



Woollahra Local Planning Panel (Electronic Meeting)

Thursday 18 April 2024
at the Conclusion of the Public Meeting

Agenda

FOR ELECTRONIC MEETINGS

Woollahra Local Planning Panel (Electronic Meetings):

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

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

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

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

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

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

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

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

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

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

Woollahra Local Planning Panel Membership:

1 Chair, 2 Experts and 1 Community Representative

Quorum:

3 Panel members

Woollahra Municipal Council

Notice of Meeting

10 April 2024

To: Woollahra Local Planning Panel Members
Chair
Experts
Community Representative

Dear Panel Members,

Woollahra Local Planning Panel (Electronic Meeting) – 18 April 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel (Electronic Meeting)** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Thursday 18 April 2024 at the Conclusion of the Public Meeting.**

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

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

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

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

Regards,

Craig Swift-McNair
General Manager

Woollahra Local Planning Panel (Electronic Meeting)

Agenda

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

Items to be Decided by the Panel

D1	DA2022/444/2 - 44 Streatfield Road BELLEVUE HILL - 24/605327 *See Recommendation Page 41
D2	DA 344/2023/1 46 Cecil Street PADDINGTON - 24/6166187 *See Recommendation Page 112
D3	DA 443/2023/1 - 219 O'Sullivan Road Bellevue Hill - 24/59282215 *See Recommendation Page 244
D4	DA 501/2022/2 - 12 Rawson Road Rose Bay - 24/59197365 *See Recommendation Page 379

LOCAL PLANNING PANEL SECTION 4.55 APPLICATION ASSESSMENT REPORT

ITEM No.	D1
FILE No.	DA444/2022/2
ADDRESS	44 Streatfield Road BELLEVUE HILL
COUNCIL WARD	Cooper Ward
SITE AREA	491m ²
ZONING	R3 Medium Density Residential
EXISTING CONSENT	Alterations and additions to existing dwelling including a new second floor
DATE OF CONSENT	20/04/2023
TYPE OF CONSENT	Local development
CONSENT AUTHORITY	Woollahra Council
PROPOSED MODIFICATION	Internal and external modifications to the approved development
TYPE OF MODIFICATION	Section 4.55(1A)
DATE S4.55 LODGED	15/11/2023
APPLICANT	SRH Architecture Pty Ltd
OWNER	Mr S Patel
AUTHOR	Mr B McIntyre
TEAM LEADER	Mr T Wong
SUBMISSIONS	One (1)
RECOMMENDATION	Conditional Approval

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

The application is to be determined by the Local Planning Panel as it involves a modification application under s4.55(1A) of the Act, which seeks to modify and/or delete conditions of consent which were previously imposed by the LPP.

AND

Departure from development standards

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

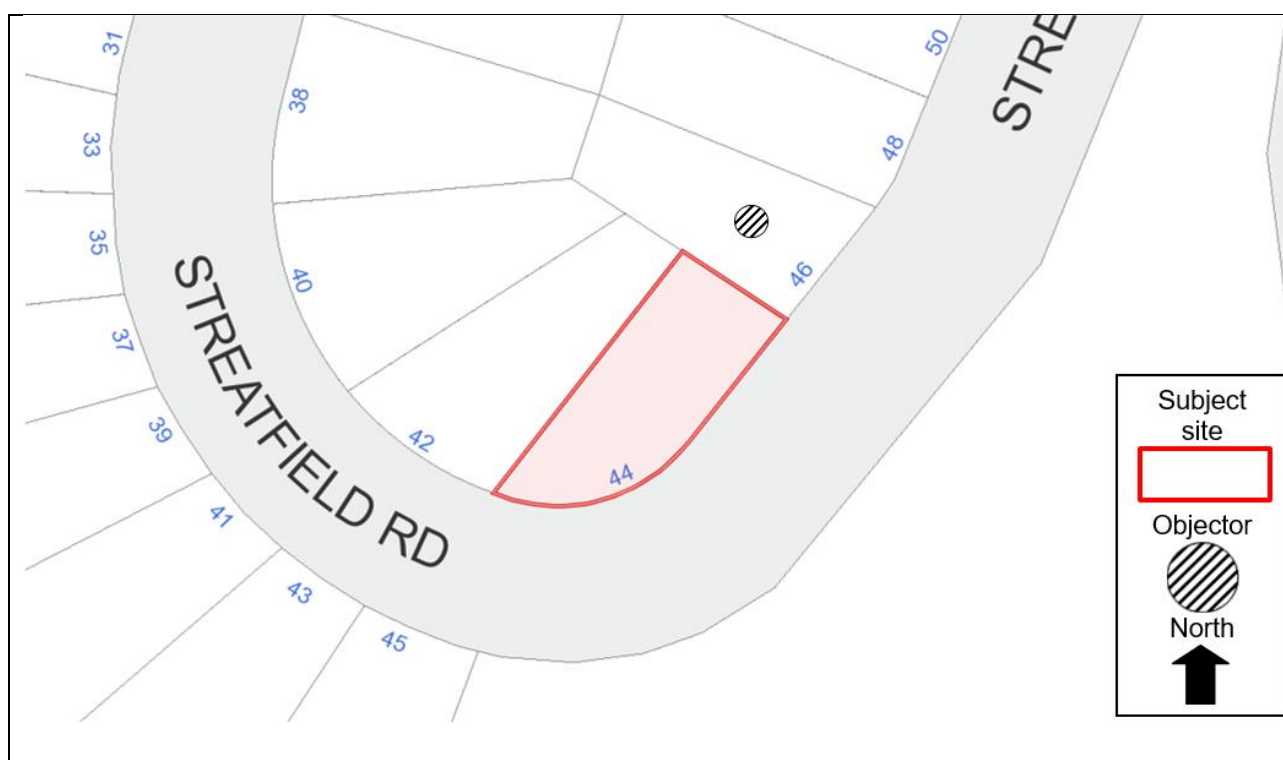
2. REASONS FOR RECOMMENDATION

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

- The development consent as proposed to be modified, is considered to be substantially the same as the originally approved development;

- The proposed modifications, as conditioned, satisfy section 4.55 of the Environmental Planning and Assessment Act 1979;
- 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;
- The proposed modifications, as conditioned, are in the public interest.

3. LOCALITY PLAN



4. SUMMARY OF APPROVED DEVELOPMENT

The approved development is for alterations and additions to an existing dwelling house including a new second floor. It was approved subject to the following Deferred Commencement Condition which was modified by the Woollahra Local Planning Panel:

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

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

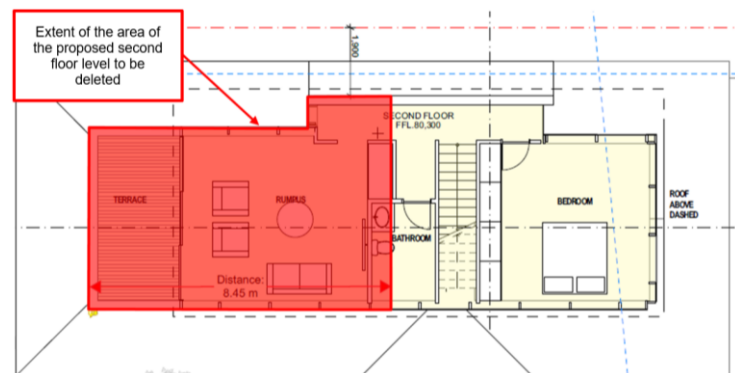
a) Deletion of a Portion of the Second Floor Level Which Exceeds the Height of Buildings Development Standard (9.5m)

The proposed terrace, rumpus room, a portion of the bathroom and a portion of the passage on the new second floor (including the associated roof, gutters and down pipes) must be deleted as these elements would exceed the Height of Buildings development standard (9.5m) prescribed in Clause 4.3 of WLEP 2014.

[The extent of the second floor level which must be deleted is shown in red in the section and floor plan below]



Section showing the area of the proposed second floor level which must be deleted



Plan showing the area of the second storey level which is to be deleted

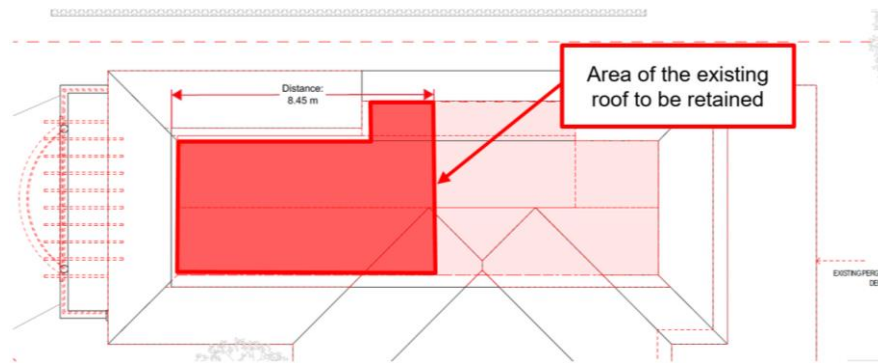
b) Retention of Existing Roof

The existing pitched roof, for the portion corresponding to the extent of works specified in Part (a) above, shall be retained.

[The extent of the existing pitched roof which must be retained is shown in red in the section and roof plan below]



Section showing the portion of the existing roof which is to be retained

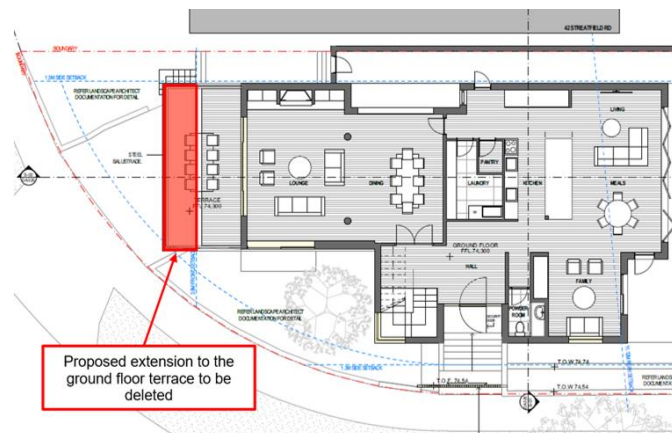


Roof plan showing the extent of the existing roof which must be retained

c) Deletion of the Extension to the South-facing Ground Floor Terrace

The extension to the south-facing ground floor terrace must be deleted from the proposal.

[The section of the terrace which is to be deleted is shown in red in the diagram below]



Ground floor plan showing the terrace extension to be deleted

d) Window Treatments to the Second Floor Level Bedroom

The window openings to the western and northern elevations of the Second Floor Level bedroom must be fitted with fixed translucent glazing up to a minimum height of 1.5m measured from the finished floor level (RL80.3). Alternatively, external privacy louvers must be installed to the exterior of the windows. These louvers must incorporate blades fixed in an angle so that each blade will overlap each other to avoid direct sightline to the neighbouring property to the west and north. This condition is imposed to achieve Objective O2 and ensure compliance with Control C4 of Part B3.5.4 of the Woollahra Development Control Plan 2015.

e) Roof Form and Materials

The new roof to the second floor addition is to match the form, colour and materiality of the existing roof.

Period within which evidence must be produced

The Applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days (1 year) of the date of determination.

Clause 76 of the Regulation:

- (4) *If the applicant produces evidence in accordance with this section, the consent authority must notify the applicant whether it is satisfied about the relevant matters.*
- (5) *If the consent authority does not notify the applicant within 28 days after the applicant produces the evidence, the consent authority is taken to have notified the applicant, on the day on which the period expires, that it is not satisfied about the relevant matters.*

If the evidence is not produced with within 365 days (1 year) of the date of determination this deferred commencement consent is of no effect, the consent does not operate and no Construction Certificate can be issued. No development can lawfully occur under this consent unless it operates.

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

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

Note: *Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied. Standard Condition: A3 (Autotext AA3)*

5. SUMMARY OF PROPOSED MODIFICATION

The Section 4.55 application involves the following works:

Ground Floor Level

- Deletion of the planter located off the south-facing terrace
- Extension of the south-facing terrace located off the living area towards the street

Second Floor Level

- Reduction of approved envelope at the south-eastern corner of the approved second floor level adjacent the internal staircase
- Extension of the approved envelope to the north to accommodate a small rumpus room and outdoor terrace
- Minor internal reconfiguration to match the footprint of the modified second floor level

Roof Level

- Deletion of the approved roof to the south-east corner of the floor second floor level
- New hipped roof over rumpus room to match approved roof form

6. ISSUES

6.1. Primary issues

The proposed modifications exhibits the following non-compliances and/or issues:

Issue	Conclusion	Section
Height of buildings	Satisfactory. The <i>Exceptions to Development Standards</i> pursuant to Part 4.6 of this Plan does not apply to a Section 4.55 Application. However, Council must have regard to the provisions of Section 4.15 of the EPA Act 1979. In this regard, the proposed modifications	13.3

Issue	Conclusion	Section
	satisfy the relevant objectives of the development standard and is therefore considered acceptable in this instance.	
FSR	Satisfactory. The <i>Exceptions to Development Standards</i> pursuant to Part 4.6 of this Plan does not apply to a Section 4.55 Application. However, Council must have regard to the provisions of Section 4.15 of the EPA Act 1979. In this regard, the proposed modifications satisfy the relevant objectives of the development standard and is therefore considered acceptable in this instance.	13.4
Bulk and scale	Satisfactory. Subject to Condition C.9(a) , the proposed modifications would meet the relevant streetscape character consistent with the key elements of the precinct and desired future character objectives of the Bellevue Hill South precinct.	Throughout the report
Front setback	Satisfactory. The proposed modifications satisfy the relevant objectives of the control of Part B3.2.2 of the Woollahra DCP 2015.	14.2.1
Rear setback	Satisfactory. The proposed modifications satisfy the relevant objectives of the control of Part B3.2.4 of the Woollahra DCP 2015.	14.2.1
Wall height and inclined plane	Satisfactory. The proposed modifications satisfy the relevant objectives of the control of Part B3.2.5 of the Woollahra DCP 2015.	14.2.1
Visual privacy	Satisfactory. The proposed modifications, as conditioned, satisfy the relevant objectives of the controls of Part B3.5.4 of the Woollahra DCP 2015.	14.2.2

6.2. Summary of Submissions

Issue	Conclusion
Visual Privacy	Concerns were raised by the adjoining property owner at No. 46 Streatfield Road with regards to potential visual privacy impacts as a result of the new window openings to the second storey addition. The proposed modifications, as conditioned, satisfy the relevant objectives of the control of Part B3.5.4 of the Woollahra DCP 2015.

PROPERTY DETAILS AND REFERRALS

7. SITE AND LOCALITY

Physical features
The subject site is located on the northern side of the curved section at the southernmost part of Streatfield Road, resulting in an extensive frontage to Streatfield Road (refer to the Locality Plan in Section 3 and the aerial photo below). The subject site is an irregular shape with a curved frontage of 45.175m to Streatfield Road, a rear (north-eastern) boundary of 15.305m and a side (north-western) boundary of 36.66m. Vehicular access to the site is currently provided from the south-western frontage along Streatfield Road. The site measures 491m ² in extent.
Topography
The site slopes down from the north-eastern boundary towards the south-western boundary (Streatfield Road), with a fall of between 2.5m and 3m across the site.
Existing buildings and structures
Existing development on the subject site comprises a two-storey dwelling with a basement parking and storage area located at street level off the south-western boundary. An in-ground swimming pool is located towards the rear (north-eastern) section of the site.
Surrounding Environment
The site is located within the Bellevue Hill South Residential Precinct. The surrounding environment is characterised by a mixture of large two and three storey dwelling houses of varying architectural styles with a mix of pitched tiled and flat roofs. Cooper Park is located directly opposite the subject site to the east and south-east.



Aerial view of the subject site



View of the south-western façade of the dwelling and boundary wall of the subject site from Streatfield Road



View of the subject site from Streatfield Road



View of the subject site from Streatfield Road



View of the south-eastern façade of the dwelling and boundary wall of the subject site from Streatfield Road



View of the south-eastern façade of the dwelling and boundary wall of the subject site from Streatfield Road



View of the rear (north-eastern) elevation of the subject site from Streatfield Road and adjoining development at No. 46 Streatfield Road



View from the front south-facing ground floor balcony (located off the living area) overlooking Cooper Park (left), development across Streatfield Road (middle) and adjoining development at No. 42 Streatfield Road (right)



View from the front south-facing first floor balcony (located off the living area) overlooking Cooper Park (left) and nearby/adjoining development (middle and right)



View of the rear (north-eastern) elevation of the subject site from the ground floor of the adjoining development at No. 46 Streatfield Road



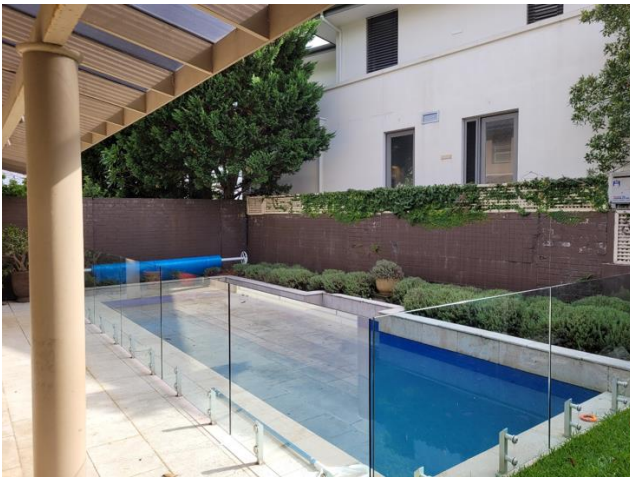
View of the rear (north-eastern) elevation of the subject site from the first floor terrace of the adjoining development at No. 46 Streatfield Road



View of the rear (north-eastern) elevation of the dwelling from the rear private open space area of the subject site



Views of the covered terrace (left) and swimming pool (right) located within the rear private open space area of the subject site



Views of the rear private open space area of the subject site looking towards the existing dwelling located at No.46 Streetfield Road

8. RELEVANT PROPERTY HISTORY

Current use
Dwelling House
Relevant Application History
Refer to Section 4 of this report for previous history relevant to the subject site.
Relevant Compliance History
Nil.
Pre-DA
Pre-DA 12/2022 for 'Alterations and additions to the existing dwelling' was held on 24 May 2022. The conclusion of the Pre-DA meeting minutes, stated: <p><i>"The proposal, in its current form, is not supported given that the proposal fails to satisfy the relevant objectives and controls of the Woollahra LEP 2014 and the Woollahra DCP 2015, as detailed throughout these minutes.</i></p> <p><i>Any future development application would require amendments or additional justification to be considered acceptable with respect to the Woollahra LEP 2014 and Woollahra DCP 2015."</i></p>
Requests for Additional Information and Replacement Applications
Nil.
Land and Environment Court Appeal(s)
Nil.

9. REFERRALS – No referrals required.

ASSESSMENT UNDER SECTION 4.55

The application is assessed under Section 4.55 of the Environmental Planning and Assessment Act 1979.

10. SECTION 4.55(1A): MODIFICATION INVOLVING MINIMAL ENVIRONMENTAL IMPACT

Section 4. 55(1A) allows the modification of a development consent where Council is satisfied that the proposed modification is of minimal environmental impact. The application involves modification works described in Section 5 above.

The considerations in Section 4.55(1A) require Council to address the following:

- a) *It is satisfied that the proposed modification is of minimal environmental impact - YES*

- b) *It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) - YES*
- c) *It has notified the application in accordance with:*
 - i) *The regulations, if the regulations so require*
 - ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent - YES*
- d) *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. - YES*

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

11. ADVERTISING AND NOTIFICATION

11.1. Submissions

The application was advertised and notified from **6 December 2023 to 12 January 2024** in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. A submission was received from:

1. **Joel Palan**, 46 Streatfield Road BELLEVUE HILL

Refer to Section 6.2 of this report for a summary and response to the submission.

11.2. Statutory Declaration

The applicant completed the statutory declaration dated 15 January 2024 declaring that the site notice was erected and maintained during the notification period.

12. STATE ENVIRONMENTAL PLANNING POLICIES

12.1. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

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

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

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

12.2. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 – Water Catchments

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

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

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

The proposed modifications satisfy the relevant criteria prescribed by Chapter 6 – Water Catchments of the Biodiversity and Conservation SEPP 2021.

12.3. State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2: Standards for residential development—BASIX

Chapter 2 applies to the proposed development. It relates to commitments within the proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

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

13. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

13.1. Part 1.2: Aims of Plan

The proposed modifications, as conditioned, are consistent with the aims in Part 1.2(2) of the Woollahra LEP 2014.

13.2. Land Use Table

The proposed modifications are defined as alterations and additions to an existing dwelling which is permitted and is consistent with the objectives of the R3 Medium Density Residential zone.

13.3. Part 4.3: Height of Buildings

Part 4.3(2A) limits development for a dwelling on land in R3 Medium Density Residential zone to a maximum height of 9.5m.

	Existing	Approved under DA 444/2022/1	Proposed	Control	Complies
Maximum Building Height	11m*	9.5m (subject to Condition 1. Deferred Commencement)	12.33m	9.5m	No

**Existing non-compliance*

The proposed modifications do not comply with the maximum building height prescribed by Part 4.3(2A) of the Woollahra LEP 2014 as detailed and assessed below.

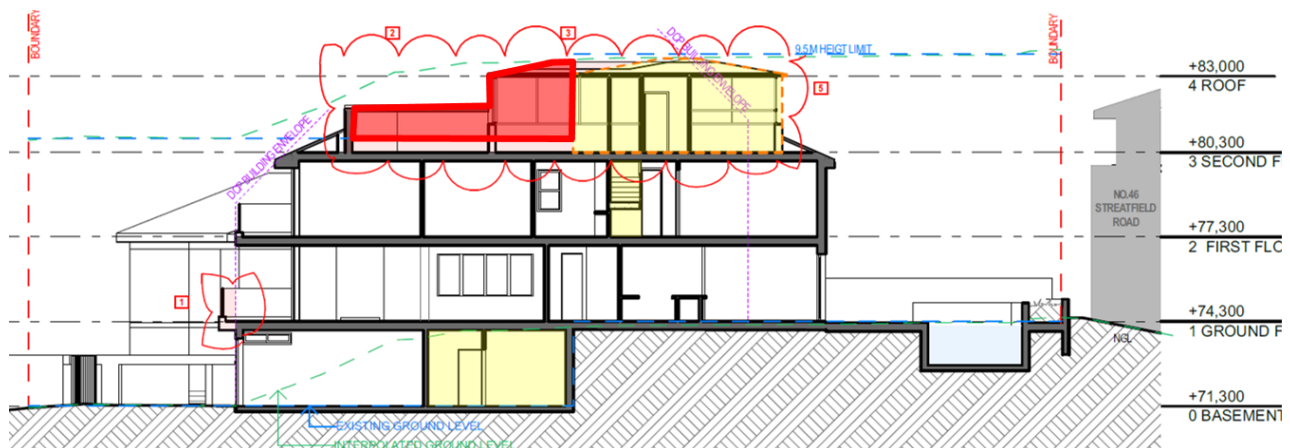


Figure 1: Section of the proposed modifications illustrating the proposed non-compliance with the Height of buildings development standard (Source: SRH Architecture)

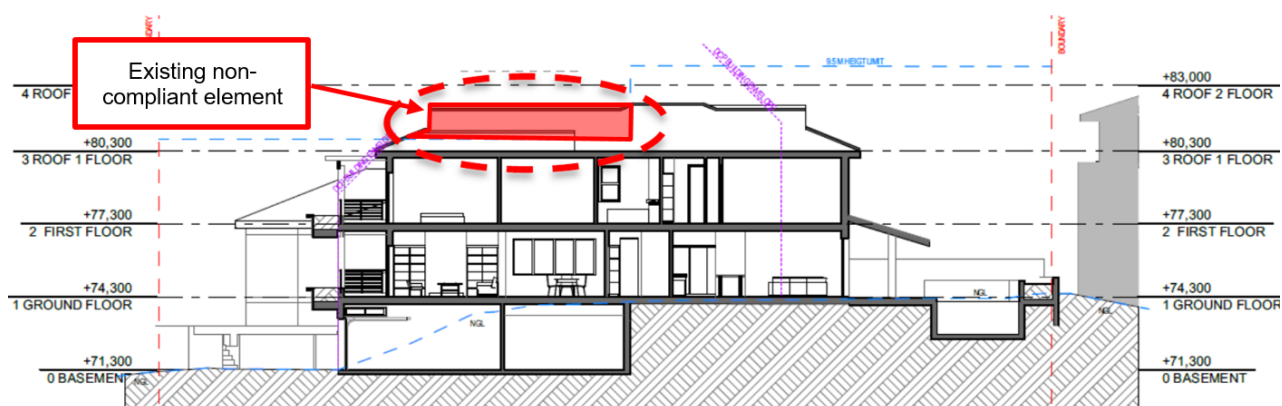


Figure 2: Section illustrating the existing non-compliance with the Height of buildings development standard (Source: CI 4.6 Request prepared by The Planning Studio under the original DA)

The *Exceptions to Development Standards* pursuant to *Part 4.6* of this Plan does not apply to a *Section 4.55 Application*. However, Council must have regard to the provisions of *Section 4.15* of the EPA Act 1979.

The objectives applying to *Part 4.3* (Height of Buildings) are provided and assessed below:

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

Assessment: For reasons discussed throughout this report, the proposed modifications, subject to **Condition C.9(a)**, ensure the building height that will generally achieve consistency with the desired future character of the neighbourhood.

The proposed modifications satisfy objective (a) of this part.

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

Assessment: The subject site is zoned R3 (Medium Density Residential). The properties immediately abutting the site to the north and west are also zoned R3 (Medium Density Residential). Directly opposite the site, to the south and east, is Cooper Park which is zoned RE1 Public Recreation). Opposite the site, to the south-west, is land zoned R2 (Low Density Residential). [Refer to **Figure 3** below]



Figure 3: Extract of the zoning map showing the context of the subject site in relation to different zonings in the vicinity

The proposed modification, as conditioned, generally represents a reasonably modest transition in scale amongst the R2, R3 and the RE1 zones in this locality and therefore achieves consistency with the bulk and scale of development in this location. The proposed modifications generally maintains the views currently afforded adjoining properties and as conditioned, will not result in adverse amenity impacts upon adjoining properties.

The proposed modifications satisfy objective (b) of this part.

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

Assessment: The proposed modifications will not result in substantial additional impacts with regard to overshadowing to adjoining buildings and any private open space areas.

The proposed modifications satisfy objective (c) of this part.

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

Assessment: The proposed modifications, subject to **Condition C.9(b)**, will not result in unacceptable adverse impacts on adjoining or nearby properties in terms of disruption of views, loss of privacy or overshadowing arising from the proposed development, as discussed in Section 14.2.2 of this report.

The proposed modifications satisfy objective (d) of this part.

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

Assessment: The proposed modifications will ensure that public views of the harbour and surrounding areas are maintained from the public domain and that there are no resultant detrimental impacts to the amenity of adjoining residents, the locality or the environment.

Conclusion:

The proposed modifications, as conditioned, are acceptable with regard to Part 4.3 of the Woollahra LEP 2014.

13.4. Part 4.4: Floor Space Ratio

Part 4.4E limits development to a maximum floor space ratio of 0.5:1 for dwelling houses in the R3 zone.

Site Area: 491m ²	Approved (under DA444/2022/1)	Proposed	Control	Complies
Floor Space Ratio	0.69:1 (337.41m ²)*	0.71:1 (347.2m ²)	0.5:1 (245.5m ²)	No

*Approved non-compliance

The proposal does not comply with Part 4.4E(3) of the Woollahra LEP 2014 as detailed and assessed below.

As illustrated in the compliance table above, the FSR approved under the original DA (DA444/2022/1) is non-compliant with the Floor Space Ratio (FSR) development standard. The proposed modifications will further breach the FSR standard by 9.79m² to a total of 347.2m².

As discussed throughout this report, **Condition C.9(a)** has been recommended requiring the deletion of a section of the proposed second storey addition. The imposition of **Condition C.9(a)** will result in a reduction of GFA to a net increase of approximately 2.5-3m² compared with the approved non-compliant GFA.

The *Exceptions to Development Standards* pursuant to *Part 4.6* of this Plan does not apply to a Section 4.55 Application. However, Council must have regard to the provisions of Section 4.15 of the EPA Act 1979. In this regard, the proposed modifications satisfy the relevant objectives of the development standard in the following manner:

(i) *To ensure the bulk and scale of new development is compatible with the desired future character of the area*

The proposed modifications, as conditioned, will result in a very minor increase in the approved non-compliant FSR and will achieve a bulk and scale that will be generally compatible with the desired future character of the area.

(ii) *To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain*

As discussed throughout this report, the proposed modifications, as conditioned, are considered to be satisfactory and reasonable in regards to impacts upon adjoining properties, including impacts upon views, privacy, overshadowing and visual intrusion.

(iii) *To ensure that development allows adequate provision on the land for deep soil planting and areas of private open space*

The proposed modifications will maintain adequate provision for deep soil planting and areas of private open space.

Conclusion:

The proposed modifications, as conditioned, are acceptable with regard to Part 4.3 of the Woollahra LEP 2014.

13.5. Part 5.10: Heritage Conservation

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

The property is not a listed heritage item and is not located within a Heritage Conservation Area. However, the subject site is located in the vicinity of the following Local Heritage items as listed in Schedule 5 - Environmental Heritage of the WLEP 2014:

Suburb	Item name	Address	Significance	Item no
Bellevue Hill	Chinese Windmill Palm, Canary Island Date Palm	Streatfield Road, (within road reserve adjacent 40 and 41)	Local	57

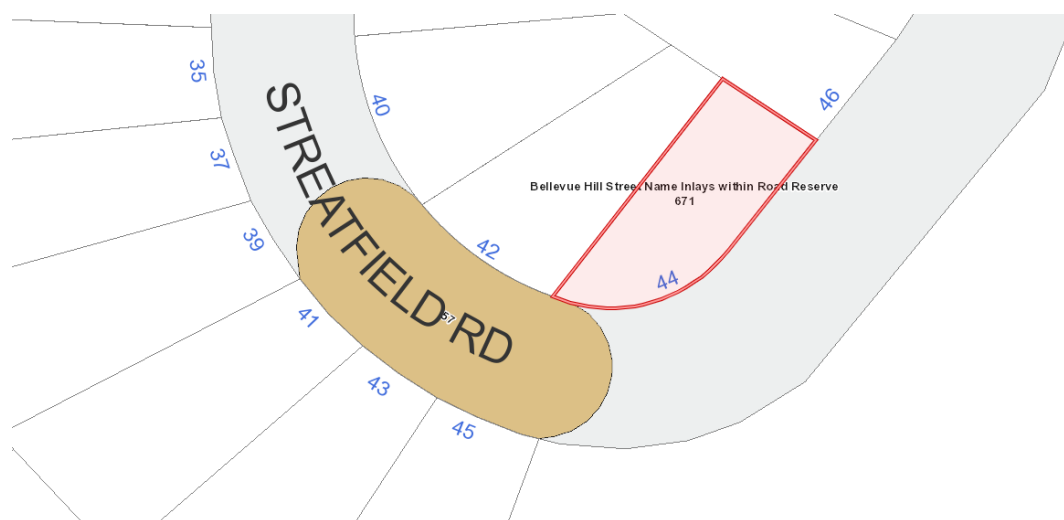


Figure 4: Map showing Heritage Items (in brown) in the immediate locality of the subject site (Source: Council GIS Mapping)

Council's Heritage Officer has undertaken a review of the application at DARC and considers the proposal acceptable.

The proposed modifications are acceptable with regard to the objectives in Part 5.10 of the Woollahra LEP 2014.

13.6. Part 6.2: Earthworks

The proposed modifications involve no excavation to accommodate the proposed works and is therefore acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

13.7. Part 6.9: Tree canopy cover in Zones R2 and R3

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

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

The proposed modifications are acceptable with regard to Part 6.9 of Woollahra LEP 2014.

14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

14.1. Chapter B1: Bellevue Hill South Residential Precinct

The relevant desired future character objectives of the Bellevue Hill South Residential Precinct require development to:

- *respect and enhance the streetscape character and key elements of the precinct (O1);*
- *maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings incorporating modulation and a varied palette of materials (O2);*
- *design and site buildings to respond to the topography and minimise cut and fill (O5);*
- *preserve significant views and vistas to surrounding areas from the streets and parks (O6); and*
- *reinforce the landscape setting and maintain the existing tree canopy (O7).*



Figure 5: Location of the subject site within the Bellevue Hill South Residential precinct

The immediate surrounding environment is characterised by a mixture of large two and three storey dwelling houses to the north, west and south-west of the subject site, in Streatfield Road. Cooper Park is located directly opposite the subject site, to the east.



Figure 6: 3D Aerial View illustrating the bulk and scale of development in this locality within the Bellevue Hill South Residential precinct (Source: Woollahra Council 3D Imagery)



Figure 7: Aerial view of the subject site showing the height of the development in this locality within the Bellevue Hill South Residential precinct

The proposed modifications present as a part three part four storey building to the street with the new second storey level introducing a new built form, in terms of number of storeys, within this section on the northern side of Streatfield Road, which is generally dominated by 2 storey dwelling houses.

Objective O1 of this part requires development to respect and enhance the streetscape character and key elements of the precinct and Objective O5, in part, requires that the design and siting of buildings responds to the topography.

As discussed throughout this report, the proposed modifications result in several non-compliances. In turn, the height, bulk and scale of the proposed development will be inconsistent with surrounding development in this locality. In particular, the proposed four storey building height, is inconsistent with the existing streetscape character which is dominated by 2 storey dwelling houses (refer to **Figures 6 and 7** above).

It should be noted that the intent of **Deferred Commencement Condition 1(a)** aims to achieve a better visual outcome so that the visibility of the proposed secondary storey from Streatfield Road could be minimised. Therefore, the outlook of the proposed development will appear predominantly as a two story building with a subservient top floor which is set back from the floors below.

As the extent of the required deletion occupied a substantial portion of the originally proposed second floor, to achieve compliance, the layout of the proposed second floor, including the associated roof and window openings, would need to be re-designed. Council was unable to design for the applicant and, therefore, put these requirements under a deferred commencement condition to allow the applicant to re-design the layout of the second floor that would fit its need and purpose.

The proposed modifications now seek to reintroduce a section of the second floor (to a lesser extent) which was required to be deleted under the **Deferred Commencement Conditions 1(a)**.

The 3D photomontage below illustrates the comparison between the built form proposed under the original submission, the built form approved under the original DA (as conditioned) and the built form proposed under this modification, as viewed from Streatfield Road.



DA SUBMITTED



DA APPROVED



NEW PROPOSAL



DA SUBMITTED



DA APPROVED



NEW PROPOSAL



Figure 8: 3D Photomontages illustrating the built form proposed under the original DA (left), the built form approved under the original DA (middle) and the built form proposed under this modification (right), as viewed from Streatfield Road (Source: Architectural Plans prepared by Bureau SRH)

Discussions, on a without prejudice basis, were held with the Applicant to look at further reducing the built form of the second storey addition towards the south-west, to reduce the four (4) storey presentation when viewed from Streatfield Road. In particular, the Applicant was requested to look at potential solutions to ensure the second storey addition was not visible from Streatfield Road (from the location illustrated in **Figure 9** below). The Applicants review indicated a reduction of 1.4m of the second storey addition towards the south-west would potentially achieve an outcome whereby the second storey addition would not be visible from the location in Streatfield Road (see **Figure 9** below).



Figure 9: 3D Photomontage illustrating the built form proposed under this modification, as viewed from Streatfield Road (Source: Architectural Plans prepared by Bureau SRH)

The Applicants view was that any further reduction in the size of the rumpus room would render the rumpus room not feasible/ workable. A potential resolution provided by the Applicant was to reduce the proposed eave and roof form at the north-western end where there is no habitable space below (see **Figure 10** below).

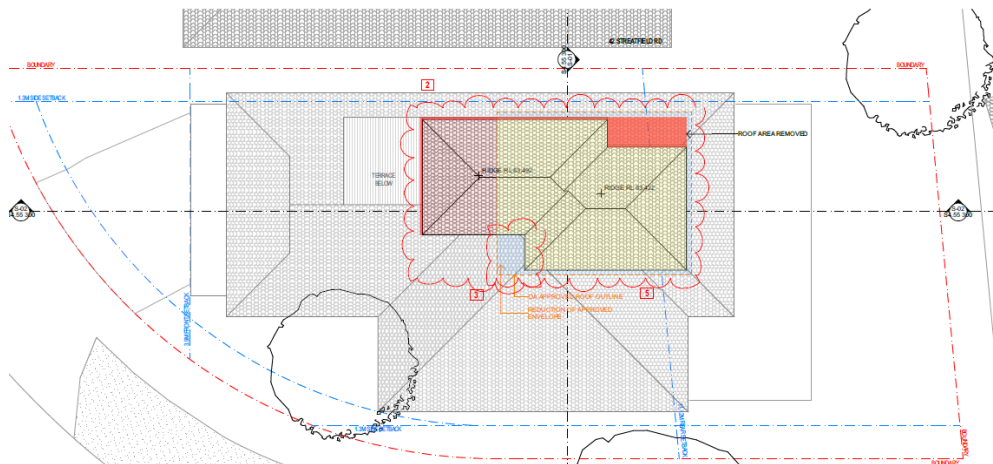


Figure 10: Roof plan showing the reduction in the proposed eave and roof form at the north western end of the second storey addition (Source: Without Prejudice drawings prepared by Bureau SRH)

However, it is considered that the built form to the rear of the second storey addition is not the element which is an issue in this instance as the built form towards the rear achieves compliance with height and a three (3) storey presentation, when viewed from Streatfield Road.

Whilst it is acknowledged that the proposed modifications are considered an improvement on the built form proposed under the original DA, it still fails to achieve a height, bulk and scale which is consistent with surrounding development in this locality. In particular, the proposed four storey building height (which is still visible from most parts of Streatfield Road), is inconsistent with the existing streetscape character which is dominated by 2 story dwelling houses.

In this regard, **Condition C.9(a)** has been recommended requiring that a section of the proposed second storey addition be deleted (see **Figures 11-14** below). As conditioned, it is considered that the proposed modifications will achieve the desired future character objectives of the Bellevue Hill South Residential Precinct in the following manner:

- The proposed modifications, as conditioned, will respect the streetscape character and key elements of the precinct (O1).
- The proposed modifications, as conditioned, will maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings incorporating modulation and a varied palette of materials (O2).
- The proposed modifications will preserve significant views and vistas to surrounding areas from the streets and parks (O6).

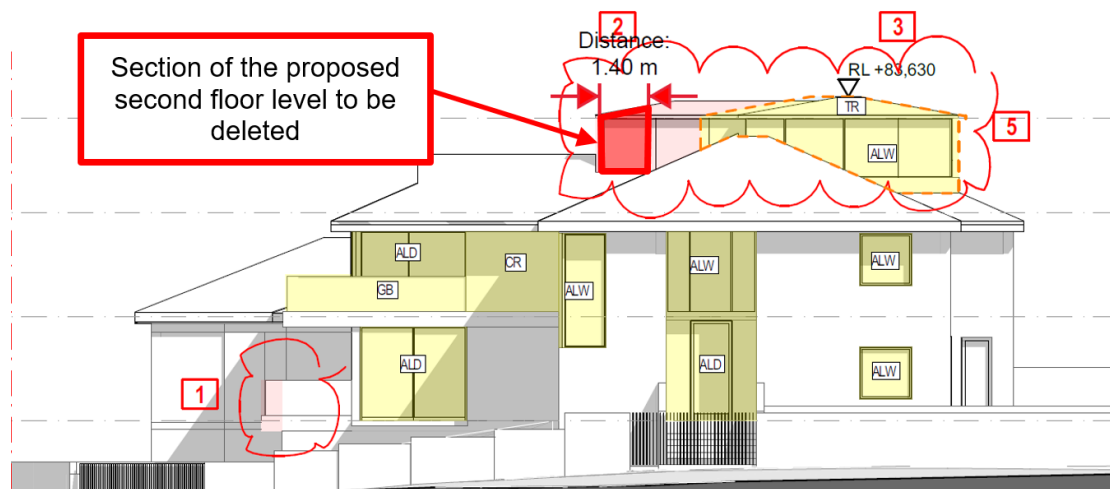


Figure 11: South-east elevation showing the area of the second storey level which is to be deleted

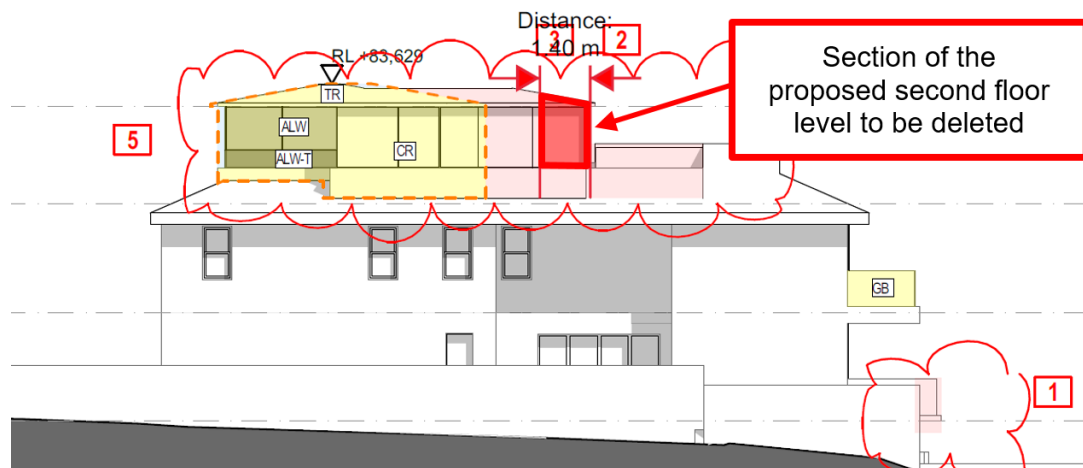
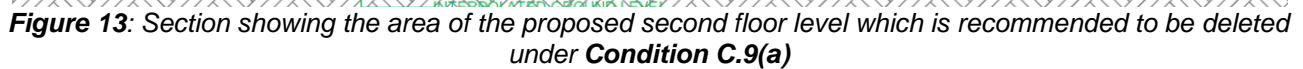


Figure 12: North-west elevation showing the area of the second storey level which is to be deleted



Conclusion:

Item No. D1

14.2. Chapter B3: General Development Controls

14.2.1. Part B3.2: Building Envelope

Part 3.2.2: Front Setback

The relevant objectives and controls of this part read as follows:

O1 To reinforce the existing streetscape and character of the location.

O2 To provide consistent front setbacks in each street.

O3 To provide for landscaped area and deep soil planting forward of the building.

O4 To ensure that buildings are well articulated and positively contribute to the streetscape.

C1 The front setback of the building envelope is determined by averaging the three most typical setbacks of the four closest residential buildings that face the same side of the street (refer to Figure 3). Note: The setback is determined by the distance between the primary street boundary and the outside face of the front building wall, or any protruding balcony deck or the like (excluding car parking structures). Note: The front setback is the horizontal distance between the building envelope and the primary street boundary, measured at 90° from the boundary (refer to Figure 2). Note: On corner lots, the shortest frontage to a street is typically where the front setback applies.

C2 The building has a maximum unarticulated width of 6m to the street frontage

The proposed modifications result in a non-compliance with Control C1 in that the new extension to the ground floor terrace located off the south-west facing lounge is proposed 1.6m (at its closest point) from the front south-western boundary.

It is noted that an existing semi-circular planter box structure is located immediately off the existing terrace and protrudes closer to the street than the proposed terrace extension at the ground floor level. Under the original DA, the proposal sought to extend the terrace even closer to the road when compared to the modification proposed under this application. The proposed extension to the ground floor terrace does not significantly push the bulk closer towards Streatfield Road and the proposed alignment of the terrace is largely setback when compared to the existing situation. In this instance, and on merit, the proposed modifications achieve an improved outcome that contributes positively to the streetscape. Therefore, the intent of **Condition 1(c)** has been achieved.

Given the commentary provided above, the proposed modifications satisfy the relevant objectives of this part.

Part 3.2.3: Side Setbacks

The proposed modifications satisfies the objectives and controls of this part.

Part 3.2.4: Rear Setback

The proposed modifications do not alter the non-compliant rear setback approved under the original consent.

The proposed modifications satisfy the relevant objectives of this part.

Part 3.2.5: Wall Height and Inclined Plane

The proposed modifications do not alter the non-compliant wall height and inclined plane approved under the original consent.

The proposed modifications satisfy the relevant objectives of this part.

Conclusion

The proposed modifications, as conditioned, are acceptable with regard to Part B3.2 of the Woollahra DCP 2015.

14.2.2. Part B3.5: Built Form and Context

Site Area: 491m ²	Existing	Proposed	Control	Complies
Siting of Development	Stepped Down with the Slope	Partially Stepped Down with the Slope	Stepped Down with the Slope	Yes
Solar Access to Open Space of Adjacent Properties	>50% for 2 hours on 21 June	>50% for 2 hours on 21 June	50% for 2 hours on 21 June	Yes
Solar Access to Nth Facing Living Areas of Adjacent Properties	>3 hours on 21 June	>3 hours on 21 June	3 hours on 21 June	Yes
Distance of Habitable Room Windows to Neighbouring Dwellings	<9.0m*	<9.0m	9.0m	No
Setback of Roof Terraces from Open Space/Habitable Room Windows of Neighbouring Properties	>12.0m	>12.0m	12.0m	Yes

*Existing non-compliance

Part B3.5.1: Streetscape and Local Character

For reasons discussed in Section 14.1 of this report, the proposed modifications, as conditioned, satisfy the relevant objectives of Part 3.5.1 of the Woollahra DCP 2015 in the following manner:

- The proposed modifications, as conditioned, will achieve an outcome which minimises the bulk of the development when viewed from the street.
- The proposed modifications, as conditioned, results in only a small section of the second storey addition extending beyond the height of buildings development standard and result in only 2.5-3m² of additional GFA when compare to the approved GFA.
- The proposed modifications, as conditioned, generally maintains the existing established front setback.
- The proposal, as conditioned, largely maintains a three storey presentation to Streatfield Road.
- The proposal, as conditioned, is considered to be of a height, bulk and scale which is compatible with development on adjoining properties and development in this locality.

Part B3.5.2: Overshadowing

The proposed modifications satisfy the relevant objectives and controls of this part.

Part B3.5.3: Public and Private Views

Public views

The proposed modifications will not obscure any significant public views and therefore satisfy the relevant objectives and controls of this part.

Private views

A detailed assessment of potential impacts on private views with regards to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* was undertaken in the assessment of the original DA (DA2022/444/1) where it was concluded that the impact to the views of properties located to the north of the subject site were considered to be negligible and acceptable.

It is considered that the impact to the views of properties located to the north of the subject site are considered to be negligible and acceptable.

In addition, it is noted that no submissions from adjoining properties were received with regards to view loss.

Part B3.5.4: Acoustic and Visual Privacy

Acoustic Privacy

It is considered that the proposed modifications will not result in any additional unacceptable adverse acoustic impacts on adjoining properties.

The proposed modifications satisfy the relevant controls and objectives of this part.

Visual Privacy

The relevant objectives and controls of this part read as follows:

- O2 To ensure adequate visual privacy for occupants and neighbours while balancing the need to provide for reasonable levels of environmental amenity, including access to sunlight and ventilation, and good architectural outcomes.*
- O3 To minimise the impacts of private open space*
- O4 To ensure that where roof terraces are inserted into roofs, they do not impact on the roof profile.*
- C4 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. This may be achieved by options including, but not limited to (in order of preference): a) Window location—primary windows to habitable rooms are located and designed to provide an outlook to the front and rear setbacks, not the side boundaries. b) Layout and separation—offsetting windows from the windows/private open spaces of the adjoining dwelling to limit views between the windows/private open space. c) Architectural design solutions and devices—redirecting and limiting sightlines using deep sills with planter boxes, fixed horizontal or vertical louvres, or other screening devices set off the windows internally or externally. d) Glazed opening windows—using windows with translucent glazing to a height of 1.5m above floor level and fitted with a winder mechanism to control the maximum angle of the opening to limit views. e) Glazed fixed windows or high sills—using fixed windows with translucent glazing in any part of the window below 1.5m above floor level, or window sill heights of 1.5m above floor level.*
- C6 Architectural design solutions and screening devices referred to in C4 (c) above are integrated with the overall design and contribute to the architectural merit of the building, having particular regard to: aesthetics of the building including impacts on visual bulk; compliance with minimum boundary setback controls; appearance from adjoining properties; and views from adjoining or adjacent properties*
- C10 The trafficable area of a roof terrace (above the second storey) (refer to Figure 18) is setback so that there is no direct line of sight, from that part of the building where the terrace or deck is, to: neighbouring private open space within 12m; or windows of habitable rooms in neighbouring dwellings within 12m.*

C12 For a roof terrace within the roof a building: no part of the roof terrace or associated structures, such as a balustrade, projects beyond the roof profile; and the roof terrace and opening within the roof are clearly subservient in form and size when compared with the roof plane in which they are located. Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impact on views or overshadowing of neighbouring properties.

Concerns were raised by the owner of the immediately adjoining property at No. 46 Streatfield Road with regard to visual privacy impacts of the proposed new window openings to the new second storey addition on the habitable room windows and private open space areas of No. 46 Streatfield Road.

The proposed modifications include the extension to the rumpus room, deletion of the solid masonry element to the north-western elevation and the replacement thereof with substantial glazing, in addition to the approved glazing to the north-eastern elevation of the second storey addition.

46 Streatfield Road

The proposed modifications to the northern-eastern elevation include window treatments to comply with **Condition 1(d)** of the original consent and therefore ensures visual privacy impacts to the adjoining property at No. 46 Streatfield are mitigated. It is noted that **Condition 1** is recommended to be deleted.



Figure 15: View of the rear (north-eastern) elevation of the existing dwelling on the subject site, as viewed from the upper level terrace of the adjoining property at No. 46 Streatfield Road

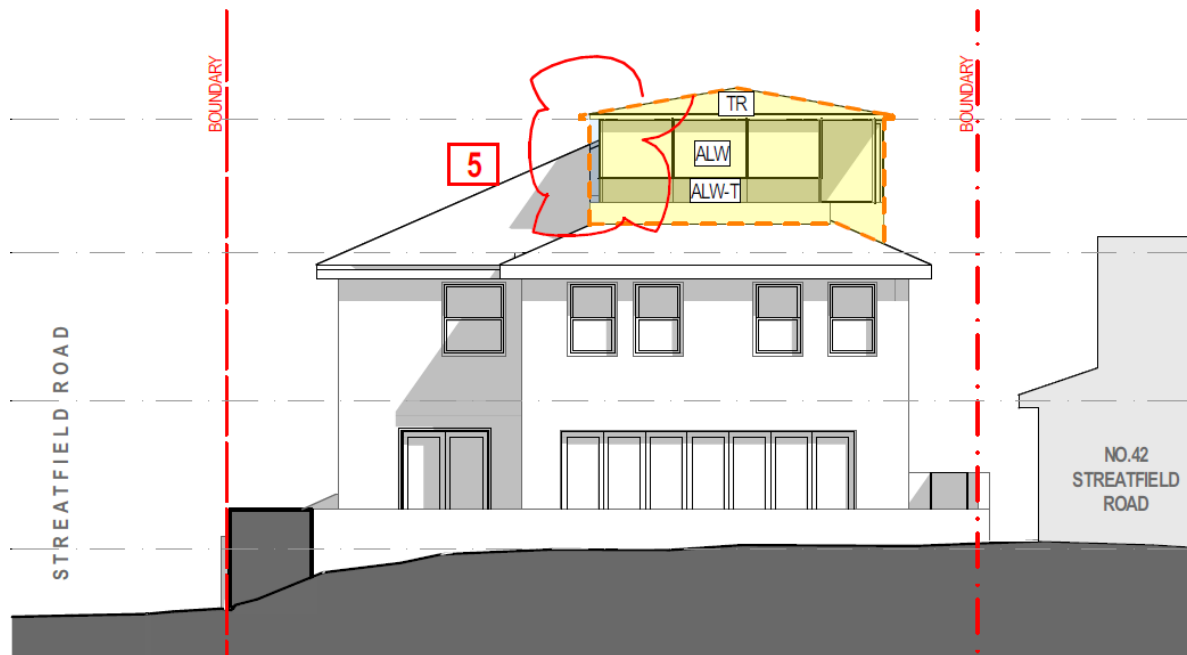


Figure 16: North-east elevation of the subject site illustrating the location of the existing and new window openings to habitable rooms



Figure 17: Existing sightlines from the first floor level bedroom windows looking towards the adjoining property at No. 46 Streatfield Road



Figure 18: Existing sightlines from the first floor level bedroom windows looking towards the adjoining property at No. 46 Streatfield Road



Figure 19: View of the window and door openings of the adjoining development at No. 46 Streatfield Road from the rear private open space area of the subject site

42 Streatfield Road

The proposed modifications result in a non-compliance with Control C4 as the new windows to the side (western) elevation have direct sightlines, within 9m, to the rear private open space area of the adjoining property at No. 42 Streatfield Road.

Whilst no submission was received from the adjoining property at No. 42 Streatfield Road, in order to mitigate visual privacy impacts on the rear private open space area of the adjoining property at No. 42 Streatfield Road, **Condition C.9(b)** is imposed requiring all window openings to the north-west of the second storey addition must be fitted with fixed translucent glazing to a minimum height of 1.5m measured from the finished floor level (RL80.3). Alternatively, external privacy louvers must be installed to the exterior of the windows which must incorporate blades fixed in an angle so that each blade will overlap each other to avoid direct sightlines to the neighbouring properties.

The proposed roof terrace is compliant with Control C10 as it is not located within 12m of the windows of habitable rooms (see **Figure 20** below) or private open space areas of the adjoining properties.

In addition, the proposed roof terrace does not significantly impact on the roof profile of the existing building and is subservient in form and size when compared with the roof plane in which the roof terrace is located, thereby achieving compliance with Control C12 of this part.

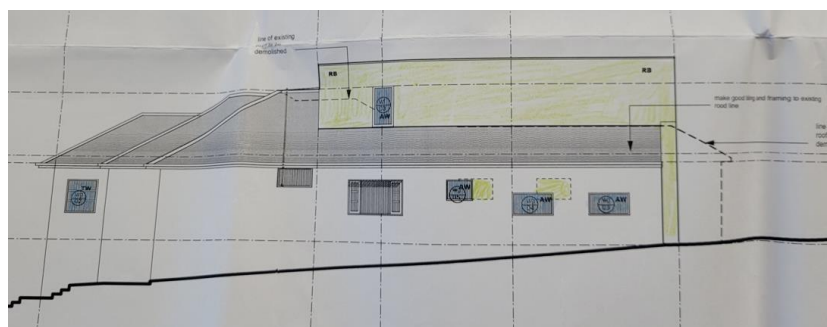


Figure 20: Approved floor plan (left) and south-eastern elevation (right) of the second storey addition of the adjoining property at No. 42 Streatfield Road illustrating the use of the upper level and relevant window openings which face the subject site



Figure 21: Existing north-west facing first floor level bedroom window opening overlooking the rear private open space area of the adjoining property at No. 42 Streatfield Road

Notwithstanding the non-compliances, the proposed modifications achieve consistency with the relevant objectives in the following manner:

- The proposed modifications, as conditioned, will ensure that adequate visual privacy for the occupants and adjoining neighbours, including access to sunlight and ventilation, and good architectural outcomes, is achieved.
- Due to the topography and existing development in this location, overlooking from upper level windows and terraces is mutually consistent between dwellings and is not unreasonable in this location.
- Direct sightlines to and from habitable room windows already exist from the upper levels of the existing dwellings on the subject site and adjoining properties.
- Overlooking opportunities of the rear private open space areas of adjoining properties already exist from the upper levels of the existing dwelling.

In these circumstances, the proposed modifications, as conditioned, provides a reasonable level of privacy to and from adjoining private open space areas and habitable rooms and therefore satisfies the relevant objectives prescribed by this part.

Part B3.5.5: Internal Amenity

The proposed modifications satisfy the relevant objectives and controls of this part.

Conclusion:

The proposed modifications, as conditioned, are acceptable with regard to Part B3.5 of the Woollahra Development Control Plan 2015.

14.2.3. Part B3.6: On-Site Parking

The proposed modifications do not alter the existing parking and access arrangement and is therefore acceptable with regard to Part B3.6 of the Woollahra Development Control Plan 2015.

14.2.4. Part B3.7: External Areas

Landscaped areas

The proposed modifications do not alter the extent or location of the approved deep soil landscaped areas.

Private open space

The relevant objective and controls of this part read as follows:

O6 To ensure that private open space areas are well-designed.

C12 The location of private open space: takes advantage of the outlook and natural features of the site; reduces the adverse privacy and overshadowing impacts;

C13 A roof terrace and associated structures will only be considered where the size, location and design of the terrace meets the requirements in Section 3.5.4 Acoustic and visual privacy.

Ground floor south-facing terrace

The minor extension to the ground floor south-facing terrace located off the ground floor living area by 565mm is considered minor in nature and ensures the protrusion into the front setback (towards the road) is reduced when compared to the existing situation, particularly when viewed from the street.

Roof terrace

For reasons discussed in Section 14.2.2 of this report the proposed roof terrace satisfies the relevant objectives of this part.

Conclusion:

The proposed modifications, as conditioned, are acceptable with regard to Part B3.7 of the Woollahra Development Control Plan 2015.

15. 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.

16. THE PUBLIC INTEREST

The proposed modifications, as conditioned, are considered to be in the public interest.

15. CONCLUSION

The proposed modifications, as conditioned, are acceptable against the relevant considerations under Section 4.15.

16. 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 application by the applicant or any person who made a submission.

17. RECOMMENDATION PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, modify development consent to DA 444/2022/1 for alterations and additions to existing dwelling including a new second floor on land at 44 Streatfield Road BELLEVUE HILL, subject to the following:

Modification Summary

DA Application Number (PAN Number)	Determination Date	Modification Description
DA 2022/444/2 (385519)	04/04/2024	Addition of Condition A.3(a) & C.9 Deletion of Condition 1. Deferred Commencement Amendment and replacement of Conditions C.2, H.1 & I.1.

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

[Deleted on 04/04/2024 under DA 2022/444/2 (PAN-385519)]

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)
DA010 Rev 01 DA020 Rev 01 DA110 Rev 01 DA111 Rev 01 DA112 Rev 01 DA113 Rev 01 DA120 Rev 01 DA121 Rev 01 DA122 Rev 01 DA123 Rev 01 DA124 Rev 01 DA210 Rev 01 DA220 Rev 01 DA310 Rev 01 DA320 Rev 01	Site Analysis Material Schedule Basement Plan – Demolition Ground Floor Plan - Demolition First Floor Plan - Demolition Roof Plan - Demolition Basement Plan – Proposed Ground Floor Plan - Proposed First Floor Plan – Proposed Second Floor Plan – Proposed Roof Plan – Proposed Elevations – Demolition Elevations - Proposed Sections – Demolition Sections - Proposed	All by Bureau SRH Architecture	All dated 15/09/2022
1333735S_02	BASIX Certificate	NSW Department of Planning, Industry and Environment	25/08/2022
2022.08.44Stre atfield.A0.1.GF	Landscape Plan	Ben Kaye	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.3(a) Approved Amended (s4.55) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended architectural approved plans to which is affixed a Council stamp “Approved” and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference (Dwg No.)	Description	Author/Drawn	Date(s)
S4.55 120 Rev 01 S4.55 121 Rev 01 S4.55 122 Rev 01 S4.55 123 Rev 01 S4.55 124 Rev 01 S4.55 220 Rev 01 S4.55 320 Rev 01	Basement Plan – Proposed Ground Floor Plan - Proposed First Floor Plan – Proposed Second Floor Plan – Proposed Roof Plan – Proposed Elevations - Proposed Sections - Proposed	All by Bureau SRH Architecture	All dated 30/10/2023

Reference (Dwg No.)	Description	Author/Drawn	Date(s)
1333735S_03	BASIX Certificate	NSW Department of Planning, Industry and Environment	30/10/2023

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

Standard Condition: A5 (Autotext AA5)

[Added on 04/04/2024 under DA 2022/444/2 (PAN-385519)]

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

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

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

Standard Condition: A8 (Autotext AA8)

A.5 No Underpinning works

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

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)
1	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	Front	8 x 5

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)	Tree Value
2	<i>Ulmus parvifolia</i> (Chinese Elm)	Council verge	7 x 11	\$5000
3 & 4	<i>Angophora costata</i> (Sydney Red Gum)		3 x 1	\$2500 each

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 Fence areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
2	<i>Ulmus parvifolia</i> (Chinese Elm)	Council verge	2.5
3 & 4	<i>Angophora costata</i> (Sydney Red Gum)		1

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.	Species
1	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)

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) Establishment of Ground protection

Ground protection shall be established within the specified radius from the trunks of the following trees.

Council Ref No.	Species	Tree Location	Radius from Centre of Trunk (Metres)
1	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	Front	2

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

- g) 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.
- h) 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.
- i) 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>Magnolia grandiflora</i> (Bull Bay Magnolia)	Soft landscaping

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

B.6 Demolition and Construction Management Plan

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

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

B.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">• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.• The project arborist shall install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.
During any development work	<ul style="list-style-type: none">• The project arborist shall supervise any excavation within the Tree Protection Zones or specified distances of nominated trees listed in this consent.
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none">• The project arborist shall supervise the dismantling of tree protection measures.• After all demolition, construction and landscaping works are complete the project Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.

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

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

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

C.1 Payment of Long Service Levy, Security, Contributions and Fees

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

Description	Amount	Indexed	Council Fee Code
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$18,445.00	No	T115
Tree Damage Security Deposit – making good any damage caused to any public tree	\$10,000.00	No	T114
DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2021 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$5,830.00 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$221.34	No	T45
Security Administration Fee	\$215.00	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$34,711.34 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

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

How must the payments be made?

Payments must be made by:

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

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

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

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

To ensure that the value the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 2.12 of the Woollahra Section 7.12 Development Contributions Plan 2022 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on 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 7.12 Development Contributions Plan 2022

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.11, 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 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Standard Condition: C5

C.2 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate No. 1333735S_03 with any application for a Construction Certificate.

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

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

Note: Clause 145(1)(a1) of the *Environmental Planning and Assessment Regulation 2000* provides:
"A certifying authority must not issue a Construction Certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires".
Standard Condition: C7

[Amended on 04/04/2024 under DA 2022/444/2 (PAN-385519)]

C.3 Soil and Water Management Plan – Submission and Approval

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

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

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

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

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

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

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

Note: Pursuant to clause 161(1)(a)(5) of the *Regulation* an Accredited Certifier may be satisfied as to this matter. Standard Condition: C25

C.4 Structural Adequacy of Existing Supporting Structures

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

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

Standard Condition: C35 (Autotext CC35)

C.5 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.6 Engineer Certification

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

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

C.7 Stormwater Management Plan (site greater than 500m²)

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

- a) All proposed below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement shall be clearly depicted on the drawings,
- b) The discharge of stormwater from the site to the street kerb. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3,
- c) Dimensions of all drainage pit and access grates must comply with Council's DCP and AS3500.3,
- d) Any new Stormwater Drainage System complying with the BCA,
- e) The location of the existing Stormwater Drainage System including all pipes, inspection openings, surface drains, pits and their discharge location,
- f) The state of repair of the existing Stormwater Drainage System,
- g) Any remedial works required to upgrade the existing Stormwater Drainage System to comply with the BCA,
- h) Any new Stormwater Drainage System complying with the BCA,
- i) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management, and
- j) General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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

Layout plan

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

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

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* (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.8 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

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

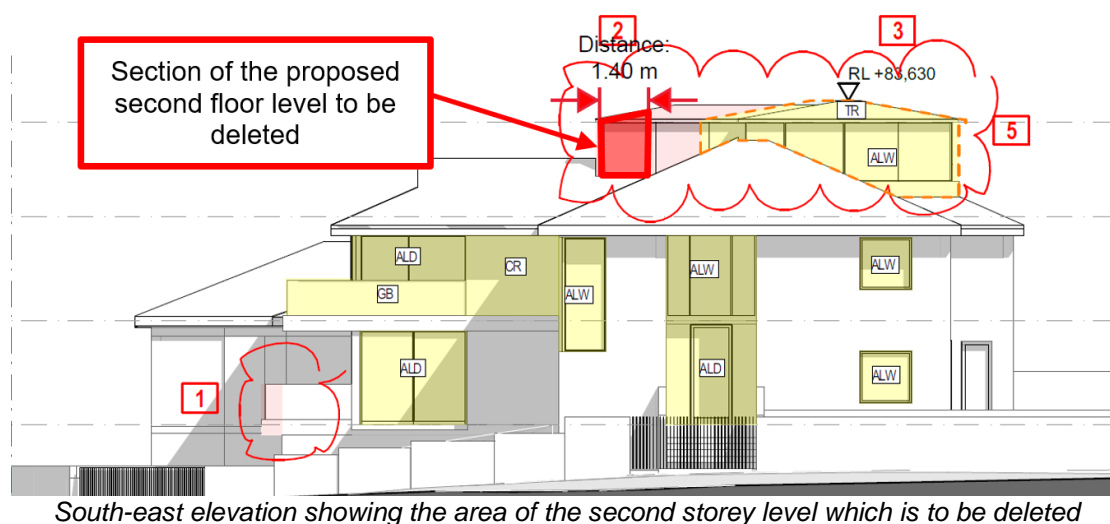
C.9 Modification of Details of the Development (section 4.17(1)(g) of the Act)

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) Deletion of a Portion of the Second Floor Level

The extent and size of the proposed rumpus room on the second floor must be reduced by setting back the south-western glazed wall (including the associated sliding doors, roof, gutters and down pipes) 1.4m towards the northeast.

[The extent of the required setback of the second floor level is shown in red in the elevations, section and floor plan below]



b) Window Treatments to the Second Floor Level

All window openings to the north-west and north-east elevations of the Second Floor Level must be fitted with fixed translucent glazing up to a minimum height of 1.5m measured from the finished floor level (RL80.3). Alternatively, external privacy louvers must be installed to the exterior of the windows. These louvers must incorporate blades fixed in an angle so that each blade will overlap each other to avoid direct sightline to the neighbouring property to the west and north. This condition is imposed to achieve Objective O2 and ensure compliance with Control C4 of Part B3.5.4 of the Woollahra Development Control Plan 2015.

c) Roof Form and Materials

The new roof to the second floor addition is to match the form, colour and materiality of the existing roof.

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)

[Added on 04/04/2024 under DA 2022/444/2 (PAN-385519)]

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 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.3 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.

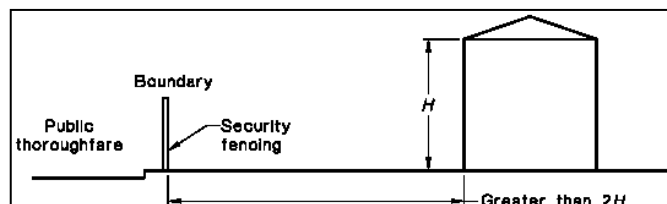
The Principal Contractor must pay all fees associated with the application and occupation and use of the road as a Works Zone. All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any work. Signs are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

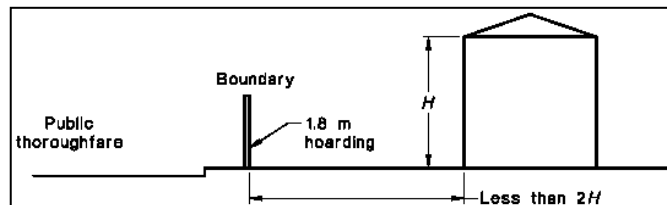
D.4 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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



Type A Hoarding

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



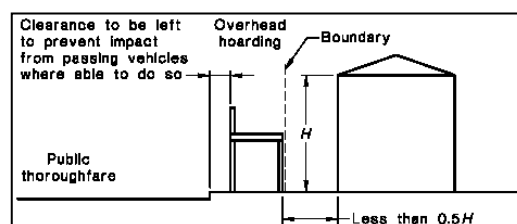
Type B Hoarding

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

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

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

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



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

All Hoardings

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

Hoardings on Public Land including 'Creative Hoardings'

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

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

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

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

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

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

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

Standard Condition: D11 (Autotext DD11)

D.5 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.6 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.7 Erosion and Sediment Controls – Installation

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

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

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

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

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

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

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

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

D.8 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)

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

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

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

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

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

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

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

D.9 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/nglg.htm
Standard Condition: E6 (Autotext EE6)

E.6 Public Footpaths – Safety, Access and Maintenance

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

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

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

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

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

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

- erect a structure or carry out a work in, on or over a public road, or

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

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

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

Standard Condition: E7 (Autotext EE7)

E.7 Tree Preservation

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

General Protection Requirements

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

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

E.8 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)
1	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	Front	2

The project arborist shall document compliance with the above condition.

E.9 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.10 Support of Adjoining Land and Buildings

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

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

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

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

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

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

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

Standard Condition: E13 (Autotext EE13)

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

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

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

- a) Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level.

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

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

Standard Condition: E20 (Autotext EE20)

E.14 Placement and Use of Skip Bins

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

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

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

Standard Condition: E21 (Autotext EE21)

E.15 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.16 Dust Mitigation

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

This generally requires:

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

- g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.

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

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

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

Standard Condition: E23 (Autotext EE23)

E.17 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.18 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.19 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.20 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.21 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.22 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.23 Notification of Asbestos Removal

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

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

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

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

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

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

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

F.2 Commissioning and Certification of Systems and Works

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

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

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

- i) All waterproofing.
- j) Such further matters as the Principal Certifier may require.

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

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

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

F.3 Amenity Landscaping

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

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

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. 1333735S_03.

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

[Amended on 04/04/2024 under DA 2022/444/2 (PAN-385519)]

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 Works-As-Executed and Certification of Stormwater System

Prior to issue of any Occupation Certificate, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings prepared by a registered surveyor and submitted, for approval by the Principal Certifying Authority, certifying:

- a) compliance with conditions of development consent relating to stormwater,
- b) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans,
- c) that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings,
- d) pipe invert levels and surface levels to Australian Height Datum, and
- e) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

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

I.1 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1333735S_03.

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

[Amended on 04/04/2024 under DA 2022/444/2 (PAN-385519)]

I.2 Outdoor Lighting – Residential

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

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

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

J. Miscellaneous Conditions

Nil.

K. Advisings

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

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

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

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

Warnings as to potential maximum penalties

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

Warning as to enforcement and legal costs

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

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

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

Standard Advising: K1 (Autotext KK1)

K.2 Dial Before You Dig



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

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

Standard Advising: K2 (Autotext KK2)

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

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

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

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

www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating

Standard Condition: K5 (Autotext KK5)

K.4 Building Standards - Guide to Standards and Tolerances

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

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

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

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

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

K.5 SafeWork NSW Requirements

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

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

K.6 Dividing Fences

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

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

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

K.7 Appeal

Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact Brett McIntyre, Senior Assessment Officer, on (02) 9391 7157.

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 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 or call 133 220.


Standard Condition: K18 (Autotext KK18)

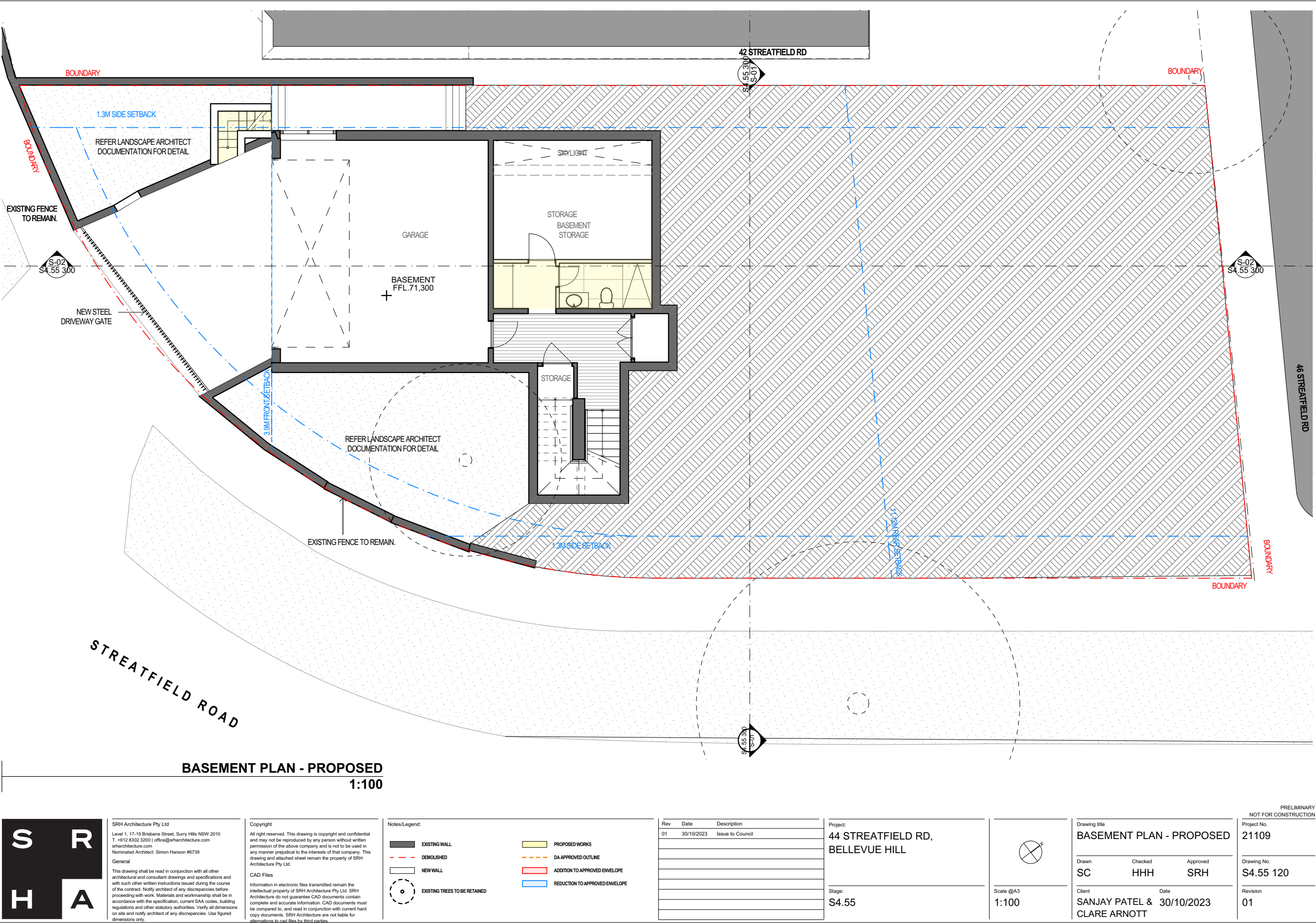
K.11 Pruning or Removing a Tree Growing on Private Property

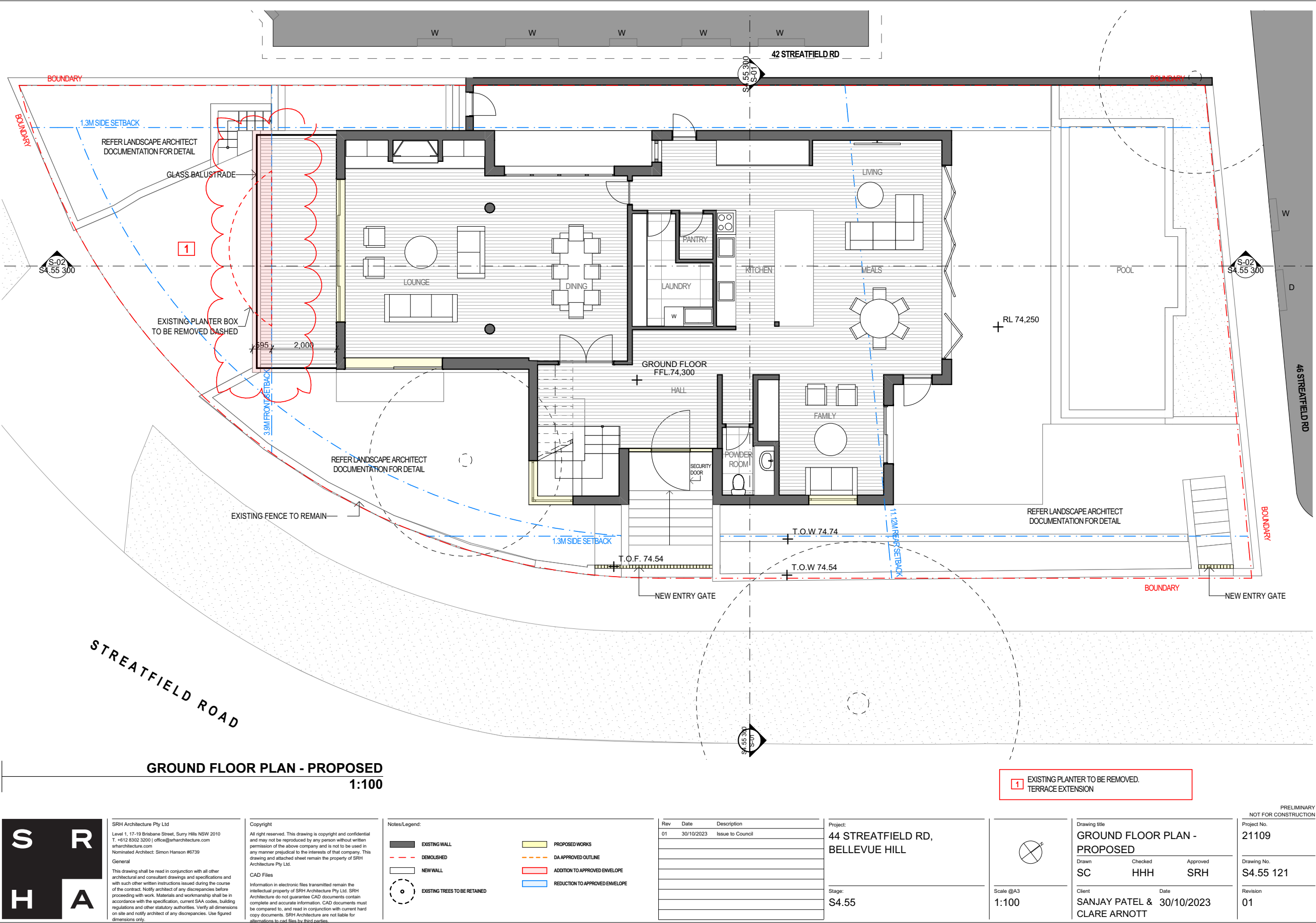
The provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the Woollahra Development Control Plan 2015 (DCP), Chapter E3 –Tree Management, may require that an application be made to Council prior to pruning or removing any tree. The aim is to secure the amenity of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

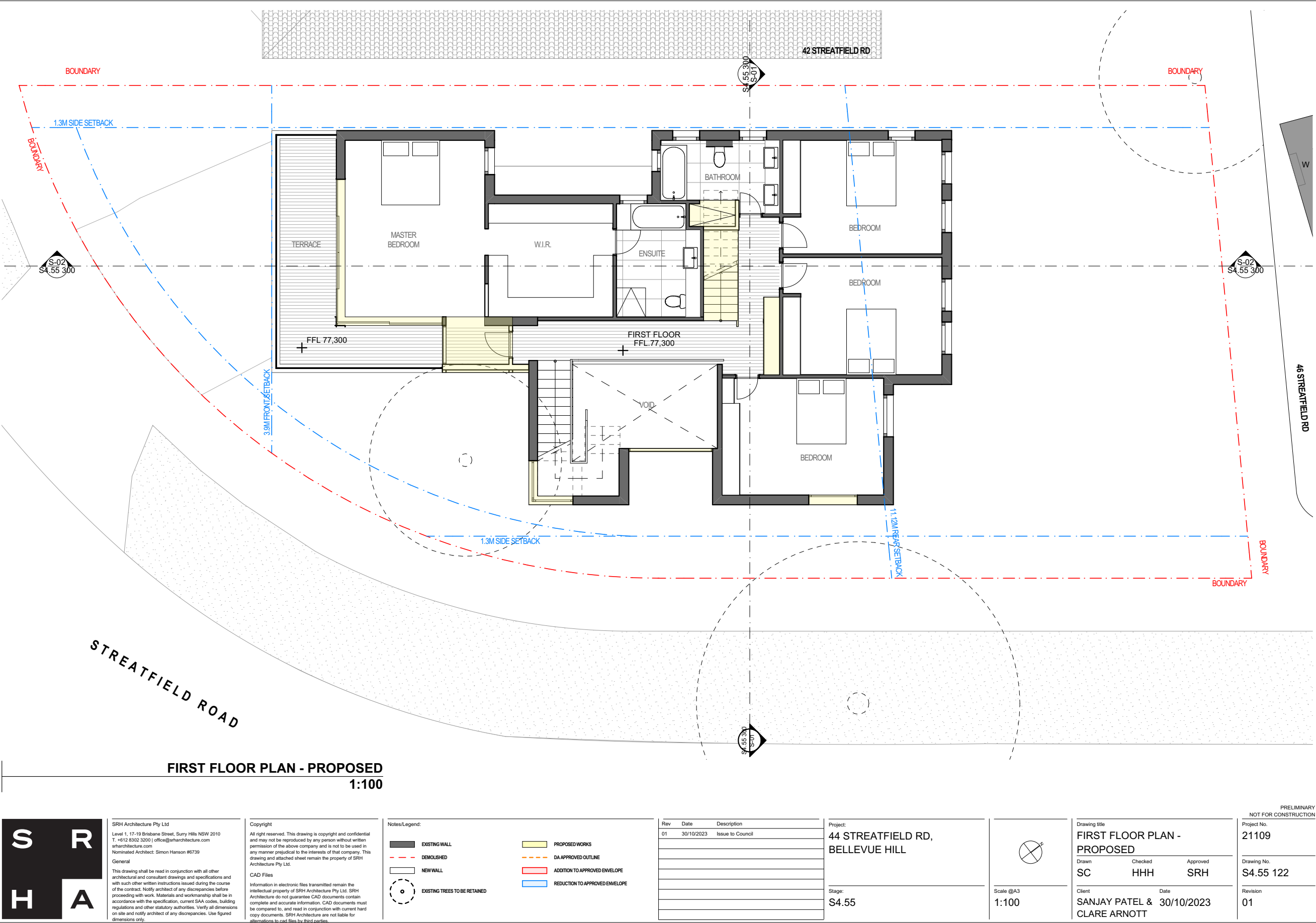
Before you prune or remove a tree, make sure you read all relevant conditions. You can obtain a copy of the Woollahra DCP from Council's website www.woollahra.nsw.gov.au or call Council on 9391 7000 for further advice.

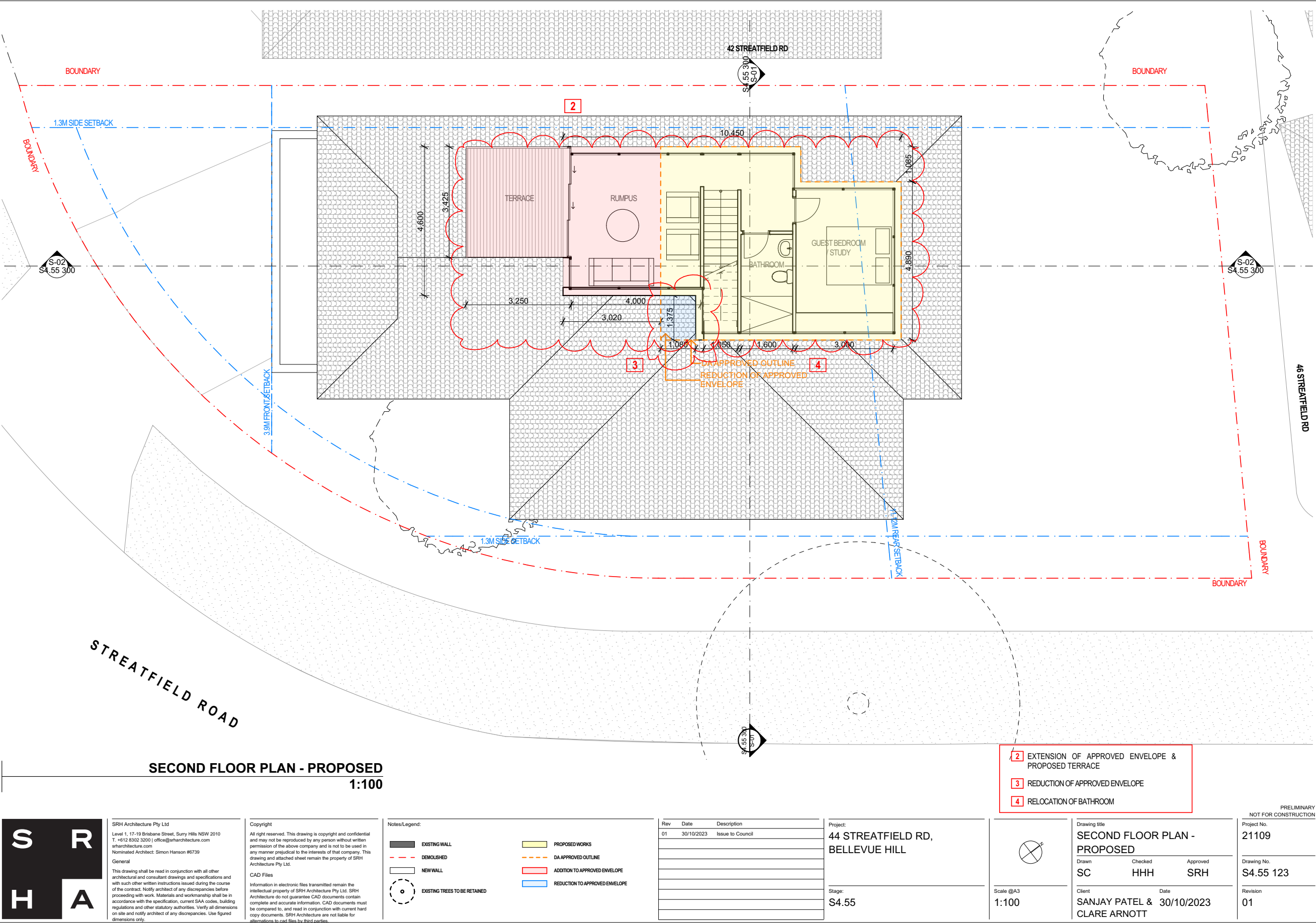
Attachments

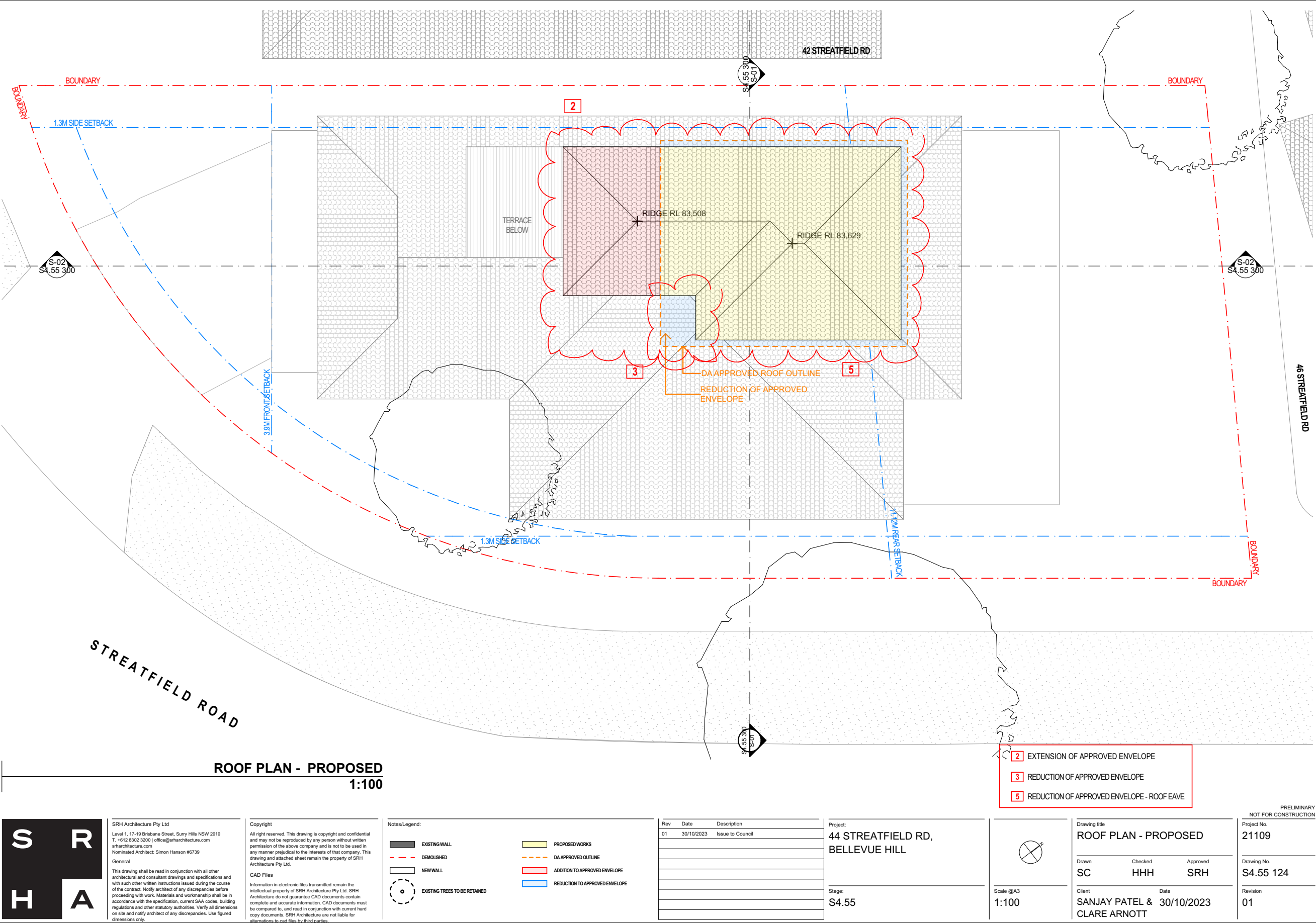
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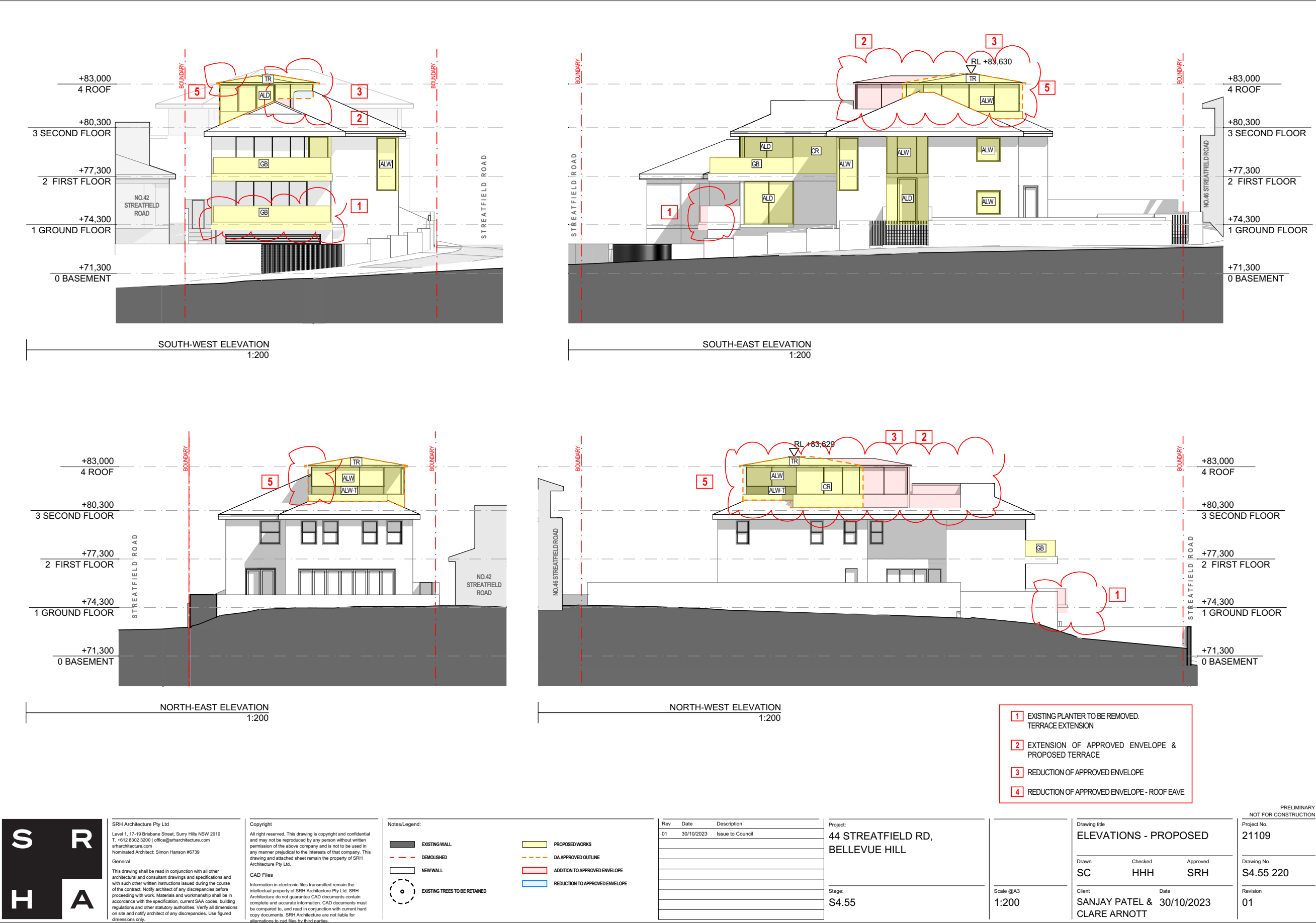


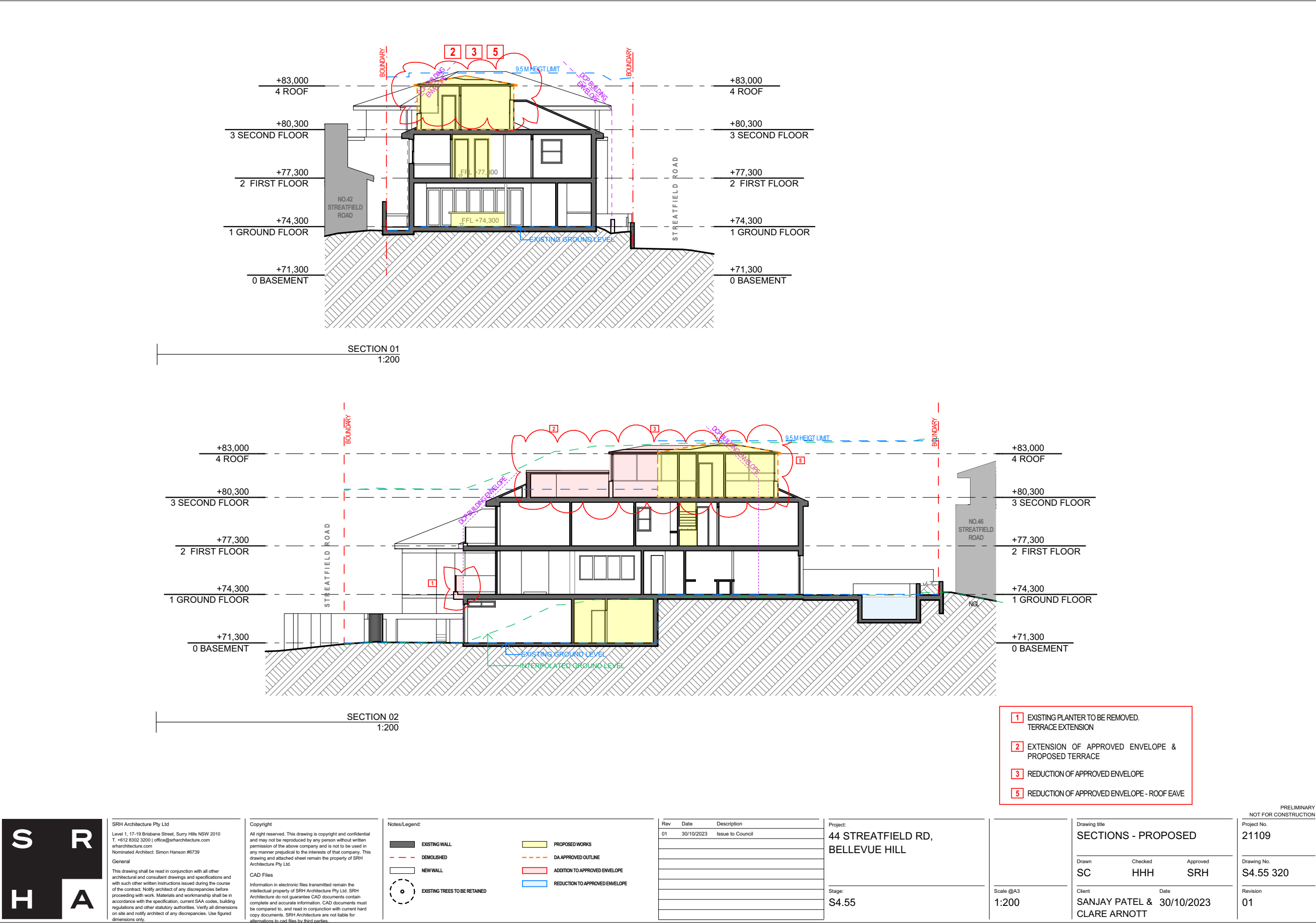












LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D2
FILE No.	DA 344/2023/1
ADDRESS	46 Cecil Street PADDINGTON
COUNCIL WARD	PADDINGTON
SITE AREA	139.1m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Alterations and additions including a new loft above the existing garage
TYPE OF CONSENT	Local development
COST OF WORKS	\$89,650.00
DATE LODGED	19/09/2023 – Original submission 15/03/2024 & 21/03/2024 - Amended architectural drawings submitted
APPLICANT	LOCAL APPROVALS
OWNER	Mr H Raju & Mrs K Muthiah
AUTHOR	Ms V Truong
TEAM LEADER	Mr G Fotis
SUBMISSIONS	Four (4) objections, two (2) letters of support
RECOMMENDATION	Approval, subject to Condition D.1

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

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

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

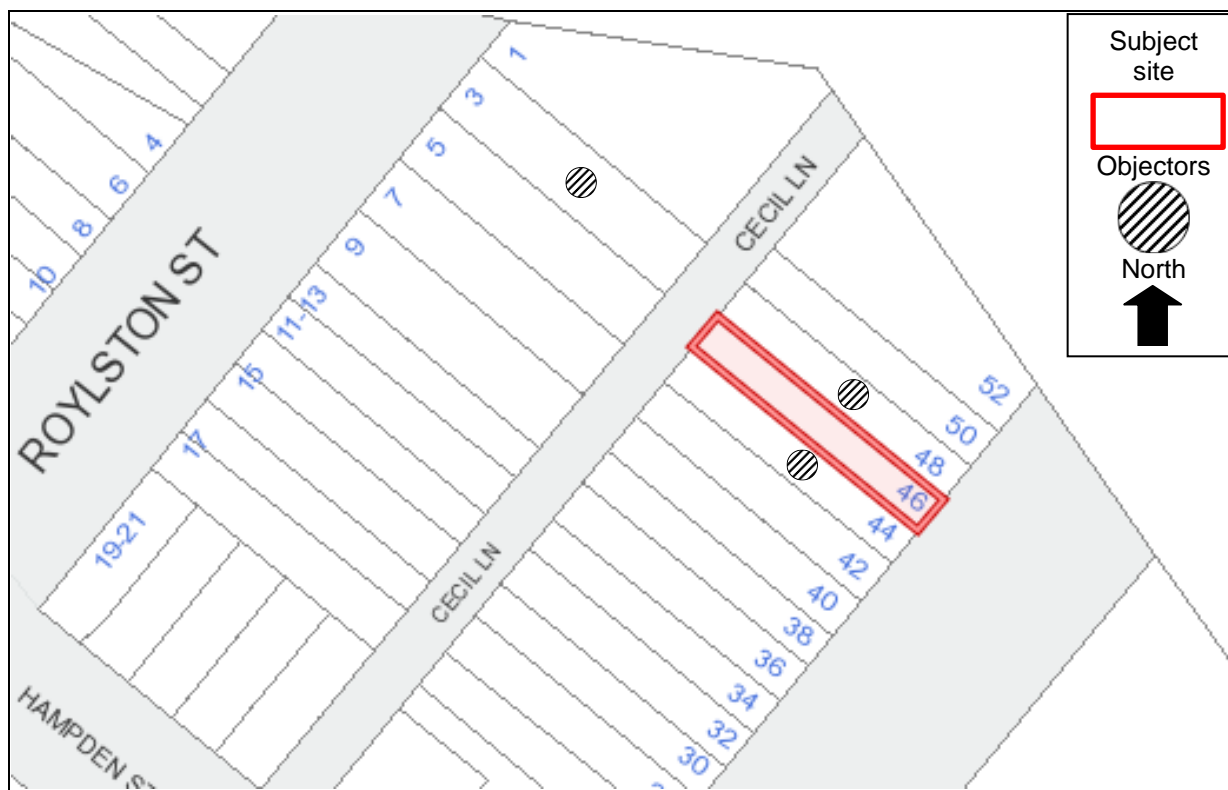
2. REASONS FOR RECOMMENDATION

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

- *It is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015;*
- *It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality;*
- *All likely impacts to adjoining properties including any submissions made have been addressed in the report, or are considered to be satisfactory, subject to **Condition D.1**;*

- *The site is suitable for the proposed development;*
- *The proposal is in the public interest.*

3. LOCALITY PLAN



4. PROPOSAL

The proposal originally involved the following works:

- Construction of a studio above the existing rear garage.
- New linking awning structure to the rear courtyard to connect the garage to the rear of the existing building.
- Alterations and additions to the existing building:
 - Ground Floor Level:
 - Replacement of existing front and rear doors and windows
 - First Floor Level:
 - Enclosure of rear balcony, as extension to Bedroom 3
 - Replacement of front door and windows to balcony
 - Replacement of balustrade of front balcony
 - Attic:
 - Enclosure of rear balcony, as extension to Bedroom 1 and storage
 - Replacement of front door and windows to balcony
 - Replacement of balustrade of front balcony
 - New pitched roof with raised height with new skylights to the rear.
 - Replacement of roof tiles to match the existing.

On **15/03/2024**, **design amendments** were made in response to a request from Council's Heritage Officer. The proposal was amended to **delete** the following proposed alterations and additions to the existing dwelling:

- **First Floor Level:**
 - Enclosure of rear balcony, as extension to Bedroom 3
- **Attic:**
 - Enclosure of rear balcony, as extension to Bedroom 1 and storage
 - New pitched roof with raised height with new skylights to the rear.
 - Replacement of roof tiles to match the existing.

5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.4	Floor Space Ratio	28.09m ² , or 22.4% departure from the development standard	Satisfactory

5.2 Primary Issues

Issue	Conclusion	Section
<i>Floor Space Ratio</i> development standard non-compliance (Clause 4.4 of the Woollahra LEP 2014)	Satisfactory. The submitted Clause 4.6 request is considered to be well-founded and the variation to the floor space ratio development standard is acceptable in this instance.	13.5
Impacts on the <i>Paddington Heritage Conservation Area</i>	Satisfactory. The issues raised by Council's Heritage Officer and issues raised by way of objections have been addressed in the amended documentation submitted by the Applicant and noted in Section 7 of this report.	7 14.1
Insufficient deep soil landscaped area and planting on-site	Satisfactory. Conditions of consent requiring additional deep soil landscaping and tree planting to be incorporated into the design prior to the issuing of the Construction Certificate have been imposed.	14.1

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject site is located North-East of Cecil Street and comprises Lot 70 in DP 1783, also referred to as No.46 Cecil Street. Vehicular access to the subject site is provided from the rear via Cecil Lane. The site is rectangular in shape: the front and rear boundaries measure 4.57m and the side boundaries measure 30.47m. The total site area is 139.1m ² .
Topography
The front portion of the site is at approximately RL7.22, sloping down to RL 6.63 (approximately) towards the rear.

Existing buildings and structures

The existing building is part of a group of dwellings (Nos. 38-50 Cecil Street). The rear of the subject site presents a single storey garage structure with gabled tile roof, with the roof ridge line parallel to the rear boundary, consistent with the adjacent properties within the group. A brick retaining wall and some steps separate the level of the existing rear courtyard from that of the existing garage level, with a level difference of approximately 530mm.

Surrounding Environment

The subject property is within the Paddington Heritage Conservation Area (HCA) and no significant heritage items are located in close proximity of the subject site.

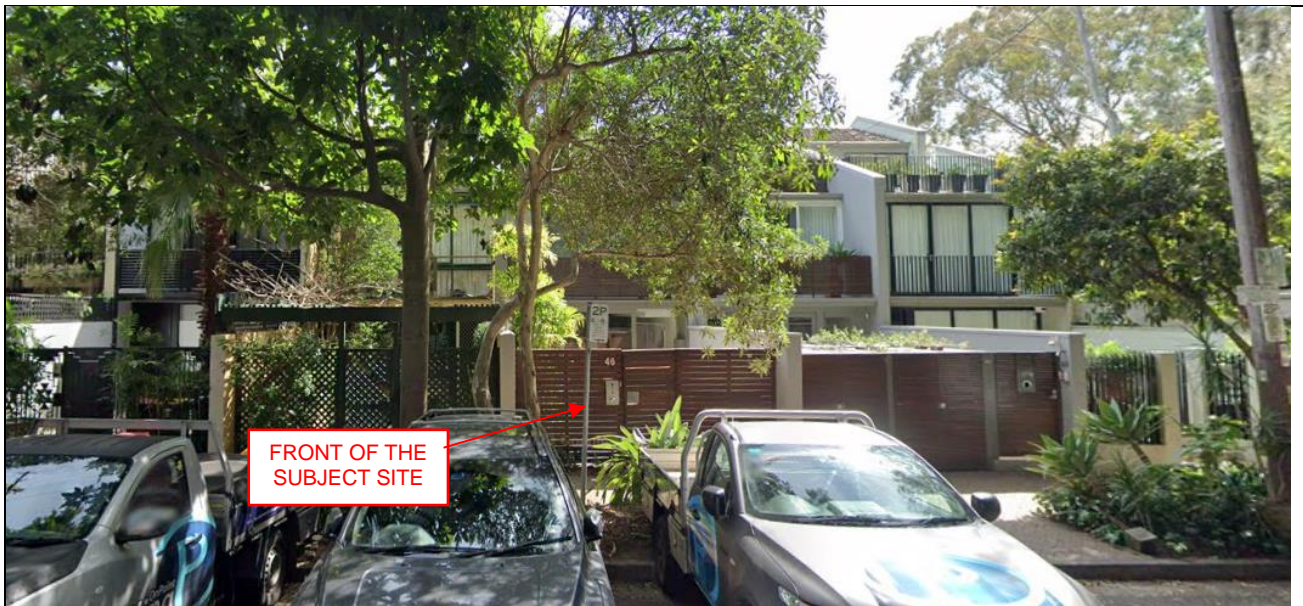
The Cecil Lane presentation at the rear of the subject site is characterised by garage structures of one and two storeys on both sides of the Lane.



*Fig 01 - Aerial View of the subject site.
Source: Woollahra Council's GIS system*



*Fig 02 - View from the subject site's courtyard looking North-West towards the existing garage.
Source: Assessment Officer Site Photo*



*Fig 03 - View from Cecil Street, looking North-West towards the subject site.
Source: Google Street View*



Fig 04 – View of the rear of the subject site from Cecil Lane, looking North-East



Fig 05 - View from Cecil Lane, looking North-East. Source: Assessment Officer Photo

Note: The following consents (for loft structures above the existing garages) were approved for properties in close proximity to the subject site:

- DA81/2023/1 for No. 38 Cecil Street. (Approved on 15/06/2023.
- DA2023/45/1 for No.40 Cecil Street. Approved on 04/05/2023.
- DA2021/384/1 for No.42 Cecil Street. Approved on 02/12/2021.

7. RELEVANT PROPERTY HISTORY

Current use
Residential attached dwelling.
Relevant Application History
None relevant.
Relevant Compliance History
None relevant.
Pre-DA
None.
Requests for Additional Information and Replacement Applications
<p>A <u>Stop The Clock letter</u> was sent on 05/10/2023 requesting the following additional information:</p> <ul style="list-style-type: none"> • Arboricultural Impact Assessment • Updated Heritage Impact Statement – Heritage Conservation Area • Updated Sample Board of materials and colours

On 07/11/2023, the DA applicant provided an Arboricultural Impact Assessment and updated Schedule of Finishes in response to the Stop The Clock letter. Additionally, the requirement to submit an Updated Heritage Impact Statement has been reviewed and waived by Council's Heritage Officer.

Council's Drainage Engineer referral response was received on 06/11/ 2023.

Council's Tree and Landscape Officer referral response was received on 07/12/2023, requesting additional information from the DA applicant. Additional information was provided by the DA applicant on 29/01/2024.

Council's Heritage Officer referral response was received on 26/02/2024 and design amendments were requested to address issues relating to the proposed alterations and addition to the terrace.

The applicant submitted revised architectural drawings on 15/03/2024 and revised shadow diagrams with additional information on 21/03/2024 to Council.

Council's Heritage Officer re-referral response was received on 18/03/2024.

Council's Tree and Landscape Officer re-referral response was received on 31/03/2024.

Land and Environment Court Appeal(s)

None.

8. REFERRALS

Referral	Summary of Referral Response	Attachment
Heritage	Satisfactory, subject to conditions	3
Trees and Landscaping	Satisfactory, subject to conditions	4
Drainage Engineering	Satisfactory, subject to conditions	5
Technical Service	Satisfactory, subject to conditions (<i>Development Assessment Review Committee</i>)	-

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 **11 October 2023 to 26 October 2023** in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. **Robyn Scott**, 3 Royston Street Paddington
2. **The Paddington Society**, 250 Oxford Street Paddington
3. **Julia Haege**, 48 Cecil Street Paddington
4. **Rosalind Cairns**, 44 Cecil Street Paddington

Two (2) letters of support were received from:

1. **Sreyna Rath and Peter Medynski**, 38 Cecil Street Paddington
2. **Gideon and Beata Lipman**, 42 Cecil Street, Paddington

The submissions raised the following issues:

Issue	Conclusion
Insufficient deep soil landscaping and lack of tree in the rear courtyard.	Satisfactory – Conditions of consent requiring additional deep soil landscaping and tree planting to be incorporated into the design prior to the issuing of the Construction Certificate have been imposed.
Proposed works to the existing dwelling are inconsistent with the neighbouring properties in terms of bulk, massing, detailing, materials, finishes, character and the overall streetscape.	Satisfactory – The proposed works to the existing dwelling terrace have been deleted from the development application. (as detailed in section 4 of this report) The proposal, as amended, will generally retain the shared distinctive characteristics of the group.
Issues relating to the proposed loft structure: <ul style="list-style-type: none"> • Non-compliance with the site width; • Non-traditional roof form proposed; • Proposed loft detracts from the character of the rear elevations adjoining Cecil Lane, including inappropriate materials and finishes. 	Satisfactory – The partial non-compliance with the controls relating to the loft over the garage is considered acceptable in the context the late twentieth century laneway character of Cecil Lane.
Acoustic amenity impacts from the new external air-conditioning (A/C) unit	Satisfactory - Condition A.7 has been imposed stating that this approval does not give consent to any air-conditioning unit or condenser on the subject site.
Impacts on outlook	Satisfactory – The proposed works will not result in any impacts on outlook, public or private views.
Overshadowing/solar access	Satisfactory – Whilst the proposed development results in a technical non-compliance with solar access control, the extent of the reduction to the solar access can be considered of negligible impact and the proposal is considered satisfactory on merit.
Proposal not in the public interest	Satisfactory – The proposal, as amended, will be in the public interest.
Inadequate/inaccurate information:	Satisfactory – Where necessary, additional information has been requested and submitted to

Issue	Conclusion
<ul style="list-style-type: none"> ○ dimensions and materiality of external air-conditioning unit ○ dimensions and materiality of the glazed linking structure and its skillion roof ○ insufficient and unclear Shadow Diagrams ○ lack of photographs of the rear of neighbouring properties ○ absence of Golden Cane Palms on architectural plans ○ insufficient justification for raising the roof of the main dwelling. 	<p>Council. The submitted architectural drawings are considered to be adequate in terms of documenting the proposed works.</p> <p>Additionally, the proposed works to the existing dwelling terrace have been deleted from the development application. (as detailed in section 4 of this report)</p>

9.2 Replacement Application

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

9.3 Statutory Declaration

The applicant has completed the statutory declaration dated 12/11/2023 declaring that the site notice for DA344/2023/1 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 (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

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

The development application was accompanied by a BASIX Certificate referenced A502193_02 demonstrating compliance with the SEPP. These requirements are imposed by standard condition.

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

11.1 Chapter 6 – Water Catchment

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

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

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

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

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

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

12.1 Chapter 2 – Coastal Management

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

The subject site is located wholly outside of the Coastal Environment Area (Section 2.10) and the Coastal Use Area (Section 2.11). Furthermore, sub-clauses 2.10(3) and 2.11(2) state:

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

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

12.2 Chapter 4 – Remediation Of Land

The Object of this Chapter aims to *promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

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

The subject site is identified as potentially contaminated. The supporting of Environmental Effects submitted with the application notes on page 9 as follows:



Figure 9: Subject sites former warehouse house building – WMC Field Survey image 1982.
Source - Local History Digital Archive

Assessment:

In response to the considerations under clause 4.6 of the Resilience and Hazards SEPP, an initial desktop site evaluation was carried out. The subject site consists of an existing residential dwelling and detached garage dating back to the mid-1980s. The subject site was identified to be used as a former warehouse circa 1982. Prior uses dating back to 1943 appear to be warehouse/ industrial land uses.

The existing building forms part of a development of multiple identical townhouses. It is unlikely that the subject site has any contaminants due to its long-standing residential status. Contamination testing has not been carried out during the preparation of this application as the proposal is limited to the construction of a first-floor loft above an existing detached rear loaded garage. The proposal being ancillary to the existing primary dwelling will not result in a change of use to the subject site nor will it result in any undue exposure of the occupants to environmental risk or hazard.

The applicant has given consideration to whether the subject site on which the development is occurring is contaminated. As the site has a long history of residential use, and in consideration of the extent of the proposed works, it is considered that the land does not require further consideration under Section 4.6(3) and 4.6(4) of Chapter 4 – Remediation Of Land of the Resilience and Hazards SEPP 2021 and that the applicant's commentary is considered satisfactory.

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

13. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

13.1 Part 1.2: Aims of Plan

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

13.2 Land Use Table

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

13.3 Part 4.3: Height of Buildings

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

	Existing	Proposed	Control	Complies
Maximum Building Height	9.1m	9.35m	9.5m	Yes

The proposal complies with the maximum building height prescribed by Part 4.3 of the Woollahra LEP 2014.

13.4 Part 4.4: Floor Space Ratio

Part 4.4 limits development to a maximum floor space ratio of 0.9:1.

Site Area: 139.1m ²	Existing	Proposed	Control	Complies
Floor Space Ratio	0.96:1 (133.6m ²)	1.1:1 (153.28m ²)	0.9:1 (125.19m ²)	No

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

13.5 Part 4.6: Exceptions to Development Standards

Departure

The proposal involves a non-compliance with the floor space ratio statutory control under Part 4.4 of the Woollahra LEP 2014.

The proposal exceeds the 0.9:1 maximum floor space ratio development standard under Clause 4.4 of the Woollahra LEP 2014. The proposal has a FSR of 1.1:1 and represents a 28.09m², or 22.4% non-compliance with the development standard, as detailed in Section 13.4 of the report.

Purpose

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

Written Request

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

The applicant has provided a written request in relation to the departure. Refer to **Attachment 2**.

Assessment

Clause 4.6(4)- Assessment

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

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

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

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

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

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

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

S1.3 of the EPA Act reads as follows:

1.3 Objects of Act

(cf previous s 5)

The objects of this Act are as follows:

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

- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

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

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

Clause 4.6(4)(a)(i) - Assessment

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

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

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

Clause 4.4 – Floor Space Ratio Objectives

The proposal is assessed against the objectives of the Development Standard prescribed by Clause 4.4(1)(a) as follow:

- (i) *To ensure the bulk and scale of new development is compatible with the desired future character of the area.*

Comment: As detailed in this report, the proposal satisfies this objective as it is considered to be of appropriate bulk and scale that is consistent and sympathetic in the immediate context. The proposal is therefore considered to be compatible with the desired future character of the Paddington Heritage Conservation Area.

- (ii) *To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.*

Comment: The proposed development will not result in unreasonable adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.

- (iii) *To ensure that development allows adequate provision on the land for deep soil planting and areas of private open space.*

Comment: The proposed areas of non-compliance does not impact on the provisions on the land for deep soil landscaping and private open space.

Objectives of the R3 Medium Density Residential Zone

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

Comment: The proposed development will add a studio over the existing garage, which will improve the amenities of the subject site.

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

Comment: Not applicable. The proposal does not change the existing housing type.

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

Comment: Not applicable.

- *To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.*

Comment: The proposed development is considered to be of a scale that is compatible with the amenity of surrounding residential properties.

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

Comment: The proposed studio addition over the existing rear garage will have a height and scale that achieves the desired future character of the area.

Conclusion:

The proposal is satisfactory with the intent of the aforementioned zone objectives and there are sufficient environmental planning grounds to justify the contravention, as:

- The proposed additional Gross Floor Area does not add to the bulk of the principal building form, as it relates to the rear studio addition over existing garage. The additional height and bulk will not be visible from the street front (Cecil Street) and it is compatible with existing and approved developments in the immediate Cecil Lane context. As such, the proposal is considered compatible with desired future character of the neighbourhood;
- The development meets the objectives of the Floor Space Ratio development standard and the objectives of the R3 Medium Density Residential zone, notwithstanding the variation;
- It has been demonstrated that the exceedance of the Floor Space Ratio development standard would not result in adverse overshadowing, view loss impacts, or any adverse acoustic and visual privacy impacts to adjoining properties;
- The contravention does not raise any matter of State or Regional Significance.
- For reasons as outlined in the applicant's written request pursuant to Clause 4.6 of the Woollahra LEP 2014, refer to **Attachment 2**.

Clause 4.6(4)(a)(b)

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

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

The Department issued a Planning Circular No.PS 20-002 (dated 5 May 2020) which notified Councils of arrangements “...where the Director General’s concurrence may be assumed for exceptions to development standards under environmental planning instruments which adopt clause 4.6 ...of the Standard Instrument...”

Clause 64 of the EPA Regulations provides that Council may assume the Director-General’s [Secretary’s] concurrence for exceptions to development standards, thus satisfying the terms of this clause.

Conclusion

The written submission from the applicant has adequately demonstrated that the contravention of the Floor Space Ratio development standard prescribed by Clause 4.4 of the Woollahra LEP 2014 is justified pursuant to the relevant matters for consideration prescribed by Clause 4.6.

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

The consent authority is satisfied that the proposal is in the public interest as it is consistent with the objectives of the development standard and those applicable to development within the zone.

Accordingly, the proposal is in the public interest and is consistent with the objectives of the Clause 4.4 development standard. Departure from the control can therefore be supported.

13.6 Part 5.10: Heritage Conservation

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

The proposed development is located in the Paddington Heritage Conservation Area. There are no listed heritage items in close proximity that would be adversely affected by the proposal.

The proposal is acceptable with regard to the objectives in Parts 5.10 of the Woollahra LEP 2014 in the following manner:

- Clause 1(a) The development, as amended, conserves the heritage of Woollahra.
- Clause 1(b) The impact upon the heritage significance of the heritage conservation area will be neutral.

The proposed development is acceptable against Part 5.10 of the Woollahra LEP 2014.

13.7 Part 5.21: Flood Planning

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

The subject site is located in a flood planning area. The proposed development was reviewed by Council’s Drainage Engineer and it was considered acceptable, subject to recommended condition of consent relating to flood protection **Condition D.11**.

The proposal, as conditioned, is considered acceptable with regard to Part 5.21 of Woollahra LEP 2014.

13.8 Part 6.1: Acid Sulfate Soils

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

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

13.9 Part 6.2: Earthworks

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 minor excavation works relating to the reconstruction of the internal concrete slab to the existing garage.

Council's Development Engineer reviewed the proposal at DARC and provided recommended conditions, supporting the proposal on technical grounds.

The proposal is acceptable with regard to Part 6.2 of the Woollahra LEP 2014.

14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

14.1 Chapter C1: Paddington Heritage Conservation Area

Part C1.2.4: Desired Future Character

- The proposed development is considered satisfactory against the relevant desired future character aims of Part C1.2.4 of the Woollahra DCP 2015.

Part C1.3.12: Existing Contemporary Infill

- The proposed works have regard of the building's context, achieving objective O1.
- The proposed linking structure at the Ground Floor Level connecting the rear of the terrace to the new garage structure would not be visible from the public domain and is supported in this instance. In addition, a similar structure has been approved at No. 38 Cecil Street which is in the terrace group as part of DA 2023/81/1.
- The replacement of the existing openings at the Ground, First and Attic Floor Levels along the front and rear elevations is supported as the openings of the terrace group have been modified along both of these elevations and no longer retain the original arrangement. Additionally, the new openings would be broken up into vertically proportioned components and are supported.

The proposal is satisfactory against Part C1.3.12 of the Woollahra DCP 2015.

Part C1.4.5: Building Height, Bulk, Form and Scale

	Existing	Proposed	Control	Complies
C3 The height, bulk, form and scale of infill and new development	Consistent	Consistent	Consistent with the predominant height, bulk, form and scale of adjoining buildings	Yes
C4 Sunlight provided to the main ground level private open space of adjoining properties	Minimum not achieved	Further reduced	Sunlight provided to at least 50% or 35m ² with minimum dimensions of 2.5m, whichever is the lesser Or Not further reduced	No
C5 North facing windows to the habitable room not to have sunlight reduced to less than three hours between 9am and 3pm on 21 June	Not reduced	Not reduced	Not reduced to less than three hours	Yes

Proposed loft level above garage:

Whilst the proposed development results in a technical non-compliance with Control C4 in relation to solar access (refer to *Fig 06 & 07* below), the proposal is considered satisfactory with regard to the underlying objectives of this Part for the following reasons:

- The extent of the reduction to the solar access to No. 44 Cecil Street can be considered of negligible impact.
- The height of the proposed loft structure is considered compatible with other loft structures in the Cecil Lane lanescape and is respectful of the topography of the context, achieving Objective O4.
- The proposed loft structure is considered to present a design that minimises impact on the access to sunlight for private properties, due to the proposed skillion roof form, achieving Objective O5.
- The proposed loft structure does not adversely impact on the amenities of adjoining and adjacent residential uses, achieving Objective O6.
- The proposed loft structure will not impact on any North facing habitable room windows, complying with Control C5.

Moreover, the proposed garage and loft design is generally consistent in the context and was considered acceptable in this instance, as advised by Council's Heritage Officer.

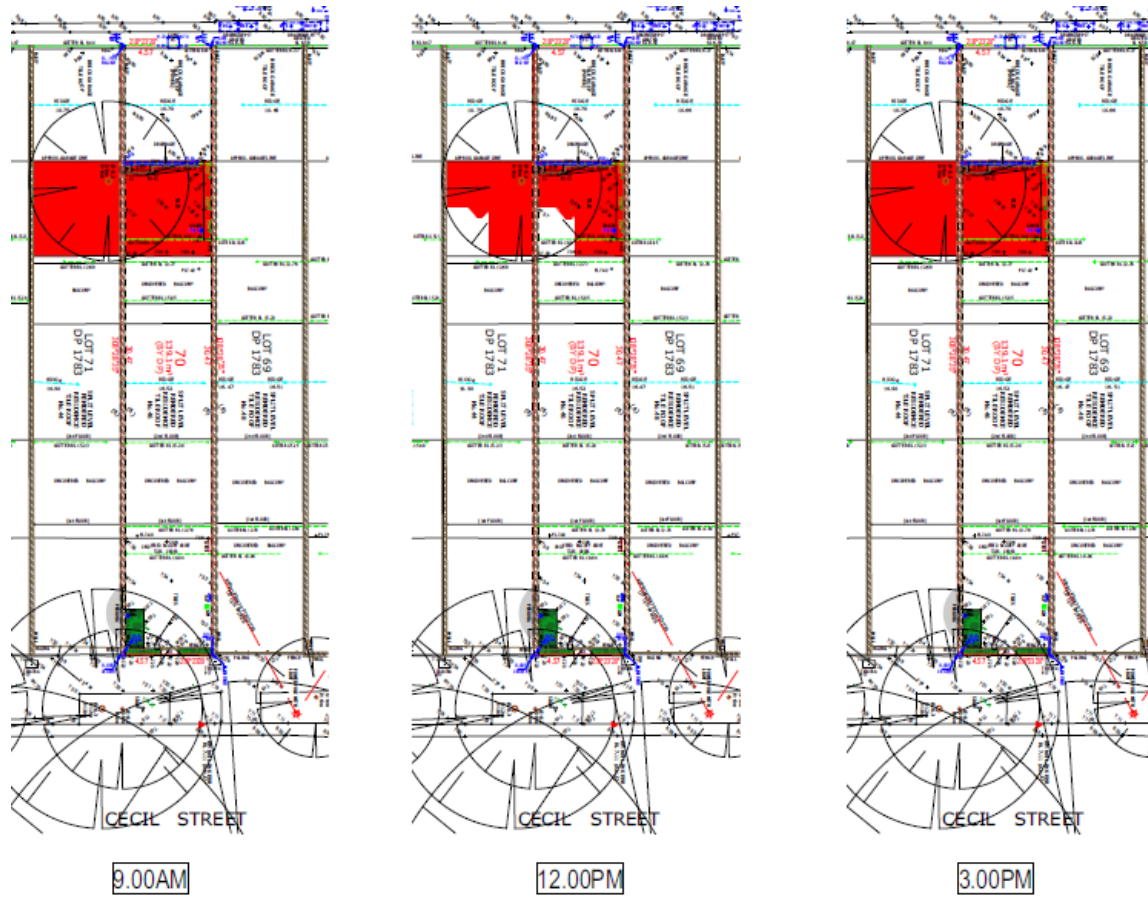


Fig 06 – Existing Shadow Diagrams at 9am, 12pm and 3pm

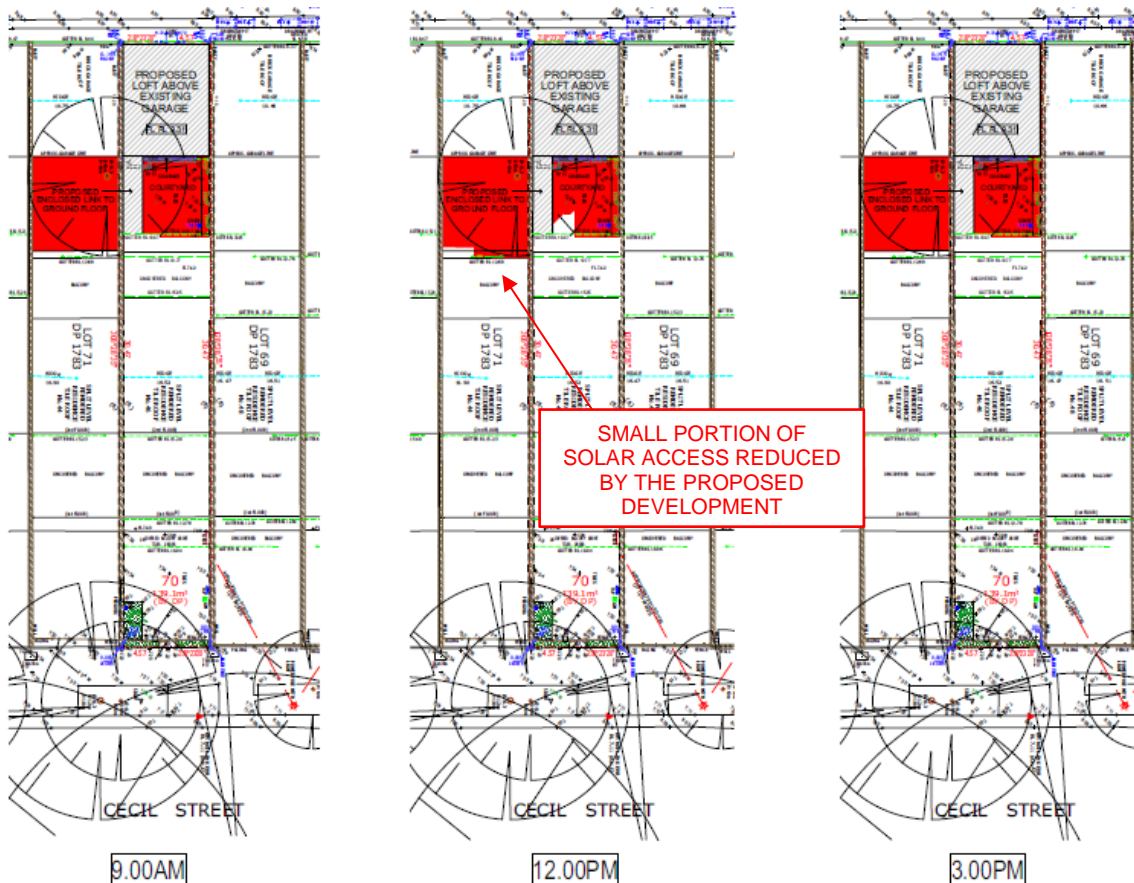


Fig 07 – Proposed Shadow Diagrams at 9am, 12pm and 3pm

Note: The minor reduction of solar access results in a technical non-compliance with control C4, which is considered acceptable on merit. Source: Arcstudios Architecture

Proposed linking structure to the rear courtyard

- Council's Heritage Officer provided the following comment:

"The proposed linking structure at ground floor level connecting the rear of the terrace to the new garage structure is supported in this instance as it would not be visible from the public domain. In addition, a similar structure has been approved at no. 38 in the terrace group as part of DA2023/81/1."

- As shown in Fig 08 below, part of the side boundary wall will be raised to accommodate the new linking structure. **Condition A.7** is imposed to require that no approval has been granted for works outside of the boundaries of the site. Furthermore, it is not considered that the linking structure will significantly impact the amenities of the adjoining property at No.44 Cecil Street.

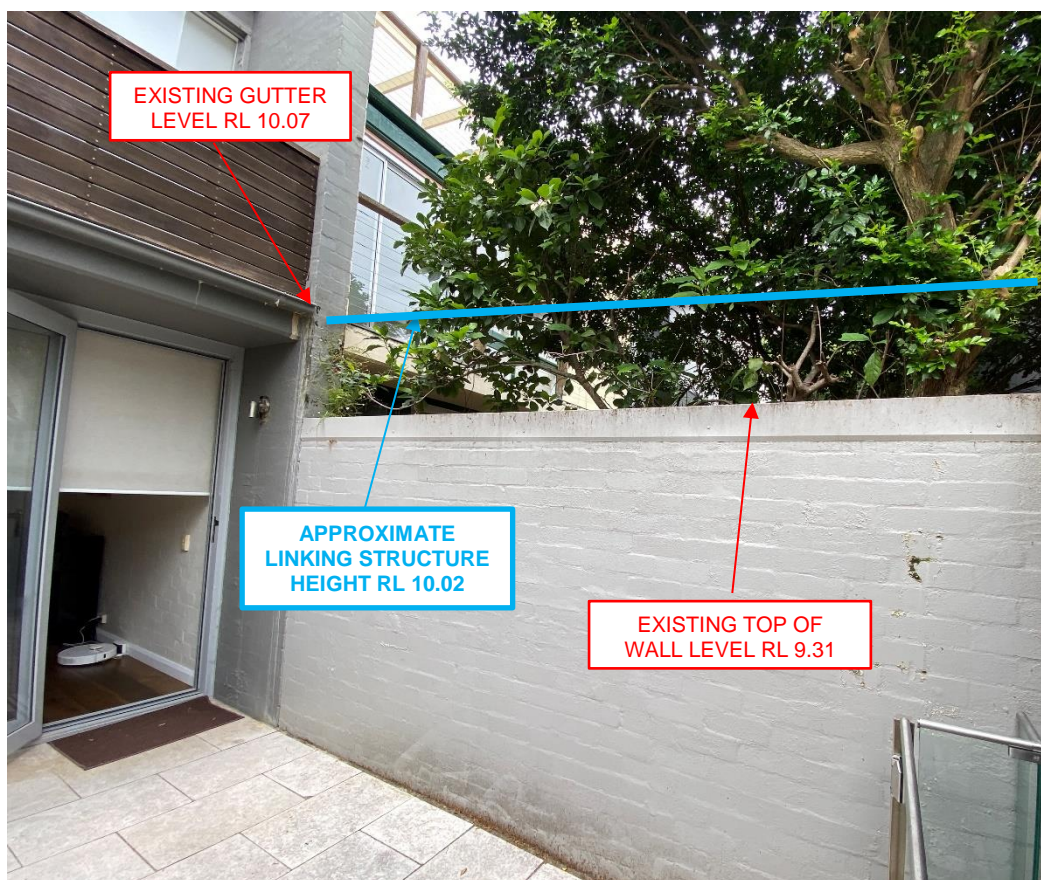


Fig 08 - View from the rear courtyard, highlighting existing and proposed levels
Source: Assessment Officer Site Photo

The proposal is considered acceptable with regard to Part C1.4.5 of the Woollahra DCP 2015.

Part C1.4.6: Site Coverage, Setbacks and Levels

- The proposal retains the established building alignments, setbacks and levels within the terrace group, achieving Objectives O2 and O3 and Control C3.
- The proposal retains usable open space at the rear of the subject site, achieving Objective O6.
- The proposed building footprint is compatible in the context, complying with Control C1.

- The proposed levels are respectful and consistent with the topography of the context, achieving Control C7.

The proposal is considered acceptable with regard to Part C1.4.6 of the Woollahra DCP 2015.

Part C1.4.8: Private Open Space, Swimming Pools, Lightwell Courtyards and Landscaping

- Control C4 and Table 3 of the Woollahra DCP 2015 specify that a dwelling on an allotment more than 100m² and less than 180m² in size is to provide the following

Site Area: 139.1m ²	Existing	Proposed	Control	Complies
Minimum unbuilt area	27.1% (37.7m ²)	24.44% (34m ²)	16% (22.25m ²)	Yes
Principal rear area	17.1m ²	13.5m ²	15m ²	Partially
Principal rear area dimensions	> 3m	> 3m	Min. 3m	Yes
Minimum Deep soil landscaped area	3.23% (4.5m ²)	Unchanged	8% (11.1m ²)	No*

*Subject to condition of consent

The non-compliances with Control C4 are considered satisfactory as follows:

- The proposal will not change the front yard layout and landscape provisions, achieving Objectives O1 and O2.
- The proposal currently only includes 4.5m² of deep soil in the rear yard. Council's Tree and Landscaping Officer has advised that the rear yard area is currently occupied by low vegetation which is considered appropriate for the rear yard due to the new link that will be constructed which limits extending the deep soil in this area.
- In order to satisfy Control C4, **Condition D.1** is imposed to request an additional deep soil area of 6.6m² to be included in the front courtyard to allow for a small tree to be planted, achieving Objective O9.
- The proposed drainage grate to the rear courtyard will assist on-site drainage, thereby achieving Objectives O3 and O5.
- The proposal retains a rear private open space that achieves Objective O4 and O6.

The proposal, subject to **Condition D.1**, is considered acceptable against Part C1.4.6 of the Woollahra DCP 2015.

Part C1.4.9: Views

- The proposal will not adversely impact public views identified on Map 2 of Part C1.6.2 of the Woollahra DCP 2015.
- Furthermore, the proposal is not considered to adversely impact on private views.

The proposal is considered acceptable against Part C1.4.9 of the Woollahra DCP 2015.

Part C1.4.10: Acoustic and Visual Privacy

- The proposed window to the loft structure facing the courtyard will achieve an adequate degree of acoustic and visual privacy towards adjoining properties as well as the subject site existing building, achieving Objective O1.
- The proposed high level bathroom window to the loft will not have a direct view to and from habitable rooms and private open spaces, achieving Control C3.
- The proposed windows facing Cecil Lane are not considered to adversely impact the privacy of the properties across the lane, which present high level windows at the upper level, achieving Objective O2.

The proposal is acceptable against Part C1.4.10 of the Woollahra DCP 2015.

Part C1.5.3: Windows, Doors, Shutters and Security

- The contemporary materiality of the replacement openings at the ground, first and attic levels along the front and rear elevations of the dwelling are acceptable in this instance, as the openings in other terraces in the group are also contemporary.
- No issues were raised by Council's Heritage Officer in terms of the windows and doors materiality.

The proposal is acceptable against Part C1.5.3 of the Woollahra DCP 2015.

Part C1.5.6: On-site Vehicle Parking, Garages, Carports, Driveway Access and Servicing Facilities

Council's Heritage Officer provided the following commentary:

*"Clause 1.5.6 On-site vehicle parking, garages, carports, driveway access and servicing Objectives O1, O4
Controls C1, C6, Table 7*

- *The existing garage structure is not considered to be significant, and its partial demolition is therefore supported from a heritage perspective.*
- *Although it is noted that the scale and form of the loft above garage structure is not in compliance with the objectives and controls of this part of the DCP, there are other similar loft above garage structures within the existing group which have been recently approved. The proposed scale and form of the garage with loft structure is therefore supported in this instance.*
- *The contemporary materiality of the windows is supported in this instance, given the existing context of surrounding structures in the rear laneway.*
- *The materiality of the walls of the structure do not comply. In order to comply with Table 7, the walls of the loft above garage structure are to be constructed of rendered and painted masonry.*
- *The proposed windows to the west elevation facing the rear laneway (visible from the public domain), would be vertically proportioned, which is supported.*
- *Although the number and style of the windows is not in compliance with this section of the DCP, it is in keeping with other approvals in the group. It is therefore supported in this instance.*
- *The loft window facing the courtyard is also supported as it would be in keeping with the other approvals in the group.*
- *The proposed roofing would be traditional, which is supported."*

- In light of the above, **Condition D.1** is recommended for the proposed wall materiality and finish to comply with Table 7.

The proposal, subject to **Condition D.1**, is satisfactory against Part C1.5.6 of the Woollahra DCP 2015.

Part C1.5.7: Lofts over Garages and Studios

	Proposed	Control	Complies
C1 Garage Loft Structures – Minimum Site Dimensions (length x width) Maximum Width Maximum Ridge Height Maximum Wall Height Access	>30m x <5.24m 4.57m 5.47m 5m Internal	30m x 5.24m 4.34m 5.5m 3.9m Internal Only	Partially
C2 a) Garage Loft Structures – Location	Rear	Rear of Property Only	YES
C2 ii) Garage Loft Structures – Location	Achieved	Not If Oriented between NNE and NNW (Appendix 1)	YES

The partial non-compliance with Control C1 is considered acceptable for the following reasons:

- The proposed width of the studio addition is considered acceptable in this instance, as located over the existing boundary to boundary rear garage and is considered acceptable in the context the late twentieth century laneway character of Cecil Lane.
- Notwithstanding the non-compliance with the wall height requirement, the height of the proposed loft structure is in keeping with the recently approved structures in the group.
- The proposed development is not considered to adversely impact on privacy to the adjacent properties.
- The proposed array of on-site vehicle garaging and pedestrian access along the rear Cecil Lane is considered acceptable in the immediate context.
- The proposal was reviewed by Council's Heritage Officer who advises as follows:

"As discussed above, as the proposed massing, form and scale of the structure is generally consistent with other similar structures in the streetscape, it is supported in this instance."

- Condition D.1** is imposed to require the walls of the proposed loft level be aligned with the garage walls below, in order to comply with Figure 27 of this Part.

The proposal, subject to **Condition D.1**, is considered acceptable against Part C1.5.7 of the Woollahra DCP 2015.

Part C1.5.8: Materials, Finishes and Details

- Council's Heritage Officer has reviewed and advised that the materiality of the garage openings and roof is supported.
- The proposed materiality of the terrace windows is also supported.

- However, the materiality of the garage walls is to consist of rendered and painted masonry as required by **Condition D.1**.

The proposal, subject to **Condition D.1**, is considered acceptable against Part C1.5.8 of the Woollahra DCP 2015.

Part C1.5.9: Exterior Colours

- The proposed colour scheme of the external walls would be in keeping with the streetscape and is generally supported.
- The proposed colour scheme of the new roofing is supported.

The proposal is considered acceptable against Part C1.5.9 of the Woollahra DCP 2015.

Part C1.5.10: Gardens and trees

- Council's Tree and Landscape Officer has reviewed and requested an additional deep soil landscaped area of 6.6m² to be included in the front courtyard to allow for a small tree (*Acer buergerianum* or *Leptospermum petersonii*) to be planted in order to comply with Control C4 of this Part.
- Council's Tree and Landscape Officer has also advised that consent via a letter from the owner of 44 Cecil Street has been provided confirming there is no objection to the pruning of a *Murraya paniculate* (Orange Jessamine) located adjacent to the southern boundary within 44 Cecil Street. The pruning of approximately 20-30% of the trees canopy is required to allow construction of the new studio and link passage.

The proposal, subject to conditions, is acceptable with regard to Part C1.5.10 of the Woollahra DCP 2015.

14.2 Chapter E1: Parking and Access

The proposal, subject to conditions, is considered acceptable against Chapter E1 of the Woollahra DCP 2015.

14.3 Chapter E2: Stormwater and Flood Risk Management

Subject to recommended conditions, the proposal is considered satisfactory against Chapter E2 of the Woollahra DCP 2015.

14.4 Chapter E3: Tree Management

As advised by Council's Tree and Landscape Officer, **Conditions D.1** and **F.3** are recommended, requiring an additional deep soil landscaped area of 6.6m² for the planting of a small tree species within the front courtyard deep soil area.

Subject to recommended conditions, the proposal is considered acceptable with regard to Chapter E3 of the Woollahra DCP 2015.

14.5 Chapter E4: Contaminated Land

As per considerations noted in Section 12.2 of this report, the proposal is considered acceptable with regard to Chapter E4 of the Woollahra DCP 2015.

14.6 Chapter E5: Waste Management

Chapter E5 is applicable to all development and seeks to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

Subject to recommended standard conditions, the proposal is considered acceptable against Chapter E5 of the Woollahra DCP 2015.

15. CONTRIBUTION PLANS

15.1 Section 7.12 Contributions Plan

Due to the cost of works, a nil levy applies as outlined in Schedule 1 of the Section 7.12 Contributions Plan 2022.

Cost of Works	Rate based on cost of works	Contribution Payable
\$89,650	Up to \$100,000 = Nil	Nil

16. APPLICABLE ACTS/REGULATIONS

16.1 Environmental Planning and Assessment Regulation 2021

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

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

17. THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts have been addressed elsewhere in the report, or are considered to be satisfactory and not warrant further consideration.

18. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

19. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

20. CONCLUSION

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

21. DISCLOSURE STATEMENTS

There have been no disclosure statements regarding political donations or gifts made to any Councillor or to any council employee associated with this development application by the applicant or any person who made a submission.

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

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

AND

THAT the Woollahra Local Planning Panel, exercising the functions of Council, grant development consent to DA344/2023/1 for alterations and additions including a new loft above the existing garage on land at 46 Cecil Street PADDINGTON, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A. 1.	Conditions
	<p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 ("the Act"), and the provisions of the Environmental Planning and Assessment Regulation 2021 ("the Regulations") and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 ("the Development Certification and Fire Safety Regulations"), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p>Notes:</p> <ul style="list-style-type: none">• Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence.• Where there is any breach Council may without any further warning:<ul style="list-style-type: none">a) Issue Penalty Infringement Notices (On-the-spot fines);b) Issue notices and orders;c) Prosecute any person breaching this consent; and/ord) Seek injunctions/orders before the courts to restrain and remedy any breach.• Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.• Should Council have to take any action to enforced compliance with this consent or other environmental laws Council's policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order.• This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action.• The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.

	Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.
A. 2.	<p>Definitions</p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p>Applicant means the applicant for this consent.</p> <p>Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p>Local native plants means species of native plant endemic to Sydney's eastern suburbs.</p> <p>Owner-builder has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p>PC means the Principal Certifier under the <i>Act</i>.</p> <p>Principal Contractor has the same meaning as in the <i>Act</i>, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.</p> <p>Professional engineer has the same meaning as in the BCA.</p> <p>Public place has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p>Road has the same meaning as in the <i>Roads Act 1993</i>.</p> <p>SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p>Site means the land being developed subject to this consent.</p> <p>Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.</p> <p>Woollahra LEP means <i>Woollahra Local Environmental Plan 2014</i></p> <p>Woollahra DCP means <i>Woollahra Development Control Plan 2015</i></p> <p>Work for the purposes of this consent means:</p> <ul style="list-style-type: none"> • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work, • the use of any site crane, machine, article, material, or thing, • the storage of waste, materials, site crane, machine, article, material, or thing, • the demolition of a building, • the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,

	<ul style="list-style-type: none">the delivery to or removal from the <i>site</i> of any machine, article, material, or thing, orthe occupation of the <i>site</i> by any person unless authorised by an occupation certificate. <p>Condition Reason: To ensure all parties are aware of the relevant definitions.</p>																																
A. 3.	<p>Approved Plans and Supporting Documents</p> <p>Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below unless modified by any following condition.</p> <p>Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.</p> <table><tr><th>Reference</th><th>Description</th><th>Author</th><th>Date</th></tr><tr><td>Sheet 1 of 7</td><td>Site Plan</td><td rowspan="7">Boris Grgurevic & Associates P/L</td><td rowspan="7">22 March 2024</td></tr><tr><td>Sheet 2 of 7</td><td>Ground Floor Plan</td></tr><tr><td>Sheet 3 of 7</td><td>First Floor Plan</td></tr><tr><td>Sheet 4 of 7</td><td>Attic Floor Plan</td></tr><tr><td>Sheet 5 of 7</td><td>Elevations 1</td></tr><tr><td>Sheet 6 of 7</td><td>Elevations 2</td></tr><tr><td>Sheet 7 of 7</td><td>Sections and BASIX Notes</td></tr><tr><td>Untitled</td><td>Amended Schedule of Finishes</td><td>Local Approved</td><td>Undated</td></tr><tr><td>231025_46 Cecil St_AIA</td><td>Arboricultural Impact Assessment Report</td><td>Urban Arbor</td><td>25/10/23</td></tr><tr><td>A502193_02</td><td>BASIX Certificate</td><td>NSW Department of Planning and Environment</td><td>15 March 2024</td></tr></table> <p>Notes:</p> <ul style="list-style-type: none">Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans.These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development. <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Reference	Description	Author	Date	Sheet 1 of 7	Site Plan	Boris Grgurevic & Associates P/L	22 March 2024	Sheet 2 of 7	Ground Floor Plan	Sheet 3 of 7	First Floor Plan	Sheet 4 of 7	Attic Floor Plan	Sheet 5 of 7	Elevations 1	Sheet 6 of 7	Elevations 2	Sheet 7 of 7	Sections and BASIX Notes	Untitled	Amended Schedule of Finishes	Local Approved	Undated	231025_46 Cecil St_AIA	Arboricultural Impact Assessment Report	Urban Arbor	25/10/23	A502193_02	BASIX Certificate	NSW Department of Planning and Environment	15 March 2024
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A. 4.	<p>Ancillary Aspects of Development (section 4.17(2) of the Act)</p> <p>The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p>																																

	<p>Notes:</p> <ul style="list-style-type: none">• This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs. <p>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</p>								
A. 5.	<p>No Underpinning works</p> <p>This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties.</p> <p>Condition Reason: To ensure all works are located within the boundaries of the site and to confirm that no consent is granted for underpinning works to any structures on adjoining properties.</p>								
A. 6.	<p>Tree Preservation and Landscaping Works</p> <p>While site work is being carried out, all landscape works must be undertaken in accordance with the approved landscape plan, arborist report, tree management plan and transplant method statement as applicable.</p> <p>a) The following trees may be pruned in accordance with Australian Standard Pruning of Amenity Trees (AS 4373) and Workcover NSW Code of Practice Amenity Tree Industry, to the minimum extent necessary to provide clearance to the new development:</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Approved pruning (extent of pruning)</th></tr><tr><td>1</td><td><i>Murraya paniculata</i></td><td>44 Cecil St</td><td>Pruning of 3x branches as specified in the AIA Report prepared by Urban Arbor dated 25/10/23</td></tr></table> <p>The tree/s required to be pruned must appear coloured blue on the Construction Certificate plans.</p> <p>This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.</p> <p>Only a Council authorised contractor will be allowed to undertake the pruning of trees located on Council managed land under the instruction of Council's Coordinator of Trees Maintenance in accordance with Council's Tree Management Policies and AS 4373-2007 Pruning of Amenity Trees. All costs associated with the approved pruning will be the responsibility of the applicant. Contact Council's Coordinator of Trees Maintenance on 9391 7000 to arrange the approved pruning works.</p> <p>To facilitate the assessment of Council's tree assets for pruning, a physical outline of the approved works (if not already constructed) must be provided at the time of inspection via the use of height poles or scaffolding.</p>	Council Ref No	Species	Location	Approved pruning (extent of pruning)	1	<i>Murraya paniculata</i>	44 Cecil St	Pruning of 3x branches as specified in the AIA Report prepared by Urban Arbor dated 25/10/23
Council Ref No	Species	Location	Approved pruning (extent of pruning)						
1	<i>Murraya paniculata</i>	44 Cecil St	Pruning of 3x branches as specified in the AIA Report prepared by Urban Arbor dated 25/10/23						

A. 7.	The outline of the approved works will enable Council's Arboricultural Technical Officer to correctly identify the branches that require pruning to provide clearance for the approved works.
	Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents.
	Development Consent is Not Granted in Relation to these Matters
	This approval does not give consent to the following works: <ul style="list-style-type: none"> Any air-conditioning unit or condenser on the subject site. Works that are located outside the boundaries of the subject site.
	Condition Reason: To ensure all parties are aware of works that have not been granted consent.

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

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" under section 6.6 of the Act. In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work: <ul style="list-style-type: none"> Before issue of a construction certificate Before building work commences 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: <ul style="list-style-type: none"> See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.
	Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.
B. 2.	Erosion and Sediment Controls – Installation
	Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with: <ul style="list-style-type: none"> a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and

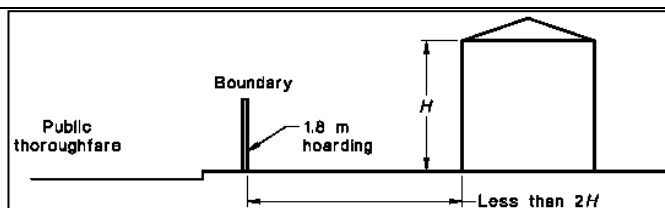
	<p>b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
<p>B. 3.</p>	<p>Identification of Hazardous Material</p> <p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> all hazardous materials identified on the site, the specific location of all hazardous materials identified, whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and safety measures to be put in place. <p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>
<p>B. 4.</p>	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> road pavement, street signage including street lights, kerb and gutter, footway including pedestrian crossings, footpath, and driveways, retaining walls, or other significant structures, Heritage Items, including street name inlays,

	<ul style="list-style-type: none"> • utility service items including historical utility covers, and • drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.</p> <p>Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>
B. 5.	<p>Aboriginal Objects – Unexpected Findings</p> <p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ol style="list-style-type: none"> a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery. <p>Notes:</p> <ul style="list-style-type: none"> • The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. <p>Condition Reason: To protect Aboriginal objects</p>
B. 6.	<p>Aboriginal Heritage Due Diligence Responsibilities</p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p>

	<p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p> <p>Condition Reason: To protect Aboriginal heritage.</p>																								
B. 7.	<p>Payment of Security and Fees</p> <p>Prior to any site works, the following security and fees must be paid in full:</p> <table><tr><th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr><tr><td colspan="4">SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td></tr><tr><td>Property Damage Security Deposit -making good any damage caused to any property of the Council</td><td>\$5,490.00</td><td>No</td><td>T115</td></tr><tr><td colspan="4">INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i></td></tr><tr><td>Security Deposit Administration Fee</td><td>\$225.00</td><td>No</td><td>T16</td></tr><tr><td>TOTAL SECURITY AND FEES</td><td>\$5,715.00</td><td></td><td></td></tr></table> <p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none">• cash deposit with Council,• credit card payment with Council, or• bank cheque made payable to Woollahra Municipal Council. <p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none">• the guarantee is by an Australian bank for the amount of the total outstanding contribution,• the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable],• the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,• the bank guarantee is lodged with the Council prior to any site works being undertaken, and• the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Notes:</p> <ul style="list-style-type: none">• 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.	Description	Amount	Indexed	Council Fee Code	SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>				Property Damage Security Deposit -making good any damage caused to any property of the Council	\$5,490.00	No	T115	INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>				Security Deposit Administration Fee	\$225.00	No	T16	TOTAL SECURITY AND FEES	\$5,715.00		
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	<ul style="list-style-type: none"> • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed. • Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be 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. • The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au
	<p>Condition Reason: To ensure any relevant security and fees are paid.</p>
<p>B. 8.</p>	<p>Dilapidation Reports for Existing Buildings</p> <p>Before any site work commences, dilapidation surveys and dilapidation reports must be conducted and prepared by a professional structural engineer for all buildings and/or structures that are located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration as determined applicable by the structural engineer.</p> <p>These properties must include (but is not limited to):</p> <ol style="list-style-type: none"> a) 44 Cecil Street b) 48 Cecil Street <p>Where access is not granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and it must be demonstrated, in writing, to the satisfaction of the Principal Certifier, that all reasonable steps were taken to obtain access.</p> <p>The completed dilapidation reports must be submitted to the Principal Certifier for approval, and an approved copy of the reports must be submitted to Council with the Notice of Commencement prior to the commencement of any development work.</p> <p>No less than two (2) days before any site work commences, neighbouring building owner(s) must be provided with a copy of the dilapidation report for their property(ies).</p> <p>Notes:</p> <ul style="list-style-type: none"> • The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly caused by the carrying out of the development. • This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development. • Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out. • Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.

	<p>Condition Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p>
B. 9.	<p>Works (Construction) Zone – Approval and Implementation</p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service. <p>Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>
B. 10.	<p>Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection</p> <p>Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.</p> <div data-bbox="515 1494 1182 1700" data-label="Diagram"> </div> <p>Type A Hoarding</p> <p>Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.</p>



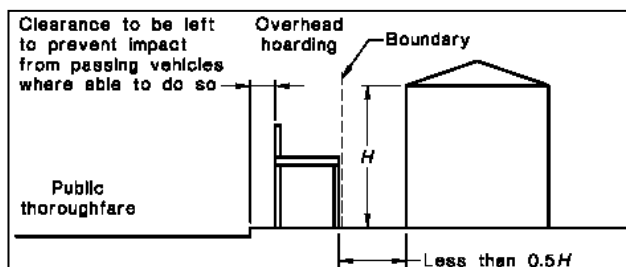
Type B Hoarding

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 overhead protective structures must be installed and maintained in accordance with the NSW "Code of Practice - Overhead Protective Structures 1995". This is code available at www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

All Hoardings

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

Hoardings on Public Land including 'Creative Hoardings'

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

	<p>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 person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au</p> <p>Notes:</p> <ul style="list-style-type: none"> A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees. Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy: <ul style="list-style-type: none"> A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more OR B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more OR C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where: <ol style="list-style-type: none"> the capital investment value of the work to which the hoarding relates is less than \$1 million, or the land is zoned R2 Low Density Residential, or the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure public safety.</p>
<p>B. 11.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p>Erection of signs</p> <ul style="list-style-type: none"> For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and

	<p>b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and</p> <p>c) stating that unauthorised entry to the work site is prohibited.</p> <ul style="list-style-type: none"> Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p>Signs on development sites</p> <p>If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:</p> <ul style="list-style-type: none"> Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out. <p>Notes:</p> <ul style="list-style-type: none"> Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation. <p>Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>
<p>B. 12.</p>	<p>Toilet Facilities</p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ol style="list-style-type: none"> must be a standard flushing toilet, and must be connected to a public sewer, or if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

	<p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. This condition does not set aside the requirement to comply with SafeWork NSW requirements.
	<p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
B. 13.	<p>Establishment of Boundary Location, Building Location and Datum</p> <p>Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:</p> <ol style="list-style-type: none"> set out the boundaries of the site by permanent marks (including permanent recovery points), set out the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans, establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and provide a copy of a survey report, prepared by the registered surveyor, detailing the title boundaries, pegs/profiles, recovery points and bench mark locations as established under this condition to the Principal Certifier. <p>Notes:</p> <ul style="list-style-type: none"> Where there is any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent. On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor. <p>Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p>
B. 14.	<p>Compliance with Australian Standard for Demolition</p> <p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p> <p>Condition Reason To control the risks of demolition work.</p>
B. 15.	<p>Construction Management Plan Arborist Review</p> <p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p>

	<p>The plan must address:</p> <ol style="list-style-type: none"> 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. <p>Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p>				
<p>B. 16.</p>	<p>Arborists Documentation and Compliance Checklist</p> <p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> A record of the condition of trees to be retained prior to and throughout development. Recommended actions to improve site conditions and rectification of non-compliance. Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="341 1514 1311 1957"> <thead> <tr> <th data-bbox="341 1514 552 1626">Stage of arboricultural inspection and supervision</th><th data-bbox="552 1514 1311 1626">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="341 1626 552 1957">Prior to any site works</td><td data-bbox="552 1626 1311 1957"> <ul style="list-style-type: none"> Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. </td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to any site works	<ul style="list-style-type: none"> Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.
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	Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.								
	Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.								
B. 17.	Permissible work within Tree Protection Zones								
	Prior to any site works, the following works are permissible within the Tree Protection Zone:								
	<table><tr><th>Council Ref No</th><th>Species</th><th>Radius from Centre of Trunk (Metres)</th><th>Approved works</th></tr><tr><td>1</td><td><i>Murraya paniculata</i></td><td>2m</td><td>Construction of new studio and link passage</td></tr></table>	Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works	1	<i>Murraya paniculata</i>	2m	Construction of new studio and link passage
Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works						
1	<i>Murraya paniculata</i>	2m	Construction of new studio and link passage						
	The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.								
	Condition Reason To establish the works which are permissible within the Tree Protection Zones.								
B. 18.	Compliance with Australian Standard for Demolition								
	While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.								
	Condition Reason To control the risks of demolition work.								

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

Nil

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D 1.	Modification of Details of the Development (section 4.17(1)(g) of the Act
	Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:

	<p><u>Loft above garage structure</u></p> <p>a) The materiality of the walls of the loft above the garage structure must be constructed of rendered and painted masonry.</p> <p><u>Details are to be submitted and approved by Council prior to the issue of a Construction Certificate.</u></p> <p>b) The proposed loft level walls are to align with the garage walls below.</p> <ul style="list-style-type: none">• Woollahra DCP 2015, Chapter C1, Clause 1.5.6, Objective O4, Controls C1, C6, Table 7• Woollahra DCP 2015, Chapter C1, Clause 1.5.7, Objectives O1, O6, Figure 27• Woollahra DCP 2015, Chapter C1, Clause 1.5.8, Objective O2, Control C4, Table 1 <p><u>Details are to be submitted and approved by Council prior to the issue of a Construction Certificate.</u></p> <p><u>Deep soil landscaped area</u></p> <p>c) The design shall be amended to include 6.6m² of deep soil landscaped area in the front yard. The area shall be consolidated to allow planting of a tree as detailed in Condition F.23 below.</p> <p><u>Details are to be submitted and approved by Council prior to the issue of a Construction Certificate.</u></p> <p>Notes:</p> <ul style="list-style-type: none">• Clause 20 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.• Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent. <p>Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.</p>												
D 2.	<p>Payment of Long Service Levy and S7.12 Contributions</p> <p>Before the issue of any construction certificate, the original receipt(s) for the payment of all of the following levy and contributions must be provided to the Principal Certifier:</p> <table><tr><th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr><tr><td colspan="4">LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i></td></tr><tr><td>Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator</td><td>Contact LSL Corporation or use online calculator</td><td>No</td><td></td></tr></table>	Description	Amount	Indexed	Council Fee Code	LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>				Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
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Building and Construction Industry Long Service Payment

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

How must the payments be made?

Payments must be made by:

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

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

To ensure that the value of the development levy is not eroded over time by increases in costs, the proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 2.12 of the Woollahra Section 7.12 Development Contributions Plan 2022 sets out the formula and index to be used in adjusting the levy.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 7.12 Development Contributions Plan 2022

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

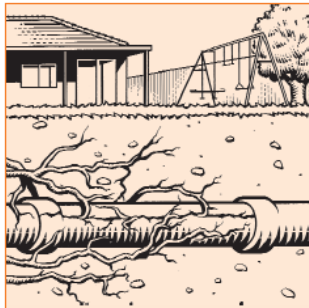
- the reasons given,
- whether any prejudice will be caused to the community deriving benefit from the public facilities,
- whether any prejudice will be caused to the efficacy and operation of the Plan, and
- whether the provision of public facilities in accordance with the adopted works schedule will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

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

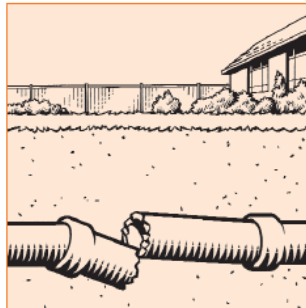
- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate,
- a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable,

	<ul style="list-style-type: none"> the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.</p> <p>Condition Reason: To ensure any relevant levy and contributions are paid.</p>
D 3.	<p>BASIX Commitments</p> <p>Before the issue of any construction certificate, BASIX Certificate No A502193_02 must be submitted to the Principal Certifier with any application for a construction certificate.</p> <p>All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any. <p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>
D 4.	<p>Water and Waste Water - section 73 Developers Certificate and Upgrading of Existing System</p> <p>Prior to the issue of any construction certificate, a Compliance Certificate must be obtained from Sydney Water under section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains.</p>

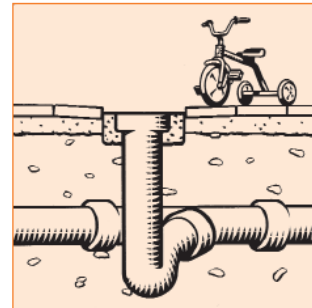
The construction certificate plans and specifications, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be sewer grade UPVC or copper with continuously welded joints.



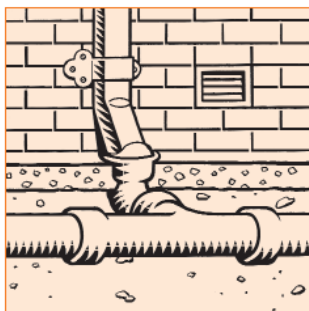
Cracked pipes



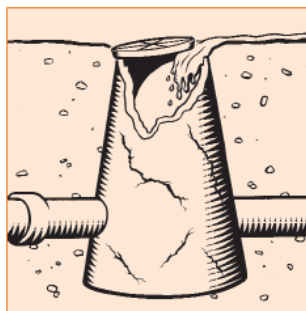
Broken pipes



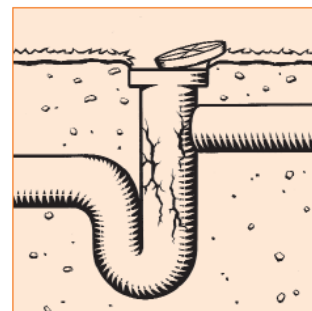
Damaged or low-lying gullies



Direct stormwater connections



Hidden or damaged maintenance holes



Hidden or damaged inspection points

Notes:

- Sydney Water will assess the development and if required will issue a 'Notice of Requirements' letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Please make early contact with Sydney Water or a WSC, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- For more information go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
- Where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta systems are replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main as part of the development. Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.

Condition Reason: To ensure that private sewer pipes are upgraded where required to prevent water pollution, and unsafe and unhealthy conditions.

<p>D 5.</p>	<p>Erosion and Sediment Control Plan – Submission and Approval</p> <p>Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:</p> <ul style="list-style-type: none"> a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au • Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
<p>D 6.</p>	<p>Structural Adequacy of Existing Supporting Structures</p> <p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p> <p>Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.</p>
<p>D 7.</p>	<p>Professional Engineering Details</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>
<p>D 8.</p>	<p>Engineer Certification</p> <p>Before the issue of any construction certificate, engineer certification must be submitted to the Principal Certifier confirming that the structural design does not incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc. which encroach outside the boundaries of the subject property.</p> <p>This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.</p> <p>Condition Reason: To ensure certification is provided that demonstrates all structural works are located within the boundaries of the site and do not include underpinning works to any structures on adjoining properties.</p>
<p>D 9.</p>	<p>Tree Protection Plan and Specification</p> <p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> shaded green where required to be retained and protected shaded red where authorised to be removed shaded yellow where required to be transplanted shaded blue where required to be pruned <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p>

	<p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p>
	<p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p>
<p>D 10.</p>	<p>Stormwater Management Plan</p> <p>Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared by a Chartered Professional civil engineer, which include the following:</p> <ol style="list-style-type: none"> The stormwater management plans must specify any components of the existing drainage system to be retained and certified to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required, Detail the location of the existing stormwater drainage system including all gutters and downpipes, pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system, Detail any remedial works required to upgrade the existing stormwater drainage system, Internal stormwater drainage system including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans, The discharge of stormwater from the site to the street kerb located within the frontage of the site. Only one stormwater outlet with a maximum discharge rate of 20 l/s in the 1% AEP storm event will be permitted. Full supporting calculations must be included in the stormwater management plans. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3, All below ground structures are to be fully tanked or appropriately designed such that subsoil drainage/seepage water is <u>NOT</u> discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement shall be clearly depicted on the drawings, Dimensions of all drainage pit and access grates must comply with AS3500.3 and Council's DCP, Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath; and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management, and General compliance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management. <p>The <i>Stormwater Management Plan</i> must also include the following specific requirements:</p> <p><u>Layout plan</u></p> <p>A detailed drainage plan at a scale of 1:100 based on drainage calculations prepared in accordance with the Australian Government publication, <i>Australian Rainfall and Run-off</i>, 2019 edition or most current version thereof. It must include:</p>

	<p>a) All pipe layouts, dimensions, grades, lengths and material specification, b) Location and dimensions of all downpipes, c) All invert levels reduced to Australian Height Datum (AHD), d) Location and dimensions of all drainage pits, e) Point and method of connection to Councils drainage infrastructure, and f) Overland flow paths over impervious areas.</p> <p>Where new Stormwater Drainage System crosses the footpath area within any road, separate approval under section 138 of the <i>Roads Act 1993</i> must be obtained from Council for those works before the issue of any Construction Certificate.</p> <p>All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's <i>Specification for Roadworks, Drainage and Miscellaneous Works</i> (2012).</p> <p>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 <i>Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"</i>. Standard Condition: C.49 (Autotext CC49)</p>
	<p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>
D 11.	<p>Flood Protection</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p>The flood planning level must be based on a 1 in 100 year AEP flood level of #m AHD and a 1 in 20 AEP flood level of #m AHD.</p> <p>The Flood Risk Management Plan must detail:</p> <p>a) Habitable floor levels must not be lower than a FPL of 500mm above the 1 in100 year AEP flood level. b) Habitable floor levels must not be lower than a FPL of 300mm above the 1 in100 coastal inundation level plus the predicted 2100 sea level rise. c) Non-habitable floor levels must not be lower than a FPL of 300mm above the 1 in100 year AEP flood level. d) Open car parking areas must be protected from inundation to a FPL of 300mm above the 1 in 20 year AEP flood level. e) Enclosed car parking areas with three or fewer spaces must be protected from inundation to a FPL of 300mm above the 1 in 20 year AEP flood level. f) Enclosed car parking areas with more than three spaces must be protected from inundation to a FPL of 300mm above the 1 in 100 year AEP flood level.</p> <p>Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection. <p>Condition Reason: To ensure the development incorporates flood inundation protection measures.</p>
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E. BEFORE BUILDING WORK COMMENCES

<p>E 1.</p>	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ol style="list-style-type: none"> that the work must be carried out in accordance with the requirements of the Building Code of Australia, in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ol style="list-style-type: none"> to the extent to which an exemption is in force under the Home Building Regulation 2014, or to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. All new guttering is to comply with the provisions of AS3500. <p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
<p>E 2.</p>	<p>Erosion and Sediment Controls – Installation</p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> The Soil and Water Management Plan if required under this consent; “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).

	<p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
<p>E 3.</p>	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> a) 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: <ul style="list-style-type: none"> • appointed a Principal Certifier for the building work, and • notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and c) The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and • notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has: <ul style="list-style-type: none"> • appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and • notified the Principal Certifier of any such appointment, and • unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and • given at least 2 days’ notice to the Council of the person’s intention to commence the erection of the building.

	<p>Notes:</p> <ul style="list-style-type: none"> • Building has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. • New building has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. • The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125. • Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. • Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading. <p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>
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F. DURING BUILDING WORK

<p>F 1.</p>	<p>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA), b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ul style="list-style-type: none"> a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or b) to the erection of a temporary building. <p>In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p> <p>Notes:</p> <ul style="list-style-type: none"> • All new guttering is to comply with the provisions of AS 3500. <p>Condition Reason: To ensure compliance with the BCA and Home building Act 1989.</p>
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<p>F 2.</p>	<p>Requirement to Notify about New Evidence</p> <p>While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.</p> <p>Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.</p>
<p>F 3.</p>	<p>Critical Stage Inspections</p> <p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p> <p>Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. • The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development. <p>Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>
<p>F 4.</p>	<p>Hours of Work –Amenity of the Neighbourhood</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> No work must take place on any Sunday or public holiday. No work must take place before 7am or after 5pm any weekday. No work must take place before 7am or after 1pm any Saturday. The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: <ol style="list-style-type: none"> piling, piering, rock or concrete cutting, boring or drilling, rock breaking, rock sawing, jack hammering, or machine excavation. No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.

	<p>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.</p> <p>g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. • Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. • The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. • Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017. • NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nqlq.htm <p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>
<p>F 5.</p>	<p>Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <ul style="list-style-type: none"> a) Not erect or maintain any gate or fence that swings out, or encroaches 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) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. f) Not stand any plant and equipment upon the road or footway. g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand. h) Provide a clear safe pedestrian route a minimum of 1.5m wide.

	<p>i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development.</p> <p>This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with:</p> <p>a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards.</p> <p>b) Australian Road Rules.</p> <p>Notes:</p> <ul style="list-style-type: none"> Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, - otherwise than with the consent of the appropriate roads authority. Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: <ul style="list-style-type: none"> - Part C Management of waste: <ul style="list-style-type: none"> a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: <ul style="list-style-type: none"> a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road. <p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>
<p>F 6.</p>	<p>Tree Preservation</p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council’s Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <p>a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent.</p> <p>b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.</p> <p>c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately.</p>

	<p>The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.</p> <p>Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.</p> <p>Condition Reason: To protect trees during the carrying out of sitework.</p>
F 7.	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ul style="list-style-type: none"> a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions. <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
F 8.	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: <ul style="list-style-type: none"> - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate. • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road."

	<p>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.</p> <ul style="list-style-type: none"> The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993.
	<p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
F 9.	<p>Erosion and Sediment Controls – Maintenance</p>
	<p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ul style="list-style-type: none"> a) the Soil and Water Management Plan required under this consent, b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. Section 257 of the Protection of the Environment Operations Act 1997 provides that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution.
	<p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
F 10.	<p>Disposal of Site Water During Construction</p>
	<p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. b) Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. c) That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.

		<p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>
F	11.	<p>Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum</p> <p>While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.</p> <p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:</p> <ol style="list-style-type: none"> Upon the completion of foundation walls prior to the laying of any floor or the pouring of any floor slab and generally at damp proof course level. Upon the completion of formwork for floor slabs prior to the laying of any floor or the pouring of any concrete and generally at each storey. Upon the completion of formwork or framework for the roof(s) prior to the laying of any roofing or the pouring of any concrete roof. Upon the completion of formwork and steel fixing prior to pouring of any concrete for any ancillary structure, flood protection work, swimming pool or spa pool or the like. Upon the completion of formwork and steel fixing prior to pouring of any concrete for driveways showing transitions and crest thresholds confirming that driveway levels match Council approved driveway crossing levels and minimum flood levels. Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works. Flood protection measures are in place confirming location, height and capacity. <p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>
F	12.	<p>Placement and Use of Skip Bins</p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <ol style="list-style-type: none"> Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.

	<p>Notes:</p> <ul style="list-style-type: none"> Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards.
	<p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
F 13.	<p>Prohibition of Burning</p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning. <p>Condition Reason: To ensure no burning of waste occurs.</p>
F 14.	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> Dust screens to all hoardings and site fences. All stockpiles or loose materials to be covered when not being used. All equipment, where capable, being fitted with dust catchers. All loose materials being placed bags before placing into waste or skip bins. All waste and skip bins being kept covered when not being filled or emptied. The surface of excavation work being kept wet to minimise dust. Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>

<p>F 15.</p>	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ul style="list-style-type: none"> 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) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly 'signposted', e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and f) site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ul style="list-style-type: none"> 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. <p>Notes:</p> <ul style="list-style-type: none"> • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams. <p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>
<p>F 16.</p>	<p>Site Waste Minimisation and Management – Construction</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ul style="list-style-type: none"> 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) deliveries of materials must be arranged so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage, c) consideration must be given to returning excess materials to the supplier or manufacturer, d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation), e) the purpose and content of the storage areas must be clearly 'signposted',

	<p>f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,</p> <p>g) separate collection bins or areas for the storage of residual waste must be promoted,</p> <p>h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,</p> <p>i) site disturbance must be minimised and unnecessary excavation limited,</p> <p>j) all waste must be transported to a place that can lawfully be used as a waste facility, and</p> <p>k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.</p> <p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
<p>F 17.</p>	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <p>a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.</p> <p>b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.</p> <p>c) No asbestos products may be reused on the site.</p> <p>d) No asbestos laden skip or bins must be left in any public place.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. • All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and - SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050 <p>Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>

F	18.	Classification of Hazardous Waste
		While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.
		Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.
F	19.	Disposal of Asbestos and Hazardous Waste
		While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.
		Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.
F	20.	Asbestos Removal Signage
		While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
		Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.
F	21.	Notification of Asbestos Removal
		While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.
		The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.
		Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.
F	22.	Arborists Documentation and Compliance Checklist
		While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:

- a) a record of the condition of trees to be retained prior to and throughout development,
- b) recommended actions to improve site conditions and rectification of non-compliance, and
- c) recommendations for future works which may impact the trees.

All compliance certification documents must be kept on site by the site Supervisor.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
While site work is carried out	<ul style="list-style-type: none"> • The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. • The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter. • Regular inspections as indicated in the Tree Management Plan.

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

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

Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.

F 23. Replacement/Supplementary trees which must be planted

While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area <delete this if planted in a planter box on a structure> 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	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
<i>Acer buergerianum</i> or <i>Leptospermum petersonii</i>	Front Yard	45L	6 x 4

The project arborist must document compliance with the above condition.

	Condition Reason: To ensure the provision of appropriate replacement planting.								
F 24.	Hand excavation within tree root zones <p>While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Radius from centre of trunk (metres)</th></tr><tr><td>1</td><td><i>Murraya paniculata</i></td><td>44 Cecil St</td><td>2m</td></tr></table> <p>Small hand tools such as mattocks or using compressed air or water jetting only must be used. Roots with a diameter equal to or in excess of 50mm must not be severed or damaged unless approved in writing and documented by the project arborist.</p> <p>Mechanical excavation is permitted beyond this radius when root pruning by hand along the hand excavated perimeter line is completed. Exposed roots to be retained must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.</p> <p>All root pruning must be undertaken in accordance with the Australian Standard 4373 “Pruning of Amenity Trees” and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).</p> <p>The project arborist must document compliance with the above condition.</p> Condition Reason: To ensure demolition and excavation works would not adversely impact upon the health of existing trees.	Council Ref No	Species	Location	Radius from centre of trunk (metres)	1	<i>Murraya paniculata</i>	44 Cecil St	2m
Council Ref No	Species	Location	Radius from centre of trunk (metres)						
1	<i>Murraya paniculata</i>	44 Cecil St	2m						

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G 1.	<p>Occupation Certificate (section 6.9 of the Act)</p> <p>A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.</p> <p>Notes:</p> <ul style="list-style-type: none"> New building includes an altered portion of, or an extension to, an existing building. <p>Condition Reason: To ensure the building is suitable to occupy.</p>
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<p>G 2.</p>	<p>Commissioning and Certification of Systems and Works</p> <p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> 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. <p>Notes:</p> <ul style="list-style-type: none"> The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate. <p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>
<p>G 3.</p>	<p>Fulfilment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation</p> <p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. A502193_02.</p> <p>Notes:</p> <ul style="list-style-type: none"> Clause 44 of the Development Certification and Fire Safety Regulation applies to an occupation certificate if a relevant BASIX certificate requires a certifier to monitor fulfilment of a commitment listed in the certificate in relation to a building. The certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.

	Condition Reason: To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.
G 4.	<p>Amenity Landscaping</p> <p>Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.</p> <p>Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p>
G 5.	<p>Landscaping</p> <p>Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.</p> <p>Condition Reason: To ensure that all landscaping work is completed prior to occupation.</p>
G 6.	<p>Removal of Ancillary Works and Structures</p> <p>Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place:</p> <ul style="list-style-type: none"> a) the site sign, b) ablutions, c) hoarding, d) scaffolding, and e) waste materials, matter, article or thing. <p>Condition Reason: To ensure that all ancillary matter is removed prior to occupation.</p>
G 7.	<p>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</p> <p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p>

	<p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="341 248 1313 421"> <tr> <th data-bbox="341 248 632 331">Stage of arboricultural inspection and supervision</th><th data-bbox="632 248 1313 331">Compliance documentation and photos must include</th></tr> <tr> <td data-bbox="341 331 632 421">Prior to the issue of any occupation certificate</td><td data-bbox="632 331 1313 421">Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				
<p>G 8.</p>	<p>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</p> <p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> A record of the condition of trees to be retained prior to and throughout development. Recommended actions to improve site conditions and rectification of non-compliance. Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="341 1344 1362 1653"> <tr> <th data-bbox="341 1344 686 1402">Stage of arboricultural inspection and supervision</th><th data-bbox="686 1344 1362 1402">Compliance documentation and photos must include</th></tr> <tr> <td data-bbox="341 1402 686 1653">Before the issue of any occupation certificate for the whole of the building</td><td data-bbox="686 1402 1362 1653"> <ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation. </td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.
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H. OCCUPATION AND ONGOING USE

H 1.	Maintenance of BASIX Commitments
	<p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No A502193_02.</p> <p>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p>
	Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.
H 2.	Maintenance of Landscaping
	<p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p>Notes:</p> <ul style="list-style-type: none">• This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality.• Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

SUBDIVISION WORK

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil

J. BEFORE SUBDIVISION WORK COMMENCES

Nil

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Nil

LAND SUBDIVISION

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE






Nil

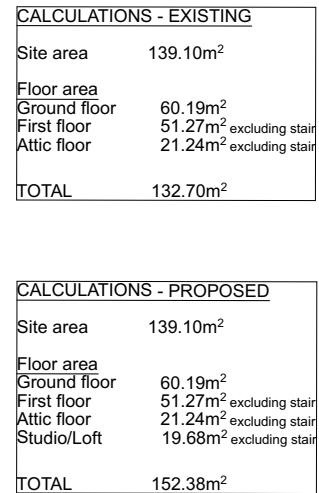
STRATA SUBDIVISION

M. BEFORE ISSUE OF A STRATA CERTIFICATE

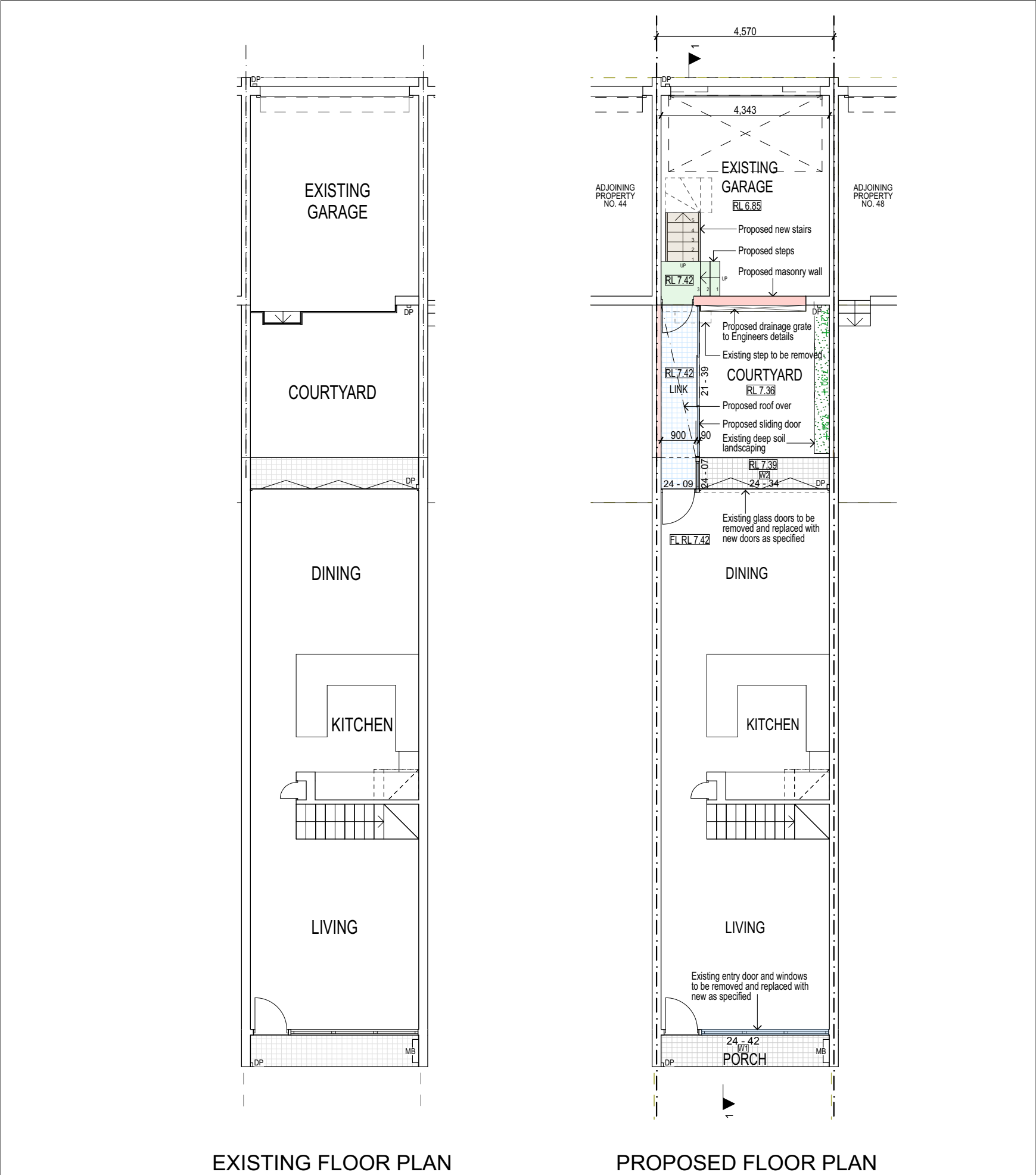
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Attachments

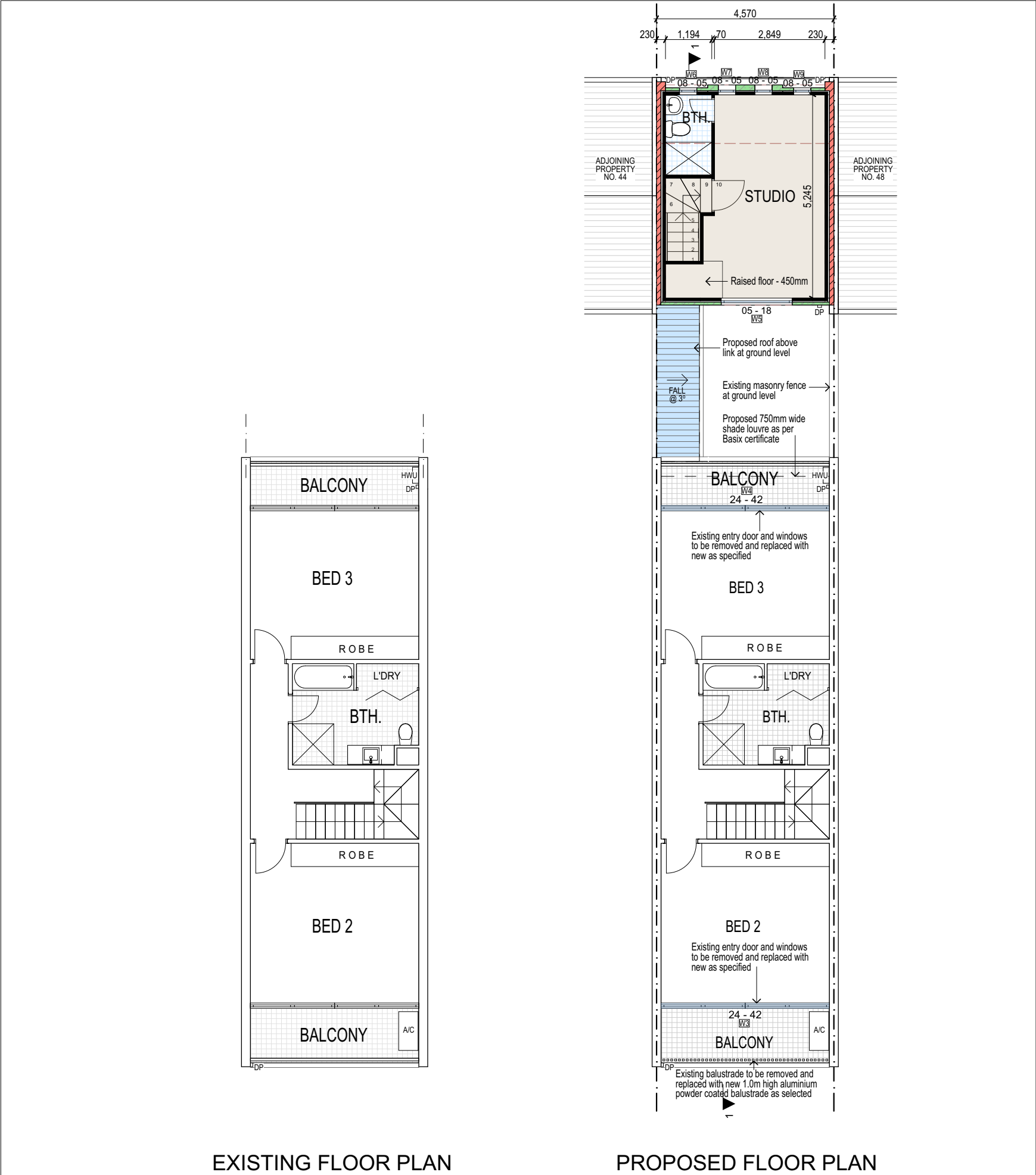
1. Architectural Plans [↓](#) 
2. Amended Clause 4.6 Written Request [↓](#) 
3. Heritage - Re-Referral Response [↓](#) 
4. Trees - Re-Referral Response [↓](#) 
5. Drainage - Referral Response [↓](#) 



4	Parapet RL's shown	22-3-24	client	HARI RAJU	DA PLANS		
3	Alterations & additions to existing dwelling removed	21-3-24					
2	Issued for DA submission	13-9-23					
1	Issued for review	12-7-23					
no.	amendment	date					
BORIS GRGUREVIC & ASSOCIATES P/L ACCREDITED BUILDING DESIGNER (Reg. No. 6213) REGISTERED DESIGN PRACTITIONER (DEP0002934) M 0418 863 975 E borisgrg@optusnet.com.au			project	PROPOSED LOFT ABOVE EXISTING GARAGE, AND ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE	title SITE PLAN		
					job number		
			notes: All dimensions & levels to be checked & verified on site by the builder prior to the commencement of any works. Use figured dimensions in preference to scale.	address	46 CECIL STREET PADDINGTON	date	Sept. 2023
dwg by	BG	sheet no.				1 of 7	



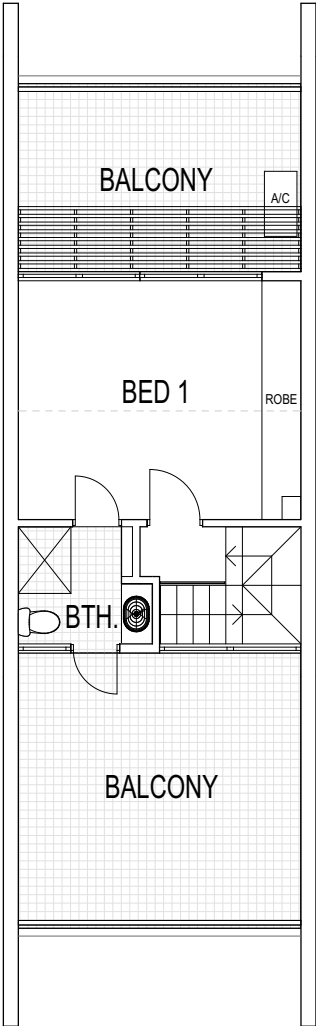
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notes: All dimensions & levels to be checked & verified on site by the builder prior to the commencement of any works. Use figured dimensions in preference to scale.			address	46 CECIL STREET PADDINGTON	date	Sept. 2023
					scale	1:100 @ A3
					dwg by	BG
					sheet no.	2 of 7



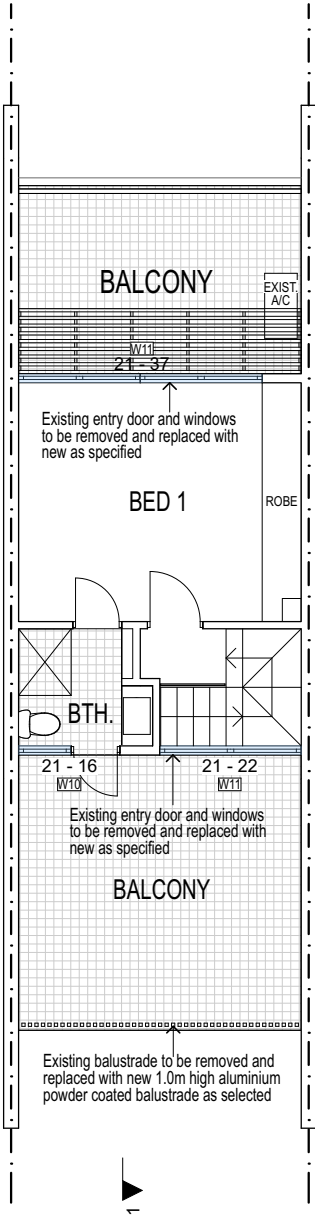
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			address	46 CECIL STREET PADDINGTON	job number	
notes: All dimensions & levels to be checked & verified on site by the builder prior to the commencement of any works. Use figured dimensions in preference to scale.					date	Sept. 2023
					scale	1:100 @ A3
					dwg by	BG
					sheet no.	3 of 7

Fixtures and systems
Hot water
The applicant must install the following hot water system in the development: electric heat pump system that is eligible to create Renewable Energy Certificates under the (Commonwealth) Renewable Energy (Electricity) Regulations 2001 (incorporating Amendment Regulations 2005 (No. 2)).
Lighting
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.
Fixtures
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

Construction		
Insulation requirements		
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.		
Construction	Additional insulation required (R-value)	Other specifications
suspended floor above garage: framed (R0.7).	nil	N/A
floor above existing dwelling or building.	nil	N/A
external wall: AAC veneer (AAC: 75 mm)	R0.89 (or R1.70 including construction)	
external wall: external insulated façade system (EIFS)(façade panel: 50 mm)	nil	
external wall: brick veneer	R1.16 (or R1.70 including construction)	
raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)

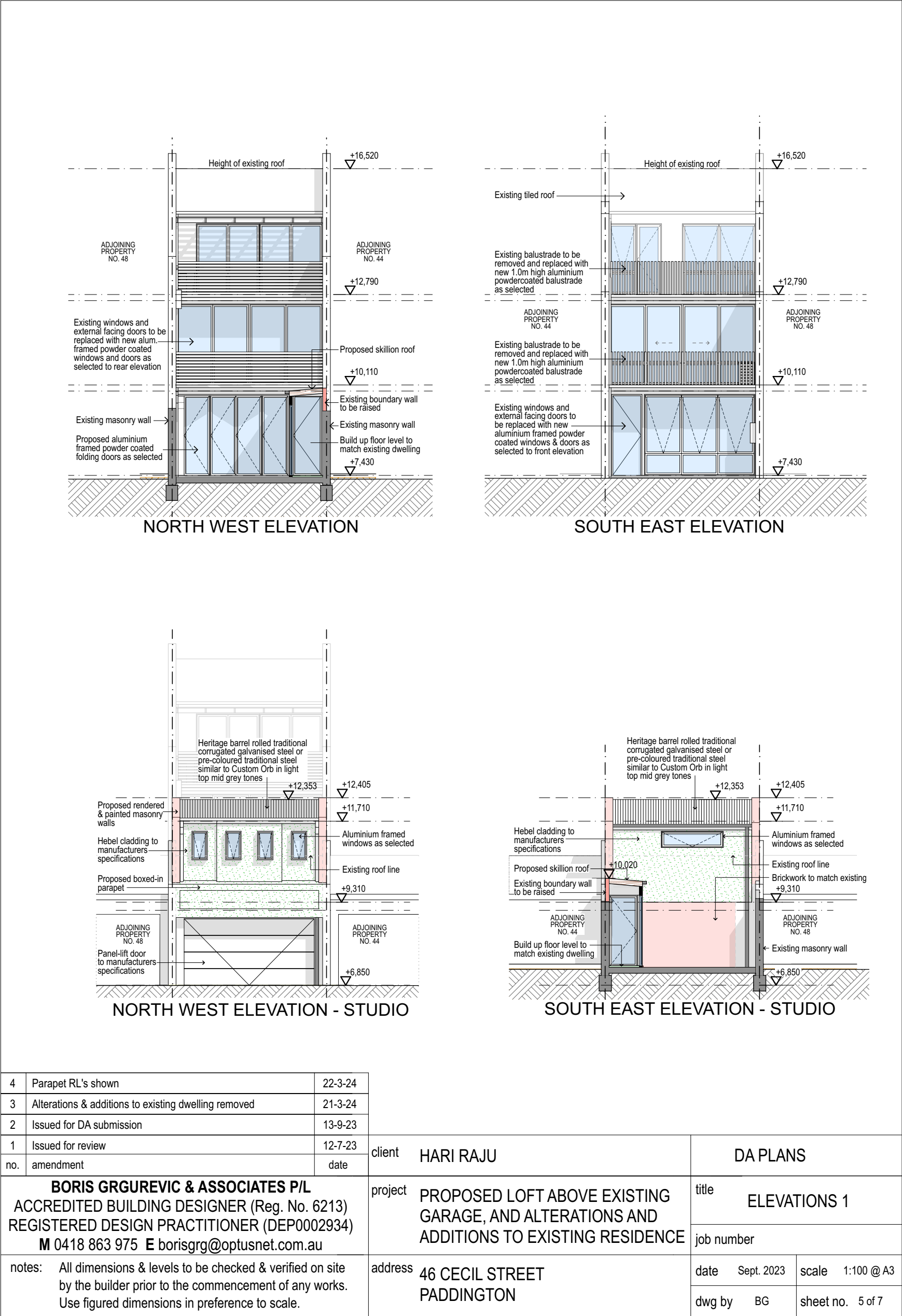


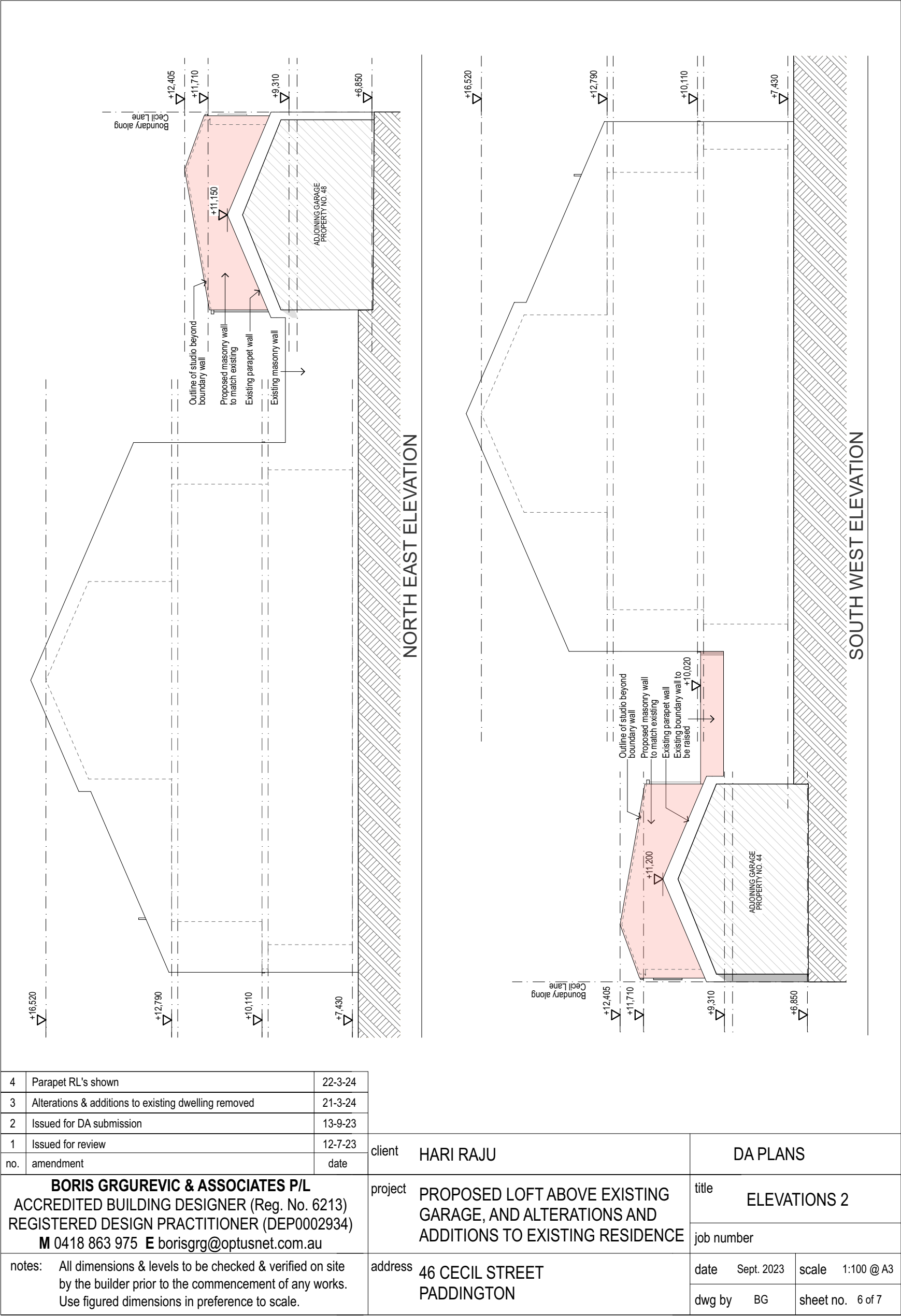
EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN

4	Parapet RL's shown	22-3-24	client	HARI RAJU	DA PLANS	
3	Alterations & additions to existing dwelling removed	21-3-24				
2	Issued for DA submission	13-9-23				
1	Issued for review	12-7-23				
no.	amendment	date				
BORIS GRGUREVIC & ASSOCIATES P/L ACCREDITED BUILDING DESIGNER (Reg. No. 6213) REGISTERED DESIGN PRACTITIONER (DEP0002934) M 0418 863 975 E borisgrg@optusnet.com.au			project	PROPOSED LOFT ABOVE EXISTING GARAGE, AND ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE	title ATTIC FLOOR PLAN	
					job number	
notes: All dimensions & levels to be checked & verified on site by the builder prior to the commencement of any works. Use figured dimensions in preference to scale.			address	46 CECIL STREET PADDINGTON	date	Sept. 2023
					scale	1:100 @ A3
					dwg by	BG
					sheet no.	4 of 7





Glazing requirements

Windows and glazed doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

The following requirements must also be satisfied in relation to each window and glazed door:

Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.

Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.

For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.

External louvers and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.

Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W1	SE	10.08	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W2	NW	8.16	4.2	4.7	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W3	SE	10.08	0	0	none	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W4	NW	10.08	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W5	SE	0.9	6.5	3.9	none	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W6	NW	0.4	0	0	external louver/blind (adjustable)	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W7	NW	0.4	0	0	external louver/blind (adjustable)	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W8	NW	0.4	0	0	external louver/blind (adjustable)	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W9	NW	0.4	0	0	external louver/blind (adjustable)	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W10	NE	3.36	0	0	external louver/blind (adjustable)	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W11	NE	4.62	0	0	external louver/blind (adjustable)	standard aluminium, clear/air gap/ clear, (U-value: 5.34, SHGC: 0.67)
W12	NW	7.77	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)

4	Parapet RL's shown	22-3-24
3	Alterations & additions to existing dwelling removed	21-3-24
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no.	amendment	date

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notes: All dimensions & levels to be checked & verified on site by the builder prior to the commencement of any works. Use figured dimensions in preference to scale.

client

HARI RAJU

project

PROPOSED LOFT ABOVE EXISTING GARAGE, AND ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE

address

46 CECIL STREET
PADDINGTON

DA PLANS

title

SECTIONS AND BASIX NOTES

job number

date

Sept. 2023

scale

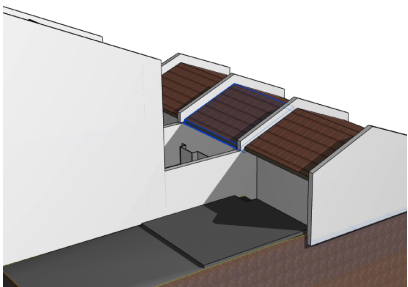
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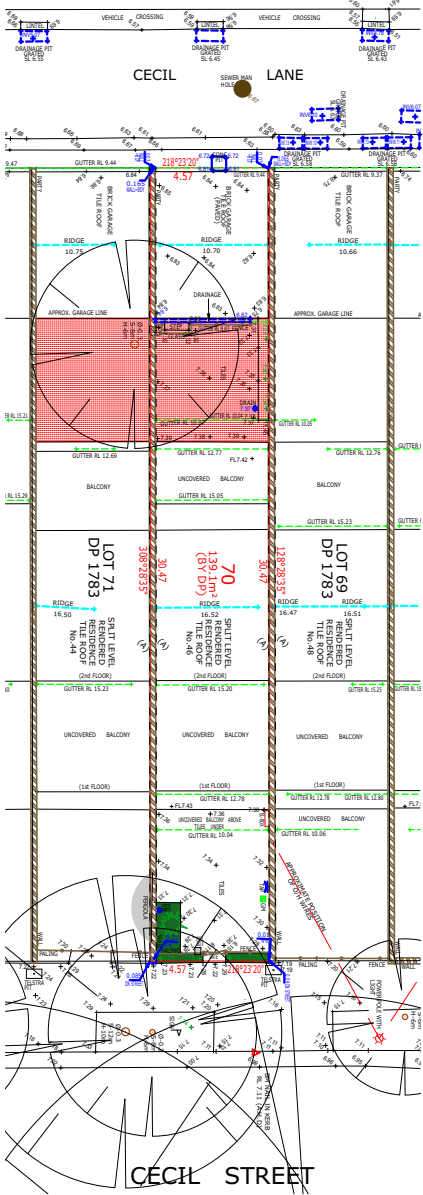
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sheet no.

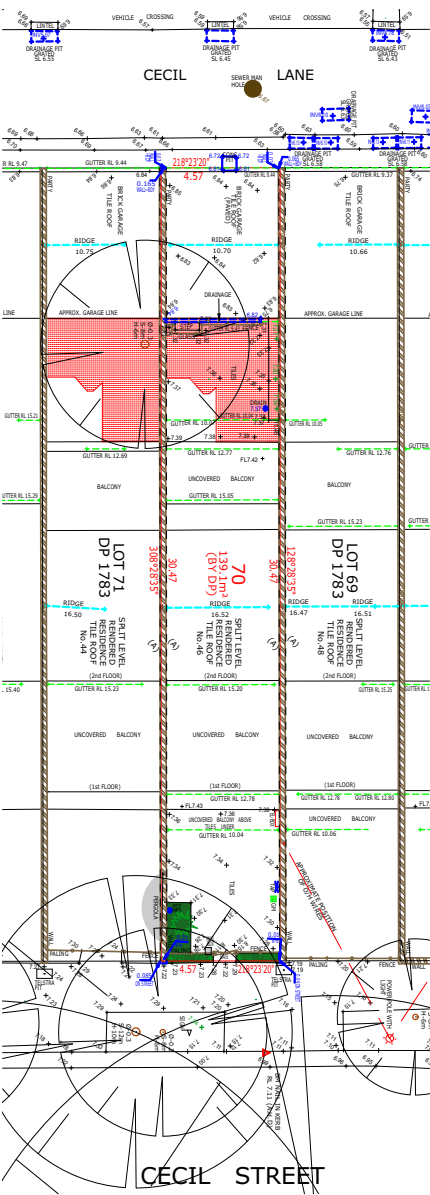
7 of 7



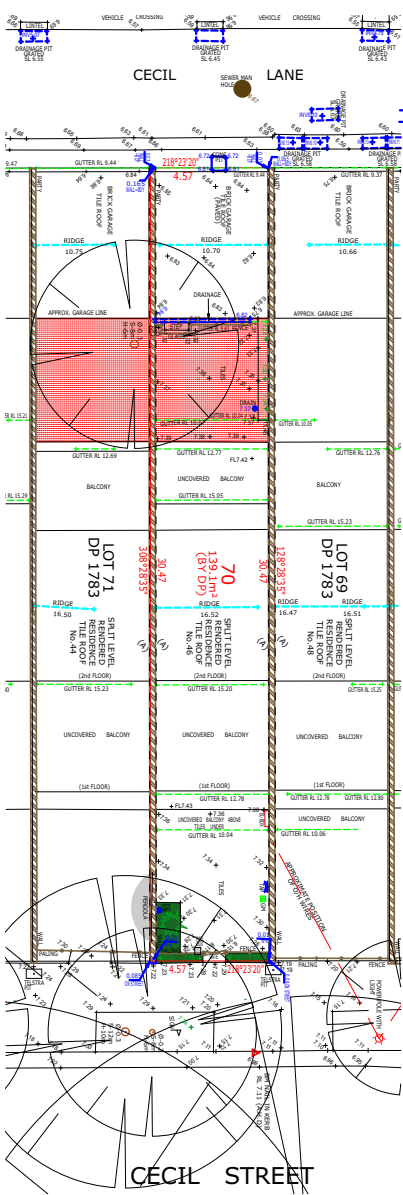
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48 Cecil Street at 12.00pm



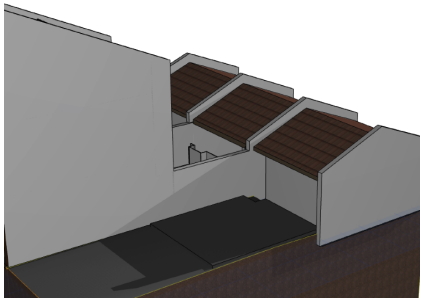
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12.00PM

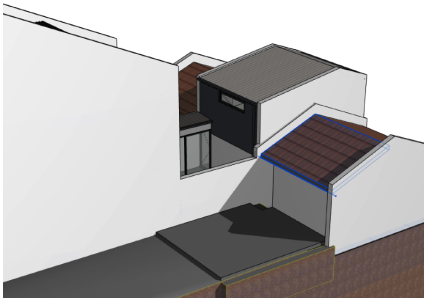


3.00PM

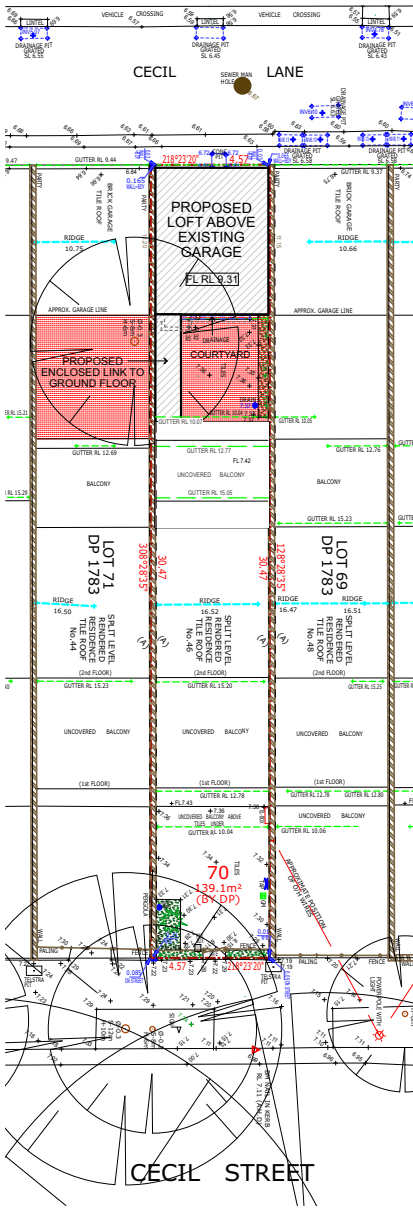


Existing shadow casting onto
48 Cecil Street at 3.00pm

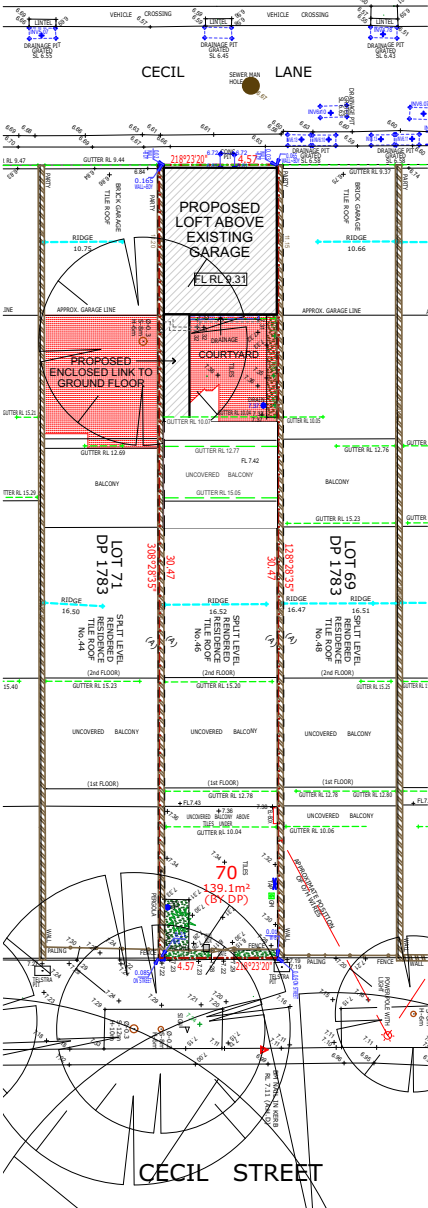
2				
1	Additional shadows	21-3-24	client	HARI RAJU
no.	amendment	date		DA PLANS
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		title	SHADOW DIAGRAMS 21st JUNE - EXISTING	
notes: All dimensions & levels to be checked & verified on site by the builder prior to the commencement of any works. Use figured dimensions in preference to scale.		address	46 CECIL STREET PADDINGTON	
		date	Feb. 2024	scale 1:250 @ A3
		dwg by	BG	sheet no. 1 of 2



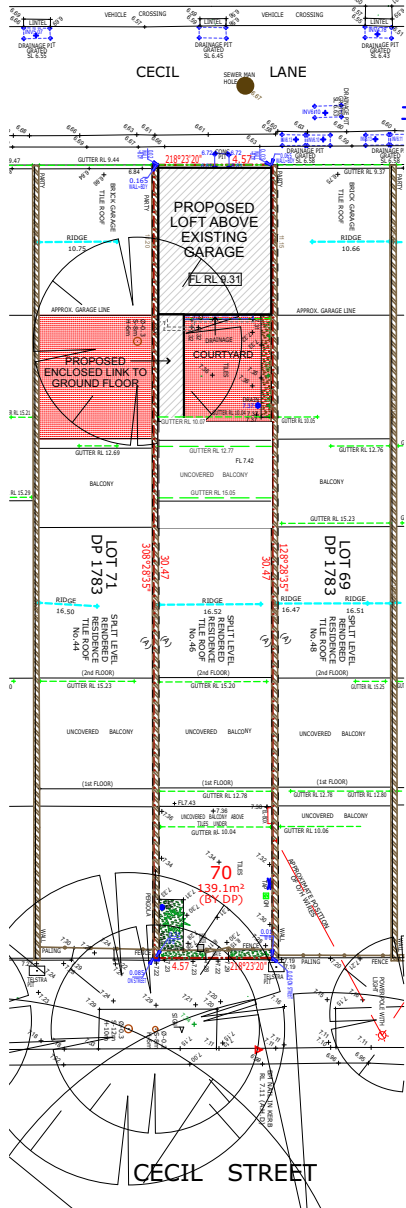
Proposed shadow casting onto
48 Cecil Street at 12.00pm



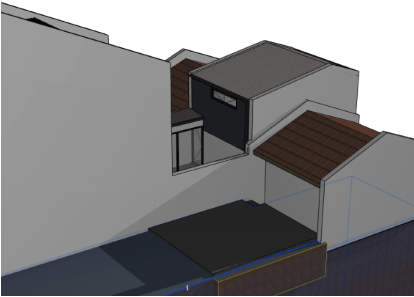
9.00AM



12.00PM



3.00PM



Proposed shadow casting onto
48 Cecil Street at 3.00pm

2					
1	Additional shadows	21-3-24	client	HARI RAJU	DA PLANS
no.	amendment	date			
BORIS GRGUREVIC & ASSOCIATES P/L ACCREDITED BUILDING DESIGNER (Reg. No. 6213) REGISTERED DESIGN PRACTITIONER (DEP0002934) M 0418 863 975 E borisgrg@optusnet.com.au			project	PROPOSED LOFT ABOVE EXISTING GARAGE, AND ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE	title SHADOW DIAGRAMS 21st JUNE - PROPOSED
notes: All dimensions & levels to be checked & verified on site by the builder prior to the commencement of any works. Use figured dimensions in preference to scale.			address	46 CECIL STREET PADDINGTON	job number
					date Feb. 2024 scale 1:250 @ A3
					dwg by BG sheet no. 2 of 2



Clause 4.6 Variation Request – Floor Space Ratio (FSR)

Proposal: Studio above the Existing Rear Lane Garage; Awning;
Alterations and Additions to Existing Dwelling

Address: No. 46 Cecil Street, Paddington NSW 2021 / Lot 70 DP 1783

To: Woollahra Municipal Council

Date: July 2023; Rev March 2024

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*



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QA Record:
Doc ID: 4.6.20231007 CL / 2024.1503 CL
Issue: V1

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*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

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Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021

1. INTRODUCTION

This variation request has been prepared to demonstrate that the proposed departure from the applicable floor space ratio (FSR) can be recommended for approval by Council and determined for approval by the Local Planning Panel in accordance with the Woollahra Local Environmental Plan (WLEP) 2014 Clause 4.6 - Exceptions to Development Standards.

The objectives of Clause 4.6 of the WLEP 2014 are:

- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The subject site is zoned R3 Medium density residential. In accordance with Clause 4.4 of WLEP the maximum permissible Floor Space Ratio (FSR) on the subject site is 0.9:1.

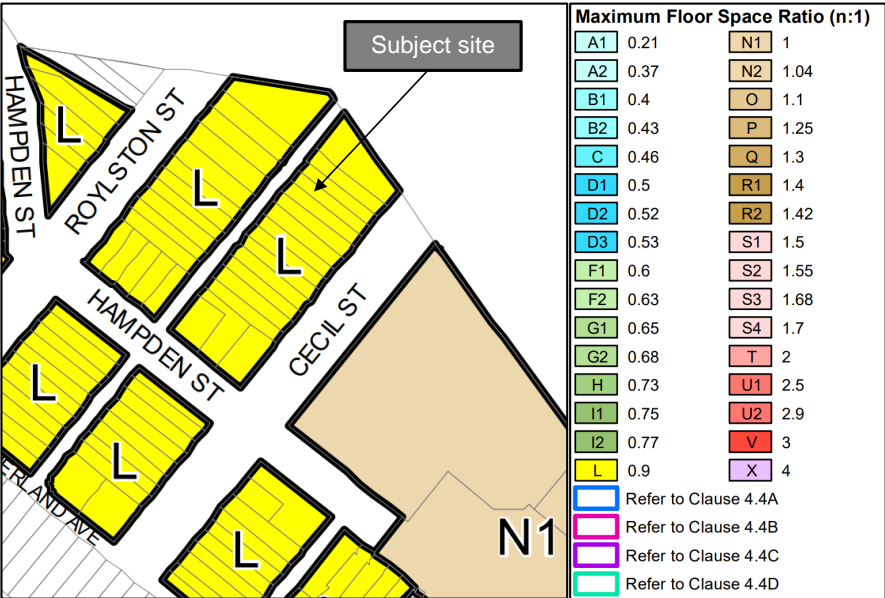


FIGURE 1: Maximum FSR (Source Woollahra local Environmental Plan 2014)

Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021

2. FSR VARIATION ASSESSMENT

Based on the Floor Space Ratio Maps in the WLEP, the maximum FSR of 0.9:1 applies to the subject site. This equates to a maximum gross floor area (GFA) of 125.19m² for the 139.1sqm lot size of the subject site.

Surveyed Site Area	Existing GFA	Proposed GFA	Net increase in variation
139.1m ²	Ground floor: 60.19sqm	Ground floor 60.19sqm	Ground floor 0
	First Floor: 51.27sqm	First floor 51.27sqm	First floor 0
	Attic: 21.24sqm	Attic 21.24sqm	Attic 0
		New studio loft 19.68sqm	New studio loft 19.68sqm
	Existing Total GFA: 132.70sqm	Proposed total GFA: 152.38sqm	Net Increase: 19.68sqm
	Existing FSR: 0.95:1 Existing variation: 7.51sqm Over +6%	Proposed total FSR: 1.10:1 Proposed total variation: 27.19sqm Over +22%	FSR <u>Net</u> increase: 0.16:1 Net variation increase: 19.68sqm additional +16%

TABLE 1: FSR VARIATION ASSESSMENT

FSR ASSESSMENT:

The proposed development comprises a total GFA of 152.38m², which is equivalent to an FSR of 1.10:1. This exceeds the development standard by 27.19m², which equates to a non-compliance of 22%.

It is important to note that the existing building has a current FSR of 0.95:1, with a GFA of 132.70sqm. The total additional GFA proposed is 19.68m², which represents a net increase of 16% over the existing GFA.

Where the variation of a development standard exceeds 10%, the DA must be determined by the Local Planning Panel.

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

3. CLAUSE 4.6 CONSIDERATIONS

Clause 4.6 (2) provides that:

Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

It is noted that the FSR control is not expressly excluded from the operation of this clause. This Clause 4.6 request is prepared in accordance with the specific requirements of Clause 4.6 (3) and Clause 4.6 (5) and therefore includes consideration of:

- *Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;*
- *Whether there are sufficient environmental planning grounds to justify contravening the development standard;*
- *Whether contravention of the development standard raises any matter of significance for State or regional environmental planning; and*
- *The public benefit of maintaining the development standard.*

Clause 4.6 (4) provides that consent must not be granted for development that contravenes a development standard unless—

(a) The consent authority is satisfied that—

(i) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

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

(b) The concurrence of the Planning Secretary has been obtained.

In accordance with Planning Circular PS 20-002 (5 May 2020) the Secretary's concurrence can be assumed where a decision is made by an Independent Hearing and Assessment Panel such as the Woollahra Local Planning Panel where they are exercising the council's functions as a consent authority in accordance with the relevant notice. Concurrence can only be assumed if the consent authority has first considered (in relation to a clause 4.6 request):

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Page 5 of 27

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

- *Whether contravention of the development standard raises any matter of significance for state or regional environmental planning; and*
- *The public benefit of maintaining the development standard.*

This request for variation of the standards has also been prepared with reference to Varying development standards: *A Guide August 2011 published by the Department of Planning Infrastructure and Environment*. This request considers the three relevant sections of the Wehbe 'five part test' (*Wehbe v Pittwater Council (2007) 156 LGERA 446*):

- 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard;*
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (not relevant in this instance);*
- 4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone (not relevant in this instance).*

This clause 4.6 request for variation of the FSR development standard demonstrates that, in the circumstances of this case, there are sufficient environmental planning grounds to justify the proposed non compliance with the maximum permissible FSR as evidenced by the:

- a) Compliance of the proposed development with the objectives of the zone and FSR standard which in turn demonstrates that the proposed development is in the public interest as detailed within this report;
- b) Consistency of the proposed additional floor space and building bulk and scale with the existing character of the locality as demonstrated by the photographic context in Figures 2 through to Figure 6;
- c) Consistency of the proposed additional floor space and building bulk and scale with the desired future character of the residential precinct. This is demonstrated by the ability of the proposed development to help achieve the stated objectives of the subject zoning detailed within this report;

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

- d) Lack of any excessive adverse cumulative impact associated with the FSR non-compliance as demonstrated in the analysis of recent local approvals outlined within this report
- e) Consistency with the Council's historic application of the FSR standard and Clause 4.6 in the local area as illustrated in Figure 7 which detail precedent for approval of the proposed FSR exceedance;
- f) The proposed development notwithstanding the FSR non-compliance satisfies the draft revised test for Clause 4.6 and provides a better planning outcome for the site and the locality.

On this basis it can be concluded that the proposed development will achieve better planning, environmental, social and economic outcomes if flexibility is provided with regard to the FSR standard in the particular circumstances of the case in which this variation sought.

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

4. JUSTIFICATION FOR VARIATION

As held by the court in *Wehbe v Pittwater Council* [2007] NSWLEC827, development standards are not an end in themselves but a means of achieving environmental and planning objectives. Where the objectives of the development standard are achieved, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

4.1 Compliance with The FSR Development Standard Is Unnecessary

The following subsection of this report demonstrates that compliance with the FSR standard is unnecessary in this instance because the proposed development meets the objectives of the FSR standard and the zone and consequently the intent of the FSR standard is achieved regardless of the non-compliance.

4.2 Compliance with The Objectives of Clause 4.4

The proposed development complies with the relevant objectives of the zone. This assessment considers only those objectives that are relevant to the proposed development, which are:

- a) To ensure the bulk and scale of new development is compatible with the desired future character of the area, and
- b) To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and
- c) To ensure that development allows adequate provision on the land for deep soil planting and areas of private open space,

Compliance Assessment

The proposed development consists of contemporary infill development wherein the additional floor areas are limited to the first-floor studio addition to an existing ground floor single garage. The proposed development is in keeping with the desired future character of the Paddington HCA as assessed in Table 2 below. The proposed development will not result in any excessive undue environmental impacts upon the adjoining properties and the public domain. The proposed development, being limited to a first-floor studio addition, will not result in any works that would require removal of trees or existing landscaped areas on the site and is therefore compliant with the objectives of Clause 4.4 of the WLEP.

C1.2.4 – Desired Future Character – Paddington Heritage Conservation Area (HCA)		
Desired future character	Assessment	Compliance
a) retains the unique national heritage significance of Paddington and	The proposed development is a first-floor loft studio above an existing rear loaded	Yes

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

recognises it as a rare and distinctive urban area;	single garage building, fronting a rear lane way and alterations and additions to the existing dwelling. The proposed development will provide a variety of building types on the site. The proposed development is a contemporary infill development that retains and complements the existing contributory residential item to the Paddington HCA. The proposed studio and alterations and additions are ancillary to the existing primary terrace dwelling and will not result in any change to the existing residential precinct. Except for the replacement of the front façade doors and windows facing Cecil Street, these works are generally towards the rear of the site abutting Cecil Lane and will have negligible impact upon the primary road domain. Furthermore, the materials for the replacement of the front façade doors and windows that will be used are deemed consistent with the adjoining dwellings. Lastly, the adjoining lots at Nos. 42, 40 and 38 Cecil Street have DA approvals for an almost identical development, proposing a studio above the existing rear lane garage that have a similar FSR variations of 29%, 29% and 13%, respectively. For the above reasons, it is deemed that the proposed development will retain the cohesive character evident regarding roof form, bulk/ scale and density of the immediate precinct and will result in development that remains in harmony with both Cecil Street and Cecil Lane streetscapes.	
b) reinforces the area as a special residential precinct;		
c) retains and promotes evidence of the historical development of the area and enables interpretation of that historical development;		
d) retains the cohesive character evident in the low scale, high density built form;		
e) retains distinctive features such as parapets, chimneys, mixture of roofs, complex of roads, laneways and alleyways, consistency of colours, subdivision patterns and buildings which follow the landform and the distinctive patterns of terrace house groups;		
f) continues to cater for varied uses and building types within the residential area;		
g) retains the diversity of building types including multi-storey and single-storey terrace house rows, modest scale timber and masonry cottages, semi-detached dwellings, dwelling houses, commercial buildings, pubs, former industrial buildings, places of public worship and public buildings;		
h) enables people to walk or cycle to shops, public transport, schools, parks and entertainment facilities in a safe, pleasant and healthy environment;		
i) provides attractive and vibrant shopping areas for locals and tourists;	N/A	N/A
j) provides for sharing of views and vistas; and	The proposed development is limited to a first-floor addition to the rear lane and	Yes

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

	alterations to the existing dwelling. The works are architecturally designed to remain subservient to the existing primary dwelling. The proposal, thus, will not result in any undue impact upon view loss.	
k) exhibits contemporary design excellence.	Assessed above	Yes

TABLE 2: WDCP Desired Future Character Assessment

4.3 Compliance with The Objectives of the Zone

Numerical standards are often a crude reflection of intent. Development may achieve the underlying purpose of a standard even though it does not strictly comply with the numerical control. It is widely recognised that such variations can be numerically small or large. The subject site is zoned R3 Medium density residential, and the proposed development complies with the objectives of the zone which are addressed thematically as follows:

- d) To provide for the housing needs of the community within a medium density residential environment;
- e) To enable other land uses that provide facilities or services to meet the day to day needs of residents, and;
- f) To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

Compliance Assessment

The development proposal involves the construction of a first-floor loft studio above an existing single garage that fronts Cecil Lane to the rear of the subject site and alterations and additions to the existing dwelling. The former involves an open plan loft- studio area while the latter involves the replacement of windows, doors and balustrades which will not impact on the FSR.

The requirement of the added studio space is largely driven by the response to the increasing daily needs of its residents, a number of whom are working from home where possible. In order to accommodate and facilitate this requirement, the proposed development will provide the necessary office space to carry out day to day functions to facilitate work from home requirements.

The proposed works are to be utilized ancillary to the existing primary dwelling, thus providing for the housing needs of the owner- occupants of the premises.

The proposed studio is limited to a 2-story rear lane-fronting structure, which is characteristic of the Cecil Lane streetscape as illustrated in Figures 2 to 6 below. The proposed will likewise be in keeping with the development in the adjoining properties at Nos. 42, 40 and 38 Cecil

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

Street, all of which have DA approvals for an almost identical studio above the existing rear lane garage and have FSR variations of 29%, 29% and 13%, respectively.

Subsequently, the proposed development will not result in any undue excessive environmental impact and is in keeping with the abovementioned objectives of clause 4.4 of the WLEP.



Figure 2: Existing streetscape of Cecil Lane
Consisting of 2 storey, rear-loaded lots on both sides



Figure 3: Existing streetscape of Cecil Lane
Consisting of 2 storey, rear-loaded lots on both sides

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*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*



Figure 4: Existing streetscape of Cecil Lane
Consisting of 2 storey, rear-loaded lots on both sides



Figure 5: Existing streetscape of Cecil Lane
Consisting of 2 storey, rear-loaded lots on both sides

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*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*



Figure 6: Existing streetscape of Cecil Lane
Consisting of 2 storey, rear-loaded lots on both sides

4.4 Compliance with FSR Development standard is unreasonable

The subsequent section of this report demonstrates that compliance with the FSR standard is unreasonable in this instance because the cumulative impact of the non-compliance with the FSR standard is acceptable.

The following analysis of recent approvals in the Zone R3 – Medium Density Residential by Woollahra City Council demonstrates that compliance with the FSR standard is unreasonable in this instance (i.e. no purpose would be served). This is because Council has established a precedent for approvals of this nature, through the granting of consent to other development that contravenes the FSR standard within the local area. Recent similar approvals are illustrated in Figure 7 and detailed in the Appendix of this report.

In addition to the DA approval at the adjoining properties at Nos. 42, 40 and 38 Cecil, which likewise have non-compliant FSRs of 29%, 29% and 13%, respectively, other recent similar approvals are documented herein. The proposed development increases the efficiency with which the site and the Precinct itself can be utilised. The proposed additional floor space meets the residential needs of the premises.

The other approved development nearby, more specifically DA 2020/16 and DA 2020/17, at No. 28 Cecil Street and No. 30 Cecil Street, respectively, were approved on the 2nd of June

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

2020 with variations to the Clause 4.4 of the WLEP. On this basis, the proposed development will not give rise to adverse cumulative impacts but will rather be in keeping with the existing established streetscape of Cecil Lane.

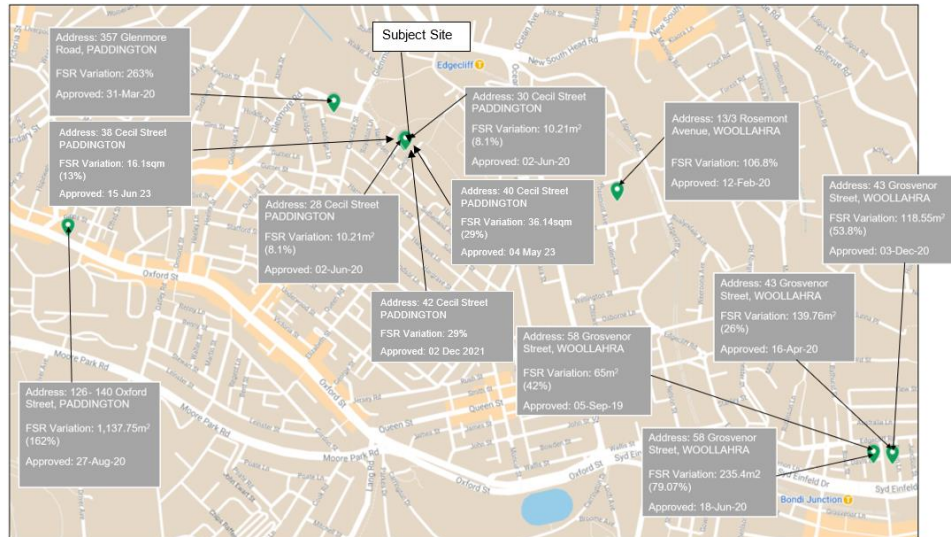


FIGURE 7: Development Approvals in the locality with FSR Exceedance
(Source: Woollahra Clause 4.6 Register)

The cumulative effect of the similar approvals granted in the locality has not been and will not be to undermine the objectives of the development standard or the planning objectives for the zone. This is because the built form fronting the Cecil Lane precinct will serve the existing residential needs of the premises and will result in outcomes that are in keeping with the desired future character of the Paddington HCA. Accordingly, compliance with the development standard in this instance would be deemed unreasonable.

*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*

5 CONCLUSION

This Clause 4.6 variation request demonstrates that there are sufficient environmental planning grounds to justify contravening the WLEP 2014 Maximum Floor Space Ratio standard in this instance.

This is demonstrated by the:


- Compliance of the proposed development with the objectives of the zone and FSR standard which in turn demonstrates that the proposed development is in the public interest as detailed within this report;
- Consistency of the proposed additional floor space and building bulk and scale with the existing character of the locality as demonstrated by the photographic context in Figures 2 – 6;
- Consistency of the proposed additional floor space and building bulk and scale with the desired future character of the Paddington HCA. This is demonstrated by the ability of the proposed development to help achieve the stated desired future characteristics of the said precinct;
- Lack of any adverse cumulative impact associated with the FSR non-compliance as demonstrated in the analysis of recent local approvals within this report;
- Consistency with the Council's historic application of the FSR standard and Clause 4.6 in the local area as illustrated in Figure 7 and detailed in the Appendix of this report which details precedent for approval of the proposed FSR exceedance for residential development within the R3 Zoned areas of Paddington and Woollahra;

On this basis it can be concluded that the proposed development will achieve better planning, environmental, social and economic outcomes if flexibility is provided with regard to the FSR standard in the particular circumstances of the case in which this variation sought.


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*Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
No. 46 Cecil Street, Paddington NSW 2021*


6 APPENDIX – EXCERPTS FROM WOOLLAHRA CLAUSE 4.6 REGISTER

DA Number	Street Name	Category of Development	Zoning of Land	Development Standard to be Varied	Justification of Variation	Extent of Variation	Date DA Determined
384/2021	42 Cecil Street PADDINGTON	Residential – Alterations & Additions	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	<p>Pre-existing non-compliance</p> <p>The FSR of the development is consistent with that of surrounding development in terms of scale, built form and context.</p> <p>No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation).</p> <p>Sufficient environmental planning grounds.</p> <p>Consistent with objectives of the standard.</p>	<p>Variation: 28.9%</p> <p>Control: 0.9:1</p> <p>Proposal: 1.16:1</p>	02 Dec 2021
							


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DA Number 2020/16	Street Name	Category of Development	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Date DA Determined
	28 Cecil Street PADDINGTON	Residential - Alterations & additions	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Consistent with the objectives of the standard and objectives within the zone	FSR - 10.21m2 (8.1%)	02-Jun-20
							

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DA Number	Street Name	Category of Development	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Date DA Determined
2020/17	30 Cecil Street PADDINGTON	Residential - Alterations & additions	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Consistent with the objectives of the standard and objectives within the zone	FSR - 10.21m2 (8.1%)	02-Jun-20
							


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DA Number	Street Name	Category of Development	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Date DA Determined
2019/516	43 Grosvenor Street WOOLLAHRA	Residential - Single new dwelling	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	The submission adequately demonstrated that the contravention of the FSR development standard prescribed by Part 4.4 of the Woollahra LEP 2014 is justified pursuant to the relevant matters for consideration prescribed by Clause 4.6.	FSR – 139.76m2 (26%)	16-Apr-20
							


Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
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DA Number	Street Name	Category of Development	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Date DA Determined
2020/340	43 Grosvenor Street, WOOLLAHRA	Residential	R3 – Medium density residential	4.4. Floor space ratio	The non-compliance is pre-existing. The proposal will only marginally increase the floor area by 9.5m2. The proposal will still achieve consistency with the Objectives of both the standard and of the zone. And there are sufficient environmental planning	FSR – 118.55m2 (53.8%)	03/Dec/2020


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DA Number	Street Name	Category of Development	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Date DA Determined
2020/47	58 Grosvenor Street WOOLLAHRA	Residential - Alterations & additions	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	The submission adequately demonstrated that the contravention of the FSR development std prescribed by Part 4.4 WLEP 2014 is justified pursuant to relevant matters prescribed by Clause 4.6. Strict compliance w development std is unreasonable & unnecessary	FSR - 235.4m2 (79.07%)	18-Jun-20
							

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DA Number	Street Name	Category of Development	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Date DA Determined
2019/20	58 Grosvenor Street WOOLLAHRA	Residential - Alterations & additions	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Consistent with existing context and does not result in any detrimental environmental impact	FSR - 65m² (42%)	05-Sep-19
							

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DA Number	Street Name	Category of Development	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Date DA Determined
2019/447	13/3 Rosemont Avenue WOOLLAHRA	Residential - Alterations & additions	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	The written submissions from the applicant have adequately demonstrated that the contravention of the Height of Building and Floor Space Ratio development standards prescribed by Part 4.3 and Part 4.4 of the Woollahra LEP 2014 are justified pursuant to	FSR - 106.8%	12-Feb-20
							

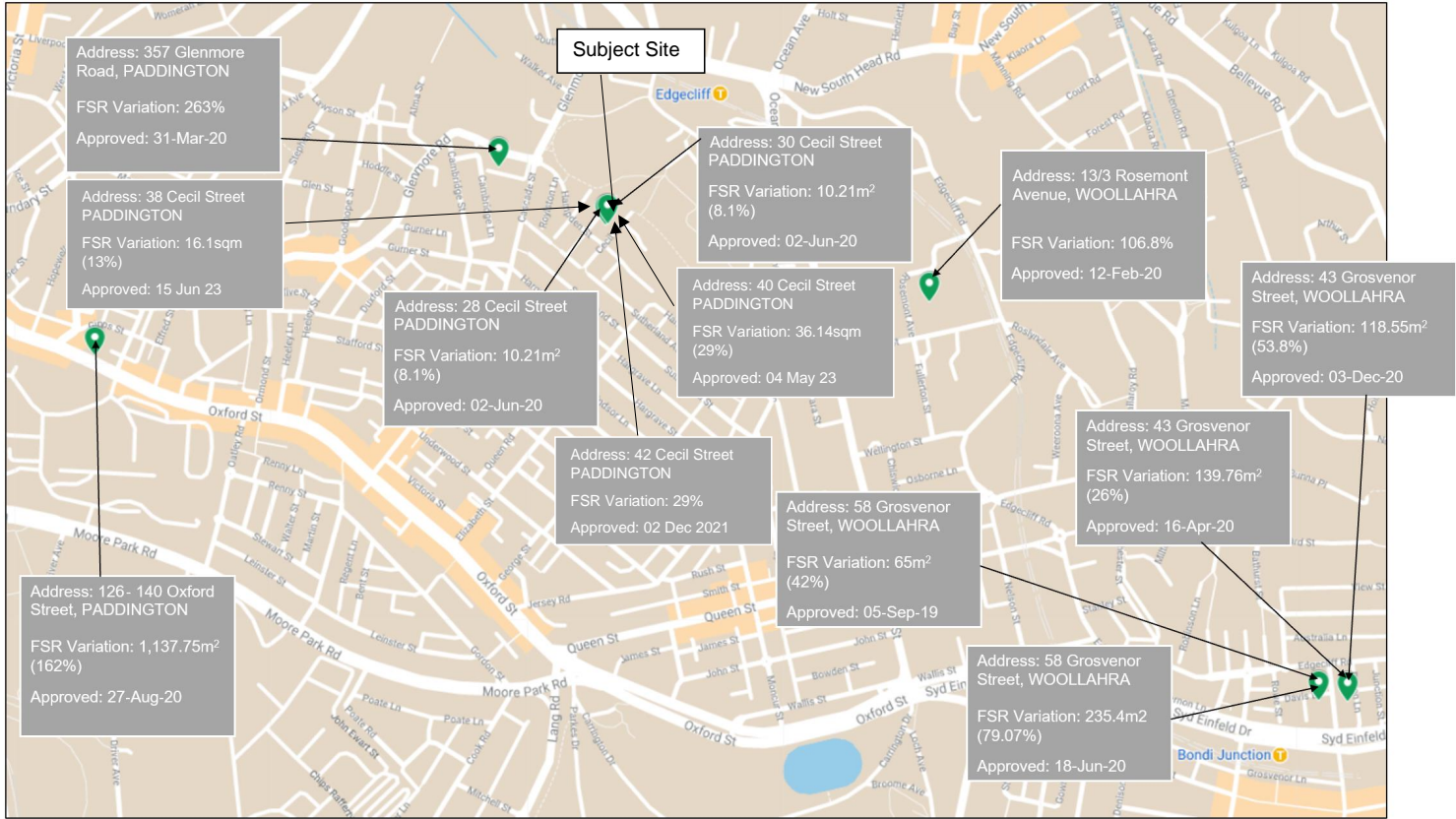
Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
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DA Number	Street Name	Category of Development	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Date DA Determined
2020/ 09	357 Glenmore Road PADDINGTON	Residential - Alterations & additions	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Complies with the relevant objectives of the WLEP 2014	FSR - 263%	31-Mar-20

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DA Number	Street Name	Category of Development	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Date DA Determined
2019/146	126 - 140 Oxford ST PADDINGTON	Residential - Alterations & additions	R3 Medium Density Residential	4.4. Floor space ratio	FSR: Existing non-compliance and provision of a roof more in-keeping with the conservation area.	FSR – 1,137.75m2 (162%)	27-Aug-20
							

Proposed Studio above the Existing Garage; Alterations and Additions to Existing Dwelling
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18 March 2024

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 344/2023/1
ADDRESS: 46 Cecil Street PADDINGTON 2021
PROPOSAL: Alterations and additions including a new loft above existing garage
FROM: Nastaran Forouzesh
TO: V Truong

1. DOCUMENTATION

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

- Amended drawing set by Boris Grgurevic & Associates P/L, dated 14 March 2024, Issue 3
- Revised schedule of finishes, undated
- Revised Statement of Environmental Effects by Local Approvals, dated March 2024
- Heritage Impact Statement and Statement of Environmental Effects by Local Approvals, dated September 2023
- Survey plan by Gebern Surveys, ref 122013-01, dated January 2022

2. SITE INSPECTION / RESEARCH

The following research was undertaken in the preparation of this assessment:

- The site was inspected on 9 February 2024, including the interior and the general locality.

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.
- Previous heritage referral response for DA2023/344/1 dated 26 February 2024.
- Council's photography files relevant to the immediate area
- Council's heritage inventory sheets
- Council's aerial photography and mapping database
- Google Maps – street view

3. STATUTORY AND POLICY DOCUMENTS

The following statutory and policy documents are relevant to the application:

- National Parks & Wildlife Act 1974
- Woollahra LEP 2014
- Woollahra DCP 2015

4. ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

5. SIGNIFICANCE OF SUBJECT PROPERTY/TO THE CONSERVATION AREA

Constructed c. 1980s, the extant structures on the subject property comprise an attached terrace and a single storey garage. The existing terrace is of rendered and painted masonry
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construction with a gabled roof of tiles. The garage structure is of painted brick masonry construction with a gabled roof of tiles.

The subject site is part of group of terraces between no.'s 38-50 Cecil Street located along the western side of Cecil Street. The rear boundary of the property extends to Cecil Lane. The terrace group have the hallmarks of the Sydney School style of architecture. However, it is noted that although the original form of the terraces generally remains, the materiality of the front and rear elevations of the terraces has been modified since their construction.

National Parks and Wildlife Act 1974

The site is in an area of No Aboriginal Heritage Sensitivity. Therefore, an Aboriginal Heritage Impact Assessment was not required as part of the DA to ascertain whether potential Aboriginal cultural heritage will be impacted by the proposal.

The site does not contain landscape features that indicate the likely existence of Aboriginal objects as defined in Section 2, Step 2 p.12 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW ('Due Diligence Code') published by the Department of Environment, Climate Change and Water and dated 13 September 2010. The subject site is not considered to be on 'disturbed land' as per the definition outlined in the Due Diligence Code, p. 18. Nevertheless, to ensure complete protection, 'Due Diligence' and 'Unexpected Findings' conditions of consent will be included in any consent.

Woollahra LEP 2014

Clause 5.10 Heritage Conservation

The subject site is not a heritage item in Woollahra Local Environment Plan 2014 'the LEP' and is within a heritage conservation area.

Significance of items in the vicinity

There are no listed heritage items in close proximity that would be adversely affected by the proposal.

Clause 1.2 Aims of Plan

Subclause 1.2. (2) (f) – to conserve built and natural environmental heritage

The amended proposal generally retains the heritage significance of the Woollahra HCA, which is supported. To ensure complete protection of the significance of the HCA, conditions of consent will be included below.

Woollahra DCP 2015

The subject site is within the Paddington Heritage Conservation Area. The Paddington HCA chapter in the Woollahra DCP 2015 classifies buildings as contributory and intrusive. As this building is not an intrusive building, it is therefore considered to be contributory in the Paddington HCA.

As part of this assessment, the recent DAs at 38 Cecil Street (DA2023/81), 40 Cecil Street (DA2023/45/1) and 42 Cecil Street (DA2021/384/1), all part of the 1980s terrace group



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have been considered.

On 26 February 2024, design amendments were requested in the Heritage Referral Response for the DA, in response to the original drawing set submitted with the application. The applicant has since submitted an amended design, which will be assessed in this referral response.

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

1. *The proposed modifications to the roof of the terrace does not have regard to the building's context and is not consistent with the massing of the development within the streetscape. All terraces in the group have retained the existing roof form, pitch and ridge height. As a result, the proposed increase in ridge height is not supported and is to be deleted from the drawing set in order to comply.*
 - Woollahra DCP 2015, Chapter C1, Clause 1.2.4
 - Woollahra DCP 2015, Chapter C1, Clause 1.3.12, Objective O1, Control C2
 - Woollahra DCP 2015, Chapter C1, Clause 1.4.5, Objectives O1, O4, Controls C1, C3

Comment: The drawing set has been amended to delete all proposed works to the roof of the terrace, deleting the increase in ridge height. The existing roof form, pitch and ridge height would be retained. This would ensure that there would be consistency in the terrace group. This is supported and complies.

2. *The proposed rear extensions at first and attic floor level are not supported. All terraces in the group have a consistent rear building alignment at first and attic floor levels. The first and attic floor level extensions are to be deleted from the drawing set.*
 - Woollahra DCP 2015, Chapter C1, Clause 1.2.4
 - Woollahra DCP 2015, Chapter C1, Clause 1.3.12, Objective O1, Control C2
 - Woollahra DCP 2015, Chapter C1, Clause 1.4.6, Objective O3, Control C3

Comment: The drawing set has been amended to delete the rear extensions at first and attic floor levels, ensuring a consistent rear building alignment at these levels. This is supported and complies.

3. *Loft above garage structure:*
 - a) *The materiality of the walls of the loft above garage structure do not comply. The walls of the loft above garage structure are to be constructed of rendered and painted masonry.*
 - b) *The proposed loft level walls are to align with the garage walls below.*
 - Woollahra DCP 2015, Chapter C1, Clause 1.5.6, Objective O4, Controls C1, C6, Table 7
 - Woollahra DCP 2015, Chapter C1, Clause 1.5.7, Objectives O1, O6, Figure 27
 - Woollahra DCP 2015, Chapter C1, Clause 1.5.8, Objective O2, Control C4, Table 1

Comment: The drawing set has not been amended in response to the recommendations above. As a result, relevant conditions of consent will be included below.

4. *The proposed AC unit would be visible from the public domain which is not*



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supported. It is to be located so that it is not visible from the public domain, and so that it is less than 1.8 m above existing ground level in order to comply.

- *Woollahra DCP 2015, Chapter C1, Clause 1.5.11, Objective O3, Controls C3, C4*

Comment: The AC unit has been relocated to the first floor balcony along the south-eastern elevation. Although it would not be less than 1.8m above existing ground level in accordance with the DCP, it would be mostly concealed from the public domain by the proposed new balustrade. Its new location is therefore supported in this instance from a heritage perspective.

Summary:

The proposal has been amended in response to the heritage comments provided in the heritage referral response dated 26 February 2024 for DA2023/344/1. The amended drawings have resolved the majority of the heritage contentions. The design of the alterations and additions generally complies with the objectives and controls of the DCP which is supported. Where the proposal has not been amended, conditions of consent to address the non-compliances have been included below.

6. CONCLUSION

National Parks & Wildlife Service Act, 1979

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

Woollahra LEP 2014

- Clause 1.2 (2) (f) The development does conserve the built heritage of Woollahra.

Part 5.10

- Clause 1(a) The development does conserve the heritage of Woollahra.
- Clause 1(b) The impact upon the heritage significance of the conservation area will be neutral.
- Clause 4 This referral constitutes an assessment under this clause.

7. RECOMMENDATION

The proposal is generally acceptable, subject to conditions, as it complies with the relevant statutory and policy documents and would have a satisfactory impact.

Consent, subject to conditions:

Standard Conditions

B.	10.	Aboriginal Objects – Unexpected Findings
		<p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ul style="list-style-type: none"> a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse



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		<p>Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location.</p> <p>e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p>f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p>Notes:</p> <ul style="list-style-type: none"> The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. <p>Condition Reason: To protect Aboriginal objects</p>
B.	12.	<p>Aboriginal Heritage Due Diligence Responsibilities</p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p> <p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p> <p>Condition Reason: To protect Aboriginal heritage.</p>

Special conditions

D	1.	<p>Modification of Details of the Development (section 4.17(1)(g) of the Act</p> <p>Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p> <p><u>Loft above garage structure:</u></p> <p>c) The materiality of the walls of the loft above garage structure do not comply. The walls of the loft above garage structure are to be constructed of rendered and painted masonry.</p> <p>d) The proposed loft level walls are to align with the garage walls below.</p>
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	<ul style="list-style-type: none">• Woollahra DCP 2015, Chapter C1, Clause 1.5.6, Objective O4, Controls C1, C6, Table 7• Woollahra DCP 2015, Chapter C1, Clause 1.5.7, Objectives O1, O6, Figure 27• Woollahra DCP 2015, Chapter C1, Clause 1.5.8, Objective O2, Control C4, Table 1
	Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.

Nastaran Forouzesh
Heritage Officer

18 March 2024
Completion Date



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19 March 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 344/2023/1
ADDRESS: 46 Cecil Street PADDINGTON 2021
PROPOSAL: Alterations and additions including a new loft above existing garage
FROM: Sam Knight
TO: V Truong

1. ISSUES

- Additional deep soil and tree planting to be incorporated into the design prior to the issuing of the Construction Certificate.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Survey Plan, drafted by Gebern Surveys, dated January 2022
- Architectural Drawings, drawn by Boris GrGurevic & Associates Pty Ltd, dated 22 March 2024
- Arboricultural Impact Assessment Report, written by Urban Arbor, dated 25 October 2023
- Tree Pruning – Owners Consent Letter dated 29 January 2024

A site inspection was carried out on 13 December 2023.

3. RELEVANT CONTROLS

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks
- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites

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4. SUMMARY

The proposal is supported subject to the below tree conditions being included into the DA consent.

5. COMMENTS

Updated Plans

The updated plans have been reviewed. No changes are required to comments and conditions previously provided related to the tree within the neighbour property.

Deep Soil Planting

As detailed in the DCP, deep soil landscaped area is an important element of the overall landscape capabilities on a site. To be effective, deep soil landscaped area needs to be of suitable size, configuration and location to sustain medium to large vegetation. A minimum of 8% deep soil area is to be provided for the subject to site.

The proposal currently only includes 3.2% deep soil in the rear yard. This area is currently occupied by low vegetation which is considered appropriate for the rear yard due to the new link that will be constructed which limits extending the deep soil in this area.

However, it is considered that an additional deep soil area could be included in the front courtyard to allow for a small tree to be planted that would satisfy both Control C4 of Part C1.5.10 and Control C4 of Part C1.4.8. This has been detailed in the conditions below with amended plans to be submitted prior to the issuing of the Construction Certification.

6. 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.

A. GENERAL CONDITIONS

A. 1.	Approved Plans and Supporting Documents													
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition.													
	Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.													
	<table><tr><th>Reference</th><th>Description</th><th>Author</th><th>Date</th></tr><tr><td>231025_46</td><td>Arboricultural Impact Assessment</td><td>Urban Arbor</td><td>25/10/23</td></tr><tr><td>Cecil St_AIA</td><td>Report</td><td></td><td></td></tr></table>	Reference	Description	Author	Date	231025_46	Arboricultural Impact Assessment	Urban Arbor	25/10/23	Cecil St_AIA	Report			
Reference	Description	Author	Date											
231025_46	Arboricultural Impact Assessment	Urban Arbor	25/10/23											
Cecil St_AIA	Report													

Notes:

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



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- These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.

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

Standard Condition A.2 (Autotext 2A)

A. 2.

Tree Preservation and Landscaping Works

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

- a) The following trees may be pruned in accordance with Australian Standard Pruning of Amenity Trees (AS 4373) and Workcover NSW Code of Practice Amenity Tree Industry, to the minimum extent necessary to provide clearance to the new development:

Council Ref No	Species	Location	Approved pruning (extent of pruning)
1	<i>Murraya paniculata</i>	44 Cecil St	Pruning of 3x branches as specified in the AIA Report prepared by Urban Arbor dated 25/10/23

The tree/s required to be pruned must appear coloured blue on the Construction Certificate plans.

This consent does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.

Only a Council authorised contractor will be allowed to undertake the pruning of trees located on Council managed land under the instruction of Council's Coordinator of Trees Maintenance in accordance with Council's Tree Management Policies and AS 4373-2007 Pruning of Amenity Trees. All costs associated with the approved pruning will be the responsibility of the applicant. Contact Council's Coordinator of Trees Maintenance on 9391 7000 to arrange the approved pruning works.

To facilitate the assessment of Council's tree assets for pruning, a physical outline of the approved works (if not already constructed) must be provided at the time of inspection via the use of height poles or scaffolding. The outline of the approved works will enable Council's Arboricultural Technical Officer to correctly identify the branches that require pruning to provide clearance for the approved works.

Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents.

Standard Condition A.22 (Autotext 22A)



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B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	Construction Management Plan Arborist Review		
	<p>Prior to any site works, the Construction Management Plan must be reviewed and certified by the Project Arborist confirming that appropriate tree protection measures are implemented. The Construction Management Plan must be prepared in accordance with all tree protection measures specified within this consent.</p> <p>The plan must address:</p> <ul style="list-style-type: none"> a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding; b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.; c) Site construction access, temporary crossings and movement corridors on the site defined; d) Contractors car parking; e) Phasing of construction works; f) The space needed for all foundation excavations and construction works; g) All changes in ground level; h) Space for site sheds and other temporary structures such as toilets; i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas. 		
	<p>Condition Reason To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p> <p>Standard Condition B.28 (Autotext 28B)</p>		
B. 2.	Arborists Documentation and Compliance Checklist		
	<p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> • A record of the condition of trees to be retained prior to and throughout development. • Recommended actions to improve site conditions and rectification of non-compliance. • Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="432 1803 1209 1843"> <tr> <td data-bbox="432 1803 600 1843">Stage of arboricultural</td><td data-bbox="600 1803 1209 1843">Compliance documentation and photos must include</td></tr> </table>	Stage of arboricultural	Compliance documentation and photos must include
Stage of arboricultural	Compliance documentation and photos must include		



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	inspection and supervision	
	Prior to any site works	<ul style="list-style-type: none"> Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.
	<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>	
	<p>Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>	
	Standard Condition B.29 (Autotext 29B)	

B. 3.	Permissible work within Tree Protection Zones											
	Prior to any site works, the following works are permissible within the Tree Protection Zone:											
	<table><tr><th>Council Ref No</th><th>Species</th><th>Radius from Centre of Trunk (Metres)</th><th>Approved works</th></tr><tr><td>1</td><td><i>Murraya paniculata</i></td><td>2m</td><td>Construction of new studio and link passage</td></tr></table>	Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works	1	<i>Murraya paniculata</i>	2m	Construction of new studio and link passage			
	Council Ref No	Species	Radius from Centre of Trunk (Metres)	Approved works								
1	<i>Murraya paniculata</i>	2m	Construction of new studio and link passage									
The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.												
	Condition Reason To establish the works which are permissible within the Tree Protection Zones.											
	Standard Condition B.30 (Autotext 30B)											

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D 1.	Tree Protection Plan and Specification
	Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place.



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	<p>The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> shaded green where required to be retained and protected shaded red where authorised to be removed shaded yellow where required to be transplanted shaded blue where required to be pruned <p>b) Tree Protection Plan and Specification prepared by an arborist with a minimum qualification of AQF 5 including the following:</p> <ul style="list-style-type: none"> Tree Location Plan (to scale) based on/overlaid with the approved plans, indicating trees to be retained, removed or transplanted, and the location of tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and protected. The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices. Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 & 5 of AS4970, providing guidance for the implementation of tree protection methods. To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist. <p>c) References to applicable tree management plan, arborists report or transplant method statement.</p> <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p> <p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p> <p>Standard Condition D.30 (Autotext 30D)</p>
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<p>D 2.</p>	<p>Modification of Details of the Development (section 4.17(1)(g) of the Act</p> <p>Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p> <p>a) The design shall be amended to include 6.6m² of deep soil area in the front yard. The area shall be consolidated to allow planting of a tree as detailed in Condition F.3 below.</p> <p>Notes:</p> <ul style="list-style-type: none"> Clause 20 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.
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	<ul style="list-style-type: none"> Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.
	<p>Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.</p>
	Standard Condition D.4 (Autotext 4D)

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F	1.	Tree Preservation
		<p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <ol style="list-style-type: none"> The tree protection measures 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. <p>Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.</p>
		<p>Condition Reason: To protect trees during the carrying out of sitework.</p>
		Standard Condition F.8 (Autotext 8F)
F	2.	Arborists Documentation and Compliance Checklist
		<p>While site work is being carried out, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> a record of the condition of trees to be retained prior to and throughout development,



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- b) recommended actions to improve site conditions and rectification of non-compliance, and
c) recommendations for future works which may impact the trees.

All compliance certification documents must be kept on site by the site Supervisor.

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos must include
While site work is carried out	<ul style="list-style-type: none"> The project arborist must supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The project arborist must ensure pier holes within the Tree Protection Zones or specified distances of nominated trees listed in this consent are positioned to avoid the severance of and damage to roots greater than 50mm diameter. Regular inspections as indicated in the Tree Management Plan.

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

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

Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.

Standard Condition F.45 (Autotext 45F)

F 3.	Replacement/Supplementary trees which must be planted									
	<p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council's Development Control Plan, it must be replaced with another of the same species, which complies with the criteria outlined below.</p>									
	<table border="1"> <thead> <tr> <th>Species/Type</th><th>Planting Location</th><th>Container Size/Size of Tree (at planting)</th><th>Minimum Dimensions at Maturity (metres)</th></tr> </thead> <tbody> <tr> <td><i>Acer buergerianum</i> or <i>Leptospermum petersonii</i></td><td>Front Yard</td><td>45L</td><td>6 x 4</td></tr> </tbody> </table>	Species/Type	Planting Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)	<i>Acer buergerianum</i> or <i>Leptospermum petersonii</i>	Front Yard	45L	6 x 4	<p>The project arborist must document compliance with the above condition.</p>
Species/Type	Planting Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)							
<i>Acer buergerianum</i> or <i>Leptospermum petersonii</i>	Front Yard	45L	6 x 4							



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	Condition Reason: To ensure the provision of appropriate replacement planting.
	Standard Condition F.46 (Autotext 46F)

F

4.

Hand excavation within tree root zones

While site work is being carried out, demolition of underground structures such as existing footings and approved excavation undertaken within the specified radius from the trunks of the following trees must be carried out by hand.

Council Ref No	Species	Location	Radius from centre of trunk (metres)
1	<i>Murraya paniculata</i>	44 Cecil St	2m

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

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

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 must document compliance with the above condition.

Condition Reason:

To ensure demolition and excavation works would not adversely impact upon the health of existing trees.

Standard Condition F.50 (Autotext 50F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G	1.	Amenity Landscaping
		Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.
		Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.



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	Standard Condition G.6 (Autotext 6G)
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G 2.	Landscaping
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.
	Condition Reason: To ensure that all landscaping work is completed prior to occupation.
	Standard Condition G.26 (Autotext 26G)

G 3.	Arborists Documentation and Compliance Checklist – Prior to any occupation certificate				
	Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include: <ul style="list-style-type: none"> a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1"> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> <tr> <td>Prior to the issue of any occupation certificate</td><td>Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to the issue of any occupation certificate	Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.				
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.				
	Standard Condition G.34 (Autotext 34G)				



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G	4.	Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building				
	Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:					
	a) A record of the condition of trees to be retained prior to and throughout development.					
	b) Recommended actions to improve site conditions and rectification of non-compliance.					
	c) Recommendations for future works which may impact the trees.					
All compliance certification documents must be kept on site.						
As a minimum the following intervals of site inspections must be made:						
<table><tr><th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr><tr><td>Before the issue of any occupation certificate for the whole of the building</td><td><ul style="list-style-type: none">• The project arborist must supervise the dismantling of tree protection measures• After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.</td></tr></table>			Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none">• The project arborist must supervise the dismantling of tree protection measures• After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include					
Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none">• The project arborist must supervise the dismantling of tree protection measures• After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.					
Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.						
Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.						
Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.						
Standard Condition G.35 (Autotext 34G)						

H. OCCUPATION AND ONGOING USE

<p>H 1.</p>	<p>Maintenance of Landscaping</p>
	<p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality.



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	<ul style="list-style-type: none">• Owners must have regard to the amenity impact of trees upon the site and neighbouring land.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
	Standard Condition H.25 (Autotext 25H)

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE (subdivision works)

Nil.

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE (no subdivision works)

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

Sam Knight
Tree Officer

31 March 2024
Completion Date



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6 November 2023

REFERRAL RESPONSE – DRAINAGE

FILE NO: Development Applications: 344/2023/1
ADDRESS: 46 Cecil Street PADDINGTON 2021
PROPOSAL: Alterations and additions including a new loft above existing garage
FROM: Michael Casteleyn
TO: V Truong

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- 23/177402 Plan - Architectural Drawings - DA2023/344/1 - 46 Cecil Street PADDINGTON

3. ASSESSMENT

The DA submission has been reviewed

4. RECOMMENDATION

Council's Drainage Engineer has determined that the proposal is satisfactory, subject to the following conditions:

D	1.	Flood Protection
		<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <p>a) A permanent flood risk management plan shall be installed in a prominent area of the garage,</p> <p><u>Flood Proof Material</u></p>



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- a) Flood compatible materials shall be used for all flood exposed construction.

Electricals

- a) All flood exposed electrical wiring and equipment shall be waterproofed,

Certification

- a) 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.

Notes:

- The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.

Condition Reason: To ensure the development incorporates flood inundation protection measures.

Michael Casteleyn
Drainage Engineer

6 November 2023
Completion Date

LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D3
FILE No.	DA443/2023/1
ADDRESS	219 O'Sullivan Road BELLEVUE HILL
COUNCIL WARD	Bellevue Hill
SITE AREA	347.78m ²
ZONING	R3 Medium Density Residential
PROPOSAL	Alterations and additions to the existing dwelling including an upper level addition.
TYPE OF CONSENT	Integrated development
COST OF WORKS	\$605,000.00
DATE LODGED	29/11/2023
APPLICANT	Mr M Hovey
OWNER	Ms S F Landes
AUTHOR	Mr M D'Alessio
TEAM LEADER	Mr M Moratelli
SUBMISSIONS	1
RECOMMENDATION	Conditional approval

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

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

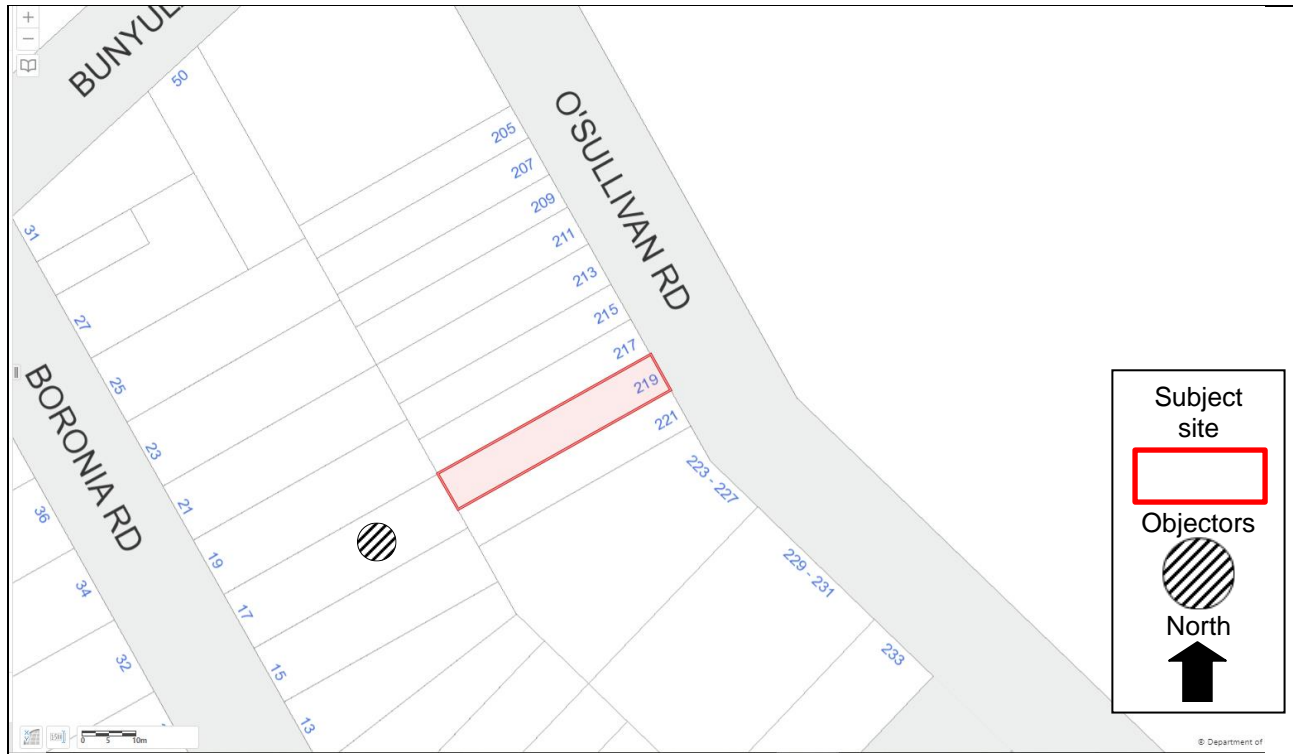
- Departure from development standards
 - (a) Development that contravenes a development standard imposed by an environmental planning instrument by more than 10%

2. REASONS FOR RECOMMENDATION

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

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

3. LOCALITY PLAN



4. PROPOSAL

The application was amended on 22/12/2023 and 17/01/2024 and revised supporting documentation lodged under Clause 37 of the Environmental Planning and Assessment Regulation 2021. It involved the following additional or revised supporting documents:

- Amended Survey Plan - 22/12/2023
- Revised Architectural Drawings - 22/12/2023
- Additional Shadow Diagrams - 17/01/2024

The proposal, as amended, involves alterations and additions to an existing two storey dwelling house including an upper level addition (level 3).

5. ISSUES

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

Clause	Development Standard	Departure from Control	Conclusion
Part 4.4E	Floor Space Ratio	68.195m ² or 30.17% departure from the 226.005m ² (0.65:1) control	Satisfactory

5.2. Primary Issues

Issue	Conclusion	Section
Objectors' concerns	The issues raised in the submission are insufficient to warrant refusal or modification of the application.	5.3

5.3. Summary of Submissions

Issue	Conclusion	Section
<p>Adverse privacy impacts associated with the proposed level 3 additions to 17 Boronia Road, Bellevue Hill (Living areas and private open space):</p> <ul style="list-style-type: none"> Submission that the objector understands that height of the subject building is not being increased Submission that any proposed rear facing windows be fixed and translucent glazed. 	<p>The issues raised in the submission are insufficient to warrant refusal or modification of the application.</p> <p>As set out in this report, the proposed alterations and additions include a 2.6m increase in the building height, the resultant 9.6m building height accords with the permissible maximum building height standard under Clause 4.3 of the Woollahra LEP 2014 and the proposed wall height increases and modified roof form accords with the Building Envelope controls under Part B3.2 of the Woollahra DCP 2015.</p> <p>The proposed level 3 addition does not include rear elevation door or window openings, the proposal does not include any new openings that are orientated towards the objector's property 17 Boronia Road, Bellevue Hill.</p> <p>The proposal is satisfactory in terms of the applicable acoustic and visual privacy provisions contained in Part B3.5.4 of the Woollahra DCP 2015, modification or refusal is not warranted.</p>	14

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The site has an area of 347.78m ² and is rectangular in shape, with a frontage of 7.62 metres to O'Sullivan Road and a depth of 45.72 metres.
Topography
The site slopes approximately 1.61m from RL15.22 (rear north west corner of the site) to RL 13.61 (front north east corner of the site).
Existing buildings and structures
The site contains an existing two storey dwelling house.
Surrounding Environment
<p>The site is located in the Bellevue Hill South precinct. Section B1.7.1 of the Woollahra DCP provides the following precinct character statement:</p> <ul style="list-style-type: none"> <i>The Bellevue Hill South precinct is sited along the ridgeline and plateau of Bellevue Hill. The precinct contains a wide range of housing types and styles. As with many of the residential areas across the municipality, the built fabric is set within a landscaped setting.</i> <i>Land within this precinct is zoned R3 Medium Density Residential, but the form and scale of buildings vary from the Inter-War flat buildings and more recent flat buildings to low density dwelling houses and semi-detached dwellings.</i>



7. RELEVANT PROPERTY HISTORY

Current use
Residential
Relevant Application History
<ul style="list-style-type: none"> DA 764/2007/1 Dwelling House Alterations & additions, approved 14/12/2007.
Pre-DA
<ul style="list-style-type: none"> Pre-DA16/2023/1 titled: Alterations and additions to the existing dwelling house, meeting date 26/06/2023
Requests for Additional Information and Replacement Applications
<ul style="list-style-type: none"> 07/08/2023 Vehicular Access and Parking Arrangements, Revised architectural plans satisfied 29/08/2023 12/03/2024 Request to clarify height based on submitted 3D height plane, amended plans submitted 13/03/2024

8. REFERRALS

Referral	Summary of Referral Response	Annexure
Drainage	Satisfactory, subject to recommended conditions.	3
Trees and Landscaping	Satisfactory, subject to recommended conditions.	4

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 or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)
3. The provisions of any development control plan
4. The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4
5. The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
6. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
7. The suitability of the site for the development
8. Any submissions made in accordance with this Act or the regulations
9. The public interest

9. ADVERTISING AND NOTIFICATION

9.1. Submissions

The application was advertised and notified from 17/01/2024 to 01/02/2024 in accordance with the Woollahra Community Participation Plan. One (1) submission was received from:

1. Philip and Sandra Lee, 17 Boronia Road Bellevue Hill

The issues raised in the submission have been summarised in Section 5.3 of this report and considered throughout the report.

9.2. Revised plans and supporting documentation

The revised plans and supporting documentation noted in Section 4 were not renotified to surrounding residents and previous objectors under the Woollahra Community Participation Plan because they were considered to have no greater cumulative environmental or amenity impact.

9.3. Statutory Declaration

The applicant has completed the statutory declaration dated 02 February 2024 declaring that the site notice for DA443/2023/1 was erected and maintained during the notification period in accordance with Schedule 6.4 of the Woollahra Community Participation Plan.

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

Chapter 2 Vegetation in non-rural areas

The proposal is considered to be satisfactory with regard to the relevant provisions of Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Chapter 6 Water Catchments

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

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

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

The proposal does not contravene the relevant general requirements under Part 6.2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

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

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

The development application was accompanied by BASIX Certificate No. A1375703 demonstrating compliance with the SEPP. These requirements are imposed in the conditions of consent.

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

Chapter 2 Coastal Management

The provisions of this chapter that are relevant to the subject application involve managing development in the coastal zone and protecting the environmental assets of the coast. 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 Chapter 2 of SEPP (Resilience and Hazards) 2021.

Chapter 4 Remediation of Land

Clause 4.6(1) (a) of SEPP (Resilience and Hazards) 2021, requires consideration to be given as to whether the subject land is contaminated. The application maintains the existing residential land use of the subject land, the site is not within an investigation area.

Assessment of the initial site evaluation information provided by the applicant indicates the land does not require further consideration under Clause 4.6 of SEPP (Resilience and Hazards) 2021.

13. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

13.1. Clause 1.2: Aims of Plan

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

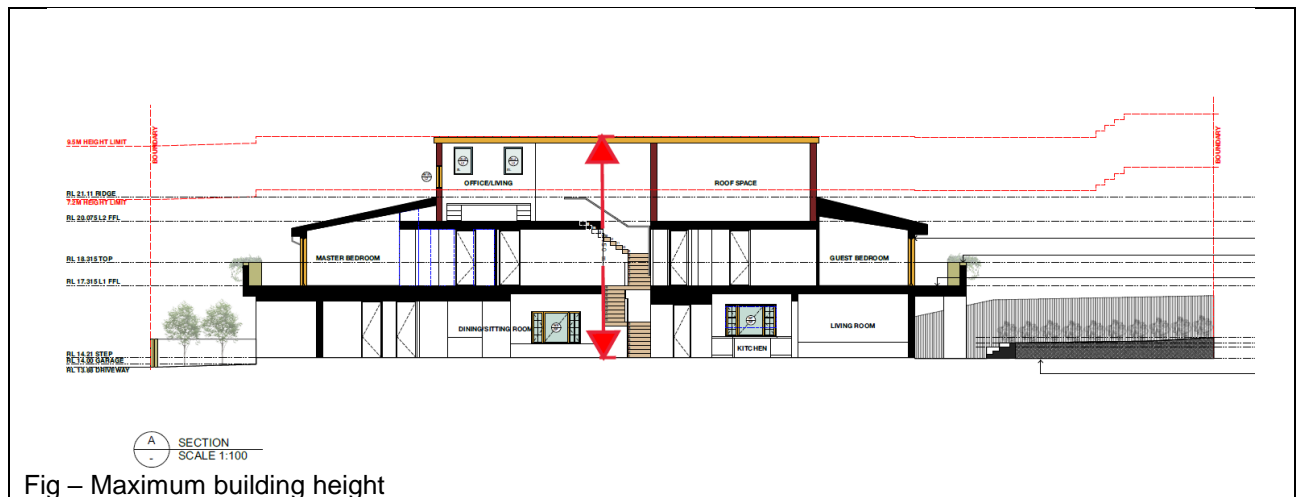
13.2. Land Use Table

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

13.3. Clause 4.3: Height of Buildings

Cause 4.3 (2A) limits the maximum height of a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R3 Medium Density Residential to 9.5m.

	Existing	Proposed	Control	Complies
Maximum Building Height	6.9m RL21.11AHD – RL14.21AHD	9.5m RL23.71AHD – RL14.21AHD	9.5m	Yes

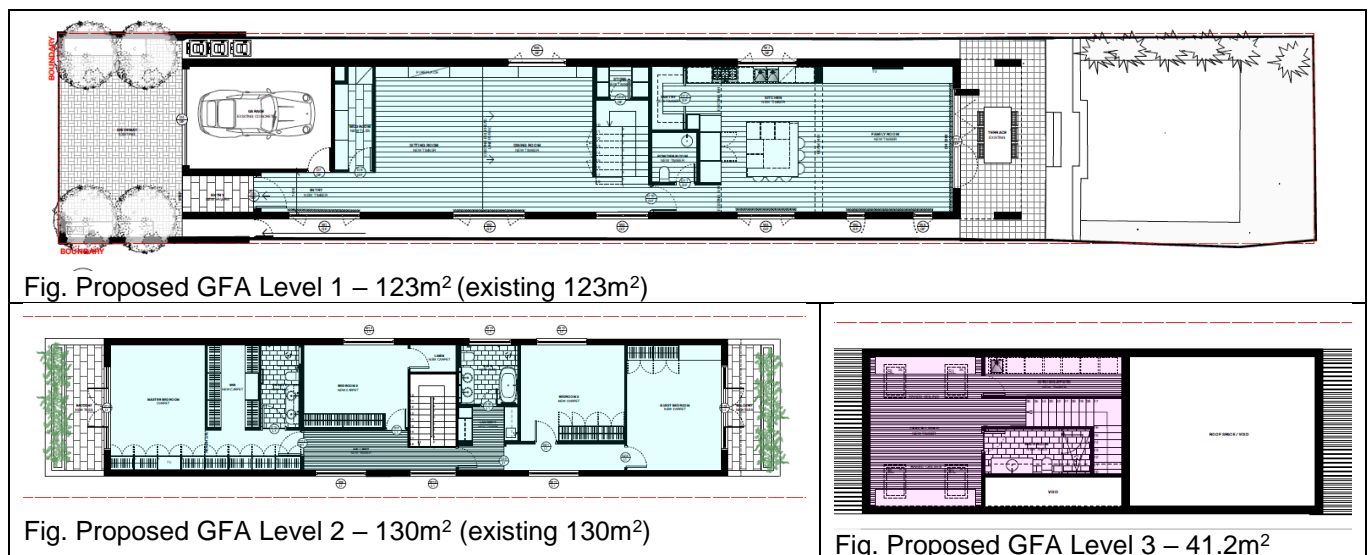


The proposal complies with the maximum building height prescribed by Clause 4.3(2A) and is also acceptable with regard to the relevant objectives under Clause 4.3(1) of Woollahra LEP 2014.

13.4. Clause 4.4E: Floor Space Ratio

Clause 4.4E (3) limits development to a maximum floor space ratio of 0.65:1 for dwelling houses, dual occupancies and semi-detached dwellings in the R2 and R3 zones with lot sizes $\geq 350\text{m}^2$ < 400m^2 .

Site Area: 347.78m^2	Existing	Proposed	Control	Complies
Exceptions to floor space ratio— dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3	0.727:1 253m^2	0.845:1 294.2m^2	0.65:1 (226.005m^2)	No



As identified in the Floor Space Ratio compliance table, the proposal does not comply with Clause 4.4E(3) of Woollahra LEP 2014 as detailed and assessed below under Clause 4.6 of the Woollahra LEP 2014.

13.5. Clause 4.6: Exceptions to Development Standards

Departure

The proposal results in a floor space ratio (FSR) of 0.845:1 (Gross Floor Area of 294.2m²) which exceeds the maximum FSR for the site by 0.196:1 or a 30.17% (GFA 68.195m²) departure from the 0.65:1 (GFA of 226.005m²) control under Clause 4.4E(3) of Woollahra LEP 2014.

Of the 0.196:1 exceedance of the maximum FSR of 0.65:1, 0.078:1 (GFA of 27m²) already exists.

The existing FSR is 0.727:1 (GFA 253m²). Therefore, the increase in FSR which is proposed is 0.118:1 (GFA 41.2m²) as detailed in Section 13.4.

Purpose

Clause 4.6 allows for the contravention of a development standard (provided that the standard is not expressly excluded from the section), with the objectives of the clause being:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Applicant's Written Request

Section 35B of the *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document [the written request] setting out the grounds on which the applicant seeks to demonstrate the matters in clause 4.6(3) paragraphs (a) and (b).

The applicant has provided a written request (Refer to **Annexure 2**) in accordance with Section 35B of the *Environmental Planning and Assessment Regulation 2021*, which provides, inter-alia, the following:

4.3 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case

4.3.1 Consistency with the objectives of the FSR standard

The proposal is consistent with the objectives of the FSR standard in Clause 4.4E for the following reasons:-

- *the proposal is compatible with the desired future character of the area;*
- *the bulk and scale of the proposal is compatible within the existing context of the surrounding R3 Medium Density Residential zoned area of which the site forms part;*
- *the additional FSR (and storey) add well-designed housing stock in a highly accessible location close to facilities and services; the additional FSR results in no significant increase in overshadowing, with the additional shadows falling primarily on the roof of the adjacent dwelling to the south;*
- *the FSR of the proposal, notwithstanding the requested variation to the FSR standard, is appropriate for the conditions of the site and its context;*
- *the proposal has been designed to complement and enhance the existing streetscape character of O'Sullivan Road and the Bellevue Hill South area; and*
- *the non-compliance will have no adverse visual, view or privacy impacts.*

4.3.2 The extent of the non-compliance is acceptable and reasonable

The 0.2:1 non-compliance with the 0.65:1 FSR standard in Clause 4.4E(3) of the WLEP 2014 which applies to the site is considered to be acceptable and reasonable in the circumstances of the case for the following reasons: -

- all of the reasons set out above in Section 4.3.1;
- the proposal is consistent with the overall planning intent for the surrounding R3 Medium Density Residential zoned area;
- the proposed non-compliance will neither be out of character in the local context nor unreasonable in relation to the scale, location, footprint or other aspects of nearby dwellings;
- the new second level addition is well-setback from both the street front (approximately 12m) and from the rear property boundary (approximately 17m);
- the second level addition will largely be contained within a new pitched roof form, is within the maximum 9.5m height limit and complies with the wall height limit in the Woollahra DCP;
- no adverse environmental impacts arise from the non-compliant FSR; and
- no adverse view impacts on adjoining properties as a result of the proposal.

4.3.3 There is a lack of adverse amenity impact

There is a lack of any adverse amenity impact associated with the non-compliances for the reasons set out above in 4.3.2 above. In this regard, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ **expressly** held that "...one way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts (see *Randwick City Council v Micaul Holdings Pty Ltd* at [34])."

4.4 Are there sufficient environmental planning grounds to justify contravening the development standard?

The proposal represents a balanced planning outcome, having regard to the existing controls, the constraints and opportunities of the site, existing development in the locality and the need to consider the amenity of neighbouring properties.

The proposal exhibits a high quality design which will provide a high level of amenity for future residents. The proposal is also highly consistent with the desired future character of the Bellevue Hill South area and the surrounding R3 Medium Density Residential area. The 0.2:1 FSR non-compliance will not set an unreasonable precedent or standard in the context of the site and its surrounds. The level of non-compliance needs to be considered in light of the fact that the existing FSR is 0.73:1. Therefore, the increase of 0.12:1 in FSR (from 0.73:1 to 0.85:1) relates to a relatively small proportion of the overall built form (i.e. 41.2m²). The second level addition will largely be contained within a new pitched roof form. The roof design provides a suitable infill between the two retained 'end' elements of the existing roof. The proposed addition is also within the 9.5m height limit in the LEP and complies with the 7.2m wall height in the DCP. No significant or unreasonable environmental or amenity impacts arise from the proposed FSR non-compliance.

Council's Assessment

Clause 4.6(3) requires Council to be satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention.

Council is required to undertake a critical review of the written request, and any other material that the Applicant has provided seeking to demonstrate the matters in clause 4.6(3). This is set out below.

Step 1: Are the planning instrument, development standard and proposed variation identified in the written request accurate?

In determining whether the information contained within the written request is accurate, the following questions have been considered:

- *Is the provision proposed to be varied a development standard?*
- *Is the development standard proposed to be varied one that can be varied, and not excluded from the operation of section 4.6 by section 4.6(8)?*
- *Is the correct LEP or SEPP section (and objectives if relevant) referenced?*
- *Is the extent of the variation correctly identified?*

Assessment:

Having regard to the definition of ‘development standards’ under the EP&A Act, Council is satisfied that the provision proposed to be varied is a development standard and is not excluded from the operation of Clause 4.6 by Clause 4.6(8).

The submitted written request titled *Clause 4.6 Variation Request Woollahra Local Environmental Plan 2014 Clause 4.4E: Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3* has accurately referenced Clause 4.4E titled *Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3* and the associated objectives under WLEP 2014. The extent of variation with Clause 4.4E has been accurately identified in the submitted written request.

Step 2: Section 4.6(3)(a): Is compliance unreasonable or unnecessary?

In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (**Wehbe**), Preston CJ established five potential tests (the Wehbe test) for determining whether a development standard could be considered unreasonable or unnecessary:

- The first is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The second is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
- The third is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.
- The fourth is to establish that the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
- The fifth is to establish that “the zoning of particular land” was “unreasonable or inappropriate” so that “a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary.

However, the five tests set out in Wehbe above are not the only ways that an applicant can demonstrate that compliance with a development standard is unreasonable or unnecessary. In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (**Initial Action**), Preston CJ stated at paragraph 22:

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

Assessment:

The submitted Section 4.6 Written Request to Clause 4.4E: Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3 and the arguments provided are relevant to Test 1 – in that the objectives of the development standard are achieved notwithstanding non-compliance with the standard - are largely agreed with and supported.

The applicant's written request principally adopts the first method of the *Wehbe* tests to demonstrate that compliance is unreasonable or unnecessary in the circumstances.

The applicant's written request has adequately demonstrated that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. An assessment against the objectives of the subject development standard.

For completeness, a consideration of the objectives under Clause 4.4E is included below:

Objectives underlying Clause 4.4E Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3

(a) to ensure the bulk and scale of development is compatible with the desired future character of the area,

'Desired Future Character' (DFC) of the neighbourhood or area is not defined in the WLEP 2014

In *SJD DB2 Pty Limited v Woollahra Municipal Council [2020] NSWLEC 1112* ('SJD'), it was determined that the existing and approved developments located in the vicinity should be taken into consideration when assessing whether the proposal achieves the DFC of the neighbourhood or area.

The conclusions found by AC Clay in SJD were later affirmed on appeal by CJ Preston in *Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115*. Stemming from the findings in SJD, C Gray gave further clarity as to what local aspects can inform DFC in *Ricola Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1047* ('*Ricola*') at Para 23:

23 Throughout the WLEP 2014, there is a common objective in the zone and in the development standards for height and FSR, for the development to be compatible with the desired future character. The desired future character can be ascertained from the applicable development standards, the controls in the WDCP 2015 and recent approvals.

The proposal is compatible with the desired future character of the Bellevue Hill South residential Precinct Area. The bulk and scale of the proposal is compatible with the immediate O'Sullivan Road streetscape and the surrounding R3 Medium Density Residential zoned area of which the site forms part. The additional FSR (and storey) is adequately designed in accordance with the building envelope controls under the Woollahra DCP 2015.

The proposed development remains comparably scaled and thus achieving the desired future character of the neighbourhood.

The proposal therefore achieves consistency with objective (1) (a) of Clause 4.4E of the WLEP 2014.

(b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

The additional FSR results in no significant increase in overshadowing and is appropriately designed to complement and enhance the existing streetscape character of O'Sullivan Road and the Bellevue Hill South Area. Numerical non-compliance will have no adverse visual, view or privacy impacts.

The proposal therefore achieves consistency with objective (1) (b) of Clause 4.4E of the WLEP 2014.

(c) to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space

Additional gross floor area is limited to the proposed level additions and proposal does not seek to alter existing provision of deep soil landscape area and tree canopy area to the site, new works are suitably designed to retain front and rear setback deep soil landscape areas. The proposal will contribute to the desired future character of the precinct, notwithstanding numerical non-compliance.

The proposal including numerical non-compliances against the deep soil landscape are tree canopy controls under Part B3.7.1: Landscaped areas and private open space of the Woollahra DCP 2015 is suitably designed in terms of adequate provision deep soil planting, tree canopy cover and private open space.

The proposal therefore achieves consistency with objective (1) (c) of Clause 4.4E of the WLEP 2014.

The arguments put forward by the applicant, to demonstrate compliance is unreasonable or unnecessary in the circumstances are well founded and are supported.

Step 3: Section 4.6(3)(b) Are there sufficient environmental planning grounds to justify the contravention?

In *Initial Action* Preston CJ provided the following guidance (at paragraphs 23 and 24) concerning whether there will be sufficient environmental planning grounds to justify a contravention of the development standard:

- 23 *As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be 'environmental planning grounds' by their nature: See Four2Five Pty Ltd. v Ashfield Council. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act including the objects in s1.3 of the EPA Act.*
- 24 *The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". ... the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15].*

Section 1.3 of the EPA Act reads as follows:

1.3 Objects of Act

The objects of this Act are as follows:

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

Assessment:

To determine whether the applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of the development standard, the following questions have been considered:

The applicant has provided the following environmental planning grounds to justify the variation:

- The proposal represents a balanced planning outcome, having regard to the existing controls, the constraints and opportunities of the site, existing development in the locality and the need to consider the amenity of neighbouring properties.*
- The proposal exhibits a high quality design which will provide a high level of amenity for future residents. The proposal is also highly consistent with the desired future character of the Bellevue Hill South area and the surrounding R3 Medium Density Residential area.*
- The 0.2:1 FSR non-compliance will not set an unreasonable precedent or standard in the context of the site and its surrounds. The level of non-compliance needs to be considered in light of the fact that the existing FSR is 0.73:1. Therefore, the increase of 0.12:1 in FSR (from 0.73:1 to 0.85:1) relates to a relatively small proportion of the overall built form (i.e. 41.2m²).*
- The second level addition will largely be contained within a new pitched roof form. The roof design provides a suitable infill between the two retained 'end' elements of the existing roof.*
- The proposed addition is also within the 9.5m height limit in the LEP and complies with the 7.2m wall height in the DCP.*
- No significant or unreasonable environmental or amenity impacts arise from the proposed FSR non-compliance.*

The environmental planning grounds forwarded by the applicant are specific to the proposed variation against the Clause 4.4E: Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3 of the Woollahra LEP 2014.

The written request provides explanation of how the proposed development and in particular the breach of the FSR development standard is reasonable and supportable in the circumstances. In doing so, the written request provides sufficient environmental planning grounds to justify contravention of the Clause 4.4E Floor Space Ratio development standard, as it demonstrates that the proposal achieves aims (c) and (g) of Section 1.3 of the Act.

There sufficient environmental planning grounds to justify the proposed variation to the Clause 4.4E maximum floor space ratio of 0.65:1 development standard of the Woollahra LEP 2014.

Conclusion

Council is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention.

13.6. Clause 5.10: Heritage Conservation

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

The Clause 5.10 (1) objectives for heritage conservation are as follows:

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

Heritage items and buildings, works, relics or trees within a heritage conservation area

The subject site is located in vicinity to the following Heritage items listed and described in Schedule 5 as follows:

Suburb	Item name	Address	Property description	Significance	Item no
Bellevue Hill	Street name inlays	Various		Local	671
Rose Bay	Royal Sydney Golf Club - Clubhouse and interiors, grove of paperbarks along Norwich Road	Kent Road	Lot 1, DP 630927; Lots 11–16, DP 5592	Local	I318

As part of the review of the submitted application, Council's Heritage Officer advised that a formal referral was not required as there will be no adverse impact on the heritage items located in close proximity to the site.

Aboriginal Object or Place

The subject site forms part of potentially Aboriginal Heritage Sensitive land, the site is not identified as Aboriginal Heritage Sensitive land.

The recommended conditions of this review application include requirements in terms of unexpected finds protocols for any Aboriginal objects or unexpected findings.

The proposal is acceptable with regard to the objectives in Clause 5.10 of the Woollahra LEP 2014.

13.7 Clause 5.21: Flood Planning

The objectives of Clause 5.21 are:

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

The site is located in the Bellevue Hill Sub Catchment of the Rose Bay Floodplain Risk Management Study and Plan. The application is supported by a flood risk management plan that has been considered by Council's Drainage Engineer.

As detailed in **Annexure 3** Council's Drainage Engineer has advised that the proposal is satisfactory subject to imposition of recommended **Condition D.7** in terms of flood protection.

As recommended to be determined the proposal is acceptable with regard to Clause 5.21 of Woollahra LEP 2014.

13.8. Clause 6.1: Acid Sulfate Soils

Clause 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 Clause 6.1.

13.9. Clause 6.2: Earthworks

Clause 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 does not include bulk excavation works. The proposed minor excavation works have been reviewed and considered by Council's technical experts as follows:

- Council's Development Engineer advised that excavation is acceptable subject to conditions of consent.
- Council's Heritage Officer raised no objection on the basis of any archaeological considerations, subject to conditions of consent relating to unexpected findings.
- Council's Trees Officer has raised no objection on the basis of detrimental impacts to existing significant trees or vegetation. Refer to **Annexure 4**

13.10. Clause 6.9: Tree canopy cover in Zones R2 and R3

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

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

As set out in **Annexure 4**, Council's Trees Officer supports the proposal in terms of Clause 6.9 including as follows:

- A total of two (2) prescribed trees were found within the rear setback of the property. Six (6) non-prescribed trees were found within the front setback of the property. All of them will be retained. Fencing will be conditioned at rear to minimise soil compaction during construction.
- A Landscape Plan has not been provided for this application as the existing landscape is proposed to be retained as current. Therefore, no changes to the existing landscape are required to be enforced.

As recommended to be determined the proposal is acceptable with regard to Clause 6.9 of Woollahra LEP 2014.

14. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

14.1. Chapter B1: Residential Precinct

14.1.1. Part B1.7 Bellevue Hill South Precinct

The Bellevue Hill South Precinct Character Statement includes:

- *The Bellevue Hill South precinct is sited along the ridgeline and plateau of Bellevue Hill. The precinct contains a wide range of housing types and styles. As with many of the residential areas across the municipality, the built fabric is set within a landscaped setting.*
- *Land within this precinct is zoned R3 Medium Density Residential, but the form and scale of buildings vary from the Inter-War flat buildings and more recent flat buildings to low density dwelling houses and semi-detached dwellings.*

The desired future character statement of the Bellevue Hill South Precinct includes:

- *Development along the local roads will provide a mix of housing densities and styles in well designed contemporary buildings, which reinforce the natural topography and provide opportunities for view sharing.*
- *Development must provide opportunities for view sharing from both public spaces and private properties. In particular, buildings should step down the site, also minimising cut and fill.*

Development is to respect and enhance the existing elements of the character that contribute to the precinct. The streetscape character and key elements of the Bellevue Hill South Precinct include as follows:

- a) the rich mixture of architectural styles and forms;*
- b) the stepping of development down the hillside;*
- c) interconnected streets following the contours of the land;*
- d) deep soil landscaping within the front and rear setbacks;*
- e) mature street trees and grassed verges;*
- f) the highly visible tree canopy providing a dense green backdrop to views from Sydney Harbour and surrounding lands;*
- g) the preservation of views from public places, including view corridors between buildings; and*
- h) Inter-War flat buildings.*

The desired future character objectives of the Bellevue Hill South Precinct are as follows:

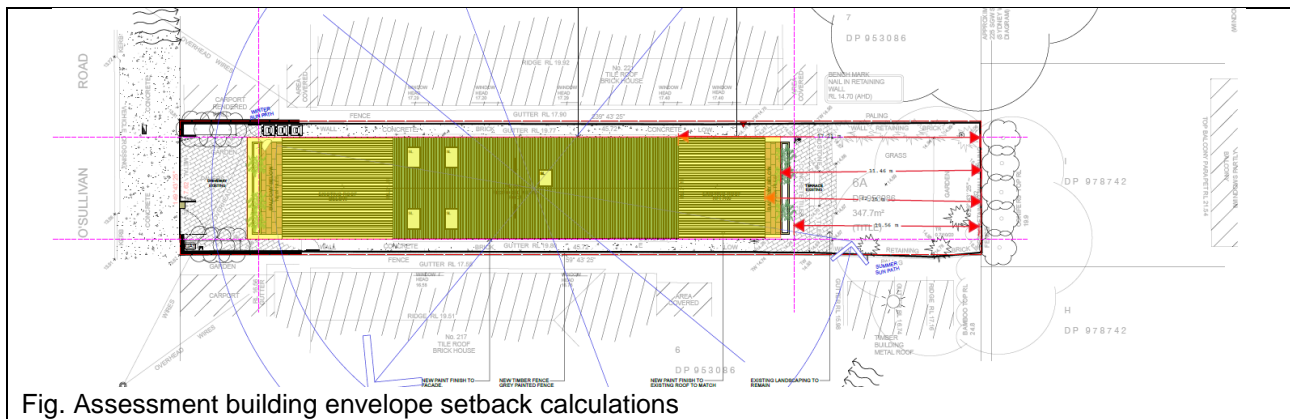
- O1 To respect and enhance the streetscape character and key elements of the precinct.
- O2 To maintain the evolution of residential building styles through the introduction of well designed contemporary buildings, incorporating modulation and a varied palette of materials.
- O3 To establish a transition of development scale from the detached dwelling houses at the northern end of Bellevue Hill to the residential flat buildings that address the major streets - Birriga Road, Old South Head Road and Victoria Road – situated along the precinct ridgeline.
- O4 To retain Inter-War flat buildings and ensure that alterations and additions do not detract from the character of these buildings and their presentation to the street. O5 To design and site buildings to respond to the topography and minimise cut and fill.
- O6 To preserve significant views and vistas to surrounding areas from the streets and parks.
- O7 To reinforce the landscape setting and maintain the existing tree canopy.

The proposal respects and enhances the existing contributory streetscape character and key precinct elements a), b), c), d), e) and g) and is consistent with the desired future character objectives O1, O2, O3, O4, O5, O6 and O7 and O8 of the Bellevue Hill South Residential Precinct, as specified in Part B1.7.2 of the Woollahra DCP 2015.

14.2. Chapter B3: General Development Controls

14.2.1. Part B3.2: Building Envelope

Site area 347.78m ²	Existing	Proposed	Control	Complies
C1 B3.2.2 - Front setback • Level 1 • Level 2 • Level 3	4.5m 3.85m N/A	No change No change 24m	3.85m	Yes
C2 B3.2.2 – Maximum unarticulated length to street	5.8m	No change	6m	Yes
C1 B3.2.3 - Side boundary setbacks (north elevation) • Level 1 • Level 2 • Level 3	0.91m 0.91m N/A	No change No change 0.9m	0.9m	No No Yes
C1 B3.2.3 - Side Boundary Setbacks (south elevation) • Level 1 • Level 2 • Level 3	0.9m - 0.89m 0.9m - 0.89m N/A	No change No change 0.9m	0.9m	No No Yes
C4 B3.2.3 - Maximum Unarticulated Wall Length • Level 1 (north & south elevations) • Level 2 (north & south elevations) • Level 3 (north & south elevations)	28.3m 26.3m N/A	No change No change 16.3m	12m	No No Yes
C1 B3.2.4 - Rear setback • Level 1 • Level 2 • Level 3	10.8m 12.8m N/A	No change No change 17.3m	11.43m	No Yes Yes
C1 B3.2.5 Maximum Wall Height • East (front elevation) • West (rear elevation) • North (side elevation) • South (side elevation)	5.6m & ≤ 45° 5.2m & ≤ 45° 5.6m & ≤ 45° 5.6m & ≤ 45°	No change No change ≤ 7.2m & ≤ 45° ≤ 7.2m & ≤ 45°	≤ 7.2m & ≤ 45°	Yes Yes Yes Yes



As set out in the development history of this report, the site's dwelling predates the current building envelope controls of the Woollahra DCP 2015.

As detailed in the building envelope table above, the dwelling includes existing non-compliances against the following building envelope controls of the Woollahra DCP 2015:

- 0.9m side setback control under C1 of Part B3.2.3 to the south elevation.
- 12m maximum unarticulated wall length control under C4 of Part B3.2.3 to the south and north elevations levels 1 and 2.
- 11.43m rear setback control under C1 of Part B3.2.4 to level 1 west elevation.

The proposed alterations and additions rely on the site's existing dwelling in terms of side, rear and front setbacks and wall heights, the proposal does not seek to further derogate or compound existing non-compliance against the building envelope controls of the Woollahra DCP 2015.

Part B3.2.2: Front Setback

The explanation for the front setback control includes that front setbacks should be used to enhance the setting for the building, providing landscaped areas and access to the building.

The numerical front setback under C1 is the horizontal distance between the building envelope and the primary street boundary, measured at 90° from the boundary.

The site's existing dwelling predates the current building envelope controls and is established. This assessment accepts the utilisation of the existing front setback of the building as the front setback (3.85m).

The proposed alterations and additions which maintain the established front setback of the building comply with the front setback control under C1.

The proposal accords with the applicable objectives and controls:

- O1, O2, O3 and C1 (*front setback*)
- O4 and C2 (*maximum unarticulated width*)

Part B3.2.3: Side Setbacks

The explanation for the side setback control includes that the control seeks to ensure that the distance of a building from its side boundaries protects the amenity of both the neighbours and the proposed development.

O1, O2, O3, O4, O5, O6, O7, C1 and C4 specify as follows:

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 neighbouring properties.

O4 To facilitate solar access to habitable windows of neighbouring 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.

C1 The minimum side setback for dwelling houses, semi-detached dwellings and dual occupancies is determined by the table in Figure 5A.

C4 The building has a maximum unarticulated wall length of 12m to the side elevation.

With a lot width of 7.62m at the front setback, C1 requires a minimum side setback of 0.9m measured at 90° from the boundary at the front setback for dwelling houses. The proposal accords with C1.

C4 requires the building has a maximum unarticulated wall length of 12m to the side elevation. The proposal does not accord with C4.

As detailed in the building envelope assessment table above, the proposal includes the following non-compliances:

- C1 - The existing and proposed 0.89m - 0.9m side setbacks to the north side elevation do not fully accord with the 1.9m side setback control.
- C4 - Existing side elevation articulation lengths do not accord with the 12m maximum unarticulated wall lengths control.

The assessment is satisfied that numerical non-compliance with C1 and C4 does not hinder achievement with the underlying objectives O1, O2, O3, O4, O5, O6 and O7 of Part B3.2.3, including as follows:

- O1 - The level of numerical non-compliance in terms of the 1.9m setback control under C1 is negligible, retention of the existing side setback is a suitable contextual response to the streetscape where reduced side setbacks are common.
- O1 and O2 - Existing side elevation articulation lengths are established to levels 1 and 2, satisfactorily proposed maximum articulation lengths are accordant with C4.
- O2 and O6 - The existing building predates the maximum unarticulated wall lengths control and the narrow lot width impedes opportunities for side boundary screening vegetation.
- O1, O3 and O4 - The location of the existing north side elevation setback and articulation lengths would not give rise to adverse amenity impacts to the subject and neighboring properties in terms of sense of enclosure, acoustic and visual privacy, solar access and views.
- O7 - The proposal maintains external access between the front and rear of the site.

Accordingly, the proposal is adequately accordant with the relevant side setback and maximum unarticulated width objectives and controls:

- O1, O2, O3, O4, O5, O6, O7, C1 and C4 (*side setback and maximum unarticulated width*)

Part B3.2.4: Rear Setback



Fig. Existing rear elevation

The explanation for the rear setback control includes that the control seeks to ensure that the distance of a building from its rear boundary provides amenity to both the neighbouring sites and the proposed development.

O1, O2, O3, O4, O5, O6 and C1 specify:

O1 To provide private open space and landscaped areas at the rear of buildings.

O2 To provide acoustic and visual privacy to adjoining and adjacent buildings.

O3 To avoid an unreasonable sense of enclosure.

O4 To provide separation between buildings to facilitate solar access to private open space.

O5 To protect vegetation of landscape value and provide for landscaped area and deep soil planting.

O6 To contribute to a consolidated open space network with adjoining properties to improve natural drainage and support local habitat

C1 The minimum rear setback control is 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary (see Figure 6). The building must not encroach on the minimum rear setback.

The rear setback is the horizontal distance between the building and the rear property boundary, measured perpendicular to the rear boundary.

C1 The minimum rear setback control is 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary (see Figure 6). The building must not encroach on the minimum rear setback.

The formula for determining the rear setback is rear setback is $C = (A + B) / 2 \times 25\%$:

- A = Side boundary 1
- B = Side boundary 2
- C = Rear setback

Formulaic compliance with C1 results in a rear setback of 11.43m perpendicular to the rear boundary as follows:

- $11.43\text{m} = (45.72\text{m} + 45.72\text{m}) \times 0.5 \times 0.25$

As detailed in the building envelope assessment table above, the proposal includes the following non-compliances:

- C1 - The existing 10.8m rear setback to the rear west elevation to level 1 does not accord with the 11.43m rear setback control.

The assessment is satisfied that the existing numerical non-compliance with C1 does not hinder achievement with the underlying objectives O1, O2, O3, O4, O5 and O6 of Part B3.2.4, including as follows:

- The proposal's rear setbacks (existing and proposed) are an appropriate contextual response to surrounding development in terms of compatibility with the rear setback patterns. It is noted that non-compliance is minor and restricted to level 1; proposed level 3 significant exceeds the rear setback control.
- O1, O5 and O6 – Sufficient numerical and adequately designed provision of private open space and landscaped areas at the rear of building is proposed in accordance with Part B3.7.
- O2 – O3, O4 and O5 – Numerical non-compliance does would not give rise to an adverse sense of enclosure, acoustic and visual privacy of impact, view loss or adverse overshadowing impact to adjoining and surrounding properties.

Accordingly, as recommended to be determined the proposal is adequately accordant with the rear setback objectives and controls:

- O1, O2, O3, O4, O5, O6, C1 and C2 (*rear setback*)

Part B3.2.5 Wall height and inclined plane

A wall height of 7.2m (accommodating two storeys) and an inclined plane of 45° applies to the front, side and rear elevations under C1. The control responds to the typical pitched roof house form, but also potentially accommodate three storey flat roof housing forms with a reduced top storey.

The slope of the site within the building envelope is not greater than 15 degrees.

As detailed in the building envelope table above the proposal accords with 7.2m wall height and 45 degree inclined plane control under C1.

The proposal is accordant with the wall height and inclined plane controls:

- O1, O2, O3, O4, O5, C1 and C2 (*wall height and inclined plane*)

14.2.2. Part B3.4: Excavation

Site Area: 347.78m ²	Proposed	Control	Complies
C1 B3.4 Maximum Volume of Excavation	Nil.	125m ³	Yes

The proposal does not include bulk excavation works and is compliant in terms of the excavation objectives and controls:

- O1 and C1, C4, C5, C6, C7, C8 and C9 (*excavation controls*)

14.2.3. Part B3.5: Built Form and Context

Part B3.5.1: Streetscape and Local Character

The proposal demonstrates a contextually appropriate level of design compatible with the existing streetscape character and key elements to achieve the desired future character objectives of the Bellevue Hill South Residential Precinct.

The proposed alterations and additions are compatible with the streetscape and the desired future character of the area and are compliant in terms of the applicable streetscape and local character objectives and controls:

- O1, O2, O3, O4, C1, C2, C3, C4, C5, C6 and C7 (*streetscape character*)
- O5, C8 and C9 (*roof forms*)
- O6 and C10 (*public domain surveillance*)

Part B3.5.2: Overshadowing

	Existing	Proposed	Control	Complies
C1(a) Solar Access to ground level open space of adjacent properties				
<ul style="list-style-type: none"> • 15 Boronia Road (Rear main ground level POS) 	>50% and >35m ² (9am – 3pm)	>50% and >35m ² (9am – 3pm)	50% or 35m ² for 2 hours	Yes
<ul style="list-style-type: none"> • 17 Boronia Road (Rear main ground level POS) 	>50% and >35m ² (9am – 3pm)	>50% and >35m ² (9am – 3pm)		Yes
<ul style="list-style-type: none"> • 221 O'Sullivan Road (Rear main ground level POS) 	>50% and >35m ² (12pm – 3pm)	>50% and >35m ² (12pm – 3pm)		Yes
<ul style="list-style-type: none"> • 2/223 – 227 O'Sullivan Road (Rear main ground level POS) 	>50% and >35m ² 12pm – 3pm	>50% and >35m ² 12pm – 3pm		Yes
<ul style="list-style-type: none"> • 4/223 – 227 O'Sullivan Road (Front elevation terrace) 	>50% (9am – 2pm)	>50% (9am – 2pm)		Yes

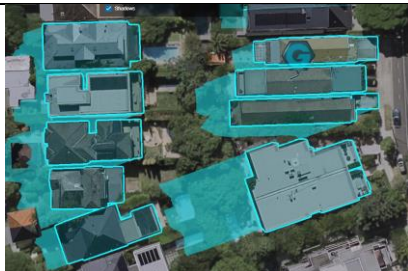


Fig. Extract existing shadows
WMC 3D Modelling Portal 9am

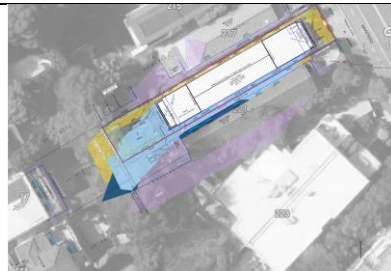


Fig. Extract applicants shadow
diagrams proposed 9am

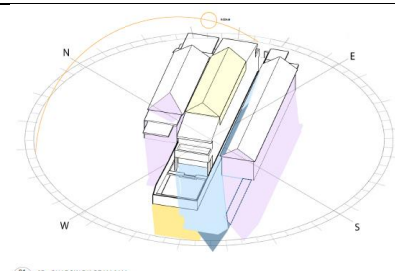


Fig. Extract applicants elevation
shadow diagrams 9am



Fig. Extract existing shadows
WMC 3D Modelling Portal 12pm



Fig. Extract applicants shadow
diagrams proposed 12pm

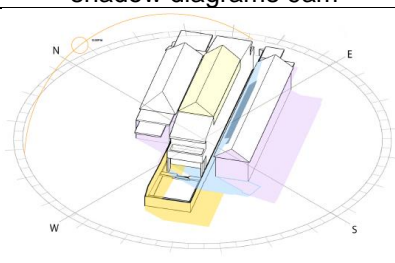
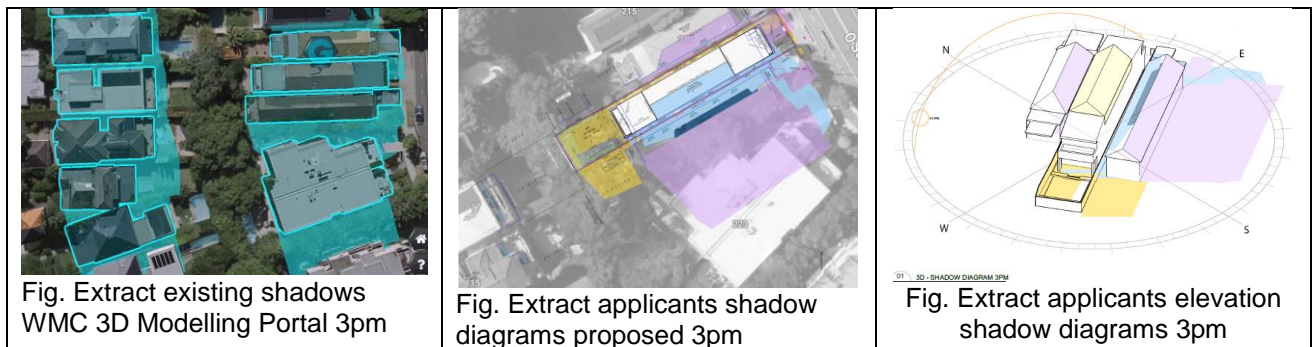


Fig. Extract applicants elevation
shadow diagrams 12pm



The proposed resultant building bulk is suitably designed in terms of minimising overshadowing to neighbouring properties.

As detailed in the overshadowing compliance table above, the proposal maintains compliance with the solar access requirements under C1 a) in terms of maintaining sunlight access to main ground level private open space of adjacent properties and the principal private open space areas of in vicinity residential flat buildings.

The proposal is compliant in terms of the applicable objectives and controls:

- O1, C1 and C2 (overshadowing to adjoining properties)

Part B3.5.3: Public and Private Views



The subject site is not identified as being located in the vicinity of any significant views and vistas identified in the Bellevue Hill South Precinct Map in Part B1.7 of the Woollahra DCP 2015.

The proposed alterations and additions does not result in increases to bulk and scale that would give rise to any significant adverse impacts to private or public views.

The proposal is compliant in terms of the applicable objectives and controls:

- O1, O2, C1, C2 and C3 (*public views and vistas*)
- O3, C5, C6, C7 and C8 (*private views – view sharing*)
- O4, C9 and C10 (*private and public views – landscaping*)

Part B3.5.4: Acoustic and Visual Privacy

The application has been subject to a single objections in terms of potential adverse acoustic and visual privacy impacts to 17 Boronia Road, Bellevue Hill (Living areas and private open space) from the proposed level 3 additions.

The proposed level 3 addition does not include rear elevation door or window openings, the proposal does not include any new openings that are orientated towards the objector's property 17 Boronia Road, Bellevue Hill.

Acoustic Privacy

The proposal would result in acoustic impacts commensurate with the nature of the development as a dwelling house and appropriate within the residential zone.

The proposed is accords with the relevant objective and controls:

- O1, C1 and C3 (*adequate acoustic privacy*)

Visual Privacy

O2, C4 and C5 specify:

- O2 *To ensure adequate visual privacy for occupants and neighbours while balancing the need to provide for reasonable levels of environmental amenity, including access to sunlight and ventilation, and good architectural outcomes.*
- C4 *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.*
 - a) *Window location—primary windows to habitable rooms are located and designed to provide an outlook to the front and rear setbacks, not the side boundaries.*
 - b) *Layout and separation—offsetting windows from the windows/private open spaces of the adjoining dwelling to limit views between the windows/private open space.*
 - c) *Architectural design solutions and devices—redirecting and limiting sightlines using deep sills with planter boxes, fixed horizontal or vertical louvres, or other screening devices set off the windows internally or externally.*
 - d) *Glazed opening windows—using windows with translucent glazing to a height of 1.5m above floor level and fitted with a winder mechanism to control the maximum angle of the opening to limit views.*
 - e) *Glazed fixed windows or high sills—using fixed windows with translucent glazing in any part of the window below 1.5m above floor level, or window sill heights of 1.5m above floor level.*
- C5 *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.*
- C6 *Architectural design solutions and screening devices referred to in C4 (c) above are integrated with the overall design and contribute to the architectural merit of the building, having particular regard to:*
 - a) *aesthetics of the building including impacts on visual bulk;*
 - b) *compliance with minimum boundary setback controls;*
 - c) *appearance from adjoining properties; and*
 - d) *views from adjoining or adjacent properties.*

The proposal is adequately designed in accordance with C4, C5 and C6. Existing fenestration patterns are generally maintained to levels 1 and 2. Proposed level 3 contains a single window opening designed to provide direct sightlines orientated to the front boundary (not side elevations).

Existing upper level ensuites and wet areas are detailed without or minimised side elevation openings.

The proposal is suitable designed in accordance with the relevant objectives and controls:

- O2, C4, C5 and C6 (*adequate visual privacy*)
- O3, C7, C8, C10 and C11 (*minimise the impacts of private open space*)

Part B3.5.5: Internal amenity

Whilst the proposal involves a non-compliance with C2 as not all of the sanitary compartment possess direct natural light and ventilation. Nonetheless, the proposal overall achieves decent internal amenity and the minor non-compliance is not determinative to this assessment.

The proposal is adequately compliant in terms of the applicable objectives and controls:

- O1, O2, C1, C2, C3 and C4 (*adequate internal amenity*)

14.2.4. Part B3.6: On-Site Parking

Site frontage 7.62m	Proposed	Proposed	Control	Complies
C1, C4 B3.6 Location of Parking	a) does not dominate the street frontage b) preserves trees and vegetation c) within the buildable area	a) does not dominate the street frontage b) preserves trees and vegetation c) within the buildable area	a) does not dominate the street frontage b) preserves trees and vegetation c) within the buildable area	Yes
C4 B3.6 Width of Parking Structure	5.2m	Not altered	3m - 40% of the site frontage width or 6m, whichever is the lesser	No
C9 B3.66 Width of Driveway	minimised	minimised	minimised	Yes
C10 B3.6 Maximum Number of Driveways	1	1	One	Yes

O1, O2, O3, O4, O5 and C4 specify:

- 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 allow, in certain circumstances, parking structures outside the building envelope.
- O4 To minimise loss of on-street parking.
- O5 To retain trees and vegetation of landscape value.
- C4 For car parking structures facing the street frontage— the maximum car parking structures width is no greater than 40% of the site frontage width or 6m, whichever is the lesser.

On-site parking is existing and the driveway access to the site from O'Sullivan Road will remain unaltered, the proposal includes:

- A new garage door (to the existing opening) and an internal mudroom to the rear of the garage.
- New mechanical front gates and fencing will be installed.

Numerical non-compliance as detailed above in the compliance table against control C4 in terms of the existing width of the driveway crossing exceeding 40% of the site frontage is not determinative to this assessment, non-compliance does not hinder achievement of the underlying objectives O1, O2, O3, O4 and O5, including:

- As recommended to be determined, on-site parking as proposed to be altered does not detract from the appearance of the development and the streetscape in accordance with the explanation for the section.
- Subject to conditions, Council's Development Engineer has advised that vehicular access and parking arrangements are considered satisfactory.
- **Condition D.8** requires the following elements to be detailed plans showing the following:
 - *The garage must have minimum internal dimensions of 3m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the architectural plans.*
 - *Pursuant to Clause 3.2.4 and Figure 3.3 of AS2890.1, a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, shall be provided on both sides of the driveway exit. Alternatively, the height of all structures (such as landscaping, retaining wall, solid front fence and driveway gate etc) located within these sight splays must be limited to a maximum of 0.9m to prevent obstructions to visibility to comply with the Council's DCP. Any open palisade fencing shall consist of tubular bars (maximum 16mm diameter) with minimum 100mm spacing apart. Notation to this requirement must be clearly depicted in the drawings.*

The proposal is adequately compliant in terms of the applicable objectives and controls:

- O1, O2, O3, O4, O5, C1, C2 and C4 (*general controls*)
- O9 and C9, C10 and C11 (*minimise the visual and environmental impact of driveways and associated areas*)

The proposal is acceptable with regard to the parking controls in Part B3.6 of the Woollahra DCP 2015.

14.2.5. Part B3.7: External Areas

Part B3.7.1: Landscaped Areas and Private Open Space

Site Area: 347.78m ²	Existing	Proposed	Control	Complies
C1 Tree Canopy cover	15.6% 54.3m ²	No change	35% of site area 121.7m ²	No
C2 Deep Soil Landscaping - 35% of the site area is deep soil landscaped area	19.8% 69m ²	No change	35% of site area 121.7m ²	Yes
C3 Deep Soil Landscaping – At least 40% of the front setback comprises deep soil landscaped area (30m ² x 0.4)	18% 5.4m ²	No change	40% of Front Setback (12m ²)	No
C4 primary open space area of at least 35m ²	>35m ²	No change	≥35m ²	Yes

Deep soil landscape and tree canopy area

O1, O2, O3, C1, C2 and C3 specify:

- *O1 To ensure that the areas outside the building contribute to the desired future character of the location.*
- *O2 To provide sufficient deep soil landscaped area to encourage urban greening and maintain and enhance tree canopy cover which in turn contributes positively to the existing and desired future character of the locality.*
- *O3 To provide for on-site stormwater absorption*
- *C1 Tree canopy area is at least:*
 - a) 35% of the site area for dwelling houses, dual occupancies, semidetached development and attached dwellings, with the exception of the Wolseley Road area, or*
 - b) 30% of the site area for residential development other than dwelling houses, dual occupancies, semidetached development and attached dwellings, or*
 - c) 25% of the site area for all residential development in the Wolseley Road area (Figure 22)*

And at least half of the total tree canopy area on the site is contributed by canopy tree/s.

- *C2 35% of the site area is deep soil landscaped area with the exception of the Wolseley Road area (Figure 22) where 30% of the site area is deep soil landscaped area. Refer Figure 21 for the calculation of deep soil landscaped area.*
- *C3 At least 40% of the front setback comprises deep soil landscaped area.*

As detailed above in the compliance table, numerical non-compliance with C1, C2 and C3 in terms of overall provision of deep soil landscape and tree canopy area is existing and remains unaltered.

Numerical non-compliance does not hinder achievement of the underlying objectives of the control and is supported, including as follows:

- O1 and O2 – As set out in **Annexure 4** Council's Trees & Landscaping Officer supports the proposal.
- O1 – The proposal does not seek to alter existing provision of deep soil landscape area and tree canopy area to the site, new works are suitably designed to retain front and rear setback deep soil landscape areas. The proposal will contribute to the desired future character of the precinct, notwithstanding numerical non-compliance.
- O2 and O3 - Sufficient deep soil landscaped area is provided to support substantial vegetation.

The proposal is adequately accordant with the applicable objectives and controls:

- O1, O2, O3, C1, C2 and C3 (*sufficient deep soil landscaped and tree canopy area*)

Private open space

In accordance with C4, C6, C8 and C10 provision of primary open space exceeds 35m² and is useable and directly accessible from habitable room areas.

The proposal is compliant in terms of the applicable objectives and controls:

- O4, C4, C6, C7 and C8 (*accessible and useable primary open space*)
- O6, C10, C11, C12 and C13 (*private open space design*)

Trees and Landscaping

As set out in **Annexure 4** of this report Council's Trees & Landscaping Officer has provided conditions of development consent in terms of protecting the site's existing tree canopy area.

In accordance with C20, proposed new landscaping is suitable in terms of not adversely impacting on surrounding private and public views and pedestrian and traffic safety.

The proposal as recommended to be determined is compliant in terms of the applicable objectives and controls:

- O7, O8, O9, O10, C14, C15, C16, C17 and C18 (*trees and landscaping*)

Part B3.7.2: Fences

Part 3.7.2: Fences	Existing	Proposed	Control	Complies
B3.7.2 C4 - Maximum Height of Fencing	Not detailed	1.09m & 20% open	1.2m solid 1.5m 50% open	Yes
B3.7.2 C9, C10, C11 Side and rear fence height	1.8m	Maintained	1.8m	Yes

The proposal accords with the applicable objectives and control:

- O1, O2, O3, O4, C1, C2, C3, C4, C5, C7 and C8 (*fences general controls*)
- O5, C9 and C10 (*rear and side fencing*)
- O7, O8 and C15 (*material detailing*)

Part B3.7.3: Site Facilities

Condition A.5 is recommended deleting the new AC unit to the ground floor sitting room/dining room, annotated as "NEW AC UNIT TO LIVING ROOM" to plan DA.1.04 P. The location of AC condenser unit has not been detailed to allow for certainty of development content.

As recommended to be determined the proposal accords with the relevant objectives and controls:

- O1, O2, O3, O4, C1, C2, C3 and C4 (*mail boxes, storage and cloths drying*)
- O6, O7, O8, C7, C8 and C9 (*Mechanical plant equipment including lift overruns and air conditioners*)
- O10 and C11 (*adequate garbage and recycling collection areas*)
- O11 and C12 (*site services and streetscape*)

14.3. Chapter E1: Parking and Access

Chapter E1 applies to the proposal. As set out previously, subject to conditions, Council's Development Engineer has advised that vehicular access and parking arrangements are considered satisfactory.

Recommended **Condition D.8** requires the following elements to be detailed plans showing the following:

- *The garage must have minimum internal dimensions of 3m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the architectural plans.*

- Pursuant to Clause 3.2.4 and Figure 3.3 of AS2890.1, a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, shall be provided on both sides of the driveway exit. Alternatively, the height of all structures (such as landscaping, retaining wall, solid front fence and driveway gate etc) located within these sight splays must be limited to a maximum of 0.9m to prevent obstructions to visibility to comply with the Council's DCP. Any open palisade fencing shall consist of tubular bars (maximum 16mm diameter) with minimum 100mm spacing apart. Notation to this requirement must be clearly depicted in the drawings.*

As recommended to be determined proposal is satisfactory with regard to the objectives and controls in Chapter E1 Parking and Access of the Woollahra DCP 2015.

14.4. Chapter E2: Stormwater and Flood Risk Management

This chapter applies to all development that requires consent. The proposal is acceptable with regard to the objectives and controls of Chapter E2 Stormwater and Flood Risk Management of the Woollahra DCP 2015.

14.5. Chapter E5: Waste Management

Chapter E5 is applicable to all development and seeks to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

The SWMMP addresses volume and type of waste and recyclables to be generated, storage and treatment of waste and recyclables on site, disposal of residual waste and recyclables and operational procedures for ongoing waste management once the development is complete.

The applicant provided a SWMMP with the development application, it was found not be satisfactory.

The proposal is acceptable with regard to the objectives and controls of Chapter E5: Waste Management of the Woollahra DCP 2015.

15. CONTRIBUTION PLANS

15.1. Section 7.12 Contributions Plan

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

Cost of Works	Rate based on cost of works	Contribution Payable
\$605,000.00	Up to \$100,000 = Nil >\$100,000 to \$200,000 = 0.5% >\$200,000 = 1%	\$6,050

Refer to **Condition D.1**

16. APPLICABLE ACTS/REGULATIONS

16.1. Environmental Planning and Assessment Regulation 2021

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

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

17. THE LIKELY IMPACTS OF THE PROPOSAL

All likely impacts have been addressed elsewhere in the report, or are considered to be satisfactory and not warrant further consideration.

18. THE SUITABILITY OF THE SITE

The site is suitable for the proposed development.

19. THE PUBLIC INTEREST

The proposal is considered to be in the public interest.

20. CONCLUSION

This assessment has considered the application in terms of the relevant matters under Section 4.15(1) of the Environmental Planning and Assessment Act and other relevant considerations and the proposal is considered to be satisfactory in this regard, subject to conditions.

21. DISCLOSURE STATEMENTS

There have been no disclosure statements regarding political donations or gifts made to any Councillor or to any council employee associated with this development application by the applicant or any person who made a submission.

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

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

AND

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, grant development consent to Development Application No. 443/2023/1 for alterations and additions to the existing dwelling including an upper level addition on land at 219 O'Sullivan Road BELLEVUE HILL, subject to the following conditions:

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A.1 Conditions

A. 1.	<p>Conditions</p> <p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 (“the Act”), and the provisions of the Environmental Planning and Assessment Regulation 2021 (“the Regulations”) and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (“the Development Certification and Fire Safety Regulations”), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence. • Where there is any breach Council may without any further warning: <ul style="list-style-type: none"> a) Issue Penalty Infringement Notices (On-the-spot fines); b) Issue notices and orders; c) Prosecute any person breaching this consent; and/or d) Seek injunctions/orders before the courts to restrain and remedy any breach. • Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences. • Should Council have to take any action to enforced compliance with this consent or other environmental laws Council’s policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order. • This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action. • The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious. <p>Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.</p>
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A.2 Definitions

A. 2.	<p>Definitions</p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p>Applicant means the applicant for this consent.</p> <p>Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p>
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Local native plants means species of native plant endemic to Sydney's eastern suburbs.

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.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

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.

Condition Reason: To ensure all parties are aware of the relevant definitions.

A.3 Approved Plans and Supporting Documents

A.3.

Approved Plans and Supporting Documents

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

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

Reference	Description	Author	Date
DA.1.00 H	Site plan	The Unlisted Collective	19/12/2023
DA.1.01 J	Demolition ground floor plan		19/12/2023
DA.1.02 J	Demolition level 1 floor plan		19/12/2023
DA.1.03 E	Demolition roof plan		19/12/2023
DA.1.04 P	Proposed ground floor plan		19/12/2023
DA.1.05 O	Proposed level 1 floor plan		19/12/2023
DA.1.06 H	Proposed level 2 floor plan		19/12/2023
DA.1.07 F	Proposed roof plan		19/12/2023
DA.2.01 Q	Proposed front & rear elevations		25/10/2023
DA.2.02 G	Proposed north & south elevations		09/10/2023
DA.3.01 D	Proposed sections		25/10/2023
A1375703	BASIX Certificate	NSW Department of Planning and Environment	10/11/2023
--	Site Waste Minimisation and Management Plan	Simone Landes	01/11/2023

Notes:

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

These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.

Condition Reason:

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

A.4 Ancillary Aspect of the Development (S80A(2) of the Act)

A. 4.	Ancillary Aspects of Development (section 4.17(2) of the Act)
	<p>The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p>
	<p>Notes:</p> <ul style="list-style-type: none"> This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.

Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.

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

A. 5.	Development Consent is Not Granted in Relation to these Matters
	a) This approval does not give consent to a new AC unit to the ground floor sitting room/dining room. The annotation "NEW AC UNIT TO LIVING ROOM" to approved plan DA.1.04 P is to be deleted.
	<p>Condition Reason: To ensure all parties are aware of works that have not been granted consent.</p> <p>The location of AC condenser unit has not been detailed to allow for certainty of development content.</p> <p>The applicant is advised that this condition does not prevent the installation of Air Conditioning units under Subdivision 3 Air-conditioning units of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>

A.6 Tree Preservation and Landscaping Works

A. 6.

Tree Preservation and Landscaping Works

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

a) The following trees must be retained:

- Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Grevillea robusta</i> (Silky Oak)	Rear	16 x 10
2	<i>Magnolia grandiflora</i> 'Exmouth' (Bull Bay Magnolia)	Rear	5 x 4

Condition Reason: To ensure all landscape works are undertaken in accordance with the approved plans and documents.

Standard Condition A.22 (Autotext 22A)

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B.1 Construction Certificate Required Prior to Any Demolition

B. 1.	<p>Construction Certificate Required Prior to Any Demolition</p> <p>Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" under section 6.6 of the Act.</p> <p>In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:</p> <ul style="list-style-type: none"> • Before issue of a construction certificate • Before building work commences <p>This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act.</p> <p>Note:</p> <ul style="list-style-type: none"> • See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125. <p>Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.</p>
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B.2 Erosion and Sediment Controls – Installation

B. 2.	<p>Erosion and Sediment Controls – Installation</p> <p>Before any site work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> a) "Do it Right On Site, Soil and Water Management for the Construction Industry" and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and b) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution.
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	<ul style="list-style-type: none"> Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being developed.
	Condition Reason: To prevent potential water pollution and dust nuisance.

B.3 Identification of Hazardous Material

B. 3.	Identification of Hazardous Material
	<p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> all hazardous materials identified on the site, the specific location of all hazardous materials identified, whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and safety measures to be put in place.
	Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.

B.4 Public Road Assets Prior to Any Work/Demolition

B. 4.	Public Road Assets Prior to Any Work/Demolition
	<p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> road pavement, street signage including street lights, kerb and gutter, footway including pedestrian crossings, footpath, and driveways, retaining walls, or other significant structures, Heritage Items, including street name inlays, utility service items including historical utility covers, and drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p>

	If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.
	Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.

B.5 Payment of Security and Fees

B. 5.

Payment of Security and Fees

Prior to any site works, the following security and fees must be paid in full:

Description	Amount	Indexed	Council Fee Code
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit -making good any damage caused to any property of the Council	\$18,960	No	T115
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Security Deposit Administration Fee	\$225.00	No	T16
TOTAL SECURITY AND FEES	\$19,185		

How must the payments be made?

Payments must be made by:

• cash deposit with Council,

• credit card payment with Council, or

• bank cheque made payable to Woollahra Municipal Council.

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

• the guarantee is by an Australian bank for the amount of the total outstanding contribution,

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

• the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent,

• the bank guarantee is lodged with the Council prior to any site works being undertaken, and

• the bank’s obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Notes:

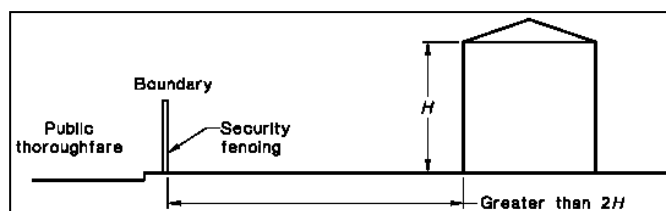
- An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.
- The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.
- Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.
- Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.
- Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be 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.
- The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au

Condition Reason: To ensure any relevant security and fees are paid.

B.6 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

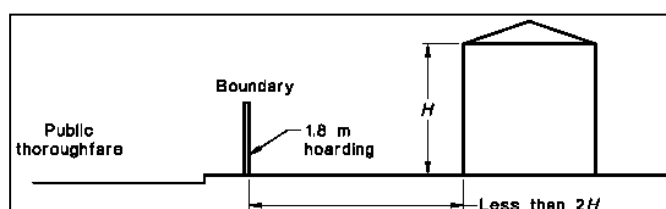
B. 6. Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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



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.



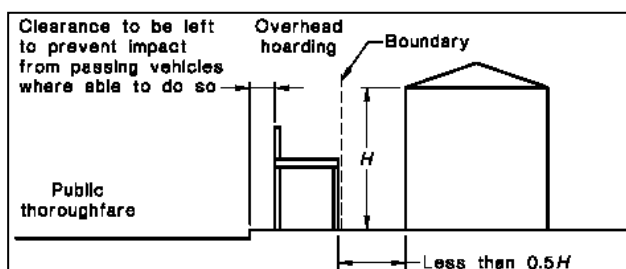
Type B Hoarding

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:

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

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

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



The overhead protective structures must be installed and maintained in accordance with the NSW "Code of Practice - Overhead Protective Structures 1995". This is code available at www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

All Hoardings

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

Hoardings on Public Land including 'Creative Hoardings'

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

A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council's Creative Hoardings Policy (adopted March 2020).

	<p>The cost of printing and affixing the creative hoarding is the responsibility of the person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council's website www.woollahra.nsw.gov.au</p> <p>Notes:</p> <ul style="list-style-type: none"> A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees. Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy: <ul style="list-style-type: none"> A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more OR B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more OR C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where: <ol style="list-style-type: none"> the capital investment value of the work to which the hoarding relates is less than \$1 million, or the land is zoned R2 Low Density Residential, or the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road). Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council's form "Application for a permit to use a footpath for the erection of a hoarding/scaffolding". The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au <p>Condition Reason: To ensure public safety.</p>
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B.7 Site Signs

<p>B. 7.</p>	<p>Site Signs</p> <p>Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.</p> <p>Clause 70 of the Regulation provides:</p> <p>Erection of signs</p> <ul style="list-style-type: none"> For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and
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	<p>b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and</p> <p>c) stating that unauthorised entry to the work site is prohibited.</p> <ul style="list-style-type: none"> Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia. <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p>Signs on development sites</p> <p>If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:</p> <ul style="list-style-type: none"> Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out. <p>Notes:</p> <ul style="list-style-type: none"> Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with. If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation. <p>Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p>
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B.8 Toilet Facilities

<p>B. 8.</p>	<p>Toilet Facilities</p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ul style="list-style-type: none"> a) must be a standard flushing toilet, and b) must be connected to a public sewer, or c) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
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	<p>d) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.</p> <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> • In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. • This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
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B.9 Establishment of Boundary Location, Building Location and Datum

<p>B. 9.</p>	<p>Establishment of Boundary Location, Building Location and Datum</p> <p>Before any site work commences, a surveyor registered under the Surveying and Spatial Information Act 2002 must:</p> <ol style="list-style-type: none"> set out the boundaries of the site by permanent marks (including permanent recovery points), set out the location and level of foundation excavations, footings, walls and slabs by permanent marks, pegs or profiles relative to the boundaries of the land and relative to Australian Height Datum (AHD) in compliance with the approved plans, establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and provide a copy of a survey report, prepared by the registered surveyor, detailing the title boundaries, pegs/profiles, recovery points and bench mark locations as established under this condition to the Principal Certifier. <p>Notes:</p> <ul style="list-style-type: none"> • Where there is any discrepancy between the approved development consent and the Construction Certificate, especially in relation to the height, location or external configuration of the building (but not limited to these issues) the site works must not proceed until the variations as shown are consistent with the consent. Failure to do so may result in a breach of development consent. • On larger developments, or where boundary redefinition is required, the placement of new State Survey Marks as permanent marks must be considered by the registered surveyor. <p>Condition Reason: To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p>
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B.10 Compliance with Australian Standard for Demolition

B. 10.	Compliance with Australian Standard for Demolition
	While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.
	Condition Reason To control the risks of demolition work.

B.11 Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)

B.

11.

Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)

Prior to any site works, tree protection measures must be established around all trees to be retained in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970).

The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).

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

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
1	<i>Grevillea robusta</i> (Silky Oak)	Rear	5.0
2	<i>Magnolia grandiflora</i> 'Exmouth' (Bull Bay Magnolia)	Rear	2.0

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

Additional Fencing may be installed to protect six (6) *Magnolia grandiflora* 'Exmouth' (Bull Bay Magnolia) located within the front setback of the property during works.

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

	<p>c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.</p> <p>d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.</p> <p>e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.</p> <p>f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.</p> <p>g) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.</p> <p>Condition Reason: To ensure the protection of existing trees Standard Condition B.5 (Autotext 5B)</p>
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B.12 Arborists Documentation and Compliance Checklist

<p>B. 12.</p>	<p>Arborists Documentation and Compliance Checklist</p> <p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> • A record of the condition of trees to be retained prior to and throughout development. • Recommended actions to improve site conditions and rectification of non-compliance. • Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="343 1568 1308 2016"> <thead> <tr> <th data-bbox="343 1568 550 1680">Stage of arboricultural inspection and supervision</th><th data-bbox="550 1568 1308 1680">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="343 1680 550 2016">Prior to any site works</td><td data-bbox="550 1680 1308 2016"> <ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. </td></tr> </tbody> </table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to any site works	<ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Prior to any site works	<ul style="list-style-type: none"> • Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. • The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. 				

	<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.</p> <p>Standard Condition B.29 (Autotext 29B)</p>
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B.13 Skeletal Remains

B. 13.	<p>Skeletal Remains</p> <p>While site work is being carried out, if any skeletal remains suspected of being human are found, work must cease immediately and no further disturbance of the site must occur. The following must be notified:</p> <ul style="list-style-type: none"> a) NSW Police, and b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. <p>Details of the remains and their precise location are to be provided.</p> <p>Site work may recommence at a time confirmed in writing by the NSW Police and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</p> <p>Condition Reason: To ensure the appropriate management of skeletal remains.</p>
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B.14 Aboriginal Objects – Unexpected Findings

B. 14.	<p>Aboriginal Objects – Unexpected Findings</p> <p>While site work is being carried out, if unexpected Aboriginal objects or bones are found, you must:</p> <ul style="list-style-type: none"> a) Not further disturb or move these objects or bones. b) Immediately cease all work at the particular location. c) In the case of suspected human remains, notify NSW Police. d) Notify the Heritage NSW Environment Line on 131 555 and the La Perouse Land Council (LALC) on (02) 9311 4282 as soon as practicable and provide available details of the objects or remains and their location. e) Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. f) Not recommence any work at the particular location unless authorised in writing by the police (in the case of human remains) and the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85. Additional assessment and approval under the National Parks and Wildlife Act 1974 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
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	<p>Notes:</p> <ul style="list-style-type: none"> The Definition of Aboriginal object, as per the National Parks & Wildlife Act 1974, is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
	<p>Condition Reason: To protect Aboriginal objects</p>

B.15 Aboriginal Heritage Due Diligence Responsibilities

<p>B. 15.</p>	<p>Aboriginal Heritage Due Diligence Responsibilities</p> <p>While site work is being carried out, nothing in this approval allows to cause harm to an Aboriginal object as defined in the National Parks & Wildlife Act 1974. Under the National Parks & Wildlife Act 1974, it is an offence to harm Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) without a valid Aboriginal Heritage Impact Permit under Section 90 of the Act. This applies whether the harm occurs either knowingly [s86(1)] or unknowingly [s86(2)].</p> <p>It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object.</p> <p>Condition Reason: To protect Aboriginal heritage.</p>
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B.16 Aboriginal Heritage Induction

<p>B. 16.</p>	<p>Aboriginal Heritage Induction</p> <p>Prior to any site works:</p> <ol style="list-style-type: none"> All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974; An Aboriginal heritage induction is to be delivered by the La Perouse Local Aboriginal Land Council, or by a heritage consultant with Aboriginal heritage expertise (if a representative of the Local Land Council is not able to provide the induction), to explain what Aboriginal heritage may be found and outline the unexpected findings procedures; and Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier. <p>Condition Reason: To protect Aboriginal heritage.</p>
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B.17 Adjoining buildings founded on loose foundation materials

B. 17.	Adjoining Buildings Founded on Loose Foundation Materials
	<p>Before any site work commences, a professional engineer must determine the possibility of any adjoining buildings founded on loose foundation materials being affected by piling, piers or excavation. The professional engineer (geotechnical consultant) must assess the requirements for underpinning any adjoining or adjacent buildings founded on such soil on a case by case basis, and any reasonable direction of the professional engineer must be complied with.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. • The person with the benefit of this consent is likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919. <p>Condition Reason: To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.</p>

B.18 Works (Construction) Zone – Approval and Implementation

B. 18.	Works (Construction) Zone – Approval and Implementation
	<p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. • The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service. <p>Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p>

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).

Deferred or periodic payment of section 7.12 levy (formerly known as 94A levy) under the Woollahra Section 7.12 Development Contributions Plan 2022

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

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

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

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate,
- a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable,
- the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

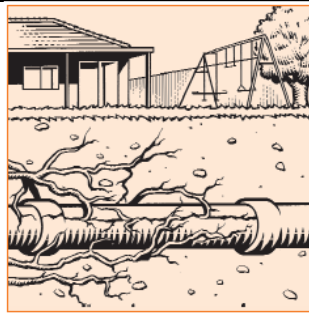
Condition Reason: To ensure any relevant levy and contributions are paid.

D.2 BASIX Commitments

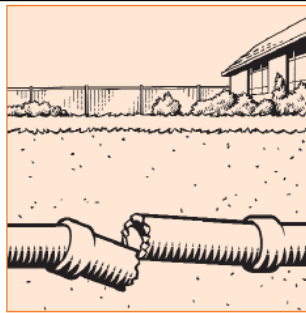
D 2.	BASIX Commitments
	<p>Before the issue of any construction certificate, BASIX Certificate No. A1375703 must be submitted to the Principal Certifier with any application for a construction certificate.</p> <p>All commitments in the BASIX Certificate must be shown on the construction certificate plans and specifications prior to the issue of any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> Where there is any proposed change in the BASIX commitments the Applicant must submit a new BASIX Certificate to the Principal Certifier and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 19 and 20 of the Development Certification and Fire Safety Regulation) the Applicant will be required to submit an amended development application to Council under section 4.55 of the Act. Clause 19(1)(a) of the Development Certification and Fire Safety Regulation 2021 provides: a certifier must not issue a construction certificate for building work unless: the relevant building work plans and specifications include the matters required by a relevant BASIX certificate, if any.
	<p>Condition Reason: To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>

D.3 Water and Waste Water - section 73 Developers Certificate and Upgrading of Existing System

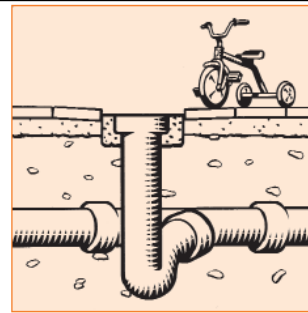
D 3.	Water and Waste Water - section 73 Developers Certificate and Upgrading of Existing System
	<p>Prior to the issue of any construction certificate, a Compliance Certificate must be obtained from Sydney Water under section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to their mains.</p> <p>The construction certificate plans and specifications, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulation, must detail the replacement of all private sewer pipes between all sanitary fixtures and Sydney Water's sewer main where they are not found by inspection to be sewer grade UPVC or copper with continuously welded joints.</p>



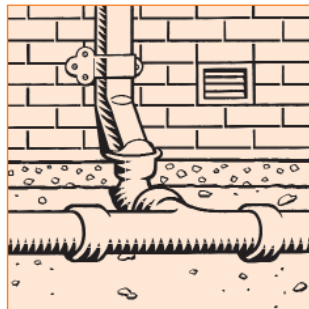
Cracked pipes



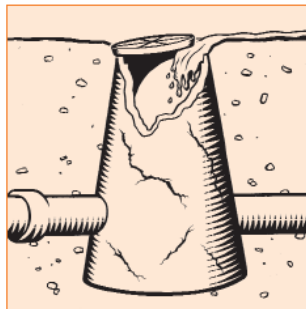
Broken pipes



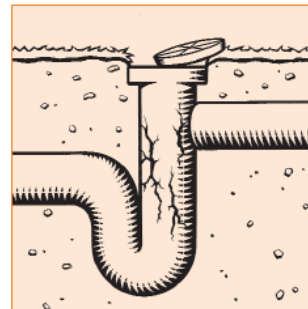
Damaged or low-lying gullies



Direct stormwater connections



Hidden or damaged maintenance holes



Hidden or damaged inspection points

Notes:

- Sydney Water will assess the development and if required will issue a 'Notice of Requirements' letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Please make early contact with Sydney Water or a WSC, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- For more information go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
- Where private sewer pipes are old, may leak or may be subject to root invasion (whether from existing or proposed private or public landscaping) that existing cast iron, concrete, earthenware or terracotta systems are replaced with new UPVC or copper continuously welded pipes between all sanitary fixtures and Sydney Waters sewer main as part of the development. Leaking sewer pipes are a potential source of water pollution, unsafe and unhealthy conditions which must be remedied in the public interest.

Condition Reason: To ensure that private sewer pipes are upgraded where required to prevent water pollution, and unsafe and unhealthy conditions.

D.4 Erosion and Sediment Control Plan – Submission and Approval

D 4.	Erosion and Sediment Control Plan – Submission and Approval
	Before the issue of any construction certificate, an erosion and sediment control plan, prepared by a suitably qualified person in accordance with the following documents, must be submitted to the Principal Certifier. The erosion and sediment control plan must comply with:

	<p>a) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils; and</p> <p>b) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>The Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia www.austieca.com.au lists consultant experts who can assist in ensuring compliance with this condition. Where erosion and sedimentation plans are required for larger projects it is recommended that expert consultants produce these plans. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au, and The Blue Book is available at www.environment.nsw.gov.au • Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
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D.5 Structural Adequacy of Existing Supporting Structures

D 5.	<p>Structural Adequacy of Existing Supporting Structures</p> <p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p> <p>Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.</p>
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D.6 Professional Engineering Details

D 6.	<p>Professional Engineering Details</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation. Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p>
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	<p>Notes:</p> <ul style="list-style-type: none"> This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>
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D.7 Flood Protection

D 7.	<p>Flood Protection</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <p>a) A permanent flood risk management plan shall be installed in a prominent area of the garage,</p> <p><u>Flood Proof Material</u></p> <p>a) Flood compatible materials shall be used for all flood exposed construction,</p> <p><u>Electricals</u></p> <p>a) All flood exposed electrical wiring and equipment shall be waterproofed,</p> <p><u>Certification</u></p> <p>a) All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation,</p> <p>Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.</p> <p>Notes:</p> <ul style="list-style-type: none"> The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection. <p>Condition Reason: To ensure the development incorporates flood inundation protection measures.</p>
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D.8 Parking facilities

D 8.	Parking Facilities
	<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed plans showing the following:</p> <ol style="list-style-type: none"> The garage must have minimum internal dimensions of 3m x 5.4m, clear of obstructions, to comply with AS2890.1. These required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the architectural plans. Pursuant to Clause 3.2.4 and Figure 3.3 of AS2890.1, a 2m x 2.5m pedestrian sight splay, clear of any obstructions to visibility, shall be provided on both sides of the driveway exit. Alternatively, the height of all structures (such as landscaping, retaining wall, solid front fence and driveway gate etc) located within these sight splays must be limited to a maximum of 0.9m to prevent obstructions to visibility to comply with the Council's DCP. Any open palisade fencing shall consist of tubular bars (maximum 16mm diameter) with minimum 100mm spacing apart. Notation to this requirement must be clearly depicted in the drawings. Revised site plan and street elevation showing compliance with this requirement must be included in the construction drawings. <p>Access levels and grades must comply with access levels and grades required by Council under the Roads Act 1993.</p> <p>The Principal Certifier 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.</p>
	<p>Condition Reason: To ensure parking facilities are designed in accordance with the Australian Standard.</p>

D.9 Stormwater Management Plan

D 9.	Stormwater Management Plan
	<p>Before the issue of any Construction Certificate, the applicant must submit, for approval by the Principal Certifier, detailed stormwater management plans prepared by a chartered professional civil engineer, which include the following:</p> <ol style="list-style-type: none"> The discharge of stormwater from the site, by direct connection to the street kerb. The provision of a minimum 450mm x 450mm boundary junction pit prior to discharging stormwater from the site to the street drainage system. The discharge of stormwater from the site to the street kerb must be located within the frontage of the site. Only one stormwater outlet with a maximum discharge rate of 20 l/s in the 1% AEP storm event will be permitted. Full supporting calculations must be included in the stormwater management plans. The stormwater outlet pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3.

- c) Any below ground structures are to be fully tanked such that subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP. Notation to this requirement must be clearly depicted on the drawings,
- d) The stormwater management plans must specify any components of the existing drainage system to be retained and certified to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- e) Internal stormwater drainage including but not limited to gutters and downpipes, pipes and pits are to be designed for rainfall intensities up to and including the 1% AEP event if an unimpeded overland flow path to the street drainage system is not available. Design details and calculations must be included in the stormwater management plans,
- f) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- g) Detail any remedial works required to upgrade the existing stormwater drainage system.
- h) Dimensions of all drainage pits and access grates must comply with AS3500.3.
- i) Compliance the objectives and performance requirements of the BCA.
- j) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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

Layout plan

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

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

Rainwater Reuse System details:

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

	<p>Where new Stormwater Drainage System crosses the footpath area within any road, separate approval under section 138 of the <i>Roads Act 1993</i> must be obtained from Council for those works before the issue of any Construction Certificate.</p> <p>All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's <i>Specification for Roadworks, Drainage and Miscellaneous Works</i> (2012).</p>
	<p>Condition Reason: To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>

E. BEFORE BUILDING WORK COMMENCES

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

E	<p>1. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <ul style="list-style-type: none"> a) that the work must be carried out in accordance with the requirements of the Building Code of Australia, b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences. <p>This condition does not apply:</p> <ul style="list-style-type: none"> a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. • All new guttering is to comply with the provisions of AS3500. <p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
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E.2 Erosion and Sediment Controls – Installation

E 2.	Erosion and Sediment Controls – Installation
	<p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> The Soil and Water Management Plan if required under this consent; “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being.
	Condition Reason: To prevent potential water pollution and dust nuisance.

E.3 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)

E 3.	Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)
	<p>Building work must not commence, until:</p> <ol style="list-style-type: none"> A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, and The person having the benefit of the development consent has: <ul style="list-style-type: none"> appointed a Principal Certifier for the building work, and notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and The Principal Certifier has, no later than 2 days before the building work commences:

	<ul style="list-style-type: none"> • notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and • notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and <p>d) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:</p> <ul style="list-style-type: none"> • appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and • notified the Principal Certifier of any such appointment, and • unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and • given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. <p>Notes:</p> <ul style="list-style-type: none"> • Building has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure. • New building has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building. • The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125. • Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au • It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act. • Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading. <p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>
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F. DURING BUILDING WORK

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

F 1.	<p>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA), b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
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	<p>This condition does not apply:</p> <ul style="list-style-type: none"> a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or b) to the erection of a temporary building. <p>In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p> <p>Notes:</p> <ul style="list-style-type: none"> • All new guttering is to comply with the provisions of AS 3500. <p>Condition Reason: To ensure compliance with the BCA and Home building Act 1989.</p>
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F.2 Requirement to Notify about New Evidence

F 2.	<p>Requirement to Notify about New Evidence</p> <p>While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.</p> <p>Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.</p>
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F.3 Critical Stage Inspections

F 3.	<p>Critical Stage Inspections</p> <p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p> <p>Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent.
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	<ul style="list-style-type: none"> The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development.
	<p>Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>

F.4 Hours of Work –Amenity of the Neighbourhood

<p>F 4.</p>	<p>Hours of Work –Amenity of the Neighbourhood</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> No work must take place on any Sunday or public holiday. No work must take place before 7am or after 5pm any weekday. No work must take place before 7am or after 1pm any Saturday. The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: <ol style="list-style-type: none"> piling, piering, rock or concrete cutting, boring or drilling, rock breaking, rock sawing, jack hammering, or machine excavation. No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday. No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour. <p>Notes:</p> <ul style="list-style-type: none"> The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council. Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution. The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis. Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017.
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	<ul style="list-style-type: none"> NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nlg.htm
	<p>Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.</p>

F.5 Public Footpaths – Safety, Access and Maintenance

F	<p>5. Public Footpaths – Safety, Access and Maintenance</p> <p>While site work is being carried out, any person acting with the benefit of this consent must:</p> <ol style="list-style-type: none"> Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway. Not use the road or footway for the storage of any article, material, matter, waste or thing. Not use the road or footway for any work. Keep the road and footway in good repair free of any trip hazard or obstruction. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council. Not stand any plant and equipment upon the road or footway. If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand. Provide a clear safe pedestrian route a minimum of 1.5m wide. Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development. <p>This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with:</p> <ol style="list-style-type: none"> Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. Australian Road Rules. <p>Notes:</p> <ul style="list-style-type: none"> Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, or remove or interfere with a structure, work or tree on a public road, or pump water into a public road from any land adjoining the road, or connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority. Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: <ul style="list-style-type: none"> Part C Management of waste:
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	<ul style="list-style-type: none"> a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: <ul style="list-style-type: none"> a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.
	<p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>

F.6 Maintenance of Environmental Controls

F 6.	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <ul style="list-style-type: none"> a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions. <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
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F.7 Support of Adjoining Land and Buildings

F 7.	<p>Support of Adjoining Land and Buildings</p> <p>While site work is being carried out, a person must not to do anything on or in relation to the site (the supporting land) that removes the support provided by the supporting land to any other land (the supported land) or building (the supported building).</p> <p>For the purposes of this condition, supporting land includes the natural surface of the site, the subsoil of the site, any water beneath the site, and any part of the site that has been reclaimed.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is considered necessary upon any adjoining or supported land by any person the Principal Contractor or Owner-builder must obtain: <ul style="list-style-type: none"> - the consent of the owners of such adjoining or supported land to trespass or encroach, or - an access order under the Access to Neighbouring Land Act 2000, or - an easement under section 88K of the Conveyancing Act 1919, or - an easement under section 40 of the Land and Environment Court Act 1979 as appropriate.
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	<ul style="list-style-type: none"> • Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land). • Clause 17 of the Roads Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road. • The encroachment of work or the like is a civil matter of trespass or encroachment and Council does not adjudicate or regulate such trespasses or encroachments except in relation to encroachments upon any road, public place, Crown land under Council's care control or management, or any community or operational land as defined by the Local Government Act 1993. <p>Condition Reason: To ensure that the support of adjoining land is not removed.</p>
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F.8 Erosion and Sediment Controls – Maintenance

F 8.	<p>Erosion and Sediment Controls – Maintenance</p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <ol style="list-style-type: none"> a) the Soil and Water Management Plan required under this consent, b) "Do it Right On Site, Soil and Water Management for the Construction Industry" and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides that "the occupier of premises at or from which any pollution occurs is taken to have caused the pollution". • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
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F.9 Disposal of Site Water During Construction

F 9.	Disposal of Site Water During Construction
	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> Prior to pumping any water into the road or public stormwater system, approval must be obtained from Council under section 138(1)(d) of the Roads Act 1993. Water pollution, as defined by the Protection of the Environment Operations Act 1997, must not occur as the result of the discharge to the road, public stormwater system or other place of any site water. That stormwater from any roof or other impervious areas is linked, via temporary downpipes and stormwater pipes, to a Council approved stormwater disposal system immediately upon completion of the roof installation or work creating other impervious areas.
	<p>Condition Reason: To ensure that adjoining and neighbouring land is not adversely affected by unreasonable overland flows of stormwater and that site water does not cause erosion and water pollution.</p>

F.10 Site Cranes

F 10.	Site Cranes
	<p>While site work is being carried out, site crane(s) and hoist(s) may be erected within the boundary of the land being developed subject to compliance with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts to these standards.</p> <p>Cranes must not swing or hoist over any public place unless the relevant approvals have been obtained under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.</p> <p>The crane must not be illuminated outside approved working hours other than in relation to safety beacons required by the Civil Aviation Safety Authority under the Civil Aviation Act 1988 (Cth).</p> <p>No illuminated sign(s) must be erected upon or displayed upon any site crane.</p> <p>Notes:</p> <ul style="list-style-type: none"> Where it is proposed to swing a crane over a public place a separate application to Council must be made under section 68 of the Local Government Act 1993 and obtain activity approval from Council prior to swinging or hoisting over the public place. Where it is proposed to swing a crane over private land the consent of the owner of that private land is required. Alternatively, an access order under the Access to Neighbouring Land Act 2000 or easement under section 88K of the Conveyancing Act 1919 or section 40 of the Land and Environment Court Act 1979 as appropriate must be obtained. The encroachment of cranes or the like is a civil matter of trespass and encroachment. Council does not adjudicate or regulate such trespasses or encroachments.
	<p>Condition Reason: To ensure site cranes are used safely with the relevant approvals.</p>

F.11 Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum

F	11.	Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum
		<p>While site work is being carried out, a registered surveyor must carry out check surveys and provide survey certificates confirming the location of the building(s), ancillary works, flood protection works and the stormwater drainage system relative to the boundaries of the site and that the height of buildings, ancillary works, flood protection works and the stormwater drainage system relative to Australian Height Datum complies with this consent at the following critical stages.</p>
		<p>Work must not proceed beyond each of the following critical stages until compliance has been demonstrated to the Principal Certifier's satisfaction:</p> <ul style="list-style-type: none"> 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 are in place 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.
		<p>Condition Reason: To ensure that development occurs in the location and at the height approved under this consent, which is critical to ensure that buildings are constructed to minimum heights for flood protection and maximum heights to protect views and the amenity of neighbours.</p>

F.12 Placement and Use of Skip Bins

F	12.	Placement and Use of Skip Bins
		<p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <ul style="list-style-type: none"> 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.

	<p>Notes:</p> <ul style="list-style-type: none"> Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards. <p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
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F.13 Prohibition of Burning

<p>F 13.</p>	<p>Prohibition of Burning</p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning. <p>Condition Reason: To ensure no burning of waste occurs.</p>
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F.14 Dust Mitigation

<p>F 14.</p>	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> Dust screens to all hoardings and site fences. All stockpiles or loose materials to be covered when not being used. All equipment, where capable, being fitted with dust catchers. All loose materials being placed bags before placing into waste or skip bins. All waste and skip bins being kept covered when not being filled or emptied. The surface of excavation work being kept wet to minimise dust. Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution.
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Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.

F.15 Site Waste Minimisation and Management – Demolition

F 15.	Site Waste Minimisation and Management – Demolition
	<p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ul style="list-style-type: none"> 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) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly 'signposted', e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and f) site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ul style="list-style-type: none"> 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. <p>Notes:</p> <ul style="list-style-type: none"> • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.
	<p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>

F.16 Site Waste Minimisation and Management – Construction

F 16.	Site Waste Minimisation and Management – Construction
	<p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ul style="list-style-type: none"> 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,

	<p>b) deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage,</p> <p>c) consideration must be given to returning excess materials to the supplier or manufacturer,</p> <p>d) an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation),</p> <p>e) the purpose and content of the storage areas must be clearly ‘signposted’,</p> <p>f) contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste,</p> <p>g) separate collection bins or areas for the storage of residual waste must be promoted,</p> <p>h) measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,</p> <p>i) site disturbance must be minimised and unnecessary excavation limited,</p> <p>j) all waste must be transported to a place that can lawfully be used as a waste facility, and</p> <p>k) records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW.</p> <p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
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F.17 Asbestos Removal

F 17.	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <p>a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.</p> <p>b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.</p> <p>c) No asbestos products may be reused on the site.</p> <p>d) No asbestos laden skip or bins must be left in any public place.</p> <p>Notes:</p> <ul style="list-style-type: none"> Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> Work Health and Safety Act 2011, Work Health and Safety Regulation 2017, SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016).
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	<ul style="list-style-type: none"> For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.

F.18 Classification of Hazardous Waste

F 18.	Classification of Hazardous Waste
	While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.
	Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.

F.19 Disposal of Asbestos and Hazardous Waste

F 19.	Disposal of Asbestos and Hazardous Waste
	While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.
	Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.

F.20 Asbestos Removal Signage

F 20.	Asbestos Removal Signage
	While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.
	Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.

F.21 Notification of Asbestos Removal

F 21.	Notification of Asbestos Removal
	<p>While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.</p>
	<p>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.</p>
	<p>Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.</p>

F.22 Tree Preservation

F 22.	Tree Preservation
	<p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p>
	<p>General Protection Requirements:</p> <ul style="list-style-type: none"> a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent. b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The principal contractor must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist. c) Where there is damage to any part of a tree the principal contractor must procure an inspection of the tree by a qualified arborist immediately. The principal contractor must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.
	<p>Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry.</p>
	<p>Condition Reason: To protect trees during the carrying out of sitework.</p>
	<p>Standard Condition F.8 (Autotext 8F)</p>

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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

G	1.	Occupation Certificate (section 6.9 of the Act)
		A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.
		<p>Notes:</p> <ul style="list-style-type: none"> New building includes an altered portion of, or an extension to, an existing building. <p>Condition Reason: To ensure the building is suitable to occupy.</p>

G.2 Fulfillment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation

G	2.	Change of Building Use of Existing Building Requires Occupation Certificate (section 6.9 of the Act)
		Before the issue of any occupation certificate, a person must not effect a change of building use for the whole or any part of an existing building.
		Condition Reason: To ensure that a change of use does not occur without the issue of an occupation certificate

G.3 Commissioning and Certification of Systems and Works

G	3.	Commissioning and Certification of Systems and Works
		<p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p> <ol style="list-style-type: none"> 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.

	<p>i) All waterproofing. j) Such further matters as the Principal Certifier may require.</p> <p>Notes:</p> <ul style="list-style-type: none"> The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate. <p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>
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G.4 Works-As-Executed Certification of Stormwater System

G 4.	<p>Works-As-Executed Certification of Stormwater System</p> <p>Before the issue of an occupation certificate for the whole of the building, and on the completion of construction work, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings prepared by a registered surveyor and submitted for approval by the Principal Certifier detailing:</p> <ul style="list-style-type: none"> a) compliance with conditions of development consent relating to stormwater, b) that subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter, c) that only one stormwater outlet pipe to kerb has been constructed within the frontage of the site, d) that the works have been constructed in accordance with the approved design, e) pipe invert levels and surface levels to Australian Height Datum, and contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits. <p>Condition Reason: To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>
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G.5 Landscaping

G 5.	<p>Provision of Category 1 Fire Safety Provisions (clause 62 of the Regulation)</p> <p>Before the issue of any occupation certificate, the Category 1 fire safety provisions, as are applicable to the building's proposed new use, must be provided.</p> <p>Condition Reason: To ensure that fire safety measures are provided prior to occupation.</p>
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G.6 Removal of Ancillary Works and Structures¹³⁸

G 6.	Removal of Ancillary Works and Structures
	<p>Before the issue of any occupation certificate for the whole of the building, The following articles must be removed from the land and any adjoining public place:</p> <ul style="list-style-type: none"> a) the site sign, b) ablutions, c) hoarding, d) scaffolding, and e) waste materials, matter, article or thing.
	<p>Condition Reason: To ensure that all ancillary matter is removed prior to occupation.</p>

G.7 Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building

G 7.	Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building				
	<p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p>				
	<table border="1"> <thead> <tr> <th data-bbox="339 1453 683 1509">Stage of arboricultural inspection and supervision</th><th data-bbox="691 1453 1362 1509">Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td data-bbox="339 1520 683 1756">Before the issue of any occupation certificate for the whole of the building</td><td data-bbox="691 1520 1362 1756"> <ul style="list-style-type: none"> • The project arborist must supervise the dismantling of tree protection measures • After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation. </td></tr> </tbody> </table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> • The project arborist must supervise the dismantling of tree protection measures • After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include				
Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> • The project arborist must supervise the dismantling of tree protection measures • After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation. 				
	<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>				

Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.
Standard Condition G.35 (Autotext 34G)

H. OCCUPATION AND ONGOING USE

H.1 Maintenance of BASIX Commitments

H 1.	Maintenance of BASIX Commitments
	During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. A1375703. This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
	Condition Reason: To ensure the approved environmental sustainability measures are maintained for the life of development.

H.2 Maintenance of Landscaping

H 2.	Maintenance of Landscaping
	<p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. • Owners must have regard to the amenity impact of trees upon the site and neighbouring land. Further, drought proof vegetation being native species endemic to the immediate locality is encouraged. Suggested native species endemic to the immediate locality are listed in the brochure "Local Native Plants for Sydney's Eastern Suburbs" published by Woollahra, Waverley, Randwick and Botany Bay Councils.
	Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.

H.3 Noise from Mechanical Plant and Equipment

H 3.	Noise from Mechanical Plant and Equipment
	During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time.

The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.

Notes:

- 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

Condition Reason: To protect the amenity of the neighbourhood.

SUBDIVISION WORK

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Condition

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Condition

Nil.

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Condition

Nil.

LAND SUBDIVISION

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Condition





Nil.

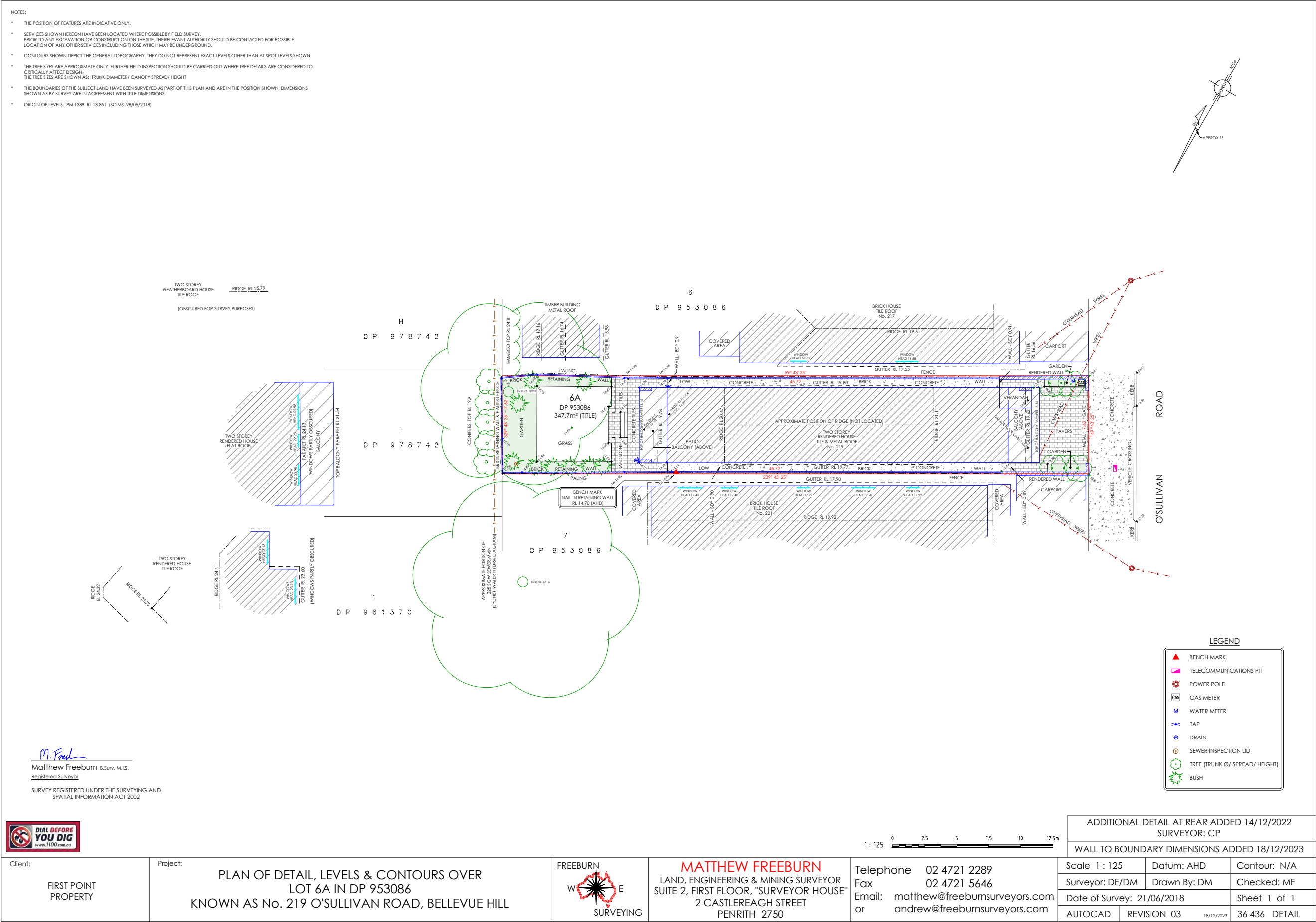
STRATA SUBDIVISION

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Condition

Attachments

1. Annexure 1 - Architectural drawings and survey [↓](#) 
2. Annexure 2 - Clause 4.6 Variation [↓](#) 
3. Annexure 3 - Referral Response Drainage [↓](#) 
4. Annexure 4 - Referral Response Trees and Landscaping [↓](#) 



DA DOCUMENTATION *NOT FOR CONSTRUCTION

219 O'Sullivan Road, Bellevue Hill

LOCATION PLAN



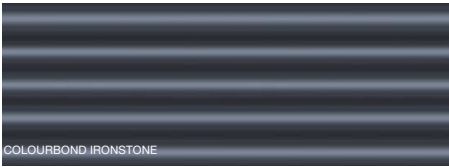
EXTERNAL MATERIALS



FRONT DOOR STYLE / COLOUR (TO MATCH IRONSTONE)



DULUX CASPER WHITE OR SIMILAR
EXTERNAL PAINT COLOUR



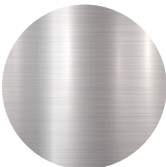
METAL ROOFING - NEW PAINT



GARAGE DOOR - DARK GREY (IRONSTONE)



EXTERNAL WALL LIGHTS



FITTINGS & FIXTURES - BRUSHED PLATINUM

DRAWING LIST

- DA.0.00 COVER PAGE
DA.0.01 SURVEY
- DA.1.00 SITE PLAN
DA.1.01 EXISTING & DEMOLITION GROUND FLOOR PLAN
DA.1.02 EXISTING & DEMOLITION LEVEL 1 FLOOR PLAN
DA.1.03 EXISTING & DEMOLITION ROOF PLAN
DA.1.04 PROPOSED GROUND FLOOR PLAN
DA.1.05 PROPOSED LEVEL 1 FLOOR PLAN
DA.1.06 PROPOSED LEVEL 2 FLOOR PLAN
DA.1.07 PROPOSED ROOF PLAN
- DA.2.01 PROPOSED FRONT & REAR EXTERNAL ELEVATIONS
DA.2.02 PROPOSED NORTH & SOUTH EXTERNAL ELEVATIONS
- DA.3.01 PROPOSED SECTIONS
- DA.4.01 AREA DIAGRAM
DA.4.02 SHADOW DIAGRAMS 9AM
DA.4.03 SHADOW DIAGRAMS 10AM
DA.4.04 SHADOW DIAGRAMS 11AM
DA.4.05 SHADOW DIAGRAMS 12PM
DA.4.06 SHADOW DIAGRAMS 1PM
DA.4.07 SHADOW DIAGRAMS 2PM
DA.4.08 SHADOW DIAGRAMS 3PM
DA.4.09 VIEW ANALYSIS
DA.4.10 FLOORPLATE DIAGRAMS

REPORTS

- TO BE READ IN CONJUNCTION WITH
- FLOOD RISK MANAGEMENT REPORT BY MANCE ARRAJ
 - EROSION & SEDIMENT CONTROL DRAWING BY MANCE ARRAJ
 - SURVEY BY MATTHEW FREEBURN
 - SITE WASTE MINIMISATION & MANAGEMENT REPORT



GLAZING CONCEPT
WHITE PAINTED TIMBER DOOR & WINDOW FRAMES WITH PANES



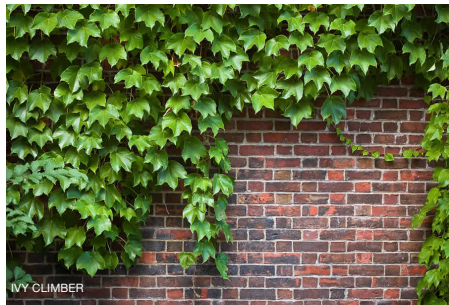
EXTERNAL PAVERS TO BALCONIES



PLANTING

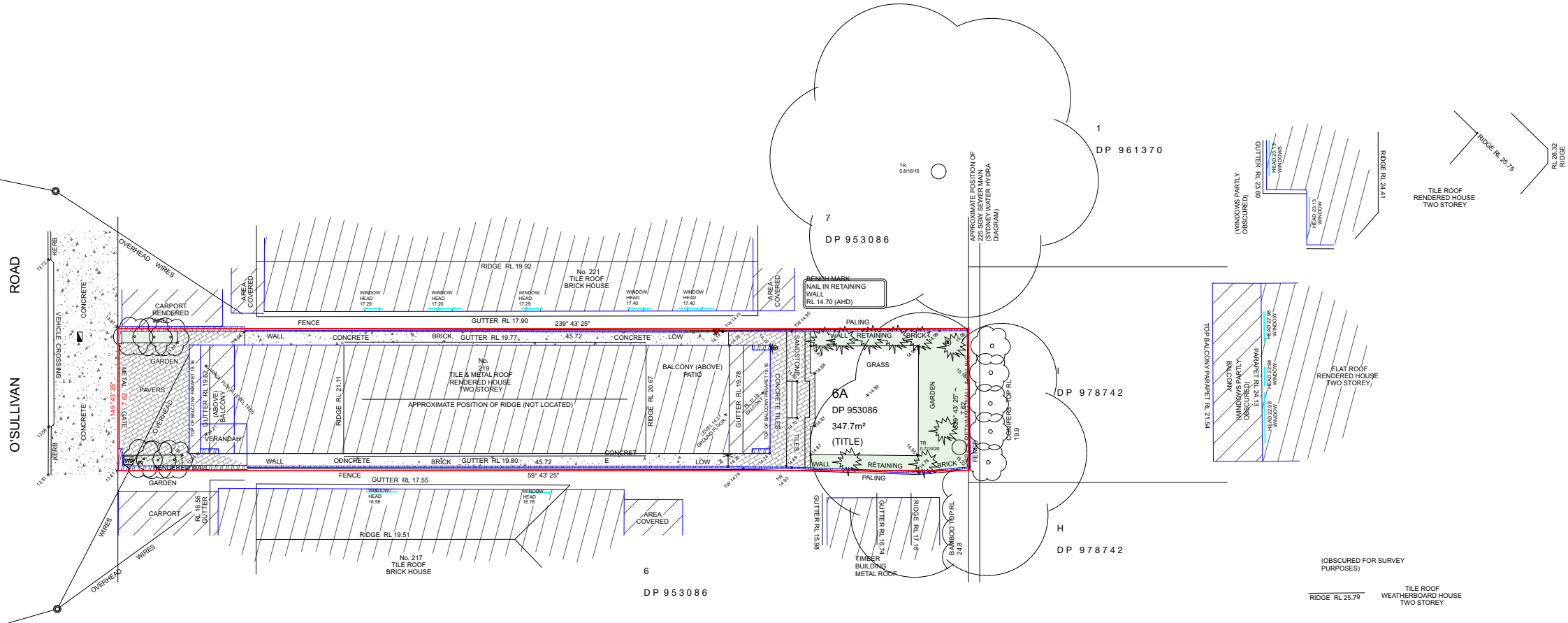


FENCE / GATE - WHITE PAINTED TIMBER

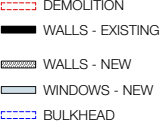
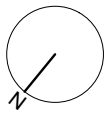


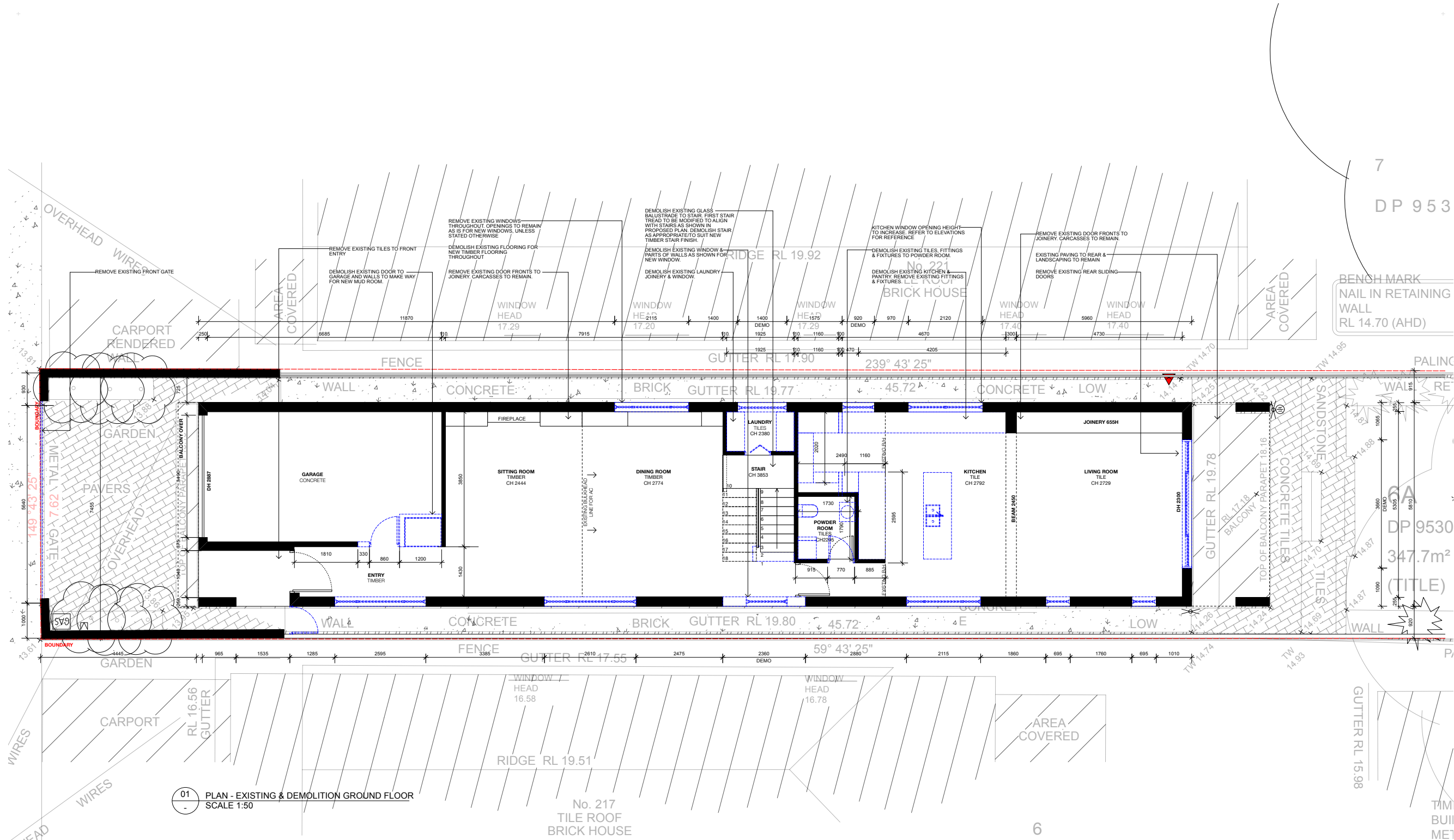
PLANTING

<div>GENERAL NOTES</div> <div><div>1. All works to be in accordance with Building Code of Australia, and the relevant Australian Standards</div><div>2. Contractor to ensure consistency between similar materials is maintained</div><div>3. Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture</div><div>4. TUC to approve all contractors detailed drawings/setting out prior to construction</div><div>5. Contractor to confirm stability and feasibility of all units/components prior to manufacture</div><div>6. Contractor to liaise with Electrical contractors to ensure all power,data,communication requirements are accessible</div><div>7. All drawings to be verified on site - do not scale</div><div>8. Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces</div></div>	<div>LEGEND GENERAL</div> <div><div><div></div>DEMOLITION</div><div><div></div>WALLS - EXISTING</div><div><div></div>WALLS - NEW</div><div><div></div>WINDOWS - NEW</div><div><div></div>BULKHEAD</div></div>	<div>AMENDMENTS</div> <div><div><div>A ISSUED TO BUILDER & CLIENT FOR REVIEW</div><div>B ISSUED TO CLIENT</div><div>C ISSUED TO CLIENT & LANDSCAPE DESIGNER</div><div>D REVISED ISSUE TO CLIENT</div><div>E CDC ISSUED TO CLIENT FOR REVIEW</div><div>F ISSUED FOR CLIENT REVIEW</div><div>G ISSUED TO PLANNER</div><div>H ISSUED TO PLANNER</div><div>I ISSUED TO CLIENT</div><div>K ISSUED TO CLIENT & PLANNER</div></div><div><div>03.04.19</div><div>26.04.21</div><div>17.05.21</div><div>25.05.21</div><div>23.11.21</div><div>09.05.23</div><div>17.05.23</div><div>23.05.23</div><div>09.10.23</div><div>25.10.23</div></div></div>	<div>PROJECT</div> <div>HOVEY LANDES RESIDENCE</div> <div>219 O'Sullivan Road, Bellevue Hill</div> <div><div>THE</div><div>UNLISTED</div><div>COLLECTIVE</div></div> <div><div>DRAWING</div><div>DA DOCUMENTATION</div><div>COVER PAGE, DRAWING LIST & MATERIALS</div></div> <div><div>info@theunlistedcollective.com</div><div>+61 422 296 039</div><div>theunlistedcollective.com</div></div> <div><div>This drawing is copyright and may not be used without written consent.</div></div>	<div>PROJECT NO:</div> <div>1763</div> <div>DWG NO:</div> <div>DA.0.00</div> <div>ISSUE:</div> <div>K</div> <div>DATE:</div> <div>APRIL 2021</div> <div>DRAWN:</div> <div>HJ</div> <div>SCALE:</div> <div>N.T.S</div>
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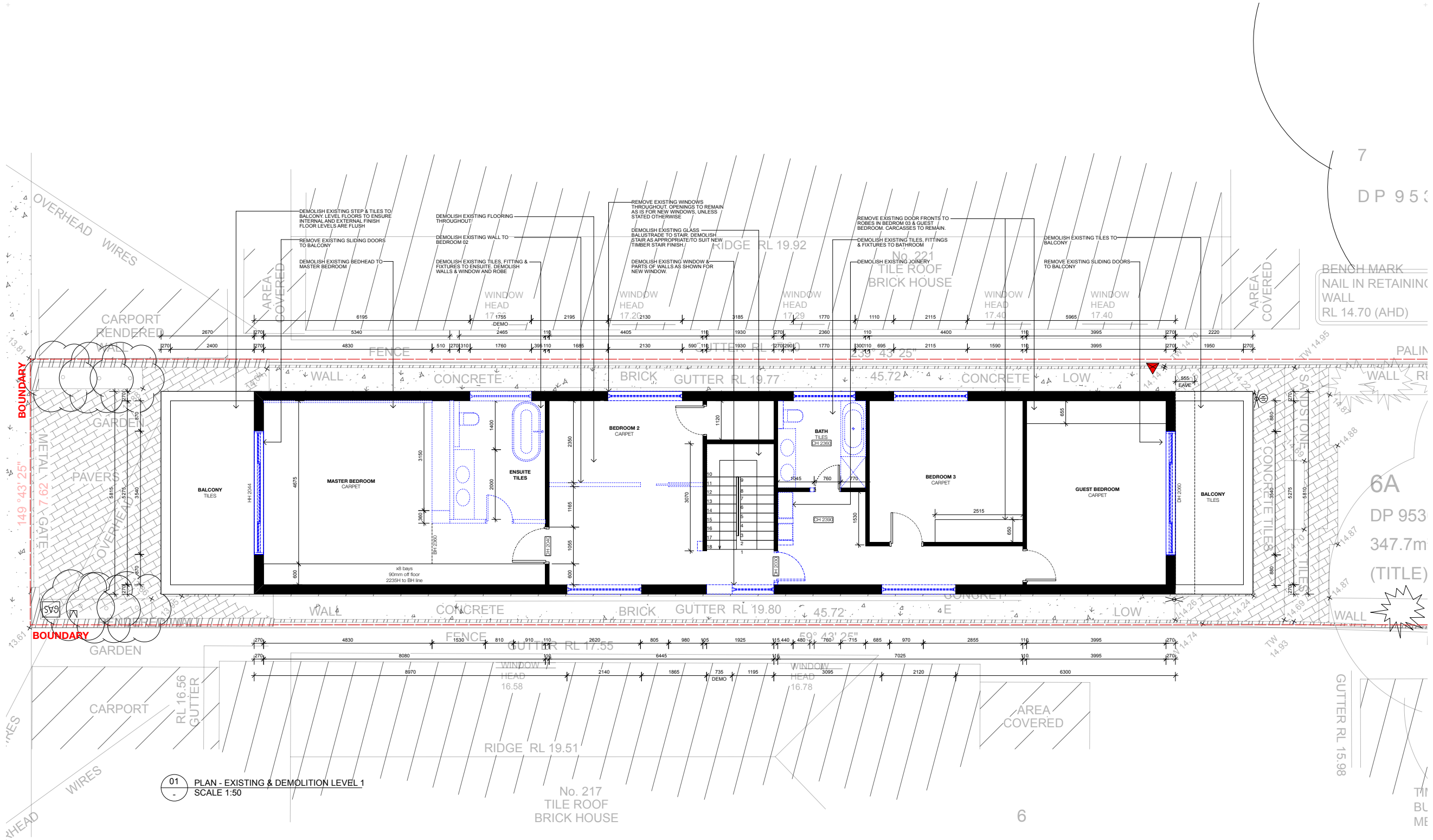


Client: FIRST POINT PROPERTY	Project: PLAN OF DETAIL, LEVELS & CONTOURS OVER LOT 6A IN DP 953086 KNOWN AS No. 219 O'SULLIVAN ROAD, BELLEVUE HILL	<div>FREEBURN  SURVEYING</div>	MATTHEW FREEBURN LAND, ENGINEERING & MINING SURVEYOR SUITE 2, FIRST FLOOR, "SURVEYOR HOUSE" 2 CASTLEREAGH STREET PENRITH 2750	Telephone 02 4721 2289 Fax 02 4721 5646 Email: matthew@freeburnsurveyors.com or andrew@freeburnsurveyors.com	Scale 1 : 125		Datum: AHD	Contour: N/A
					Surveyor: DF/DM		Drawn By: DM	Checked: MF
					Date of Survey: 21/06/2018		Sheet 1 of 1	
					AUTOCAD	REVISION 02	21/12/2022	36 436 DETAIL

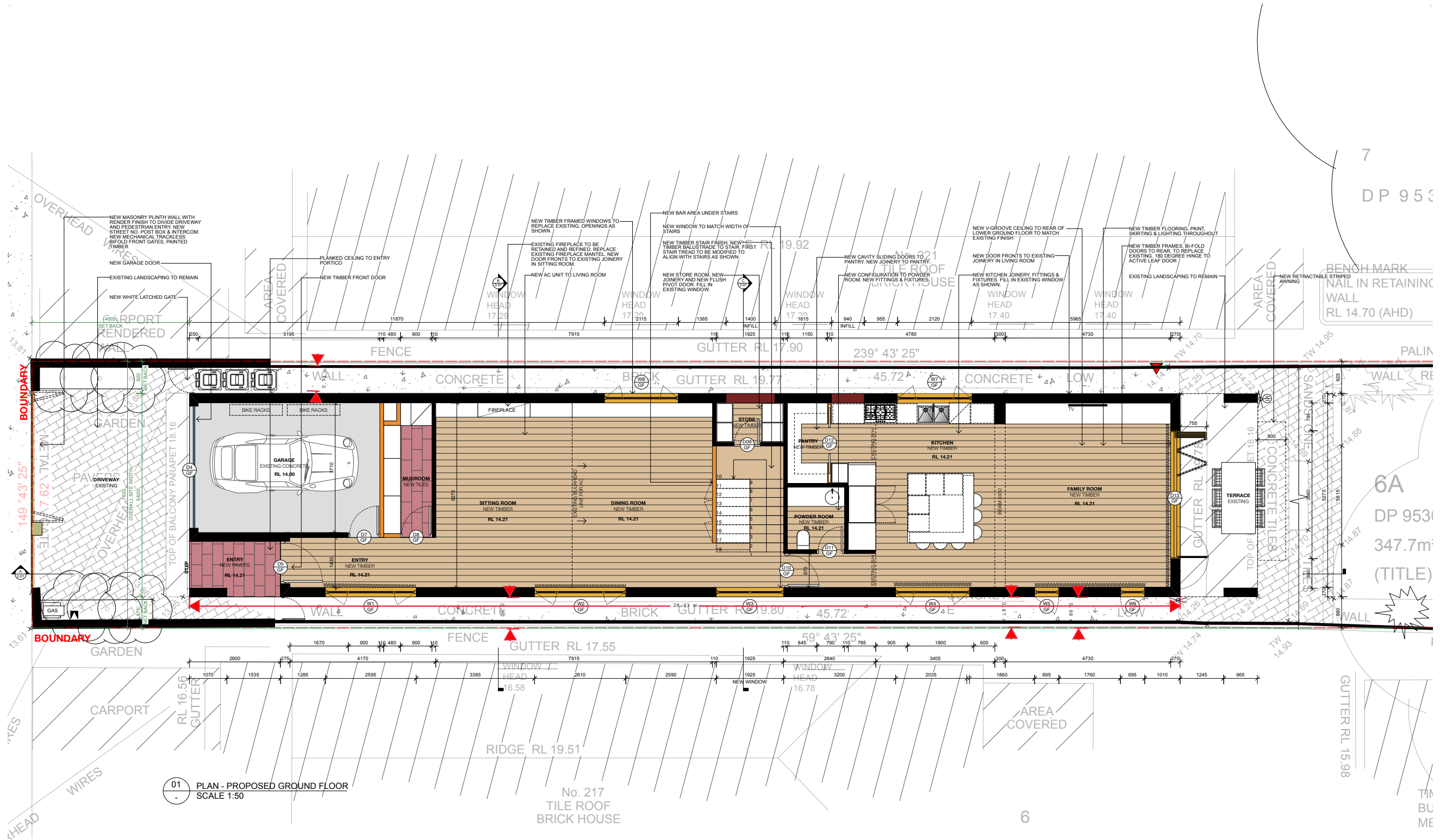
GENERAL NOTES 1. All works to be in accordance with Building Code of Australia, and the relevant Australian Standards 2. Contractor to ensure consistency between similar materials is maintained 3. Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture 4. TUC to approve all contractors detailed drawings/setting out prior to construction 5. Contractor to confirm stability and feasibility of all units/components prior to manufacture 6. Contractor to liaise with Electrical contractors to ensure all power/data/communication requirements are accessible 7. All drawings to be verified on site - do not scale 8. Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces		LEGEND GENERAL  DEMOLITION WALLS - EXISTING WALLS - NEW WINDOWS - NEW BULKHEAD		AMENDMENTS A ISSUED TO CLIENT 26.04.21 B ISSUED TO CLIENT & LANDSCAPE DESIGNER 17.05.21 C COC ISSUED TO CLIENT FOR REVIEW 23.11.21 D ISSUED TO PLANNER 19.10.22 E ISSUED FOR CLIENT REVIEW / TO PLANNER 25.01.23 F ISSUED FOR CLIENT REVIEW 09.05.23 G ISSUED TO PLANNER 17.05.23 H ISSUED TO PLANNER 23.05.23 J ISSUED TO PLANNER 09.10.23				PROJECT HOVEY LANDES RESIDENCE 219 O'Sullivan Road, Bellevue Hill DRAWING DA DOCUMENTATION SURVEY info@theunlistedcollective.com +61 422 296 039 theunlistedcollective.com This drawing is copyright and may not be used without written consent.		PROJECT NO: 1763 DWG NO: DA.0.01 ISSUE: J DATE: APRIL 2021 DRAWN: HJ SCALE: 1:100@ A1	
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GENERAL NOTES

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LEGEND GENERAL

AS1100.301:2008
(AS 2700S COLOUR CODES)

EXISTING	RENDER
DEMOLITION	JOINERY
BRICK SECTION	GLASS
CONCRETE	WALL FLOOR
STUD WALLS	TIMBER
TIMBER DRESSED	BOARDS
	METAL

AMENDMENTS

A ISSUED TO BUILDER & CLIENT FOR REVIEW	03.04.19
B ISSUED TO CLIENT FOR REVIEW	02.02.21
C ISSUED TO CLIENT	26.04.21
D ISSUED TO CLIENT	26.04.21
E ISSUED TO CLIENT & LANDSCAPE DESIGNER	17.05.21
F REVISED ISSUE	25.05.21
G C/O ISSUED TO CLIENT FOR REVIEW	23.11.21
H ISSUED TO PLANNER	19.10.22
I ISSUED FOR CLIENT REVIEW / TO PLANNER	25.01.23
J ISSUED FOR CLIENT REVIEW	09.05.23
K ISSUED TO PLANNER	17.05.23
L ISSUED TO PLANNER	23.05.23
M ISSUED TO PLANNER	09.10.23
N ISSUED TO CLIENT & PLANNER	25.10.23
P ISSUED TO PLANNER FOR DA	19.12.23

PROJECT
HOVEY LANDES RESIDENCE
219 O'Sullivan Road, Bellevue Hill

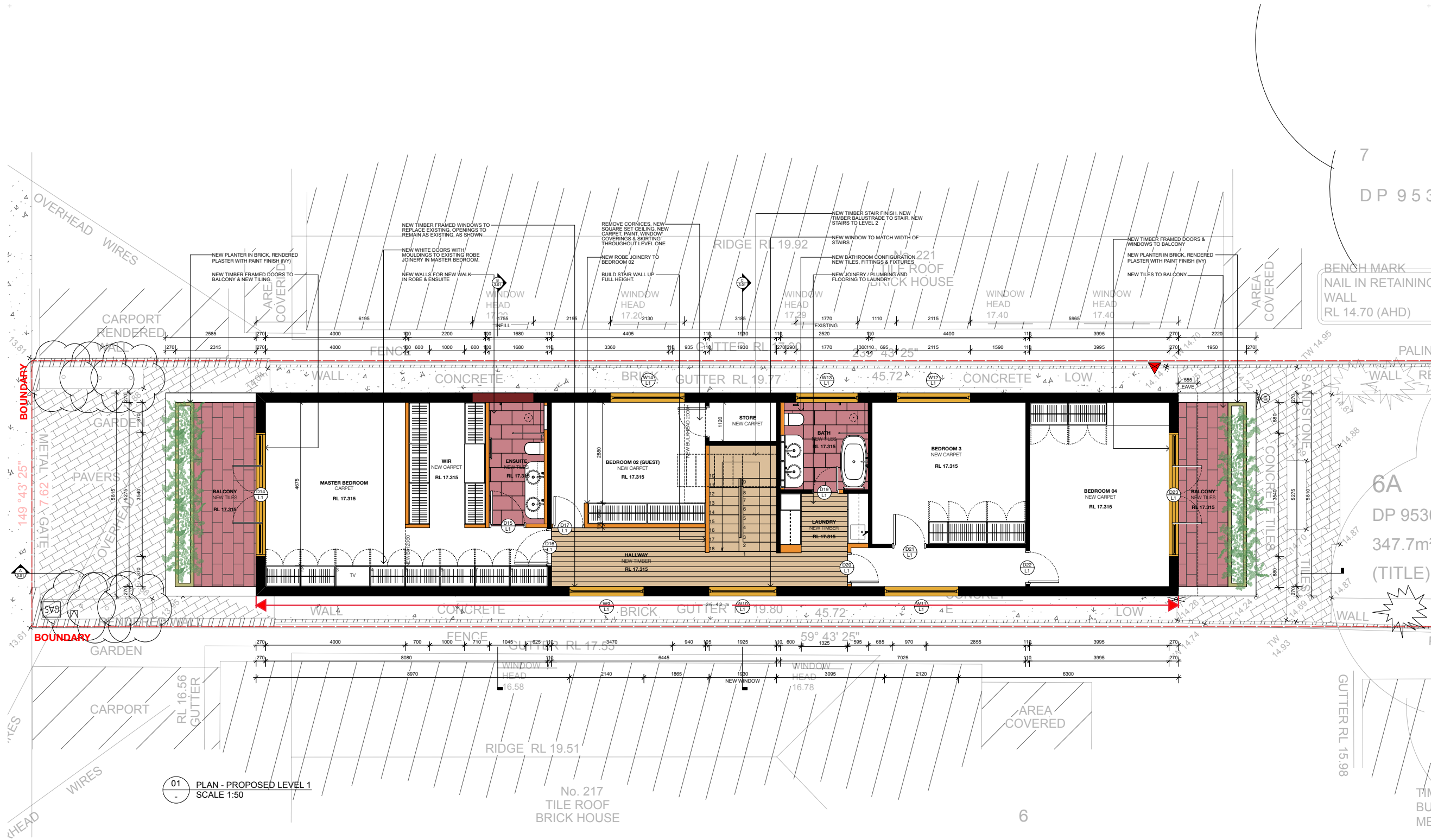
DRAWING
DA DOCUMENTATION
PLAN - PROPOSED GROUND FLOOR

THE
UNLISTED
COLLECTIVE

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PROJECT NO: 1763
DWG NO: DA.1.04
ISSUE: P
DATE: APRIL 2021
DRAWN: HJ
SCALE: 1:50 @ A1



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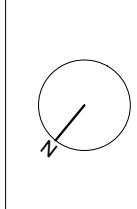
LEGEND GENERAL

AS1100.301:2008
(AS 2700S COLOUR CODES)

EXISTING	RENDER
DEMOLITION	JOINERY
BRICK SECTION	GLASS
CONCRETE	WALL FLOOR TILES
STUD WALLS	TIMBER BOARDS
TIMBER DRESSED	METAL

AMENDMENTS

A ISSUED TO BUILDER & CLIENT FOR REVIEW	03.04.19
B ISSUED TO CLIENT	26.04.21
C ISSUED TO CLIENT & LANDSCAPE DESIGNER	17.05.21
D REVISED ISSUE	25.05.21
E CDC ISSUED TO CLIENT FOR REVIEW	23.11.21
F ISSUED TO CLIENT FOR REVIEW	19.09.21
G ISSUED TO PLANNER	19.10.22
H ISSUED TO PLANNER	25.01.23
I ISSUED TO CLIENT FOR REVIEW	23.03.23
J ISSUED FOR CLIENT REVIEW	09.05.23
K ISSUED TO PLANNER	17.05.23
L ISSUED TO PLANNER	23.05.23
M ISSUED TO PLANNER	09.10.23
O ISSUED TO PLANNER FOR DA	19.12.23



PROJECT
HOVEY LANDES RESIDENCE
219 O'Sullivan Road, Bellevue Hill

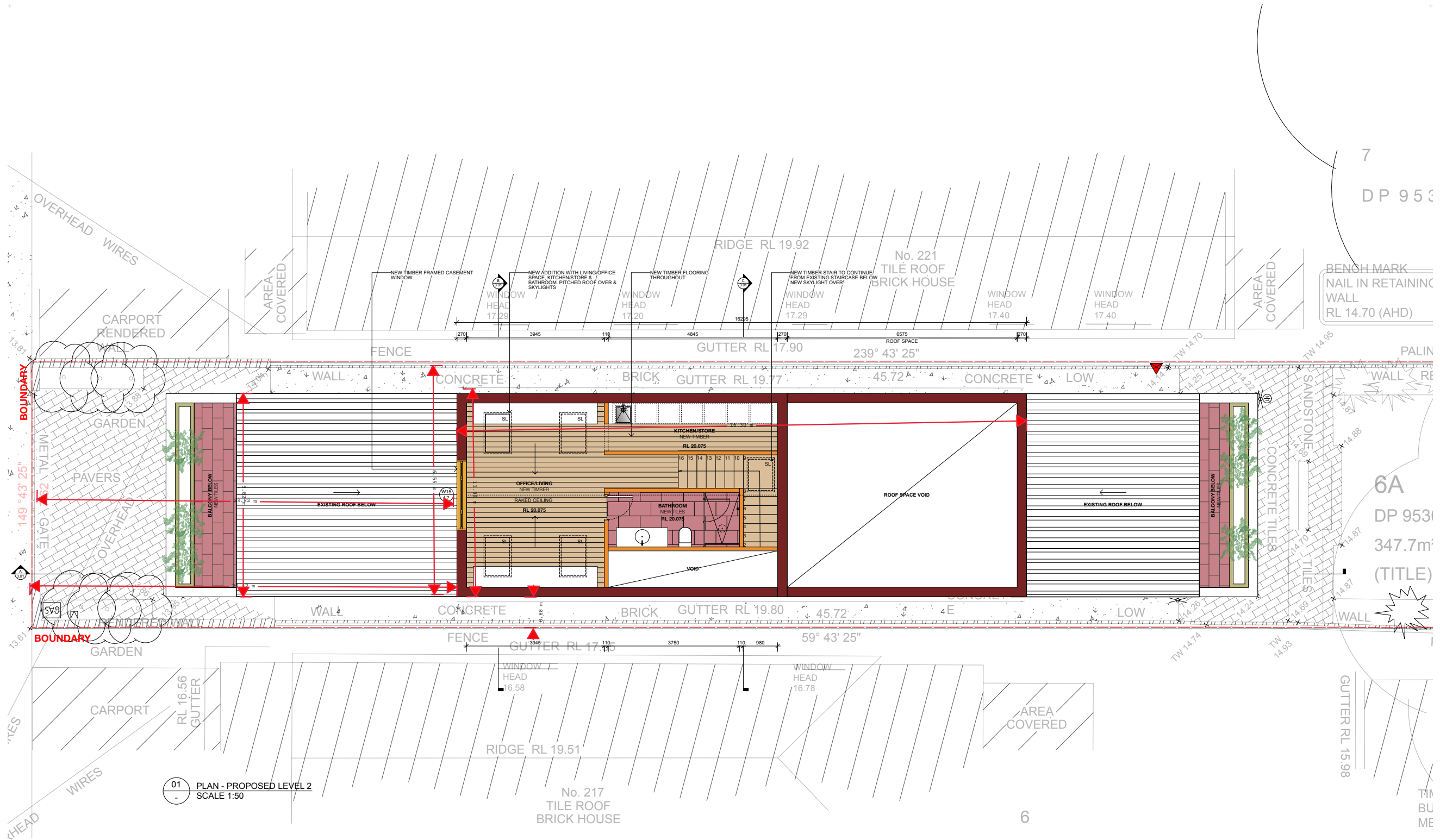
DRAWING
DA DOCUMENTATION
PLAN - PROPOSED LEVEL 1

THE
UNLISTED
COLLECTIVE

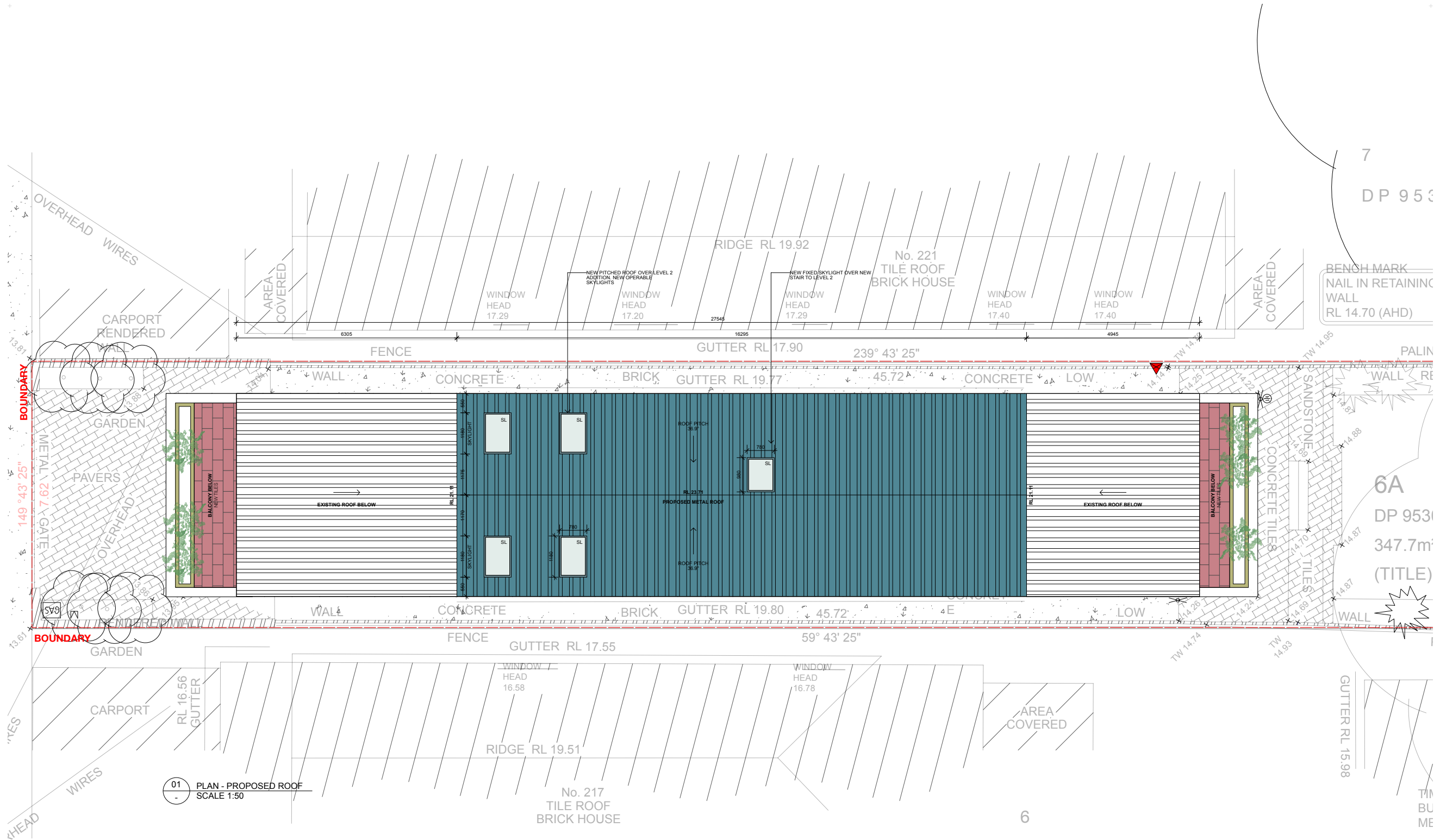
info@theunlistedcollective.com +61 422 296 039 theunlistedcollective.com

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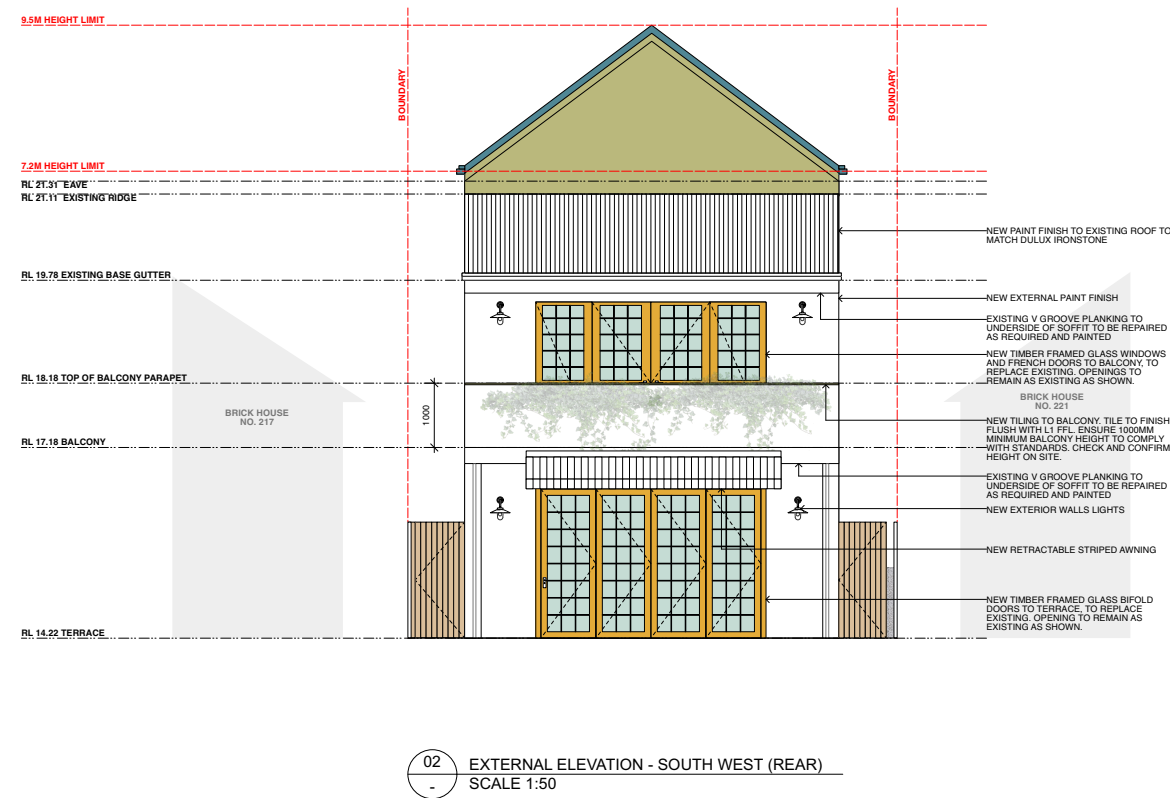
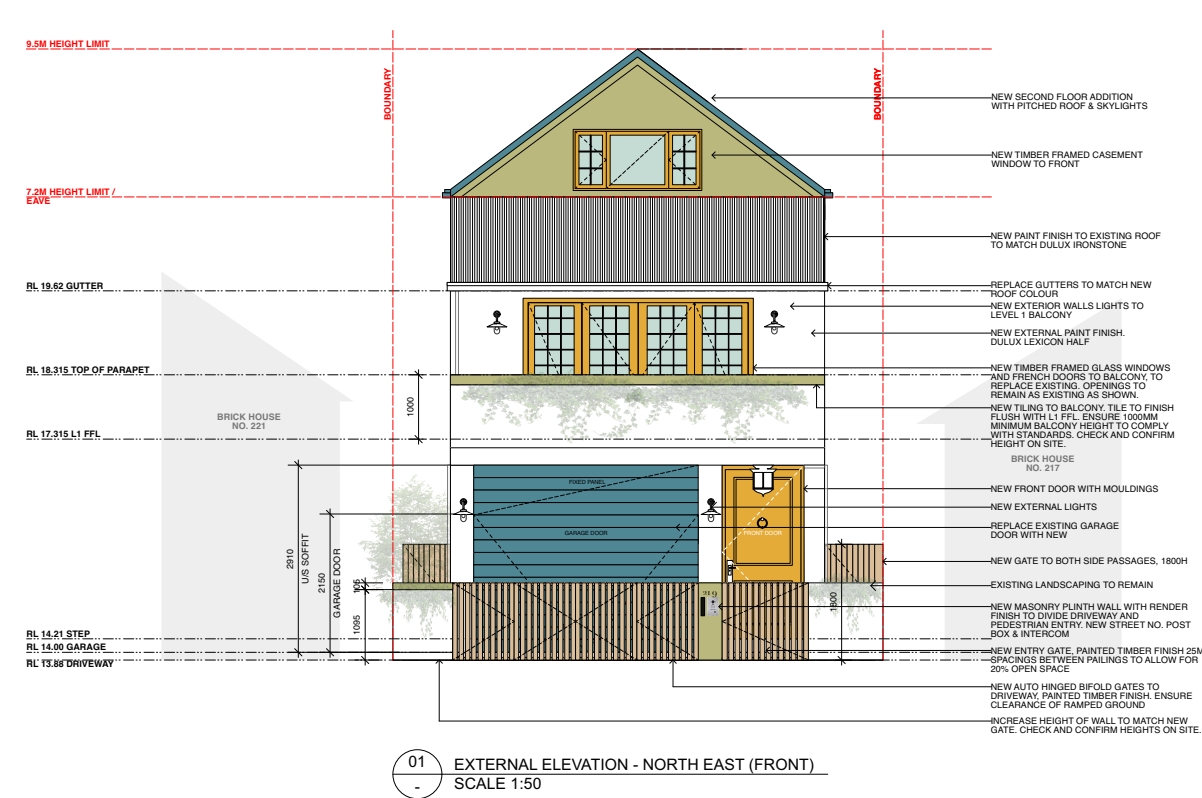
PROJECT NO: 1763
DWG NO: DA.1.05
ISSUE: O
DATE: APRIL 2021
DRAWN: HJ
SCALE: 1:50 @ A1



<div>GENERAL NOTES</div> <div><div>1. All works to be in accordance with Building Code of Australia, and the relevant Australian Standards</div><div>2. Contractor to ensure consistency between similar materials is maintained</div><div>3. Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture</div><div>4. TUC to approve all contractors detailed drawings/setting out prior to construction</div><div>5. Contractor to confirm stability and feasibility of all units/components prior to manufacture</div><div>6. Contractor to liaise with Electrical contractors to ensure all power,data,communication requirements are accessible</div><div>7. All drawings to be verified on site - do not scale</div><div>8. Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces</div></div>	<div>LEGEND GENERAL</div> <div>AS1100.301:2008 (AS 2700S COLOUR CODES)</div> <div><div><div>EXISTING</div><div>DEMOLITION</div><div>BRICK SECTION</div><div>CONCRETE</div><div>STUD WALLS</div><div>TIMBER DRESSED</div></div><div><div>RENDER</div><div>JOINERY</div><div>GLASS</div><div>WALL/ FLOOR TILES</div><div>TIMBER BOARDS</div><div>METAL</div></div></div>	<div>AMENDMENTS</div> <div>A ISSUED TO PLANNER B ISSUED FOR CLIENT REVIEW / TO PLANNER C ISSUED FOR CLIENT REVIEW D ISSUED TO PLANNER E ISSUED FOR PLANNER F ISSUED FOR PLANNER G ISSUED TO CLIENT & PLANNER H ISSUED TO PLANNER FOR DA</div> <div><div>19.10.22</div><div>25.01.23</div><div>09.05.23</div><div>17.05.23</div><div>23.05.23</div><div>09.10.23</div><div>25.10.23</div><div>19.12.23</div></div>	<div>PROJECT</div> <div>HOVEY LANDES RESIDENCE</div> <div>219 O'Sullivan Road, Bellevue Hill</div> <div><div>THE UNLISTED COLLECTIVE</div><div>info@theunlistedcollective.com</div><div>+61 422 296 039</div><div>theunlistedcollective.com</div><div>This drawing is copyright and may not be used without written consent.</div></div>	<div>PROJECT NO:</div> <div>1763</div> <div>DWG NO:</div> <div>DA.1.06</div> <div>ISSUE:</div> <div>H</div> <div>DATE:</div> <div>APRIL 2021</div> <div>DRAWN:</div> <div>HJ</div> <div>SCALE:</div> <div>1:50 @ A1</div>
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GENERAL NOTES 1. All works to be in accordance with Building Code of Australia, and the relevant Australian Standards 2. Contractor to ensure consistency between similar materials is maintained 3. Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture 4. TUC to approve all contractors detailed drawings/setting out prior to construction 5. Contractor to confirm stability and feasibility of all units/components prior to manufacture 6. Contractor to liaise with Electrical contractors to ensure all power/data/communication requirements are accessible 7. All drawings to be verified on site - do not scale 8. Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces	LEGEND GENERAL AS1100.301:2008 (AS 2700S COLOUR CODES) <div><div>EXISTING</div><div>DEMOLITION</div><div>BRICK SECTION</div><div>CONCRETE</div><div>STUD WALLS</div><div>TIMBER DRESSED</div><div>RENDER</div><div>JOINERY</div><div>GLASS</div><div>WALL FLOOR TILES</div><div>TIMBER BOARDS</div><div>METAL</div></div>	AMENDMENTS A ISSUED FOR CLIENT REVIEW B ISSUED TO PLANNER C ISSUED FOR PLANNER D ISSUED FOR PLANNER E ISSUED TO CLIENT & PLANNER F ISSUED TO PLANNER FOR DA <div><div>09.05.23</div><div>17.05.23</div><div>23.05.23</div><div>08.10.23</div><div>25.10.23</div><div>19.12.23</div></div>	<div><div>PROJECT</div><div>HOVEY LANDES RESIDENCE</div><div>219 O'Sullivan Road, Bellevue Hill</div></div> <div><div>DRAWING</div><div>DA DOCUMENTATION</div><div>PLAN - PROPOSED ROOF</div></div> <div><div>THE</div><div>UNLISTED</div><div>COLLECTIVE</div><div>info@theunlistedcollective.com</div><div>+61 422 296 039</div><div>theunlistedcollective.com</div><div>This drawing is copyright and may not be used without written consent.</div></div>	<div><div>PROJECT NO:</div><div>1763</div></div> <div><div>DWG NO:</div><div>DA.1.07</div></div> <div><div>ISSUE:</div><div>F</div></div> <div><div>DATE:</div><div>APRIL 2021</div></div> <div><div>DRAWN:</div><div>HJ</div></div> <div><div>SCALE:</div><div>1:50 @ A1</div></div>
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- GENERAL NOTES**
- All works to be in accordance with Building Code of Australia, and the relevant Australian Standards
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LEGEND GENERAL	
AS1100.301-2008 (AS 2700S COLOUR CODES)	
EXISTING	RENDER
DEMOLITION	JOINERY
BRICK SECTION	GLASS
CONCRETE	WALL FLOOR TILES
STUD WALLS	TIMBER BOARDS
TIMBER DRESSED	METAL

AMENDMENTS	
A ISSUED TO BUILDER & CLIENT FOR REVIEW	03.04.19
B REVISED CONCEPT	07.12.20
C ISSUED TO CLIENT	02.01.21
D ISSUED TO CLIENT	08.02.21
E ISSUED TO CLIENT	26.02.21
F ISSUED TO CLIENT	04.03.21
G ISSUED TO CLIENT	26.04.21
H ISSUED TO CLIENT & LANDSCAPE DESIGNER	17.05.21
I REVISED ISSUE	25.05.21
J CDC ISSUED TO CLIENT FOR REVIEW	23.11.21
K ISSUED TO PLANNER	19.10.22
L ISSUED FOR CLIENT REVIEW / TO PLANNER	25.01.23
M ISSUED FOR CLIENT REVIEW	09.05.23
N ISSUED TO PLANNER	17.05.23
O ISSUED TO PLANNER	23.05.23
P ISSUED TO PLANNER	09.10.23
Q ISSUED TO CLIENT & PLANNER	25.10.23

PROJECT
HOVEY LANDES RESIDENCE
219 O'Sullivan Road, Bellevue Hill

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DRAWING
DA DOCUMENTATION
PROPOSED SOUTH WEST & NORTH EAST ELEVATION

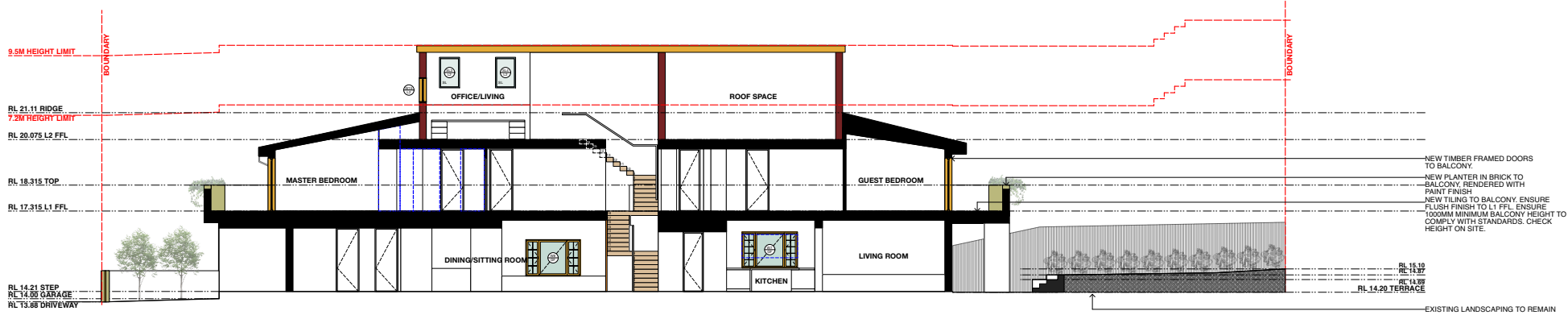
info@theunlistedcollective.com

+61 422 296 039

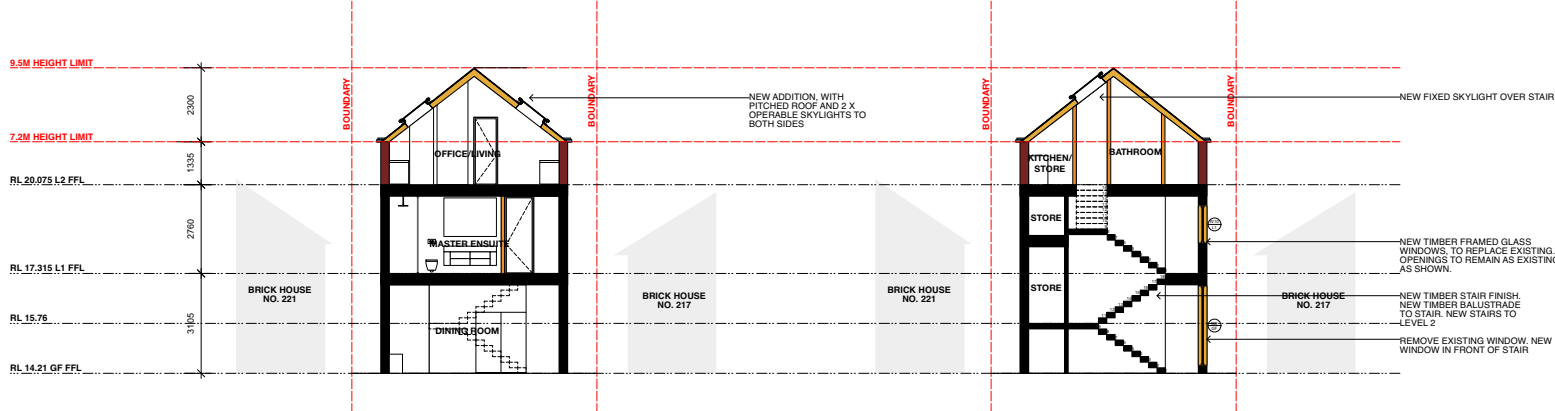
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PROJECT NO: 1763
DWG NO: DA.2.01
ISSUE: Q
DATE: APRIL 2021
DRAWN: HJ
SCALE: 1:50 @ A1





A SECTION
SCALE 1:100



B SECTION
SCALE 1:100

C SECTION
SCALE 1:100

GENERAL NOTES

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LEGEND GENERAL

EXISTING	RENDER
DEMOLITION	JOINERY
BRICK SECTION	GLASS
CONCRETE	WALL/ FLOOR TILES
STUD WALLS	TIMBER BOARDS
TIMBER DRESSED	METAL

AMENDMENTS

A ISSUED TO PLANNER	17.05.23
B ISSUED TO PLANNER	23.05.23
C ISSUED TO PLANNER	09.10.23
D ISSUED TO CLIENT & PLANNER	25.10.23

PROJECT
HOVEY LANDES RESIDENCE
219 O'Sullivan Road, Bellevue Hill

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DRAWING
DA DOCUMENTATION
PROPOSED SECTIONS

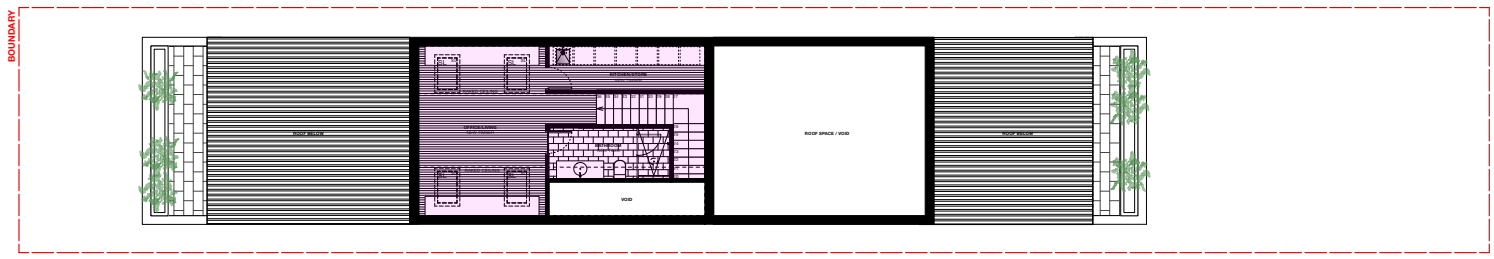
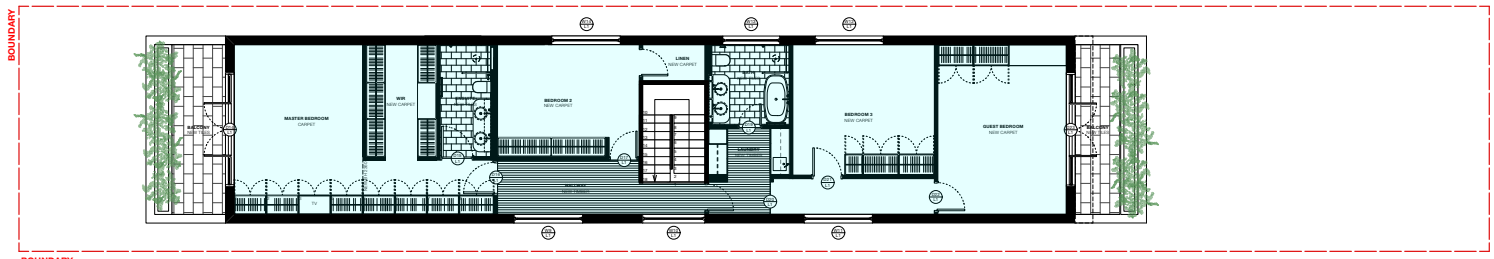
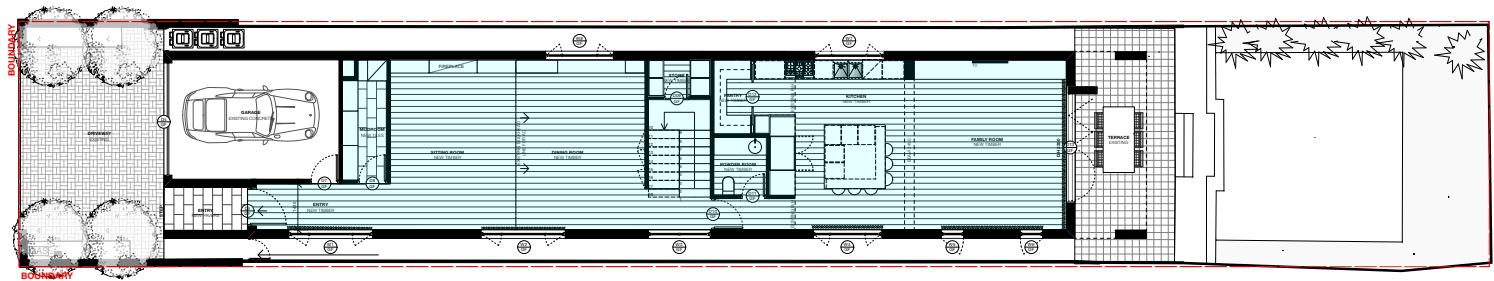
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PROJECT NO: 1763
DWG NO: DA.3.01
ISSUE: D
DATE: APRIL 2021
DRAWN: HJ
SCALE: 1:100 @ A1



BUILDING AREA CALCULATIONS

EXISTING GFA

INCLUDED AREAS:
GROUND FLOOR (GF) 123 sqm
LEVEL ONE (L1) 130 sqm

TOTAL 253 sqm

FSR 0.73:1

PROPOSED GFA

INCLUDED AREAS:
GROUND FLOOR (GF) 123 sqm
LEVEL ONE (L1) 130 sqm
LEVEL TWO (L2) 41.2 sqm

TOTAL 294.2 sqm

FSR 0.85:1

TOTAL SITE AREA

347.7 sqm

Floor Space Ratio

MAX ALLOWABLE GROSS FLOORAREA (1:1 x 347.7 sqm)

1:1

347.7 sqm

Definition of "floor space ratio"

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

Definition of "gross floor area"

The gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic.

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

LEGEND

EXISTING AREA
PROPOSED AREA

GENERAL NOTES

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LEGEND GENERAL

AMENDMENTS

A ISSUED TO PLANNER 17.05.23
B ISSUED TO PLANNER 23.05.23
C ISSUED TO PLANNER 09.10.23

PROJECT
HOVEY LANDES RESIDENCE
219 O'Sullivan Road, Bellevue Hill

DRAWING
DA DOCUMENTATION
AREA DIAGRAMS

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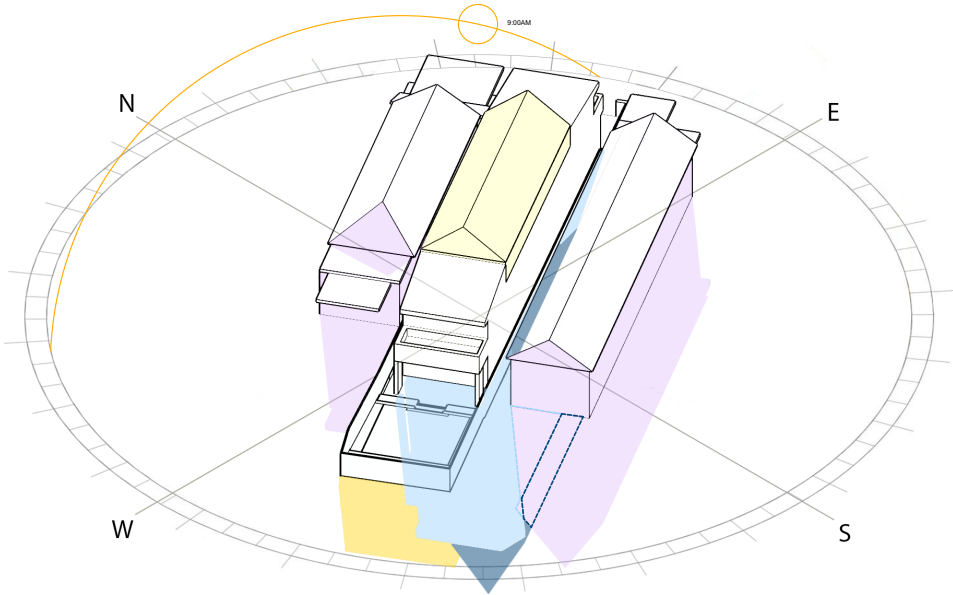
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PROJECT NO: 1763
DWG NO: DA.4.01
ISSUE: C
DATE: APRIL 2021
DRAWN: HJ
SCALE: 1:100 @ A1



01 PLAN - SHADOW DIAGRAM 9AM
NTS

FOR LATITUDE 33°52'57.18" (S) - LONGITUDE 151°15'50.94" (E)
ON 21ST JUNE (WINTER SOLSTICE)
TIME: 9:00AM



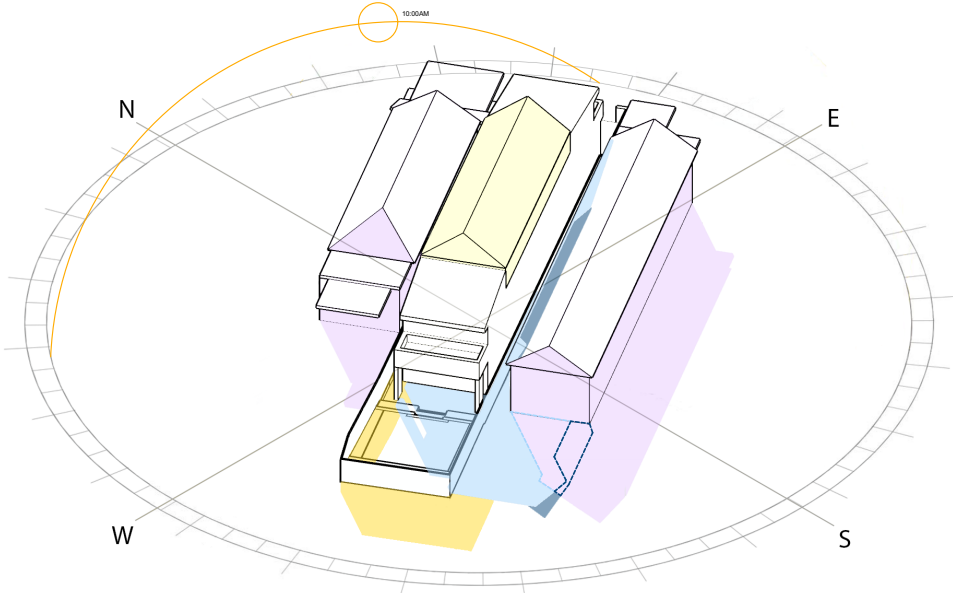
01 3D - SHADOW DIAGRAM 9AM
NTS

<div>GENERAL NOTES</div> <div><div>1. All works to be in accordance with Building Code of Australia, and the relevant Australian Standards</div><div>2. Contractor to ensure consistency between similar materials is maintained</div><div>3. Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture</div><div>4. TUC to approve all contractors detailed drawings/setting out prior to construction</div><div>5. Contractor to confirm stability and feasibility of all units/components prior to manufacture</div><div>6. Contractor to liaise with Electrical contractors to ensure all power,data,communication requirements are accessible</div><div>7. All drawings to be verified on site - do not scale</div><div>8. Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces</div></div>	<div>LEGEND GENERAL</div> <div><div><div></div>EXISTING SHADOWS</div><div><div></div>PROPOSED SHADOWS</div><div><div></div>FENCE SHADOW (EXISTING)</div><div><div></div>NEIGHBOURS SHADOWING (EXISTING)</div></div>	<div>AMENDMENTS</div> <div><div><div>A ISSUED TO CLIENT</div><div>B ISSUED FOR CLIENT REVIEW</div><div>C ISSUED TO PLANNER</div><div>D ISSUED TO PLANNER</div><div>E ISSUED TO PLANNER</div><div>F ISSUED TO PLANNER</div></div><div><div>23.03.23</div><div>09.05.23</div><div>17.05.23</div><div>23.05.23</div><div>30.05.23</div><div>09.10.23</div></div></div>	<div><div>PROJECT</div><div>HOVEY LANDES RESIDENCE</div><div>219 O'Sullivan Road, Bellevue Hill</div></div> <div><div>DRAWING</div><div>DA DOCUMENTATION</div><div>SHADOW DIAGRAMS</div></div>	<div><div>THE</div><div>UNLISTED</div><div>COLLECTIVE</div></div> <div><div>info@theunlistedcollective.com</div><div>+61 422 296 039</div><div>theunlistedcollective.com</div></div> <div><div>This drawing is copyright and may not be used without written consent.</div></div>	<div><div>PROJECT NO:</div><div>1763</div></div> <div><div>DWG NO:</div><div>DA.4.02</div></div> <div><div>ISSUE:</div><div>F</div></div> <div><div>DATE:</div><div>MARCH 2023</div></div> <div><div>DRAWN:</div><div>HJ</div></div> <div><div>SCALE:</div><div>1:100@ A1</div></div>
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01 PLAN - SHADOW DIAGRAM 10AM
NTS

FOR LATITUDE 33°52'57.18" (S) - LONGITUDE 151°15'50.94" (E)
ON 21ST JUNE (WINTER SOLSTICE)
TIME: 10:00AM



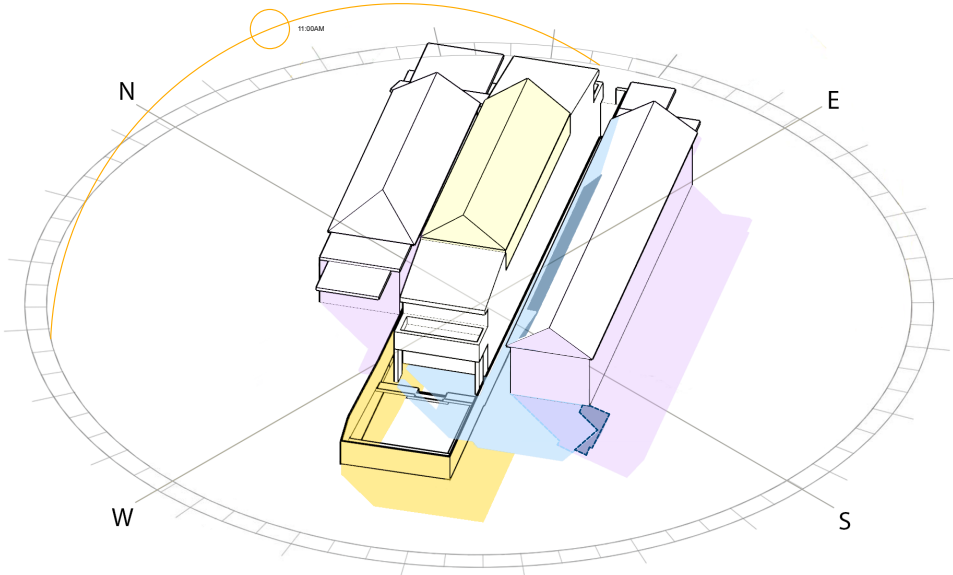
01 3D - SHADOW DIAGRAM 10AM
NTS

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01 PLAN - SHADOW DIAGRAM 11AM
NTS

FOR LATITUDE 33°52'57.18" (S) - LONGITUDE 151°15'50.94" (E)
ON 21ST JUNE (WINTER SOLSTICE)
TIME: 11:00AM



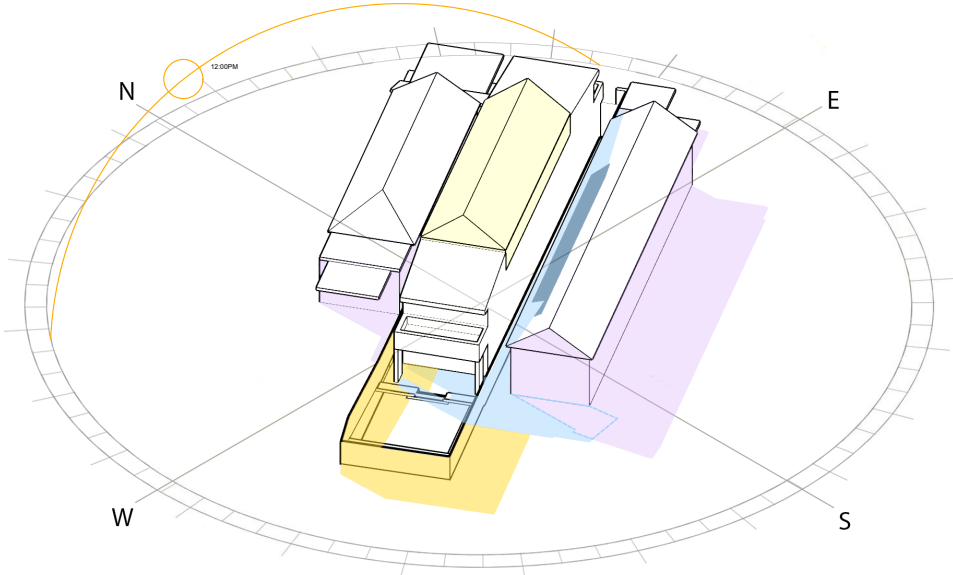
01 3D - SHADOW DIAGRAM 11AM
NTS

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01 PLAN - SHADOW DIAGRAM 12PM
NTS

FOR LATITUDE 33°52'57.18" (S) - LONGITUDE 151°15'50.94" (E)
ON 21ST JUNE (WINTER SOLSTICE)
TIME: 12:00PM



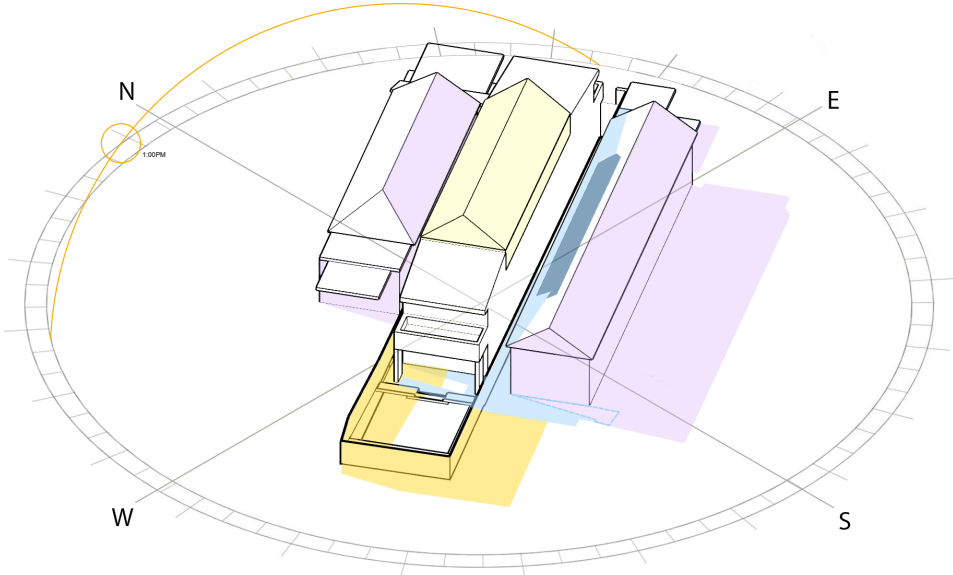
01 3D - SHADOW DIAGRAM 12PM
NTS

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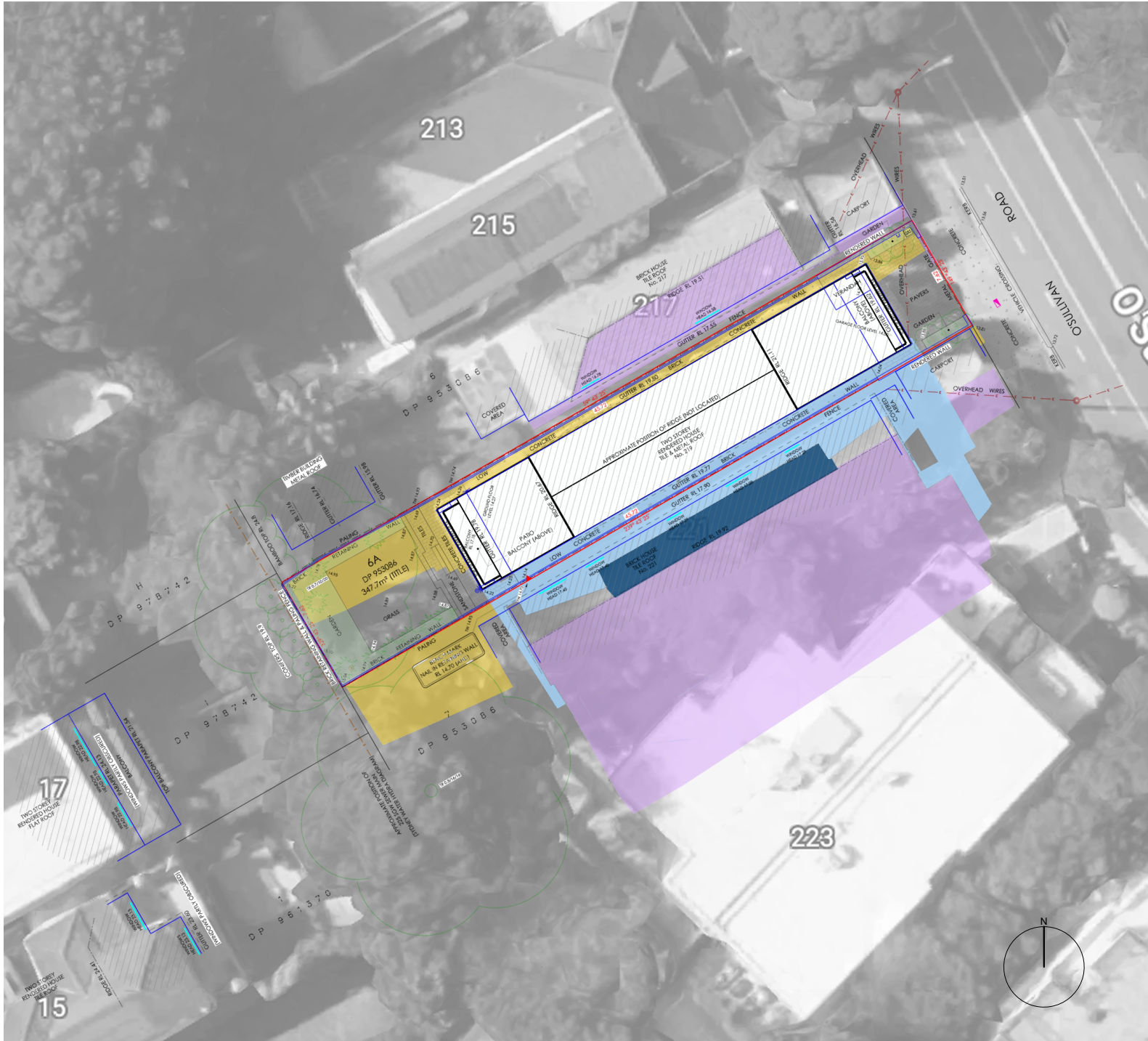
01 PLAN - SHADOW DIAGRAM 1PM
NTS

FOR LATITUDE 33°52'57.18" (S) - LONGITUDE 151°15'50.94" (E)
ON 21ST JUNE (WINTER SOLSTICE)
TIME: 1:00PM



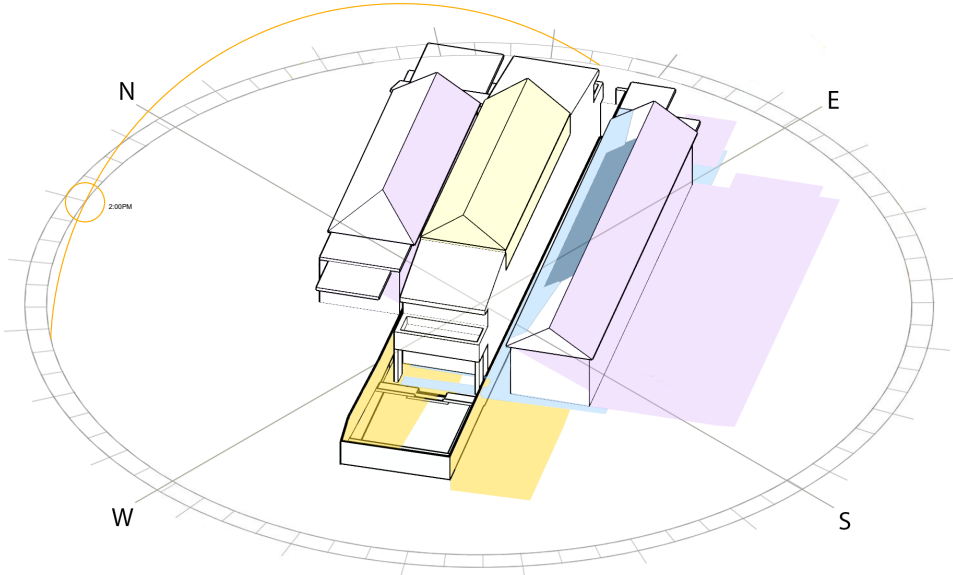
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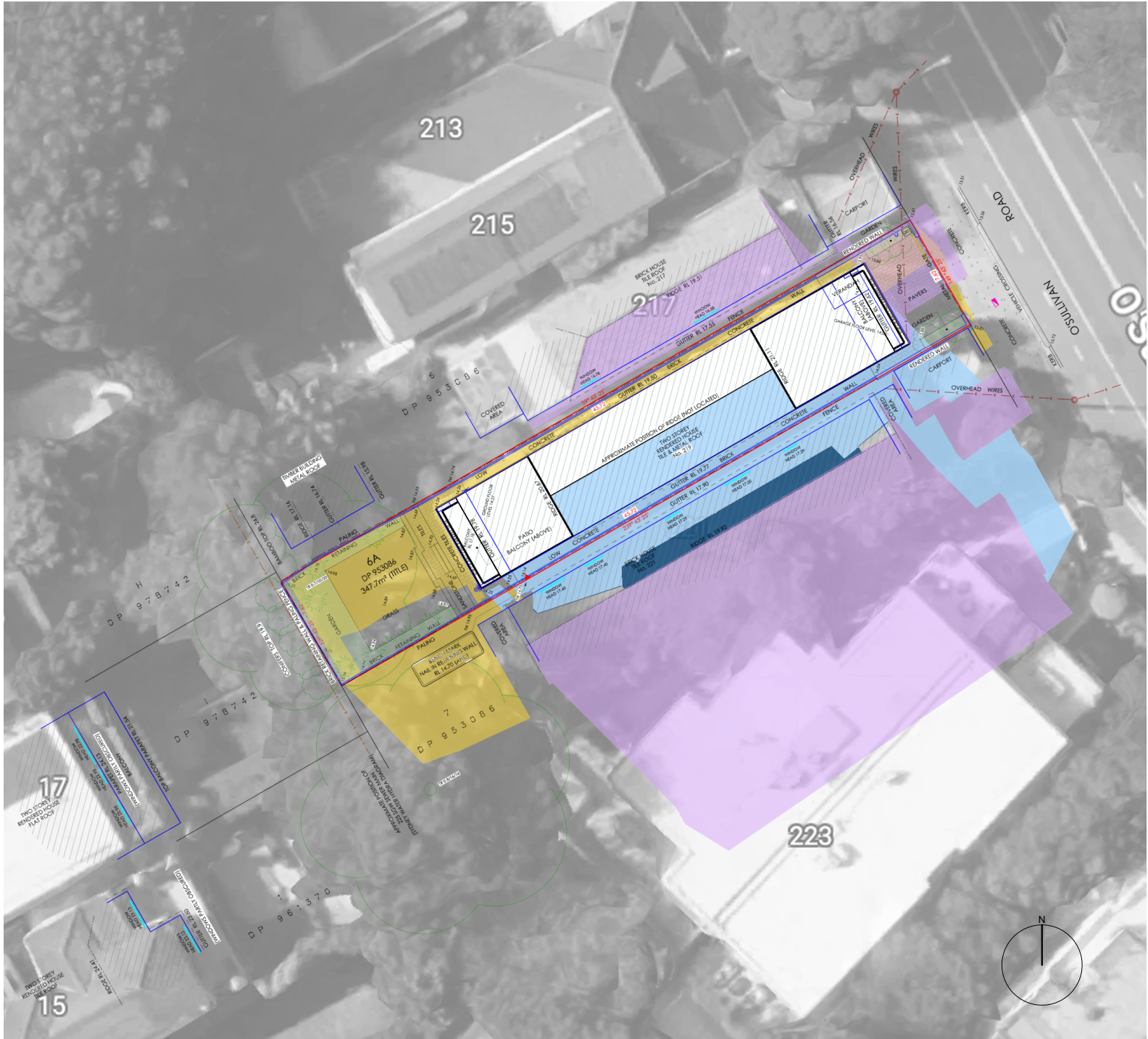
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ON 21ST JUNE (WINTER SOLSTICE)
TIME: 2:00PM



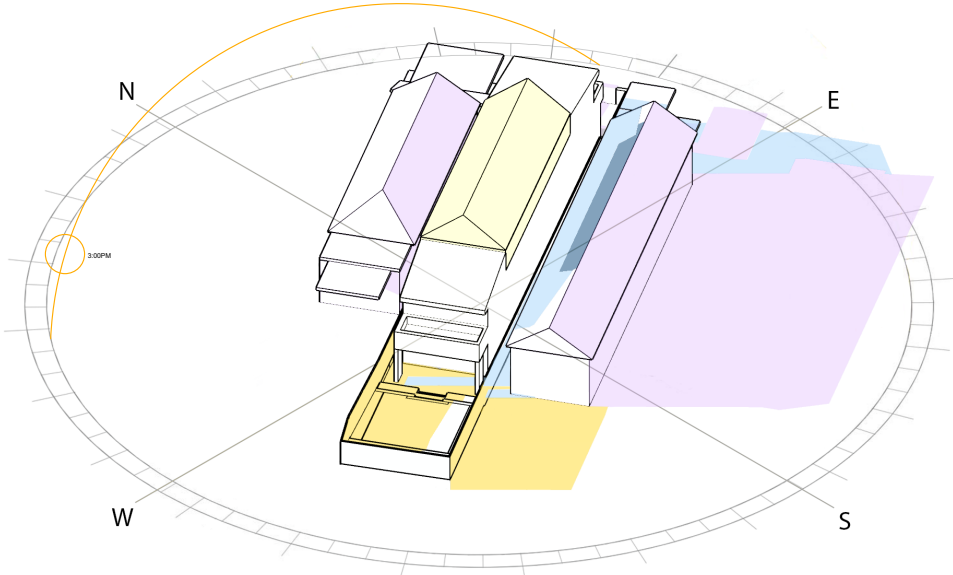
01 3D - SHADOW DIAGRAM 2PM
NTS

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01 PLAN - SHADOW DIAGRAM 3PM
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FOR LATITUDE 33°52'57.18" (S) - LONGITUDE 151°15'50.94" (E)
ON 21ST JUNE (WINTER SOLSTICE)
TIME: 3:00PM



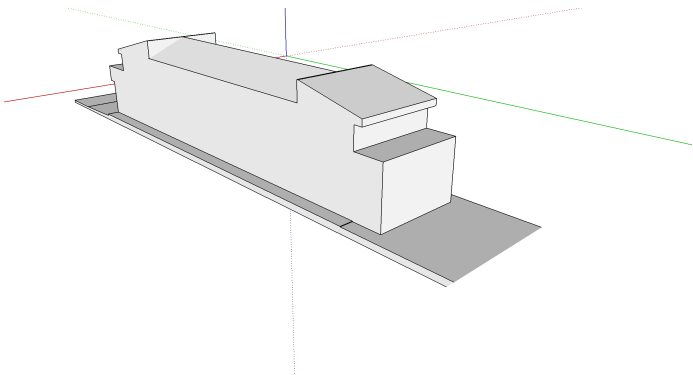
01 3D - SHADOW DIAGRAM 3PM
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EXISTING VIEW FROM BALCONY OF NEIGHBOUR TO REAR OF PROPERTY - 17 BORONIA ROAD.

01
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VIEW ANALYSIS - EXISTING
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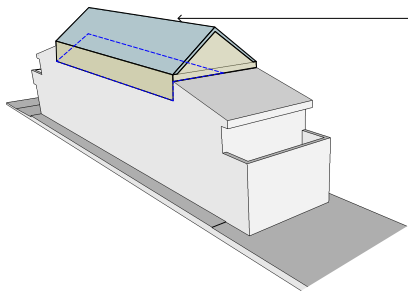


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PROPOSED VIEW OPTION 2 FROM BALCONY OF NEIGHBOUR TO REAR OF PROPERTY - 17 BORONIA ROAD.

02
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VIEW ANALYSIS - PROPOSED
NTS

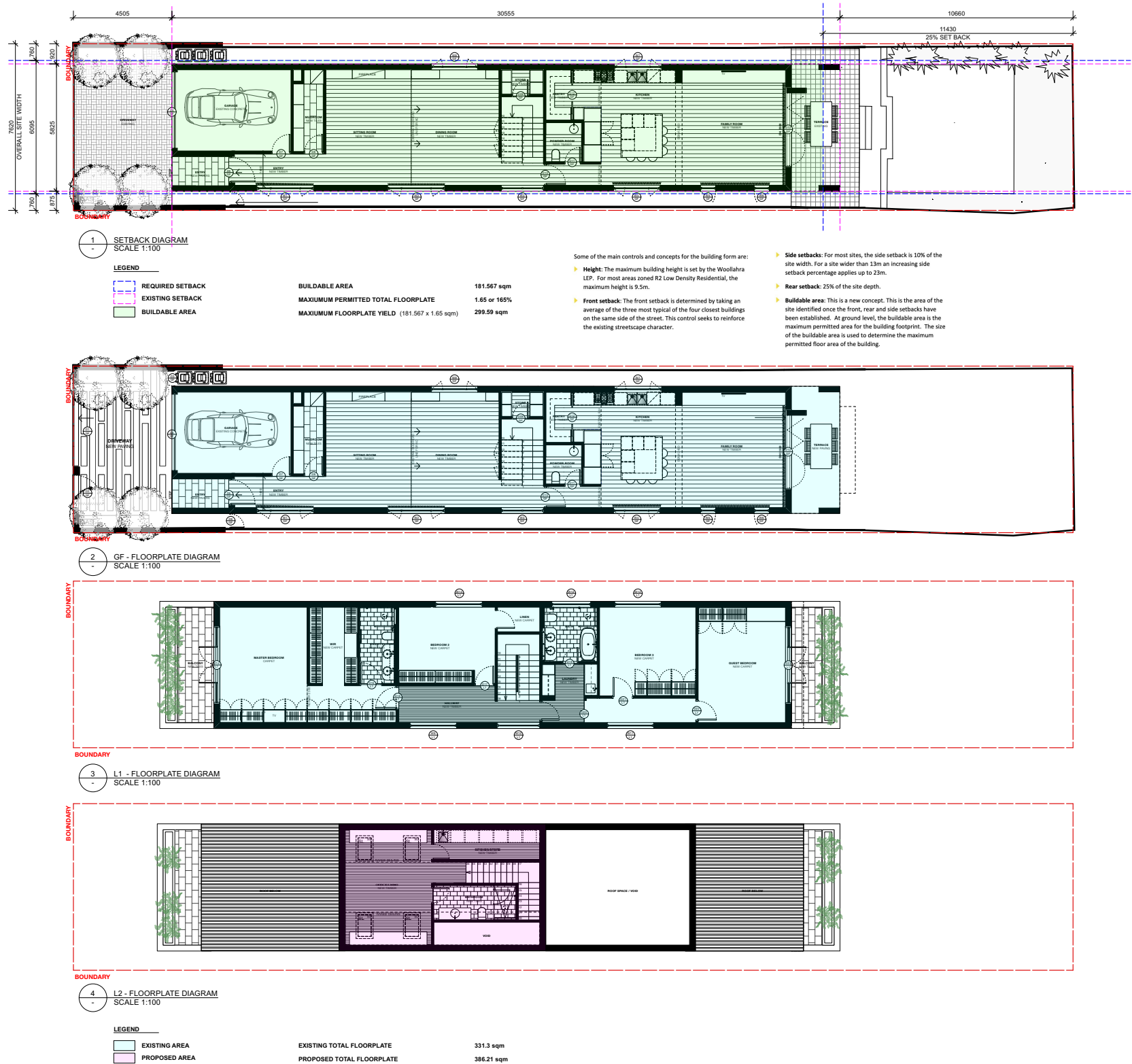


DEMOLISH EXISTING PITCHED TILED ROOF. NEW ROOF OVER TO REPLACE EXISTING.

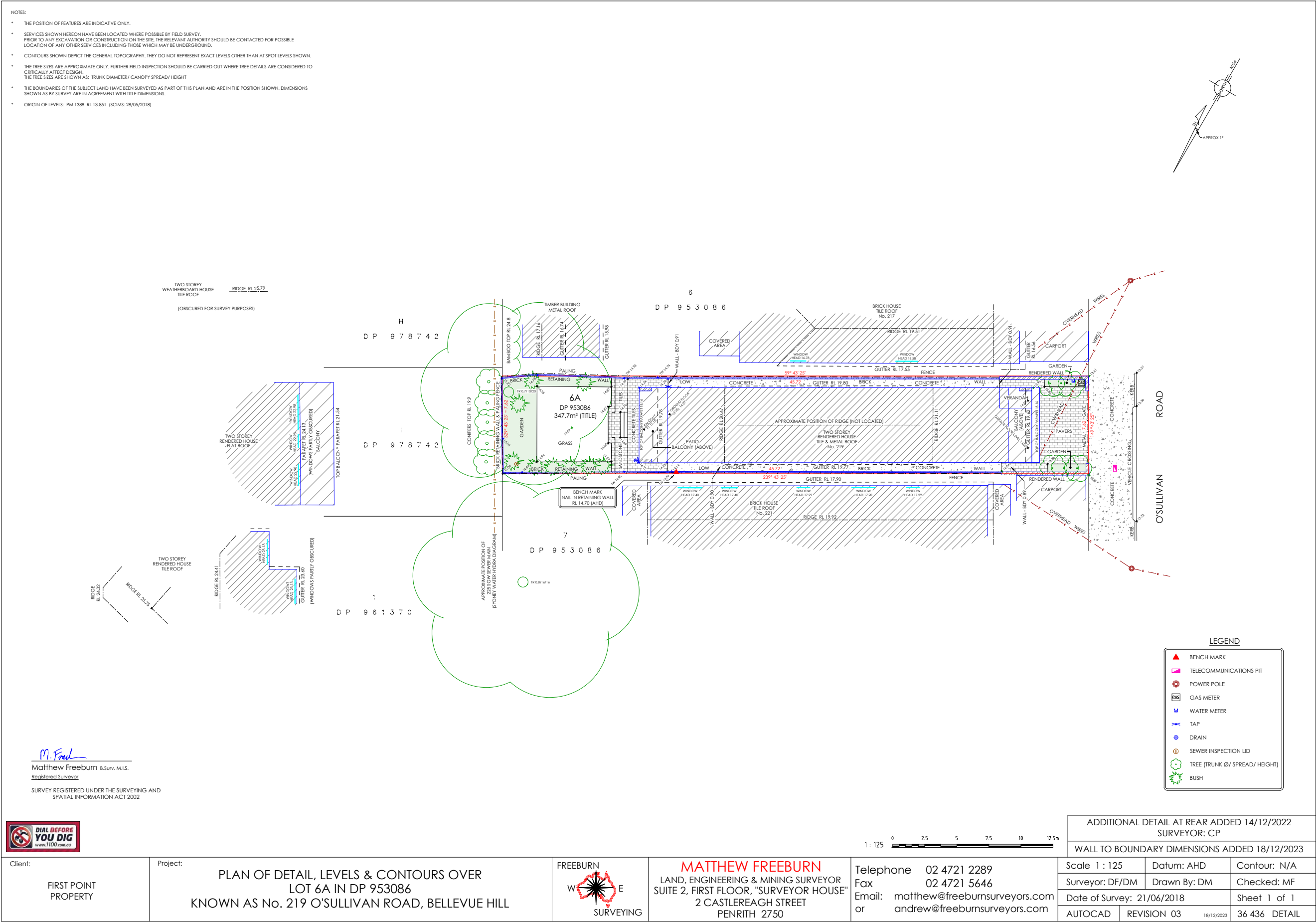
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3D - PROPOSED
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NOT TO SCALE
VISUAL REPRESENTATION ONLY

GENERAL NOTES 1. All works to be in accordance with Building Code of Australia, and the relevant Australian Standards 2. Contractor to ensure consistency between similar materials is maintained 3. Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture 4. TUC to approve all contractors detailed drawings/setting out prior to construction 5. Contractor to confirm stability and feasibility of all units/components prior to manufacture 6. Contractor to liaise with Electrical contractors to ensure all power/data/communication requirements are accessible 7. All drawings to be verified on site - do not scale 8. Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces	LEGEND GENERAL AS1100.301-2008 (AS 2700S COLOUR CODES) EXISTING DEMOLITION BRICK SECTION CONCRETE STUD WALLS TIMBER DRESSED RENDER JOINERY GLASS WALL/FLOOR TILES TIMBER BOARDS METAL	AMENDMENTS A ISSUED FOR CLIENT REVIEW 06.04.23 B ISSUED FOR CLIENT REVIEW 09.05.23 C ISSUED TO PLANNER 17.05.23 D ISSUED TO PLANNER 23.05.23 E ISSUED TO PLANNER 09.10.23	PROJECT HOVEY LANDES RESIDENCE 219 O'Sullivan Road, Bellevue Hill DRAWING DA DOCUMENTATION VIEW ANALYSIS	THE UNLISTED COLLECTIVE info@theunlistedcollective.com +61 422 296 039 theunlistedcollective.com <small>This drawing is copyright and may not be used without written consent.</small>	PROJECT NO: 1763 DWG NO: DA.4.09 ISSUE: E DATE: APRIL 2023 DRAWN: HJ SCALE: N.T.S
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CLAUSE 4.6 VARIATION REQUEST

WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

CLAUSE 4.4E: EXCEPTIONS TO FLOOR SPACE RATIO—DWELLING HOUSES, DUAL OCCUPANCIES AND SEMI-DETACHED DWELLINGS IN ZONES R2 AND R3

DEVELOPMENT APPLICATION FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE, AS WELL AS DRAINAGE AND OTHER ASSOCIATED WORKS

219 O’SULLIVAN ROAD, BELLEVUE HILL

Prepared for
Hovey Landes Family

By
BBC Consulting Planners

Job No. 22-215
Clause 4.6-FSR v6
November 2023

MOUNTAIN STREET BROADWAY NSW ~ PO BOX 438 BROADWAY NSW 2007 ~ TELEPHONE [02] 9211 4099 FAX [02] 9211 2740
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ABN 24 061 868 942



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<https://bbcplanners.sharepoint.com/Jobs/Current/2022/22-215/Reports/Clause 4.6/Clause 4.6-FSR v6.docx>



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- Figure 2: Site
- Figure 3A: Aerial Photograph – Detail
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- Figure 4A: Zoning Map – Woollahra LEP 2014
- Figure 4B: Lot Size Map – Woollahra LEP 2014
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- Figure 4D: Floor Space Ratio Map – Woollahra LEP 2014
- Figure 4E: Acid Sulfate Soils Map – Woollahra LEP 2014
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- Figure 5A: Residential Precincts Map - Woollahra DCP 2015
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ATTACHMENTS

- Attachment 1: GFA diagrams
- Attachment 2: Building elevations and sections

[https://bbcplanners.sharepoint.com/Jobs/Current/2022/22-215/Reports/Clause 4.6/Clause 4.6-FSR v6.docx](https://bbcplanners.sharepoint.com/Jobs/Current/2022/22-215/Reports/Clause%204.6/Clause%204.6-FSR%20v6.docx)



1. INTRODUCTION

1.1 The Proposal

This Clause 4.6 variation request has been prepared in support of a DA for alterations and additions to an existing dwelling house including partial demolition of the existing roof and construction of a partial second floor level which will contain a living/office space, a kitchenette and a bathroom, as well as drainage, and other associated works ("the proposal") at No. 219 O'Sullivan Road, Bellevue Hill ("the site"). All relevant aspects of the proposal are described and assessed in the Statement of Environmental Effects ("SEE") and its appendices.

Measured in accordance with the GFA definition in Woollahra Local Environmental Plan 2014 ("WLEP"), the FSR of the proposal is 0.85:1 which exceeds the maximum permitted FSR of 0.65:1 for the site by 0.2:1 (or by 30%). Of this 0.2:1 exceedance of the FSR limit of 0.65:1, 0.08:1 already exists. The existing FSR is 0.73:1. Therefore, the increase in FSR which is proposed is 0.12:1.

The architect's GFA diagrams are provided in **Attachment 1**. Building elevations and sections are provided in **Attachment 2**. These identify the extent to which the proposal includes additional floor space.

The proposal complies with the height limit for the site in WLEP 2014 which is 9.5m.

This Clause 4.6 variation request has been prepared in relation to the non-compliance with the 0.65:1 maximum FSR standard which applies to the site.

1.2 Site, Zoning, Zone Objectives and Permissibility

The location and boundaries of the site are identified on **Figures 1 and 2**.

The immediate and wider contexts of the site are shown on **Figures 3A and 3B**.

The site is zoned R3 Medium Density Residential (see **Figure 4A**), the objectives of which are as follows:-

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



- *To ensure development conserves and enhances tree canopy cover.”*

The proposal is consistent with the above objectives. Dwelling houses are permissible with consent in the R3 zone.

1.3 The FSR standard in WLEP 2014

Clause 4.4E(3) WLEP 2014, establishes a maximum FSR of 0.65:1 for the site.

Clause 4.6 of WLEP 2014 allows approval to be granted to a DA, even though the proposal contravenes a development standard in WLEP 2014, including the maximum FSR standard in Clause 4.4E(3).

This written request addresses the requirements of Clause 4.6 of WLEP 2014.

1.4 Context

The site is located on the western side of O'Sullivan Road in Bellevue Hill (see **Figures 1 and 2**).

The site forms part of a high amenity residential area predominantly characterised by low density housing.

The majority of the dwellings in the immediate vicinity of the site are designed and oriented to take advantage of views to the east including the Royal Sydney Golf Course.

The context of the site in relation to the other residential buildings on the same side of the road is evident from the aerial photos (October 2023) in **Figures 3A and 3B**.

1.5 Principles and relevant authorities

The principles and relevant authorities which have been considered in the preparation of this Clause 4.6 variation request are those found in:-

- Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;
- Wehbe v Pittwater Council [2007] NSWLEC 827 (“Wehbe”);
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (“Four2Five No 1”);
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 (“Four2Five No 2”);
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 248 (“Four2Five No 3”);
- Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386;
- Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118;
- Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245;
- Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61; and



- Rebel MH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.



2. RELEVANT DEVELOPMENT STANDARD

The relevant development standard is the 0.65:1 maximum FSR control in Clause 4.4E(3) of WLEP 2014. This is based on a site area of 347.78m².

Clause 4.4E(3) states as follows: -

“(3) The maximum floor space ratio for a dual occupancy, dwelling house or semi-detached dwelling is—

(a) for land identified as “Area 6” on the Floor Space Ratio Map—0.75:1, or

(b) for other land—the floor space ratio specified for the lot size in the table to this subclause.

Lot size	Maximum floor space ratio
<150m ²	1.05:1
≥150m ² <200m ²	0.95:1
≥200m ² <250m ²	0.85:1
≥250m ² <300m ²	0.75:1
≥300m ² <350m ²	0.65:1
≥350m ² <400m ²	0.55:1
≥400m ²	0.5:1



3. EXCEPTION TO DEVELOPMENT STANDARDS (CLAUSE 4.6)

Clause 4.6 of WLEP 2014 permits consent to be granted for a development application even though the development proposed in the development application would contravene a development standard imposed by WLEP 2014.

Clause 4.6 of the Standard Instrument LEP was revised in November 2023, as were equivalent clauses in non-standard LEPs and SEPPs. As a result, Clause 4.6 of WLEP 2014 now reads as follows:-

“(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).*
- (5) (Repealed)*
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2*



Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note—

When this Plan was made it did not include all of these zones.

- (7) (Repealed)*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4,*
 - (caa) clause 5.5.”*

Accordingly, Clause 4.6 can be used to vary (to the extent required) the 0.65:1 maximum FSR standard in Clause 4.4E(3) of WLEP 2014 in respect of a non-compliance with the FSR limit.



4. IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE AND ARE THERE SUFFICIENT PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE STANDARD?

4.1 Extent of non-compliance

The proposed GFA is 294.2m². On a site area of 347.78m², this equates to an FSR of 0.85:1 which does not comply with the FSR limit of 0.65:1 for the site. The proposed FSR therefore exceeds the maximum permitted FSR in the LEP by 0.2:1. The existing FSR is 0.73:1. The proposed increase in FSR is 0.12:1.

The architect's GFA calculations are provided in **Attachment 1**.

4.2 What is the Purpose/Object of the Standard?

The objectives of the FSR standard are set out as follows in Clause 4.4E(1) of the WLEP:

“(1) The objectives of this clause are as follows—

- (a) to ensure the bulk and scale of development is compatible with the desired future character of the area,*
- (b) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (c) to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space.”*

The proposed development is consistent with these objectives notwithstanding the non-compliance.

4.3 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case

4.3.1 Consistency with the objectives of the FSR standard

The proposal is consistent with the objectives of the FSR standard in Clause 4.4E for the following reasons:-

- the proposal is compatible with the desired future character of the area;
- the bulk and scale of the proposal is compatible within the existing context of the surrounding R3 Medium Density Residential zoned area of which the site forms part;
- the additional FSR (and storey) add well-designed housing stock in a highly accessible location close to facilities and services;



- the additional FSR results in no significant increase in overshadowing, with the additional shadows falling primarily on the roof of the adjacent dwelling to the south;
- the FSR of the proposal, notwithstanding the requested variation to the FSR standard, is appropriate for the conditions of the site and its context;
- the proposal has been designed to complement and enhance the existing streetscape character of O'Sullivan Road and the Bellevue Hill South area; and
- the non-compliance will have no adverse visual, view or privacy impacts.

4.3.2 The extent of the non-compliance is acceptable and reasonable

The 0.2:1 non-compliance with the 0.65:1 FSR standard in Clause 4.4E(3) of the WLEP 2014 which applies to the site is considered to be acceptable and reasonable in the circumstances of the case for the following reasons: -

- all of the reasons set out above in Section 4.3.1;
- the proposal is consistent with the overall planning intent for the surrounding R3 Medium Density Residential zoned area;
- the proposed non-compliance will neither be out of character in the local context nor unreasonable in relation to the scale, location, footprint or other aspects of nearby dwellings;
- the new second level addition is well-setback from both the street front (approximately 12m) and from the rear property boundary (approximately 17m);
- the second level addition will largely be contained within a new pitched roof form, is within the maximum 9.5m height limit and complies with the wall height limit in the Woollahra DCP;
- no adverse environmental impacts arise from the non-compliant FSR; and
- no adverse view impacts on adjoining properties as a result of the proposal.

4.3.3 There is a lack of adverse amenity impact

There is a lack of any adverse amenity impact associated with the non-compliances for the reasons set out above in 4.3.2 above. In this regard, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ **expressly** held that "...one way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts (see *Randwick City Council v Micaul Holdings Pty Ltd* at [34])".

4.4 Are there sufficient environmental planning grounds to justify contravening the development standard?

The proposal represents a balanced planning outcome, having regard to the existing controls, the constraints and opportunities of the site, existing development in the locality and the need to consider the amenity of neighbouring properties.



The proposal exhibits a high quality design which will provide a high level of amenity for future residents. The proposal is also highly consistent with the desired future character of the Bellevue Hill South area and the surrounding R3 Medium Density Residential area.

The 0.2:1 FSR non-compliance will not set an unreasonable precedent or standard in the context of the site and its surrounds. The level of non-compliance needs to be considered in light of the fact that the existing FSR is 0.73:1. Therefore, the increase of 0.12:1 in FSR (from 0.73:1 to 0.85:1) relates to a relatively small proportion of the overall built form (i.e. 41.2m²).

The second level addition will largely be contained within a new pitched roof form. The roof design provides a suitable infill between the two retained 'end' elements of the existing roof.

The proposed addition is also within the 9.5m height limit in the LEP and complies with the 7.2m wall height in the DCP.

No significant or unreasonable environmental or amenity impacts arise from the proposed FSR non-compliance.

4.5 Has this written request adequately addressed the matters required to be demonstrated by sub-clause 4.6(3)?

Yes. See Section 4.1 – 4.4 above.



5. THE “FIVE PART TEST”

In addition to the above requirements, a consent authority may choose to not only use the principles of Clause 4.6 but also the “five part test” established by the Land and Environment Court.

Court cases dealing with requests to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded. The “five part test” is outlined as follows:-

- “1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. the development standard has been virtually abandoned or destroyed by the council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.”*

In relation to test (1): the proposal meets the objectives of the maximum FSR standard, notwithstanding the non-compliance, as detailed above in Section 4.2.

In relation to test (2): no reliance is placed on this test.

In relation to test (3): the proposal meets the objectives of the maximum FSR standard, notwithstanding the non-compliance, as detailed above in Section 4.2.

In relation to test (4): no reliance is placed on this test.

In relation to test (5): no reliance is placed on this test.



6. CONCLUSION

It can be concluded that strict compliance with the 0.65:1 maximum FSR standard in Clause 4.4E(3) of WLEP 2014 is unreasonable and unnecessary in the circumstances of the case, that there are sufficient environmental planning grounds to justify the requested 0.2:1 variation (including the limited extent of the building over which the non-compliance arises, the compatibility of the built form to the site and its surrounds, and the absence of any significant or unreasonable environmental impacts).

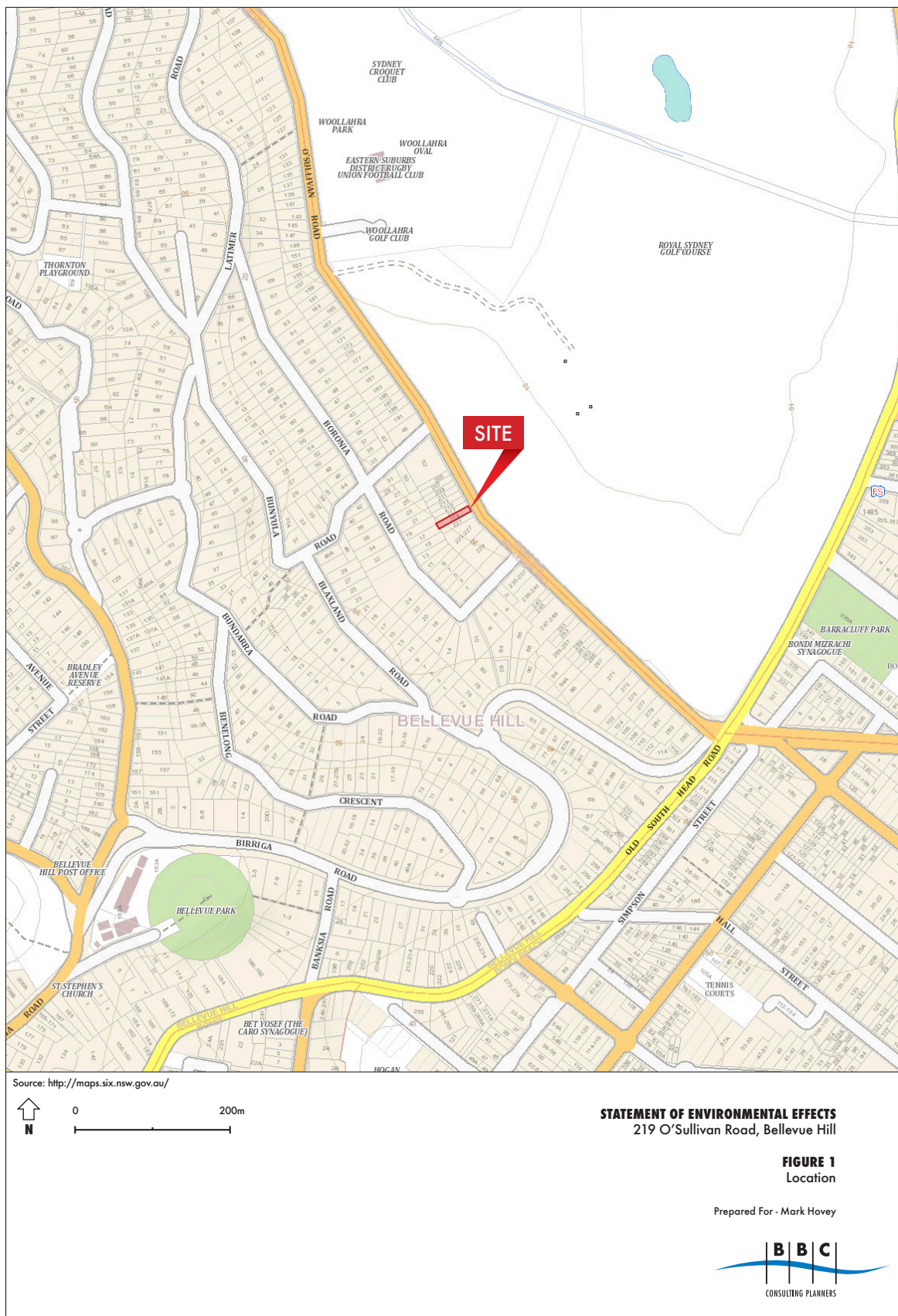
The proposal will be a positive addition to the streetscape of O'Sullivan Road, have no unacceptable impacts on neighbours, and will provide excellent amenity for the owners and long-term residents on the site.

The Applicant has consulted with the neighbour at the rear and has checked to ensure that the additional structure will not result in any unreasonable or unacceptable impacts on their outlook or views. Photos demonstrating the absence of visual impacts are provided in the drawing set in **Appendix 3** to the SEE.

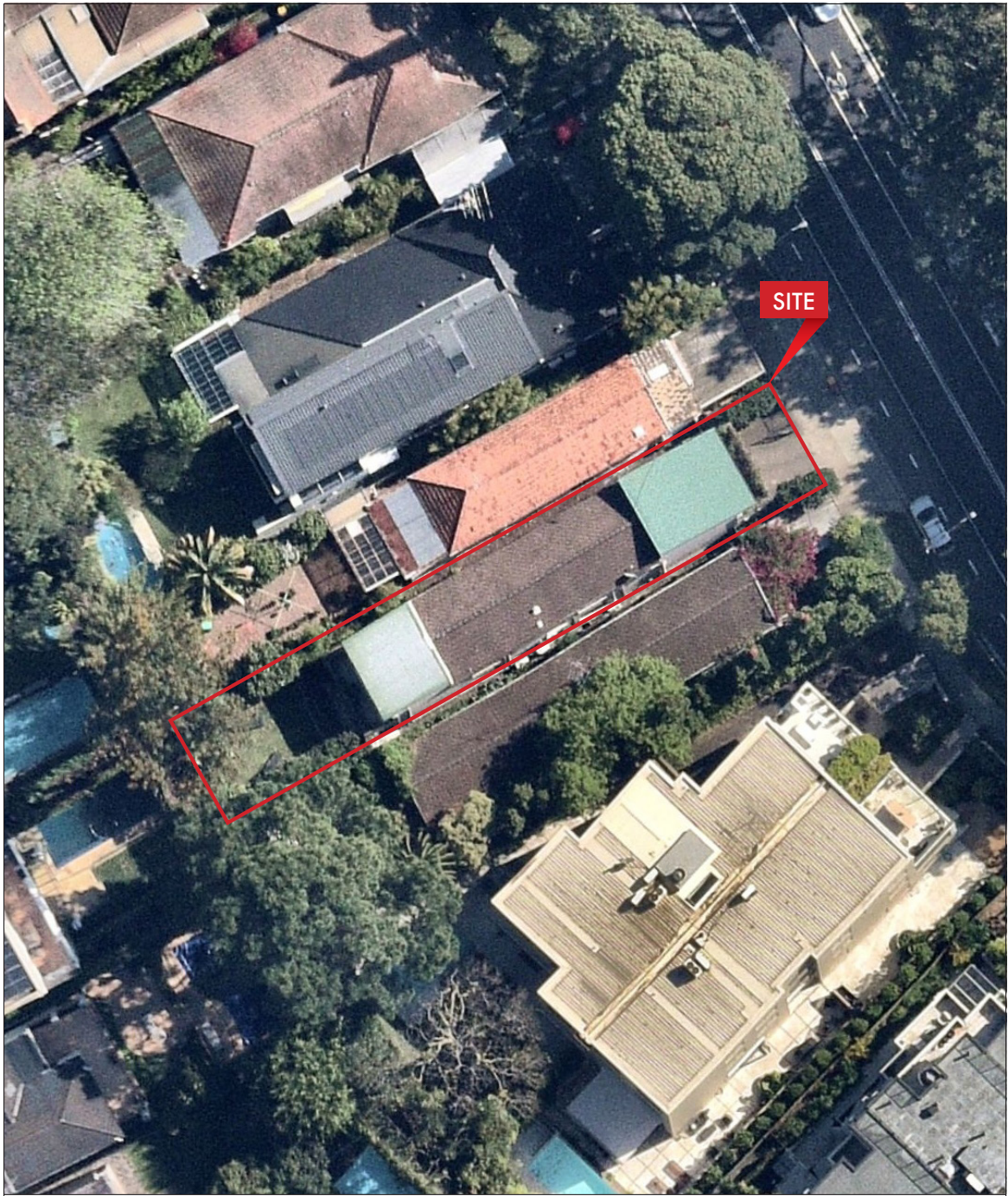
The proposal, notwithstanding the non-compliance with the maximum FSR standard, is consistent with the objectives of the FSR standard in Clause 4.4E and with the objectives of the R3 Medium Density Residential zone in the WLEP 2014.

The Clause 4.6 variation request should therefore be supported.

FIGURES







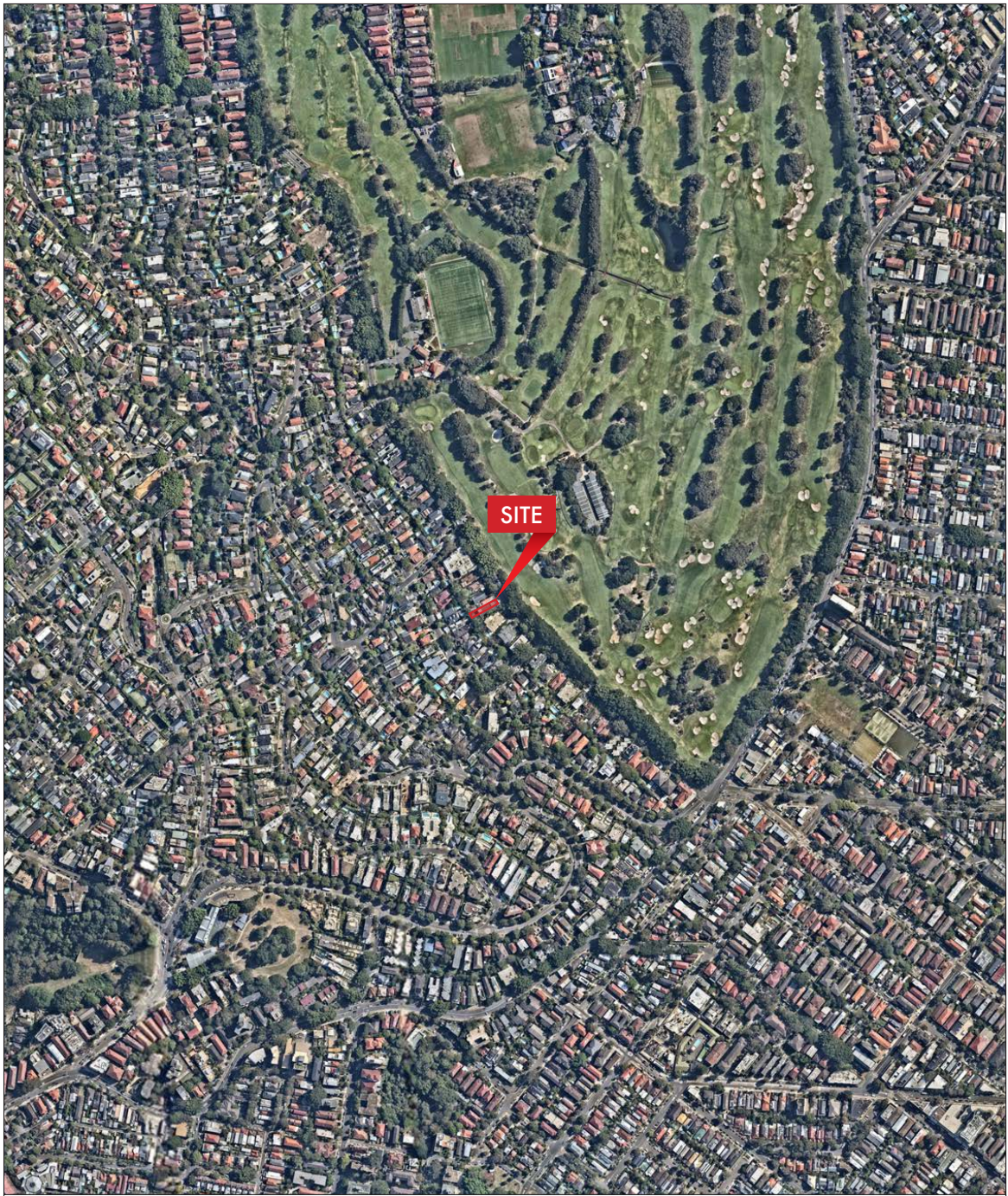
Source: NearMap 3 Oct 2023

STATEMENT OF ENVIRONMENTAL EFFECTS
219 O'Sullivan Road, Bellevue Hill

FIGURE 3A
Aerial Photo - Detail

Prepared For - Mark Hovey





Source: NearMap 3 Oct 2023

STATEMENT OF ENVIRONMENTAL EFFECTS
219 O'Sullivan Road, Bellevue Hill

FIGURE 3B
Aerial Photo - Wider Area

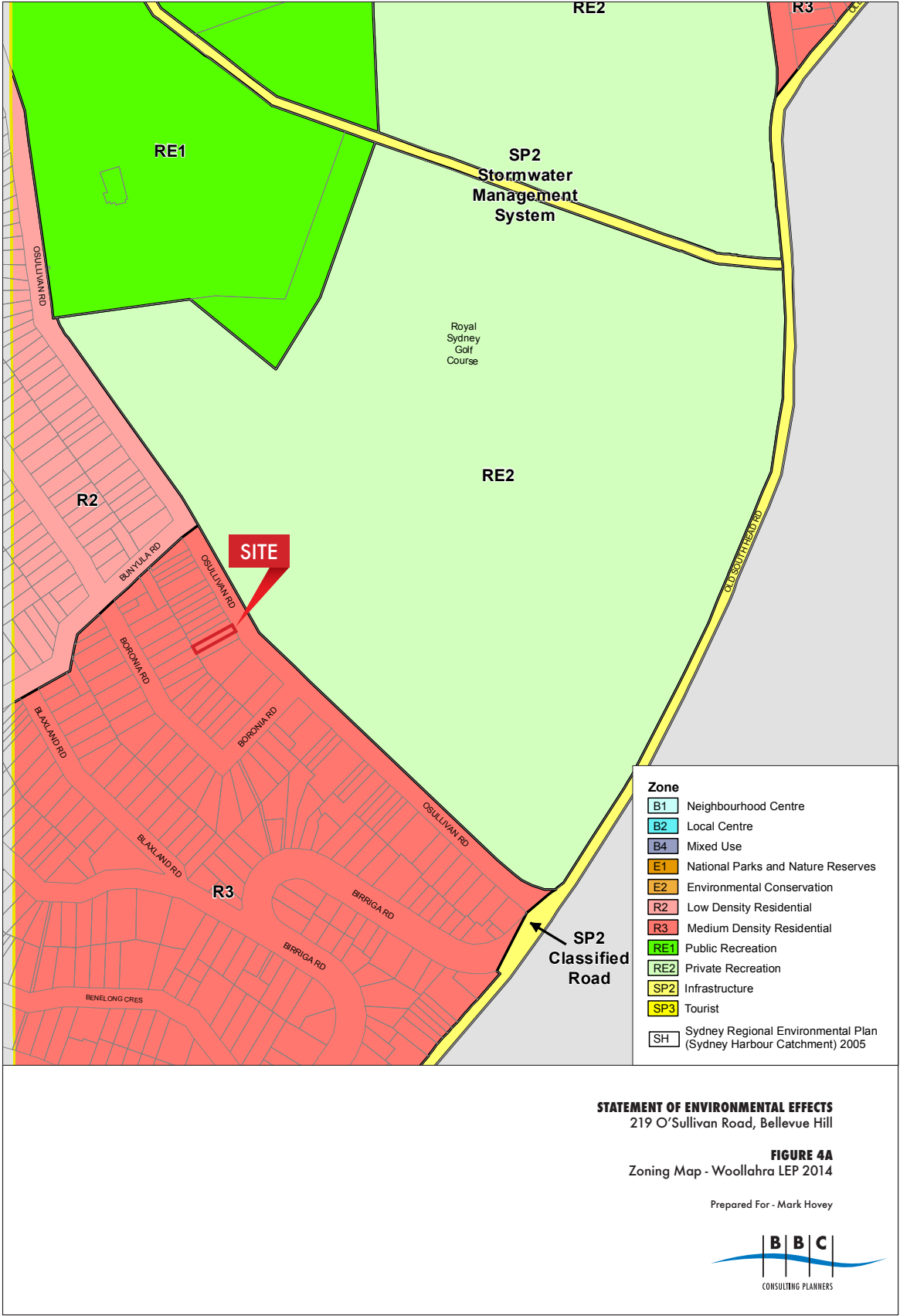
Prepared For - Mark Hovey

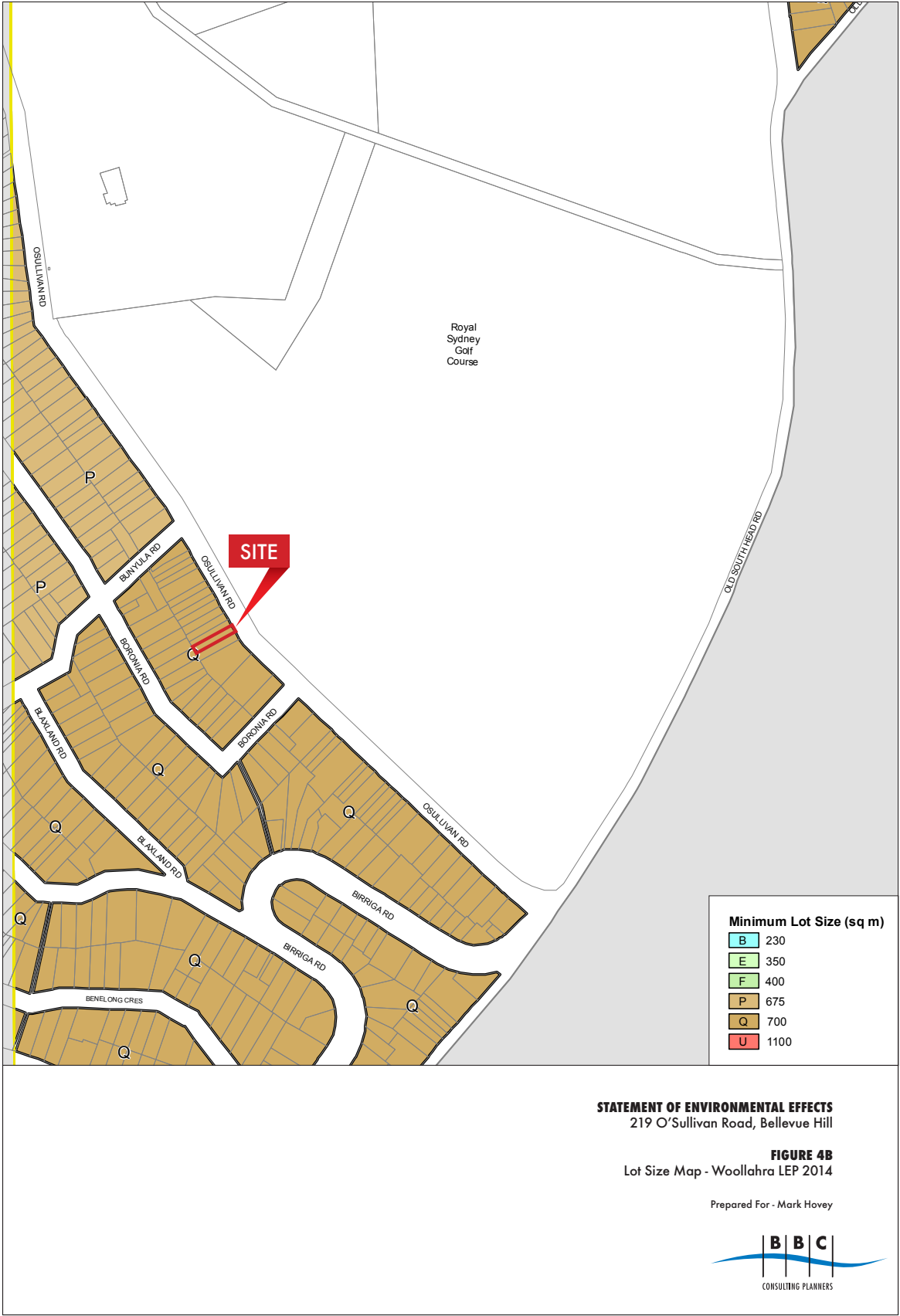
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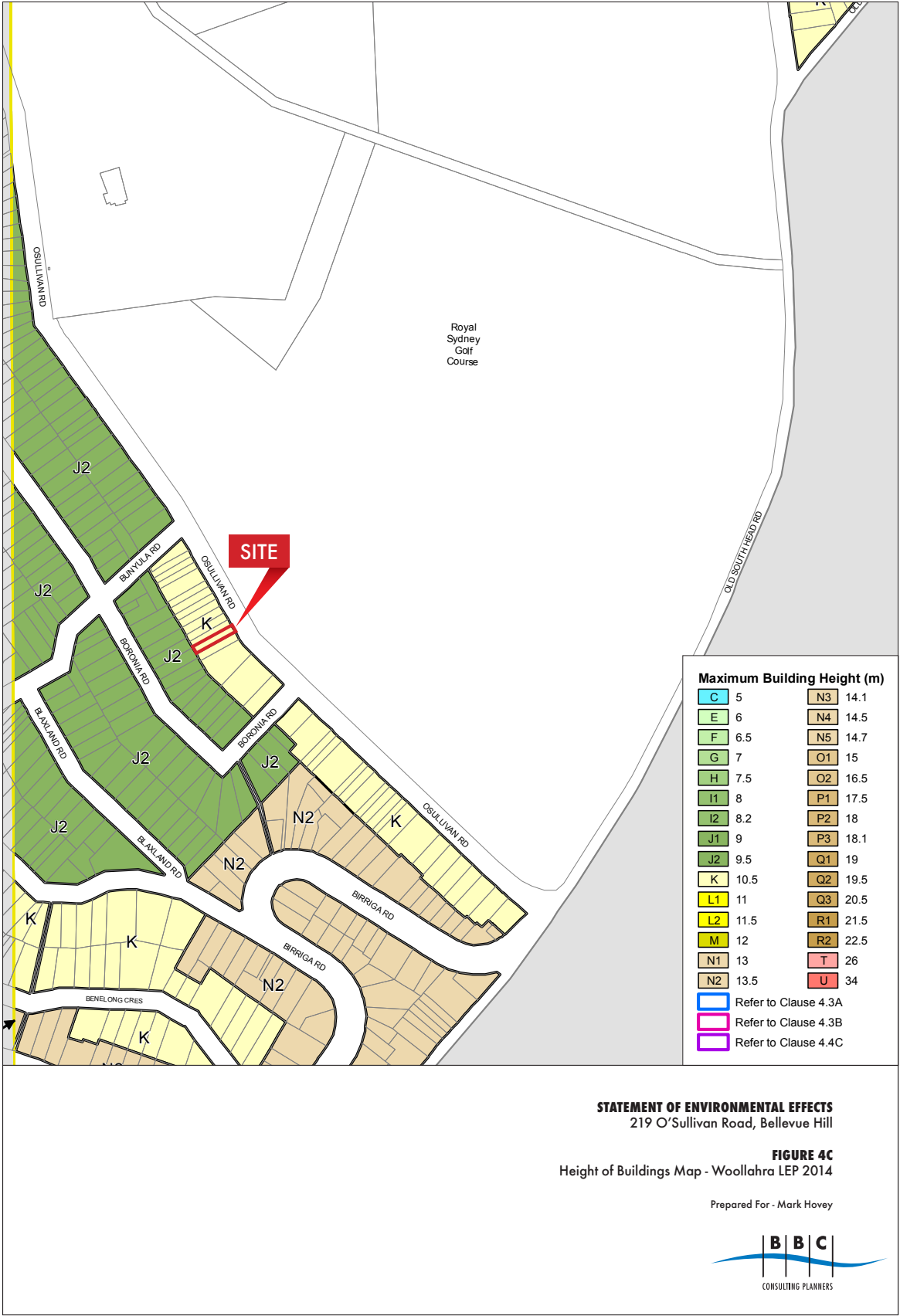
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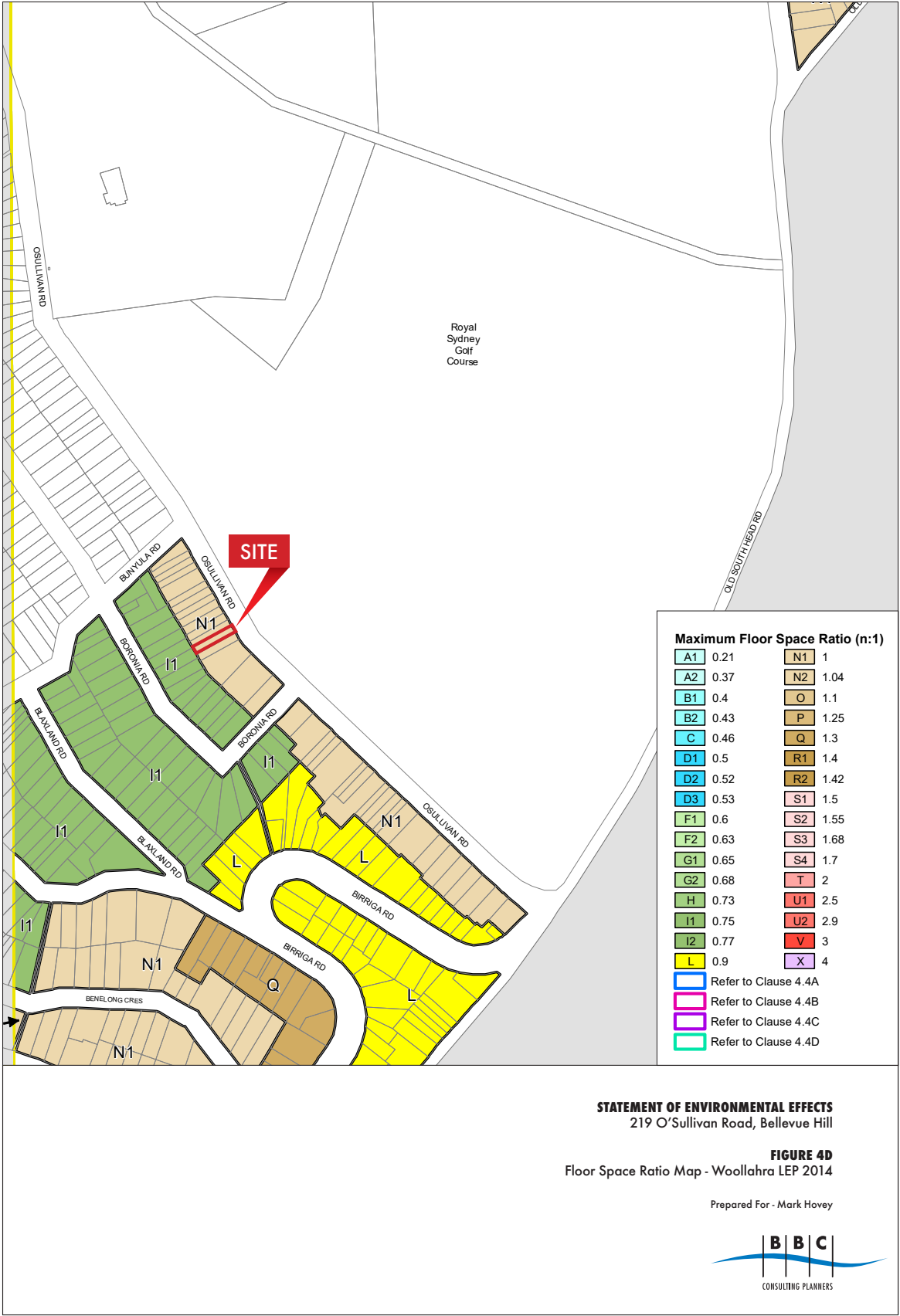
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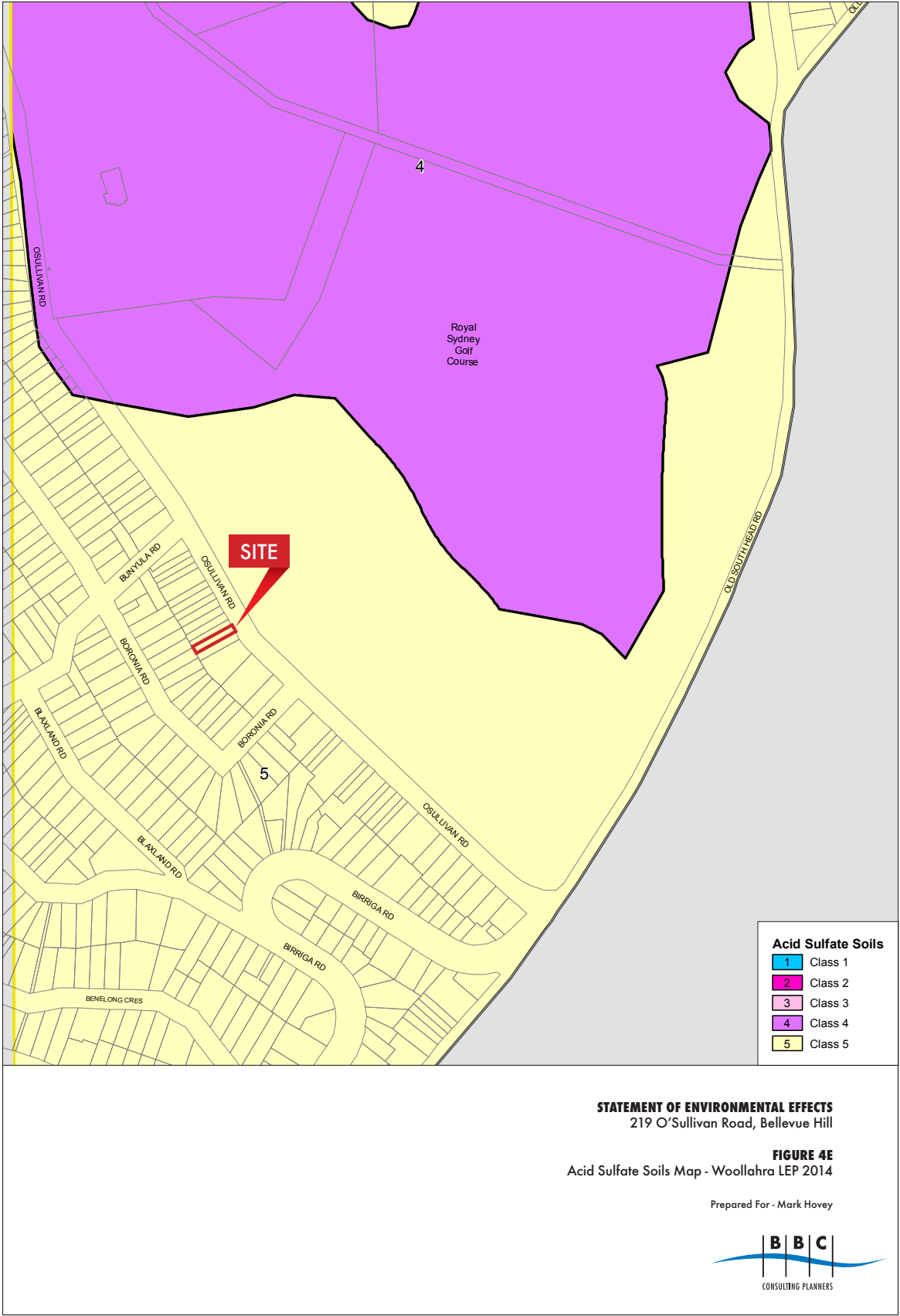
CONSULTING PLANNERS

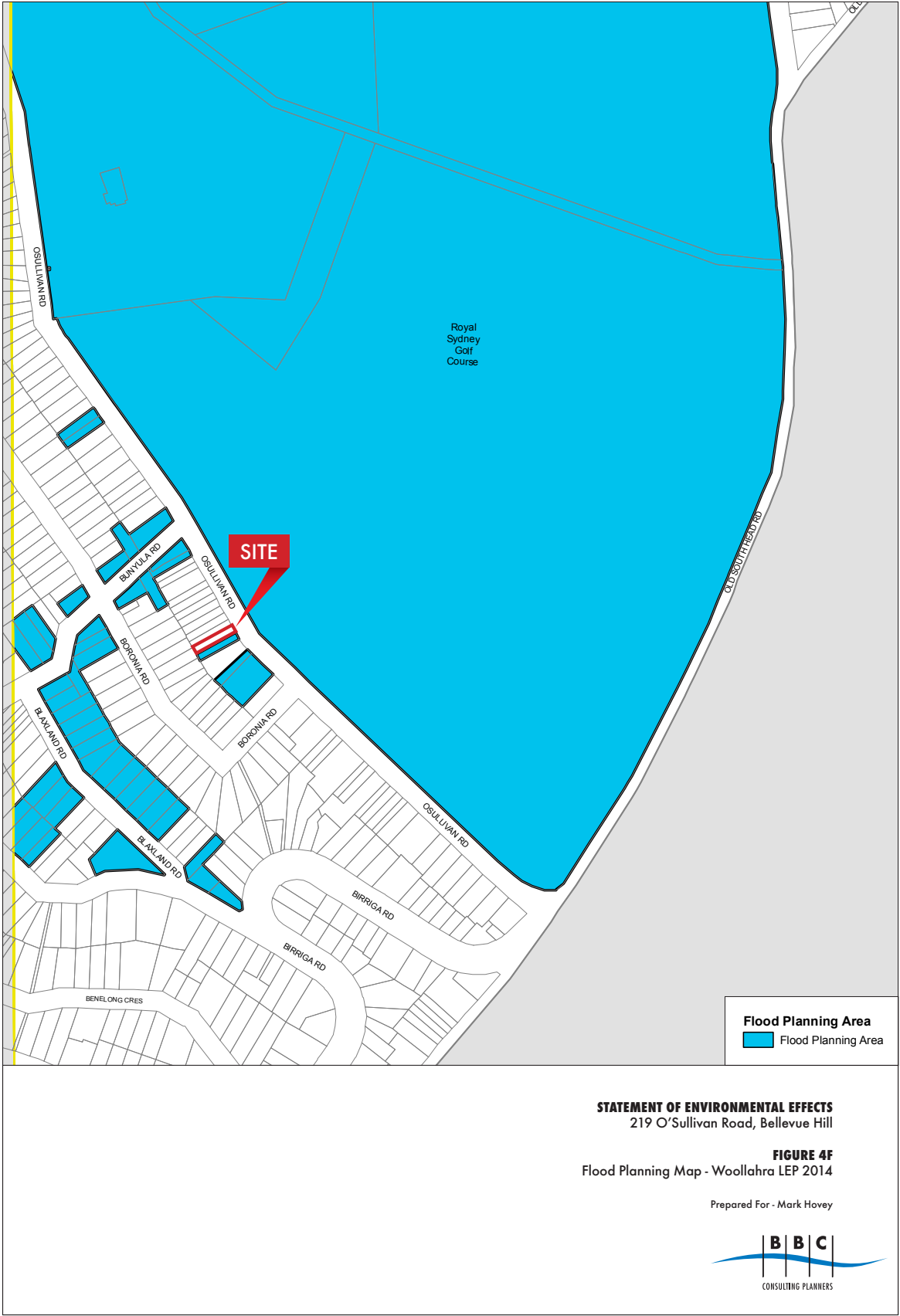


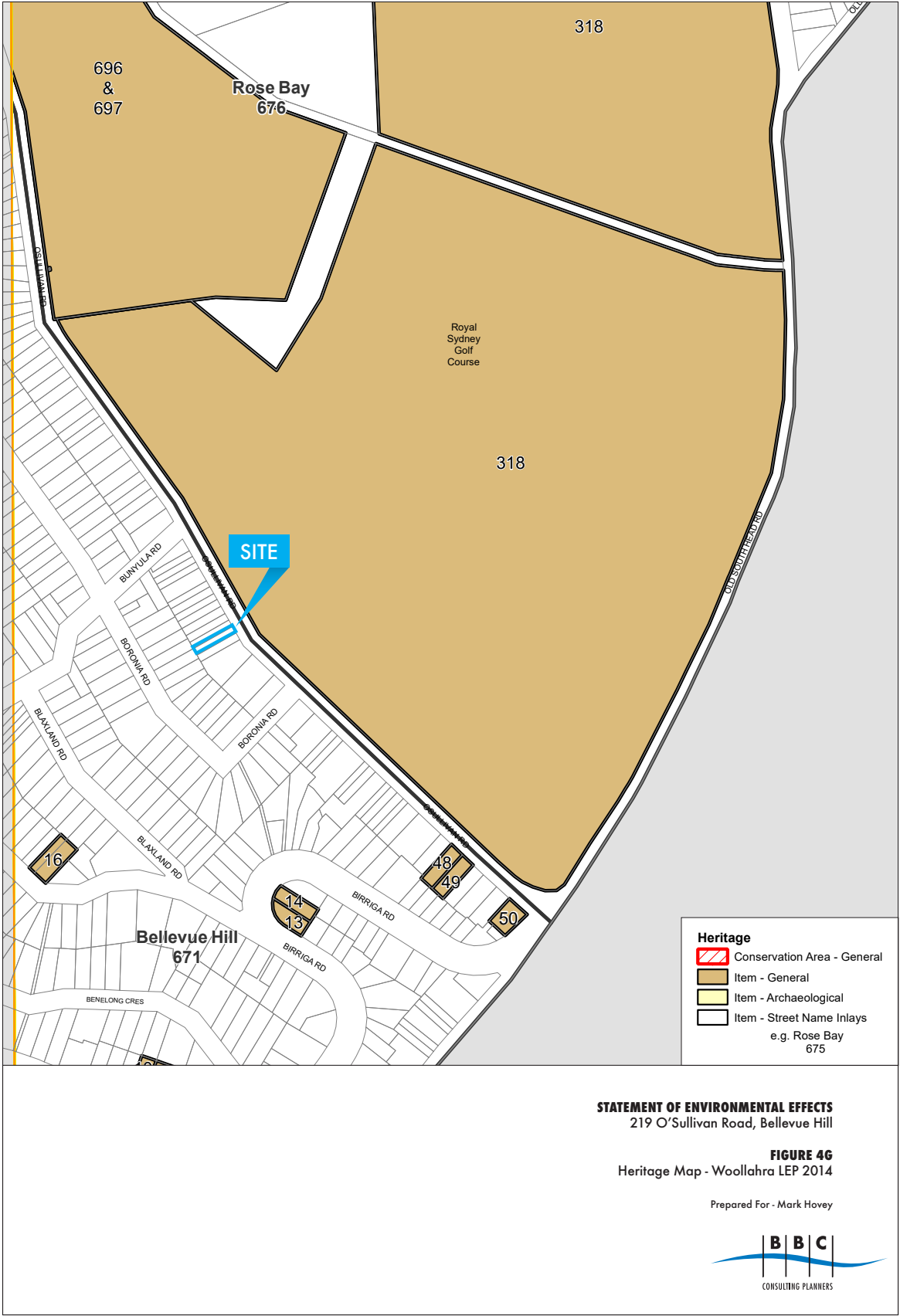




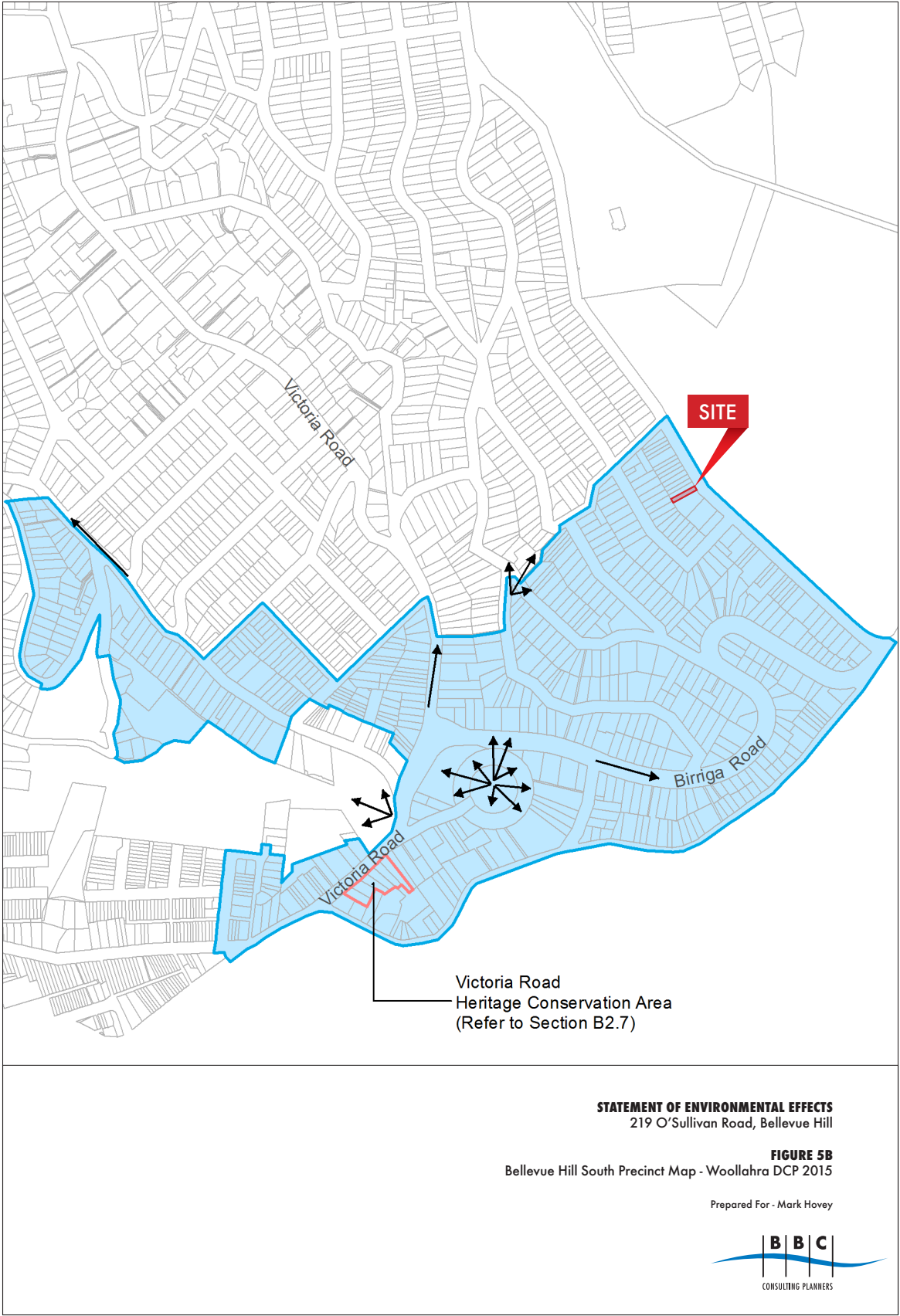












ATTACHMENT 1

GFA diagrams



BUILDING AREA CALCULATIONS

EXISTING GFA

INCLUDED AREAS:
GROUND FLOOR (GF) 123 sqm
LEVEL ONE (L1) 130 sqm

TOTAL 253 sqm
FSR 0.73:1

PROPOSED GFA

INCLUDED AREAS:
GROUND FLOOR (GF) 123 sqm
LEVEL ONE (L1) 130 sqm
LEVEL TWO (L2) 41.2 sqm

TOTAL 294.2 sqm
FSR 0.85:1

TOTAL SITE AREA

347.7 sqm

Floor Space Ratio

MAX ALLOWABLE GROSS FLOORAREA (1:1 x 347.7 sqm)

1:1

347.7 sqm

Definition of "floor space ratio"

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

Definition of "gross floor area"

The gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic.

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

LEGEND

EXISTING AREA
PROPOSED AREA

GENERAL NOTES

- All works to be in accordance with Building Code of Australia, and the relevant Australian Standards
- Contractor to ensure consistency between similar materials is maintained
- Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture
- TUC to approve all contractors detailed drawings/setting out prior to construction
- Contractor to confirm stability and feasibility of all units/components prior to manufacture
- Contractor to liaise with Electrical contractors to ensure all power,data,communication requirements are accessible
- All drawings to be verified on site - do not scale
- Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces

LEGEND GENERAL

AMENDMENTS

A ISSUED TO PLANNER 17.05.23
B ISSUED TO PLANNER 23.05.23
C ISSUED TO PLANNER 09.10.23

PROJECT
HOVEY LANDES RESIDENCE
219 O'Sullivan Road, Bellevue Hill

DRAWING
DA DOCUMENTATION
AREA DIAGRAMS

THE
UNLISTED
COLLECTIVE

info@theunlistedcollective.com

+61 422 296 039

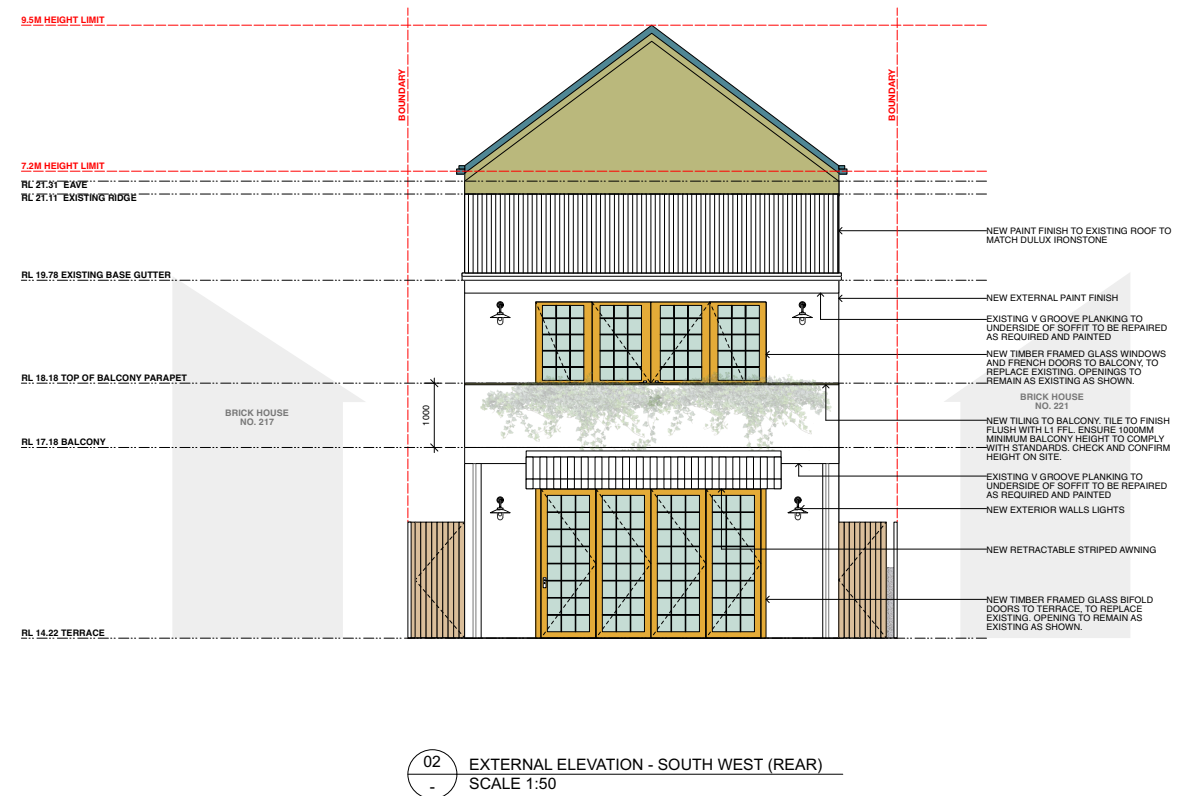
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PROJECT NO: 1763
DWG NO: DA.4.01
ISSUE: C
DATE: APRIL 2021
DRAWN: HJ
SCALE: 1:100 @ A1

ATTACHMENT 2

Building elevations & Sections



GENERAL NOTES <ol style="list-style-type: none"> All works to be in accordance with Building Code of Australia, and the relevant Australian Standards Contractor to ensure consistency between similar materials is maintained Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture TUC to approve all contractors detailed drawings/setting out prior to construction Contractor to confirm stability and feasibility of all units/components prior to manufacture Contractor to liaise with Electrical contractors to ensure all power,data,communication requirements are accessible All drawings to be verified on site to not conflict with existing Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces 	LEGEND GENERAL AS1100.301-2008 (AS 2700S COLOUR CODES) <div> <div>EXISTING</div> <div>DEMOLITION</div> <div>BRICK SECTION</div> <div>CONCRETE</div> <div>STUD WALLS</div> <div>TIMBER DRESSED</div> <div>RENDER</div> <div>JOINERY</div> <div>GLASS</div> <div>WALL/FLOOR TILES</div> <div>TIMBER ROOFING</div> <div>METAL</div> </div>	AMENDMENTS <div> <div>A ISSUED TO BUILDER & CLIENT FOR REVIEW</div> <div>B REVISED CONCEPT</div> <div>C ISSUED TO CLIENT</div> <div>D ISSUED TO CLIENT</div> <div>E ISSUED TO CLIENT</div> <div>F ISSUED TO CLIENT</div> <div>G ISSUED TO CLIENT</div> <div>H ISSUED TO CLIENT & LANDSCAPE DESIGNER</div> <div>I REVISED ISSUE</div> <div>J CDC ISSUED TO CLIENT FOR REVIEW</div> <div>K ISSUED TO PLANNER</div> <div>L ISSUED FOR CLIENT REVIEW / TO PLANNER</div> <div>M ISSUED FOR CLIENT REVIEW / TO PLANNER</div> <div>N ISSUED TO PLANNER</div> <div>O ISSUED TO PLANNER</div> <div>P ISSUED TO PLANNER</div> <div>Q ISSUED TO CLIENT & PLANNER</div> </div>		PROJECT HOVEY LANDES RESIDENCE 219 O'Sullivan Road, Bellevue Hill	<div> <div>THE</div> <div>UNLISTED</div> <div>COLLECTIVE</div> </div> <div> DRAWING DA DOCUMENTATION PROPOSED SOUTH WEST & NORTH EAST ELEVATION </div> <div> info@theunlistedcollective.com +61 422 296 039 theunlistedcollective.com </div>	PROJECT NO: 1763 DWG NO: DA.2.01 ISSUE: Q DATE: APRIL 2021 DRAWN: HJ SCALE: 1:50 @ A1
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GENERAL NOTES

- All works to be in accordance with Building Code of Australia, and the relevant Australian Standards
- Contractor to ensure consistency between similar materials is maintained
- Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture
- TUC to approve all contractors detailed drawings/setting out prior to construction
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- Contractor to liaise with Electrical contractors to ensure all power, data, communication requirements are accessible
- All drawings to be verified on site - do not scale
- Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces

LEGEND GENERAL

AS1159.301-2008
(AS 2700S COLOUR CODES)

EXISTING	RENDER
DEMOLITION	JOINERY
BRICK SECTION	GLASS
CONCRETE	WALL/ FLOOR TILES
STUD WALLS	TIMBER BOARDS
TIMBER DRESSED	METAL

AMENDMENTS

A CDC ISSUED TO CLIENT FOR REVIEW	23.11.21
B ISSUED TO PLANNER	19.10.22
C ISSUED FOR CLIENT REVIEW / TO PLANNER	25.01.23
D ISSUED FOR CLIENT REVIEW	09.05.23
E ISSUED TO PLANNER	11.05.23
F ISSUED TO PLANNER	23.05.23
G ISSUED TO PLANNER	09.10.23

PROJECT
HOVEY LANDES RESIDENCE
219 O'Sullivan Road, Bellevue Hill

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DRAWING
DA DOCUMENTATION
PROPOSED SOUTH & NORTH ELEVATION

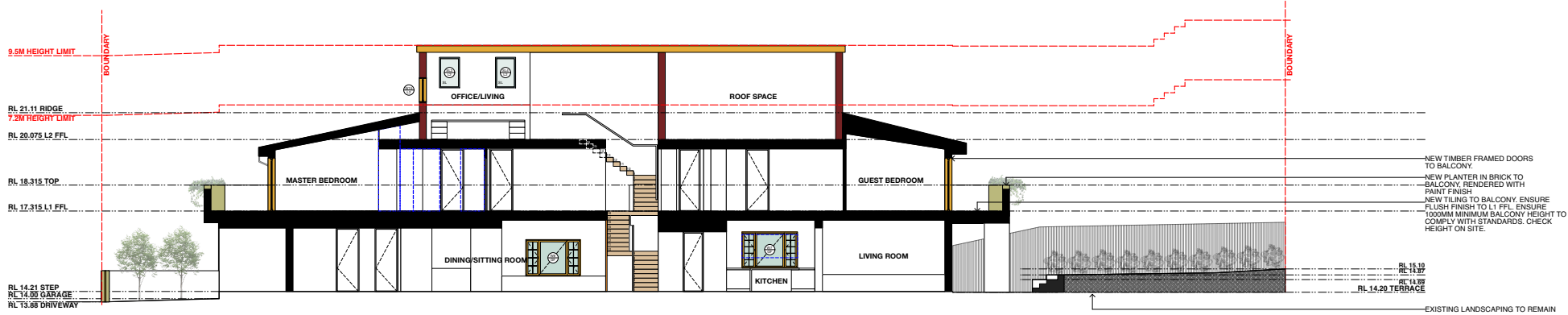
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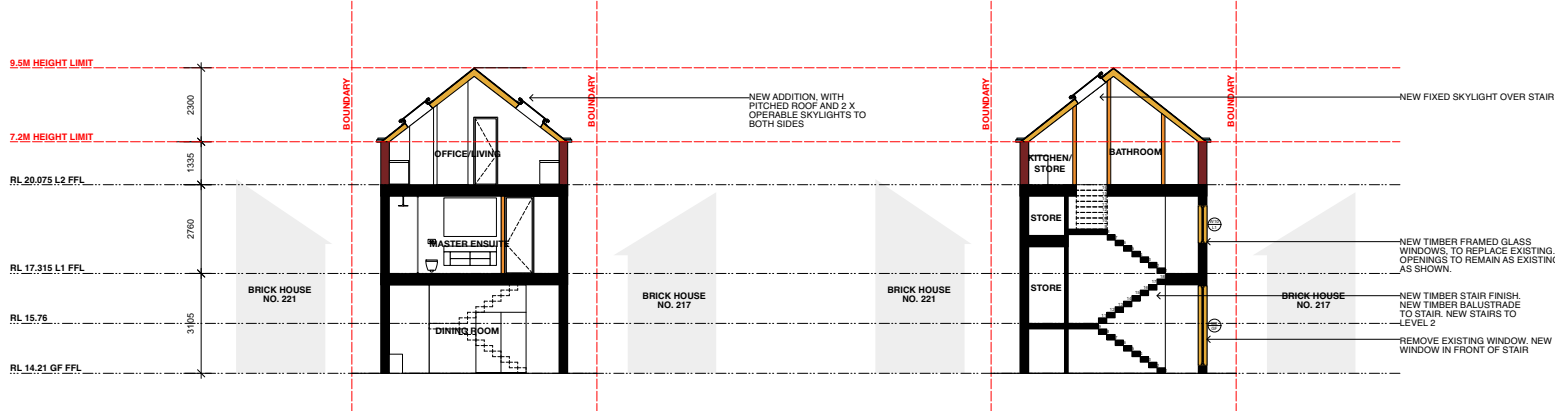
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PROJECT NO: 1763
DWG NO: DA.2.02
ISSUE: G
DATE: APRIL 2021
DRAWN: HJ
SCALE: 1:100 @ A1



A SECTION
SCALE 1:100



B SECTION
SCALE 1:100

C SECTION
SCALE 1:100

GENERAL NOTES

- All works to be in accordance with Building Code of Australia, and the relevant Australian Standards
- Contractor to ensure consistency between similar materials is maintained
- Contractor to notify TUC of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture
- TUC to approve all contractors detailed drawings/setting out prior to construction
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- Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces

LEGEND GENERAL

AS1100.301-2008 (AS 2700S COLOUR CODES)	
EXISTING	RENDER
DEMOLITION	JOINERY
BRICK SECTION	GLASS
CONCRETE	WALL/ FLOOR TILES
STUD WALLS	TIMBER BOARDS
TIMBER DRESSED	METAL

AMENDMENTS

A ISSUED TO PLANNER	17.05.23
B ISSUED TO PLANNER	23.05.23
C ISSUED TO PLANNER	09.10.23
D ISSUED TO CLIENT & PLANNER	25.10.23

PROJECT
HOVEY LANDES RESIDENCE
219 O'Sullivan Road, Bellevue Hill

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PROPOSED SECTIONS

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PROJECT NO: 1763
DWG NO: DA.3.01
ISSUE: D
DATE: APRIL 2021
DRAWN: HJ
SCALE: 1:100 @ A1



Woollahra
Municipal
Council

19 December 2023

REFERRAL RESPONSE – DRAINAGE

FILE NO: Development Applications: 443/2023/1

ADDRESS: 219 O'Sullivan Road BELLEVUE HILL 2023

PROPOSAL: Alterations and additions to the existing dwelling including an upper level addition.

FROM: Michael Casteleyn

TO: Mr M D'Alessio

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- 23/222152 Flood Risk Management Report - DA2023/443/1 - 219 O'Sullivan Road BELLEVUE HILL,
- 23/222156 Plan - Architectural Drawings - DA2023/443/1 - 219 O'Sullivan Road BELLEVUE HILL

3. ASSESSMENT

The DA submission has been reviewed.

4. RECOMMENDATION

Council's Drainage Engineer has determined that the proposal is satisfactory, subject to the following conditions:

D	1.	Flood Protection
		<p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning:</u></p> <p>a) A permanent flood risk management plan shall be installed in a prominent area of the garage,</p>



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Council

Flood Proof Material

- a) Flood compatible materials shall be used for all flood exposed construction,

Electricals

- a) All flood exposed electrical wiring and equipment shall be waterproofed,

Certification

- a) 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.

Notes:

- The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection.

Condition Reason: To ensure the development incorporates flood inundation protection measures.

Michael Casteleyn
Drainage Engineer

19 December 2023
Completion Date



Woollahra
Municipal
Council

22 December 2023

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 443/2023/1

ADDRESS: 219 O'Sullivan Road BELLEVUE HILL 2023

PROPOSAL: Alterations and additions to the existing dwelling including an upper level addition.

FROM: David Prieto - Tree Management & Landscape Officer

TO: Mr M D'Alessio

1. ISSUES

None.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects Rev 6, prepared by BBC Consulting Planners, dated Nov 2023
- Survey Plan No. Rev D, drafted by The Unlisted Collective, dated 15/10/2022
- Architectural Drawing Nos. DA.1.00, DA.1.01, DA.1.02, DA.1.03, DA.1.04, DA.1.05, DA.1.06, DA.1.07, DA.2.01, DA.2.02, DA.3.01, DA.4.01, DA.4.02, DA.4.03, DA.4.04, DA.4.05, DA.4.06, DA.4.07, DA.4.08, DA.4.09, DA.4.10 Rev K, drawn by The Unlisted Collective, dated 25/10/2023
- Stormwater drainage Plan Nos. SW010, SW020 & ER10 Rev A, drawn by Mance Arraj, dated 07/09/2023

A site inspection was carried out on 21/12/2023.

3. RELEVANT CONTROLS

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks

Page 1 of 7



Woollahra
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- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites
- Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures, written by NSW Department of Planning, Industry and Environment, dated July 2015

4. SUMMARY

The proposal is for alterations and additions to an existing dwelling house including partial demolition of the existing roof and construction of a partial second floor level.

A total of two (2) prescribed trees were found within the rear setback of the property. Six (6) non-prescribed trees were found within the front setback of the property. All of them will be retained. Fencing will be conditioned at rear to minimise soil compaction during construction.

The Tree and Landscape team support the proposal subject to the below tree conditions being included in the Development Application consent.

5. COMMENTS

Trees

- Tree No.1 *Grevillea robusta* (Silky Oak) is a large mature tree located within the rear setback of the property.
- Tree No.2 *Magnolia grandiflora* 'Exmouth' (Bull Bay Magnolia) is a mature tree within the rear setback of the site and adjacent to the norther boundary.

No works are proposed at rear. Tree Protection Fencing to be installed durign works.

I have included the following to protect the six (6) trees within the front setback: '*Additional Fencing may be installed to protect six (6) Magnolia grandiflora 'Exmouth' (Bull Bay Magnolia) located within the front setbak of the property during works.*'

Landscape Plan, Deep Soil & Canopy Cover

Controls C.1 & C.2 of B.3.7.1 *Landscaped area and private* open space of the DCP apply to the site. A Landscape Plan was proposed during the PDA.

A Landscape Plan has not been provided for this application as the existing landscape is proposed to be retained as current. Therefore, no changes to the existing landscape are required to be enforced.

6. 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.



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A. GENERAL CONDITIONS

A.1.

Tree Preservation and Landscaping Works

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

a) The following trees must be retained:

Trees on private land:

Council Ref No	Species	Location	Dimension (metres)
1	<i>Grevillea robusta</i> (Silky Oak)	Rear	16 x 10
2	<i>Magnolia grandiflora</i> 'Exmouth' (Bull Bay Magnolia)	Rear	5 x 4

Condition Reason:

To ensure all landscape works are undertaken in accordance with the approved plans and documents.

Standard Condition A.22 (Autotext 22A)

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.

Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)

Prior to any site works, tree protection measures must be established around all trees to be retained in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970).

The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).

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

a) Tree Protection Fencing:

Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*
1	<i>Grevillea robusta</i> (Silky Oak)	Rear	5.0
2	<i>Magnolia grandiflora</i> 'Exmouth' (Bull Bay Magnolia)	Rear	2.0



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	<p>Where this condition relates to trees on private property, the radial distance of fencing must be positioned only within the subject property relating to the development consent.</p> <p>Additional Fencing may be installed to protect six (6) <i>Magnolia grandiflora</i> 'Exmouth' (Bull Bay Magnolia) located within the front setback of the property during works.</p> <p>b) Tree Protection Zones must be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence must be established prior to any materials being brought onto the site and before the commencement of works including demolition. The area within the fence must be mulched and the mulch layer maintained to a depth of 75mm. The soil within the TPZ area must be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there must be no access within the TPZ area.</p> <p>c) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.</p> <p>d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.</p> <p>e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.</p> <p>f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.</p> <p>g) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.</p> <p>Condition Reason: To ensure the protection of existing trees</p> <p>Standard Condition B.5 (Autotext 5B)</p>
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<p>B. 2.</p>	<p>Arborists Documentation and Compliance Checklist</p> <p>Prior to any site works, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent are implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> • A record of the condition of trees to be retained prior to and throughout development. • Recommended actions to improve site conditions and rectification of non-compliance. • Recommendations for future works which may impact the trees.
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<p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p>					
<table border="1"> <thead> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td>Prior to any site works</td><td> <ul style="list-style-type: none"> Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. </td></tr> </tbody> </table>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Prior to any site works	<ul style="list-style-type: none"> Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent. The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam. 	
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<p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by the site arborist and/or site foreman for ongoing monitoring/supervisory work.</p>					
<p>Condition Reason To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>					
<p>Standard Condition B.29 (Autotext 29B)</p>					

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Nil.

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F	1. Tree Preservation
	<p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p>



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

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

Condition Reason: To protect trees during the carrying out of sitework.

Standard Condition F.8 (Autotext 8F)

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G 1.	Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building				
	<p>Before the issue of any occupation certificate for the whole of the building, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ol style="list-style-type: none"> a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site.</p> <p>As a minimum the following intervals of site inspections must be made:</p> <table border="1" data-bbox="427 1500 1244 1747"> <thead> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td>Before the issue of any occupation certificate for the whole of the building</td><td> <ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation. </td></tr> </tbody> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p>	Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	Before the issue of any occupation certificate for the whole of the building	<ul style="list-style-type: none"> The project arborist must supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist must assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist must provide recommendations for remediation.
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	Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.
	Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.
	Standard Condition G.35 (Autotext 34G)

H. OCCUPATION AND ONGOING USE

H	1.	Maintenance of Landscaping
		During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.
		This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.
		Notes: <ul style="list-style-type: none">• This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality.• Owners must have regard to the amenity impact of trees upon the site and neighbouring land.
		Condition Reason: To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.
		Standard Condition H.25 (Autotext 25H)

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE (subdivision works)

Nil.

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE (no subdivision works)

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

David Prieto
Tree Management & Landscape Officer

22/12/2023
Completion Date

LOCAL PLANNING PANEL SECTION 4.56 APPLICATION ASSESSMENT REPORT

ITEM No.	D4
FILE No.	DA501/2022/2
ADDRESS	12 Rawson Road ROSE BAY
COUNCIL WARD	Vaucluse
SITE AREA	737.7m ²
ZONING	R2 Low Density Residential
EXISTING CONSENT	Demolition of the existing dwelling, pool and garage and construction of a new dwelling, pool and landscaping
DATE OF CONSENT	18/10/2023
TYPE OF CONSENT	Local development
CONSENT AUTHORITY	Woollahra Council
PROPOSED MODIFICATION	Internal and external modifications to the approved new dwelling house.
TYPE OF MODIFICATION	Section 4.56
DATE S4.55 LODGED	09/01/2024
APPLICANT	Y Sun
OWNER	Mr B Wei
AUTHOR	Ms V Truong
TEAM LEADER	Mr M Moratelli
SUBMISSIONS	None
RECOMMENDATION	Approval, subject to Condition C.1

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

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

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

2. REASONS FOR RECOMMENDATION

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

- The development consent as proposed to be modified, is considered to be substantially the same as the originally approved development
- The proposal satisfies section 4.56 of the Environmental Planning and Assessment Act 1979

- 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
- The proposal is in the public interest

3. LOCALITY PLAN



4. SUMMARY OF APPROVED DEVELOPMENT

The approved development involves the erection of a new multi-storey house, swimming pool and landscaping works. Specifically, the proposal comprises the following:

(a) Basement Floor

- Entry terrace;
- Guest bedroom with ensuite and robe space;
- Laundry;
- WC;
- Cellar;
- Cloak room;
- Media room
- Entry foyer;
- Garage entry foyer;
- Mud room;
- Internal lift and access stairs;

- Courtyard; and
- Double garage with turning bay and bin store.

(b) Ground Floor

- 4 x bedrooms all of which contain ensuites and robe spaces;
- Front facing terrace;
- Storage area;
- Internal lift and access stairs; and
- Swimming pool.

(c) First Floor

- Open planned living, dining and kitchen area along with adjoining terrace with BBQ facilities;
- 2 x studies;
- 2 x WC's
- Butler's pantry; and
- Internal lift and access stairs.

It was approved subject to the following modifying condition in Condition C.1:

“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) Amended Landscape Plan. The submitted landscape plan shall be amended to include the following and submitted to the certifying authority prior to the issue of the Construction Certificate.

Proposed Cupaniopsis anacardioides (Tuckeroo) tree shall be located in a more suitable location to allow for the tree to develop full size at maturity without interaction with the adjacent vegetation. It shall be planted:

- *To the north of the proposed driveway, at a minimum distance of 1m from the driveway retaining wall and boundary line, or*
- *To the south of the proposed driveway near the terrace, in deep soil and at a minimum distance of 0.5m from the retaining wall and shared boundary.*

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)”

5. SUMMARY OF PROPOSED MODIFICATION

The Section 4.56 application involves the following works:

- New bicycle storage area to the basement level, changes to fenestration (W0.9 and W0.10) and relocation of bin enclosure.
- Revised alignment of sliding doors (W1.14 and W1.15) and windows (W1.3, W1.4, W1.5 and W1.6) at the ground floor level.
- Revised swimming pool layout, changes to pool terrace levels and courtyard garden area.
- New pool steps with plant enclosure below.

- Internal reconfiguration to the study rooms and changes to W2.4 and W2.8 at the first floor level.
- New external A/C units to the southern side setback.

6. ISSUES

6.1. Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

Clause	Development Standard	Departure from Control	Conclusion
Part 4.4	Floor Space Ratio	77.72m ² or 21.07% departure from the 368.85m ² control	Satisfactory

6.2. Primary Issues

Issue	Conclusion	Section
<i>Floor Space Ratio</i> development standard non-compliance (Clause 4.4E of the Woollahra LEP 2014)	Satisfactory. The proposed increase to the overall Gross Floor Area (GFA) under the proposed modifications is considered acceptable.	11.4

PROPERTY DETAILS AND REFERRALS

7. SITE AND LOCALITY

Physical features
<ul style="list-style-type: none"> • The subject site is located on the eastern side of Rawson Road and is legally described as Lot 2 in Deposited Plan 957378. It is an irregular shaped allotment comprising an angled front property boundary to Rawson Road of 15.685m in length. • The site comprises an access handle to the rear which leads to Chamberlain Avenue to the east. Including the length of the access handle, the southern side property boundary has a length of 70.995m with the northern boundary length (excluding the access handle) measuring 44.105m in length. The eastern rear boundary shared with No. 26 Chamberlain Avenue has a length of 12.19m with the northern side of the access handle equalling a length of 30.48m. • Overall, the subject site has an area of 737.7m² or 644.8m² when excluding the access handle.
Topography
<ul style="list-style-type: none"> • The site is generally flat within its rear portions, however, does experience a gradual fall toward the front property which addresses Rawson Road.
Existing buildings and structures
<ul style="list-style-type: none"> • At present the site comprises a two storey dwelling house and a swimming pool to the rear along with a detached garage/loft structure in the rear setback.
Surrounding Environment
<ul style="list-style-type: none"> • The immediate locality is characterised by low density residential development which typically comprises detached dwelling houses. These tend to vary in terms of their architectural character and style with there being several examples of more contemporary developments scattered throughout the immediate locality. • Immediately adjoining the subject site to the south at No. 14 Rawson Road is a two storey detached dwelling house with an access handle leading to Chamberlain Avenue. To the north, the subject site adjoins Nos. 8 and 10 Churchill Road which comprise two and three storey dwelling houses, respectively. Adjoining the site to the rear at No. 26 Chamberlain Avenue is a single storey dwelling house.



Image 01 - Aerial View of the subject site
Source: Woollahra Council's GIS system

8. RELEVANT PROPERTY HISTORY

Current use
Dwelling house.
Relevant Application History
<ul style="list-style-type: none"> DA 501/2022/1: "Demolition of the existing dwelling, pool and garage and construction of a new dwelling, pool and landscaping" was refused by Woollahra Council on 08/06/2023. The DA was subsequently approved via a Section 34 Agreement (<i>Sun v Council of the Municipality of Woollahra</i>, LEC No: 2023/148842) on 18/10/2023.
Relevant Compliance History
None relevant.
Pre-DA
None relevant.
Requests for Additional Information and Replacement Applications
A request for information (RFI) was made on 13/03/2024 requesting additional information and amended plans with details of the air-conditioning units proposed to the site.
The requested information was submitted on 27/03/2024 and is considered satisfactory.

9. REFERRALS

Referral	Summary of Referral Response	Annexure
Trees and Landscaping	Satisfactory, subject to conditions.	3

ASSESSMENT UNDER SECTION 4.56

The application is assessed under Section 4.56 of the Environmental Planning and Assessment Act 1979.

1. SECTION 4.56: MODIFICATION OF A CONSENT GRANTED BY THE COURT

Section 4.56 relates to the modification of a development consent granted by the Court. Development consent was granted by the Land and Environment Court as detailed in Section 2.3 above.

The considerations in Section 4.56 require Council to consider the following:

- a) *It is satisfied that the development to which the consent as proposed to be modified is substantially the same development as the development for which the consent was originally granted and before the consent as originally granted was modified (if at all) - YES*
- b) *It has notified the application in accordance with the regulations and Council's DCP for Advertising and Notification of Development Applications and Applications to Modify Development Consent - YES*
- c) *It has notified any person who made a submission in respect of the original development application - YES*
- d) *It has considered any submissions made concerning the proposed modifications - YES*

The proposal is considered to be substantially the same as the original approval, and the modifications are acceptable with regard to the relevant matters for consideration in Section 4.56 of the Environmental Planning and Assessment Act 1979.

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

10. ADVERTISING AND NOTIFICATION

10.1. Submissions

The application was advertised and notified from **31/01/2024** to **15/02/2024** in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. No submissions were received.

10.2. Statutory Declaration

The applicant has completed the statutory declaration dated **19/02/2024** declaring that the site notice for DA501/2022/2 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The development application was accompanied by a BASIX Certificate referenced 1352368S_03 demonstrating compliance with the SEPP. These requirements are imposed by standard condition.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 2 Coastal Management

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

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

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.

STATE ENVIRONMENTAL PLANNING POLICY (Biodiversity and Conservation) 2021

Chapter 6 – Water Catchments

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

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

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

11. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

11.1. Part 1.2: Aims of Plan

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

11.2. Land Use Table

The proposal is defined as alterations and additions to a dwelling house and is permitted and consistent with the objectives of the R2 zone.

11.3. Part 4.3: Height of Buildings

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

	Approved	Proposed	Control	Complies
Maximum Building Height	9.15m	5.95m	9.5m	Yes

The proposed modifications will not exceed the approved building height and is considered acceptable with regard to Part 4.3 of the Woollahra LEP 2014.

11.4. Part 4.4: Floor Space Ratio

Part 4.4E limits development to a maximum floor space ratio of 0.5:1 for dwelling houses in the R2 and R3 zones.

Site Area: 737.7m ²	Approved	Proposed	Control	Complies
Floor Space Ratio	0.546:1 (403.09m ²)	0.605:1 (446.57m ²)	0.5:1 (368.85m ²)	No

Since the original DA was approved on 18/10/2023, the Woollahra LEP 2014 has been amended to include an FSR control for the site which has replaced the Floorplate control in the Woollahra DCP 2015.

The approved DA had a gross floor area (GFA) of 403.09m² (FSR 0.546:1), resulting in a non-compliance with the current FSR control. The proposed modifications include an increase of 35.53m² to the GFA at the basement level and 7.95m² to the GFA at the ground floor level.

Overall the proposed modifications GFA will be 446.47m² (FSR 0.605:1) and result in a further non-compliance with the FSR control (77.72m² or 21.07% departure).

The applicable objectives of Part 4.4E are as follows:

- (a) *to ensure the bulk and scale of development is compatible with the desired future character of the area,*
- (b) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (c) *to ensure development makes adequate provision for deep soil planting, tree canopy cover and private open space.*

Notwithstanding the non-compliance, the proposed increase to the overall GFA is considered acceptable for the following reasons:

- The additional GFA is primarily situated in the basement level and is visually concealed. Where the GFA is increased to the ground floor level, it involves changes to the glazing angle on the western elevation of the dwelling. This adjustment is set back behind the pre-approved balcony and generally maintains the overall bulk, height and scale of the approved dwelling. The proposed development remains compatible with the desired future character of the area, achieving objective (a).
- Given the placement of the proposed additional GFA, there will be no detrimental effects on neighbouring developments regarding overshadowing, privacy or view obstruction, achieving objective (b).
- The proposed development maintains adequate provision for deep soil planting, tree canopy cover and private open space, achieving objective (c).

The proposed modifications are acceptable with regard to Part 4.4 of the Woollahra LEP 2014.

11.5. Part 5.10: Heritage Conservation

The subject site is not a listed heritage item and is not located within a Heritage Conservation Area pursuant to the Woollahra LEP 2014.

The proposed modifications were reviewed by Council's Heritage Officer at the Development Application Review Committee (DARC) stage and were found satisfactory.

The proposed modifications are acceptable with regard to Part 5.10 of the Woollahra LEP 2014.

11.6. Part 6.1: Acid Sulfate Soils

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.

11.7. Part 6.2: Earthworks

The proposed modifications involve additional excavation relating to an increase in area of the basement to accommodate bicycle storage and the relocation of the approved swimming pool.

No objections have been raised to the additional excavation by Council's Development Engineer, Heritage Officer, or Tree Management Officer, subject to the amended conditions relating to Tree & Landscaping in the recommendation.

The proposed modifications are acceptable with regard to Part 5.10 of the Woollahra LEP 2014.

11.8. Part 6.9: Tree canopy cover in Zones R2 and R3

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

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

Council's Tree Management Officer advised that the proposed modifications will comply with the tree canopy cover requirement.

The proposed modifications are acceptable with regard to Part 6.9 of Woollahra LEP 2014.

12. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

12.1. Chapter B1: Rose Bay Residential Precinct

The proposed modifications satisfy the precinct objectives outlined in Part B1.1.3 of the Woollahra DCP 2015.

The proposed modifications meet the streetscape character and key elements of the precinct and desired future character objectives of the Rose Bay Residential precinct, as noted in Part B1.9.2 of the Woollahra DCP 2015.

12.2. Chapter B3: General Development Controls

12.2.1. Part B3.2: Building Envelope

The proposed modifications will not involve any reduction of the approved setbacks of the site and are therefore acceptable with regard to Part B3.2 of the Woollahra DCP 2015.

12.2.2. Part B3.4: Excavation

Site Area: 737.7m ²	Approved	Proposed	Control	Complies
Maximum Volume of Excavation (C1, C4 and C5)	257.24m ³	307.53m ³	197.54m ³	No
Excavation, Piling and Subsurface Wall Setback	>1.9m	>1.9m	1.9m	No
Geotechnical Report	Provided	Provided	Required Where > 2.0m	Yes

A breakdown of the proposed excavation is summarised below.

- Car parking and access thereto = 181.37m³
 - Swimming pool = 59.71m³ (exempted)
 - Dwelling and Other = 281.53m³
 - Rainwater tank = 26m³
- Total: 307.53m³

Control C1 limits the volume of excavation to 197.54m³. The proposed modifications involve a total of 307.53m³ of excavation within the site, resulting in an additional 50.29m³ to the approved excavation volume and a 109.99m³ non-compliance with the control.

Part B3.4 of the Woollahra DCP 2015 provides the following relevant objectives:

O1 To set maximum acceptable volumes of excavation which:

- a) require buildings to be designed and sited to relate to the existing topography of the site;*
- b) ensure excavation, including the cumulative impacts of excavation, does not adversely impact land stabilisation, ground water flows and vegetation;*
- c) avoid structural risks to surrounding structures;*
- d) ensure noise, vibration, dust and other amenity impacts to surrounding properties during construction are reasonable;*
- e) enable deep soil planting in required setbacks;*
- f) ensure traffic impacts and impacts on local infrastructure arising from the transfer of excavated material from the development site by heavy vehicles are reasonable; and*
- g) satisfy the principles of ecologically sustainable development (including the energy expended in excavation and transport of material and the relative energy intensity of subterranean areas in dwellings).*

Although non-compliant with Control C1, the relevant objectives pertaining to the relevant controls have been satisfied for the following reasons:

- The proposed dwelling house has been generally designed and sited to respond to the existing topography of the site.
- The volume of excavation will generally enable a compliant level of deep soil landscaping in required setbacks.

- Council's Development Engineer has reviewed the Further Geotechnical Assessment prepared by Green Geotechnics dated 19/12/2023 and did not raise any concerns on technical grounds. The conditions already imposed under DA 501/2022/1 to address any amenity impacts upon adjacent properties remain applicable to this modification application.

The proposed modifications are acceptable with regard to Part B3.4 of the Woollahra DCP 2015.

12.2.3. Part B3.5: Built Form and Context

The proposed modifications will generally maintain the approved height, bulk and scale of the approved development and are considered satisfactory in terms of streetscape presentation and consistency with the overall design of the principle building in terms of materiality and built form.

The proposed modifications will not result in any additional amenity impacts upon adjoining properties or the public domain in terms of solar access, view loss or visual intrusion.

The proposed modifications include a revised fenestration scheme involving the following windows:

- W0.9 to the guest room's en-suite and W0.10 to the guest bedroom at the basement level.
- W1.3 and W1.4 to the master bedroom's en-suite, W1.5 and W1.6 to centered the hallway facing the courtyard garden and pool at the ground floor level.
- W2.4 to study room 1 and W2.8 to study room 2's WC at the first floor level.

The revised fenestration scheme will not result in any additional opportunities for overlooking impacts to the neighbouring properties.

The proposed modifications are acceptable with regard to Part B3.4 of the Woollahra DCP 2015.

12.2.4. Part B3.6: On-Site Parking

The proposed modifications seek to retain and enlarge the approved on-site parking area to accommodate bicycle storage areas for recreational equipment. It is considered acceptable with regard to Part B3.6 of the Woollahra DCP 2015.

12.2.5. Part B3.7: External Areas

Part 3.7.1 Landscaped area and private open space

Site Area: 737.7m ²	Approved	Proposed	Control	Complies
Tree Canopy (C1)	-	Sufficient	35% of Site Area (258.19m ²)	Yes
Deep Soil Landscaping – Total (C2)	29.87% (220.41m ²)	29.5% (217.67m ²)	35% of Site Area (258.19m ²)	No
Deep Soil Landscaping – Front Setback (C3)	89.39% (70.59m ²)	88.56% (69.92m ²)	40% of Front Setback (31.58m ²)	Yes
Minimum Area of Private Open Space at Ground Level	>35m ²	>35m ²	Min 35m ²	Yes
Maximum Depth of Excavation or Fill for Landscaping	<1.2m	<1.2m	Min 1.2m	Yes

Since the original approval on 18 October 2023, the Woollahra DCP 2015 has been amended to include tree canopy cover controls and revised deep soil landscaping controls.

In terms of Control C1 relating to tree canopy, Council's Tree and Landscaping Officer advised that:
"Eight (8) replacement trees have been included on the Landscape Plan."

The proposal complies with the control considering both the canopy provided by retained trees and proposed replacement."

Control C2 requires 35%, or 258.19m² of the site area to be deep soil landscaped area. The proposed modifications will provide 217.67m² of deep soil landscaped area, representing a reduction of 2.74m² compared to the approved area.

Although non-compliant with Control C2, the proposed total deep soil landscaping area under this modification application only results in a marginal change to the approved area and is considered to be acceptable with regard to the relevant objectives of Part 3.7.1.

Part 3.7.2 Fences

The proposed modifications do not involve any changes to the approved fencing for the site and are considered acceptable with regard to Part 3.7.2.

Part 3.7.3 Site Facilities

The proposed modifications involve two (2) air-conditioning (A/C) units to be located 450mm from the southern boundary with No. 14 Rawson Road. The proposed A/C units will be enclosed and are supported, subject to recommended conditions of consent relating to noise control.

The original proposal, as well as the proposed modifications, include a new fireplace within the main living/dining area on the first floor level. **Condition I. 6** is therefore recommended requesting fire places to incorporate the burning of non-solid fuels to ensure that air quality and residential amenity will be protected.

The proposed modifications, as conditioned, are acceptable with regard to Part B3.7.3 of the Woollahra DCP 2015.

Part 3.7.4 Ancillary development – swimming pools, tennis courts and outbuildings

Site Area: 737.7m ²	Approved	Proposed	Control	Complies
Swimming Pool Setback From Boundaries	1.8m	1.8m	1.8m	Yes
Level of Swimming Pool Above or Below Existing Ground Level	1.4m	1.55m	Max 1.2m Change	No
Maximum Depth of Swimming Pool	<2m	<2m	Max 2m	Yes

Control C4 stipulates that swimming pool surrounds are to be no more than 1.2m above or below the existing ground level.

The objectives applicable to swimming pools are detailed as follows:

- O1 To provide for recreational opportunities for swimming without compromising the amenity of the neighbouring properties.
- O2 To limit excavation.
- O3 To retain trees and vegetation of landscape value.

Notwithstanding the non-compliance with Control C4 as detailed in the table above, the proposed modifications will satisfy the relevant objectives of this Part, as recreational opportunities will be provided at the site without adversely impacting amenity of the neighbouring properties. Additionally, the variation relates to fill rather than excavation and no objections have been raised by Council's Tree Officer regarding tree retention.

Conclusion

The proposed modifications are acceptable with regard to Part B3.7 of the Woollahra DCP 2015.

12.2.6. Part B3.9 Additional Controls for Development on a Battle-Axe Lot

Although the subject site does contain an access handle, it has a primary street frontage to Rawson Road. Given the context of the subject site is not considered appropriate to have regard to the additional controls set out under Part B3.9 of the Woollahra DCP 2015.

12.3. Chapter E1: Parking and Access

	Approved	Proposed	Control	Complies
Max Number of Car Parking Spaces – Dwelling	2 Spaces	2 Spaces	2 Spaces	Yes

The proposed modifications are acceptable with regard to the objectives and controls in Chapter E1 of the Woollahra DCP 2015.

12.4. Chapter E2: Stormwater and Flood Risk Management

The proposed modifications do not involve any changes to the previously designed and approved stormwater management plan and are acceptable with regard to Chapter E2 of the Woollahra DCP 2015.

12.5. Chapter E3: Tree Management

Council's Tree and Landscape Officer has determined that the development proposal is satisfactory in terms of tree preservation, landscaping and tree canopy cover, subject to compliance with the recommended conditions of consent.

The proposed modifications, subject to conditions, are acceptable with regard to Chapter E3 of the Woollahra DCP 2015.

12.6. Chapter E5: Waste Management

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

12.6.1. Part E5.2: Demolition and Construction Phase

The proposed modifications are acceptable with regard to Part E5.2 of the Woollahra DCP 2015. The relevant conditions of consent of approval remained applicable.

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

	Approved	Proposed	Control	Complies
Garbage and Recycling Areas	Separated	Separated	Separated	Yes
Location of Garbage and Recycling Areas	Behind Building Line or Non-Habitable Areas	Behind Building Line or Non-Habitable Areas	Behind Building Line or Non-Habitable Areas	Yes

The proposed modifications are acceptable with regard to Part E5.3 of the Woollahra DCP 2015.

13. APPLICABLE ACTS/REGULATIONS

13.1. 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:

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

These requirements are imposed by standard condition.

2. 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.

3. THE PUBLIC INTEREST

The proposed modifications are considered to be in the public interest.

4. CONCLUSION

The proposed modifications are acceptable against the relevant considerations under Section 4.15 and 4.56.

5. 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 application by the applicant or any person who made a submission.

6. RECOMMENDATION: PURSUANT TO SECTION 4.55 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, modify development consent to DA 501/2022/1 for demolition of the existing dwelling, pool and garage and construction of a new dwelling, pool and landscaping on land at 12 Rawson Road ROSE BAY, subject to the following:

Modification Summary

DA Application Number (PAN Number)	Determination Date	Modification Description
DA 501/2022/2 (PAN-400248)	18/04/2024	Addition of Condition A.3A. Amendment of Condition C.3. Amendment of Condition E.27. Amendment of Condition H.1. Amendment of Condition I.1. Addition of Condition I.5. Addition of Condition I.6.

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 and supporting documents listed below as submitted by the Applicant unless modified by any following condition.

Reference	Description	Author/Drawn	Date(s)
DA02 (Rev A)	External Materials	MCK Architecture + Interiors	11/11/2022
DA10 (Rev C)	Basement Floor Plan	MCK Architecture + Interiors	11/8/2023
DA11 (Rev D)	Ground Floor Plan	MCK Architecture + Interiors	1/9/2023
DA12 (Rev C)	First Floor Plan	MCK Architecture + Interiors	11/8/2023
DA13 (Rev D)	Site/Roof Plan	MCK Architecture + Interiors	1/9/2023
DA20 (Rev C)	North Elevation	MCK Architecture + Interiors	11/8/2023
DA21 (Rev D)	East Elevation	MCK Architecture + Interiors	1/9/2023
DA22 (Rev C)	South Elevation	MCK Architecture + Interiors	11/8/2023
DA23 (Rev C)	West Elevation	MCK Architecture + Interiors	11/8/2023
DA24 (Rev B)	Front Fence West Elevation	MCK Architecture + Interiors	11/8/2023
DA30 (Rev C)	Section A	MCK Architecture + Interiors	11/8/2023
DA31 (Rev C)	Section B	MCK Architecture + Interiors	11/8/2023
DA32 (Rev C)	Section C	MCK Architecture + Interiors	11/8/2023
DA33 (Rev C)	Section D	MCK Architecture + Interiors	11/8/2023
DA34 (Rev C)	Section E	MCK Architecture + Interiors	11/8/2023
DA35 (Rev C)	Section F	MCK Architecture + Interiors	11/8/2023
DA36 (Rev B)	Section F – Driveway	MCK Architecture + Interiors	6/4/2023
DA37 (Rev C)	Section G	MCK Architecture + Interiors	11/8/2023
DA38 (Rev C)	Section H	MCK Architecture + Interiors	11/8/2023
GG10737.001A	Geotechnical Report	Green Geotechnics	13 December 2022
DR-000-Rev 2 DR-001-Rev 2 DR-002-Rev 1 DR-003-Rev 2 DR-004-Rev 2 DR-100-Rev 0 DR-101-Rev 0	Stormwater Management Plans	Stellen	21/12/2022 21/12/2022 21/12/2022 21/12/2022 21/12/2022 22/12/2022 22/12/2022
1352368S_02	BASIX Certificate	NSW Department of Planning and Environment	19 September 2023
No.'s DA00-01 Rev.A,	Landscape Plan	The Garden Social	11/11/2022
-	Arboricultural Impact Assessment Report	Treeism	October 2022
-	Site Waste Minimisation and Management Plan	Freya Alston	27/10/2022

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.3A Approved Amended (section 4.56) Plans and Supporting Documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended architectural approved plans to which is affixed a Council stamp "Approved" and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s).

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

Reference	Description	Author/Drawn	Date(s)
DA10 (Rev D)	Basement Floor Plan	MCK Architecture + Interiors	15/12/2023

Reference	Description	Author/Drawn	Date(s)
DA11 (Rev E)	Ground Floor Plan		25/03/2024
DA12 (Rev D)	First Floor Plan		15/12/2023
DA14 (Rev E)	Site/Roof Plan		25/03/2024
DA20 (Rev D)	North Elevation		15/12/2023
DA21 (Rev E)	East Elevation		15/12/2023
DA22 (Rev D)	South Elevation		25/03/2024
DA23 (Rev D)	West Elevation		25/03/2024
DA30 (Rev D)	Section A		15/12/2023
DA31 (Rev D)	Section B		15/12/2023
DA32 (Rev D)	Section C		25/03/2024
DA33 (Rev D)	Section D		15/12/2023
DA34 (Rev D)	Section E		15/12/2023
DA35 (Rev D)	Section F		15/12/2023
DA36 (Rev C)	Section F – Driveway		15/12/2023
DA37 (Rev D)	Section G		25/03/2024
DA38 (Rev D)	Section H		25/03/2024
GG10737.001A	Geotechnical Report	Green Geotechnics	13/12/2022
DR-000-Rev 2	Stormwater Management Plans	Stellen	21/12/2022
DR-001-Rev 2			21/12/2022
DR-002-Rev 1			21/12/2022
DR-003-Rev 2			21/12/2022
DR-004-Rev 2			21/12/2022
DR-100-Rev 0			22/12/2022
DR-101-Rev 0			22/12/2022
1352368S_03	BASIX Certificate	NSW Department of Planning and Environment	18/12/2023
Nos. S4.56-01 & S4.56-02	Landscape Plan	The Garden Social	19/12/2023

(Added on 18/04/2024 under DA 501/2022/2 (PAN-400248))

A.4 Salvaging Building Materials

Salvaged building materials (such as sandstone, leadlight windows and fireplaces) surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.

A.5 Ancillary Aspects of Development (section 4.17(2) of the Act)

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

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

Standard Condition: A8 (Autotext AA8)

A.6 No Underpinning works

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

A.7 Tree Preservation & Approved Landscaping Works

All landscape works shall be undertaken in accordance with the approved landscape plan, arborist report and tree management plan.

a) The following trees shall be retained

- Trees on Private Land

Council Ref No.	Species	Location	Dimension (metres)
4	<i>Syzygium smithii</i> (Lillypilly)	Rear at 8 Churchill Rd	7 x 8
5	<i>Howea forsteriana</i> (Kentia palm)	Rear at 8 Churchill Rd	7 x 4
6	<i>Olea europea</i> var. <i>europea</i> (European Olive)	Rear at boundary line with 26 Chamberlain Av	14 x 16
7	<i>Brachychiton acerifolius</i> (Illawarra Flame tree)	Rear at 26 Chamberlain Av	10 x 5
8	<i>Syagrus romanzoffiana</i> (Cocos palm)	Rear at 26 Chamberlain Av	12 x 6
9	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear at 26 Chamberlain Av	8 x 4
10	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear at 26 Chamberlain Av	8 x 5
11	<i>Waterhousia floribunda</i> (Weeping Lillypilly)	Rear at 26 Chamberlain Av	6 x 6
12	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	Rear at 26 Chamberlain Av	5 x 4
G13	<i>Cupressus sempervirens</i> (Pencil pine)	Side at 10 Churchill Rd	11 x 2
G14	<i>Radermachera sinica</i> (China Doll tree)	Side at 14 Rawson Rd	6.5 x 4
15	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	Side at 14 Rawson Rd	7 x 5

- Trees on Council Land

Council Ref No.	Species	Location	Dimension (metres)
1	<i>Grevillea banksia</i> (Red Silky Oak)	Council verge at Rawson Rd	5 x 5
2	<i>Grevillea</i> sp. (Spider Flower Grevillea)	Council verge at Rawson Rd	7 x 7
3	<i>Buckinghamia celsissima</i> (Ivory Curl Flower)	Council verge at Rawson Rd	2.5 x 3

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

b) The following trees shall be pruned in accordance with *Australian Standard Pruning of Amenity Trees* (AS 4373) and *Workcover NSW Code of Practice Amenity Tree Industry*, to the minimum extent necessary to provide clearance to the new development:

Council Ref No.	Species	Location	Approved pruning (extent of pruning)
4	<i>Syzygium smithii</i> (Lillypilly)	Rear at 8 Churchill Rd	Only section of branches that will come into direct contact with the new building as indicated on Plate 4, page 31 of the Arboricultural Impact Assessment

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

This consent to prune does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.

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 Skeletal Remains

If any skeletal remains suspected of being human are found during construction works, work must cease immediately and no further disturbance of the site must occur. The NSW Police and the Department of Premier and Cabinet, Community Engagement, Heritage must be notified and details of the remains and their precise location are to be provided.

Standard Condition: B9

B.5 Aboriginal Objects – Unexpected Findings

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

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

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

Standard Condition: B10 (Autotext BB10)

B.6 Aboriginal Heritage – Induction

Prior to any ground disturbance works commencing on site, all construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974. This must be implemented as a heritage induction programme provided by a heritage consultant with Aboriginal heritage expertise.

Standard Condition: B11 (Autotext BB11)

B.7 Aboriginal Heritage Due Diligence Responsibilities

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

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

Standard Condition: B12 (Autotext BB12)

B.8 Establishment of Tree Protection Zone (TPZ) Fence

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

a) Tree Protection Zone areas

Council Ref No.	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)
1	<i>Grevillea banksia</i> (Red Silky Oak)	Council verge at Rawson Rd	0.5m (to north and only during works for Stormwater discharge line)
2	<i>Grevillea</i> sp. (Spider Flower Grevillea)	Council verge at Rawson Rd	
6	<i>Olea europea</i> var. <i>europea</i> (European Olive)	Rear at boundary line with 26 Chamberlain Av	4.0
7	<i>Brachychiton acerifolius</i> (Illawarra Flame tree)	Rear at 26 Chamberlain Av	2.0
15	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	Side at 14 Rawson Rd	1.5

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

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

b) Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being bought onto the site and before the commencement of works including demolition.

The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the construction works. Unless approved by the site arborist there shall be no access within the TPZ.

- c) A sign identifying the Tree Protection Zone shall be erected on each side of the protection fence indicating the existence of a TPZ. Signage must be visible from within the development site.
- d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.
- e) 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.
- f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.
- i) The project arborist shall provide written certification of compliance with the above condition.

B.9 Permissible work within Tree Protection Zones

The following works are permissible within the Tree Protection Zone:

Council Ref No.	Species	Approved works
1	<i>Grevillea banksia</i> (Red Silky Oak)	Stormwater discharge line
2	<i>Grevillea</i> sp. (Spider Flower Grevillea)	
4	<i>Syzygium smithii</i> (Lillypilly)	Building, steps/footpath, stormwater and soft landscaping
5	<i>Howea forsteriana</i> (Kentia palm)	
6	<i>Olea europea</i> var. <i>europea</i> (European Olive)	Soft landscaping
7	<i>Brachychiton acerifolius</i> (Illawarra Flame tree)	
8	<i>Syagrus romanzoffiana</i> (Cocos palm)	
9	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Concrete retaining wall, driveway, steps and soft landscaping
10	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	
11	<i>Waterhousia floribunda</i> (Weeping Lillypilly)	
12	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	
G13	<i>Cupressus sempervirens</i> (Pencil pine)	Building, steps/footpath and soft landscaping
G14	<i>Radermachera sinica</i> (China Doll tree)	Retaining wall, steps and soft landscaping
15	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	Soft landscaping

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

B.10 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.11 Arborists Documentation and Compliance Checklist

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

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

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

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

Stage of arboricultural inspection and supervision	Compliance documentation and photos shall be included
Prior to the demolition of any building or construction and prior to the commencement of any development work	<ul style="list-style-type: none">• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.

	<ul style="list-style-type: none"> The project arborist shall install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.
During any development work	<ul style="list-style-type: none"> The project arborist shall supervise all demolition and excavation works within the Tree Protection Zones or specified distances of nominated trees listed in this consent. The project arborist shall supervise the demolition of the existing garage in close proximity to the crowns of Tree No.'s 6 & 7 to avoid damage to branches. The project arborist shall supervise excavation works for the proposed retaining wall, driveway and steps within 2m from Tree No.'s 9, 10, 11 & 12. The condition of exposed roots shall be managed and documented. The project arborist shall supervise excavation works for the proposed steps, footpath and stormwater within 2m from each tree of tree group No.G13. The condition of exposed roots shall be managed and documented. The condition of exposed roots shall be managed and documented. The project arborist shall supervise excavation works for the proposed retaining wall along the boundary line within 2m from each tree of tree group No.G14. The condition of exposed roots shall be managed and documented. The condition of exposed roots shall be managed and documented. The project arborist shall supervise excavation works for the installation of the proposed stormwater discharge line within 2m of Tree No.'s 1 and 2, documenting the condition of roots and soil.

	<ul style="list-style-type: none"> Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.
Prior to any occupation or use of the building	<ul style="list-style-type: none"> Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.
Prior to the issue of a Final Occupation Certificate	<ul style="list-style-type: none"> The project arborist shall supervise the dismantling of tree protection measures After all demolition, construction and landscaping works are complete the project Arborist shall assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.

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

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

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) Amended Landscape Plan. The submitted landscape plan shall be amended to include the following and submitted to the certifying authority prior to the issue of the Construction Certificate.

Proposed *Cupaniopsis anacardioides* (Tuckeroo) tree shall be located in a more suitable location to allow for the tree to develop full size at maturity without interaction with the adjacent vegetation. It shall be planted:

- To the north of the proposed driveway, at a minimum distance of 1m from the driveway retaining wall and boundary line, or
- To the south of the proposed driveway near the terrace, in deep soil and at a minimum distance of 0.5m from the retaining wall and shared boundary.

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
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>			
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>			
Property Damage Security Deposit - making good any damage caused to any property of the Council	\$151,355.00	No	T115
DEVELOPMENT LEVY under Woollahra Section 7.12 Development Contributions Plan 2021 This plan may be inspected at Woollahra Council or downloaded at www.woollahra.nsw.gov.au			
Development Levy (section 7.12)	\$62,628.24 + Index Amount	Yes, quarterly	T96
INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>			
Public Tree Management Inspection Fee	\$221.34	No	T45
Public Road/Footpath Infrastructure Inspection Fee	\$615.00	No	T45
Security Administration Fee	\$215.00	No	T16
TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES	\$215,034.58 plus any relevant indexed amounts and long service levy		

Building and Construction Industry Long Service Payment

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

How must the payments be made?

Payments must be made by:

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

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

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

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

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

Do you need HELP indexing the levy?

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

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

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

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

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

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

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

Standard Condition: C5

C.3 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate No. 1352368S_03 with any application for a Construction Certificate.

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

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

Note: Clause 145(1)(a1) of the *Environmental Planning and Assessment Regulation 2000* provides: "A certifying authority must not issue a Construction Certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires".
Standard Condition: C7

(Amended on 18/04/2024 under DA 501/2022/2 (PAN-400248))

C.4 Road and Public Domain Works

A separate application under Section 138 of the *Roads Act 1993* is to be made to, and be approved by Council as the road authority, for the following infrastructure works prior to the issuing of any Construction Certificate. Detailed engineering drawings prepared by a suitably qualified and experienced civil engineer for the following infrastructure works which must be carried out at the applicant's expense:

- a) If the existing vehicular crossing is damaged during construction, the applicant must reconstruct the existing 3 metres wide vehicular crossing in the Chamberlain Avenue frontage in accordance with Council's standard drawing RF2_D, Council's Crossing Specification and to the satisfaction of Council's Assets Engineers. Design longitudinal profiles along each edge/side of the proposed crossing, starting from the centreline of the road to the garage slab must be submitted for assessment,
- b) The installation of stormwater outlet pipe across the nature strip by using 150mm x 75mm galvanised RHS in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers. Details showing the reinstatement of the nature strip due to the installation of the stormwater outlet pipe must be provided to the satisfaction of Council's Assets Engineers. Design longitudinal profile of the proposed stormwater outlet pipe, starting from the boundary junction pit to the street kerb must also be submitted for assessment,
- c) The reinstatement of all damaged footpath, nature strip, kerb and gutter and road pavement to Council's Specification and to the satisfaction of Council's Assets Engineers,
- d) Where a grass verge exists, the balance of the area between the footpath and the kerb over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of Couch turf.

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

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

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

Note: See condition K13 in *Section K. Advising of this Consent titled Roads Act Application*.
Standard Condition: C13 (Autotext CC13)

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

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

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

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

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

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

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

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

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

Standard Condition: C25

C.6 Professional Engineering Details

The Construction Certificate plans and specifications, clause 8 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 and Council's property.

Any structural design is not to incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc which encroach outside the boundaries of the subject property.

Engineer certification to this effect shall be submitted to the Certifying Authority prior to issue of any Construction Certificate.

C.8 Geotechnical and Hydrogeological Design, Certification and Monitoring

Prior to the issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical report prepared by a geotechnical engineer with National Engineering Register (NER) credentials in accordance with Council's DCP and Councils document "*Guidelines for Preparation of Geotechnical and Hydrogeological Reports*". The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.

These details must be certified by the professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d) Provide tanking to all below ground structures to prevent the entry of ground water/seepage water such that subsoil drainage/ seepage water is NOT discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of Council's DCP.
- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
 - will detect any settlement associated with temporary and permanent works and structures,
 - will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
 - will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
 - will detect groundwater changes calibrated against natural groundwater variations,
 - details the location and type of monitoring systems to be utilised,
 - details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
 - details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and
 - details a contingency plan.

Standard Condition: C40 (Autotext: CC40)

C.9 Ground Anchors

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

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

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

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

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

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

Standard Condition: C41 (Autotext: CC41)

C.10 Vehicle Access and Parking Arrangement

Prior to issue of the Construction Certificate, Construction Certificate plans and specifications required by clause 139 of the *Regulation*, must include detailed architectural plans and specifications showing the following:

- a) Dimensions of all parking spaces shall be clearly depicted on the drawings demonstrating showing compliance with AS2890.1,

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: C45 (Autotext: CC45)

C.11 Stormwater Management Plan

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

- a) General design in accordance with stormwater management plans, referenced Rev 2, prepared by Stellen, dated 21/12/2022 other than amended by this and other conditions,
- b) All below ground structures are to be fully tanked. Subsoil drainage/seepage water is NOT to be collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of Council's DCP. Notation to this requirement shall be clearly depicted on the drawings,
- c) The provision of raingarden with minimum area of 7.4m² prior to discharging stormwater to the kerb and gutter to comply with Chapter E2.2.3 of Council's DCP,

- d) The installation of rainwater retention and reuse system (RWT) with minimum storage volume of 26m³. Runoff from all roof areas shall be directed to the proposed RWT for non-potable uses such as toilet flushing, laundry device, pool top-up, car washing and garden irrigations etc. Notation to this requirement must be clearly depicted on the drawings. Overflow from the RWT shall be directed to a raingarden with a 900x900 boundary junction pit prior to discharging to the street kerb,
- e) A total site discharge with maximum rate of 20 l/s will be permitted to comply with Chapter E2.2.5 of Council's DCP. Stormwater runoff from the site shall be discharged to the street kerb located within the frontage of the site.
- f) Only one stormwater outlet pipe across the Council's property will be permitted to comply with Council's DCP. The proposed stormwater pipe across the Council's property must have a minimum grade of 1% to comply with Council's DCP and AS3500.3,
- g) Dimensions of all drainage pit and access grates must comply with AS3500,
- h) Compliance the objectives and performance requirements of the BCA, and
- i) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.

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

Layout plan

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

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

Rainwater Reuse System details:

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

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

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

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

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

C.12 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 garage,
- b) The driveway entry off Chamberlain Avenue shall be protected by a physical threshold set at or above the flood planning level being 300mm above the adjacent kerb invert,
- c) Flood compatible materials shall be used for all flood exposed construction,
- d) All flood exposed electrical wiring and equipment shall be waterproofed,
- e) All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation.

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.

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.13 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.14 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.15 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.16 Tree Management Plan

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

- a) Trees to be numbered in accordance with these conditions:
 - shaded green where required to be retained and protected
 - shaded blue where required to be pruned
- b) The plan must include a one to two page, Tree Protection Plan prepared by an AQF 5 Consulting Arborist detailing the following:
 - Tree protection measures as per approved conditions of consent.
 - Additional protection measures may be included as per 5.2 *Minimising Impacts on Trees to be Retained* of the Arboricultural Impact Assessment.
 - To minimise damage during demolition and excavation works, the plan must show specific areas requiring direct supervision of works by the project arborist.
- c) Specific to the site 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.

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

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

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

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

This condition does not apply:

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

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

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

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

D.2 Dilapidation Reports for Existing Buildings

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

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

No. 8 & 10 Churchill Road
No. 26 Chamberlain Avenue
No. 14 Rawson Road

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

Where excavation of the site will extend below the level of any immediately adjoining building the *principal contractor or owner builder* must give the adjoining building owner(s) a copy of the dilapidation report for their building(s) and a copy of the *notice of commencement* required by S81A(2) of the *Act* not less than two (2) days prior to the commencement of any work.

Note: The reasons for this condition are:

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

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

D.3 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 Piezometers for the Monitoring of Ground Water Levels

The Principal Contractor must be provide 2 piezometers within the excavation area and a further 2 piezometers around the perimeter of the wall. The piezometers are to be installed to monitor ground water levels (GWL) before and during all dewatering works for the construction phase.

The GWL monitoring wells and monitoring program must be maintained until the issue of the *Final Occupation Certificate*.

The GWL are to be regularly monitored during the course of the works as required by the work method statement for the control of GWL. Any damaged piezometers are to be replaced to allow uninterrupted monitoring.

Where there are any movements in the GWL outside a safe range set by the work method statement for the control of GWL, corrective action must be undertaken under the direction of the professional engineer (hydrological/geotechnical engineer).

Standard Condition: D7 (Autotext DD7)

D.5 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.

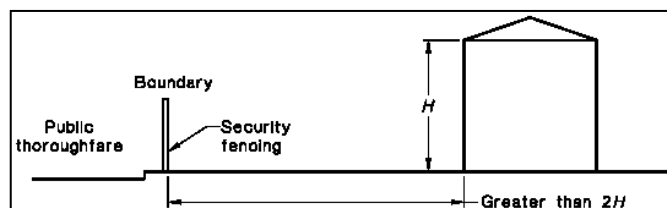
Note: The Principal Contractor or Owner must allow not less than four to six weeks (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under the clause 22 of the *Transport Administration (General) Regulation 2000* 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)

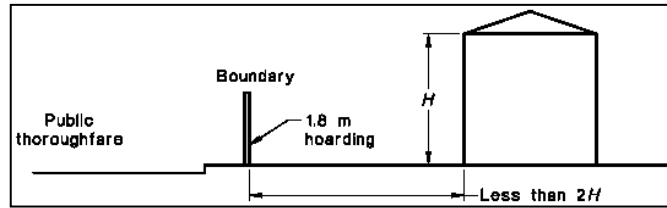
D.6 Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

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.



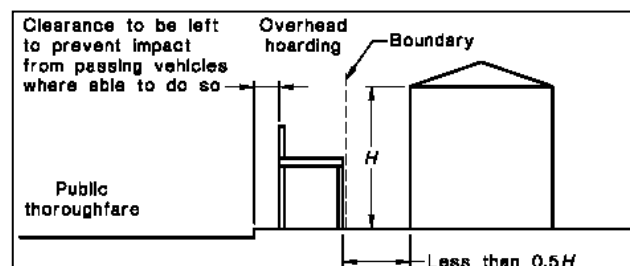
Type B Hoarding

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:

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

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

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



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

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

All Hoardings

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

Hoardings on Public Land including 'Creative Hoardings'

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

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

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

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

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

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

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

Standard Condition: D11 (Autotext DD11)

D.7 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.8 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.9 Erosion and Sediment Controls – Installation

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

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

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

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

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

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

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

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

D.10 Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the *Act*)

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

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

- unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

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

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

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

D.11 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
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 or obtained from Council’s office.

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

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

Standard Condition: E23 (Autotext EE23)

E.18 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.19 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.20 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.21 Asbestos Removal

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

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

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

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

E.22 Classification of Hazardous Waste

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW EPA *Waste Classification Guidelines, Part1: Classifying Waste, 2014*.

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

E.23 Disposal of Asbestos and Hazardous Waste

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

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

E.24 Asbestos Removal Signage

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

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

E.25 Notification of Asbestos Removal

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

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

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

E.26 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.27 Minimum 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>Cupaniopsis anacardioides</i> (Tuckeroo)	Rear as per amended Landscape Plan	100L	5 x 4
1 x <i>Cercis canadensis</i> 'Forest Pansy' Judas Tree	No.'s S4.56-01 & S4.56-02 (Rev A) prepared by The Garden Social, dated 19/12/2023	75L	5 x 4
1 x <i>Michelia alba</i> (White Champaca)		100L	5 x 3
3 x <i>Tristaniopsis laurina</i> 'Luscious' (Water Gum)		75L	7 x 5
1 x <i>Olea europaea</i> (European Olive)		100L	5 x 5

The project arborist shall document compliance with the above condition.

(Amended on 18/04/2024 under DA 501/2022/2 (PAN-400248))

E.28 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>Olea europea var. europea</i> (European Olive)	Rear at boundary line with 26 Chamberlain Av	4.0
7	<i>Brachychiton acerifolius</i> (Illawarra Flame tree)	Rear at 26 Chamberlain Av	3.0
8	<i>Syagrus romanzoffiana</i> (Cocos palm)	Rear at 26 Chamberlain Av	1.0
15	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	Side at 14 Rawson Rd	2.0

The project arborist shall document compliance with the above condition.

E.29 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)
9	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Rear at 26 Chamberlain Av	1.5
10	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)		1.5
11	<i>Waterhousia floribunda</i> (Weeping Lillypilly)		1.5
12	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)		2.0
G13	<i>Cupressus sempervirens</i> (Pencil pine)	Side at 10 Churchill Rd	2.0
G14	<i>Radermachera sinica</i> (China Doll tree)	Side at 14 Rawson Rd	2.0

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.30 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)
1	<i>Grevillea banksia</i> (Red Silky Oak)	Council verge at Rawson Rd	2.0
2	<i>Grevillea</i> sp. (Spider Flower Grevillea)		2.0
G13	<i>Cupressus sempervirens</i> (Pencil pine)	Side at 10 Churchill Rd	2.0

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.

- g) All structural work.
- h) All acoustic attenuation work.
- i) All waterproofing.
- j) Such further matters as the Principal Certifier may require.

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

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

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

Standard Condition: F7 (Autotext FF7)

F.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

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.15**.

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. 1352368S_03.

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

Standard Condition: H7 (Autotext HH7)

(Amended on 18/04/2024 under DA 501/2022/2 (PAN-400248))

H.2 Removal of Ancillary Works and Structures

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

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

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

Standard Condition: H12 (Autotext HH12)

H.3 Road Works (including footpaths)

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

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

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

Standard Condition: H13 (Autotext HH13)

H.4 Positive Covenant and Works-As-Executed Certification of Rainwater Reuse System

Prior to issue of any Occupation Certificate, stormwater drainage works are to be certified by a professional engineer with works-as-executed drawings prepared by a registered surveyor and submitted, for approval by the Principal Certifying Authority, certifying:

- a) compliance with conditions of development consent relating to stormwater,
- b) the structural adequacy of the rainwater retention and reuse system,
- c) that a rainwater tank with minimum storage of 26m³ has been constructed in accordance with the approved stormwater plans,
- d) that a raingarden with minimum area of 7.4m² has been constructed in accordance with the approved stormwater plans,
- e) that only one stormwater outlet pipe has been constructed in accordance with the approved stormwater plans,
- f) that all below ground structures are fully tanked and subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings,
- g) pipe invert levels and surface levels to Australian Height Datum, and
- h) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

A positive covenant pursuant to section 88E of the *Conveyancing Act 1919* must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site retention and reuse system, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered with the NSW Land Registry Services.

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

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

H.5 Landscaping

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

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

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

I.1 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1352368S_03.

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

(Amended on 18/04/2024 under DA 501/2022/2 (PAN-400248))

I.2 Ongoing Maintenance of the Rainwater Retention and Reuse System

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

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

The Owner

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

- b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.

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

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

Standard Condition: I29

I.3 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

Standard Condition: I30

I.4 Noise from Mechanical Plant and Equipment

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

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

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

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

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

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

Standard Condition: I59

I.5 Noise Control

During the occupation and ongoing use, the use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.

Notes:

- Council will generally enforce this condition in accordance with the Noise Guide for Local Government (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the NSW Industrial Noise Policy (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997.
- Useful links:
 - Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au.
 - NSW Environment Protection Authority— see “noise” section www.environment.nsw.gov.au/noise.
 - NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at www.legislation.nsw.gov.au.
 - Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au.
 - Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au.
 - Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au.

(Added on 18/04/2024 under DA 501/2022/2 (PAN-400248))

I.6 Burning of non-solid fuels in fire places

The ongoing use of all fire places must incorporate the burning of non-solid fuels. The burning of solid fuels is prohibited.

Reason: To protect against air pollution and promote ecologically sustainable development.

(Added on 18/04/2024 under DA 501/2022/2 (PAN-400248))

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

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

Standard Advising: K2 (Autotext KK2)

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

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

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

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

Standard Condition: K5 (Autotext KK5)

K.4 Building Standards - Guide to Standards and Tolerances

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

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

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

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

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

K.5 SafeWork NSW Requirements

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

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

K.6 Dividing Fences

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

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

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

K.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

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 or call 133 220.

Standard Condition: K18 (Autotext KK18)

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

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

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

K.12 Dilapidation Report

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

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

Standard Advising: K23 (Autotext KK23)

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.

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 Drawing Set [↓](#) 
2. Landscape Plans [↓](#) 
3. Trees & Landscaping Referral [↓](#) 

2208 WEI-SUN

NEW DWELLING
12 RAWSON ROAD
ROSE BAY NSW 2029

Change Register		
ID	Name	Status
E1	New bicycle storage area to basement level, revised planning & associated fenestration changes, relocation of bin enclosure	Transmitted
E2	Revised alignment of sliding doors W1.14 & W1.15 at ground floor.	Transmitted
E3	Revised fenestration at GF W1.3, W1.4, W1.5, W1.6	Transmitted
E4	Revised pool layout & position, pool terrace levels, and courtyard garden area	Transmitted
E5	New pool steps and concourse, with plant enclosure below	Transmitted
E6	First floor planning & associated fenestration changes	Transmitted
E7	AC plant located in southern side setback	Transmitted

DRAWING SCHEDULE

REV	TITLE	ISSUED
DA 00	E COVER SHEET	☑
DA 01	A SITE ANALYSIS	☑
DA 02	A EXTERNAL MATERIALS	☑
DA 10	D BASEMENT FLOOR PLAN	☑
DA 11	E GROUND FLOOR PLAN	☑
DA 12	D FIRST FLOOR PLAN	☑
DA 13	E SITE/ROOF PLAN	☑
DA 20	D NORTH ELEVATION	☑
DA 21	E EAST ELEVATION	☑
DA 22	D SOUTH ELEVATION	☑
DA 23	D WEST ELEVATION	☑
DA 24	B FRONT FENCE WEST ELEVATION	☑
DA 30	D SECTION A	☑
DA 31	D SECTION B	☑
DA 32	D SECTION C	☑
DA 33	D SECTION D	☑
DA 34	D SECTION E	☑
DA 35	D SECTION F	☑
DA 36	C SECTION F-DRIVEWAY	☑
DA 37	D SECTION G	☑
DA 38	D SECTION H	☑
DA 70	C SHADOW DIAGRAM JUNE 21 9AM	☑
DA 71	C SHADOW DIAGRAM JUNE 21 12PM	☑
DA 72	C SHADOW DIAGRAM JUNE 21 3PM	☑
DA 73	C VIEW FROM THE SUN JUNE 21 9AM	☑
DA 74	C VIEW FROM THE SUN JUNE 21 10AM	☑
DA 75	C VIEW FROM THE SUN JUNE 21 11AM	☑
DA 76	C VIEW FROM THE SUN JUNE 21 12PM	☑
DA 77	C VIEW FROM THE SUN JUNE 21 1PM	☑
DA 78	C VIEW FROM THE SUN JUNE 21 2PM	☑
DA 79	C VIEW FROM THE SUN JUNE 21 3PM	☑
DA 80	A SETBACK & BUILDABLE AREA CALCULATION PLANS	☑
DA 81	D FLOOR PLATE CALCULATION PLANS	☑
DA 82	E LANDSCAPE CALCULATION PLAN	☑
DA 83	D EXCAVATION CALCS	☑
DA 84	C BUILDING ENVELOPE AXONOMETRIC VIEW FROM SW	☑
DA 85	C BUILDING ENVELOPE AXONOMETRIC VIEW FROM NE	☑
DA 86	A CONSTRUCTION MANAGEMENT PLAN	☑
DA 87	C GFA CALCULATION	☑
DA 88	B SHADOW DIAGRAMS, JUNE 21 - 14 RAWSON RD, N ELEVATION	☑

Shading denotes amended drawing at current issue

BASIX CERTIFICATE

- The applicant must install a rainwater tank of at least 7,000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.
- The swimming pool must not have a volume greater than 28.3 kilolitres.
- The swimming pool must be outdoors.
- The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate 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. 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.
- Where there is an in-slab heating or cooling system, the applicant must install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab, and underneath the slab if it is a suspended floor. The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed in the table below.
 - floor - concrete slab on ground - 128.0 square metres
 - floor - suspended floor/open subfloor - 3.0 square metres
 - floor - suspended floor above garage - All or part of floor area
- The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 5 stars.
- The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.
- The applicant must install a window and/or skylight in 8 bathroom(s)/toilet(s) in the development for natural lighting.
- The applicant must install a photovoltaic system with the capacity to generate at least 2.5 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.

SITE CALCULATIONS

SITE AREA	incl access handle excl access handle	- 737.72 m² - 644.81m²
BUILDABLE AREA		-264.55m²
FLOOR PLATE CONTROL - MAXIMUM 165% OF BUILDABLE AREA	ALLOWABLE AREA PROPOSED AREA DIFFERENCE COMPLIANT - N	- 436.51m² - 535.89m² - 99.38m²
DEEP SOIL LANDSCAPED AREA CONTROL - MIN 50% OF SITE AREA EXCL BUILDABLE AREA		- 380.31m²
	MINIMUM AREA PROPOSED AREA DIFFERENCE COMPLIANT - Y	- 190.16m² - 213.07m² - 22.91m²
PRIVATE OPEN SPACE CONTROL - MINIMUM PRIVATE OPEN SPACE		- 35m² - 35m² - 35.78m²
EXCAVATION CONTROL - MAXIMUM EXCAVATION VOLUME	MAXIMUM VOLUME PROPOSED VOLUME DIFFERENCE COMPLIANT - N	- 197.54m³ - 197.54m³ - 307.53m³ - 109.99m³

CONSULTANTS

CONSULTANT PLANNER	GEOTECHNICAL CONSULTANT	LANDSCAPE ARCHITECT
Andrew Darroch Mersonn Pty Ltd 6/20 Wylde St, Potts Point NSW 2011 M. 0406 097 178 E. andrew@mersonn.com.au	Matt Green Green Geotechnics Pty Ltd PO BOX 3244, Rouse Hill NSW 2155 M. 0477779684 E. matt@greengeo.com.au	Asher Cole The Garden Social M. 0422 629 366 E. hello@thegardensocial.com.au
STORMWATER/CIVIL CONSULTANT	BASIX/NATHERS CONSULTANT	PHOTOMONTAGE CONSULTANT
Freedom Mawoyo Stellen Consulting PO BOX 131, Freshwater NSW M. 0478 135 600 E. freedom.mawoyo@stellenconsulting.com.au	John Caley Ecological Design Pty Ltd 11 Clara St, Newtown, NSW, 2042 M. 0418 262 706 E. john@ecologicaldesign.com.au	Kath Nuqul Premier 3d Studio101, 0-8 Clarke St, Crows Nest, NSW, 2065 M. - E. kath@Premier3D.com
SURVEYOR	QUANTITY SURVEYOR	HERITAGE CONSULTANT
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ARBORIST	STRUCTURAL ENGINEER	
Chantalle Brackenridge Hughes Treeism Arboricultural Services Church Point, NSW, 2105 M. 0403 935 419 E. chantalle@treeism.com.au	Scott Baty SDA Structures Studio2, 61 Victoria Rd, Rozelle, NSW, 2039 T. (02) 9810 6911 M. 0410 503 683 E. scott@sdastructures.com.au	

SITE LOCATION PLAN (NTS)

5.9

NATIONAL MINIMUM HOUSE ENERGY RATING

52.2

www.nathers.gov.au

#HR-F931SH-04 18/12/2023

Assessor John Caley
Accreditation No. ABSA 26570
Address 12 Rawson rd, Rose Bay, NSW, 2029

ABSA

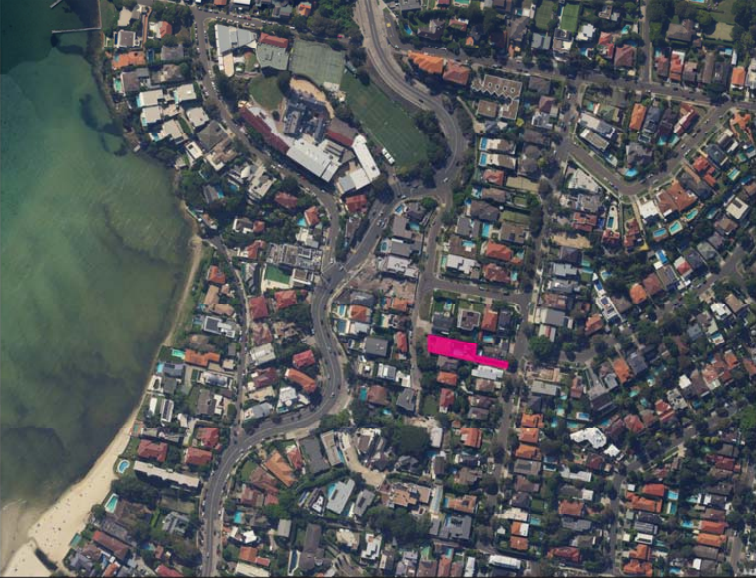
Accreditation No. 31603/2023-31403/2024

Assessor Name John Caley

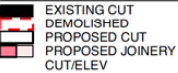
Assessor Number 20230

Assessor Signature

http://www.hero-software.com.au/pdf/HR-F931SH-04



LEGEND



ABBREVIATIONS

AC	AIR CONDITIONING
AFFL	ABOVE FINISHED FLOOR
AHD	AUSTRALIAN HEIGHT DATUM
AS	AUSTRALIAN STANDARDS
BAL	BALUSTRADE #
BSN	BASIN
BBQ	BARBECUE
BTH	BATH
BDY	BOUNDARY
BG	BOX GUTTER
CPT	CARPET
CT	CERAMIC TILE

COS	CHECK ON SITE
CFC	COMPRESSED FIBRE CEMENT FB
CTP	CONCRETE
CU	CONDENSER UNIT
D	DOOR
DP	DOWN PIPE
DRW	DRAWER
DRY	DRYER
DW	DISHWASHER
EG	EAVES GUTTER
EX	EXISTING

F#	FENCE NUMBER
FAC	FACE BRICKWORK
FCL	FINISHED CEILING LEVEL
FL	FINISHED FLOOR LEVEL
FWL	FINISHED WATER LEVEL
FP	FIREPLACE
FG	FRAMELESS GLASS
FL	FLASHING
G	GATE
GM	GAS METER
GD	GRADED DRAIN
GT	GRILLE TYPE

HWS	HOT WATER SYSTEM
JN	JOINERY TO DETAIL
LVL	LEVEL
MIR	MIRROR
MS	METAL SHEET ROOF
N	NEW
NTS*	NOT TO SCALE
OV	OVERFLOW OUTLET
PIT	STORMWATER PIT
PB	PEBBLE BALLAST
PBD	PLASTERBOARD

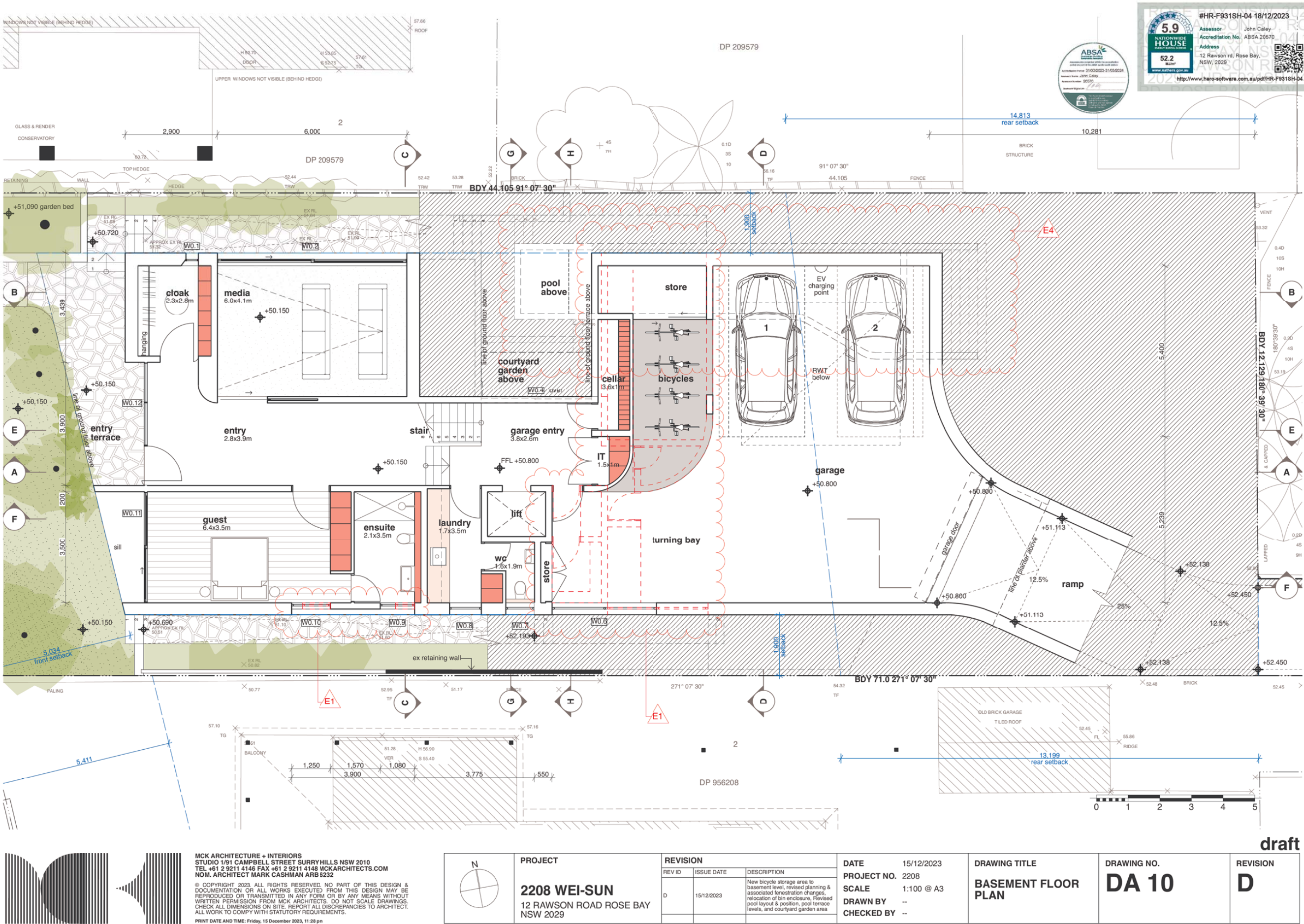
PAN	PAN
PF	PAINT FINISH
PT	PT
RL	RAIN WATER TANK
RWT	RAIN WATER TANK
SGD	SLIDING GLASS DOOR
SGW	SLIDING GLASS WINDOW
SHW	SHOWER
SIM	SIMILAR
ST	STONE
SC	STEEL COLUMN
SKT	SKIRTING

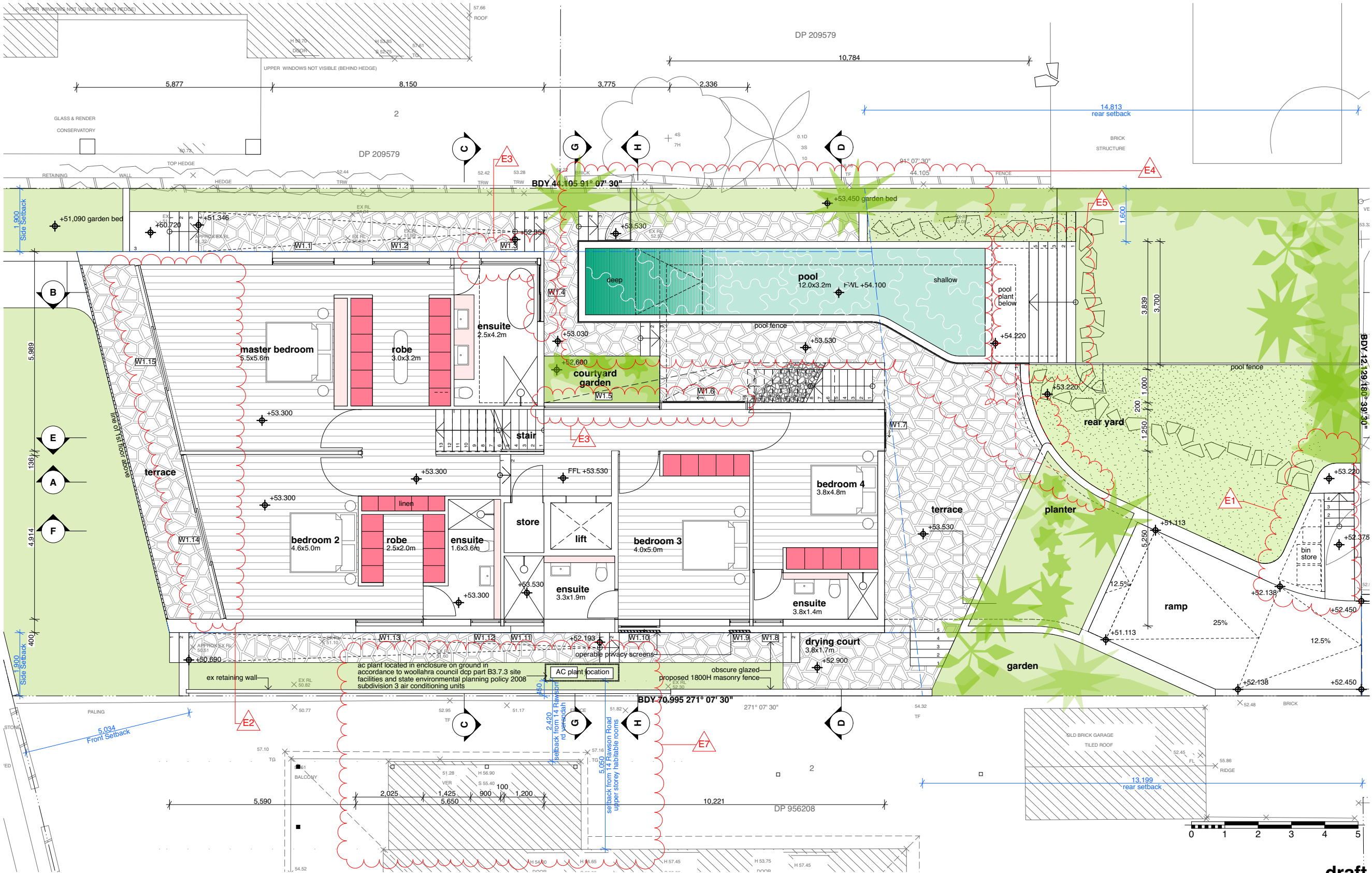
T#	TREE NUMBER
TB	TIMBER BATTEN
TBC	TO BE CONFIRMED
TC	TIMBER CLADDING
TD	TIMBER DECKING
TF	TOW
V	VANITY
WC	WATER CLOSET
WIR	WALK IN ROBE
WM	WASHING MACHINE

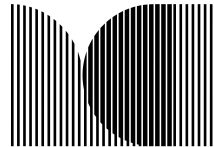


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PRINT DATE AND TIME: Friday, 15 December 2023, 11:28 pm

PROJECT	REVISION		DATE	DRAWING TITLE	DRAWING NO.	REVISION
	REV ID	ISSUE DATE				
2208 WEI-SUN 12 RAWSON ROAD ROSE BAY NSW 2029	D	1/9/2023	landing slab deleted to achieve rear setback deep soil compliance	COVER SHEET	DA 00	E
	E	15/12/2023	New bicycle storage area to basement level, revised planning & associated fenestration changes, relocation of bin enclosure			
				PROJECT NO. 2208		
				SCALE 1:1, 1:100 @ A3		
				DRAWN BY		
				CHECKED BY		



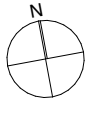




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PRINT DATE AND TIME: Tuesday, 26 March 2024, 3:40 pm



PROJECT

2208 WEI-SUN
12 RAWSON ROAD ROSE BAY
NSW 2029

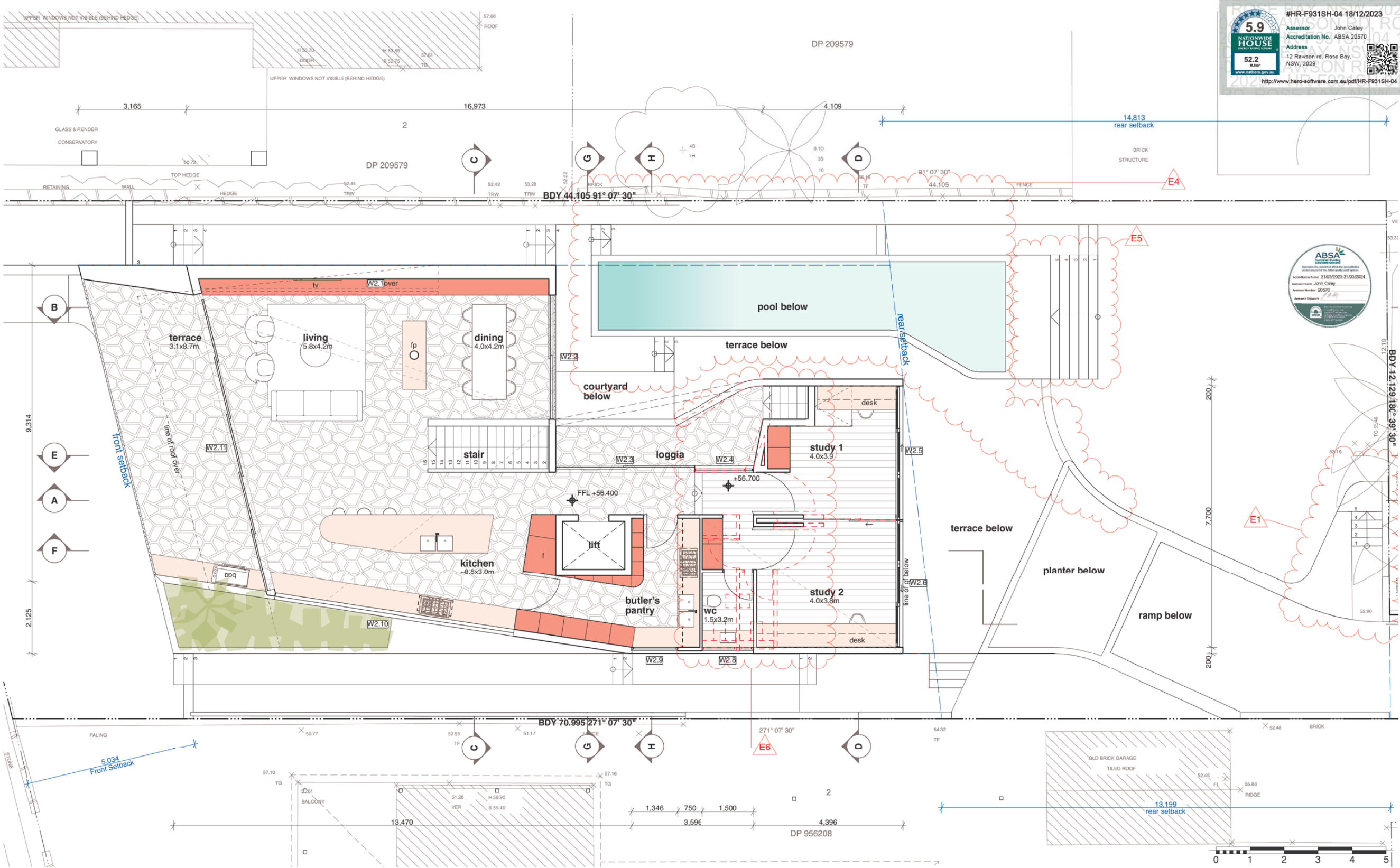
REVISION	
REV ID	ISSUE DATE
E	25/3/2024

DATE 25/3/2024
PROJECT NO. 2208
SCALE 1:100 @ A3
DRAWN BY --
CHECKED BY --

DRAWING TITLE
GROUND FLOOR PLAN

DRAWING NO.
DA 11

REVISION
E

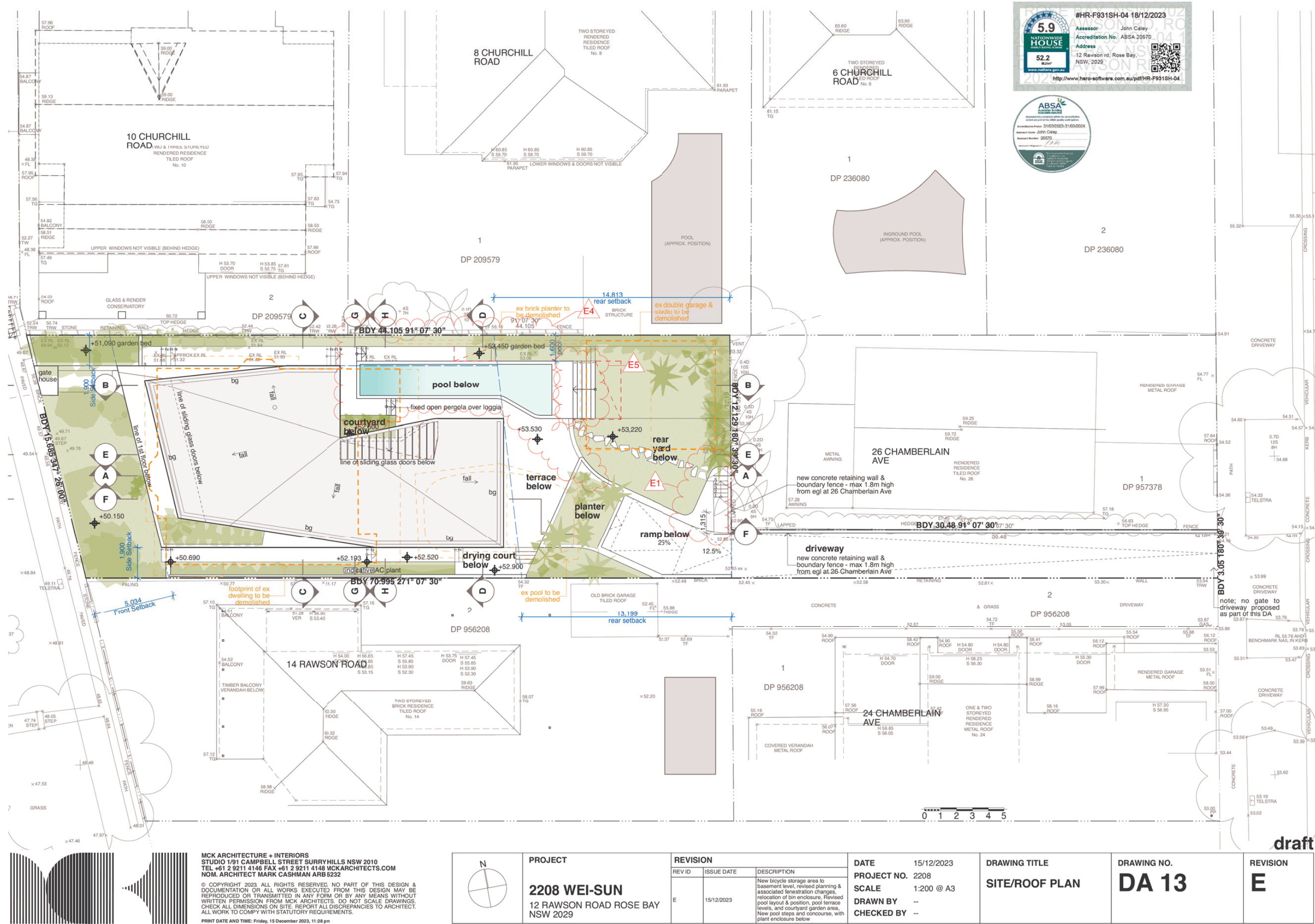


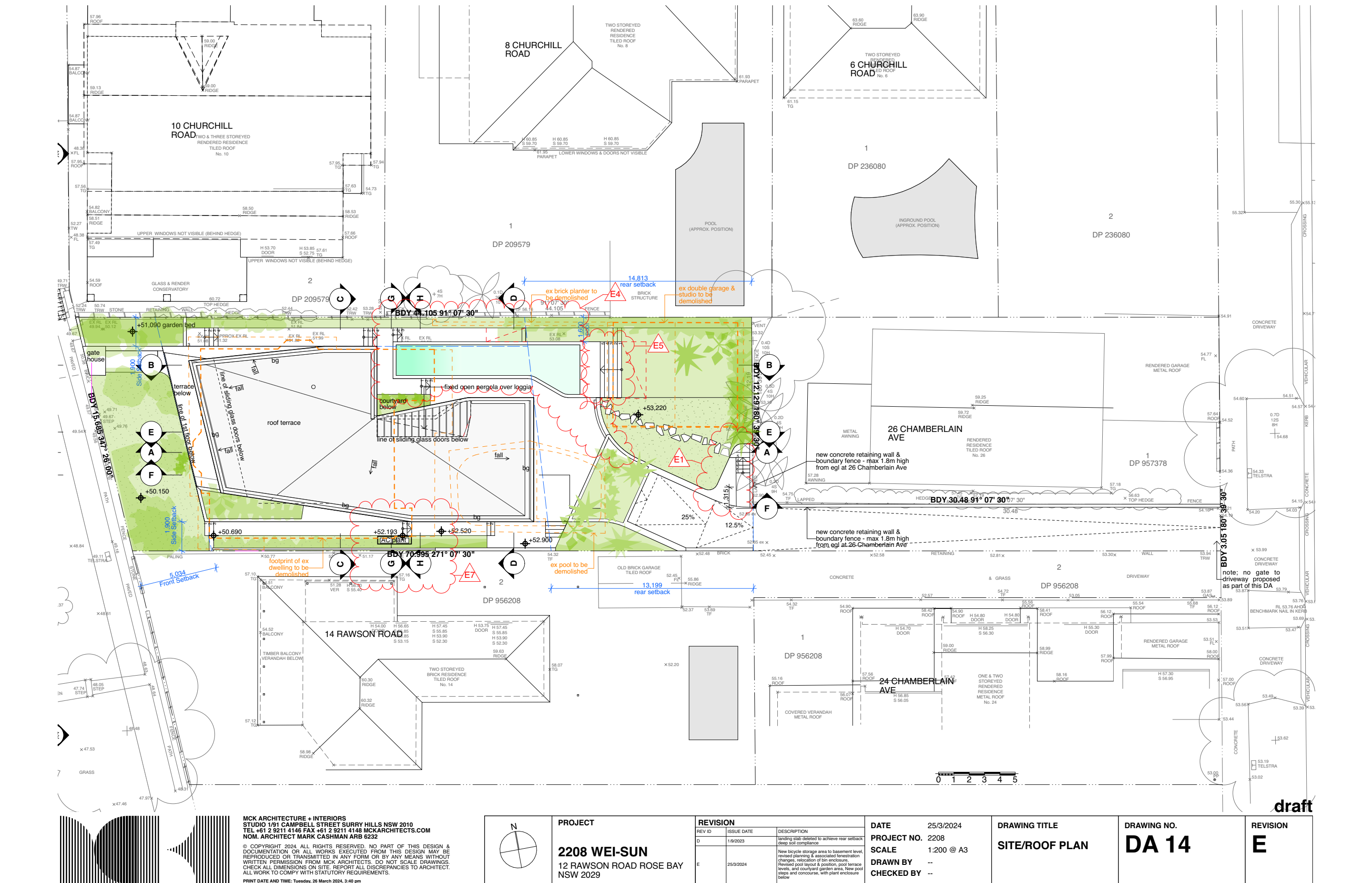
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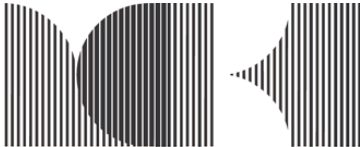
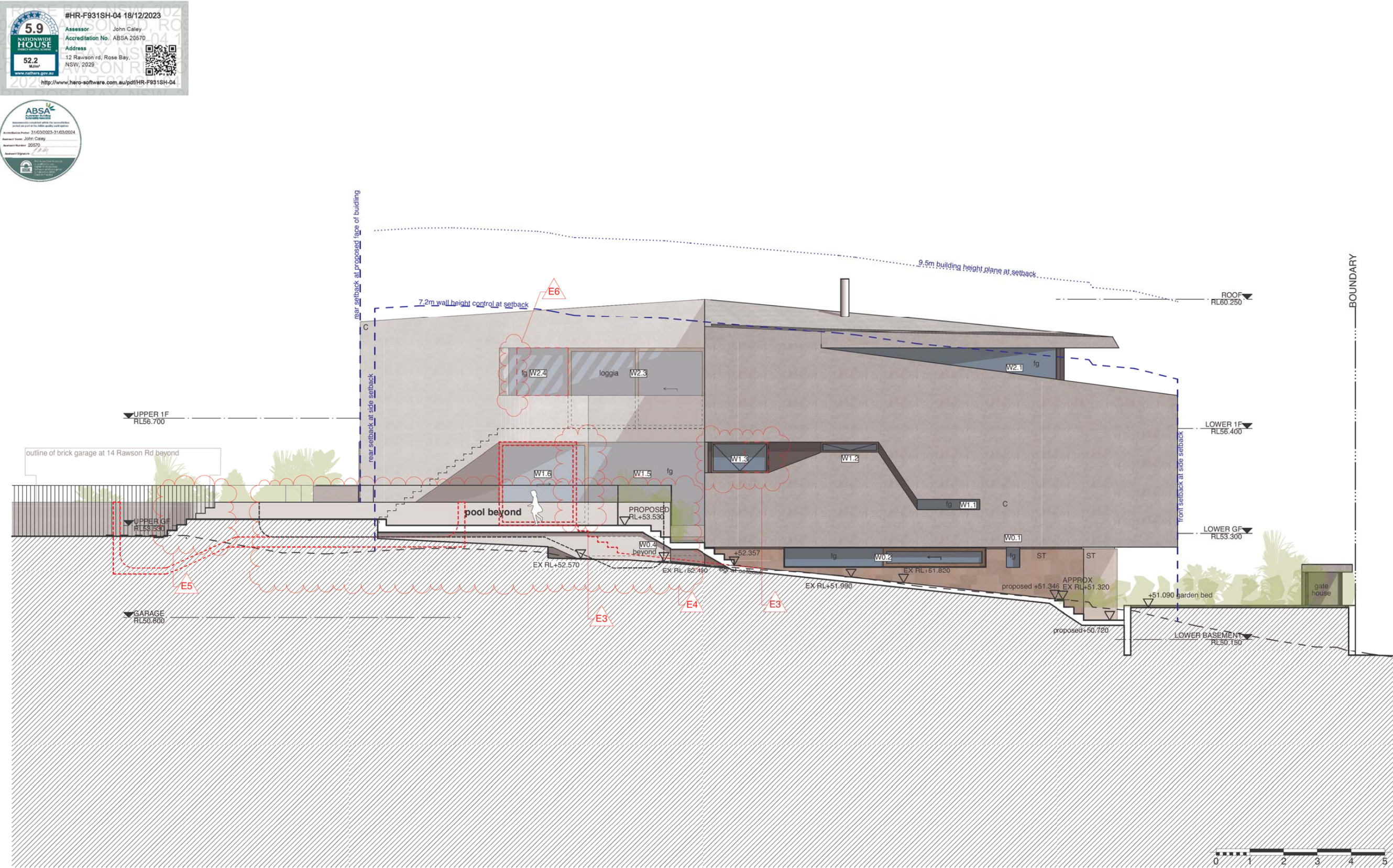
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PRINT DATE AND TIME: Friday, 15 December 2023, 11:28 pm

	PROJECT 2208 WEI-SUN 12 RAWSON ROAD ROSE BAY NSW 2029	REVISION		DATE 15/12/2023 PROJECT NO. 2208 SCALE 1:100 @ A3 DRAWN BY -- CHECKED BY --	DRAWING TITLE FIRST FLOOR PLAN	DRAWING NO. DA 12	REVISION D
		REV ID	ISSUE DATE				
		D	15/12/2023	New bicycle storage area to basement level, revised planning & associated fenestration changes, relocation of bin enclosure, Revised pool layout & position, pool terrace levels, and courtyard garden area, New pool steps and concourse, with plant enclosure below, First floor planning & associated fenestration			

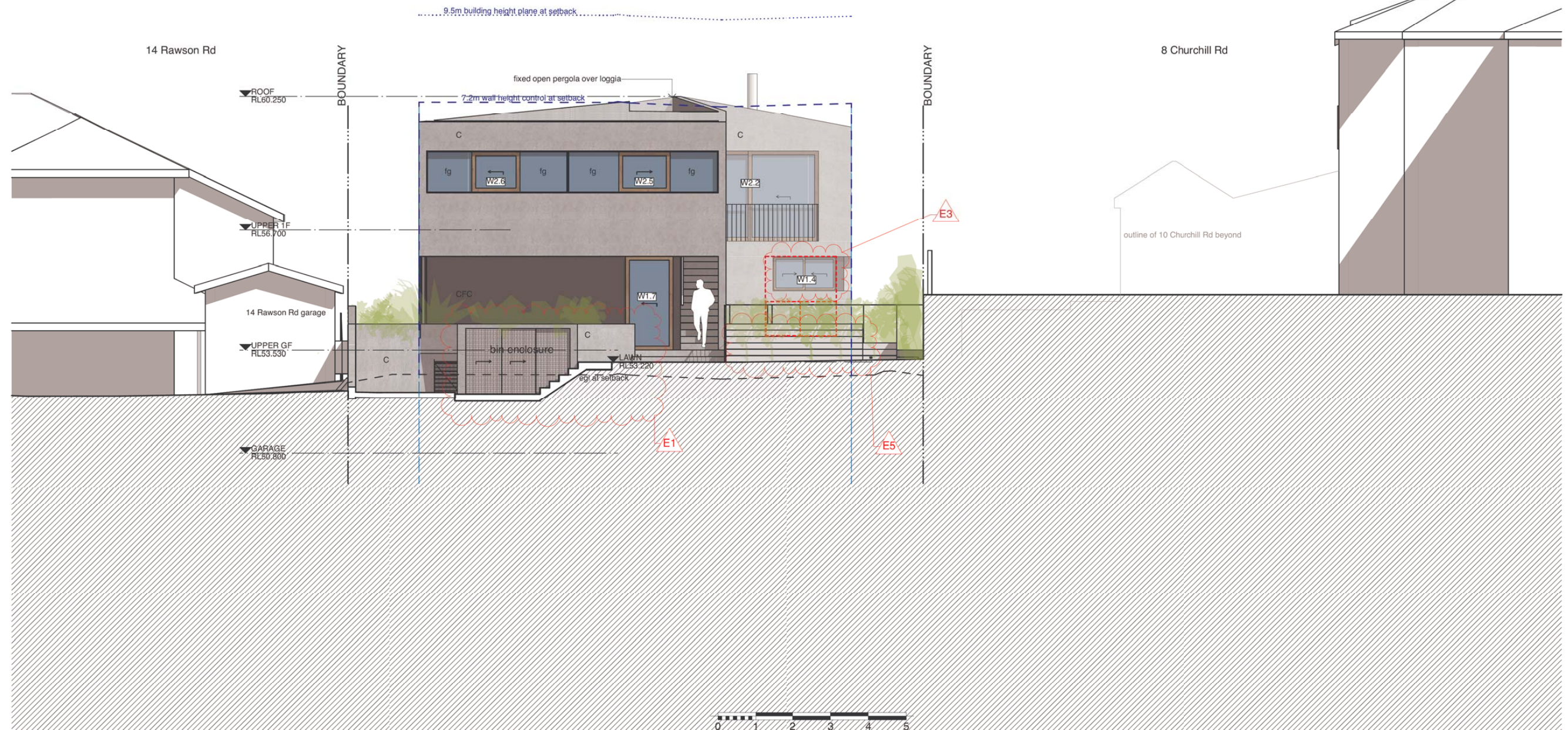






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PRINT DATE AND TIME: Friday, 15 December 2023, 11:28 pm

PROJECT			REVISION		DATE	DRAWING TITLE	DRAWING NO.	REVISION
REV ID	ISSUE DATE	DESCRIPTION						
D	15/12/2023	Revised fenestration at GF W1.3, W1.4, W1.5, W1.6. Revised pool layout & position, pool terrace levels, and courtyard garden area. New pool steps and concourse, with plant enclosure below. First floor planning & associated fenestration changes.			15/12/2023	NORTH ELEVATION	DA 20	D
2208 WEI-SUN 12 RAWSON ROAD ROSE BAY NSW 2029					PROJECT NO. 2208 SCALE 1:100 @ A3 DRAWN BY -- CHECKED BY --			

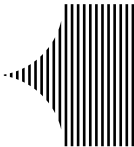
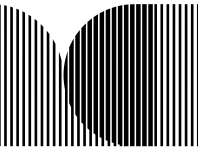
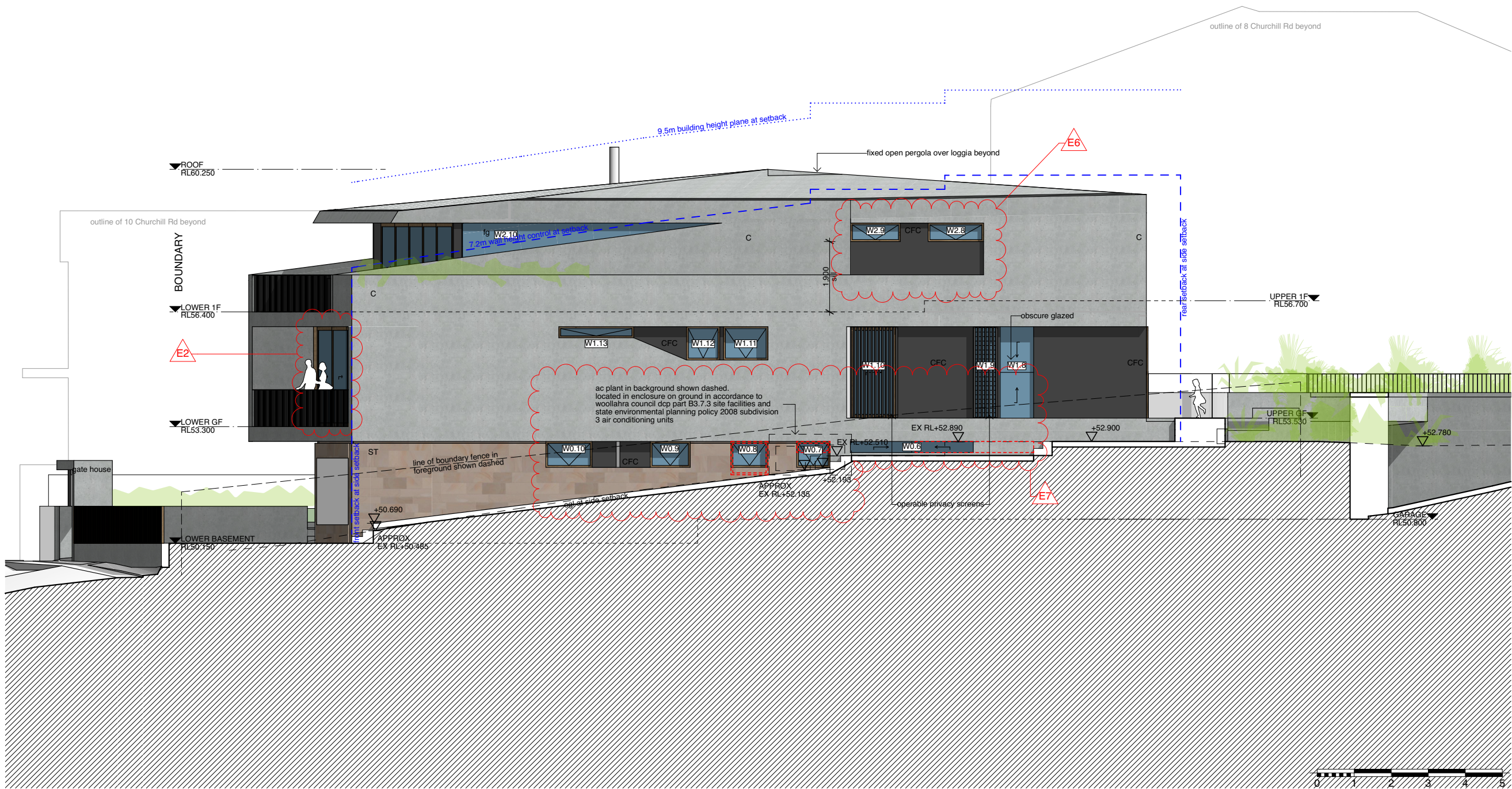


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	PROJECT	REVISION			DATE	15/12/2023	DRAWING TITLE	DRAWING NO.	REVISION
		REV ID	ISSUE DATE	DESCRIPTION	PROJECT NO.	2208			
		E	15/12/2023	New bicycle storage area to basement level, revised planning & associated fenestration changes, relocation of bin enclosure, Revised fenestration at GF-W1.3, W1.4, W1.5, W1.6. New pool steps and concourse, with plant enclosure below	SCALE	1:100 @ A3			
					DRAWN BY	--			
					CHECKED BY	--			
2208 WEI-SUN									
12 RAWSON ROAD ROSE BAY NSW 2029									

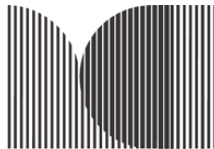
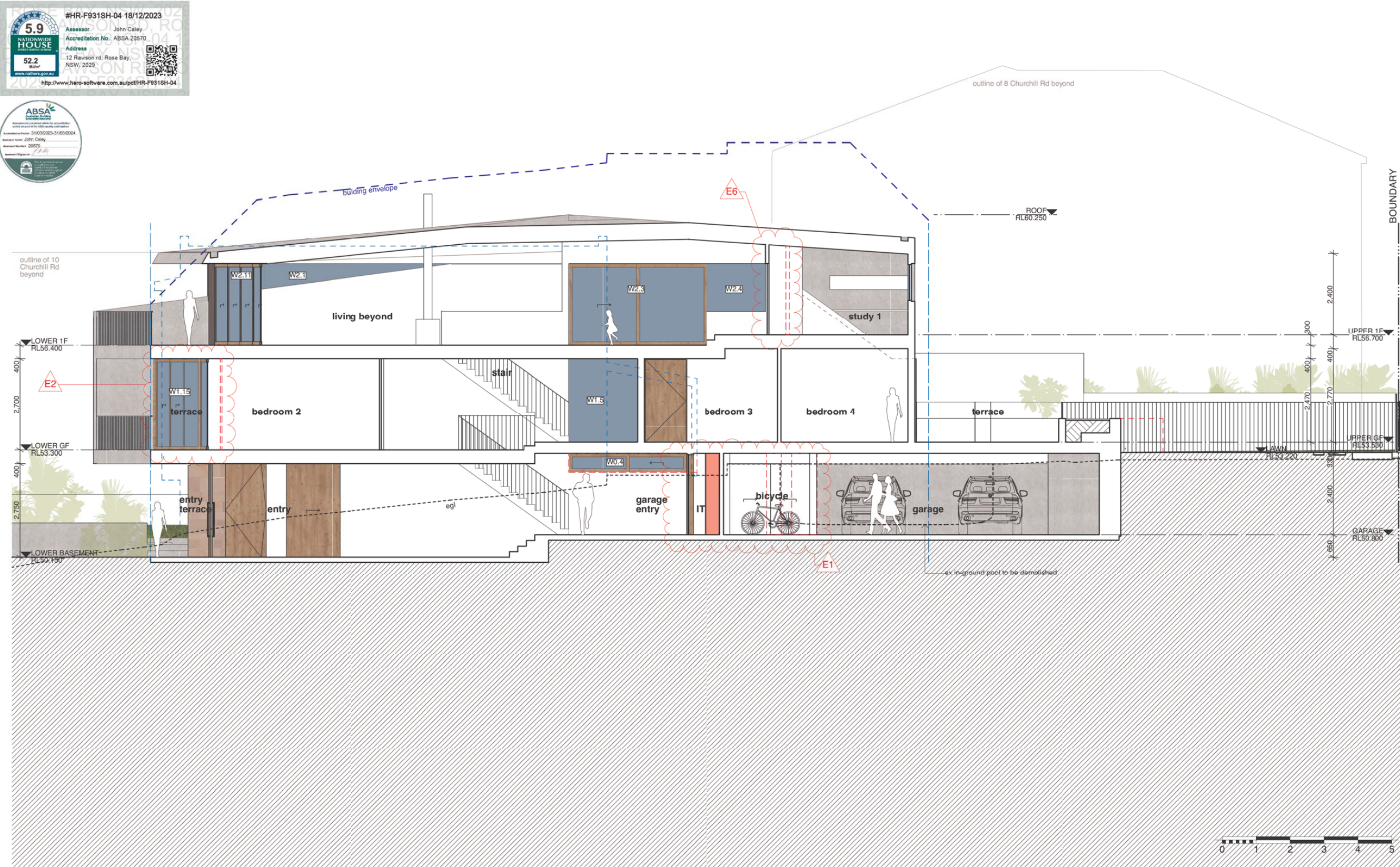


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PRINT DATE AND TIME: Tuesday, 26 March 2024, 3:41 pm

PROJECT	REVISION		DATE	DRAWING TITLE	DRAWING NO.	REVISION
	REV ID	ISSUE DATE				
2208 WEI-SUN 12 RAWSON ROAD ROSE BAY NSW 2029	D	25/3/2024	New bicycle storage area to basement level, revised planning & associated fenestration changes, relocation of bin enclosure, Revised alignment of sliding doors W1.14 & W1.15 at ground floor. First floor planning & associated fenestration changes	SOUTH ELEVATION	DA 22	D



<div>PROJECT</div> <div>2208 WEI-SUN</div> <div>12 RAWSON ROAD ROSE BAY NSW 2029</div>	REVISION		DATE25/3/2024	DRAWING TITLE	DRAWING NO.	REVISION	
	REV ID	ISSUE DATE	DESCRIPTION	PROJECT NO. 2208	WEST ELEVATION	DA 23	D
	C	11/8/2023	northern side setback, courtyard & basement layout amended to reduce excavation & floorplate, southern side setback amended to reduce excavation	SCALE1:100 @ A3			
	D	25/3/2024		DRAWN BY--			
			CHECKED BY--				

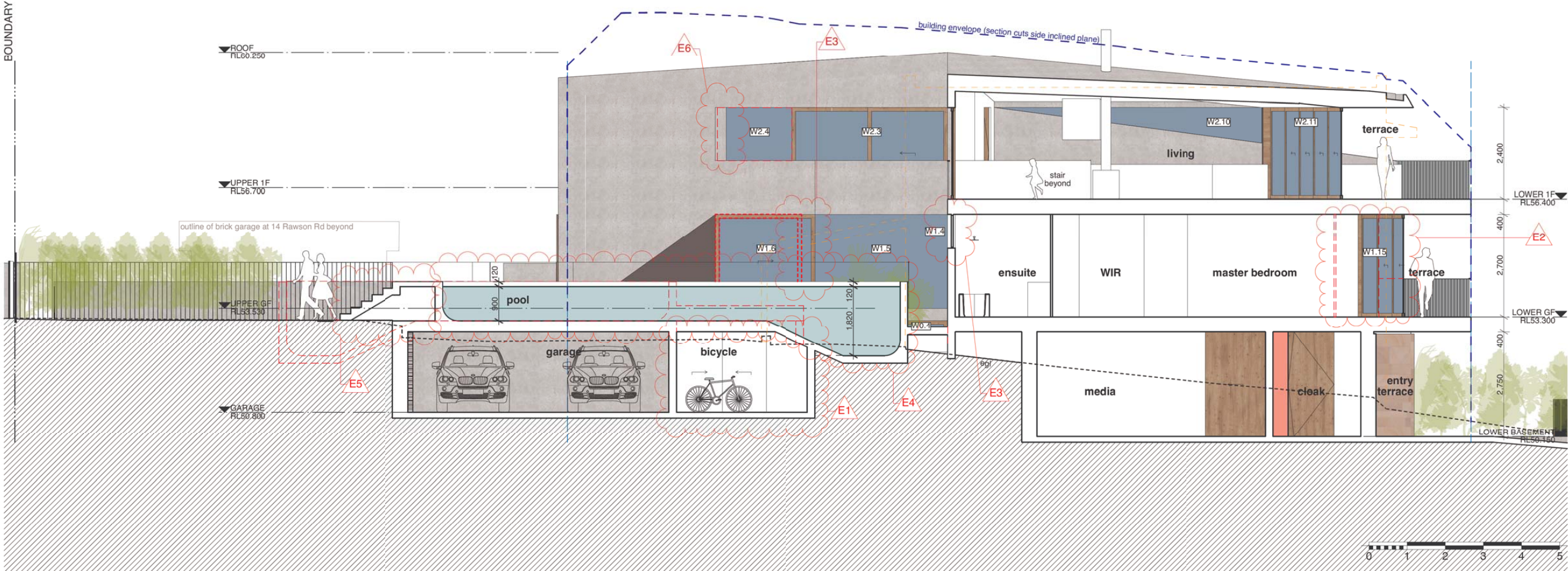



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PROJECT	REVISION			DATE	DRAWING TITLE	DRAWING NO.	REVISION
	REV ID	ISSUE DATE	DESCRIPTION				
2208 WEI-SUN 12 RAWSON ROAD ROSE BAY NSW 2029	D	15/12/2023	New bicycle storage area to basement level, revised planning & associated fenestration changes, relocation of bin enclosure, Revised alignment of sliding doors W1.14 & W1.15 at ground floor, First floor planning & associated fenestration changes	15/12/2023 PROJECT NO. 2208 SCALE 1:100 @ A3 DRAWN BY -- CHECKED BY --	SECTION A	DA 30	D



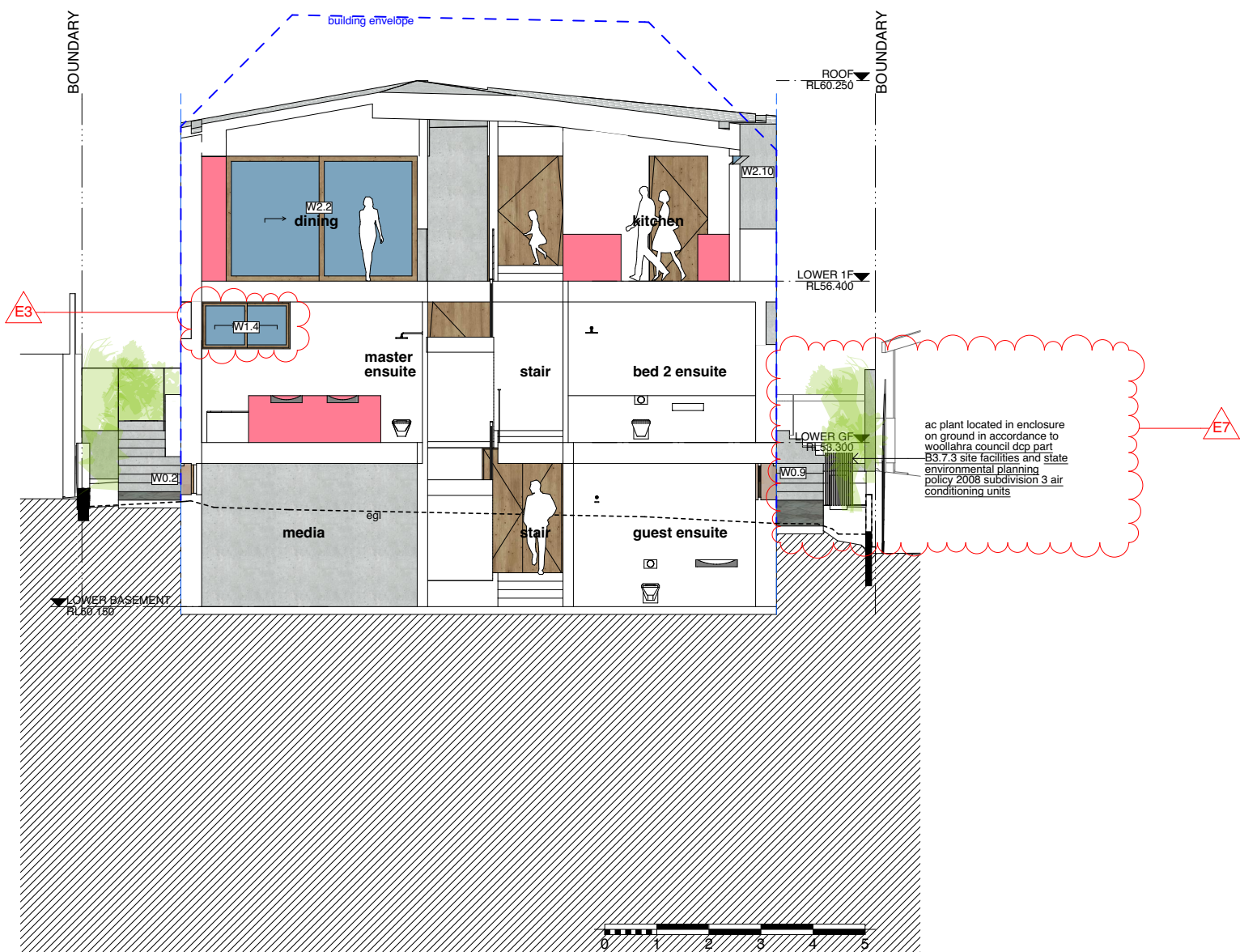


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PRINT DATE AND TIME: Friday, 15 December 2023, 11:28 pm

PROJECT	REVISION		DATE	DRAWING TITLE	DRAWING NO.	REVISION	
	REV ID	ISSUE DATE					DESCRIPTION
2208 WEI-SUN 12 RAWSON ROAD ROSE BAY NSW 2029	D	15/12/2023	New bicycle storage area to basement level, revised planning & associated fenestration changes, relocation of bin enclosure, Revised alignment of sliding doors W1.14 & W1.15 at ground floor, Revised fenestration at GF W1.3, W1.4, W1.5, W1.6, Revised pool layout & location, pool terrace stairs, and	15/12/2023 PROJECT NO. 2208 SCALE 1:100 @ A3 DRAWN BY -- CHECKED BY --	SECTION B	DA 31	D



draft

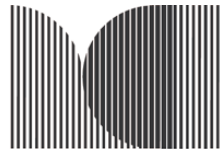
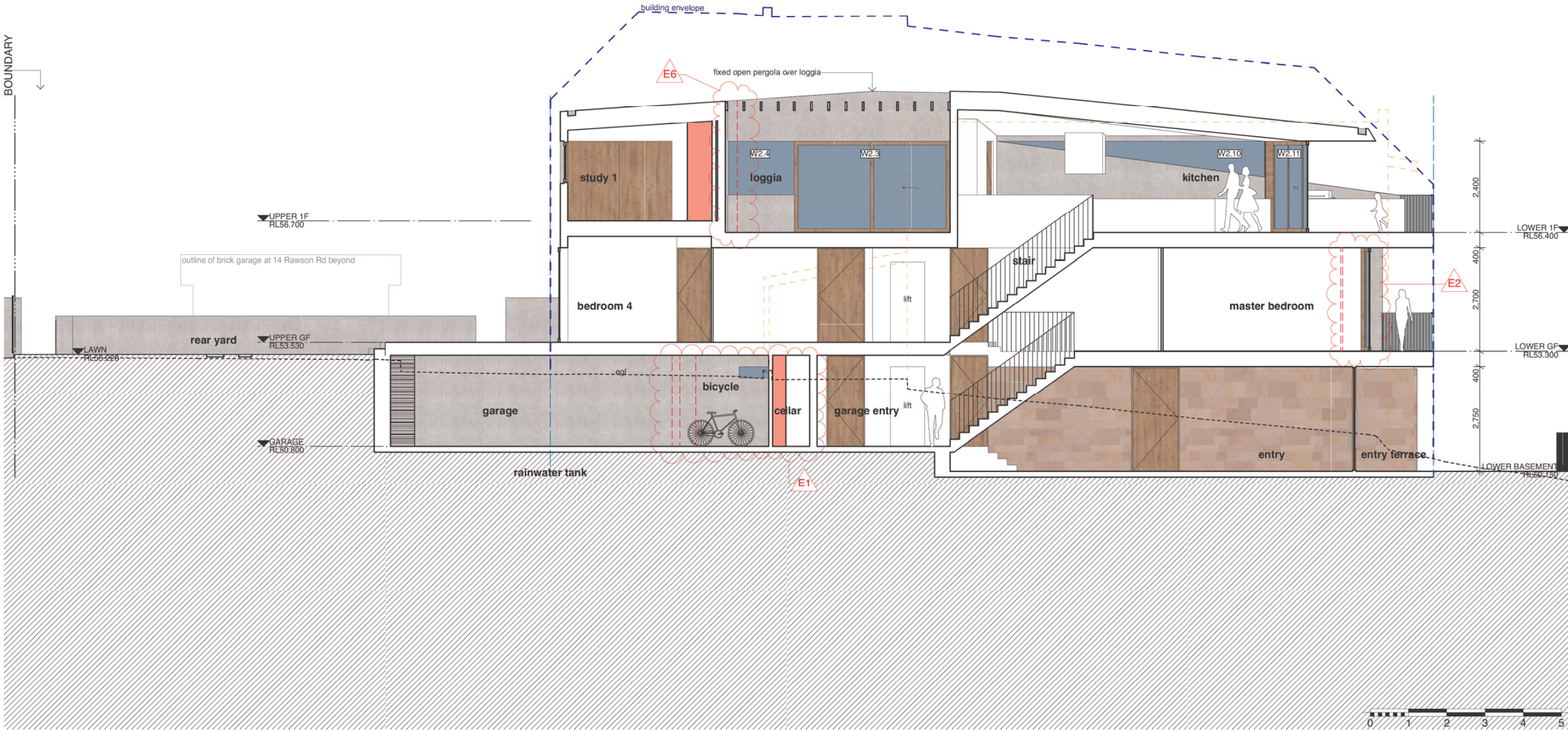


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PRINT DATE AND TIME: Tuesday, 26 March 2024, 3:41 pm

REV ID	ISSUE DATE	DESCRIPTION	DATE	PROJECT NO.	SCALE	DRAWN BY	CHECKED BY	DRAWING TITLE	DRAWING NO.	REVISION
C	11/8/2023	northern side setback, courtyard & basement layout amended to reduce excavation & floorplate, amend existing ground levels based on updated survey info	25/3/2024	2208	1:100 @ A3	--	--	SECTION C	DA 32	D
D	25/3/2024	Revised fenestration at GF W1.3, W1.4, W1.5, W1.6								



<div>PROJECT</div> <div>2208 WEI-SUN</div> <div>12 RAWSON ROAD ROSE BAY NSW 2029</div>	<div>REVISION</div> <table border="1"> <tr> <th>REV ID</th> <th>ISSUE DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>D</td> <td>15/12/2023</td> <td>Revised fenestration at GF W1.3, W1.4, W1.5, W1.6. Revised pool layout & position, pool terrace levels, and courtyard garden area</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		REV ID	ISSUE DATE	DESCRIPTION	D	15/12/2023	Revised fenestration at GF W1.3, W1.4, W1.5, W1.6. Revised pool layout & position, pool terrace levels, and courtyard garden area										<div>DATE</div> <div>15/12/2023</div>	<div>DRAWING TITLE</div> <div>SECTION D</div>	<div>DRAWING NO.</div> <div>DA 33</div>	<div>REVISION</div> <div>D</div>
	REV ID	ISSUE DATE	DESCRIPTION																		
	D	15/12/2023	Revised fenestration at GF W1.3, W1.4, W1.5, W1.6. Revised pool layout & position, pool terrace levels, and courtyard garden area																		
<div>PROJECT NO.</div> <div>2208</div>	<div>SCALE</div> <div>1:100 @ A3</div>																				
<div>DRAWN BY</div> <div>--</div>	<div>CHECKED BY</div> <div>--</div>																				

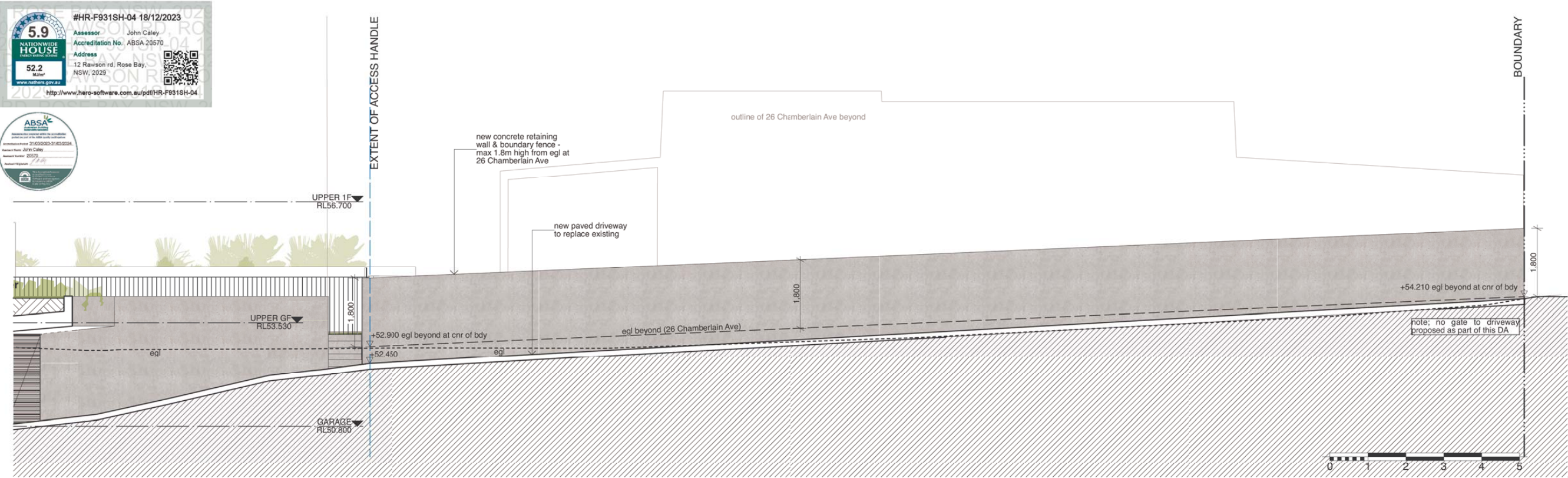


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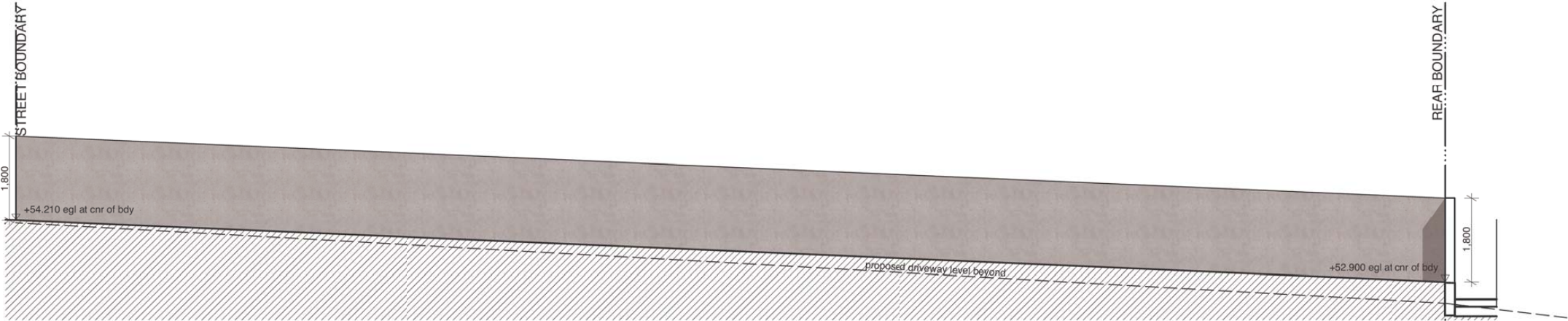
PROJECT	REVISION			DATE	DRAWING TITLE	DRAWING NO.	REVISION
	REV ID	ISSUE DATE	DESCRIPTION				
2208 WEI-SUN 12 RAWSON ROAD ROSE BAY NSW 2029	D	15/12/2023	New bicycle storage area to basement level, revised planning & associated fenestration changes, relocation of bin enclosure, Revised alignment of sliding doors W1.14 & W1.15 at ground floor, First floor planning & associated fenestration changes	15/12/2023 PROJECT NO. 2208 SCALE 1:100 @ A3 DRAWN BY -- CHECKED BY --	SECTION E	DA 34	D



<div>PROJECT</div> <div>2208 WEI-SUN</div> <div>12 RAWSON ROAD ROSE BAY NSW 2029</div>	<div>REVISION</div>		<div>DATE</div> <div>15/12/2023</div>	<div>DRAWING TITLE</div> <div>SECTION F</div>	<div>DRAWING NO.</div> <div>DA 35</div>	<div>REVISION</div> <div>D</div>
	<div>REV ID</div>	<div>ISSUE DATE</div>	<div>DESCRIPTION</div>	<div>PROJECT NO.</div> <div>2208</div>		
	D	15/12/2023	Revised alignment of sliding doors W1.14 & W1.15 at ground floor., First floor planning & associated fenestration changes	<div>SCALE</div> <div>1:100 @ A3</div>		
				<div>DRAWN BY</div> <div>--</div>		
				<div>CHECKED BY</div> <div>--</div>		



SECTION F 1:100

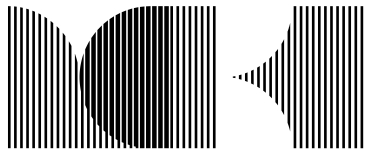
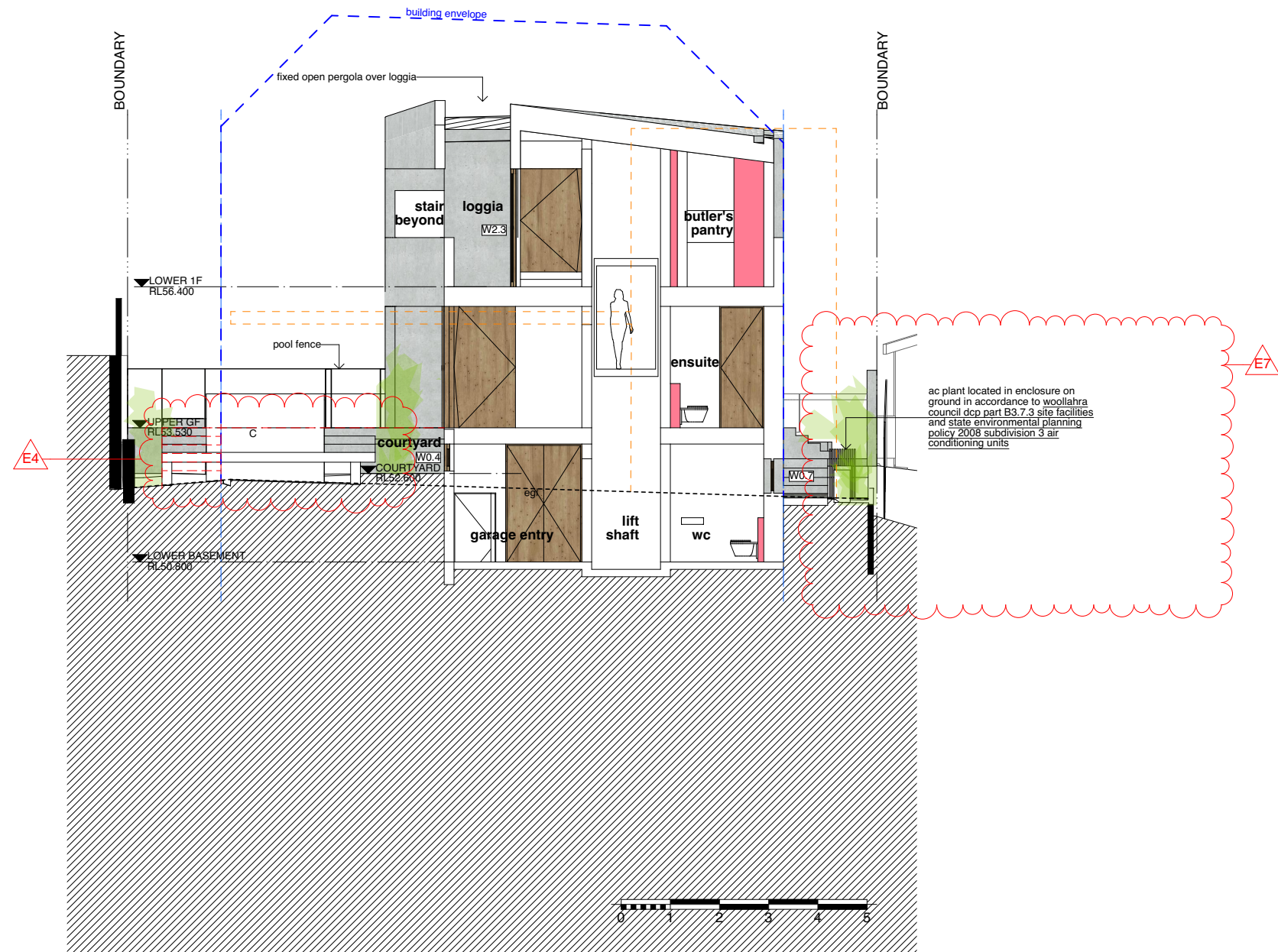


26 CHAMBERLAIN AVE N ELEVATION OF PROPOSED FENCE 1:100



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PRINT DATE AND TIME: Friday, 15 December 2023, 11:28 pm

<div>PROJECT</div> <div>2208 WEI-SUN</div> <div>12 RAWSON ROAD ROSE BAY NSW 2029</div>	<div>REVISION</div>		<div>DATE</div> 15/12/2023	<div>DRAWING TITLE</div>	<div>DRAWING NO.</div>	<div>REVISION</div>	
	REV ID	ISSUE DATE	DESCRIPTION	<div>PROJECT NO.</div> 2208	<div>SECTION F-DRIVEWAY</div>	<div>DA 36</div>	<div>C</div>
	2	4/11/2022	change to garage layout	<div>SCALE</div> 1:100 @ A3			
	A	11/11/2022	For Development Application	<div>DRAWN BY</div> --			
	B	6/4/2023	Additional information on proposed driveway & fence to shared boundary with 26 Chamberlain Ave	<div>CHECKED BY</div> --			
	C	15/12/2023					



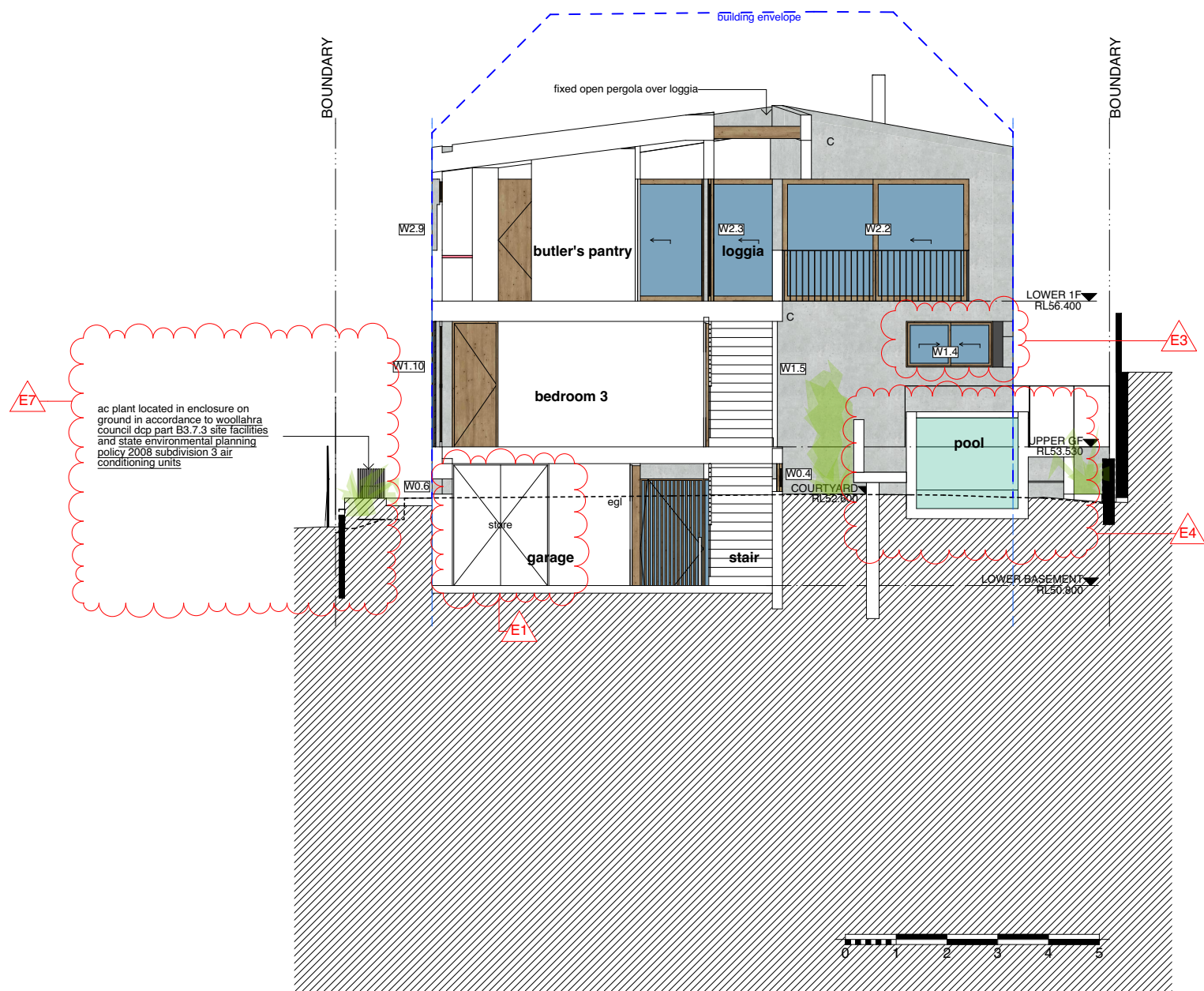
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PRINT DATE AND TIME: Tuesday, 26 March 2024, 3:41 pm

<div>PROJECT</div> <div>2208 WEI-SUN</div> <div>12 RAWSON ROAD ROSE BAY NSW 2029</div>	<div>REVISION</div>			<div>DATE</div> 25/3/2024	<div>DRAWING TITLE</div>	<div>DRAWING NO.</div>	<div>REVISION</div>
	<div>REV ID</div>	<div>ISSUE DATE</div>	<div>DESCRIPTION</div>	<div>PROJECT NO.</div> 2208	<div>SECTION G</div>	<div>DA 37</div>	<div>D</div>
	D	25/3/2024	Revised pool layout & position, pool terrace levels, and courtyard garden area	<div>SCALE</div> 1:100 @ A3			
				<div>DRAWN BY</div> --			
				<div>CHECKED BY</div> --			

draft

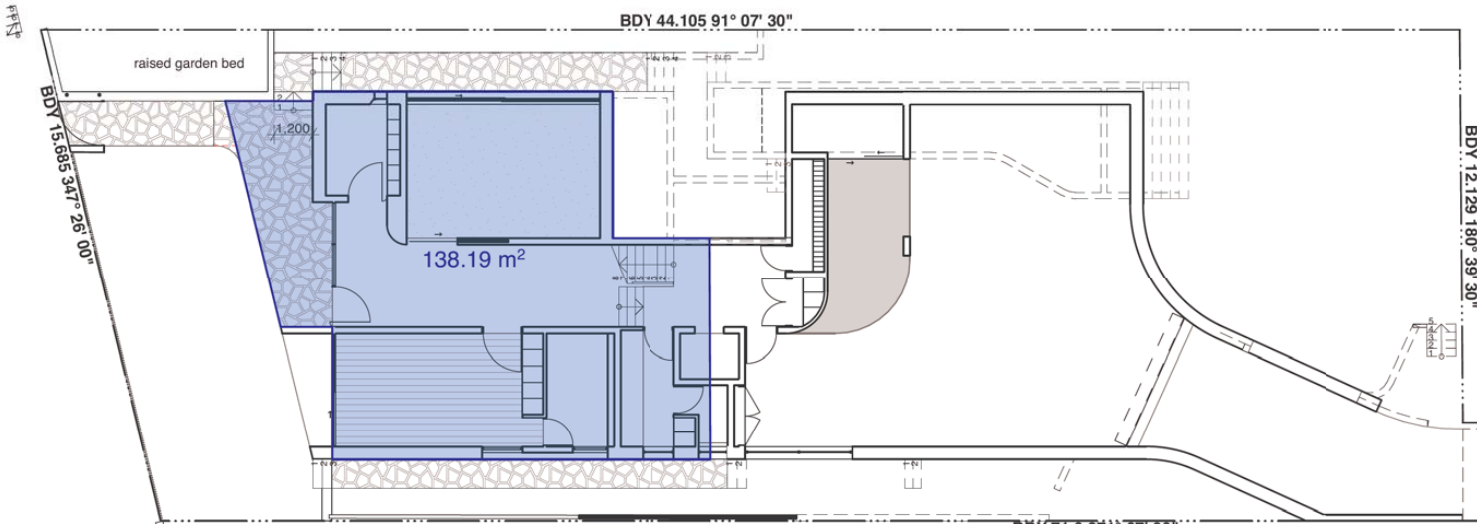


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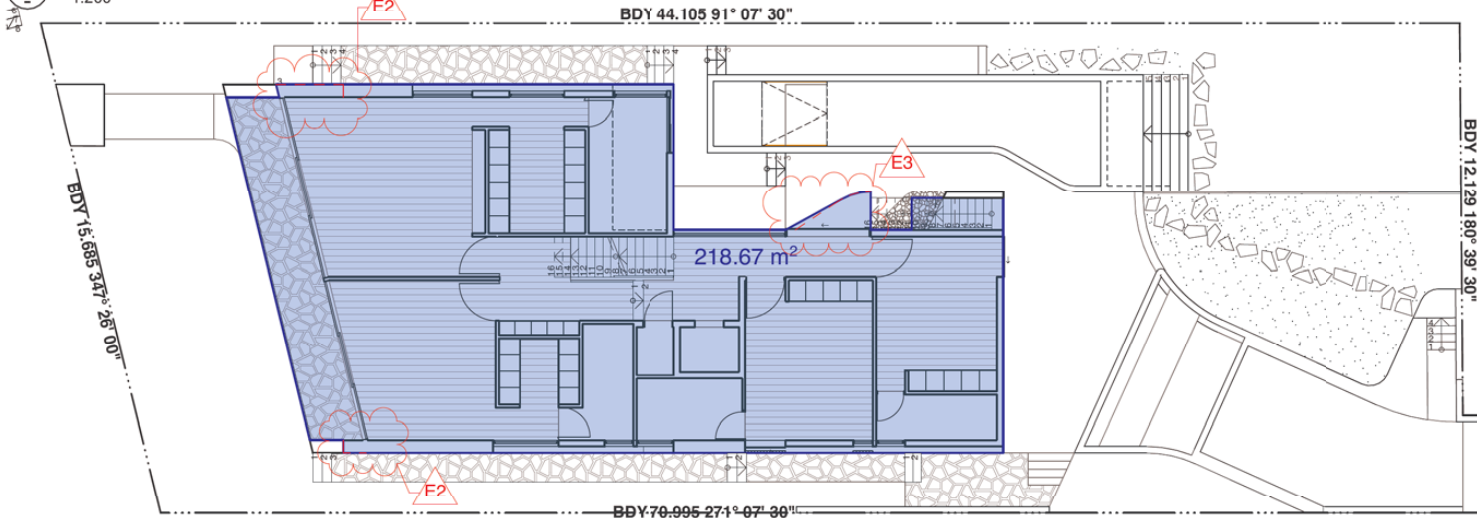


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PRINT DATE AND TIME: Tuesday, 26 March 2024, 3:41 pm

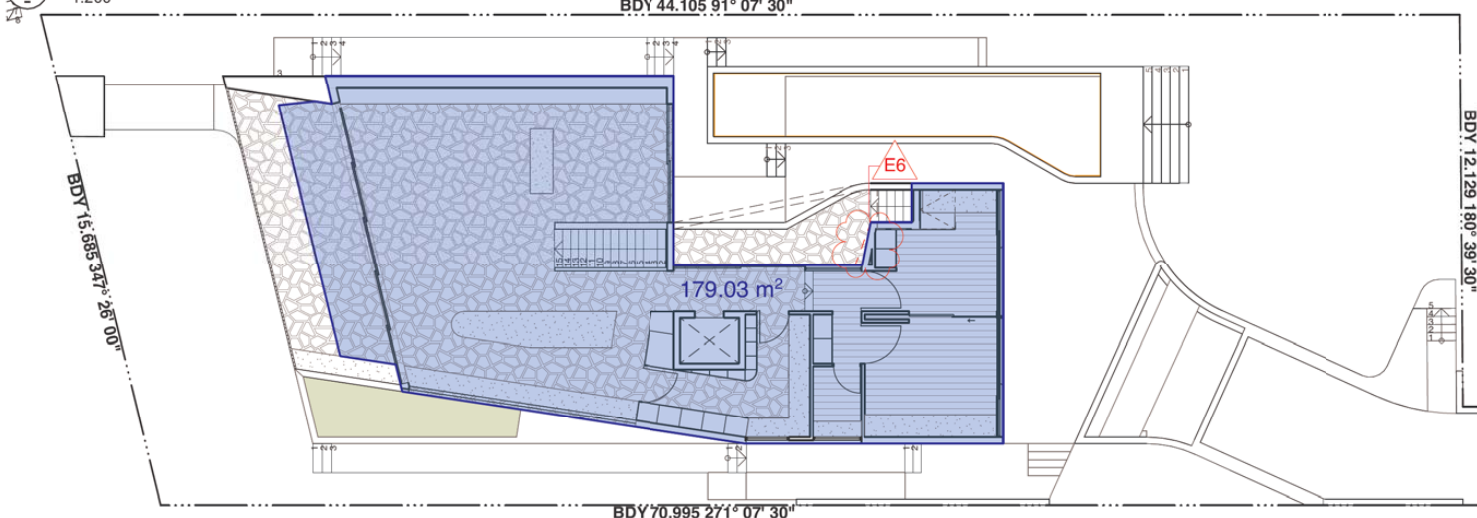
	<div>PROJECT</div> <div>2208 WEI-SUN</div> <div>12 RAWSON ROAD ROSE BAY NSW 2029</div>	<div>REVISION</div>			<div>DATE</div> 25/3/2024	<div>DRAWING TITLE</div>	<div>DRAWING NO.</div>	<div>REVISION</div>
		<div>REV ID</div>	<div>ISSUE DATE</div>	<div>DESCRIPTION</div>	<div>PROJECT NO.</div> 2208	<div>SECTION H</div>	<div>DA 38</div>	<div>D</div>
		D	25/3/2024	New bicycle storage area to basement level, revised planning & associated fenestration changes, relocation of bin enclosure, Revised fenestration at GF W1.3, W1.4, W1.5, W1.6, Revised pool layout & position, pool terrace levels, and courtyard garden area	<div>SCALE</div> 1:100 @ A3			
					<div>DRAWN BY</div> --			
					<div>CHECKED BY</div> --			



FLOORPLATE DIAGRAM - BASEMENT
1:200



FLOORPLATE DIAGRAM - GROUND FLOOR
1:200



FLOORPLATE DIAGRAM - 1st FLOOR
1:200



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PRINT DATE AND TIME: Friday, 15 December 2023, 11:28 pm



PROJECT

2208 WEI-SUN
12 RAWSON ROAD ROSE BAY
NSW 2029

REVISION

REV ID	ISSUE DATE	DESCRIPTION
D	15/12/2023	Revised alignment of sliding doors W1.14 & W1.15 at ground floor. Revised fenestration at GF W1.3, W1.4, W1.5, W1.6. First floor planning & associated fenestration changes

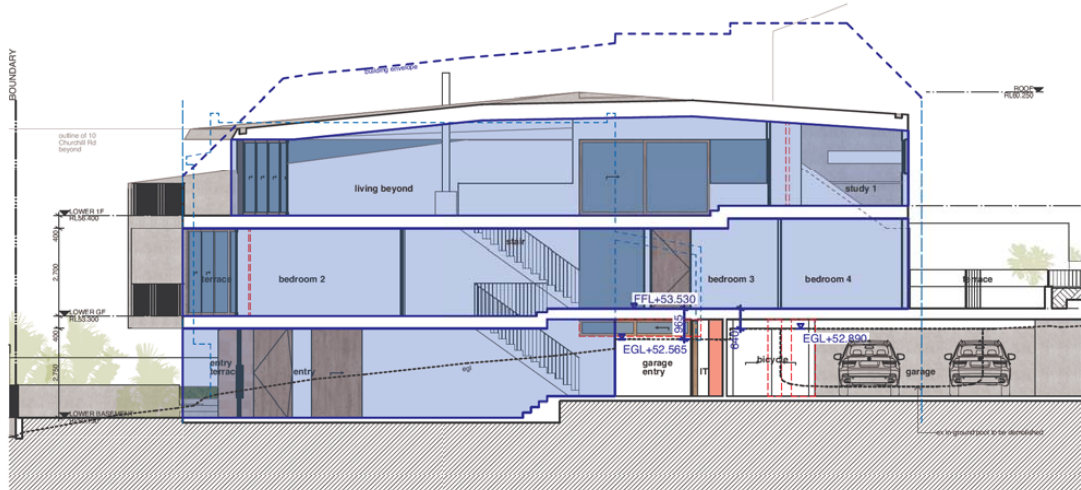
DATE 15/12/2023
PROJECT NO. 2208
SCALE 1:200, 1:1 @ A3
DRAWN BY --
CHECKED BY --

DRAWING TITLE
**FLOOR PLATE
CALCULATION
PLANS**

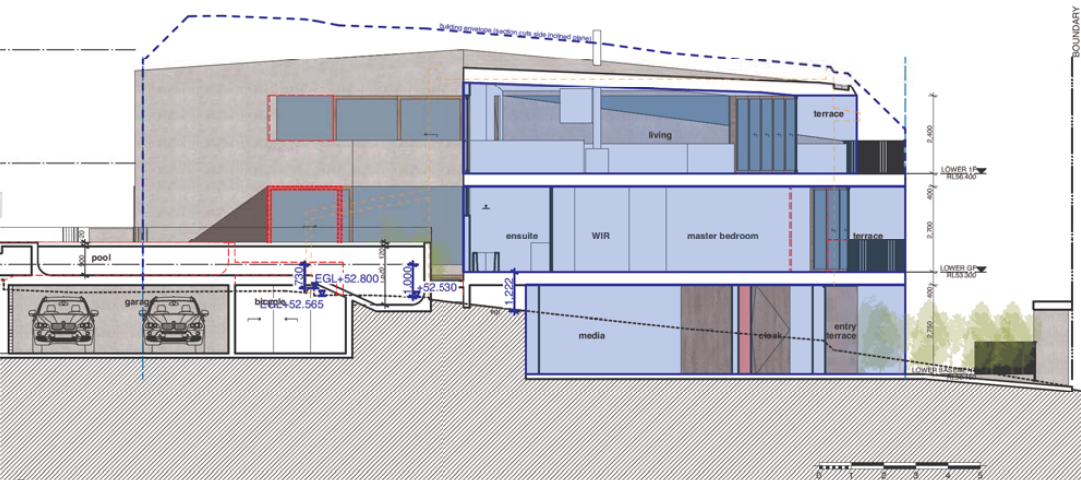
DRAWING NO.
DA 81

REVISION
D

FLOOR PLATE CALCULATION	
STORY/LEVEL	Area (m2)
BASEMENT	138.19
GF	218.67
1F	179.03
TOTAL	535.89 m²

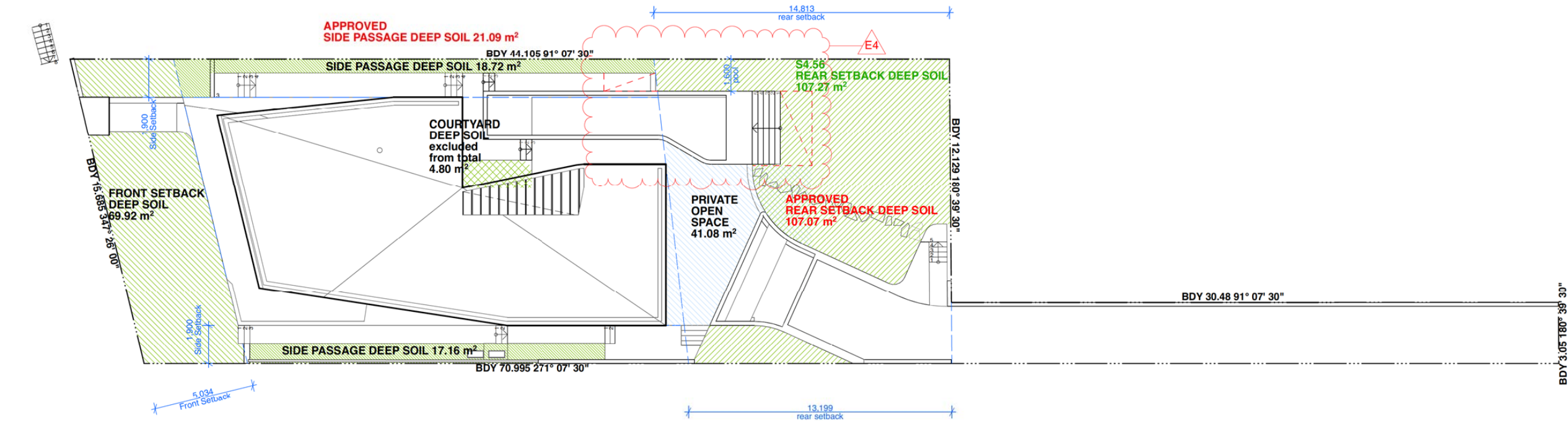


FLOORPLATE AT SECTION A
1:200



FLOORPLATE AT SECTION B
1:200

NOT FOR CONSTRUCTION



deep soil landscaped areas					
location	proposed deep soil area (m2)	available site area (m2)	proposed deep soil area (%)	DCP control (%)	compliance
within front setback	69.92	78.96	88.6%	minimum 40%	Y
within northern side passage	18.72	45.59			
within rear setback	107.27	213.44	50.3%	minimum 50%	Y
within southern side passage	17.16	42.30			
TOTAL	213.07 m ²	380.31m ²	56.03%	minimum 50%	Y

NOTE - COURTYARD AREA EXCLUDED FROM CALCS

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PRINT DATE AND TIME: Friday, 15 December 2023, 11:28 pm

PROJECT
2208 WEI-SUN
12 RAWSON ROAD ROSE BAY
NSW 2029

REVISION	
REV ID	ISSUE DATE
D	1/9/2023
E	15/12/2023

DESCRIPTION
landing slab deleted to achieve rear setback deep soil compliance

Revised alignment of sliding doors W1.14 & W1.15 at ground floor.,
Revised pool layout & position, pool terrace levels, and courtyard garden area

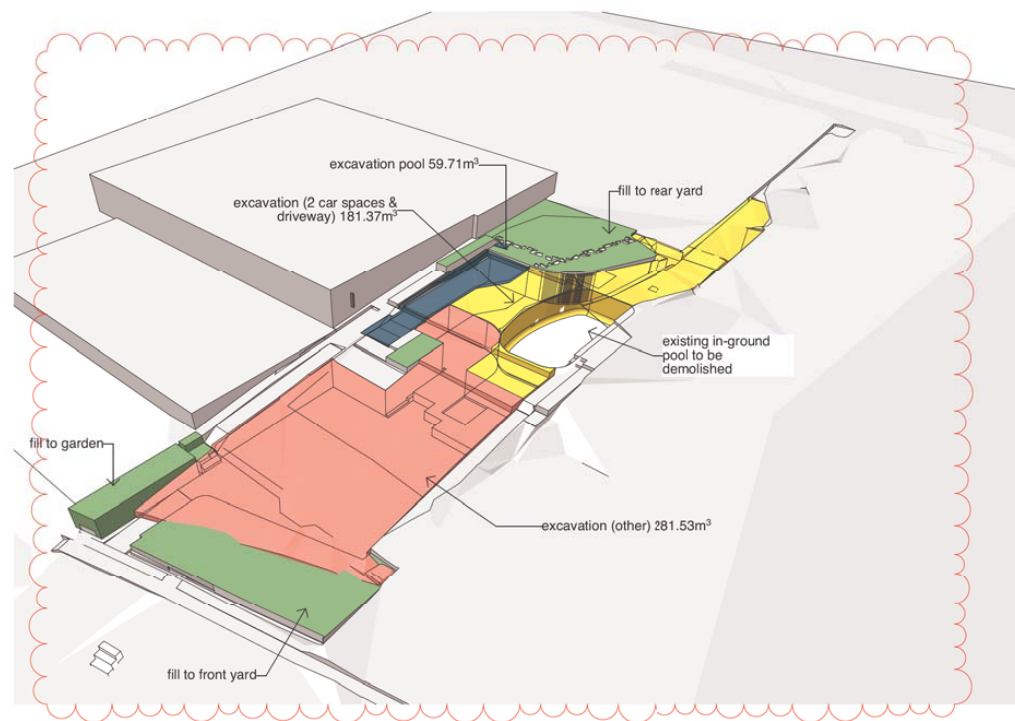
DATE
15/12/2023
PROJECT NO.
2208
SCALE
1:200, 1:1 @ A3
DRAWN BY
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CHECKED BY
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DRAWING TITLE
**LANDSCAPE
CALCULATION PLAN**

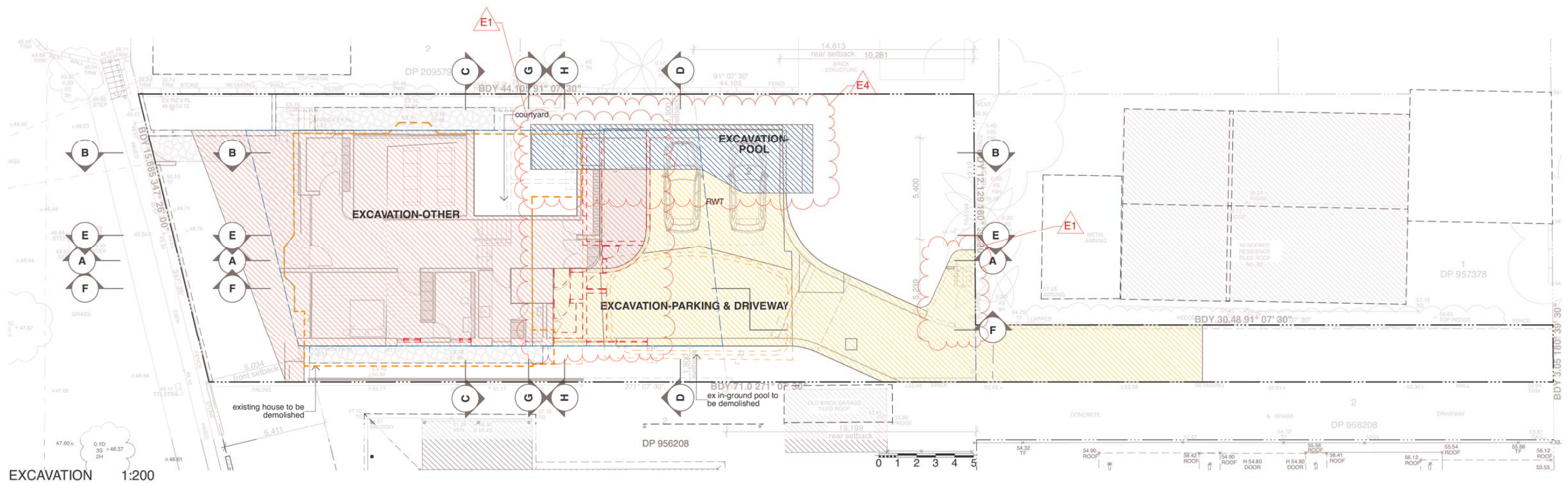
DRAWING NO.
DA 82

REVISION
E

draft



location	excavation volume (m3)	Included under Woollahra DCP 2015	Excavation calculation
EXCAVATION - POOL	59.71		
EXCAVATION-OTHER (incl 20m3 storage)	281.53	Y (20m3 storage excluded)	281.53m ³
EXCAVATION-PARKING & DRIVEWAY	181.37	N	
RAINWATER TANK	26.0m ³	Y	26.0m ³
TOTAL			307.53m³
DCP B3.4 CONTROL - fig14a max volume of excavation for site area of 737.72m ²			=197.54m³
Proposed total excavation			=307.53m³
Difference			=109.99m³



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PRINT DATE AND TIME: Friday 15 December 2023, 11:08 am



PROJECT

2208 WEI-SUN
12 RAWSON ROAD ROSE BAY
NSW 2029

REVISION		
REV ID	ISSUE DATE	DESCRIPTION
D	15/12/2023	New bicycle storage area to basement level, revised planning associated fenestration changes, relocation of bin enclosure, Revised pool layout & position, pool terrace levels, and courtyard garden areas

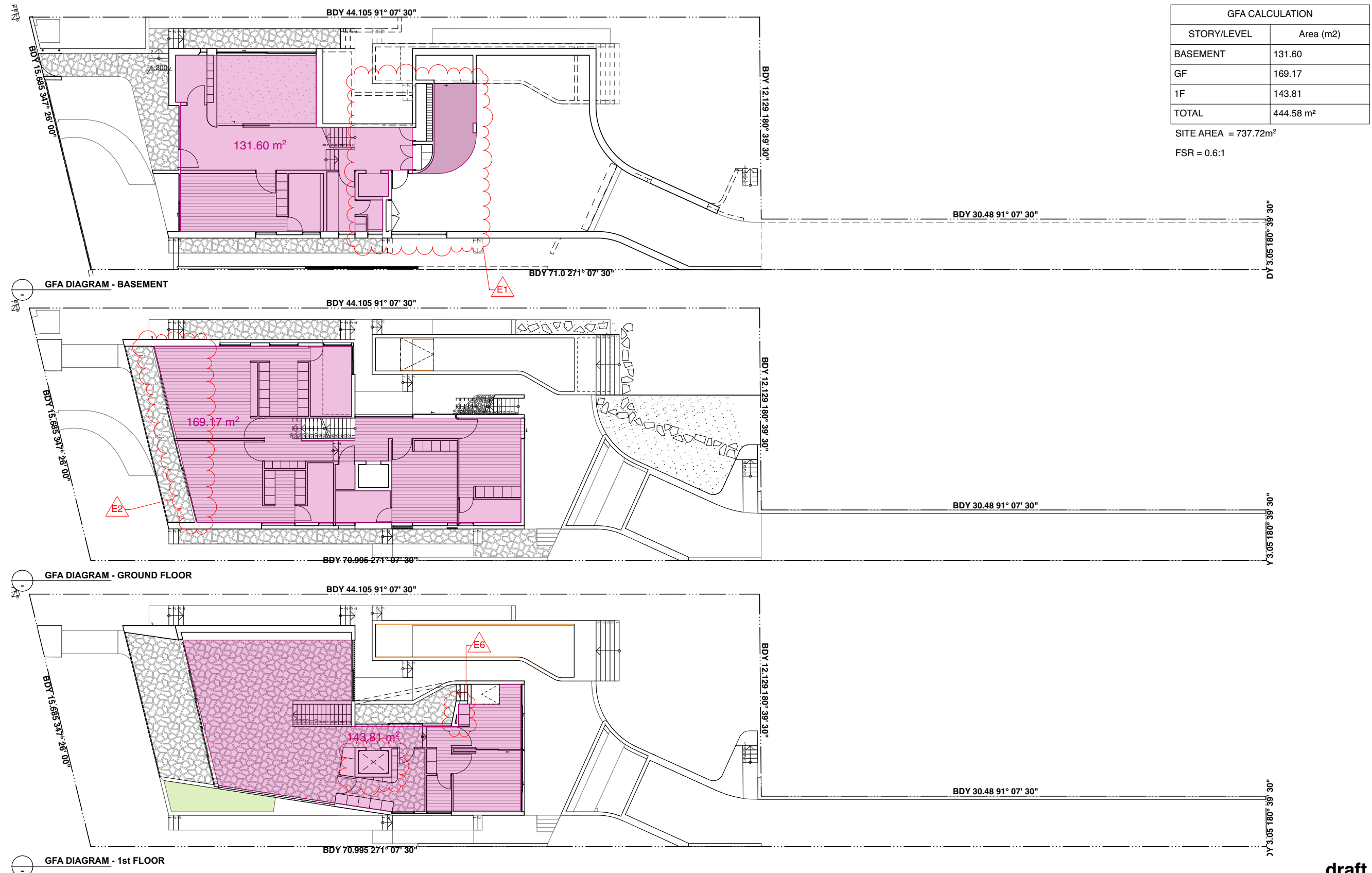
DATE	15/12/2023
PROJECT NO.	2208
SCALE	1:200, 1:1 @ A3
DRAWN BY	--
CHECKED BY	--

DRAWING TITLE
EXCAVATION CALCS


DRAWING NO.
DA 83

REVISION
D

draft




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PROJECT

2208 WEI-SUN

12 RAWSON ROAD ROSE BAY
NSW 2029

REVISION

REV ID	ISSUE DATE	DESCRIPTION
B	1/9/2023	northern side setback, courtyard & basement layout amended to reduce excavation & floorplate. Design change to GF, 1F & 2F to achieve rear setback compliance
C	15/12/2023	Revised alignment of sliding doors W1.14 & W1.15 at ground floor.

DATE 15/12/2023

PROJECT NO. 2208

SCALE 1:200, 1:1 @ A3

DRAWN BY --

CHECKED BY --

DRAWING TITLE

GFA CALCULATION

DRAWING NO.

DA 87

REVISION

C

12 RAWSON ROAD
ROSE BAY NSW 2029


WOOLLAHRA DCP 2015 - Zone R2
WOOLLAHRA LEP 2014

SITE CALCULATIONS


SITE AREA : 737.72m²
TOTAL DEEP SOIL LANDSCAPED AREA : 213.07m²
(required min 50% of site area excluding buildable area = 190.16m²)

DEEP SOIL LANDSCAPE CALCULATION


	Available site area	Proposed deep soil area	DCP requirement
Within front setback:	78.92m ²	69.92m ² [88.6%]	40%
Within northern side passage:	45.59m ²	18.72m ²	
Within rear setback:	213.44m ²	107.27m ² [50.3%]	50%
Within southern side passage :	42.30m ²	17.16m ²	
Total:	380.31m ²	213.07m ² [56.03%]	50%




Olea europea




Tristaniopsis laurina 'Luscious'




Howea forsteriana




Myporum parvifolium




Alocasia brisbanensis



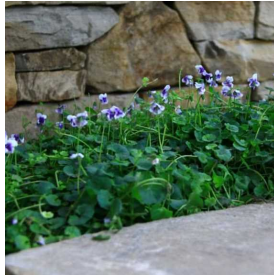
Casuarina glauca Prostrate




Lomandra longifolia 'tanika'




Blechnum 'Silver Lady'




Viola hederacea



Dichondra repens



Correa alba



Westringia fruticosa 'Jervis Gem'

LANDSCAPE SPECIFICATION/NOTES

GENERAL

The landscape plans should be read In conjunction with all architectural plans, hydraulic plans, service plans and survey prepared for the proposed development. It is the responsibility of the Client/Project Manager (If applicable) to check all drawings across all disciplines.

GOVERNANCE AND REGULATORS

All Contractors (and their work) must comply strictly to all Australian Standards*, Building Codes, Environmental Protection policies, Workplace Health and Safety guidelines, Local Council/Governance regulations and Heritage Council requirements. All relevant permits and approvals are to be obtained by Contractor prior to undertaking any works. All structural work is to be detailed by a Structural Engineer prior to commencement of works. All swimming pool, electrical, plumbing, gas, etc. works to be carried out by certified Tradespeople.

SITE SET-OUT AND PREPARATION

Contractor to undertake a full site set-out and verify all dimensions prior to undertaking any works. Ensure any required temporary fences are in place (i.e. Site fence, Temporary Pool Fencing, Tree Protection Zone fencing, Temporary Balustrades etc.)Any discrepancies on plan or on site must be made known to The Garden Social **immediately** for rectification. Site set-out of the landscape areas is to be approved by The Garden Social.

GRAPHIC ILLUSTRATION

Please note that the plant graphics are indicative sizes only and not an accurate representation of the plant size at time of purchase

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.

RETAINING WALLS

Retaining walls, where possible, must have the top of their footings placed minimum 500mm below finished soil level for shrub beds and minimum 700mm below finished soil level for tree planting to allow for soil profile on top. All retaining walls not exempt from planning regulations and BCA to be specified by Engineer and approved by Local Council.

GENERAL EDGING

Install 75 x 6mm thick mild steel edging to garden beds as indicated on landscape plan. Hammer and secure 12mm mild steel rods (min. 300mm deep) into ground beside edging. Spot weld to edge on site. Spot weld corners of edging on site as required. Top of steel edging is to be set flush with lawn level. Edging will need 2mm expansion joint every 12m, pegged either side. Adjacent gravel or mulch to finish 15mm below top of steel edge.

SOIL WORKS

1. Remove all weeds. Remove all existing vegetation, unless otherwise noted on plan or discussed specifically with Client or The Garden Social. All Contractors on site **must** be aware of the existing trees to be retained and tree protection protocol.

2. All garden beds are to be fully drained to a minimum depth of 500mm, deeper where trees are to be planted. In large garden beds agricultural drainage pipes are to be laid at 3m spacings. If no fall to SWS is available, a pit and pump is to be fitted, to relevant regulations as designed by external consultant.

3. Thoroughly cultivate the subsoil to a depth of 200mm. During loosening any rocks, builder's waste, large woody roots and otherwise contaminated soil should be removed. Soil levels should be allowed to settle and topped up later if necessary.

4. Supply and install premium quality topsoil (equal to ANL "Premium Garden Mix") to a depth of 300mm too all garden beds. Prior to planting soil to be rotary hoed and free from compaction.

IRRIGATION

Suitably qualified irrigation specialist to supply and install fully automatic (preferably Wi-Fi enabled) irrigation system to all garden beds, planters and lawn areas in the form of sub-surface dripper lines and pop up sprinklers to lawn. Irrigation is to be fully operational prior to laying of turf or planting trees and shrubs. Ensure no water sprays onto buildings or adjacent hard surfaces. Trees to have surface dripper line hose (Netafim "Techline AS" or similar) in multiple coils around root ball, as well as subsurface spike drippers. Backflow prevention required. 12 month warranty shall be provided for all parts and labour.

PLANTING

It is the responsibility of the Contractor to inspect all plants delivered to site. Any faults/ concerns should be **immediately** reported to The Garden Social prior to off-loading the plants from the delivery truck. Plant setout to be in accordance with planting plan and set out inspected and approved by The Garden Social prior to planting.
- Irrigation system is to be fully operational prior to planting.
- All plant tags, containers & other rubbish to be disposed of following planting.
- Plants must be watered immediately at time of delivery, before and after planting. It is the responsibility of the contractor to ensure plants are adequately hand watered during the establishment period.
- If stock is held on site it must be hand watered daily until time of planting.
- Plants to be placed so that the top of the rootball is at same level as finished soil level. Soil or mulch should not cover the plants stem this is to avoid crown rot.
- Planting hole to be twice the width and 1.5 times the height of the pot.
- All trees listed as trees in plant schedule must be staked with 3 x 38 x 38 x 1800mm high hardwood stakes tied with 50mm jute mesh webbing stapled to stakes.

GENERAL LAWN PREPARATION & INSTALLATION

All Lawn areas are to be fully drained to a minimum depth of 200-300mm.
In large lawns agricultural drainage pipes are to be laid every 3m. If no fall to SWS is available, a pit and pump is to be fitted soil to be treated post building work to remedy compaction, prior to placement of imported topsoil. Loosen the soil by cultivation to a minimum depth of 200mm. During loosening any rocks, builder's waste, large woody roots and otherwise contaminated soil should be removed. Soil levels should be allowed to settle and topped up later if necessary. All lawn areas to have turf underlay top soil mix (80/20 sand/soil mix) to a depth of 100mm.

MULCH

Supply and install a 75mm layer of fine composted mulch (equal to ANL "Forest Fines") to all garden beds and water deeply after planting. Finished mulch level to mulch to be 15mm below adjacent finished paving or garden edge. Mulch to be free from any soil, rubbish, weeds or debris.

MAINTENANCE

The landscape is to be maintained by the Landscape Contractor for a period of 12 months from the date of practical completion following which the responsibility is then passed over to permanent gardener/client. Maintenance works to include, but not limited to the following: mowing and maintenance of lawns, weeding, removal of any dead foliage, re-mulching as required, clipping of plants, fertilising plants, replacement of any dead/dying plant material, check integrity of waterproofing, testing and adjustment of irrigation system (ensuring every plant receives adequate water).

INDICATIVE PLANT SCHEDULE

ID	Qty	Botanical Name	Common Name	Scheduled Size	Mature Height	Native
Trees						
Can	1	Cupaniopsis anacardioides	Tuckeroo	100ltr	4 - 6m	Native
Cfp	1	Cercis canadensis 'Forest Pansy'	Judas Tree	100ltr	5 - 10m	
Ma	1	Michelia alba	White Champaca	75ltr	6 -10m	
MLl	3	Tristaniopsis laurina 'Luscious'	Water Gum	75ltr	7 - 12m	Native
Oe	1	Olea europaea	European Olive	100ltr	6 - 10m	
Pa	1	Plumeria acutifolia	Frangipani	100ltr	3 - 5m	
Syr	49	Syzygium australe 'Resilience'	Lillypilly	400mm	3 - 5m	Native
Palms						
Hf	3	Howea forsteriana	Kentia Palm	ex. ground	5 - 12m	Native
Shrubs/Accents						
Ca	17	Correa alba	White Correa	200mm	1.2 - 2.5m	Native
Rop	6	Raphiolepis indica 'Oriental Pearl'	Indian Hawthorn	200mm	0.8 - 1m	
Wfg	8	Westringia 'Jervis Gem'	Dwarf Coastal Rosemary	300 mm	1 - 1.2m	Native
Ab	9	Alocasia brisbanensis	Curjevoui	300mm	1.5 - 2m	Native
Cp	5	Crinum pedunculatum	Swamp Lily	200mm	2 - 3m	Native
Grasses						
Btg	22	Bambusa textilis var. gracilis	Slender Weaver bamboo	300mm	6 - 8m	
Lit-1	62	Lomandra 'Tanika'	Spiny-headed mat rush	140mm	0.45 - 0.6m	Native
Lny	13	Lomandra 'Nyalla'	Spiny-headed mat rush	140mm	0.45 - 0.6m	Native
Msa	18	Miscanthus sinensis 'Adagio'	Dwarf Maiden Grass	200mm	0.9 - 1.2m	
Groundcovers						
Dr	20	Dichondra repens	Kidney Weed	100mm	0.0 - 0.3m	Native
Mp	7	Myporum parvifolium	Creeping Boobialla	140mm	0.45 - 0.6m	Native
Ro	14	Rosmarinus officinalis 'Prostratus	Rosemary	200mm	0.2 - 0.4m	
Spf	14	Scaevola 'Purple Fanfare'	Purple Fan Flower	140mm	0.2 - 0.4m	Native
Vh	75	Viola hederacea	Native Violet	140mm	0.0 - 0.3m	Native
Succulents						
Aw	8	Agave weberi	Agave weberi	200mm	0.6 - 0.8m	
Nn	3	Nolina nelsonii	Blue beargrass Tree	400mm	1 - 3m	
Climbers						
TJ	11	Trachelospermum jasminoides	Chinese Star Jasmine	200mm	0.3 - 0.4m	
Ferns						
Bsl	3	Blechnum gibbum 'Silver Lady'	Silver Lady Fern	200mm	0.75 - 0.9m	Native
Total:	375					

Note: 289/375 (77%) of specified plants are Australian native species

THE GARDEN SOCIAL

Landscape Architecture + Design
hello@thegardensocial.com.au
thegardensocial.com
0422 629 366

NOTES
THIS DRAWING IS FOR DESIGN GUIDANCE ONLY AND NOT FOR CONSTRUCTION. FINAL DETAILS MUST MEET SITE CONDITIONS, RELEVANT AUTHORITIES AND APPLICABLE BUILDING STANDARDS. VERIFY ALL DIMENSIONS ON SITE WITH DETAILED SITE SURVEY PRIOR TO OFF SITE FABRICATIONS.
ALL WORK MUST BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, ALL LOCAL AND STATE GOVERNMENT ORDINANCES AND ALL OTHER RELEVANT AUSTRALIAN STANDARDS AND REGULATIONS.
PLEASE NOTIFY THE GARDEN SOCIAL IMMEDIATELY OF ANY DISCREPENCIES.

PROJECT
WEI-SUN RESIDENCE
12 Rawson Rd
Rose Bay NSW 2029

DRAWN
CL

SCALE
[A2]

DATE
19.12.2023

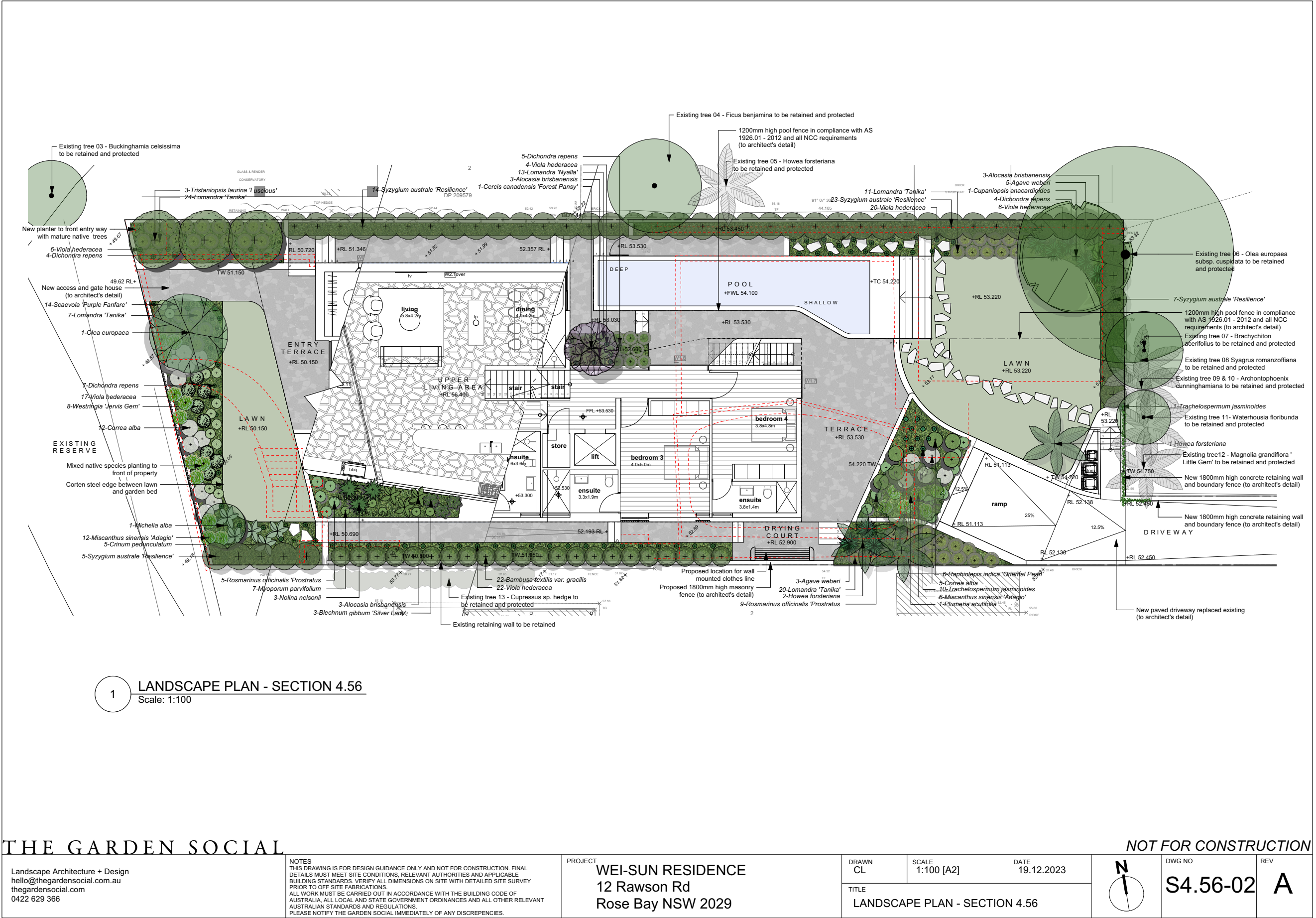
TITLE
LANDSCAPE NOTES & SCHEDULE

DWG NO
S4.56-01

REV
A

Attachment 2 Landscape Plans

Page 454





Woollahra
Municipal
Council

19 February 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 501/2022/2

ADDRESS: 12 Rawson Road ROSE BAY 2029

PROPOSAL: Internal and external modifications to the approved new dwelling house.

FROM: David Prieto - Tree Management & Landscape Officer

TO: V Truong

1. ISSUES

- Condition of Consent C.1 (a) *Modification of Details of the Development (section 4.17(1)(g) of the Act)* - *Amendments to the Landscape Plan* still applies.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by Mersonn Pty Ltd, dated December 2023 .
- Architectural Drawing No.'s S4.56-01 & S.4DA00-88 Rev.E, drawn by MCK Architecture + Interiors, dated 15/12/2023
- Landscape Plan No.'s S4.56-01 & S4.56-02 Rev.A, designed by The Garden Social, dated 19/12/2023

A site inspection was carried out on 16 December 2022.

3. RELEVANT CONTROLS

- Woollahra Local Environment Plan 2014
- Woollahra Development Control Plan 2015
- Woollahra Street Tree Master Plan 2014 – Part 1, Part 2 (Precinct Plans), Part 3 (appendices)
- Significant Tree Register 1991 Volume 1 Significant Trees Under Private Ownership, Volume 2 Significant Trees Under Private Ownership, Volume 3 Significant Trees, Volume 4 Significant Trees in Public Parks
- The comments and recommendations within this Referral Response have taken into consideration the guidelines established within Australian Standard AS 4373 – Pruning of amenity trees and Australian Standard AS 4970 – Protection of trees on development sites

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- Apartment Design Guide – Tools for improving the design of residential apartment development, Part 4, 4P – Planting on Structures, written by NSW Department of Planning, Industry and Environment, dated July 2015

4. SUMMARY

The proposal remains the same with relation to Arboriculture and Landscape issues.

Previously approved Conditions of Consent are still valid.

The only change required are to make reference to the new Landscape Plan on the following Conditions of Consent approved for DA2022/501/1:

- A.3 – Reference to new landscape plan
- E.27 – Reference to new landscape plan
- E.27 – There was a typo on the number of proposed trees on the previous Consent

Canopy Cover

Canopy Control C.1 of B.3.7.1 *Landscaped area and private* open space of the DCP applies to the site.

Eight (8) replacement trees have been included on the Landscape Plan.

The proposal complies with the control considering both the canopy provided by retained trees and proposed replacement.

A. GENERAL CONDITIONS

A.3	Approved Plans and Supporting Documents													
	Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp "Approved" and supporting documents listed below unless modified by any following condition.													
	Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.													
	<table><tr><th>Reference</th><th>Description</th><th>Author</th><th>Date</th></tr><tr><td>Nos. DA00-04 Rev. A.</td><td>Landscape Plan</td><td>The Garden Social</td><td>11/11/2022</td></tr><tr><td>Nos. S4.56-01 & S4.56-02</td><td>Landscape Plan</td><td>The Garden Social</td><td>19/12/2023</td></tr></table>	Reference	Description	Author	Date	Nos. DA00-04 Rev. A.	Landscape Plan	The Garden Social	11/11/2022	Nos. S4.56-01 & S4.56-02	Landscape Plan	The Garden Social	19/12/2023	
Reference	Description	Author	Date											
Nos. DA00-04 Rev. A.	Landscape Plan	The Garden Social	11/11/2022											
Nos. S4.56-01 & S4.56-02	Landscape Plan	The Garden Social	19/12/2023											

Notes:

- Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans.
- These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development.



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	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
	Standard Condition A.2 (Autotext 2A)

B. BEFORE DEMOLITION WORK COMMENCES

Nil.

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Nil.

E. BEFORE BUILDING WORK COMMENCES

Nil.

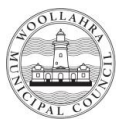
F. DURING BUILDING WORK

Species/Type	Planting/Location	Minimum Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
1 x <i>Cupaniopsis anacardioides</i> (Tuckeroo)	Rear as per amended Landscape Plan	100L	5 x 4
1 x <i>Cercis canadensis</i> 'Forest Pansy' Judas Tree	As per Landscape Plan DA-01 Rev.A No.'s S4.56-01 & S4.56-02 Rev.A, designed by The Garden Social, dated 19/12/2023	75L	5 x 4
1 x <i>Michelia alba</i> (White Champaca)		100L	5 x 3
4 x 3 x <i>Tristanopsis laurina</i> 'Luscious' (Water Gum)		75L	7 x 5
1 x <i>Olea europaea</i> (European Olive)		100L	5 x 5

The project arborist shall document compliance with the above condition.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Nil.



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H. OCCUPATION AND ONGOING USE

Nil.

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE (subdivision works)

Nil.

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE (no subdivision works)

Nil.

M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

David Prieto
Tree Management and Landscape Officer

19/02/2024
Completion Date