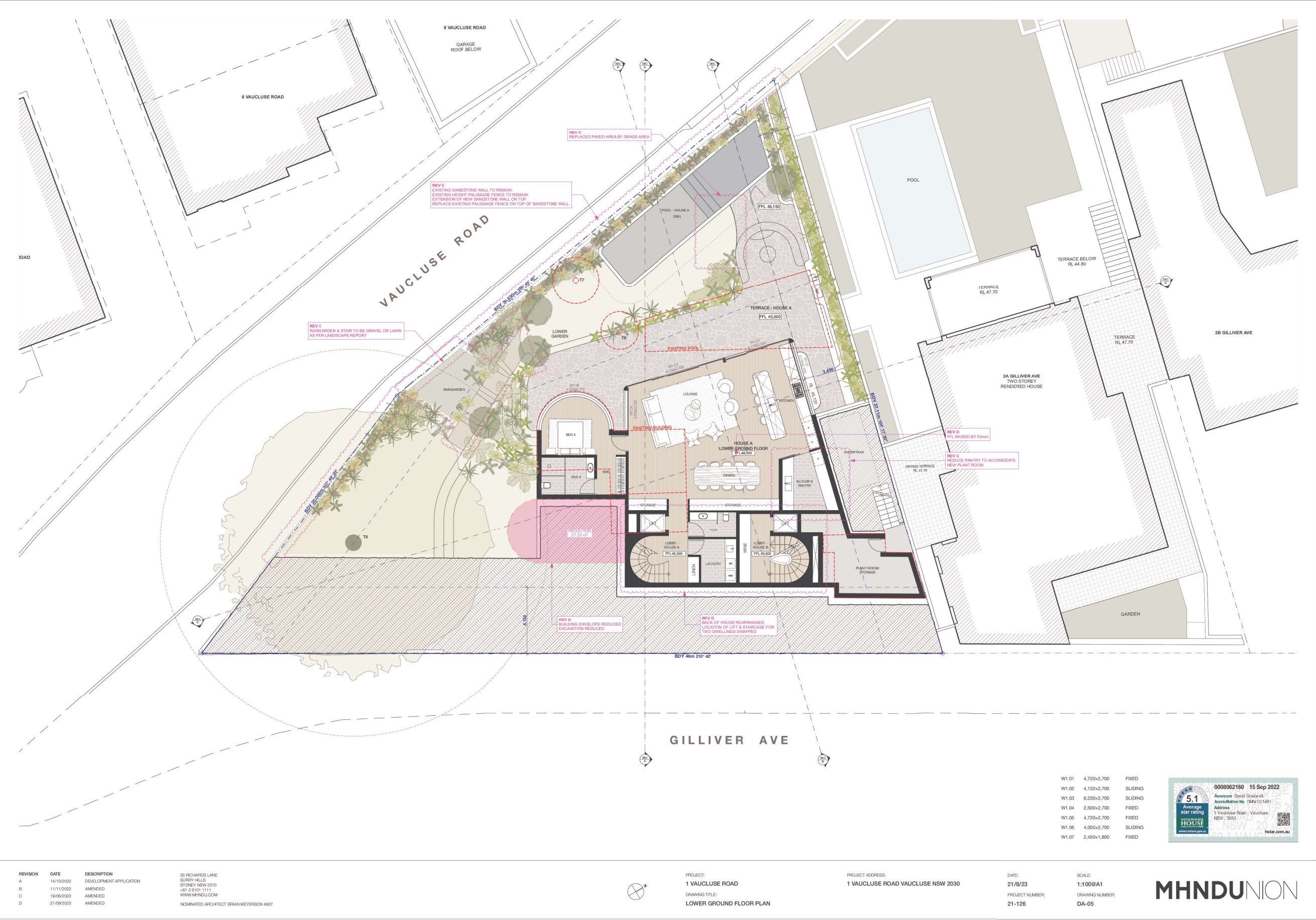








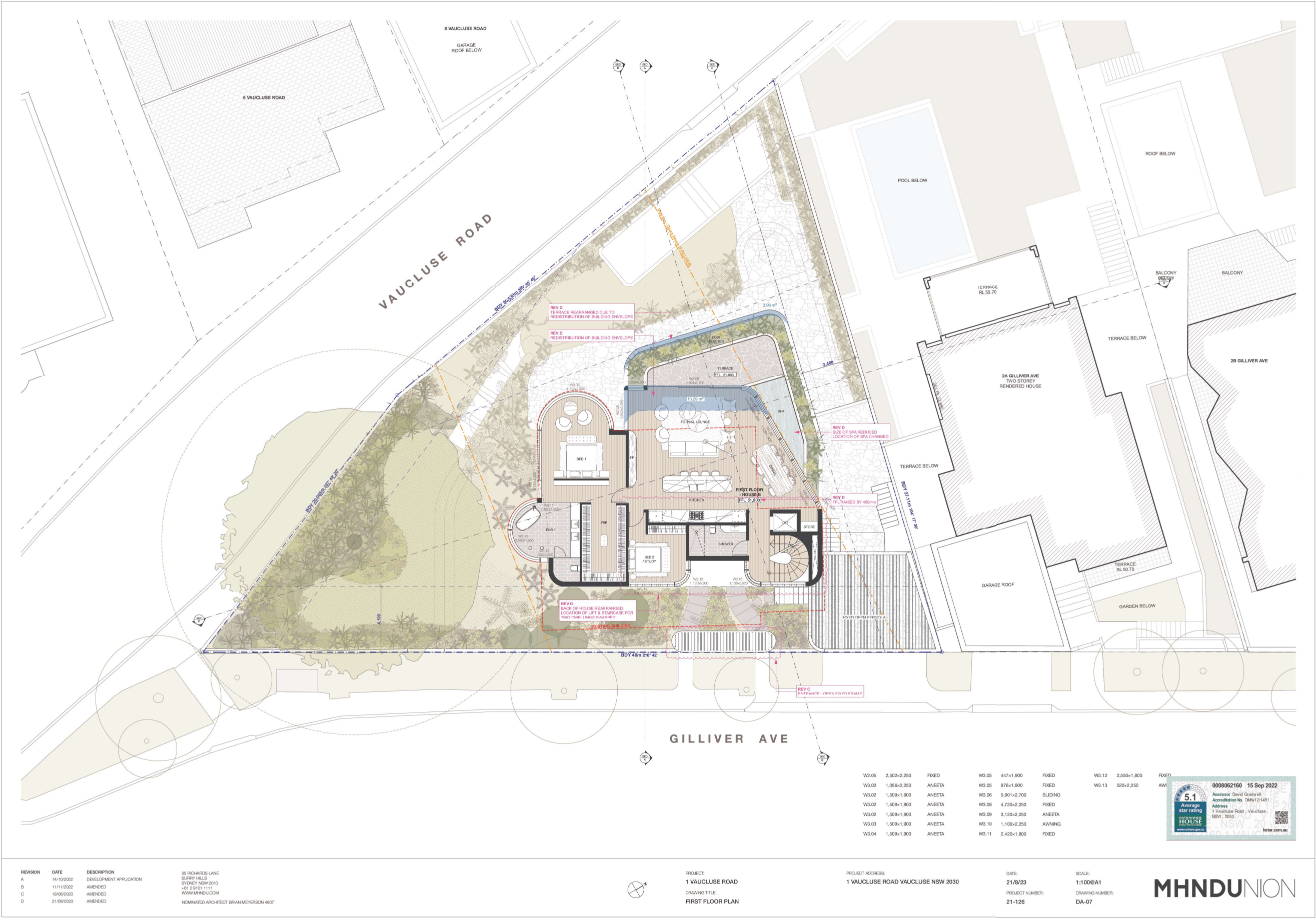












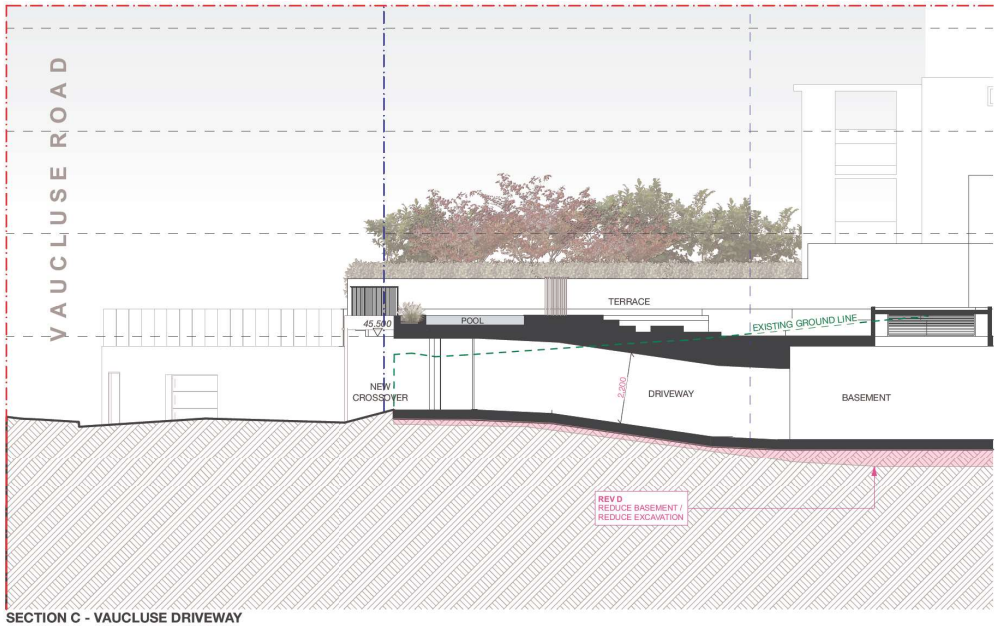






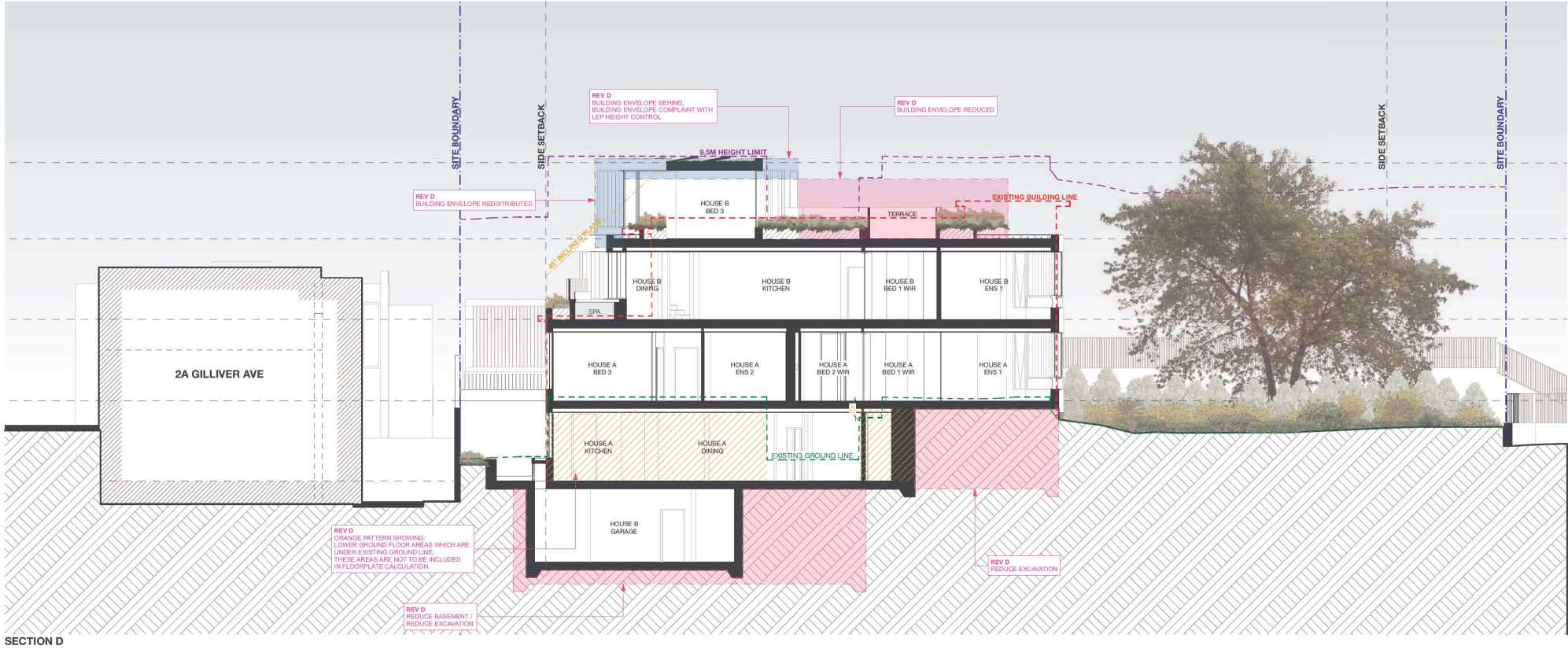






Ext. Walls:	Construction	Insulation	Colour Light	Details		
	Concrete Lined	R2.5 added		As per plans		
Int. Walls:	Construction	Insulation	Details			
	Concrete with Plasterboard	R2.5 added	To garage			
	Concrete with Plasterboard	None	Intertency			
	Plasterboard on Stud	None	As per plans			
Floors:	Construction	Insulation	Details			
	Concrete	R1.3 added	Above garage and where open below			
	Concrete	None	As per plans			
Ceilings:	Construction	Insulation	Details			
	Plasterboard	None	As per plans			
Roof:	Construction	Insulation	Colour Medium	Details		
	Concrete	80mm PIR or equiv (R4.0)		As per plans		
Windows:	Product ID	Glass	Frame	Uw/SHGCw	Details	
	Group A	ALM-005-03 A	Double Clear	Aluminium	4.1/0.47	Awning - House B
	Group B	ALM-006-03 A	Double Clear	Aluminium	4.1/0.52	Fixed, Sliding - House B
	Group A	ALM-001-01 A	Single Clear	Aluminium	6.7/0.57	Awning, Casement, Entry Door - House A
	Group B	ALM-002-01 A	Single Clear	Aluminium	6.7/0.70	Fixed, Sliding - House A; Curved Fixed - House B
Skylights:	Product ID	Glass	Type	Uw/SHGCw	Details	
	VEL-011-01 W	Double Fixed	Roof Light	2.6/0.24	As per plans	
Other:	Orientation	Terrain	Rangehood	Recessed Downlights	Software Version	
	300	Open	Ducted	Sealed LED - 1 per 2.5m²	Bers Pro 4.4	

Notes:  
1. House B - 1200mm ceiling fan to Dining/Living and each bedroom.



REVISION	DATE	DESCRIPTION
A	14/10/2022	DEVELOPMENT APPLICATION
B	11/11/2022	AMENDED
C	19/06/2023	AMENDED
D	21/08/2023	AMENDED

35 RICHARDS LANE  
SUNRISE HILLS  
SYDNEY NSW 2010  
+61 2 9431 1111  
WWW.MHNDUNION.COM  
NOMINATED ARCHITECT BRIAN MEYERSON 4007

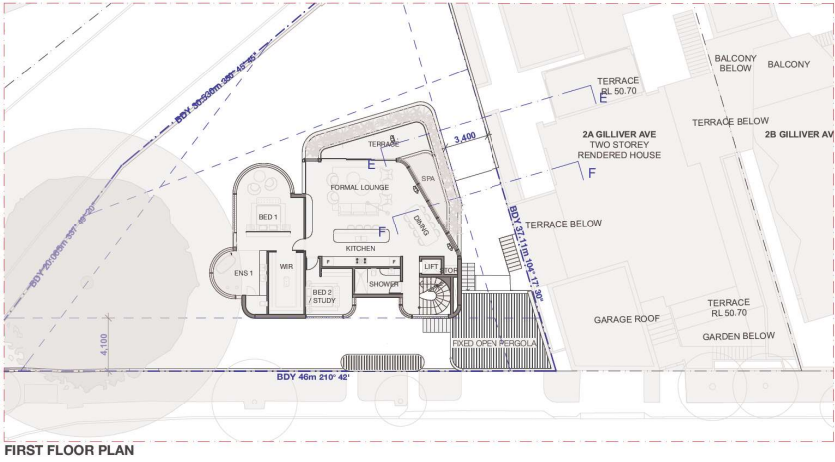
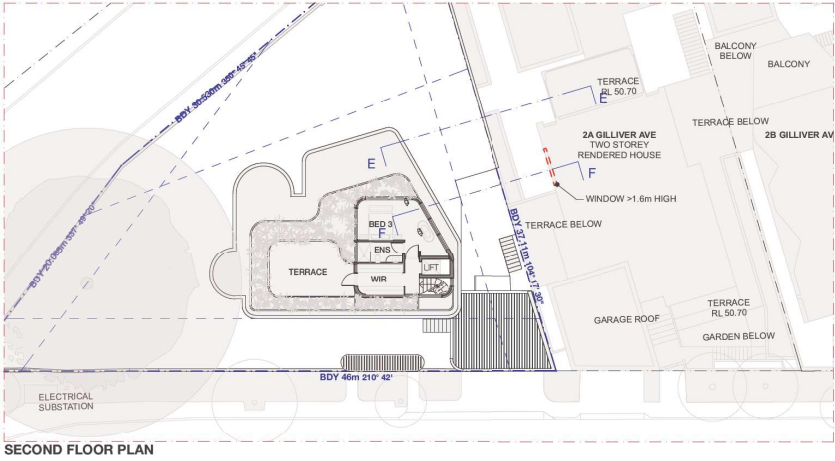
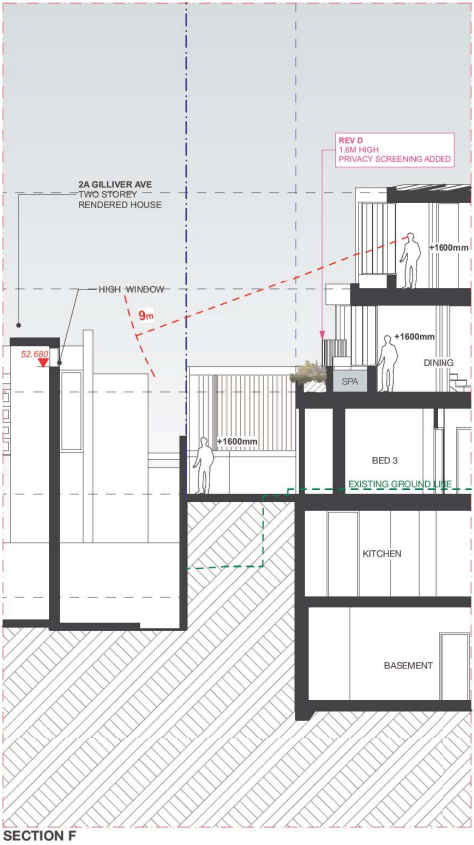
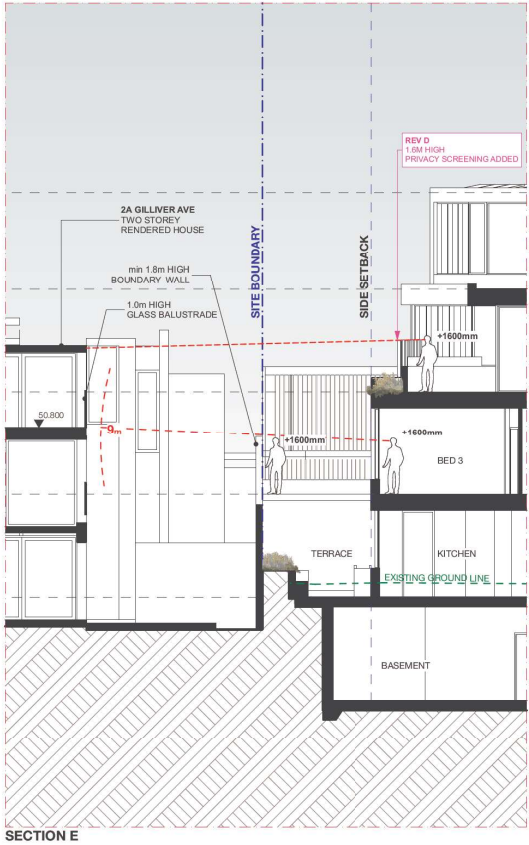
PROJECT:  
1 VAUCLUSE ROAD  
DRAWING TITLE:  
SECTIONS C & D (Driveway)

PROJECT ADDRESS:  
1 VAUCLUSE ROAD VAUCLUSE NSW 2030

DATE:  
21/8/23  
PROJECT NUMBER:  
21-126  
SCALE:  
1:100@A1  
DRAWING NUMBER:  
DA-10

MHNDUNION





REVISION	DATE	DESCRIPTION	35 RICHARDS LANE SUNRISE HILLS SYDNEY NSW 2010 WWW.MHNDUNION.COM
A	14/10/2022	DEVELOPMENT APPLICATION	
B	11/11/2022	AMENDED	
C	18/06/2023	AMENDED	
D	21/08/2023	AMENDED	NOMINATED ARCHITECT BRIAN MEYERSON 4007



PROJECT:  
1 VAUCLUSE ROAD  
DRAWING TITLE:  
PRIVACY SECTIONS

PROJECT ADDRESS:  
1 VAUCLUSE ROAD VAUCLUSE NSW 2030

DATE:  
21/8/23  
PROJECT NUMBER:  
21-126

SCALE:  
1:100@A1  
DRAWING NUMBER:  
DA-11

MHNDUNION



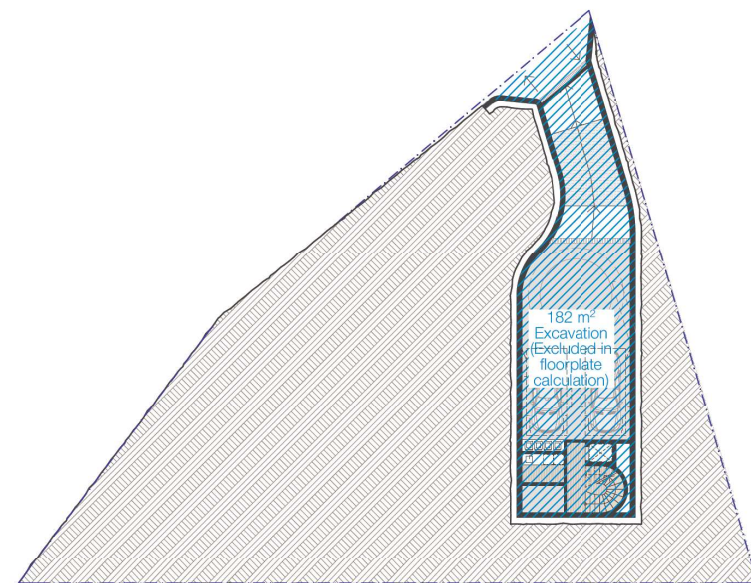




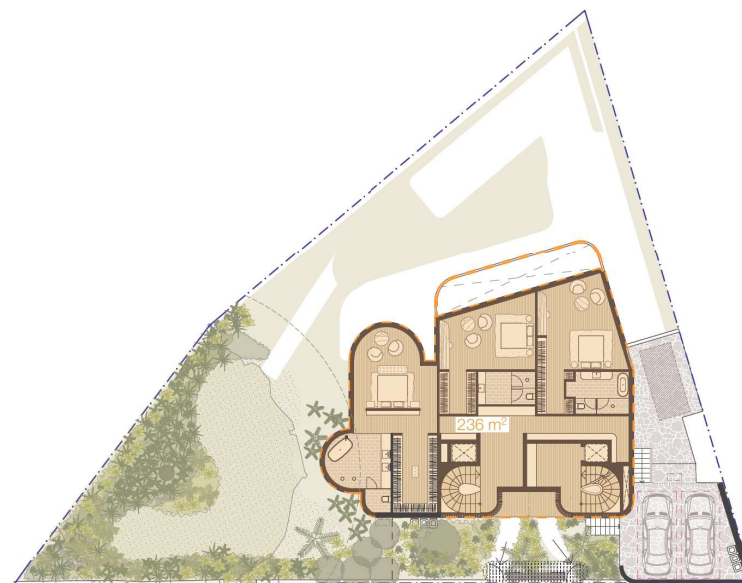




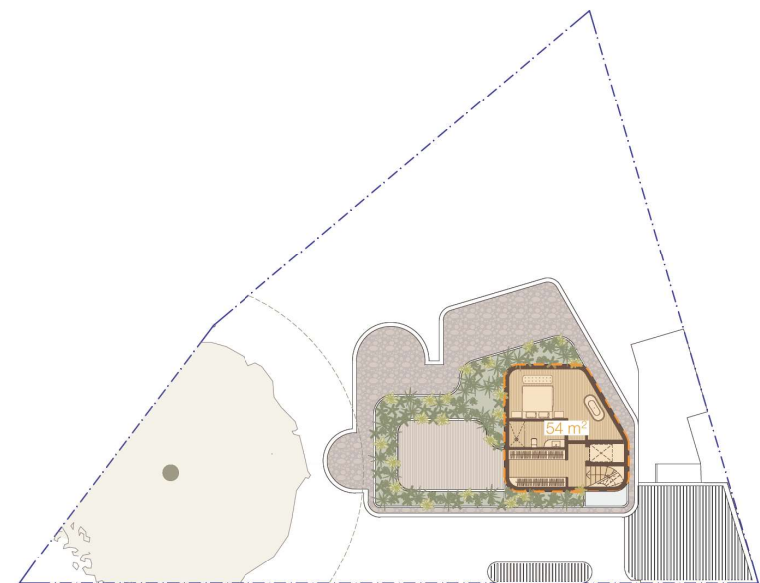




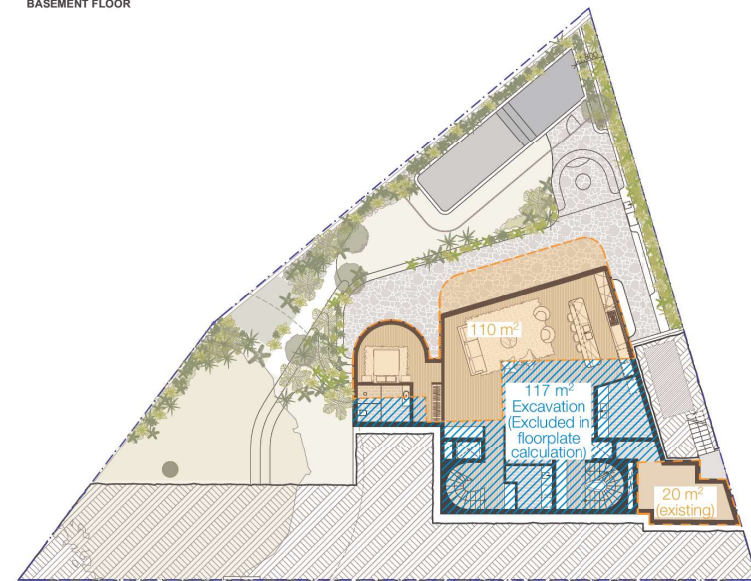
**BASEMENT FLOOR**



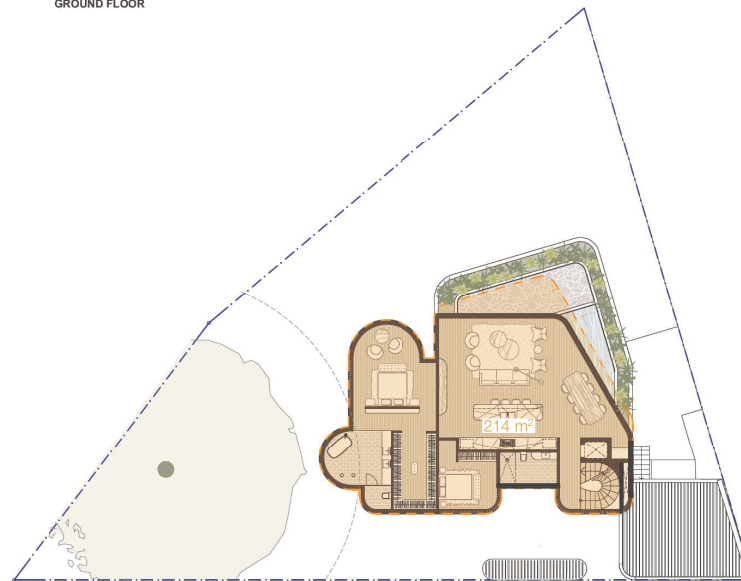
GROUND FLOOR



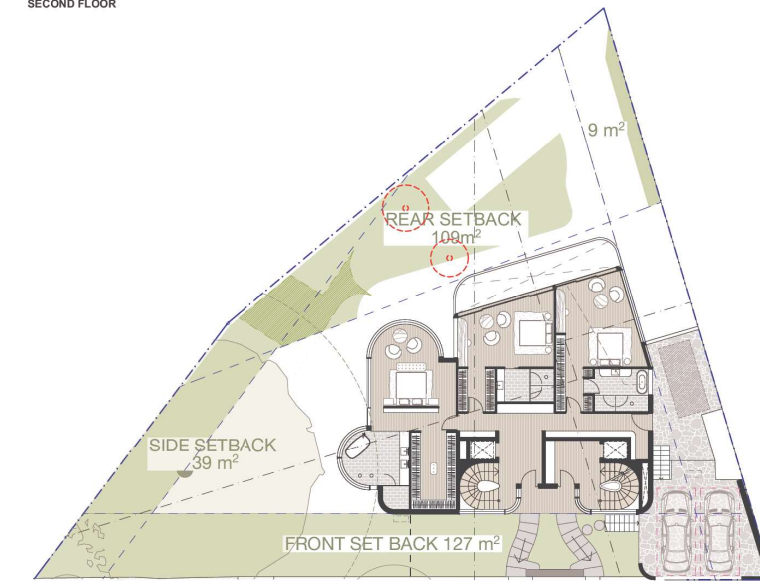
## SECOND FLOOR



### LOWER GROUND FLOOR



**FIRST FLOOR**



DEEP SOIL AREA

SITE INFORMATION	
TITLE DESCRIPTION	DP937008
ZONING	R2 Low Density Residential
MAXIMUM BUILDING HEIGHT (J2)	9.5m
SITE AREA	687.3m <sup>2</sup> (By Survey)
BUILDABLE AREA	384m <sup>2</sup>
FLOORPLATE	634m <sup>2</sup>
NON-BUILDABLE AREA	503.3m <sup>2</sup>
FRONT SETBACK AREA	180m <sup>2</sup>
REAR SETBACK AREA	218m <sup>2</sup>

CONTROLS SUMMARY				
COUNCIL CONTROL	CONTROLS	EXISTING	PROPOSED	COMPLIES
HEIGHT OF BUILDING (LEP)	9.5m	9.5 m		YES
FLOORPLATE (100% of buildable area)	63m <sup>2</sup>	625.55m <sup>2</sup>	634m <sup>2</sup>	YES
CARPARKING CONCESSION	40m <sup>2</sup>	N/A	N/A	
PARKING - RESIDENTIAL	2	N/A	2	YES
PRIVATE OPEN SPACE	35m <sup>2</sup>		COMPLIANT	
<b>DEEPSOIL AREA</b>				
	252m <sup>2</sup>	237m <sup>2</sup>	284m <sup>2</sup>	YES
(min. % of site outside buildable area)	50%	47.03%	96%	
<b>DEEPSOIL AREA - FRONT SETBACK</b>	72m <sup>2</sup>	71m <sup>2</sup>	127m <sup>2</sup>	YES
(min. % of front setback area)	50%	39.44%	70%	
<b>DEEPSOIL AREA - REAR SETBACK</b>	108m <sup>2</sup>	137m <sup>2</sup>	109m <sup>2</sup>	YES
(min. % of rear setback area)	62%	62.84%	50%	

CONTROLS SUMMARY				
COUNCIL CONTROL	CONTROLS	EXISTING	PROPOSED	COMPLIES
EXCAVATION NOTES:	20.5m <sup>2</sup>		680.8 m <sup>2</sup> (incl. 110.8m <sup>2</sup> backfill)	N/A
EXCAVATION TO DWELLING			532.8 m <sup>2</sup>	
EXCAVATION FOR CAR PARKING AND ACCESS			334.4 m <sup>2</sup>	
EXCAVATION FOR LANDSCAPING			66.4 m <sup>2</sup>	
EXCAVATION BACK FILL OFFSET			- 110.8m <sup>2</sup>	
ADDITIONAL STORAGE EXEMPTION			- 40 m <sup>3</sup>	

## DEFINITION

**FLOOR-PLATE AREA (DCP 2018)**  
THE FLOOR-PLATE CONTROL ONLY APPLIES TO: THE DEVELOPMENT ON LAND IN THE R2 LOW DENSITY RESIDENTIAL ZONE, AND TWELFTH FLOORS, SEVEN DETACHED DWELLINGS AND DUAL OCCUPANCIES IN THE R3 MEDIUM DENSITY RESIDENTIAL ZONE.

FLOOR-PLATES ARE MEASURED TO INCLUDE:  
- THE AREA WITHIN THE EXTERNAL FACE OF THE EXTERNAL WALLS MEASURED AT EACH LEVEL, AND  
- THE EXTERNAL FLOOR-PLATE WHICH INCLUDES COVERED DECKS, COVERED BALCONIES, VERANDAS, PORTE-COCHERES, UNDER CROFTS AND THE LIKE.

**BUT EXCLUDES:**  
- LANDSCAPED AREAS, SUCH AS TERRACES, DECKS AND BALCONIES, AND  
- LEVELS BELOW 1' M ABOVE EXISTING GROUND LEVEL.

**DEEP-SOIL AREA (DCP 2018)**  
DEEP SOIL LANDSCAPED AREA IS THE PART OF THE SITE THAT CONTAINS LANDSCAPED AREA WHICH HAS NO ABOVE GROUND LEVEL, BUT SUBSTANTIAL DEPTH. LANDSCAPED AREA IS DEFINED IN THE WOLLUMBAI ACT 2014 TO MEAN "A PART OF A SITE USED FOR GROWING PLANTS, GRASSES AND TREES", BUT DOES NOT INCLUDE ANY BUILDING.

REVISION	DATE	DESCRIPTION	35 RICHARDS LANE SURREY HILLS SYDNEY NSW 2010 +61 2 9101 1111 WWW.MHINDU.COM
A	14/10/2022	DEVELOPMENT APPLICATION	
B	11/11/2022	AMENDED	
C	19/06/2023	AMENDED	
D	21/08/2023	AMENDED	NOMINATED ARCHITECT BRIAN MEYERSON 490



PROJECT:  
**1 VAUCLUSE ROAD**

DRAWING TITLE:  
**COMPLIANCE DIAGRAMS - CONTROLS  
SUMMARY**

PROJECT ADDRESS:  
1 VAUCLUSE ROAD VAUCLUSE NSW 2030

DATE:  
21/8/23

PROJECT NUMBER:  
21-126

SCALE:  
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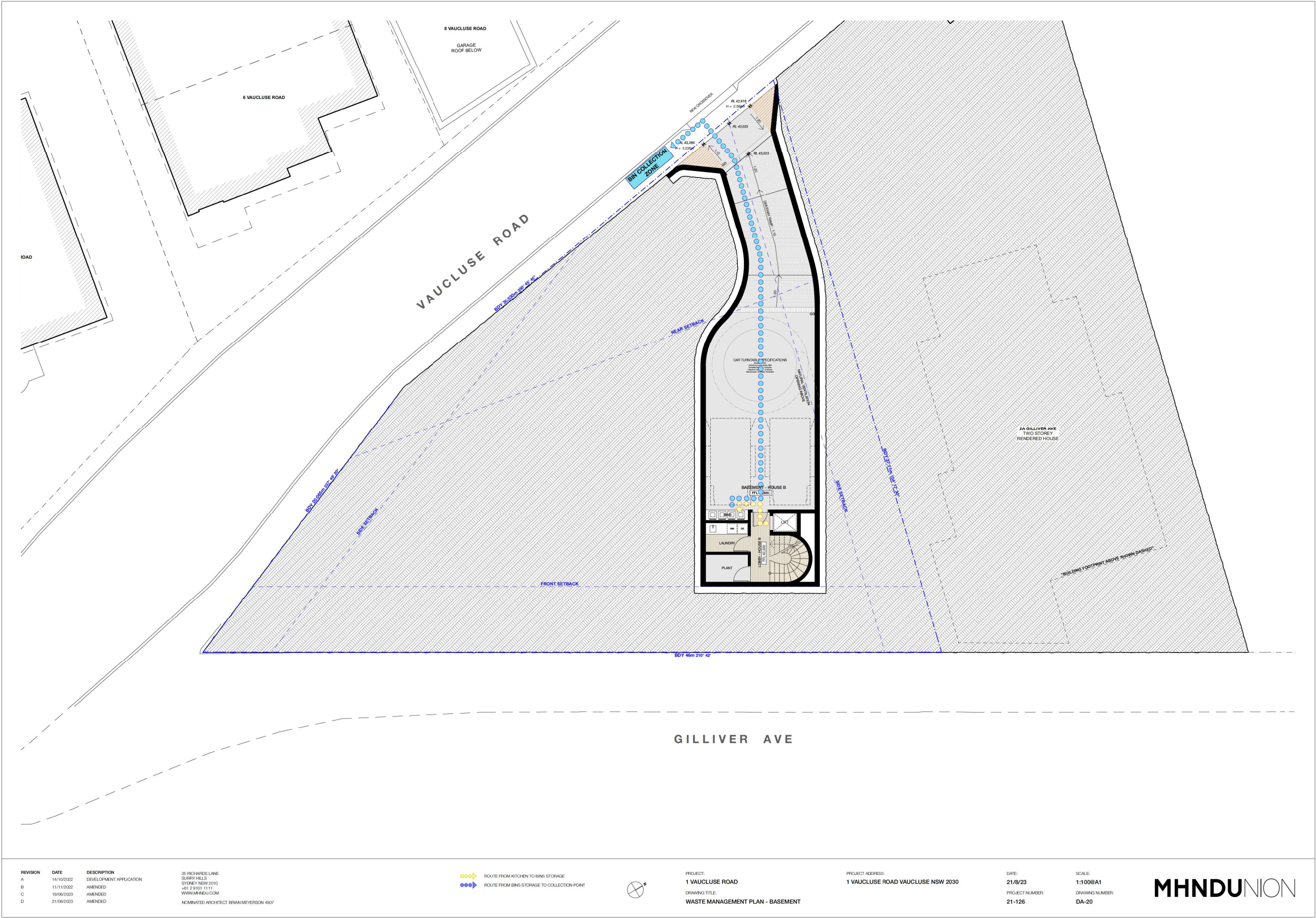
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**DA-15**

**MHNDU**NION

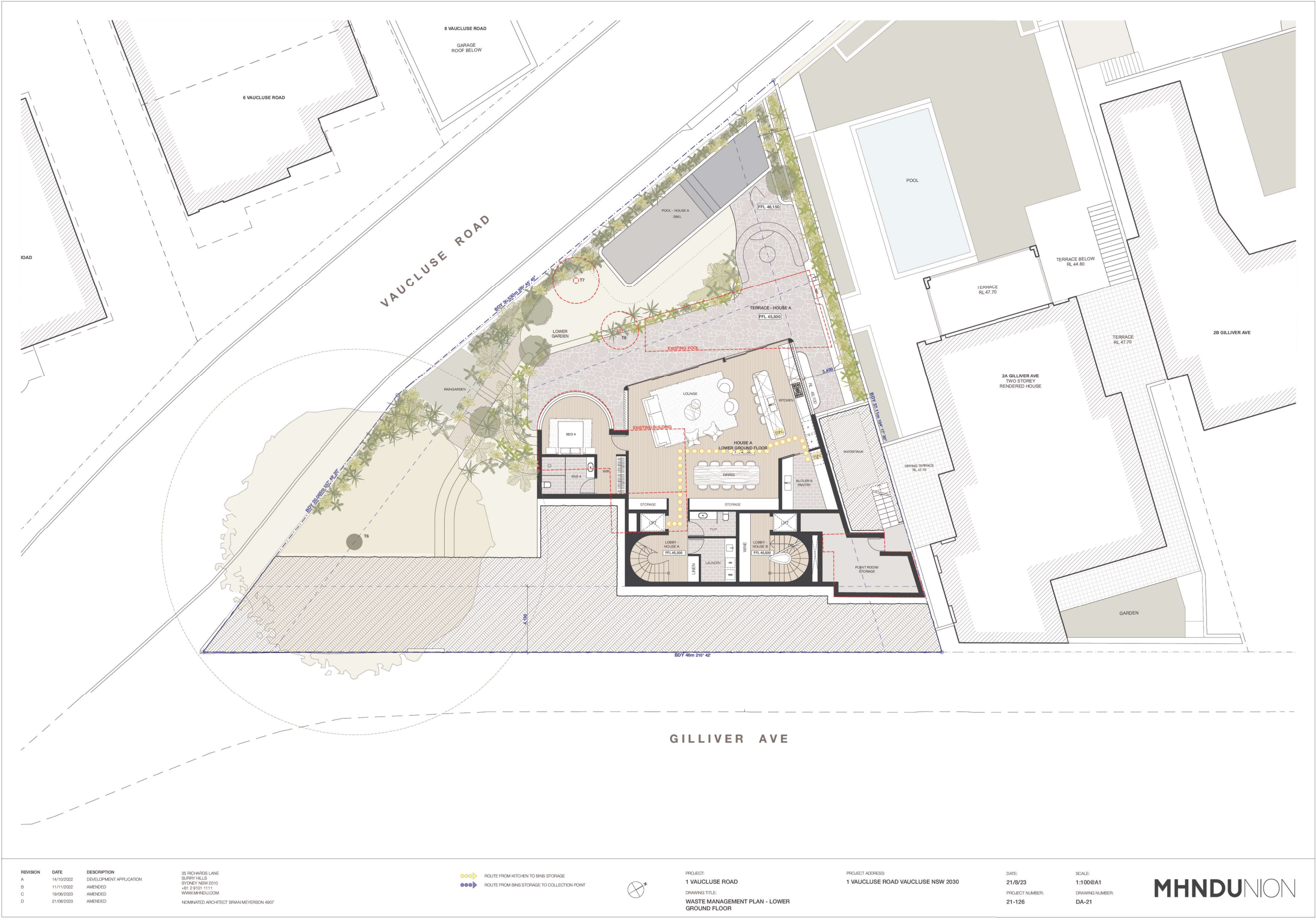








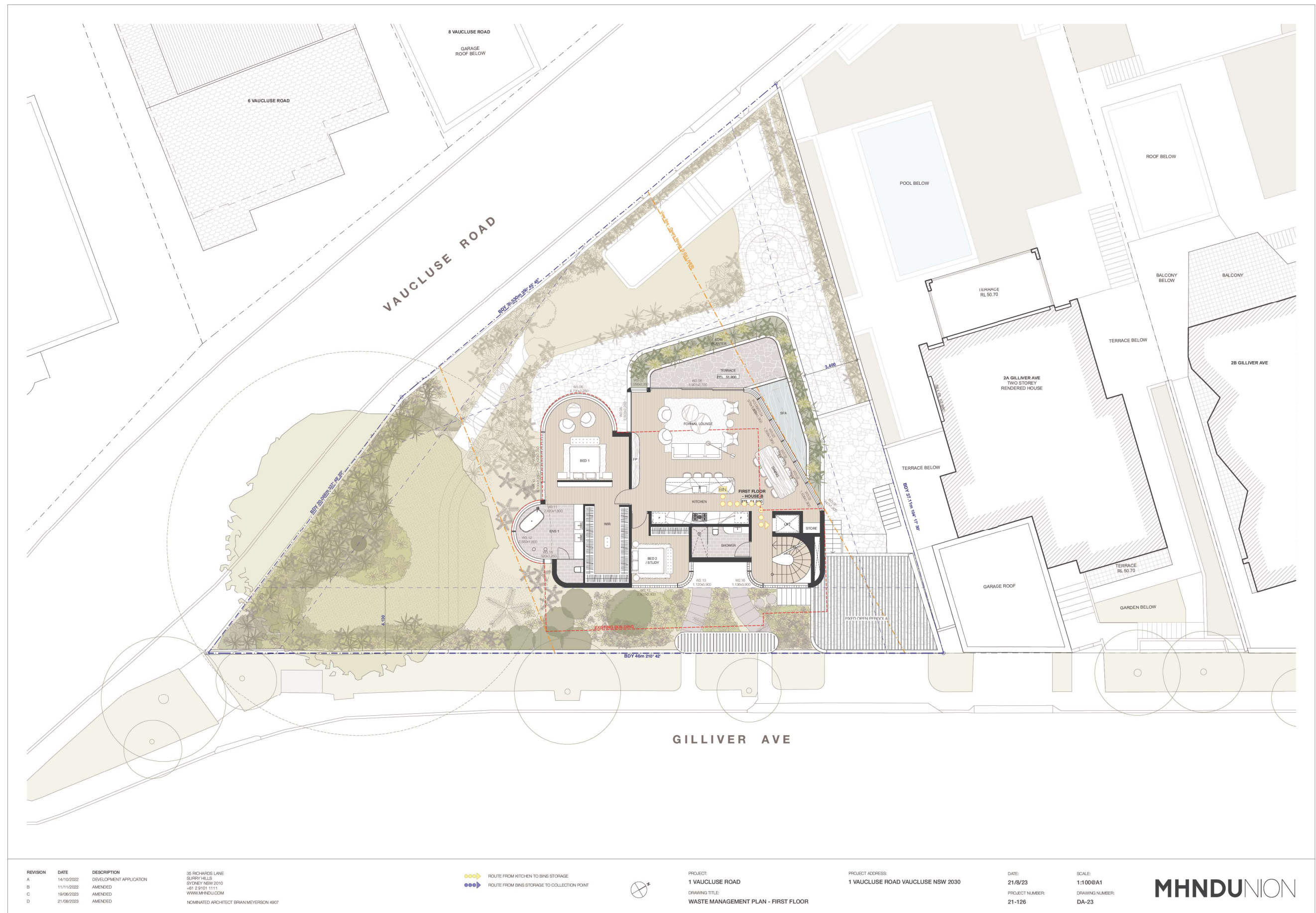




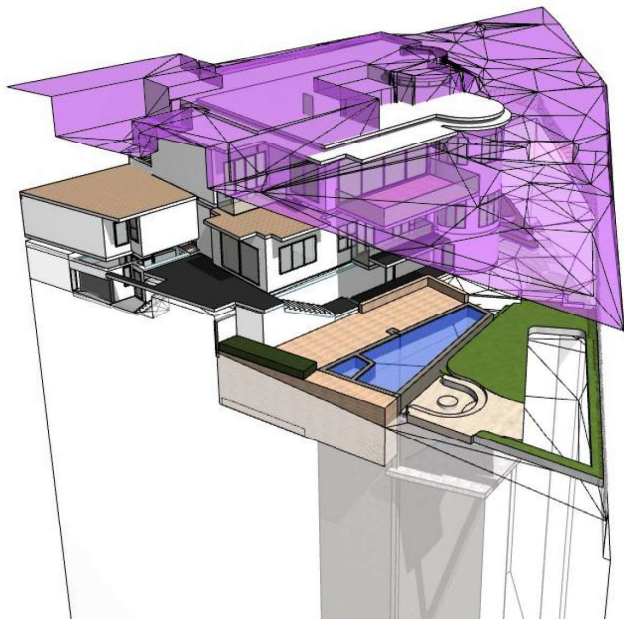








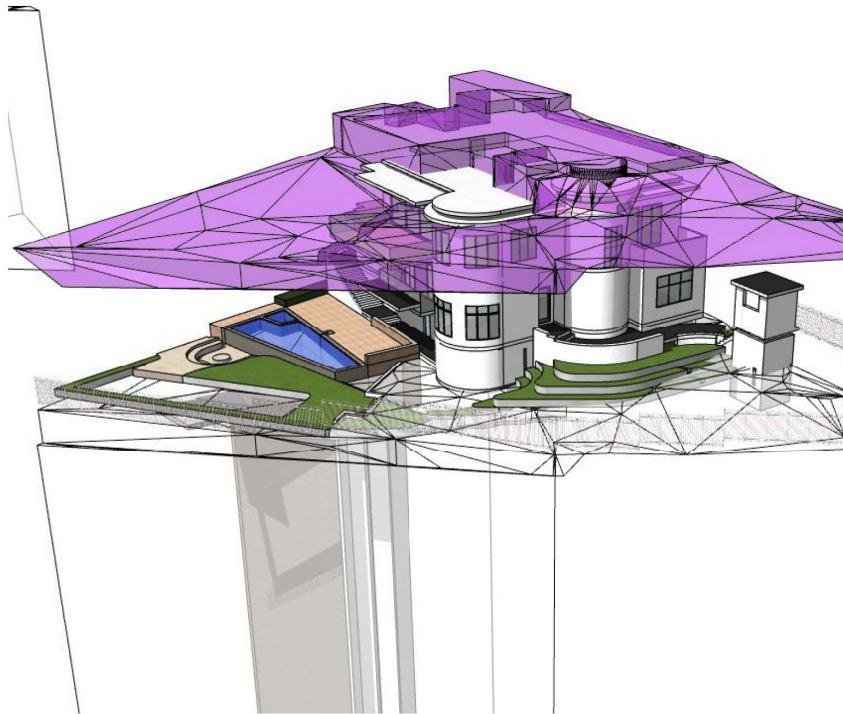




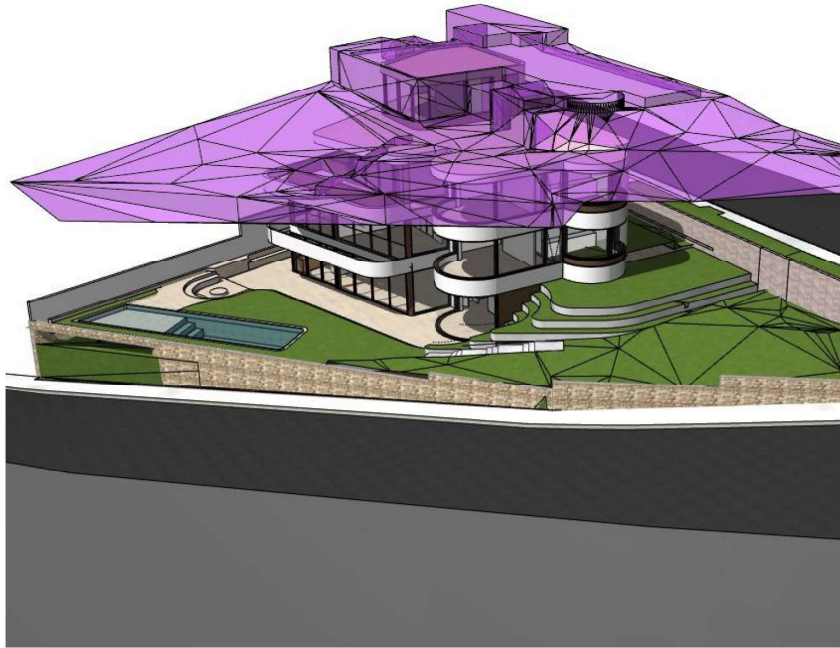
EXISTING BUILDING + 9.5M HEIGHT LIMIT



PROPOSED + 9.5M HEIGHT LIMIT



EXISTING BUILDING + 9.5M HEIGHT LIMIT



PROPOSED + 9.5M HEIGHT LIMIT

REVISION	DATE	DESCRIPTION	
A	14/10/2022	DEVELOPMENT APPLICATION	35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 +61 2 9431 1111 WWW.MHNDU.COM
B	11/11/2022	AMENDED	
C	19/06/2023	AMENDED	
D	21/08/2023	AMENDED	NOMINATED ARCHITECT BRIAN MEYERSON 4907

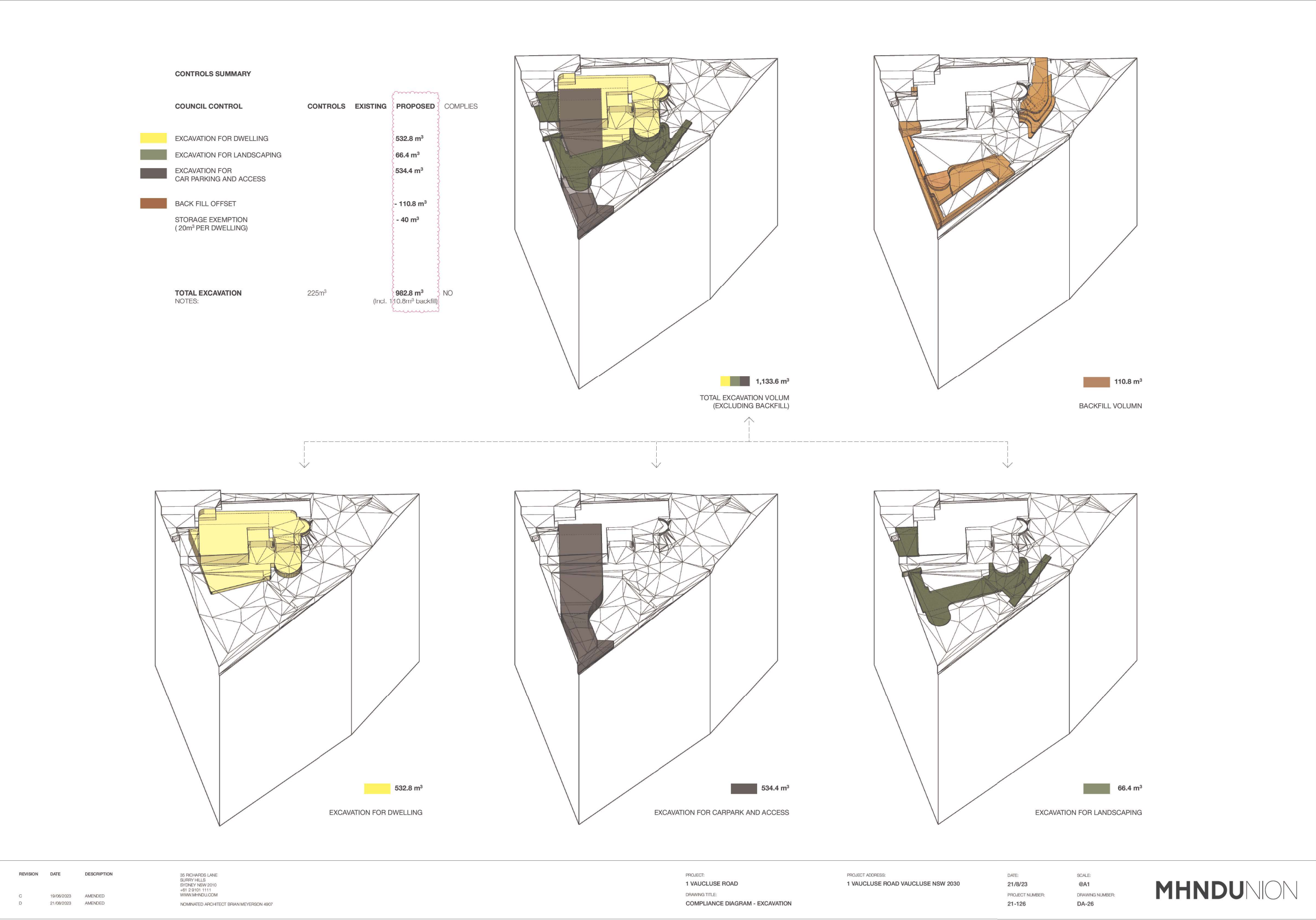
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1 VAUCLUSE ROAD  
DRAWING TITLE:  
3D HEIGHT BLANKET DIAGRAM

PROJECT ADDRESS:  
1 VAUCLUSE ROAD VAUCLUSE NSW 2030

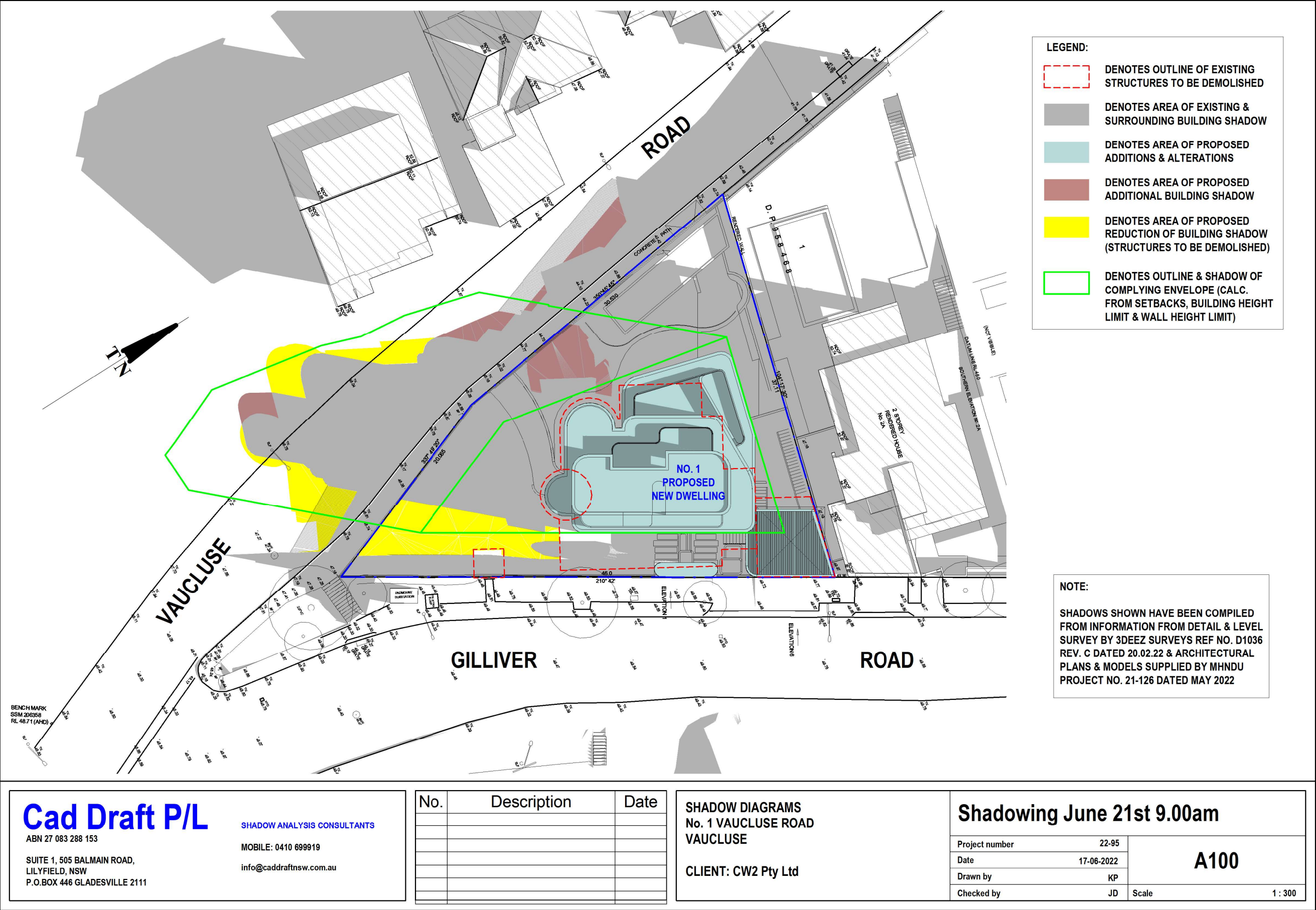
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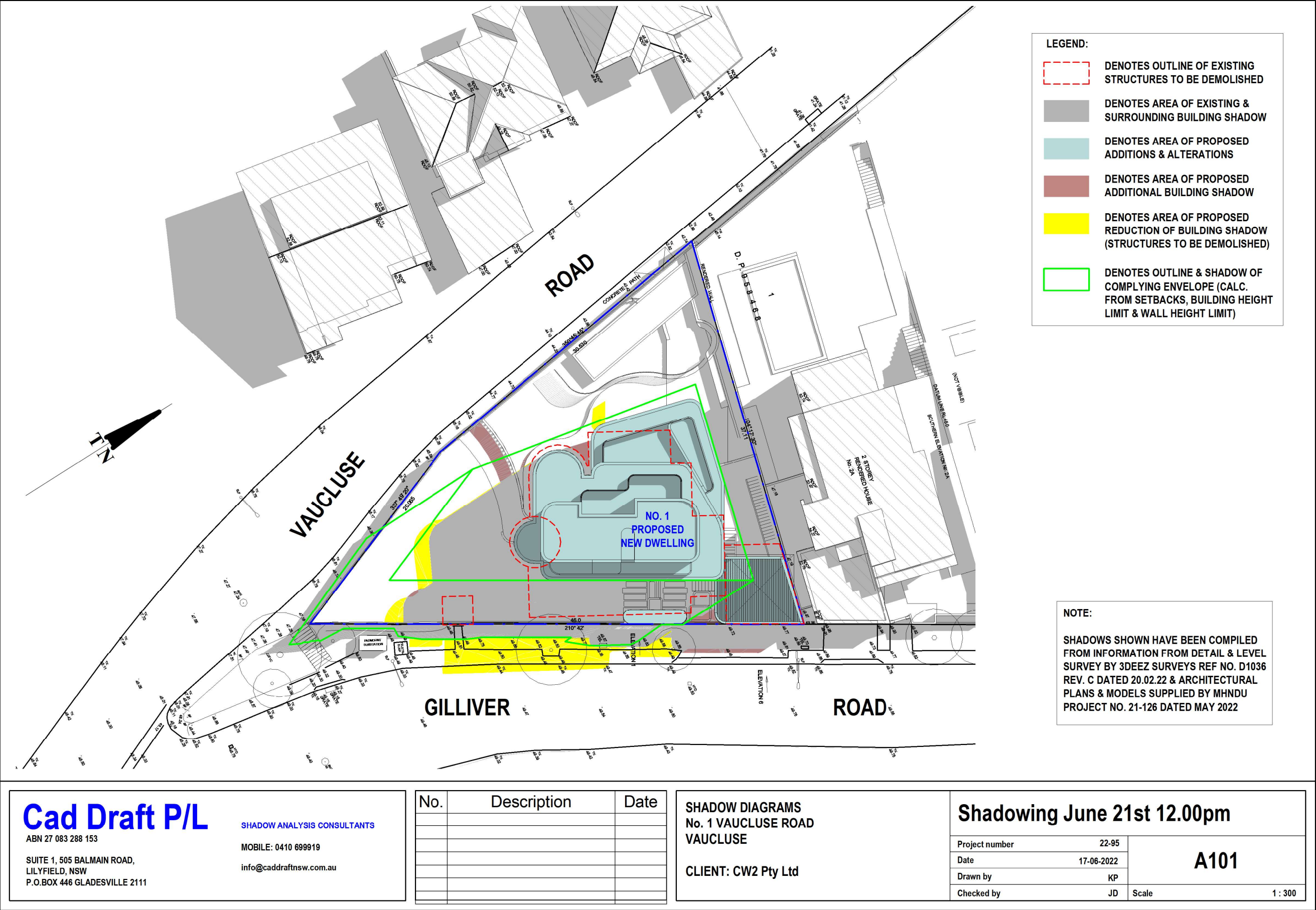
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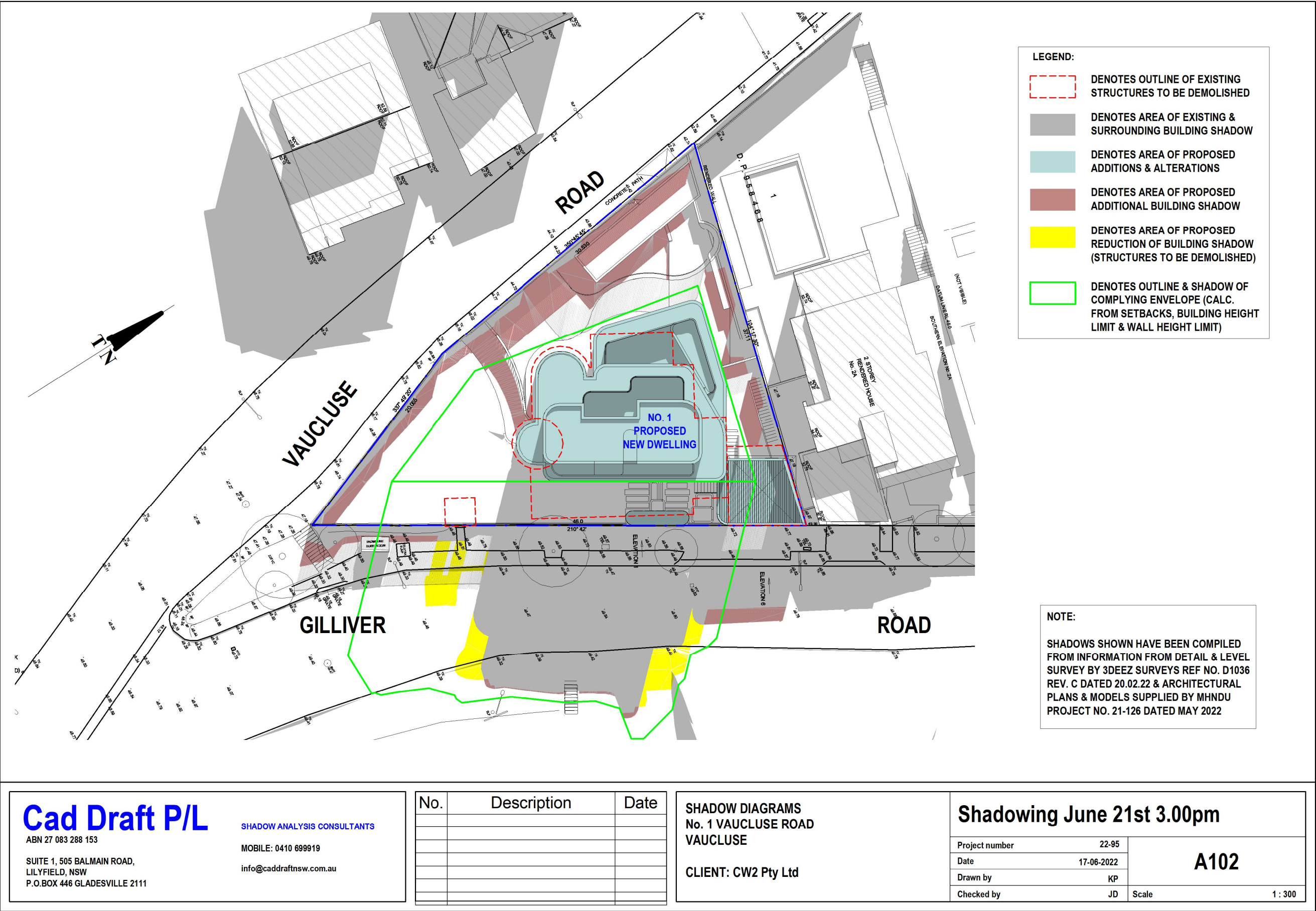














DANGAR BARIN SMITH  
DA LANDSCAPE PACKAGE

1 VAUCLUSE RD  
VAUCLUSE

DEVELOPMENT APPLICATION

DANGAR BARIN SMITH

+ ||

PLANTS SCHEDULE

Botanic Name	Common Name	Mature Height(m)	Pot Size	Qty
Abelia x Grandiflora	Glossy Abelia	1.5-2m	100L	3
Acer palmatum	Japanese Maple	4-5m	200L	1
Agave gypsophila	Gypsum Century Plant	0.6-1m	200mm	28
Agave vilmoriniana	Octopus Agave	0.9-1.2m	400mm	7
Alcoccia brisbanensis	Curjevool Lily	1.5m	300mm	12
Aloe 'Bush Baby Yellow'	Bush Baby Yellow	0.5m	140mm	49
Alpinia rutans	Dwarf Cardamom	1-1.5m	200mm	48
Bougainvillea alba	White Bougainvillea	Climber	200mm	70
Cissus Ellen Danica	Grape Ivy	0.3m	140mm	143
Cordyline australis	Cabbage Tree	1-3m	45L	10
Crassula ovata	Jade	0.6-1m	200mm	48
Ficinia nodosa	Knobby Club-Rush	0.8-1m	140mm	30
Ficus 'Flash'	Flash Fig	3-5m	45L	51
Gardenia augusta 'Florida'	Fragrant Gardenia	1m	200mm	37
Howea forsteriana*	Kentia Palm	5-10m	Adv.	4
Ligularia reniformis	Tractor Seat Plant	1m	140mm	78
Lomandra 'Tanika'	Fine Mat Rush	0.7m	200mm	25
Lonicera hilderbrandiana	Burmese Honey Suckle	Climber	200mm	9
Magnolia 'Teddy Bear'	Teddy Bear Magnolia	4m	100L	5
Makaya bella	Forest Bell Bush	2m	200mm	33
Monstera deliciosa	Fruit Salad Plant	Climber	300mm	14
Neomarica gracilis	Brazilian Walking Iris	0.7m	200mm	42
Ophiopogon jaburan	Giant Mondo	0.5m	200mm	43
Pandorea jasminoides	Bower Vine	Climber	200mm	155
Philodendron selloum	Philodendron	1-1.5m	200mm	33
Philodendron Xanadu	Xanadu	0.7m	200mm	92
Phoenix roebelenii	Pygmy Date Palm	2-3m	adv.	3
Plumeria acutifolia	Frangipani	4-6m	adv.	1
Rhaphiolepis indica	Indian Hawthorn	2-3m	300mm	50
Rhaphiolepis indica	Indian Hawthorn	2-3m	400mm	27
Thunbergia grandiflora	Blue Sky Flower	Climber	200mm	66
Trachelospermum jasminoides	Star Jasmine	Climber	200mm	205
Viburnum 'Emerald Lustre'	Sweet Viburnum	3-4m	300mm	28
Viola hederacea	Native Violet	Groundcover	140mm	50
Zamia furfuracea	Cardboard Palm	1.5-2m	400mm	10

\*NOTE: Height of palm trees not to exceed height of top floor FFL54.450

GENERAL NOTES

**Graphic Illustration**  
Please note that the plant graphics are indicative sizes only and not an accurate representation at time of purchase. Do not scale from drawings. All dimensions in mm unless otherwise stated. Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on site before commencing any work or making shop drawings. All works shall be carried out in accordance with ASABCA and Local Government Regulations. This drawing is protected by copyright.

**Site Preparation**  
All existing plants marked for retention shall be protected for the duration of works. Remove from site all perennial weeds and rubbish before commencing landscape works.

**Soilworks**  
Thoroughly cultivate the subsoil to a depth of 200mm. Supply and install to a depth of 300mm quality garden soil mix to all planting beds and 150mm turf underlay to lawn areas.

**Mulch**  
Supply and install a 75mm layer of hardwood horticultural grade mulch to all planting beds set down 25mm from adjacent paving or garden edge.

**Maintenance**  
All failed or defective plant species to be replaced by landscaper for a 3 months period following completion of work. Further maintenance during and after this period should include watering, weeding, fertilising, pest and disease control, pruning and hedging, reinstatement of mulch and keeping the site neat and tidy.

GENERAL PLANTING NOTES

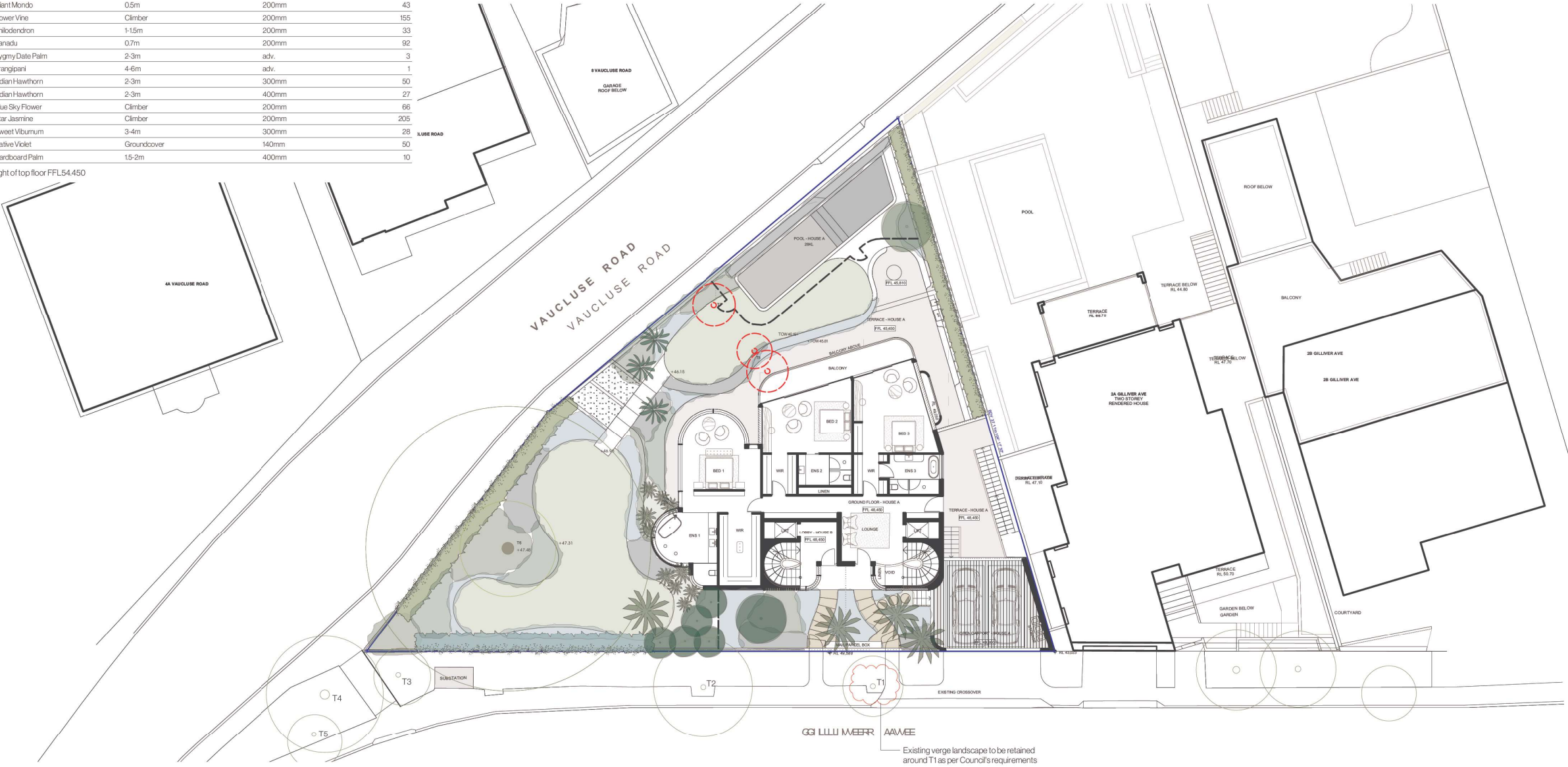
**Note** It is recommended that all plants used be subject to an establishment period. During this period maintenance work carried out will include: watering, mowing, weeding, fertilising, pest and disease control, reseeding, returfing, staking and tying, replanting, cultivating, pruning, hedge clipping, aerating, reinstatement of mulch, top dressing and keeping the site neat and tidy.

**Note** Plants shall be vigorous, well established, of good form consistent with species or variety, not soft or forced, free from disease and insect pests, with large healthy root systems and no evidence of having been restricted in growth or damaged. Root system shall be well balanced in relation to the size of the plant.

**Note** Install "root barrier" or equivalent to manufacturers specifications to protect nearby structures and services.

**Note** Install temporary drip irrigation system under mulch in tree protection zones and water on allotted days.

LOCATION MAP



Client: CW2

Project Address:  
Vaucluse Rd  
Vaucluse NSW 2030

Drawn by:  
CT  
Issue  
01

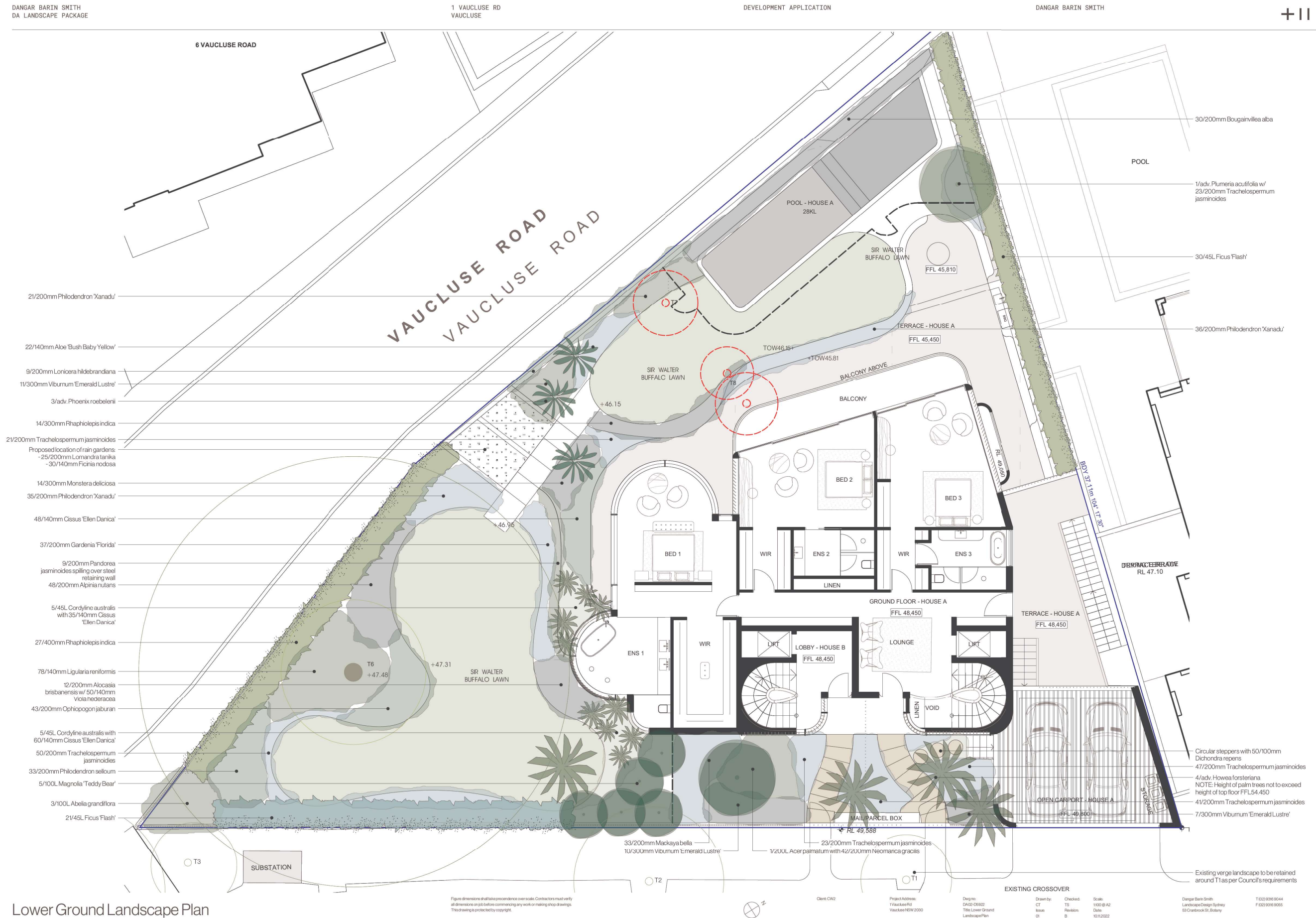
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TS  
Revision  
B

Scale:  
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Date:  
10/11/2022

Dangar Barin Smith  
Landscape Design Sydney  
83 Cranbrook St, Botany

T (02) 9396 9044  
F (02) 9396 9055





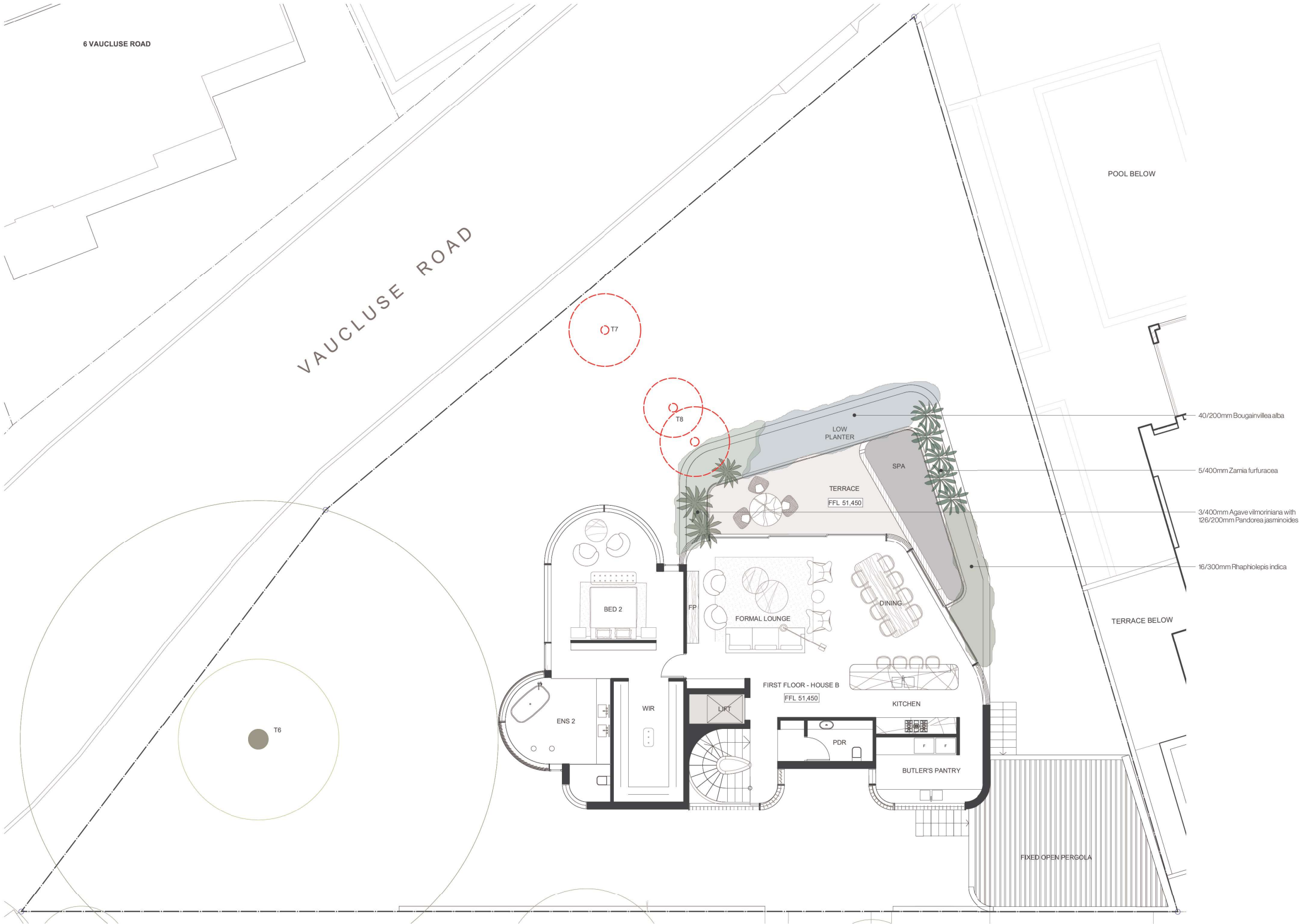
DANGAR BARIN SMITH  
DA LANDSCAPE PACKAGE

1 VAUCLUSE RD  
VAUCLUSE

DEVELOPMENT APPLICATION

DANGAR BARIN SMITH

+ II



Level 1 Landscape Plan

Figures dimensions shall take precedence over scale. Contractors must verify all dimensions on site before commencing any work or making shop drawings. This drawing is protected by copyright.



Client: CW2

Project Address:  
1 Vaucuse Rd  
Vaucluse NSW 2030

Design:  
DAB/DGB  
Title Level 1  
Landscape Plan

Drawn by:  
CT  
Issue  
01

Checked:  
TS  
Revision:  
B

Scale:  
1:100 @ A2  
Date:  
10.11.2022

Dangar Barin Smith  
Landscape Design Sydney  
63 Cranbrook St, Botany

T: 02 9396 9044  
F: 02 9396 9555



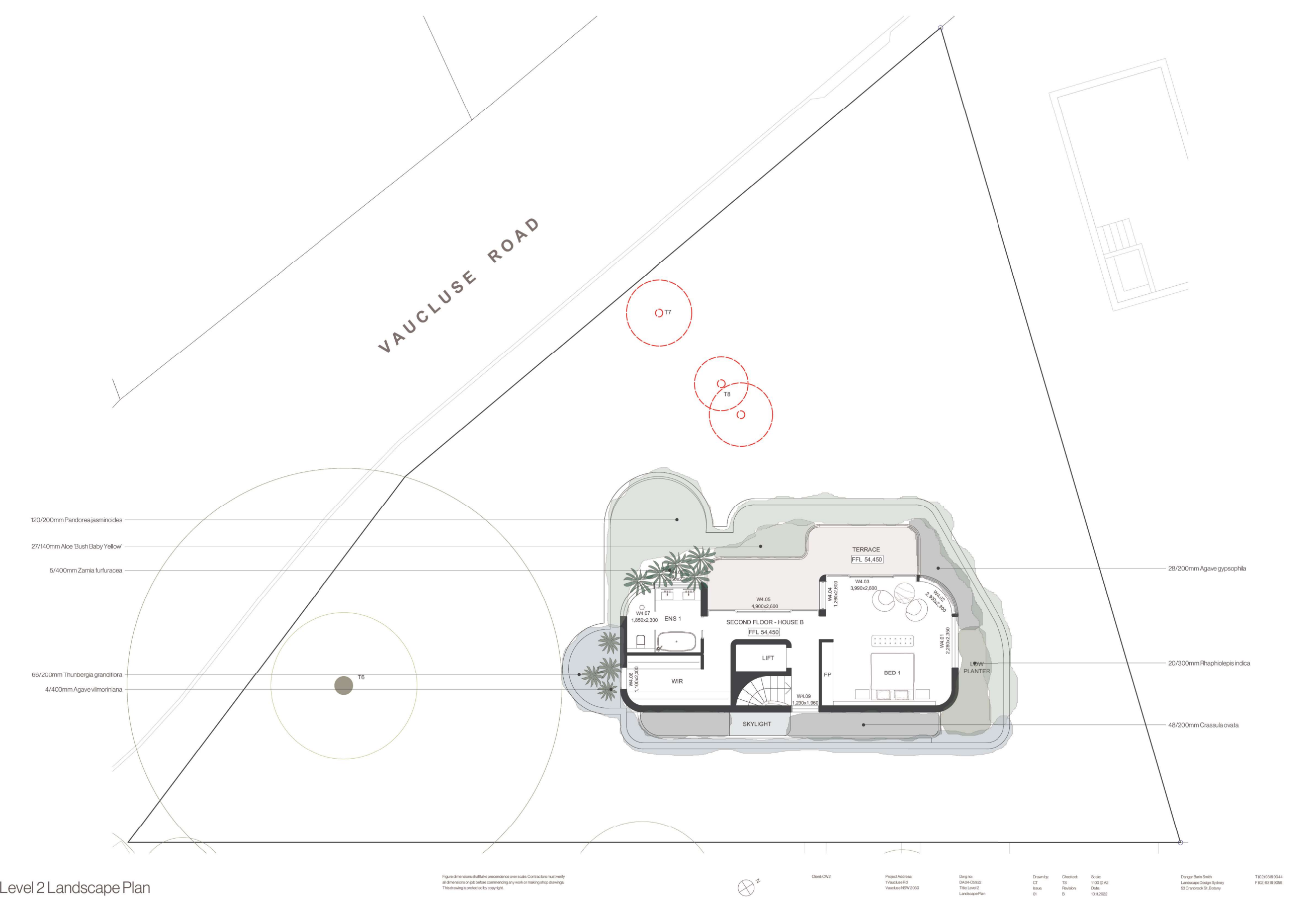
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DA LANDSCAPE PACKAGE

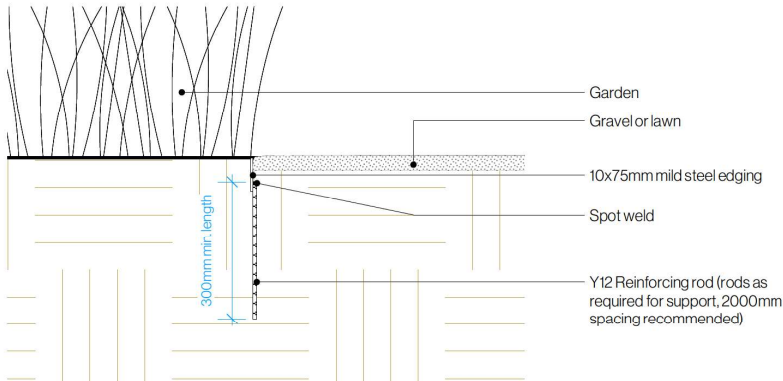
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VAUCLUSE

DEVELOPMENT APPLICATION

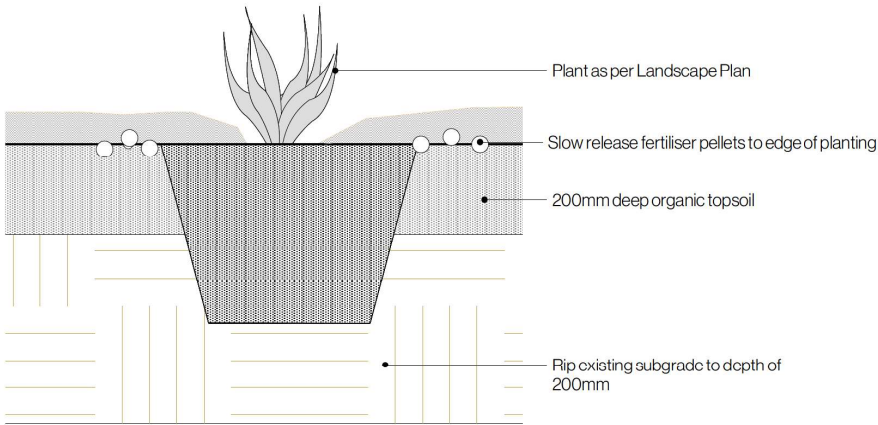
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+ II

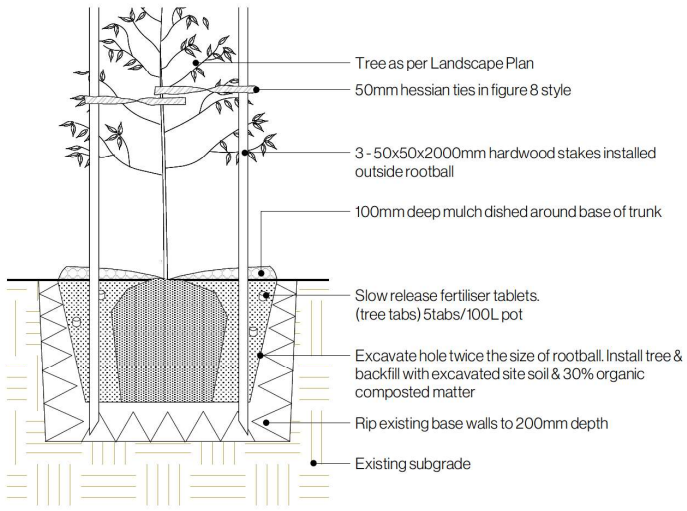




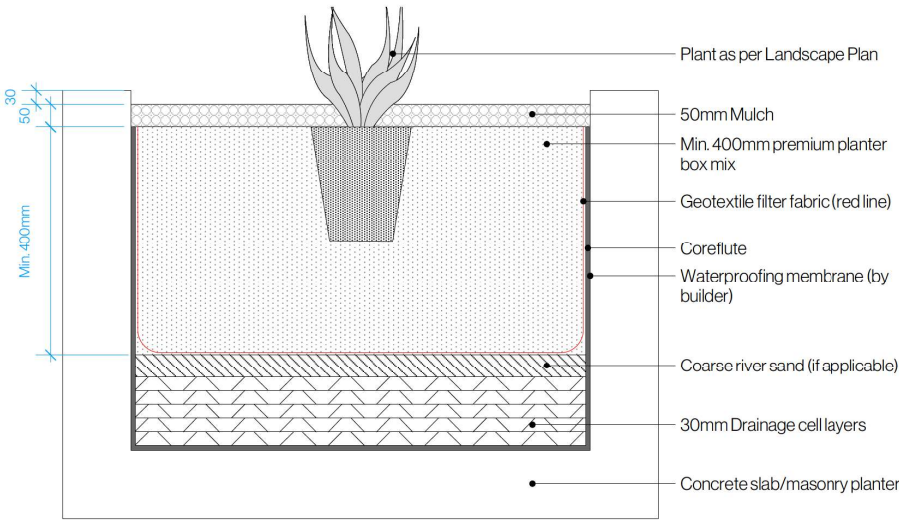
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Scale: 1:10



2 Shrub in Ground  
Scale: 1:10



3 Staked Tree in Ground  
Scale: 1:25



4 Planter detail  
Scale: 1:10

Details

Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on site before commencing any work or making shop drawings. This drawing is protected by copyright.



Client: CW2

Project Address:  
Vaughan Rd  
Vaughan NSW 2030

Design:  
DABR-000022  
Title:  
Details

Drawn by:  
CT  
Issue:  
01

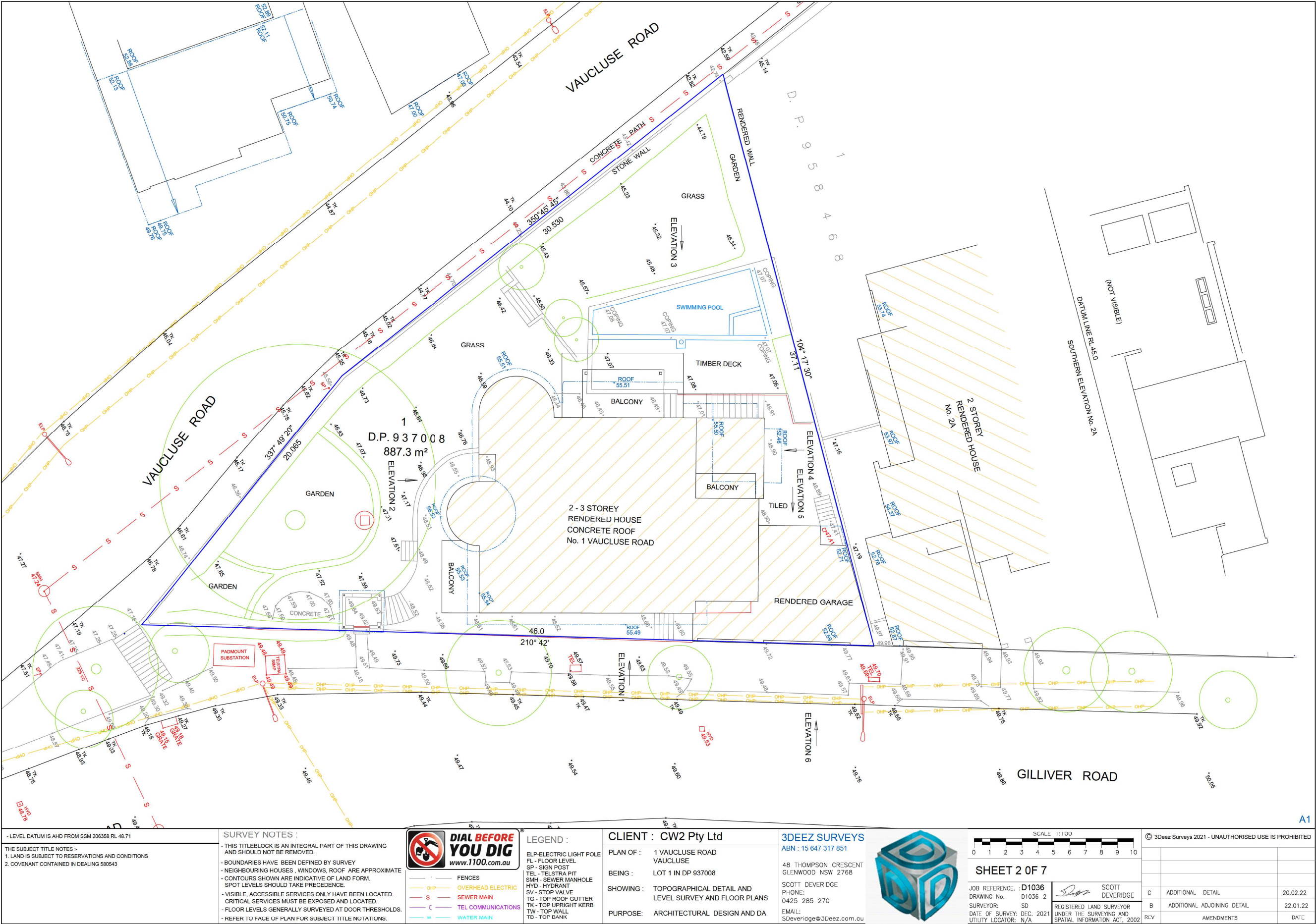
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Revision:  
B

Scale:  
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Date:  
10/11/2022

Dangar Barin Smith  
Landscape Design Sydney  
52 Cranbrook St, Botany

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F: (02) 9316 9055







# 1 Vaucluse Road, Vaucluse

## Photomontages

JULY 2023







EXISTING



COMPLYING ENVELOPE

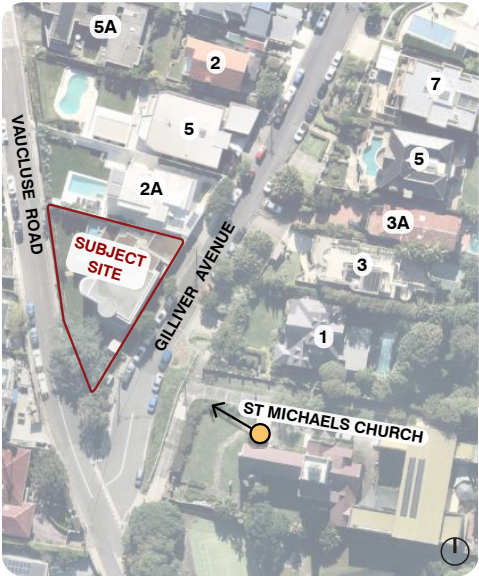


PROPOSED



1 VAUCLUSE ROAD,  
VAUCLUSE

VANTAGE POINT LOCATION



LEGEND

- View Location
- Complying Envelope
- Complying Envelope Outline
- Existing Building To Be Demolished



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LOCATION: Outside Church Entrance (Standing)  
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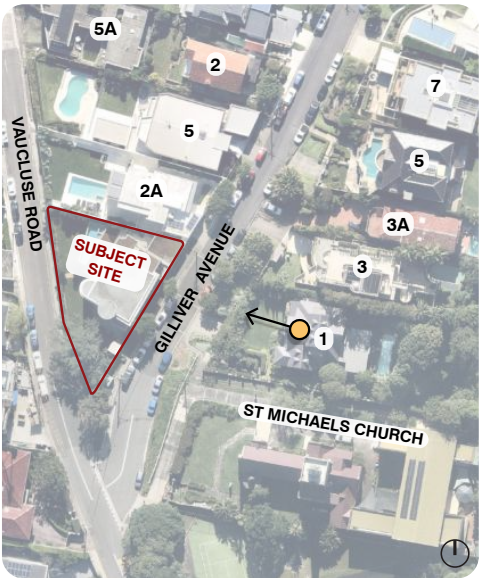
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DATE  
19/05/2023  
ISSUE  
A  
SHEET  
01





VANTAGE POINT LOCATION



- LEGEND
- View Location
  - Complying Envelope
  - Complying Envelope Outline
  - Existing Building To Be Demolished



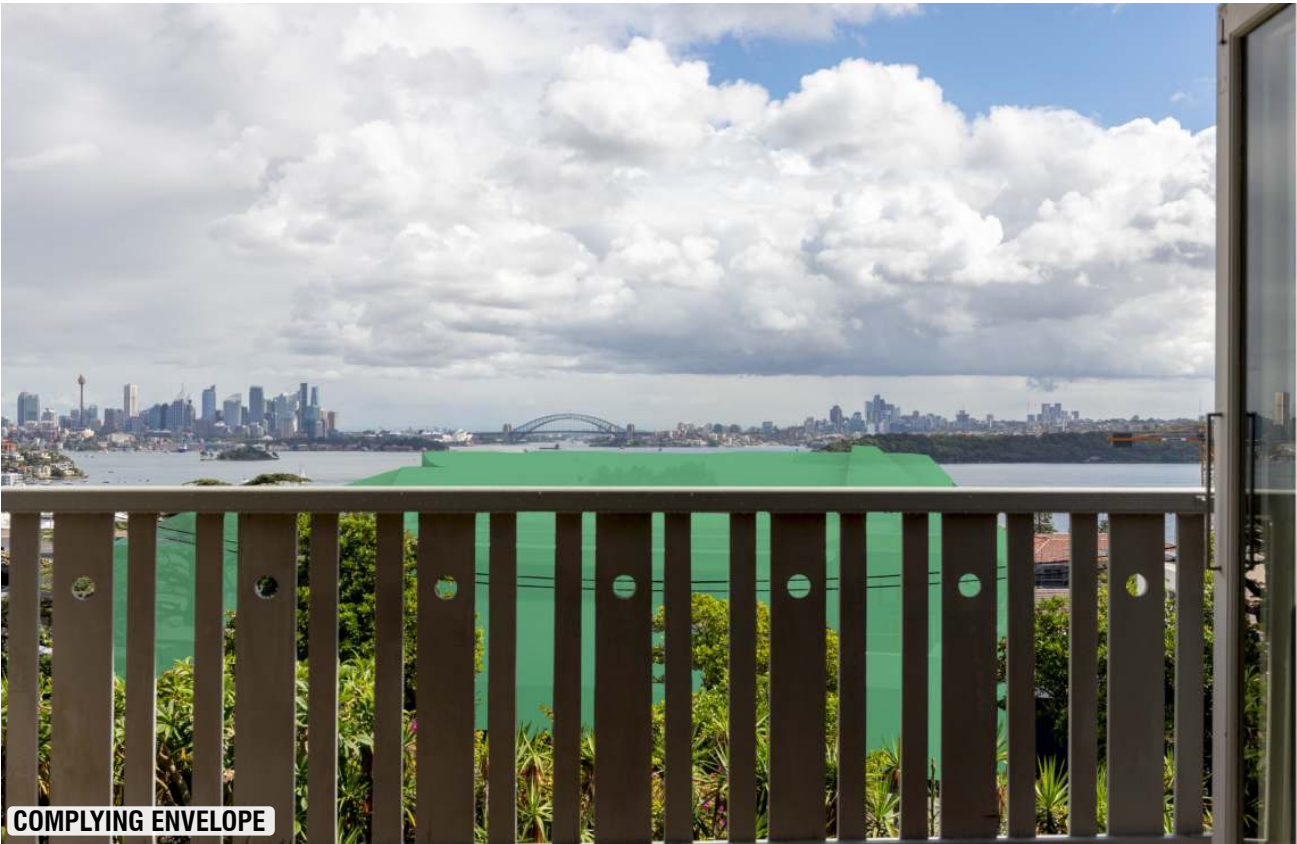
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ADDRESS: 1 Gilliver Avenue  
LOCATION: First Floor Bedroom (Standing)  
FOCAL LENGTH: 35mm

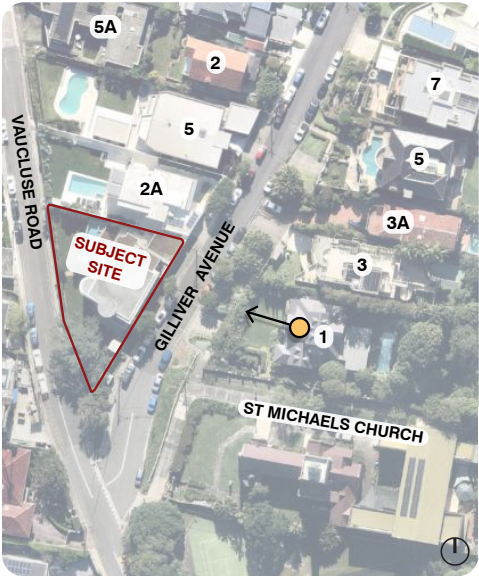
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DATE: 19/05/2023  
ISSUE: A  
SHEET: 02

1 VAUCLOSE ROAD,  
VAUCLOSE





VANTAGE POINT LOCATION



LEGEND

- View Location
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- Complying Envelope Outline
- Existing Building To Be Demolished



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ADDRESS: 1 Gilliver Avenue  
LOCATION: First Floor Bedroom (Seated)  
FOCAL LENGTH: 35mm

VANTAGE POINT  
3  
DATE: 19/05/2023  
ISSUE: A  
SHEET: 03



1 VAUCLUSE ROAD,  
VAUCLUSE





EXISTING



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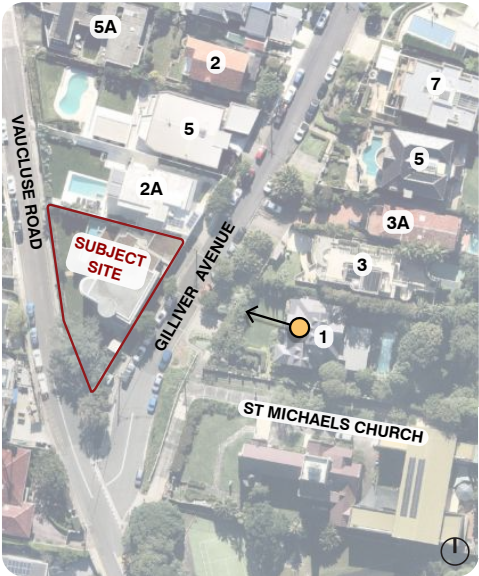


PROPOSED



1 VAUCLUSE ROAD,  
VAUCLUSE

VANTAGE POINT LOCATION



LEGEND

- View Location
- Complying Envelope
- Complying Envelope Outline
- Existing Building To Be Demolished



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ADDRESS: 1 Gilliver Avenue  
LOCATION: Ground Floor Living (Standing)  
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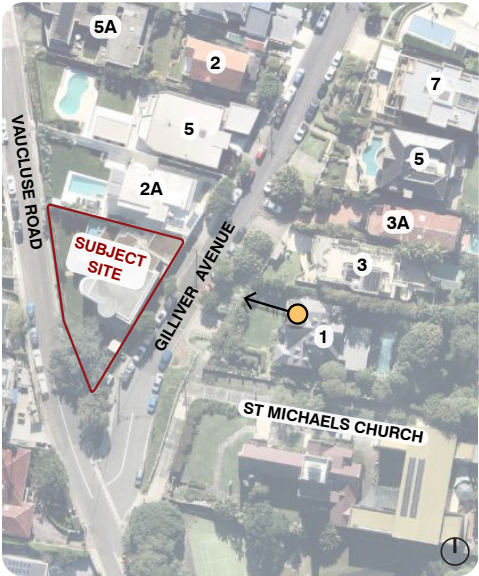
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DATE  
19/05/2023  
ISSUE  
A  
SHEET  
04





VANTAGE POINT LOCATION



LEGEND

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ADDRESS: 1 Gilliver Avenue  
LOCATION: Ground Floor - Bedroom Room (Standing)  
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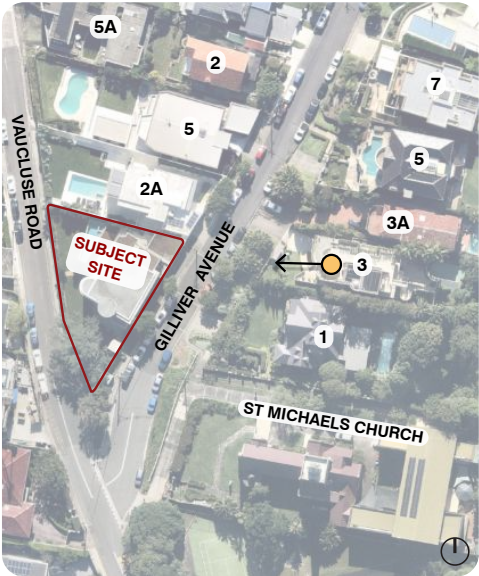
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19/05/2023  
ISSUE  
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SHEET  
05

1 VAUCLUSE ROAD,  
VAUCLUSE





VANTAGE POINT LOCATION



LEGEND

- View Location
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- Existing Building To Be Demolished



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ADDRESS: 3 Gilliver Avenue  
LOCATION: Ground Floor Dining (Standing)  
FOCAL LENGTH: 35mm

VANTAGE  
POINT  
6

DATE  
19/05/2023  
ISSUE  
A  
SHEET  
06



1 VACLUSE ROAD,  
VACLUSE





VANTAGE POINT LOCATION



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- View Location
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ADDRESS: 3 Gilliver Avenue  
LOCATION: Ground Floor Balcony (Southern Side)  
FOCAL LENGTH: 35mm

VANTAGE POINT 7  
DATE: 19/05/2023  
ISSUE: A  
SHEET: 07



1 VAUCLUSE ROAD,  
VAUCLUSE





EXISTING

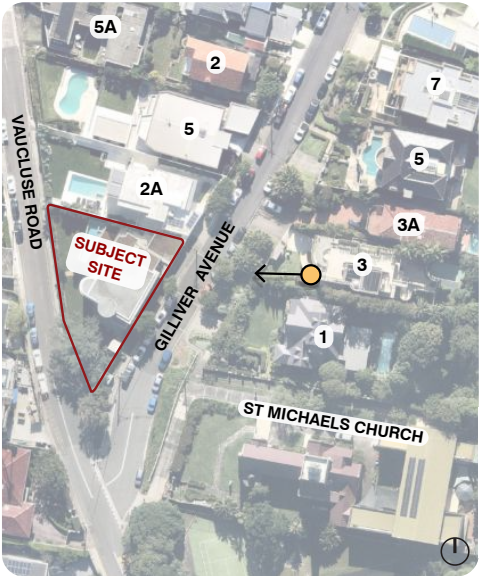


COMPLYING ENVELOPE



PROPOSED

VANTAGE POINT LOCATION



**LEGEND**

- View Location
- Complying Envelope
- Complying Envelope Outline
- Existing Building To Be Demolished



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**ADDRESS:** 3 Gilliver Avenue  
**LOCATION:** Ground Floor Balcony (Northern Side)  
**FOCAL LENGTH:** 35mm

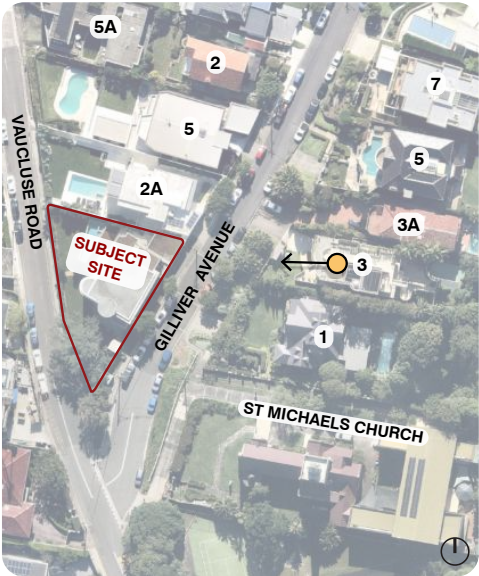
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	ISSUE	A
	SHEET	08

1 VAUCLUSE ROAD,  
VAUCLUSE





VANTAGE POINT LOCATION



LEGEND

- View Location
- Complying Envelope
- Complying Envelope Outline
- Existing Building To Be Demolished



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ADDRESS: 3A Gilliver Avenue  
LOCATION: Roof Terrace (Standing)  
FOCAL LENGTH: 35mm

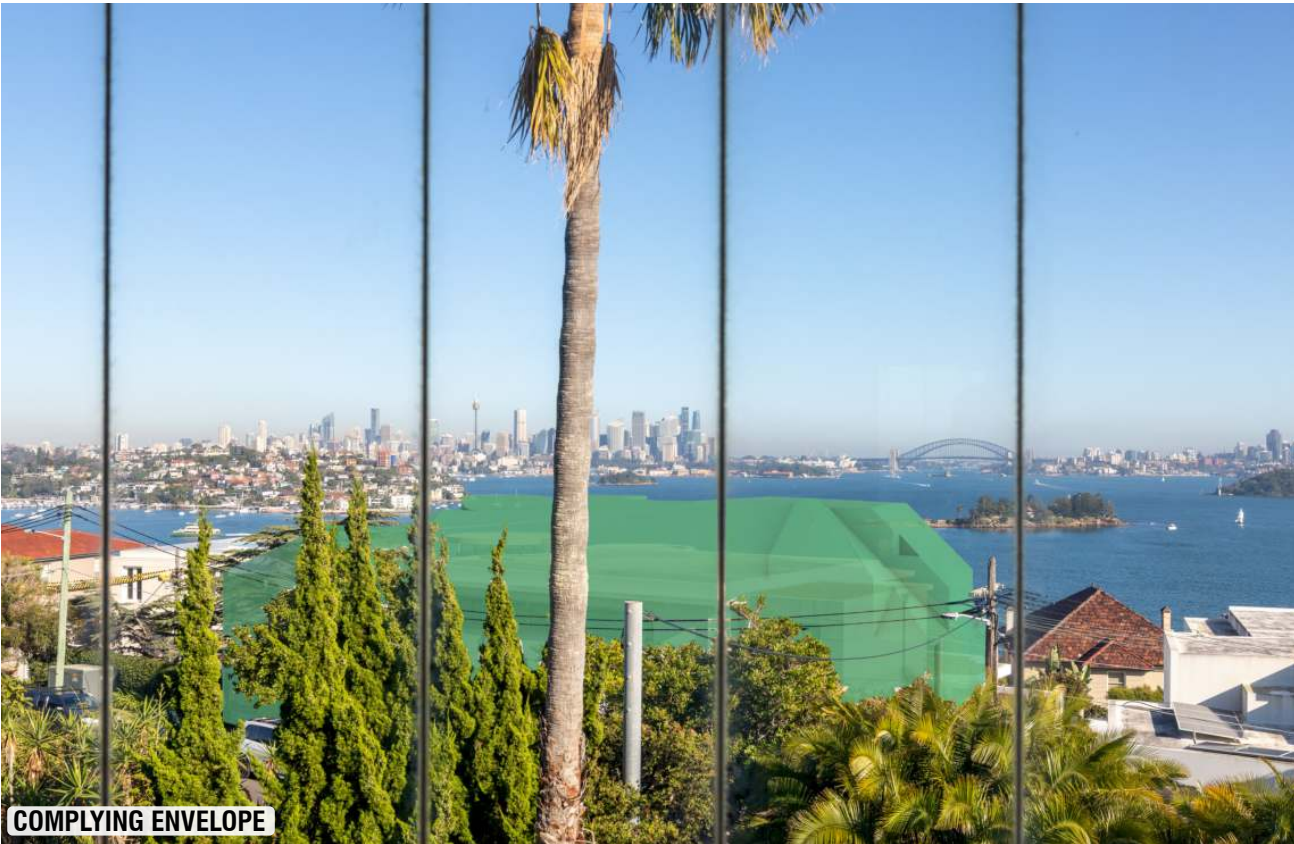
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POINT  
9

DATE  
19/05/2023  
ISSUE  
A  
SHEET  
09

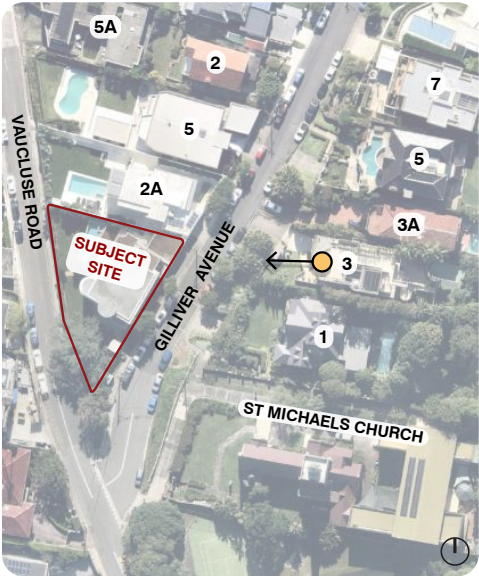


1 VAUCLUSE ROAD,  
VAUCLUSE





VANTAGE POINT LOCATION



LEGEND

- View Location
- Complying Envelope
- Complying Envelope Outline
- Existing Building To Be Demolished



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ADDRESS: 3 Gilliver Avenue  
LOCATION: Upper Bedroom 1 (Standing)  
FOCAL LENGTH: 35mm

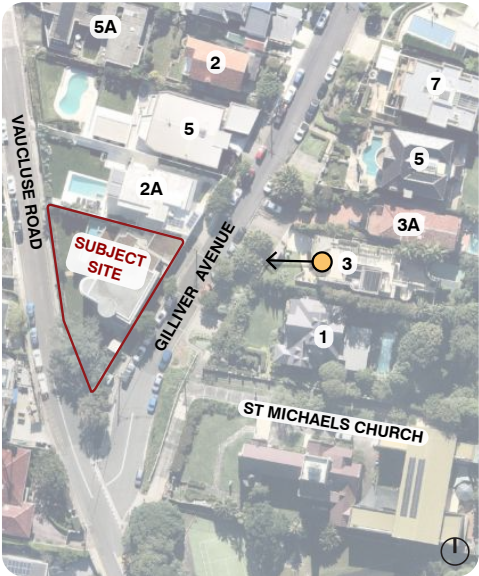
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DATE: 19/05/2023  
ISSUE: A  
SHEET: 10

1 VAUCLUSE ROAD,  
VAUCLUSE





VANTAGE POINT LOCATION



LEGEND

- View Location
- Complying Envelope
- Complying Envelope Outline
- Existing Building To Be Demolished



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ADDRESS: 3A Gilliver Avenue  
LOCATION: Upper Bedroom 1 (Sitting)  
FOCAL LENGTH: 35mm

VANTAGE POINT  
11  
DATE: 19/05/2023  
ISSUE: A  
SHEET: 11

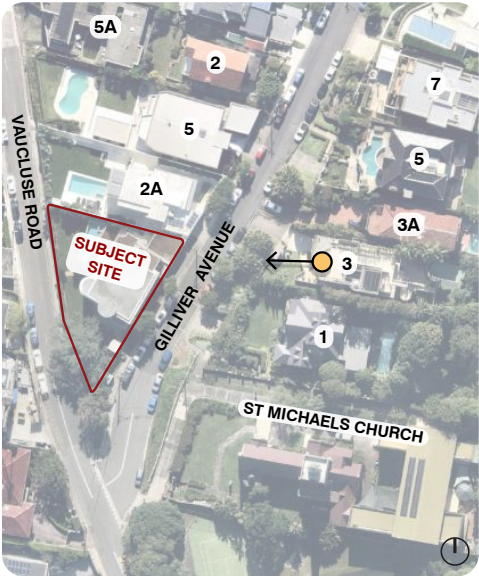


1 VAUCLUSE ROAD,  
VAUCLUSE





VANTAGE POINT LOCATION



LEGEND

- View Location
- Complying Envelope
- Complying Envelope Outline
- Existing Building To Be Demolished



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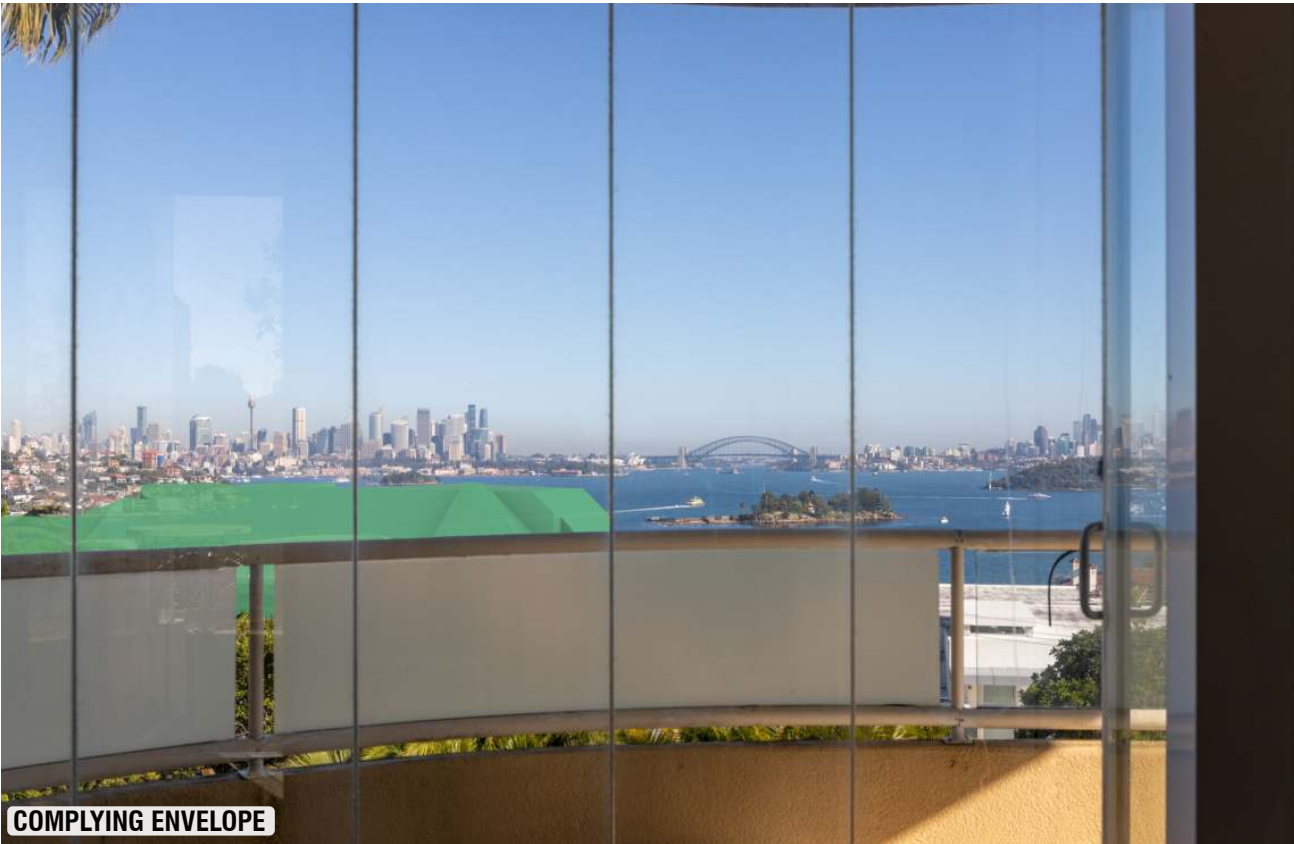
ADDRESS: 3 Gilliver Avenue  
LOCATION: Upper Bedroom 2 (Standing)  
FOCAL LENGTH: 35mm

VANTAGE  
POINT  
12  
DATE: 19/05/2023  
ISSUE: A  
SHEET: 12

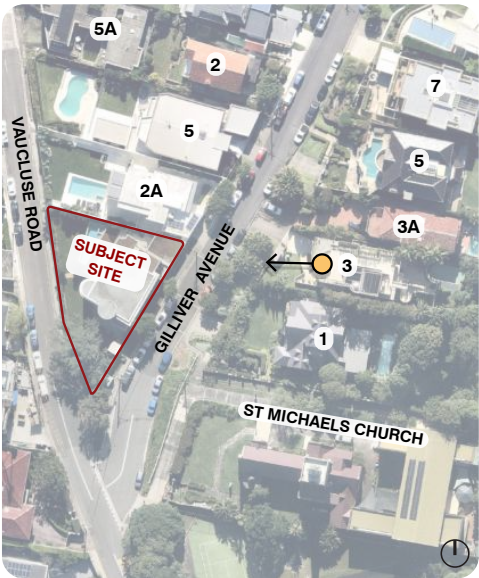


1 VAUCLUSE ROAD,  
VAUCLUSE





VANTAGE POINT LOCATION



LEGEND

- View Location
- Complying Envelope
- Complying Envelope Outline
- Existing Building To Be Demolished



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ADDRESS: 3 Gilliver Avenue  
LOCATION: Upper Bedroom 2 (Sitting)  
FOCAL LENGTH: 35mm

VANTAGE  
POINT  
13  
DATE 19/05/2023  
ISSUE A  
SHEET 13

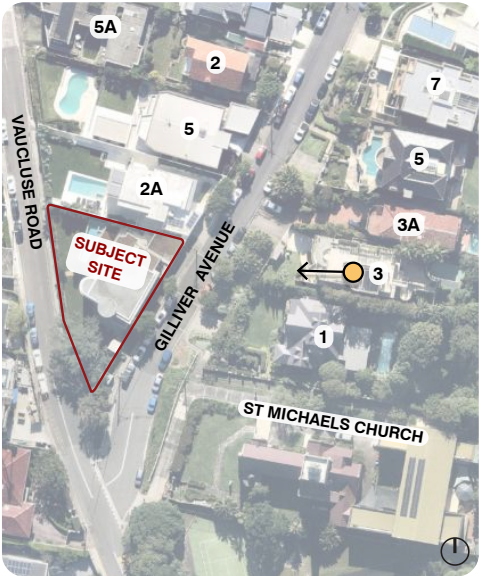
 1 VAUCLUSE ROAD,  
VAUCLUSE









 1 VAUCLUSE ROAD,  
VAUCLUSE

VANTAGE POINT LOCATION



- LEGEND
-  View Location
  -  Complying Envelope
  -  Complying Envelope Outline
  -  Existing Building To Be Demolished

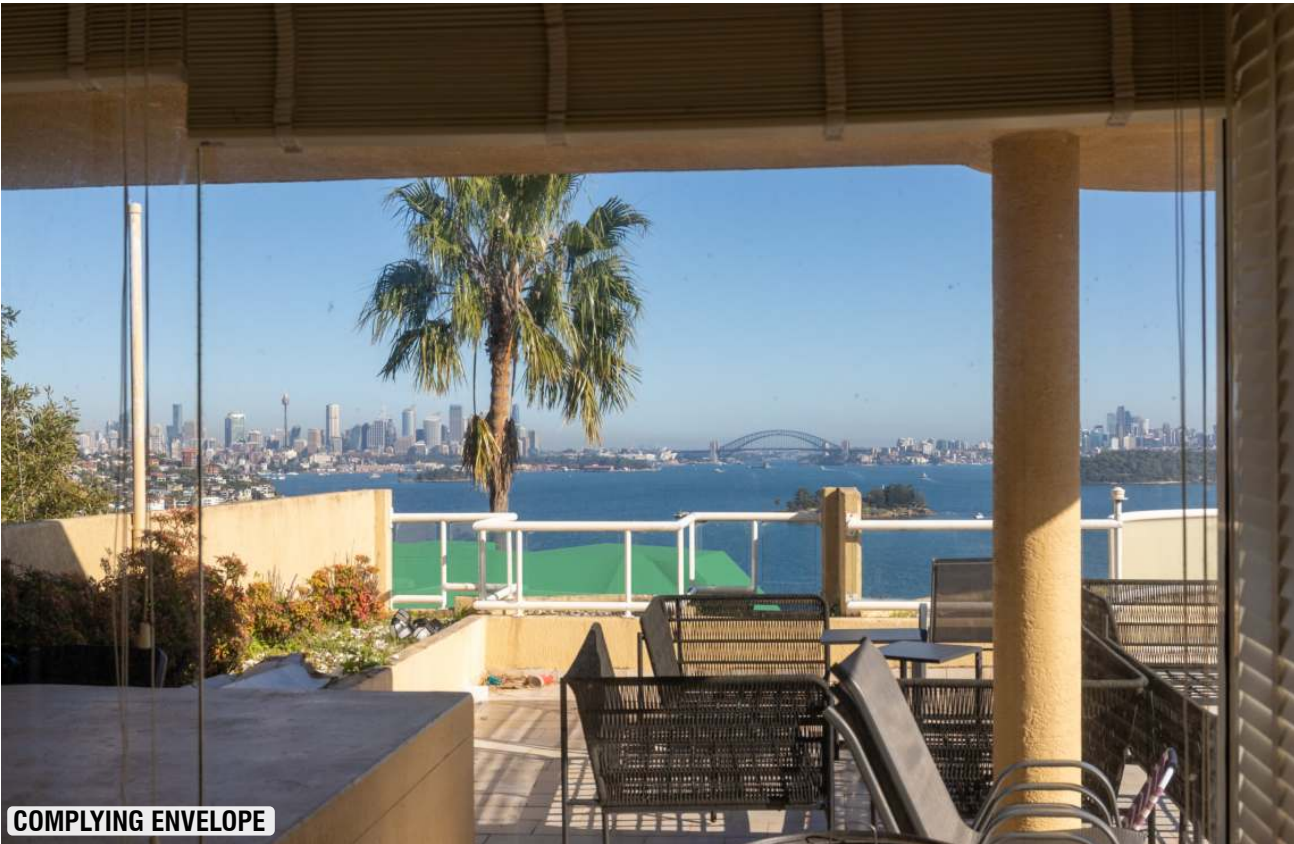


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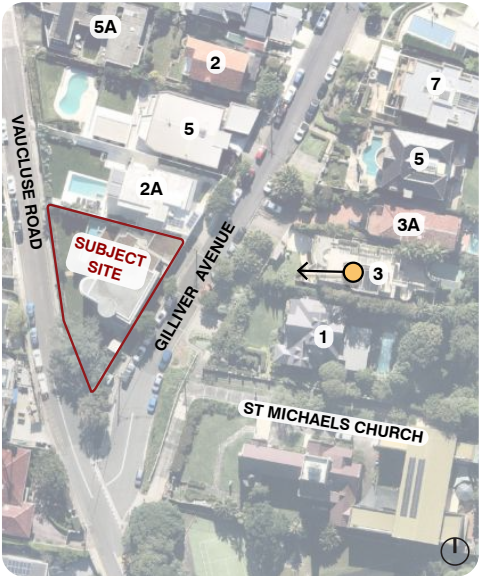
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LOCATION: Roof Terrace (Sitting)  
FOCAL LENGTH: 35mm

VANTAGE  
POINT  
14  
DATE  
19/05/2023  
ISSUE  
A  
SHEET  
14





VANTAGE POINT LOCATION



LEGEND

- View Location
- Complying Envelope
- Complying Envelope Outline
- Existing Building To Be Demolished



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ADDRESS: 3 Gilliver Avenue  
LOCATION: Roof Terrace (Standing)  
FOCAL LENGTH: 35mm

VANTAGE POINT 15  
DATE: 19/05/2023  
ISSUE: A  
SHEET: 15



1 VAUCLUSE ROAD,  
VAUCLUSE





## Wireframes

The wireframes shown for each vantage point on the following pages demonstrate these montages are accurately aligned in accordance with the LEC Policy for photomontages.



VANTAGE POINT 1 WIREFRAMES

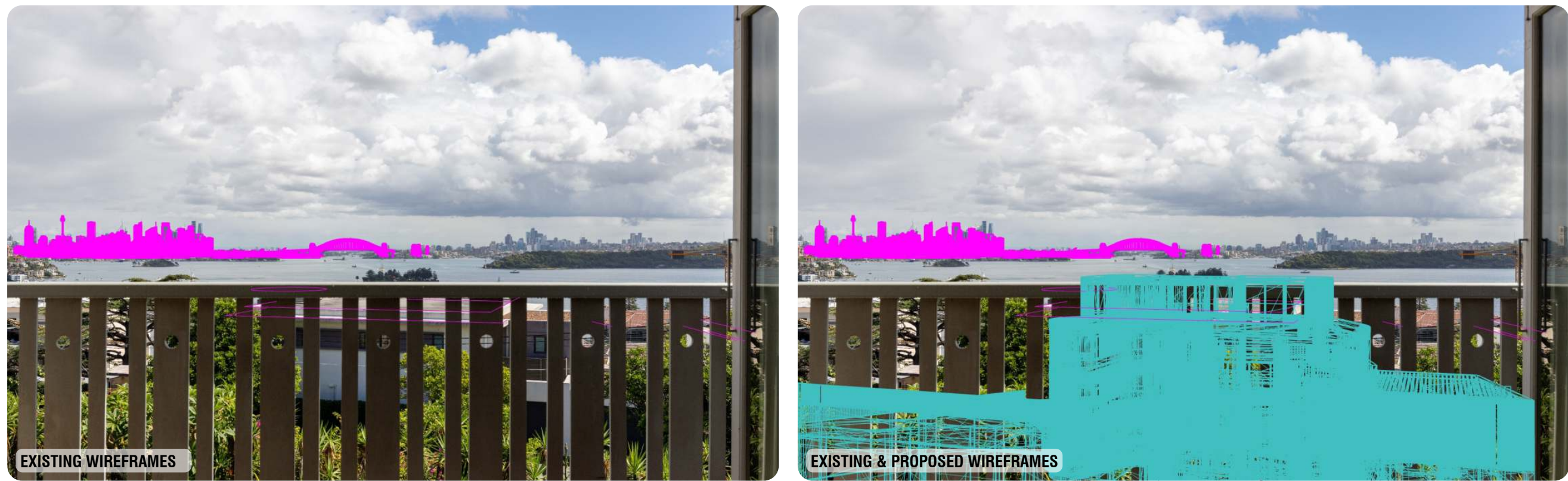


VANTAGE POINT 2 WIREFRAMES

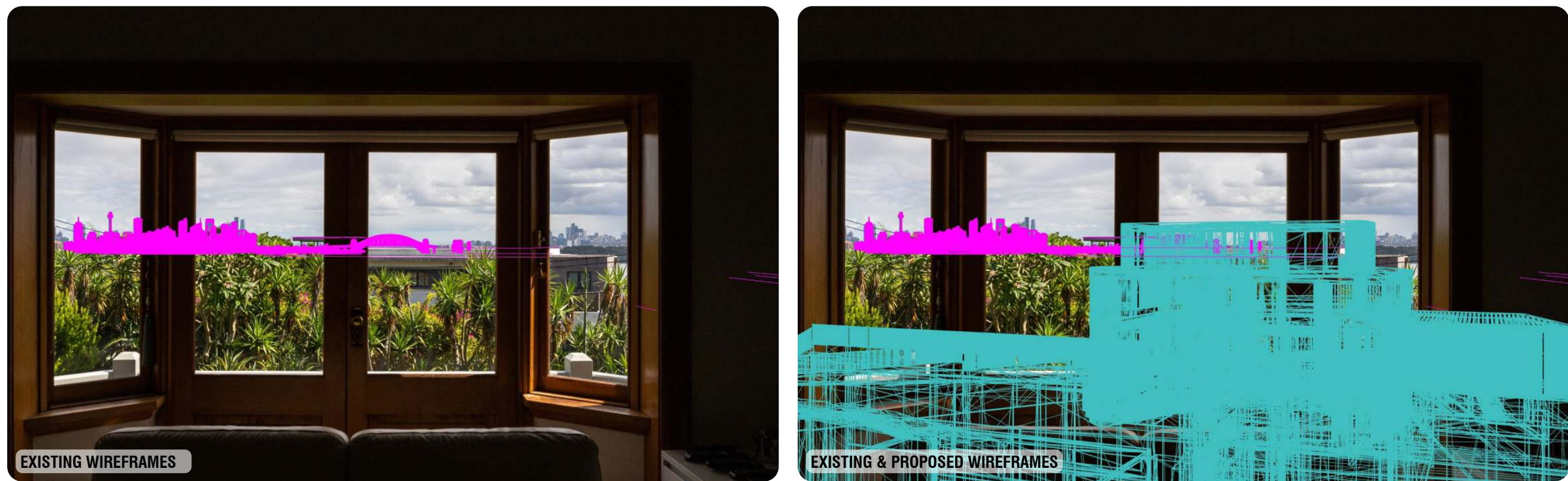




VANTAGE POINT 3 WIREFRAMES



VANTAGE POINT 4 WIREFRAMES

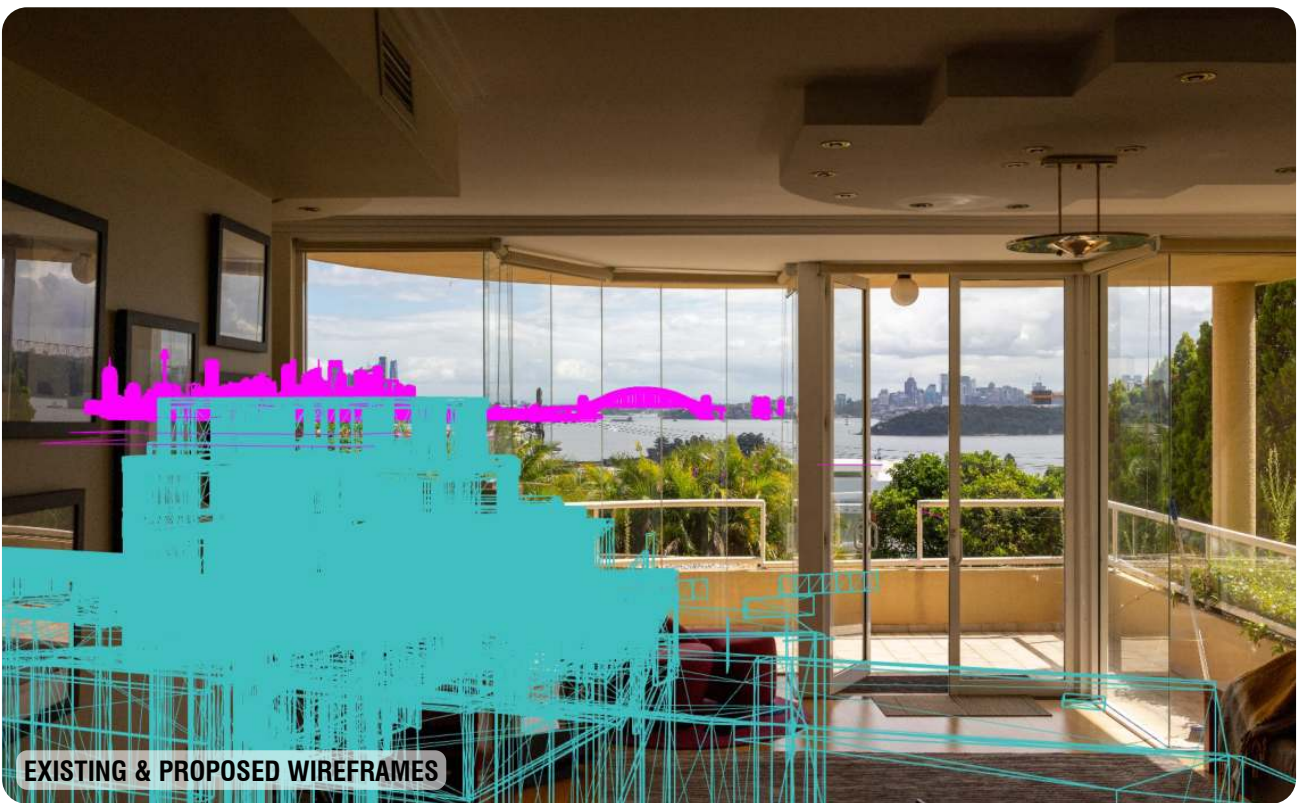




VANTAGE POINT 5 WIREFRAMES



VANTAGE POINT 6 WIREFRAMES





VANTAGE POINT 7 WIREFRAMES

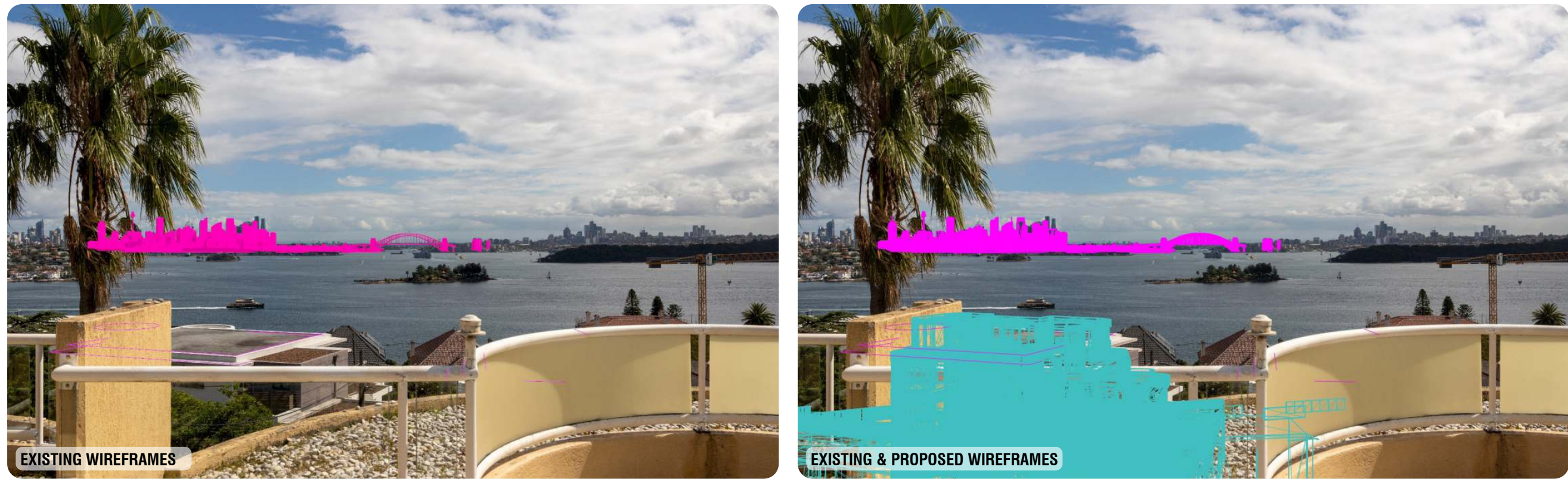


VANTAGE POINT 8 WIREFRAMES





VANTAGE POINT 9 WIREFRAMES



VANTAGE POINT 10 WIREFRAMES

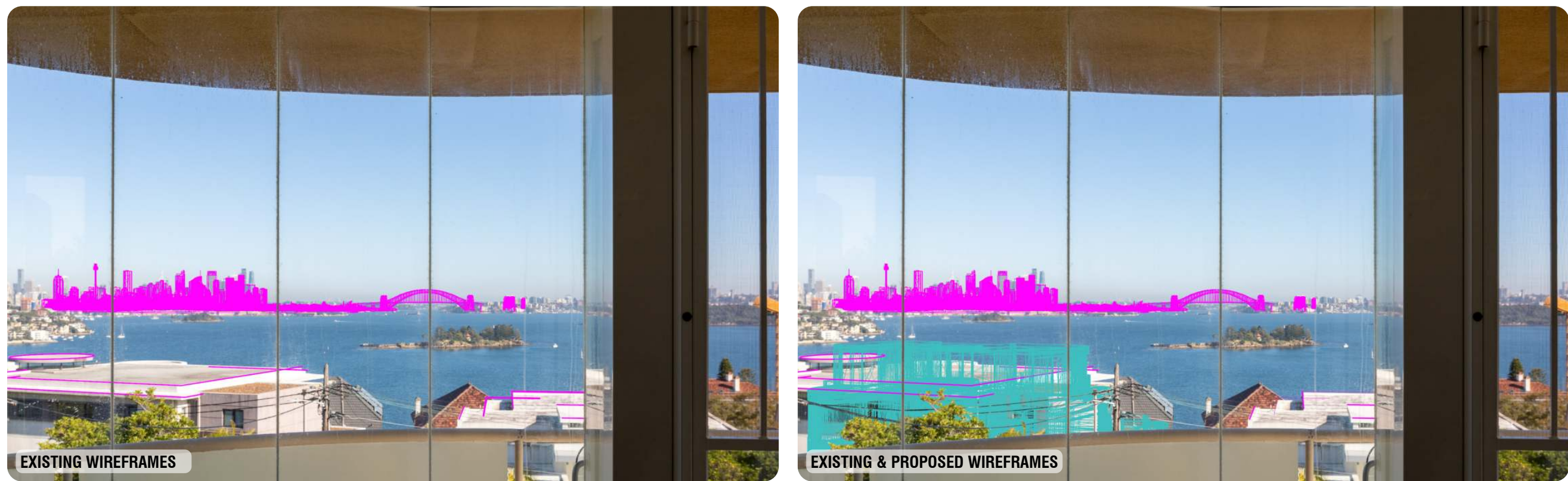




VANTAGE POINT 11 WIREFRAMES



VANTAGE POINT 12 WIREFRAMES





VANTAGE POINT 13 WIREFRAMES



VANTAGE POINT 14 WIREFRAMES



VANTAGE POINT 15 WIREFRAMES





Completion Date: 07/07/2023

## REFERRAL RESPONSE – DEVELOPMENT ENGINEERING

**FILE NO:** Development Applications: 445/2022/1  
**ADDRESS:** 1 Vaucluse Road VAUCLUSE 2030  
**PROPOSAL:** Demolition of the existing dwelling and construction of a new dual-occupancy development; swimming pools and landscaping works.  
**FROM:** Mehrnaz Jamali - Development Engineer  
**TO:** Mr V Aleidzans

### 1. ISSUES

- None subject to conditions. Refer to comments and conditions.

### 2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, Job No. 22105, prepared by GSA Planning, dated October 2022.
- Architectural Plans, Project Number 21-126, Revision C, prepared by MHN Design Union, dated 14/10/2022.
- Survey, referenced D1036, Rev C, prepared by 3Deez Survey, dated 20/02/2022.
- Stormwater Management Plan, Project Number 220504, Issue A, prepared by RTS, dated 07/10/2022.
- Stormwater Concept Design Statement, Job No. 220504, prepared by RTS, dated 7 October 2022.
- Flood Impact Risk Assessment Report, Job No. 220504, Issue A, prepared by RTS, dated 10 October 2022.
- Geotechnical and Hydrogeological Investigation Report, referenced 35034PHrpt Rev 1, prepared by JK Geotechnics, dated 4 November 2022.
- Geotechnical and Hydrogeological Monitory Program, referenced 35034PH2rpt, prepared by JK Geotechnics, dated 4 November 2022.
- Council's Drainage referral response, dated 30/06/2023.

### 3. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

#### a. Site Drainage comments

$A = 3887.3m^2 \rightarrow RG = 8.9m^2$ ,  $OSD = 17.7m^2 \rightarrow RWT = 26.6m^3 \rightarrow provided RWT = 30m^3$   
and  $RG = 8.9m^2 + basement pump-out system$ .

*There are no objections to the Stormwater Management Plan, Project Number 220504, Issue A, prepared by RTS, dated 07/10/2022 subject to the following conditions;*

- *The discharge of stormwater by direct connection to back of a new Kerb Inlet Pit (KIP) over Council's existing drainage system on Vacluse Road. The new Kerb Inlet Pits (KIP) must be a standard double grated gully pit with a 1.8m kerb lintel fronting the site.  
Longitudinal sections shall be submitted. Design details and location of all existing public utility services shall be included in the longitudinal section.*
- *The proposed basement Pump-out System shall only collect surface water from the basement area which cannot drain under gravity. No other surface water shall be drained to and collected by the pump-out system.  
The pump-out system shall be designed in accordance with all requirements stipulated within Council's Stormwater DCP and AS 3500.3.*
- *The proposed Rain Garden shall be designed in accordance with in accordance with Council's Chapter E2 "Stormwater and Flood Risk Management" DCP requirements.*

*The concept plan is subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Deferred Commencement condition and the Construction Certificate. Details are to be in accordance with Council's Chapter E2 "Stormwater and Flood Risk Management" DCP and Local Approvals Policy. This is to ensure that site stormwater is disposed in a controlled and sustainable manner.*

**b. Flooding & Overland Flow comments**

*The site is not flood affected. However it may be affected by overland flow and a Flood Risk Assessment Report has been submitted.*

*Council's Drainage Engineer has provided the following comments:*

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

*22/207957 Document - Flood Risk Assessment Report - DA2022-445-1- 1  
Vacluse Road VAUCLUSE*

**RECOMMENDATION**

*Council's drainage Engineer has determined that the development proposal is generally satisfactory, subject to the following conditions;*

**C.54 Flood Protection**

*The Construction Certificate plans and specifications, required by clause 139 of the Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL) detailing:*

- A permanent flood risk management plan shall be installed in a prominent area of the basement carpark.*
- The Vacluse Road driveway entry shall be protected by a mechanical flood barrier with the threshold set to the flood planning level of 43.74m AHD.*



- c. Permanent brass plaques shall be mounted adjacent to all mechanical flood barriers explaining their purpose and operation.
- d. Flood compatible materials shall be used for all flood exposed construction.
- e. All flood exposed electrical wiring and equipment shall be waterproofed.
- f. All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation.

*Conditions applied.*

**c. Impacts on Council Infrastructure comments**

- *The discharge of stormwater by direct connection to back of a new Kerb Inlet Pit (KIP) over Council's existing drainage system on Vacluse Road. The new Kerb Inlet Pits (KIP) must be a standard double grated gully pit with a 1.8m kerb lintel fronting the site.  
Longitudinal sections shall be submitted. Design details and location of all existing public utility services shall be included in the longitudinal section.*
- *Construction of a standard vehicular crossing on Vacluse Road, having a width of 3m at property boundary and perpendicular to the road carriageway. The centreline of the crossing shall align with the centreline of the internal driveway. The vehicular crossing shall have a minimum clearance of 0.5m from the new KIP.*
- *The existing 12.2m vehicular crossing to the east on Gilliver Avenue is non-standard and excessive. As a second access on Vacluse Avenue has been granted, the existing vehicular crossing shall be reconstructed to be a standard vehicular crossing, having a width of 3m at property boundary and perpendicular to the road carriageway. The crossing shall be positioned as close as possible to neighbouring property boundary with a minimum 1m clearance from the existing electrical pole. The centreline of the crossing shall align with the centreline of the single garage with.  
Note: there shall be no concrete pedestrian access paths over Council's road reserve on either frontages. All proposed pedestrian access paths shall be removed.*

*Note: Footpath condition shown to be in good from MAPS.*

*The remainder of Council's assets are in serviceable condition - conditions applied.*

**d. Traffic comments**

*The expected traffic generation from the proposed development is typical for the zoning of the site.*

**e. Vehicle Access & Accommodation comments**

*The access and parking layout shall be in accordance with the following requirements;*

- *The width of the existing double garage on Gilliver Avenue frontage does not comply. As such the double garage shall be converted to a single garage having minimum*

*internal dimensions of 3m wide x 5.4m long in accordance with AS/NZS 2890.1:2004. The vehicular access positioned as close as possible to the neighbouring property boundary.*

- *Driveway splays shall be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1:2004. Alternatively a fence/gate/landscaping to a maximum height of 0.9m is permitted in the splay area. Exceptions to this may be accepted where an object in the adjoining property creates an obstruction to visibility within the splay area.*
- *All gradients and transitions shall be in accordance with the AS/NZS 2890.1:2004.*

**f. Geotechnical, Hydrogeological and/or Structural comments**

*The following documents have been submitted in support of the application;*

- *Geotechnical and Hydrogeological Investigation Report, referenced 35034PHrpt Rev 1, prepared by JK Geotechnics, dated 4 November 2022.*
- *Geotechnical and Hydrogeological Monitory Program, referenced 35034PH2rpt, prepared by JK Geotechnics, dated 4 November 2022.*

*The proposal involves excavation to a depth of about 7.5m for a basement level, lower ground level, ground level and pool.*

*The Geotechnical & Hydrogeological Report must be prepared in accordance with all Council's DCP requirements within Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports*

*The report identified that;*

- a) Fill – sand and clay - to depths of 0.4m to 1.05m.*
- b) Clayey sand – loose to medium dense – to depths of 0.75m.*
- c) Sandstone bedrock at 0.8m to 3.5m.*
- d) Groundwater appeared not to be an issue. Sump and pump recommended.*
- e) Anchors and underpinning may be utilised.*

*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 RDCP.*

*Note: Use of any Ground Anchors or any retention system extending beyond site boundaries requires the approval of neighbouring properties in writing.*

**g. Other matters**

*None.*

**4. RECOMMENDATION**

Council's Development Engineer has determined that the proposal is satisfactory, subject to the following conditions:



## Conditions of Consent

*Please note that the standard conditions of consent are generally modified by the Infrastructure and Sustainability Division to suit a particular development application. Please ensure all Infrastructure and Sustainability conditions of consent are cut and pasted from this document only, and not inserted as standard conditions using the automatically generated (F3) function.*

### A. General Conditions

#### A.5 Approved Plans & Supporting Documents

Reference	Description	Author/Drawn	Date(s)
Project Number 220504, Issue A	Stormwater Management Plan	RTS	07/10/2022
Job No. 220504	Stormwater Concept Design Statement	RTS	7 October 2022
Job No. 220504, Issue A	Flood Impact Risk Assessment Report	RTS	10 October 2022
35034PHrpt Rev 1	Geotechnical and Hydrogeological Investigation Report	JK Geotechnics	4 November 2022
35034PH2rpt	Geotechnical and Hydrogeological Monitory Program	JK Geotechnics	4 November 2022

#### A.8 Ancillary Aspects of Development (section 4.17(2) of the Act)

##### A.31 No Underpinning works (Special Condition)

This development consent does NOT give approval to any works outside the boundaries of the subject site, including any underpinning works to any structures on adjoining properties without written approval from all affected properties.

### B. Conditions which must be satisfied PRIOR TO THE DEMOLITION of any building or construction

#### B.7 Public Road Assets Prior to Any Work/Demolition

### C. Conditions which must be satisfied PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

#### C.4 Modification of Details of the Development (section 4.17(1)(g) of the Act)

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

- The existing double garage on Gilliver Avenue frontage shall be converted to a single garage having minimum internal dimensions of 3m wide x 5.4m long in accordance with AS/NZS 2890.1:2004. The vehicular access shall be positioned as close as possible to the neighbouring property boundary.
- The existing 12.2m vehicular crossing on Gilliver Avenue shall be reconstructed to be a standard vehicular crossing, having a width of 3m at property boundary

and perpendicular to the road carriageway. The crossing shall be positioned as close as possible to neighbouring property boundary.

- c) Construction of a standard vehicular crossing on Vaucluse Road, having a width of 3m at property boundary and perpendicular to the road carriageway.
- d) There shall be no concrete pedestrian access paths over Council's road reserve on either frontages. All proposed pedestrian access paths shall be removed.

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

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

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

Standard Condition: C4 (Autotext CC4)

### C.5 Payment of Long Service Levy, Security, Contributions and Fees

Property Damage Security Deposit - making good any damage caused to any property of the Council	\$118,049	No	T115
Public Road/Footpath Infrastructure Inspection Fee	\$615	No	T45

### C.13 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act* 1993 is to be made to, and approved by Council prior to the issuing of a Construction Certificate for the following infrastructure works, which must be carried out at the applicant's expense:

#### Drainage Works:

- a) The discharge of stormwater by direct connection to back of a new Kerb Inlet Pit (KIP) over Council's existing drainage system on Vaucluse Road. The new Kerb Inlet Pits (KIP) must be a standard double grated gully pit with a 1.8m kerb lintel fronting the site, other than amended by Council's Asset Engineer.  
Longitudinal sections shall be submitted. Design details and location of all existing public utility services shall be included in the longitudinal section.

#### Road and Footpath Works:

- a) The existing 12.2m vehicular crossing on Gilliver Avenue shall be reconstructed to be a standard vehicular crossing, having a width of 3m at property boundary and perpendicular to the road carriageway, in accordance with Council's standard driveway drawing RF2-D, other than amended by Council's Asset Engineer.  
The crossing shall be positioned as close as possible to neighbouring property boundary with a minimum 1m clearance from the existing electrical pole. The centreline of the crossing shall align with the centreline of the single garage.
- b) Construction of a full width vehicular crossings on Vaucluse Road, having a width of 3m at property boundary and perpendicular to the road carriageway, in accordance with Council's standard driveway drawing RF2-D, other than amended by Council's Asset Engineer.  
The centreline of the vehicular crossing shall align with the centreline of the internal driveway.



The vehicular crossing shall have a minimum clearance of 0.5m from the new KIP.

- c) There shall be no concrete pedestrian access paths over Council's road reserve on either frontages. All proposed pedestrian access paths shall be removed.
- d) A design longitudinal surface profile for the proposed driveway must be submitted for assessment. All gradients and transitions shall be in accordance with the AS/NZS 2890.1:2004.
- e) Removal and replacement of all cracked or damaged footpath and kerb and gutter for the full width of the property on both Vaucluse Road and Gilliver Avenue in accordance with Council's standard drawing RF3.
- f) Removal of all driveway crossings and kerb laybacks which will be no longer required. As such, the redundant portion of the 12.2m vehicular crossing to on Gilliver Avenue as well as the pedestrian access path over Council's road reserve shall be removed and the area restored.
- g) Reinstatement of footpath, kerb and gutter to match existing.
- h) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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

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

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

**Note:** See *section K. Advisings* of this consent titled *Roads Act Application*.  
Standard Condition: C13 (Autotext CC13)

#### **C.25 Soil and Water Management Plan – Submissions & Approval**

#### **C.36 Professional Engineering Details**

#### **C.37 Engineer Certification (Special Condition)**

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 without written approval from all affected properties. Any structural design is not to incorporate any underpinning works which encroaches outside the boundaries of the subject property without written approval from all affected properties.

#### **C.40 Geotechnical and Hydrogeological Design, Certification & Monitoring**

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

The Geotechnical & Hydrogeological Report must be prepared in accordance with all Council's DCP requirements within Section E2.2.10 and Attachment 6 - Guidelines for Geotechnical and Hydrogeological Reports

These details must be certified by a professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
  - b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
  - c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
  - d) Provide tanking of all below ground structures to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
  - e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
    - Will detect any settlement associated with temporary and permanent works and structures,
    - Will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
    - Will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
    - Will detect groundwater changes calibrated against natural groundwater variations,
    - Details the location and type of monitoring systems to be utilised,
    - Details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
    - Details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
    - Details a contingency plan.
- Standard Condition: C40 (Autotext: CC40)

#### **C.41 Ground Anchors**

This development consent does NOT give approval to 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.

This development consent does NOT 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 *Roads Act 1993*. Application forms and Council's "Rock Anchor Policy" are available from Council's website. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

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

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

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

Standard Condition: C41 (Autotext: CC41)

#### **C.45 Parking Facilities**

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

- a) The existing double garage on Gilliver Avenue frontage shall be converted to a single garage having minimum internal dimensions of 3m wide x 5.4m long in accordance with AS/NZS 2890.1:2004. The vehicular access shall be positioned as close as possible to the neighbouring property boundary.
- b) Driveway splays shall be provided in accordance with Figure 3.3 in Section 3.2.4 of AS/NZS 2890.1:2004. Alternatively a fence/gate/landscaping to a maximum height of 0.9m is permitted in the splay area. Exceptions to this may be accepted where an object in the adjoining property creates an obstruction to visibility within the splay area.
- c) All gradients and transitions shall be in accordance with the AS/NZS 2890.1:2004.

Access levels and grades must comply with access levels and grade required by Council under the *Roads Act 1993*.

The *Certifying Authority* has no discretion to reduce or increase the number or area of car parking or commercial parking spaces required to be provided and maintained by this consent.

Standard Condition: C45 (Autotext: CC45)

#### **C.51 Stormwater Management Plan (site greater than 500m<sup>2</sup>)**

The Construction Certificate plans and specifications, required by clause 139 of the *Regulation*, must include a Stormwater Management Plan for the site. The Stormwater Management Plan must detail:

- a) General design in accordance with the Stormwater Management Plan, Project Number 220504, Issue A, prepared by RTS, dated 07/10/2022, other than amended by this and other conditions;
- b) The discharge of stormwater by direct connection to back of a new Kerb Inlet Pit (KIP) over Council's existing drainage system on Vaucluse Road. The new Kerb Inlet Pits (KIP) must be a standard double grated gully pit with a 1.8m kerb lintel fronting the site. Design details and location of all existing public utility services shall be included in the longitudinal section.
- c) Compliance the objectives and performance requirements of the BCA,
- d) Any rainwater tank (see Note below) required by BASIX commitments including Their overflow connection to the Stormwater Drainage System,
- e) General compliance with Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management, and
- f) Provision of a Rain Garden and Rainwater Tanks, having a minimum volume of 8.9m<sup>2</sup> and 30m<sup>3</sup> respectively.  
Note: the proposed Rain Garden shall be designed in accordance with in accordance with Council's Chapter E2 "Stormwater and Flood Risk Management" DCP requirements.
- g) Provision of a basement pump-out system.  
Note: the proposed basement Pump-out System shall only collect surface water from the basement area which cannot drain under gravity. No other surface water shall be drained to and collected by the pump-out system.  
The pump-out system shall be designed in accordance with all requirements stipulated within Council's Stormwater DCP and AS 3500.3.
- h) Provision of a Mechanical Flood Barrier for Vaucluse Road driveway entry.

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

Layout plan

A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off*, 1987 edition or most current version thereof.

The layout plan must include:

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of the Rainwater Tank and basement Pump-out System.
- 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.

Stormwater Management Systems

The Rainwater Tank and basement Pump-out System utilised within the site shall address:

- 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.

Copies of certificates of title

- a) Showing the creation of private easements to drain water by gravity, if required.

Subsoil drainage

The subsoil drainage is to address:

- a) Subsoil drainage details,
- b) Clean out points, and
- c) Discharge point.

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

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

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

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

## **C.52 Non-Gravity Drainage Systems**

### **C.54 Flood Protection**

The Construction Certificate plans and specifications, required by clause 139 of the Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL) detailing:

- a) A permanent flood risk management plan shall be installed in a prominent area of the basement carpark.
- b) The Vaucluse Road driveway entry shall be protected by a mechanical flood barrier with the threshold set to the flood planning level of 43.74m AHD.
- c) Permanent brass plaques shall be mounted adjacent to all mechanical flood barriers explaining their purpose and operation.
- d) Flood compatible materials shall be used for all flood exposed construction.
- e) All flood exposed electrical wiring and equipment shall be waterproofed.
- f) All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation.

Flood protection is to comply with Woollahra DCP 2015, Part E "General Controls for All Development" Chapter E2 "Stormwater and Flood Risk Management" DCP.

**Note:** The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1 – 2004, 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.  
Standard Condition C.54 (autotext CC54)

**D. Conditions which must be satisfied PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT WORK**

**D.4 Dilapidation Reports for Existing Buildings**

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

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

- a) No.2A Gilliver Avenue

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

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor* or *owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by Section 6.6(2) of the *Act* not less than two (2) days prior to the commencement of any work.

**Note:** The reasons for this condition are:

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

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

**D.6 Adjoining Buildings Founded on Loose Foundation Materials**

**D.10 Works (Construction) Zone – Approval & Implementation**

**D.14 Erosion & Sediment Control – Installation**

**E. Conditions which must be SATISFIED DURING ANY DEVELOPMENT WORK**

**E.7 Public Footpaths – Safety, Access and Maintenance**

**E.11 Maintenance of Environmental Controls**

**E.12 Compliance with Geotechnical / Hydrogeological Monitoring Program**

**E.13 Support of Adjoining Land and Buildings**

**E.14 Vibration Monitoring**

**E.15 Erosion & Sediment Controls – Maintenance**



**E.17 Disposal of Site Water during Construction**

**E.19 Site Cranes**

**E.20 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum**

**E.24 Compliance with Council's Specification for Roadworks, Drainage and Miscellaneous Works, Road Works and, Work within the Road and Footway**

**F. Conditions which must be satisfied PRIOR TO ANY OCCUPATION or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)**

**F.7 Commissioning & Certification of Systems & Works**

**G. Conditions which must be satisfied PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE**

Nil

**H. Conditions which must be satisfied prior to the issue of a FINAL OCCUPATION CERTIFICATE (s109C(1)(c))**

**H.13 Road Works (including footpaths)**

**H.18 Positive Covenant & Works-As-Executed Certification of Mechanical Systems (Special Condition)**

On completion of construction work, the mechanical installation works are to be certified by a *professional engineer* with Works-As-Executed drawings supplied to the PCA detailing:

- a) Compliance with conditions of development consent relating to the Mechanical Car Turntable;
- b) The structural adequacy of the mechanical system;
- c) That the works have been constructed in accordance with the approved design;

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 Mechanical Car Turntable incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

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

**Note:** The Final Occupation Certificate must not be issued until this condition has been satisfied.

## **H.20 Positive Covenant & Works-As-Executed Certification of Stormwater Systems**

On completion of construction work, stormwater drainage works are to be certified by a *professional engineer* with Works-As-Executed drawings supplied to the *PCA* detailing:

- a) Compliance with conditions of development consent relating to stormwater;
- b) The structural adequacy of the Rainwater Tank, Mechanical Flood Barrier and basement Pump-out System.
- c) That the works have been constructed in accordance with the approved design and will be in accordance with the submitted calculations;
- 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.

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 Rainwater Tank, Mechanical Flood Barrier and basement Pump-out 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 with the NSW Land Registry Services.

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

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

## **I. Conditions which must be satisfied during the ONGOING USE OF THE DEVELOPMENT**

### **I.29 On-going Maintenance of the Rainwater Tank, Mechanical Flood Barrier and basement Pump-out System (Special Heading and Context)**

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

- a) Permit stormwater to be temporarily detained by the system;
- b) Keep the system clean and free of silt rubbish and debris;
- c) 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;
- d) 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;
- e) Carry out the matters referred to in paragraphs (b) and (d) at the Owners expense;
- 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;
- 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;

- 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;
- 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;
- 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.

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

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

### **I.33 On-going Maintenance of the Mechanical Car Turntable (Special Condition)**

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

- a) Keep the systems clean and free of rubbish and debris;
- b) 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;
- c) Carry out the matters referred to in paragraphs (a) and (b) at the Owners expense;
- d) Not make any alterations to the systems or elements thereof without prior consent in writing of the Council and not interfere with the systems or by its act or omission cause it to be interfered with so that it does not function or operate properly;
- 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;
- f) 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;
- 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;
- h) 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 systems and caused by an act or omission by the Owners in respect of the Owner's obligations under this condition.

This condition has been imposed to ensure that owners are aware of maintenance requirements for their mechanical systems.

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

### **K. Advisings**

**K.23 Dilapidation Report**

**K.24 Roads Act 1993 Application**



12 December 2022

## REFERRAL RESPONSE – TREES & LANDSCAPING

**FILE NO:** Development Applications: 445/2022/1  
**ADDRESS:** 1 Vaucluse Road VAUCLUSE 2030  
**PROPOSAL:** Demolition of the existing dwelling and construction of a new dual-occupancy development; swimming pools and landscaping works.  
**FROM:** David Prieto - Tree Management and Landscape Officer  
**TO:** Mr V Aleidzans

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

- Statement of Environmental Effects Ref.22105, prepared by GSA Planning, dated October 2022
- Survey Plan No.D1036-2 Rev.C , drafted by 3Deez Surveys, dated 0/02/2022
- Architectural Drawing No.'s DA-00-25, drawn by MHNDUNION, dated 11/11/2022
- Stormwater drainage Plan Ref.220504 , drawn by RTS Civil Consulting Engineers, dated 07/10/202
- Arboricultural Impact Assessment Report, written by George Palmer Botanics P/L, dated March 2022
- Landscape Plan No.'s DA01-05/D5922 Ref.B, designed by Dangar Barin Smith, dated 10/11/2022

A site inspection was carried out on 06/12/2022.

### Relevant Control:

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites

## SUMMARY

No objections to proposed works.

The Landscape Plan has been amended to retain and protect Trees 1 *Cupaniopsis anacardioides* (Tuckeroo) street tree that was previously proposed to be removed.

The Landscape Plan will be conditioned to be amended to include a number of native species trees on the property.

## COMMENTS

### Impact to trees

Trees 1 *Cupaniopsis anacardioides* (Tuckeroo) street tree was proposed to be removed on a previous Landscape Plan, however the new pedestrian entry and proposed council verge footpath have been modified to retain it.

Tree 2 *Cupaniopsis anacardioides* (Tuckeroo), Tree 3 *Pittosporum undulatum* (Sweet Pittosporum), Tree 4 *Callistemon viminalis*. (Weeping Bottle Brush) and Tree 5 *Syzygium smithii* (Lillypilly) street trees are proposed to be retained and protected.

Tree 6 *Cedrus deodara* (Deodar Cedar) is located within the side setback of the property. Existing pedestrian access, stairs, footpath and paving near the tree are proposed to be removed and soft landscaping proposed.

Trees 7 & 8 *Magnolia grandiflora* (Bull Bay Magnolia) are not prescribed trees and will not be included on the Conditions of Consent.

### Landscape Plan

Landscape Plan does not comply with the following Control of B3.7.1 *Landscaped area and private open space* of the DCP: C17 Native species are preferred, and landscape designs are encouraged to provide at least 50% of the plants as native species.

Therefore a number native tree species will be conditioned to be shown on an amended Landscape Plan.

### Tree damage security deposit

A bond will only be imposed on Trees 1 & 2 as they are in close proximity to the proposed development.

As per Thyer Tree Evaluation methodology, each tree value is \$1246. Considering average tree replacement costs, a nominal value of \$2500 will be applied for each tree.

## RECOMMENDATIONS

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

## CONDITIONS OF CONSENT

*Please note that the standard conditions of consent are generally modified by the Technical Services Department to suit a particular development application. Please ensure all Technical Services conditions of consent are cut and pasted from this document only, and not inserted as standard conditions using the automatically generated (F3) function*



## A. General Conditions

### A.1 Tree Preservation & Approved Landscaping Works

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

#### a) The following trees shall be retained

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
6	<i>Cedrus deodara</i> (Deodar Cedar)	Side setback	10 x 14

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
1	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Council verge	4 x 3	\$2500
2	<i>Cupaniopsis anacardioides</i> (Tuckeroo)		6 x 6	\$2500
3	<i>Pittosporum undulatum</i> (Sweet Pittosporum)		3 x 3	-
4	<i>Callistemon viminalis</i> . (Weeping Bottle Brush)		4 x 5	-
5	<i>Syzygium smithii</i> (Lillypilly)		5 x 3	-

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

### A.2 Approved Plans and supporting documents

Reference	Description	Author/Drawn	Date(s)
DA01-05 - D5922 Rev.B,	Landscape Plan	Dangar Barin Smith	10/11/2022
-	Arboricultural Impact Assessment Report	George Palmer Botanics P/L	March 2022

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

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

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

#### a) Tree Protection Zone areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
6	<i>Cedrus deodara</i> (Deodar)	Side setback	6m

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

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

- b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.
- c) Trunk protection shall be installed around the trunks of the following trees:

Council Ref No.'s	Species
1 & 2	<i>Cupaniopsis anacardioides</i> (Tuckeroo)

Trunk protection shall consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x100mm or similar) shall be placed over the padding and around the trunk of the tree at 150mm centres. The planks shall be secured with 8 gauge wire at 300mm spacing. Trunk protection shall extend a minimum height of 2 metres or to the maximum possible length permitted by the first branches.

- d) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- e) 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.
- f) Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the site arborist or unless specified in this consent.
- g) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- h) The project arborist shall provide written certification of compliance with the above condition.

## B.2 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Approved works
1	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	New pedestrian entry and soft landscaping
2	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Soft landscaping
3	<i>Pittosporum undulatum</i> (Sweet	Soft landscaping



	Pittosporum)	
4	<i>Callistemon viminalis</i> . (Weeping Bottle Brush)	-
5	<i>Syzygium smithii</i> (Lillypilly)	-
6	<i>Cedrus deodara</i> (Deodar Cedar)	Footpath, sidepath, stormwater services and soft landscaping

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

### B.3 Demolition and Construction Management Plan

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

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

### B.4 Arborists Documentation and Compliance Checklist

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

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

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

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
Prior to the demolition of any building or construction and prior to the commencement of any development work	<ul style="list-style-type: none"> <li>Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that</li> </ul>

	<p>may arise. Project Arborist to mark all trees approved for removal under DA consent.</p> <ul style="list-style-type: none"> <li>The project arborist shall install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li> </ul>
During any development work	<ul style="list-style-type: none"> <li>The project arborist shall supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent.</li> <li>The project arborist shall supervise excavation and construction works for the new pedestrian entry within the TPZ of Tree No. 1</li> <li>Excavation works for stormwater services within the TPZ of Tree No. 6 must be done under arborist supervision.</li> <li>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.</li> </ul>
Prior to any occupation or use of the building	<ul style="list-style-type: none"> <li>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</li> </ul>
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> <li>The project arborist shall supervise the dismantling of tree protection measures</li> <li>After all demolition, construction and landscaping works are complete the project Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.</li> </ul>

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

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



**C. Conditions which must be satisfied prior to the issue of any construction certificate**

**C.1 Tree Management Plan**

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

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

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

**C.2 Modification of details of the development (section 4.17 (1) (g) of the Act)**

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

- a) Amended Landscape Plan. The submitted landscape plan shall be amended to include the following prior to the issue of the Construction Certificate:
  - A minimum of one (1) *Banksia integrifolia* (Coastal Banksia) x 100L additional tree must be included in the design. It must be located within the rear setback of the property to west. It must not be planted less than 1m from proposed structures and services.
  - A minimum of one (1) native tree x 100L to be planted within front setback of the property to east. See attached condition for tree species selection. It must be located within the rear setback of the property to west. It must not be planted less than 1m from proposed structures and services.

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

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

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

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

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

Description	Amount	Indexed	Council Fee Code
<b>SECURITY</b> under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
<b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree	\$5000	No	T114
<b>INSPECTION FEES</b> under section 608 of the <i>Local Government Act 1993</i>			

Public Tree Management Inspection Fee	\$221.34	No	T45
Security Administration Fee	\$190	No	T16

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

Nil

**E. Conditions which must be satisfied during any development work**

**E.1 Tree Preservation**

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

General Protection Requirements

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

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

**E.2 Replacement/Supplementary trees which must be planted**

Any replacement or supplementary tree shall be grown in accordance with Tree stock for landscape use (AS 2303:2018). The replacement tree shall 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.

Species/Type	Planting/Location	Minimum Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
1 x <i>Banksia integrifolia</i> (Coastal Banksia)	Rear setback to west	100L	6 x 3
1 x <i>Elaeocarpus reticulatus</i> (Blueberry Ash), <i>Stenocarpus sinuatus</i> (Firewheel Tree) Or <i>Hymenosporum flavum</i> (Native Frangipani)	Front setback to east		



1 x <i>Acer palmatum</i> (Japanese Maple)	As per Landscape Plan	100L	5 x 3
2 x <i>Magnolia</i> sp. (Magnolia)	As per Landscape Plan	75L	5 x 3
1 x <i>Plumeria acutifolia</i> (Frangipani)	As per Landscape Plan	45L	5 x 3

The project arborist shall document compliance with the above condition.

### E.3 Paving in the vicinity of trees

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

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
1	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Council verge	2m

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

The project arborist shall document compliance with the above condition.

### E.4 Level changes in the vicinity of trees

No level changes shall occur within the specified radius from the trunks of the following trees.

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
6	<i>Cedrus deodara</i> (Deodar Cedar)	Council verge	5m

The project arborist shall document compliance with the above condition.

### E.5 Hand excavation within tree root zones

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

Council Ref No.	Species	Location	Radius from centre of trunk (metres)
1	<i>Cupaniopsis anacardioides</i> (Tuckeroo)	Council verge	2m
6	<i>Cedrus deodara</i> (Deodar Cedar)	Council verge	6m

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

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

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

The project arborist shall document compliance with the above condition.

#### **E.7 Installation of stormwater pipes and pits in the vicinity of trees**

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

<b>Council Ref No.</b>	<b>Species</b>	<b>Location</b>	<b>Radius from centre of trunk (metres)</b>
6	<i>Cedrus deodara</i> (Deodar Cedar)	Side setback	6m

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

The project arborist shall document compliance with the above condition.

#### **F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)**

##### **F.1 Amenity Landscaping**

The *owner* or *principal contractor* must install all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) prior to any occupation or use of the site.

**Note:** This condition has been imposed to ensure that the environmental impacts of the development are mitigated by approved landscaping prior to any occupation of the development.

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

Nil

#### **H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))**

##### **H.1 Landscaping**

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

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

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

Nil

**J. Miscellaneous Conditions**

Nil

**K. Advisings**

**K.1 Pruning or Removing a Tree Growing on Private Property**

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

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



David Prieto  
**Tree Management and Landscape Officer**



## Memorandum - Drainage

Date 30/06/2023  
File No. Development Applications: DA2022-445-1  
To Mr Robert Lam  
CC  
From Michael Casteleyn  
Address 1 Vaucluse Road VAUCLUSE

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I refer to the following documents received for this report:

22/207957 Document - Flood Risk Assessment Report - DA2022-445-1- 1 Vaucluse Road VAUCLUSE

### RECOMMENDATION

Council's drainage Engineer has determined that the development proposal is generally satisfactory, subject to the following conditions;

#### C.54 Flood Protection

The Construction Certificate plans and specifications, required by clause 139 of the Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL) detailing:

- a. A permanent flood risk management plan shall be installed in a prominent area of the basement carpark.
- b. The Vaucluse Road driveway entry shall be protected by a mechanical flood barrier with the threshold set to the flood planning level of 43.74m AHD.
- c. Permanent brass plaques shall be mounted adjacent to all mechanical flood barriers explaining their purpose and operation.
- d. Flood compatible materials shall be used for all flood exposed construction.
- e. All flood exposed electrical wiring and equipment shall be waterproofed.
- f. All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation.