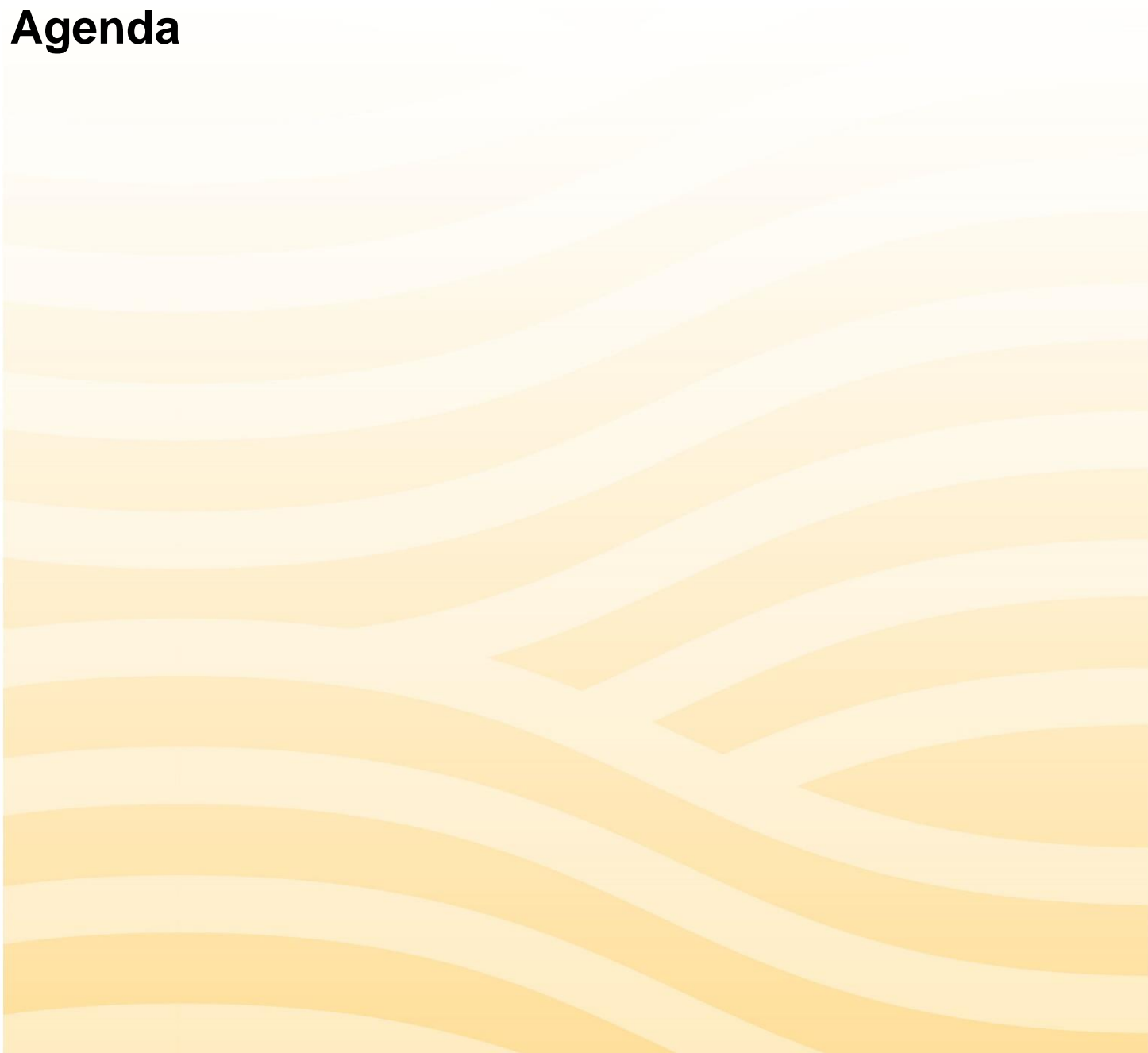




# Application Assessment Panel

Tuesday 9 July 2024  
3.00pm

## Agenda



## Application Assessment Panel (AAP) Meetings:

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

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

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

- **To watch the meeting live listen to the meeting live at 3.00pm**  
Visit Council's website at 3.00pm and watch live via the following link:  
<https://www.youtube.com/@woollahracouncil5355/streams>
- **To request to address the Panel (pre-register by 12noon the day before the meeting)**  
Pre-register to listen to the meeting live or request to address the Panel by 12noon the day before the meeting by using the relevant registration form on Council's website - [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)
- **To submit late correspondence (submit by 12noon the day before the meeting)**  
Members of the public may submit late correspondence on an agenda item being considered at a Panel Meeting. If you wish to make a written submission on an Item on the Agenda, please email your submission to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) by 12noon on the day before the meeting.

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

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

## Outline of Meeting Protocol & Procedure:

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

## Disclaimer:

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

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

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

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

**Application Assessment Panel Membership:** 1 Chair and 2 Panel Members

**Quorum:** 3 Panel members

# Woollahra Municipal Council

## Notice of Meeting

1 July 2024

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

CC: The Mayor  
All Councillors

### Application Assessment Panel – 9 July 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Application Assessment Panel** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Tuesday 9 July 2024 at 3.00pm**.

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

- Register to address the meeting (via Zoom) by completing the relevant form available on Council's website:  
<https://www.woollahra.nsw.gov.au/files/assets/public/v/3/forms/registration-form-to-address-planning-panels.pdf> and email the completed form to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) **by 12 noon day before the meeting**.
- Submit late correspondence for consideration by the Panel by emailing [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au) **by 12 noon day before the meeting**.

Information on how to listen and/or address the Panel will be available on Council's website [https://www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/planning\\_panels/aap](https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/aap).

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

Regards,

Craig Swift-McNair  
General Manager





# Application Assessment Panel

## Agenda

| Item   | Subject  | Page |
|--|--|------|
| 1.   | Opening  |      |
| 2.   | Acknowledgement of Country (Gadigal People and Birrabirragal People)     |      |
| 3.   | Leave of Absence and Apologies   |      |
| 4.   | Declarations of Interest   |      |
| <b>Items to be Decided by this Committee using its Delegated Authority</b> |  |      |
| D1   | Confirmation of Minutes of Meeting held on 25 June 2024 - 24/114122..... | 7    |
| D2   | DA393/2023/1 - 18 Burrabirra Avenue Vacluse - 24/112784.....             | 9    |
|  | <b>*See Recommendation Page 34</b>                                       |      |



**Item No:** D1 Delegated to Committee  
**Subject:** **CONFIRMATION OF MINUTES OF MEETING HELD ON 25 JUNE 2024**  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 24/114122  
**Purpose of the Report:** The Minutes of the Application Assessment Panel of 25 June 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.  
**Alignment to Delivery Program:** Strategy 11.3: Ensure effective and efficient governance and risk management.

**Recommendation:**

THAT the Minutes of the Application Assessment Panel Meeting of 25 June 2024 be taken as read and confirmed.

---

**Executive Summary:**

This report presents the Application Assessment Panel Minutes of 25 June 2024 for confirmation.

**Discussion:**

The Application Assessment Panel Minutes are presented as a procedural matter. Any matter arising from the Minutes can be discussed.

**Options:**

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

**Community Engagement and / or Internal Consultation:**

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

**Policy Implications:**

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

**Financial Implications:**

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

**Resourcing Implications:**

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

**Conclusion:**

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

**Attachments**

Nil



## DEVELOPMENT APPLICATION ASSESSMENT REPORT

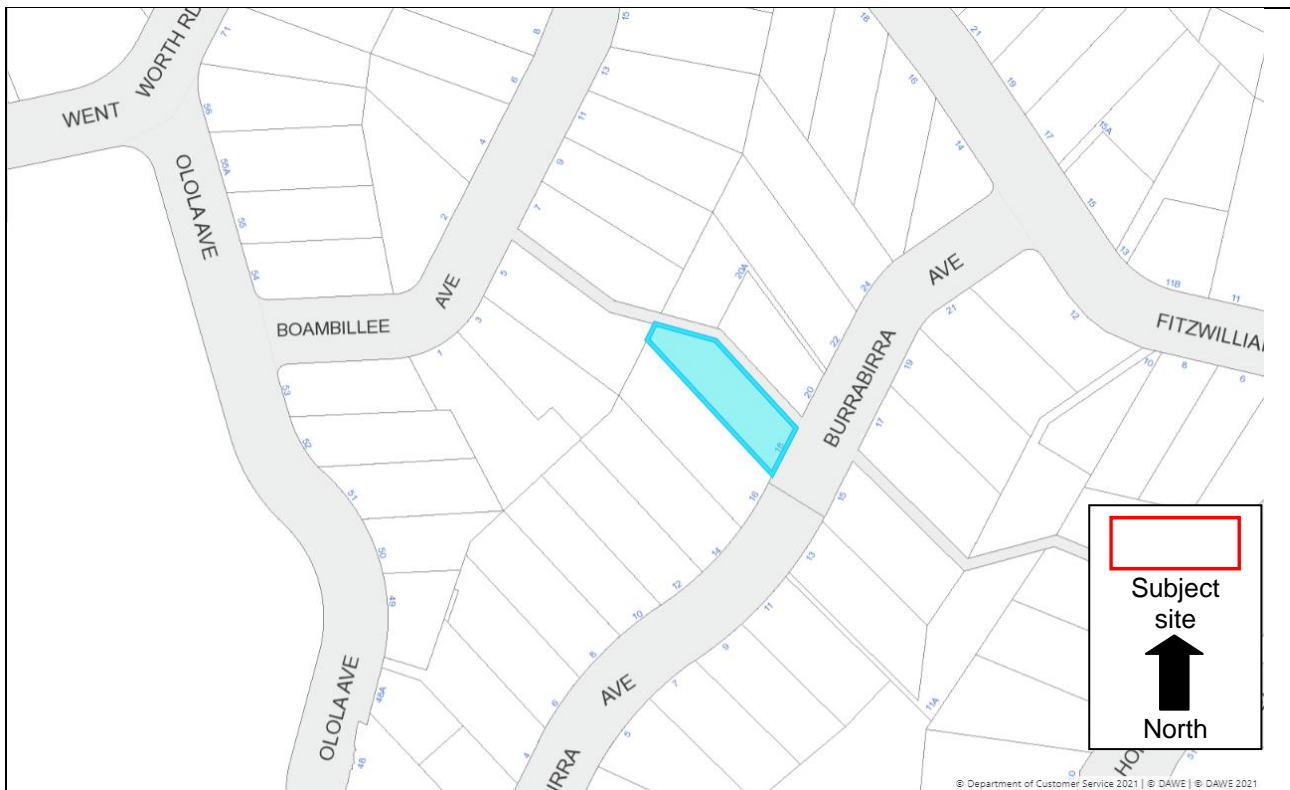
|                        |   |
|------------------------|---|
| <b>ITEM No.</b>        | D2  |
| <b>FILE No.</b>        | DA393/2023/1  |
| <b>ADDRESS</b>         | 18 Burrabirra Avenue VAUCLUSE   |
| <b>SITE AREA</b>       | 775.8m <sup>2</sup>   |
| <b>ZONING</b>          | R2 Low Density Residential  |
| <b>PROPOSAL</b>        | Demolition of the existing house and garage and construction of a new dwelling house and garage; alterations to pool and landscaping works. |
| <b>TYPE OF CONSENT</b> | Local development   |
| <b>COST OF WORKS</b>   | \$5,251,373.00  |
| <b>DATE LODGED</b>     | 23/10/2023  |
| <b>APPLICANT</b>       | T P Kessler   |
| <b>OWNER</b>           | T P Kessler   |
| <b>AUTHOR</b>          | Mr M D'Alessio  |
| <b>TEAM LEADER</b>     | Mr M Moratelli  |
| <b>SUBMISSIONS</b>     | Nil   |
| <b>RECOMMENDATION</b>  | Approval  |

### 1. REASONS FOR RECOMMENDATION

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

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

## 2. LOCALITY PLAN



## 3. LEVEL OF DELEGATION

The application is to be determined by the Application Assessment Panel as:

- The estimated cost of works is between \$5M and \$30M

## 4. PROPOSAL

### Lower ground floor level

- The lower ground floor level is at RL 30.10 AHD and is accessible from the Ground Floor Level via an internal lift and stairs.
- The lower ground floor level contains a guest bedroom, a bathroom, a yoga room, storage, plant room, rainwater tank. The guest and yoga rooms provide access to the rear terrace, pool, and garden.

### Ground floor level

- The ground floor level is at RL 33.20 AHD and includes the entrance, laundry, WC, study, open plan living, dining and kitchen area next to a rear balcony.
- A front garage provides provision for parking for two vehicles.

### First floor level

- The first floor level is at RL 36.40 AHD and has four bedrooms with two being ensuites, a bathroom, a hallway and a small rear terrace accessible from Bedroom 1.

## 5. ISSUES

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

None.

### 5.2 Primary Issues

### 5.3 Summary of Submissions

| Issue  | Conclusion  | Section               |
|--|---|-----------------------|
| Enquiry seeking extension of time to allow for the possible submission of an objection | <p>The submission seeking extension of time to allow for a possible preparation of an objection neither disclosed the property the correspondence represented nor identified any potential issues associated with the proposal.</p> <p>The submission dated 21 May 2024 proposed to submit a principal objection prior to 11 June 2024 and advised that summary of issues would be submitted prior to 4 June 2024.</p> <p>No subsequent summary of issues or formal objection has been received following this initial enquiry.</p> <p>The submission has been fully considered as part of this assessment.</p> | Throughout the report |

## PROPERTY DETAILS AND REFERRALS

## 6. SITE AND LOCALITY

|   |
|---|
| <b>Physical features</b>  |
| The site is an irregular parcel of land, with a northern boundary of 56.655 metres, an eastern boundary of 16.295 metres, a southern boundary of 57.45 metres and a western boundary of 5.4 metres, providing a total site area of 775.8m <sup>2</sup>  |
| <b>Topography</b>   |
| The site is relatively steep, with a fall of 13.74 metres (RL 34.45 to 20.71 AHD) from east to west.  |
| <b>Existing buildings and structures</b>  |
| The site is occupied by a three storey rendered house with pitched tile roof, a garage at the front, and a garden and swimming pool at the rear.  |
| <b>Surrounding Environment</b>  |
| <p>The subject site is located in the Vaucluse West Residential Precinct. The Section B1.10.1 of the Woollahra DCP includes the following precinct character statement relevant to this proposal as follows:</p> <ul style="list-style-type: none"> <li><i>The Vaucluse West precinct is sited along the foothills of the harbour foreshore between Rose Bay and Watsons Bay. The precinct is one of outstanding natural beauty and includes foreshore waterfront reserves and waterfront parks, including Nielson Park and Parsley Bay, as well as two large park-like estates: Strickland House and Vaucluse House. The precinct also contains the heritage listed Kincoppal School.</i></li> <li><i>It is a low density residential precinct characterised by large dwelling houses. Though the architectural styles and forms vary, these dwelling houses are generally located within a garden setting and have common street setbacks and side setbacks that allow for views between buildings. Recent development has tended to take the form of three storey dwelling houses with flat roof designs.</i></li> <li><i>The landform, street trees, domestic gardens and substantial foreshore parklands create a dominant visual impression of a well treed landscape. The location adjacent to the harbour also provides for water and parkland views from the streets.</i></li> </ul> |



## 7. RELEVANT PROPERTY HISTORY

|  |
|--|
| <b>Current use</b>   |
| Residential  |
| <b>Relevant Application History</b>  |
| <p><u>20 Burrabirra Avenue, Vaucluse</u></p> <ul style="list-style-type: none"> <li>DA320/2019/1 Dwelling House: Alterations and additions to a dwelling house and pool, landscaping, and siteworks, approved 12/05/2020.</li> <li>DA275/2015/1 Dwelling House: Demolition of existing dwelling, construction of a new dwelling with a basement garage, a new swimming pool, and new landscaping, approved 05/12/2016.</li> </ul> <p><u>16 Burrabirra Avenue, Vaucluse</u></p> <ul style="list-style-type: none"> <li>DA463/2020/2 Section 4.55 Extension of the approved basement level, approved 24/08/2021</li> <li>DA463/2020/1 Dwelling House Internal and external alterations and additions to the existing dwelling house including extension of upper and lower levels, approved 06/02/2021.</li> </ul> <p><b>Requests for Additional Information and Replacement Applications</b></p> <ul style="list-style-type: none"> <li>08/11/2023 - Stop the clock request (RFI) for 1. Vehicular Access and Parking Arrangement, 2. Arboricultural Impact Assessment and Tree Protection Plan, 3. Aboriginal Heritage Impact Assessment, 4. Existing floor plans and 5. Demolition report.</li> <li>13/11/2023 – Demolition report submitted</li> <li>20/11/2023 – Vehicular Access and Parking Arrangement and existing floor plans submitted</li> <li>12/12/2023 – The applicant submitted: <ul style="list-style-type: none"> <li>Aboriginal Heritage Impact Assessment</li> <li>Overland flood study report</li> <li>Arboricultural Impact Assessment and Tree Protection Plan</li> </ul> </li> </ul> |



## 8. REFERRALS

| Referral              | Summary of Referral Response  | Attachment |
|-----------------------|---|------------|
| Trees and Landscaping | Satisfactory, subject to recommended conditions.  | 2          |
| Heritage              | Satisfactory, subject to recommended conditions.  | 3          |
| Drainage Engineer     | Satisfactory, subject to recommended conditions.  | 4          |
| Development Engineer  | Satisfactory, subject to recommended conditions provided as part of the preliminary assessment. | N/A        |

## 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 15 November 2023 to 30 November 2023 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019.

No submissions by way of objection was received.

One (1) submission/enquiry seeking extension of time to allow for the possible submission of an objection was received from:

1. Ruth O'Neill Council Liason Officer from of iobject (subsidiary of Formatus Group Pty Ltd)

The submission has been summarised in Section 5.3 of this report and considered throughout the report.

### 9.2 Statutory Declaration

The applicant has completed the statutory declaration dated 14 June 2024 declaring that the site notice for DA393/2023/1 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 (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 (SUSTAINABLE BUILDINGS) 2022**

This policy generally applies to all residential developments (excluding alterations and additions less than \$50,000) and all non-residential developments, except those excluded in Chapter 3.1 of the policy.

### **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.

## **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 a new dwelling house and is permissible and consistent with the objectives of the R2 Low Density Residential zone.

#### 13.3 Clause 4.3: Height of Buildings

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

|                         | Proposed                             | Control | Complies |
|-------------------------|--------------------------------------|---------|----------|
| Maximum Building Height | 9.45m<br>RL 40.55 AHD – RL 31.10 AHD | 9.5m    | Yes      |

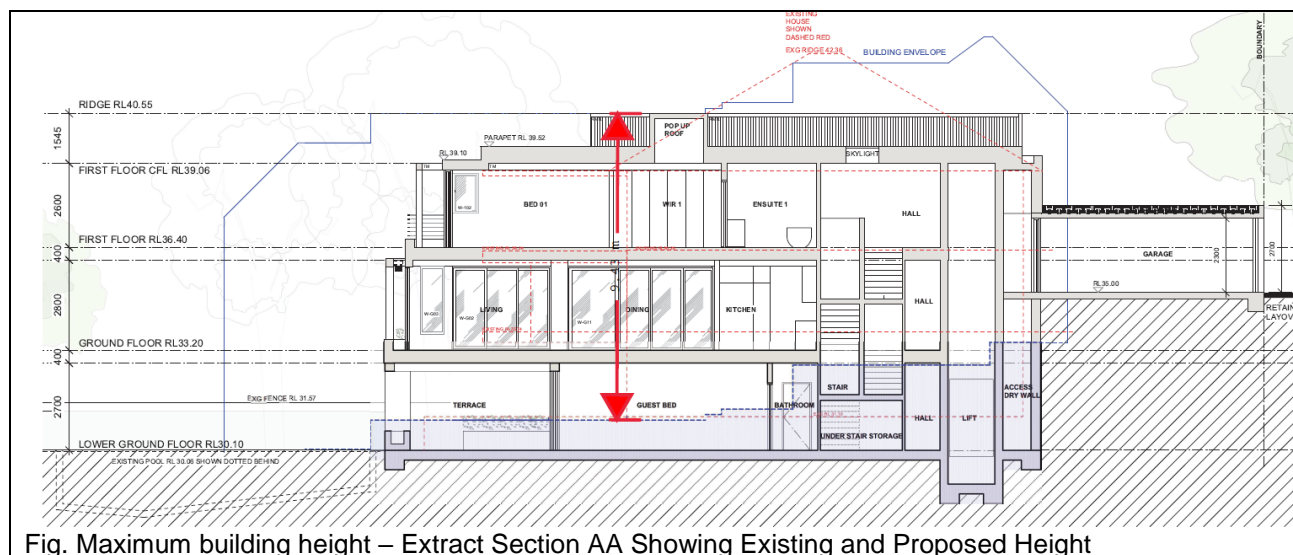


Fig. Maximum building height – Extract Section AA Showing Existing and Proposed Height

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

#### 13.4 Clause 4.4E (2): Exceptions to floor space ratio—dwelling houses, dual occupancies and semi-detached dwellings in Zones R2 and R3

Clause 4.4E (3) limits development to a maximum floor space ratio of 0.5: 1 for dwelling houses, dual occupancies and semi-detached dwellings in the R2 and R3 zones.

| Site Area: 775.8m <sup>2</sup> | Proposed                   | Control                      | Complies |
|--------------------------------|----------------------------|------------------------------|----------|
| Floor Space Ratio              | 0.5:1<br>387m <sup>2</sup> | 0.5:1<br>387.9m <sup>2</sup> | Yes      |

The proposal complies with the maximum floor space ratio prescribed by Clause 4.4(2) of Woollahra LEP 2014. It is also acceptable with regard to the relevant objectives under Clause 4.4(1) of Woollahra LEP 2014.

### 13.5 Clause 5.10: Heritage Conservation

Clause 5.10(2) and 5.10(4) require Council to consider the effect of works proposed to a heritage item, Aboriginal object, 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.

#### 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 |
|----------|---------------------|---------------------|---------------------------|--------------|---------|
| Vaucluse | Street name inlays  | Various             |                           | Local        | 677     |
| Vaucluse | House and interiors | House and interiors | Lot 8, Section 6, DP 9245 | Local        | 1338    |
| Vaucluse | Sydney Pink Gum     | Sydney Pink Gum     | Lot, DP 228103            | Local        | 1340    |

The subject site is not a heritage item in Woollahra Local Environment Plan 2014 'the LEP' and is not within a heritage conservation area. As advised by Council's Heritage Officer, the proposal would not result in an adverse impact to listed heritage items in close proximity.

#### Demolition of the site's dwelling house

Council's Heritage Officer supports demolition of the sites dwelling house as follows:

- *The HIS concludes that the "house would not meet any of the NSW Heritage Manual criteria for identification as a place of local significance and is a poor example of the type."*
- *This assessment is concurred with and the proposed demolition is supported, subject to archival recording and salvage conditions*

Refer to **Condition A.7 and B.3**

#### Aboriginal Object or Place

The subject site is identified as potentially Aboriginal Heritage Sensitive land.

Conditions of consent to cover Archaeological Features – Unexpected Findings, Skeletal Remains, Aboriginal Objects – Unexpected Findings, Aboriginal Heritage Due Diligence Responsibilities and Aboriginal Heritage Induction are included in the recommended conditions of consent as advised by Council's Heritage Officer as part of the initial assessment of the application.

Refer to **Conditions B.7 – B.11**

Accordingly the proposal is acceptable with regard to the objectives in Clause 5.10 of the Woollahra LEP 2014.

### 13.6 Clause 5.21: Flood Planning

The objectives of Clause 5.21 are:

- to minimise the flood risk to life and property associated with the use of land,*
- to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*

- 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.*

Council's Drainage Engineer has advised that the development proposal is satisfactory subject to imposition of flood specific conditions of consent. Refer to **Condition D.17**

As recommended to be determined the proposal is considered to be satisfactory with regard to the provisions of Clause 5.21 of Woollahra LEP 2014.

### **13.7 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 of Woollahra LEP 2014.

### **13.8 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 proposed excavation works have been reviewed and considered by Council's technical experts as follows:

- Subject to conditions, Council's Development Engineer advised that excavation are acceptable subject to conditions of consent.
- Subject to conditions, Council's Heritage Officer raised no objection on the basis of any archaeological considerations.
- Subject to conditions, Council's Trees Officer has raised no objection on the basis of detrimental impacts to existing significant trees or vegetation.

In terms of the extent and siting of excavation and ESD principles, the extent of soil being removed from the site is considered to be acceptable.

It is considered that potential adverse environmental impacts related to the proposed excavation works as revised will be minimised as much as is practicably possible subject to the imposition of conditions of development consent.

The proposal as is acceptable with regard to the relevant objectives in Clause 6.2 of the Woollahra LEP 2014.

### **13.9 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.

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. Chapter B1.10 Vaucluse West Precinct

The proposal meets the streetscape character and key elements of the precinct a), b), c), d) and e) and desired future character objectives O1, O2, O3, O4, O5, O6, & and O8 of the Vaucluse West Precinct, as noted in Part B1.10.2 of the Woollahra DCP 2015.

#### 14.1.2. Part B3.2: Building Envelope

| Site Area: 775.8m <sup>2</sup>  | Proposed   | Control        | Complies               |
|---|--|----------------|------------------------|
| C3 B3.3.2 - Front Setback   | 3.85m  | 3.85m          | Yes                    |
| C2 B3.2.2 – Maximum Unarticulated Length to Street  | <6m  | 6.0m           | Yes                    |
| C1 B3.2.4 Side Boundary Setback<br>North east elevation <ul style="list-style-type: none"> <li>Lower ground floor</li> <li>Ground floor</li> <li>First floor</li> </ul>   | 2.7m<br>1.9m – 2.7m<br>2.7m                                  | 1.9m           | Yes<br>Yes<br>Yes      |
| C1 B3.2.4 Side Boundary Setback<br>South west elevation <ul style="list-style-type: none"> <li>Lower ground floor</li> <li>Ground floor</li> <li>First floor</li> </ul>   | 1.3m<br>1.3m – 1.9m<br>1.9m – 2.3m                           | 1.9m           | No<br>No<br>Yes        |
| C3 B3.2.3 maximum unarticulated wall length side setbacks <ul style="list-style-type: none"> <li>North east elevation</li> <li>South west elevation</li> </ul>  | <12m<br><12m   | ≤12m           | Yes<br>Yes             |
| C1 B3.2.4 - Rear Setback  | 30m  | 14.26m         | Yes                    |
| C1 B3.2.5 - Maximum Wall Height and 45 degree incline plane <ul style="list-style-type: none"> <li>Front elevation</li> <li>Side - North east elevation</li> <li>Side - South west elevation</li> <li>Rear elevation</li> </ul> | <7.2m & <45°<br><7.2m & >45°<br><7.2m & >45°<br><7.2m & >45° | ≤ 7.2m & ≤ 45° | Yes<br>No<br>No<br>Yes |

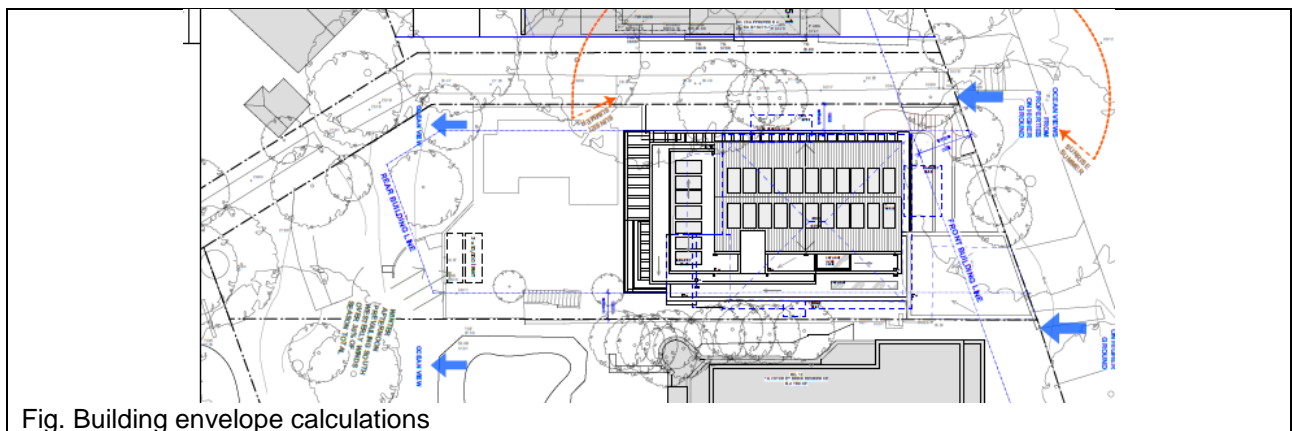


Fig. Building envelope calculations

The building envelope is a three dimensional space within which a building is to be located. The building envelope control is established by applying the following controls:

- front, side and rear setbacks

- maximum wall height of 7.2m
- inclined plane of 45 degrees taken from the maximum wall height
- maximum building height set by WLEP 2014

### Section B3.2.2 Front Setback

Front setbacks establish the position of buildings in relation to the street boundary. They create the spatial proportions of the street and can contribute to the streetscape character by providing consistency.

The proposal details the front building alignment of the dwelling perpendicular to the side boundaries, this is consistent with the surrounding development pattern of front setback alignments.

As detailed in the building envelope compliance table the proposal accords with the relevant front setback and maximum unarticulated width objectives and controls.

### Section B3.2.3: Side Setbacks

- 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.*



Fig. Existing ground floor level north east elevation side setback

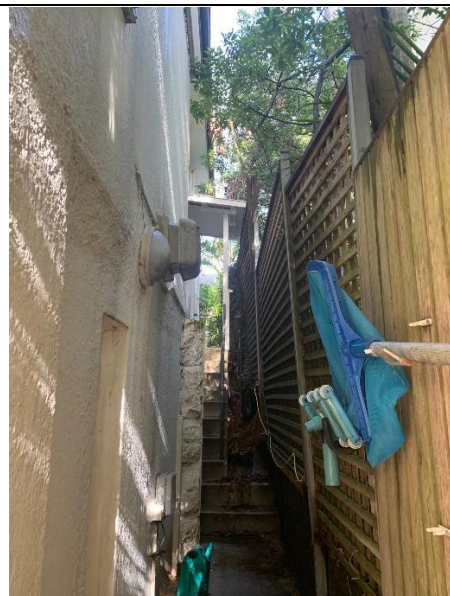


Fig. Existing lower ground and ground floor level south west elevation side setback

The side setback under C1 is the horizontal distance between the side property boundary and the building envelope, measured at 90° from the boundary at the front setback. With a lot width of 16.3m at the front setback, C1 requires a minimum side setback of 1.9m.

As detailed in the building envelope assessment table above:

- The proposed south elevation side setbacks to the lower ground floor and ground floor levels are non-compliant with the 1.9m side setback control under C1.

The assessment is satisfied that numerical non-compliance with C1 and C2 does not hinder achievement with the underlying objectives O1, O2, O3, O4, O5, O6 and O7 of Part B3.2.3, including:

- O1 - The existing side setbacks to the lower ground and ground floor level that give rise to the non-compliance are to be maintained. The setbacks are a suitable contextual response to the streetscape where reduced side setbacks are common.
- O2 - The side elevation of the building is adequately articulated
- O6 - Sufficient side boundary screening vegetation is proposed.
- O1, O3 and O4 – Side setbacks 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*)

#### Section B3.2.4: Rear Setback

The rear setback is the horizontal distance between the building envelope and the rear property boundary, measured parallel to the side boundaries.

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 11.2m perpendicular to the rear boundary as follows:

- $14.26m = (57.45m \text{ south} + 56.655m \text{ north}) \times 0.5 \times 0.25$

As detailed in the building envelope compliance table the proposed building accords with the applicable numerical rear setback objectives and controls.

#### Section B3.2.5: Wall Height and Inclined Plane

- O1 *To limit the bulk, scale and visual impact of buildings as viewed from the street and from adjoining properties.*
- O2 *To limit overshadowing of adjoining properties across side boundaries.*
- O3 *To limit overshadowing to south facing rear yards.*
- O4 *To provide acoustic and visual privacy to adjoining and adjacent buildings.*
- O5 *To facilitate views between buildings.*
- C1 *On land zoned R2 Low Density Residential and for a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone:*
  - a) *the wall height is 7.2m above existing ground level; and*
  - b) *an inclined plane is taken from a point 7.2m above existing ground level at each of the setbacks (the inclined plane is at 45 degrees from horizontal); and*



c) roof eaves may protrude into the setback if below the inclined plane.

C2 A variation to the wall height of 7.2m may be considered where the slope of the site within the building envelope is greater than 15 degrees.

The variation will only be considered to walls located nearest to the downslope section of the building envelope, i.e. the section with the lowest existing ground level.

A request for a variation must demonstrate that the increased wall height is consistent with the objectives of this section of the DCP, consistent with the objectives for development within the zone in which the development is proposed to be carried out, and there are sufficient environmental planning grounds to justify the variation.

A wall height of 7.2m (accommodating two storeys) and an inclined plane of 45° applies to the front, side and rear elevations. These controls respond to the typical pitched roof house form, but also potentially accommodate three storey flat roof housing forms with a reduced top storey.

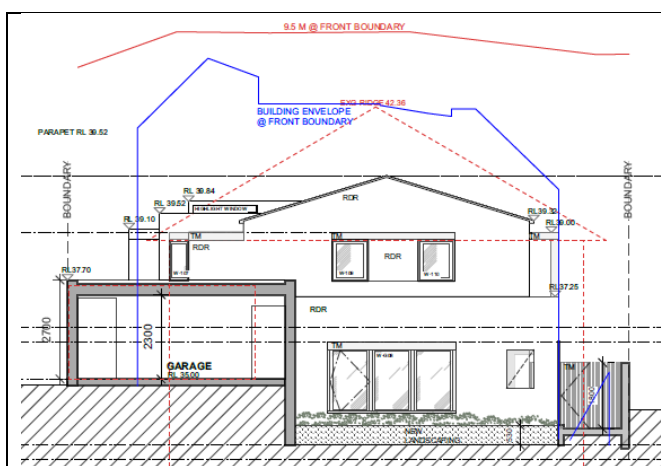


Fig. Extract front elevation – Compliance with the wall height and inclined plane control to the north west and southeast elevations detailed.

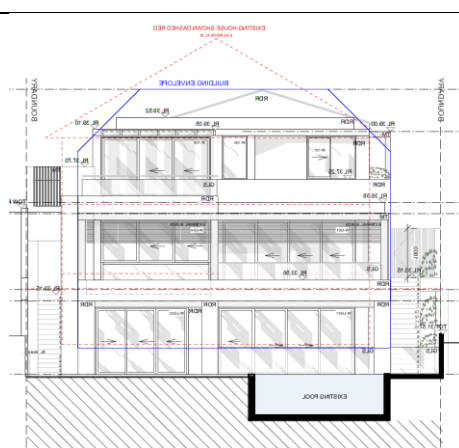


Fig. Extract rear west elevation – Minor non-compliance with inclined plane control the north west and southeast elevations detailed to the downslope sections of the building.

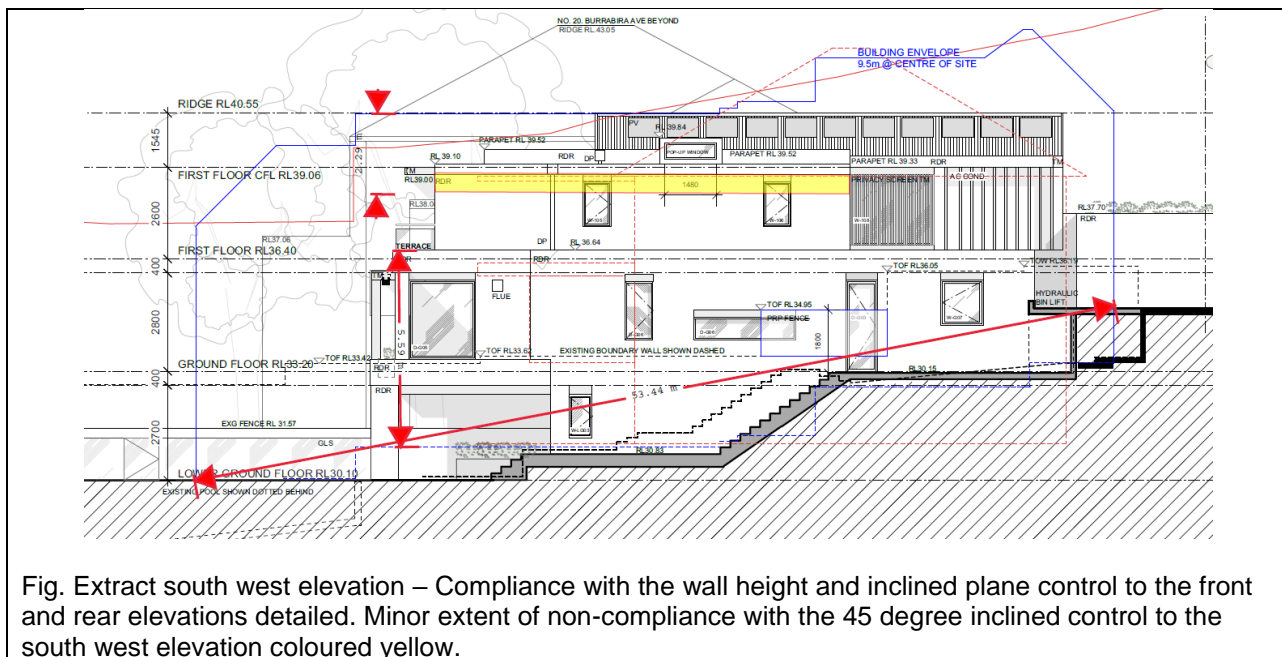


Fig. Extract south west elevation – Compliance with the wall height and inclined plane control to the front and rear elevations detailed. Minor extent of non-compliance with the 45 degree inclined control to the south west elevation coloured yellow.

As detailed in the building envelope compliance table and assessment figures above:

- The proposal is compliant with the 7.2m wall height control under C1 a).
- The proposal includes minimal non-compliance with the 45° inclined plane to the side south west and north east elevations under C1 b).

The 10° slope of the site within the building envelope is less than 15°.

Numerical non-compliance with C1 b) is minor and limited to the downslope section of the building envelope. It does not derogate against the underlying objectives of the control, including as follows:

- The non-compliances are considered to be satisfactory in terms of upholding the underlying objectives of the wall height and inclined plane control in this instance with bulk, scale and visual impact (O1), access to sunlight (O2 and O3), acoustic and visual privacy (O4) and views between buildings (O5) being adequately maintained.

The proposal is adequately accordant with the relevant wall height and inclined plane objectives and controls:

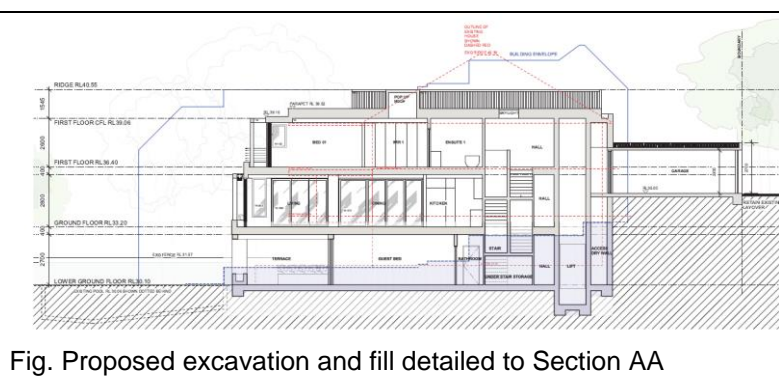
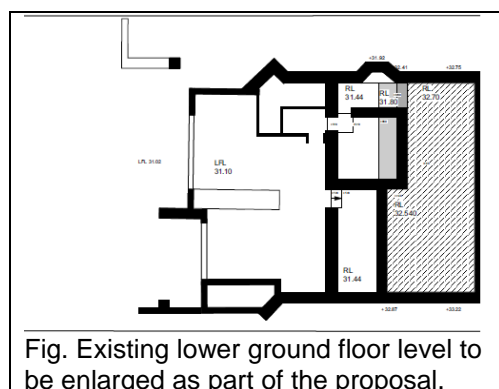
- O1, O2, O3, O4, O5, C1 and C2 (*wall height and inclined plane*)

### Conclusion

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

#### 14.1.3. Part B3.4: Excavation

| Site Area: 775.8m <sup>2</sup>                         | Proposed                      | Control               | Complies |
|--|-------------------------------|-----------------------|----------|
| C1 B3.4 Maximum Volume of Excavation                   | 272.6m <sup>2</sup>           | 205.16m <sup>2</sup>  | No       |
| C6 B3.4 Excavation, Piling and Subsurface Wall Setback |                               |                       |          |
| • Front elevation                                      | 3.85m                         | 3.85m                 | Yes      |
| • Side - North east elevation                          | 2.7m                          | 2.7m                  | Yes      |
| • Side -South west elevation                           | 1.3m – 1.9m                   | 1.9m                  | Yes      |
| • Rear elevation                                       | 30m                           | 14.26m                | No       |
| C9 B3.4 Geotechnical Report                            | Geotechnical Report submitted | Required Where > 2.0m | Yes      |



Council has determined that the volume excavated from a given site should be limited to that which might reasonably be required for car parking and domestic storage requirements, and to allow the building to respond to the site topography in an appropriate manner.

- 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).*

- C1 For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 13A.*
- C5 The volume controls in C1 and C2 above do not apply to backyard swimming pools and tennis courts located outside the building envelope. (Note: Separate controls apply which limit excavation, refer to Section 3.7.4 Ancillary development – swimming pools, tennis courts and outbuildings).*
- C6 Basement walls and any piling (or similar structural elements) must be no closer to the boundary than permitted by the setback controls (refer to Figure 14).*
- C9 Excavation below 2m or within 1.5m of the boundary must be accompanied by a geotechnical and hydrogeological report and a structural report demonstrating that the works will not have any adverse effect on surrounding structures.*

As detailed in the assessment table above, the proposal includes numerical non-compliance against control C1 (maximum excavation volume) and C6 (setback of excavation from south west side boundary):

- The proposal details a non-compliant volume of 272.6m<sup>2</sup> calculable excavation under the corresponding excavation provisions under C1 which specifies a maximum of 205.16m<sup>2</sup> for a dwelling house.
- The proposal details excavation setbacks of 1.3m – 1.9m to the south west side boundary (associated with the maintenance of the existing lowered ground floor level basement level side setback) contrary to the minimum 1.9m required under C6.

In this instance the proposed variations to the excavation controls under C1 and C6 are justified and do not hinder achievement of the underlying objectives of O1 as follows:

- O1 a) - The proposal is designed and sited to relate to the topography and excavation is minimised.
- O1 a), c), g) – The variation is supported on the basis of the majority of required excavation is associated with the enlargement of the existing lower ground floor level to facilitate required service areas such as the lift shaft, stairs, access dry wall, rainwater tank, plant and storage.
- O1 b), c), d), e), f) – The application is supported by a Geotechnical report and subject to conditions of development consent as recommended by Council's Development Engineer and Tree and Landscape Officer, impacts on land stabilisation, ground water flows, vegetation and structural risks to adjoining structures are satisfactory.
- O1 g) – In terms of the extent and siting of excavation and ESD principles, the extent of soil being removed from the site is considered to be acceptable.

## Conclusion

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

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

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

|   | <b>Proposed</b>   | <b>Control</b>   | <b>Complies</b> |
|---|---|--|-----------------|
| C2 B3.5.1 Retain vegetation of landscape value    | Vegetation of landscape value retained  | Vegetation of landscape value retained   | Yes             |
| C3 B3.5.1 Siting of Development                   | Development is stepped at the upper level relative to side and rear boundaries - follows the topography of the land | Steps down sloping sites and follows the topography of the land                            | Yes             |
| C4 B3.5.1 External building materials and colours | External building materials and colours do not detract from the streetscape.  | External building materials and colours do not detract from the streetscape.               | Yes             |
| C5 B3.5.1 Roof forms and roof structures          | Suitably accordant  | Well-designed, contribute positively to streetscape, well-integrated with the architecture | Yes             |
| C6 B3.5.1 Materials                               | Use of reflective materials is minimised  | Use of reflective materials is minimal   | Yes             |
| C8 B3.5.1 Roof Materials                          | Non-reflective  | Roof materials are non-reflective  | Yes             |



Fig. Existing streetscape presentation



Fig. Proposed (photomontage) streetscape presentation.

The proposal as recommended to be determined is compliant in terms of the applicable objectives and controls:

- O1, O2, O3, O4, C1, C2, C3, C4, C5, C6 and C7 (streetscape character)
- O4, C7 and C8 (roof forms)
- O5 and C9 (public domain surveillance)

Part B3.5.2: Overshadowing

|   | Existing   | Proposed   | Control  | Complies |
|---|--|--|--|----------|
| C1a) B3.5.2 Solar access to primary ground level open space of adjacent properties: |  |  |  |          |
| • 22 Burrabirra Ave   | >50% and >35m <sup>2</sup> >3hs<br>9.00am – 3.00pm | >50% and >35m <sup>2</sup> >3hs<br>9.00am – 3.00pm | 50% or 35m <sup>2</sup> for 2 hours 2 hours on 21 June where less no further overshadowing | Yes      |
| • 16 Burrabirra Ave   | >50% and >35m <sup>2</sup> >3hs<br>9.00am – 3.00pm | >50% and >35m <sup>2</sup> >3hs<br>9.00am – 3.00pm |  | Yes      |

O1 To minimise overshadowing to adjoining properties.

C1 The development is designed so that:

a) sunlight is provided to at least 50% (or 35m<sup>2</sup> with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and

b) north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.

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

The Woollahra DCP 2015 definition of north facing as follows:

- **north facing** the orientation range within 20° west and 30° east of true solar north.

The northwest elevation of the adjoining development located to 16 Burrabirra Avenue Vaucluse is located approximately 37.5° east of true solar north and not subject to application of control C1 b).

The application is supported by horizontal and elevation shadow diagrams prepared at 9am, 12pm and 3pm for the winter solstice (21 June).

As set out in the overshadowing compliance table above, the proposal accords with the numerical control C.1 a) in terms of not impacting on provision of sunlight provided to at least 50% (or 35m<sup>2</sup> with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties.

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 proposal does not result in 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, C3 and C4 (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

- O1 To ensure adequate acoustic privacy for occupants and neighbours.
- 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.



Fig. Existing rear elevation detailing roof terraces to ground floor and first floor levels relative to north east and south west side boundaries.



Fig. North view from existing ground level rear elevation terrace RL33.63



Fig. South view from existing ground level rear elevation terrace RL33.63

The SEE submitted with the application includes the following discussion in terms of acoustic and visual privacy:

- The proposal maintains privacy of adjacent dwellings through utilisation of privacy screens on the northern and southern elevation, where there are potential privacy risks; and changes to RL levels and thoughtful openings' location, avoiding direct overlooking.*
- The proposal uses a range of measures to maintain privacy. On both side façades, the placement of the windows has minimised direct sightlines from habitable spaces of the proposed dwelling. The proposal considers offsetting the windows and openings, ensuring privacy will be maintained. Also, the retained existing, compliant or greater than compliant setbacks and dense landscaping especially along the southern boundary will positively contribute to maintaining privacy. To the north, we note that the building separation space is substantial given the width of Wentworth Way between the two sites. Despite all the above, the proposal includes the use of privacy screens on both North and South elevations, enhancing privacy.*

- *Elevated open spaces are oriented to the rear only, with privacy screening on the ground floor. The first floor terrace is shallow in depth and accessed from a bedroom only, which is not expected to have unreasonable privacy impact.*
- *As discussed, the limited envelope variations do not involve upper level openings. The roof is entirely non-trafficable.*

As recommended to be determined the proposal exhibits an acceptable design in terms of adequate acoustic separation for occupants and neighbours in accordance with C1. The proposal would result in acoustic impacts commensurate with the nature of the development as a dwelling house and appropriate within the residential zone.

Council's standard conditions relating to the control of offensive noise and the attenuation of noise from mechanical plant have been recommended (refer to recommended **Conditions C.17, I.5 and I.6**).

Having regard to the "Privacy" Planning Principles established by The Land and Environment Court of NSW in *Super Studio v Waverley Council* (2004) NSWLEC 91 at 5-7 and *Meriton v Sydney City Council* (2004) NSWLEC 313 at 45-46:

- While existing dense vegetation to the rear and side elevations of 20 and 16 Burrabirra Avenue provides visual screening, landscaping should not be relied on as the sole protection against overlooking as the area is undergoing change in terms of the renewal of existing housing stock.

To achieve an acceptable level of compliance with O2, C4, C5 and C6, the following **Conditions D.3a-f** are recommended requiring visual privacy treatments to new ground and first floor level window openings proposed as part of the subject application that have the potential to overlook privacy sensitive areas of adjoining properties:

- a) Ground floor level south elevation living room opening W-G05 must either:
  - Consist of fixed translucent glazing to a minimum height of 1.5m above ground floor level or alternatively;
  - have a bottom sill height a minimum height of 1.5m above ground floor level or alternatively;
  - be screened by fixed horizontal or vertical louvres, or other screening device set off the window externally that redirects and limit sightlines to private open space of adjacent dwellings within 9m in accordance with O2 and C4 of B3.5.4 of the Woollahra Development Control Plan 2015.
- b) Ground floor level full height privacy screening to the north side elevation of the terrace is to be extended to align with the rear alignment of the terrace. The privacy screening device is to redirect and limit sightlines to windows of habitable rooms and private open space of adjacent dwellings within 9m in accordance with O3, C7 and C8 of B3.5.4 of the Woollahra Development Control Plan 2015.
- c) First floor level north elevation bedroom opening W-115 must consist of fixed translucent glazing to a minimum height of 1.5m above the first floor level or alternatively, have a bottom sill height a minimum height of 1.5m above first floor level in accordance with O2 and C4 of B3.5.4 of the Woollahra Development Control Plan 2015.
- d) First floor level north elevation ensuite/bathroom window openings W-114 and W-113 must consist of fixed translucent glazing to a minimum height of 1.65m above the first floor level in accordance with O2 and C5 of B3.5.4 of the Woollahra Development Control Plan 2015.

- e) First floor level south elevation bedroom opening W-105 must consist of fixed translucent glazing to a minimum height of 1.5m above the first floor level or alternatively, have a bottom sill height a minimum height of 1.5m above first floor level in accordance with O2 and C4 of B3.5.4 of the Woollahra Development Control Plan 2015.
- f) The trafficable area of the first floor level rear elevation roof terrace accessed from bedroom 1 shall be setback a minimum 2.5m from the south side boundary (to align with first floor level side elevation) to prevent direct line of sight to neighbouring private open space within 12m in accordance with O3, C8 and C10 of B3.5.4 of the Woollahra Development Control Plan 2015.

As recommended to be determined, the proposal is accordant with the relevant objectives and controls:

- O1, C1 and C3 (adequate acoustic privacy)
- O2, C4, C5 and C6 (visual privacy)
- O3, C7, C8, C10 and C11 (minimise the impacts of private open space)

#### Part B3.5.5: Internal Amenity

Numerical non-compliance with C2 in terms of not all sanitary compartments having direct natural light and direct natural ventilation, is not determinative to this assessment.

The proposal is adequately compliant in terms of the applicable objectives and controls:

- O1, O2, C1, C2, C3, C4 and C5 (adequate internal amenity)

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

| Site Frontage: 16.295m   | Proposed                                 | Control                                  | Complies |
|--|--|--|----------|
| C1 B3.6 Location of Parking  | a) Forward of buildable area             | a) Within the Buildable Area             | No       |
|  | b) Does not dominate the street frontage | b) Does not dominate the street frontage | Yes      |
|  | c) Preserves trees and vegetation        | c) Preserves trees and vegetation        | Yes      |
| C2 B3.6 Width of car parking structures facing the street frontage | 6m<br><40%                               | 40% of Frontage<br>or maximum 6m         | Yes      |
| C11 B3.6 Width of Driveway   | 4.5m                                     | Width of driveways minimised.            | Yes      |
| C12 B3.6 Maximum Number of Driveway entrances                      | One                                      | One                                      | Yes      |

The proposed garage structure, which is located forward of the building envelope contrary to C1 c) and C4, is acceptable in terms of not detracting from the appearance of the development, maintains the existing character and amenity of the streetscape and would not result in any significant adverse visual or amenity impacts to Burrabirra Avenue in accordance with the explanation for the section and objectives and controls O1, O2, O3, O4, O5, C1 a) and b), C2 and C3.

Subject to conditions, Council's Development Engineer has advised that vehicular access and parking arrangements are considered satisfactory.

In accordance with C2 and C7 the existing car parking structure is concealed from the street frontage (vehicle access driveway is less than 40% of the site frontage) and the height of the structure is less than 2.7m above the height of the footpath level.



The proposal is adequately compliant in terms of the applicable objectives and controls:

- O1, O2, O3, O4, O5, C1, C2, C3 and C4 (general controls)
- O6, O7, O8 and C7 (on-site parking on steeply sloping sites)
- O9, C9, C10 and C11 (minimise the visual and environmental impacts)

The proposal is acceptable with regard to the parking controls in Part B3.6 of the Woollahra DCP 2015.

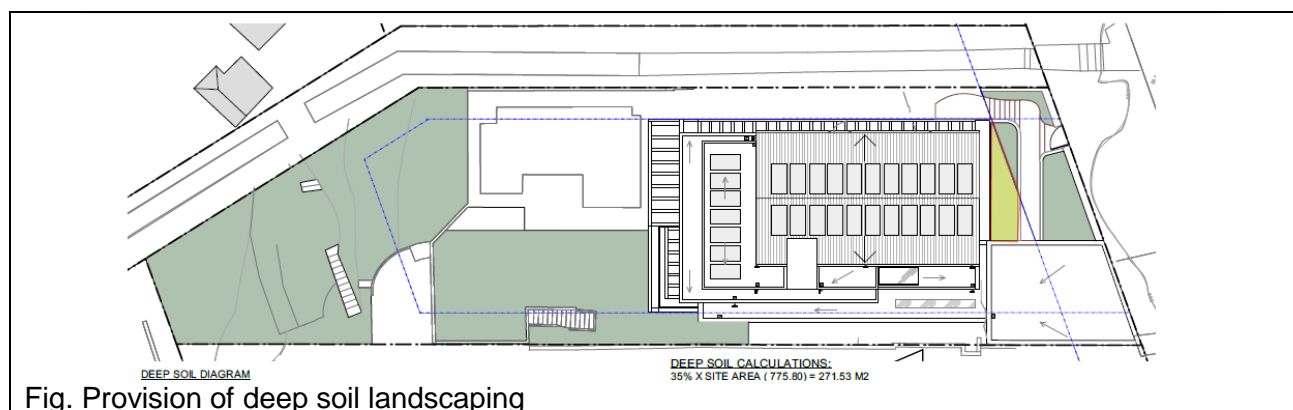
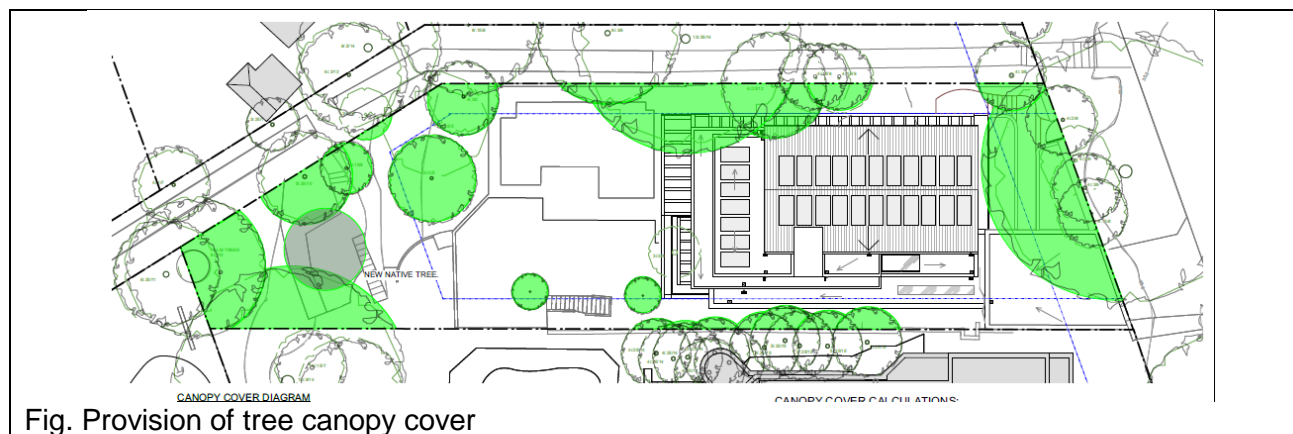
### Conclusion

The proposal is acceptable with regard to the parking controls in Part B3.6 of the Woollahra DCP 2015.

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

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

| Site area 775.8m <sup>2</sup>  | Proposed             | Control                                    | Complies |
|--|----------------------|--|----------|
| C1 Tree Canopy cover   | 275.5m <sup>2</sup>  | 35% of site area<br>271.53m <sup>2</sup>   | Yes      |
| C2 Deep Soil Landscaping - 35% of the site area is deep soil landscaped area   | 288.35m <sup>2</sup> | 35% of site area<br>271.53m <sup>2</sup>   | Yes      |
| C3 Deep Soil Landscaping – At least 40% of the front setback comprises deep soil landscaped area<br>63m <sup>2</sup> x 0.4 | 27m <sup>2</sup>     | 40% of Front Setback<br>25.2m <sup>2</sup> | Yes      |
| C4 primary open space area of at least 35m <sup>2</sup>  | >35m <sup>2</sup>    | 35m <sup>2</sup>                           | Yes      |



- 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.*
- O4 *To ensure the adequate provision of accessible and useable primary open space.*
- O6 *To ensure that private open space areas are well-designed.*
- O7 *To retain important existing canopy trees, vegetation and other landscape features.*
- O8 *To protect or enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species.*
- O9 *To ensure that landscaping contributes positively to the streetscape and the amenity of neighbouring properties.*
- O10 *To ensure that landscaping allows view sharing.*

As detailed in the compliance table above, the proposal accords with the numerical controls in terms of provision of tree canopy cover, deep soil landscape area and primary private open space.

As recommended to be determined, in accordance with O6, C10, C11, C12 and C13, private open space areas are adequately well-designed and are acceptable on terms of the acoustic and visual privacy requirements contained in Part B3.5.4.

In terms of tree canopy cover, Council's Tree Officer considers the proposal to be satisfactory.

In accordance with C18, proposed new landscaping is suitable in terms of not adversely impacting on surrounding private and public views and are considered to be satisfactory in terms of amenity impacts upon adjoining properties.

The proposal is compliant in terms of the applicable objectives and controls:

- O1, O2, O3, C1, C2 and C3 (sufficient deep soil landscaped and tree canopy cover area)
- O4, C6, C8, C9 and C10 (accessible and useable primary open space)
- O6, C12, C13, C14 and C15 (private open space design)

The proposal is compliant in terms of the applicable objectives and controls:

- O7, O8, O9, O10, C16, C17, C18, C19 and C20 (*trees and landscaping*)

#### Part B3.7.2 Fences

|  | <b>Proposed</b>   | <b>Control</b>              | <b>Complies</b> |
|--|---|-----------------------------|-----------------|
| B3.7.2 C4 - Maximum Height of Fencing          | Solid fencing height 1.2m   | 1.2m solid<br>1.5m 50% open | Yes             |
| B3.7.2 C7 - B3.7.2 C7 - Gate swing             | Acceptable alternate design - Gate swing wholly contained on the subject property | Opens inwards               | Yes             |
| B3.7.2 C9, C10, C11 Side and rear fence height | >1.8m existing fencing proposed to be retained                                    | 1.8m                        | No              |

- O1 *To ensure fences and walls improve amenity for existing and new residents and contribute positively to streetscape and adjacent buildings.*
- O2 *To ensure that fences and walls are not visually intrusive in the streetscape and to enhance pedestrian safety.*
- O3 *To ensure that fences and walls do not unreasonably restrict views and vistas from streets and other public spaces.*

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

As set out in the compliance table, with the exception of the maintenance of existing rear and side fencing that exceeds 2m in height, the proposal accords with the relevant numerical controls.

Numerical non-compliance with C9 in terms of rear and side boundary fencing height does not derogate against the underlying objectives of the control, including as follows:

- O1, O2, O3 and O4 - Existing fencing proposed to be retained that exceeds the height controls provides visual privacy without affecting the amenity in terms of views, access to sunlight and streetscape.

The proposal is adequately compliant in terms of the applicable objectives and controls:

- O1, O2, O3, O4, C1, C2, C3, C4, C7 and C8 (front fencing)
- O5, C9 and C10 (rear and side fencing)
- O6 and C11 (sloping streets)

#### Part B3.7.3: Site Facilities

The explanation for Section B3.7.3 includes that potential impacts of site facilities on the overall appearance of developments and the local streetscape must be considered. In particular, consideration must be given to the location, size and design of site facilities including hydrant and booster installations and mechanical plant equipment such as lift overruns, air-conditioning units and condensers, heating, ventilation and other mechanical systems that maintain or support the operations of a building.

**Condition G.3** is recommended to be imposed requiring that all letter boxes must be constructed and located in accordance with AS/NZS 4253:1994 *Mailboxes* and to Australia Post's satisfaction in accordance with O1 and C1 of Section B3.7.3.

**Condition H.5** I is recommended to be imposed requiring that the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the *background noise level*.

As recommended to be determined, the proposal is compliant in terms of the applicable objectives and controls.

#### Part B3.7.4 Ancillary Development – Swimming Pools, Tennis Courts and Outbuildings

In accordance with C1, the size and location of the existing swimming pool proposed to be retained does not derogate against compliance with the minimum provision of tree canopy cover and deep soil landscaped area.

#### Conclusion

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

### **14.2. Chapter E1: Parking and Access**

#### Part E1.4: Residential parking

The proposal provides for 2 off-street car parking spaces which accords with Council's maximum requirement for 2 car parking spaces per dwelling for a Dwelling house development as per the provisions of Table 1 under section E1.4.2 of Woollahra DCP 2015.

### E1.6 Bicycle parking and end-of-trip facilities

Adequate provision has been made to potentially accommodate bicycle parking to the basement level to each dwelling in accordance with applicable requirement of 1 space per dwelling.

### Part E1.10: Parking and access design standards

Council's Development Engineer has reviewed the proposal and advised that the proposed vehicular access and car parking layout comply with AS2890.1:2004: Parking Facilities - Off-Street Car Parking.

### E1.11 Electric vehicle charging points

The proposal has detailed provision of electric vehicle circuitry and charging station to the garage.

As recommended to be determined, the proposal is considered to be acceptable with regard to the objectives and controls in Part E1.11 subject to recommended **Conditions D.20 and G.5** which specify provision requirements for electric vehicle circuitry within the development.

The proposal is satisfactory with regard to the parking and access objectives and controls in Chapter E1 of the Woollahra DCP 2015.

The proposal is acceptable with regard to the parking and access objectives and controls in Chapter E1 of the Woollahra DCP 2015.

## **14.3. Chapter E2: Stormwater and Flood Risk Management**

The proposal is acceptable with regard to the objectives and controls in Chapter E2 of the Woollahra DCP 2015

## **14.4. Chapter E5: Waste Management**

Chapter E5 is applicable to all development and establishes on-site waste and recycling facilities that are to be included in the design of the development for its demolition, construction and ongoing use. It also identifies that a Site Waste Minimisation and Management Plan (SWMMP) is to be submitted with a development application (DA).

The SWMMP addresses volume and type of waste and recyclables to be generated, storage and treatment of waste and recyclables on site, disposal of residual waste and recyclables and operational procedures for ongoing waste management once the development is complete.

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

## **14.5. Chapter E6: Sustainability**

### **14.5.1. E6.3 Solar energy systems (including solar panels, solar hot water systems and solar heating systems)**

The proposal as recommended to be determined is acceptable with regard to the objectives and controls in Chapter E6.3 of the Woollahra DCP 2015.

## 14.6. Chapter E8: Adaptable Housing

An adaptable dwelling is a dwelling that can be modified to be an accessible dwelling. An accessible dwelling is a dwelling designed and built to accommodate the needs of people with a disability, and which complies with the AS 1428 - Design for access and mobility.

- O1 *To increase the amount of building stock that provides for adaptable housing.*  
O2 *To provide opportunities for dwellings to be readily converted into accessible dwellings to meet the current and future needs of the community.*

The submitted architectural plans and statement of environmental effects are silent in terms of compliance or otherwise in terms of Part E8.2 Adaptable housing.

This assessment is satisfied that the proposed could be readily converted into an accessible dwellings having regard the relevant *AS 1428.1-2009 Design for access and mobility*, in terms of:

- Adaptation of lift, provision of continuous accessible paths of travel and circulation spaces for people who use wheelchair
- Car parking and toilet numbers

The proposal as recommended to be determined is acceptable with regard to the objectives and controls in Chapter E6 of the Woollahra DCP 2015.

## 15. CONTRIBUTION PLANS

### 15.1 Section 7.12 Contributions Plan 2022

In accordance with Schedule 1, a 1% levy applies with the monies being used for a variety of works as outlined in Schedule 2 of the Section 7.12 Contributions Plan 2022.

## 16. APPLICABLE ACTS/REGULATIONS

### 16.1. Environmental Planning and Assessment Regulation 2021

Clause 61(1) of the EPA Regulation 2021 requires Council to take into consideration Australian Standard AS 2601-1991: The demolition of structures. This requirement is addressed by Council's standard conditions. Refer to **Condition E.2**.

### 16.2. National Parks and Wildlife Act 1974

Council's Heritage Officer has recommended **Conditions B.7 to B.11** relating to unexpected findings of skeletal remains and Aboriginal archaeological objects and associated requirements in order to satisfy the relevant requirements of the National Parks and Wildlife Act 1974.

### 16.3 Swimming Pools Act 1992

A swimming pool is at all times to be surrounded by a child-resistant barrier that separates the swimming pool from any residential building and that is designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations. Additional provisions relate to:

- a) The swimming pool must be registered in accordance with Section 30B of the Swimming Pools Act 1992.
- b) A Certificate of Compliance issued pursuant to Section 22D of the Swimming Pools Act 1992
- c) Water recirculation and filtration systems.
- d) Backwash must be discharged to the sewer.

These form part of the recommended conditions of consent.

## **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 considered suitable for the proposed development as conditioned.

## **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 s4.15.

## **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 Council, as the consent authority, grant development consent to DA393/2023/1 for demolition of the existing house and garage and construction of a new dwelling house and garage; alterations to pool and landscaping works on land at 18 Burrabirra Avenue VAUCLUSE, subject to the following conditions:

### **A. GENERAL CONDITIONS**

|              |   |
|--------------|---|
| <b>A. 1.</b> | <b>Conditions</b>   |
|              | <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><b>Notes:</b></p> <ul style="list-style-type: none"><li>• 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.</li><li>• Where there is any breach Council may without any further warning:<ul style="list-style-type: none"><li>a) Issue Penalty Infringement Notices (On-the-spot fines);</li><li>b) Issue notices and orders;</li><li>c) Prosecute any person breaching this consent; and/or</li><li>d) Seek injunctions/orders before the courts to restrain and remedy any breach.</li></ul></li><li>• Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.</li></ul> |

|                     |  |
|---------------------|--|
|                     | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To ensure all parties are aware of the relevant legislation that applies to the development.</p>   |
| <p><b>A. 2.</b></p> | <p><b>Definitions</b></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><b>Applicant</b> means the applicant for this consent.</p> <p><b>Approved Plans</b> mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p><b>Local native plants</b> means species of native plant endemic to Sydney's eastern suburbs.</p> <p><b>Owner-builder</b> has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p><b>PC</b> means the Principal Certifier under the <i>Act</i>.</p> <p><b>Principal Contractor</b> 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><b>Professional engineer</b> has the same meaning as in the <i>BCA</i>.</p> <p><b>Public place</b> has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p><b>Road</b> has the same meaning as in the <i>Roads Act 1993</i>.</p> <p><b>SEE</b> means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p><b>Site</b> means the land being developed subject to this consent.</p> <p><b>Site work</b> 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><b>Woollahra LEP</b> means <i>Woollahra Local Environmental Plan 2014</i></p> <p><b>Woollahra DCP</b> means <i>Woollahra Development Control Plan 2015</i></p> <p><b>Work</b> for the purposes of this consent means:</p> |

- 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**

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-00 A   | Cover Sheet/Glazing Schedule                | Molnar Architects Pty Ltd                           | --/09/2023   |
| DA-02 A   | Existing & Demolition Plan                  |   | --/09/2023   |
| DA-03 A   | Proposed Lower Ground Floor Plan            |   | --/09/2023   |
| DA-04 B   | Proposed Ground Floor Plan                  |   | 13/11/2023   |
| DA-05 A   | Proposed First Floor Plan                   |   | --/09/2023   |
| DA-06 A   | Proposed Roof Plan                          |   | --/09/2023   |
| DA-07 A   | Elevations- North                           |   | --/09/2023   |
| DA-08 A   | Elevations- South                           |   | --/09/2023   |
| DA-09 A   | Elevations- West                            |   | --/09/2023   |
| DA-10 A   | Elevations – East                           |   | --/09/2023   |
| DA-11 A   | Long Section AA                             |   | --/09/2023   |
| DA-12 A   | Short Section BB                            |   | --/09/2023   |
| 1411424S  | BASIX Certificate                           | NSW Department of Planning Industry and Environment | 20/09/2023   |
| L010 B  | Landscape Plan                              | Lansberg Garden Design                              | 16/08/2023   |
| --  | Arboricultural Impact Assessment Report     | Growing My Way                                      | --/12/2023   |
|   | Tree Management Plan                        |   |  |
| 2023-117  | Geotechnical Report                         | Crozier Geotechnical Consultants                    | 27 Sep 2023  |
| 230103-SW<br>D1<br>D2<br>D3<br>D4<br>D5<br>D6<br>D7 | Stormwater Management Plan                  | Quantum Engineers                                   | 11/09/2023<br>11/09/2023<br>11/09/2023<br>11/09/2023<br>11/09/2023<br>11/09/2023<br>11/09/2023 |
| DA-20 A   | Material and finishes Schedule              | Molnar Architects Pty Ltd                           | --/09/2023   |
| --  | Site Waste Minimisation and Management Plan | Katie Molnar  | 25/09/2023   |

**Notes:**



|                | <ul style="list-style-type: none"><li>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.</li><li>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.</li></ul> <p><b>Condition Reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>  |   |                    |               |                    |            |   |                              |                             |         |          |               |                                       |   |       |               |                |         |          |                    |          |                                       |   |       |
|----------------|--|---|--------------------|---------------|--------------------|------------|---|------------------------------|-----------------------------|---------|----------|---------------|---------------------------------------|---|-------|---------------|----------------|---------|----------|--------------------|----------|---------------------------------------|---|-------|
| A. 4.          | <p><b>Ancillary Aspects of Development (section 4.17(2) of the Act)</b></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><b>Notes:</b></p> <ul style="list-style-type: none"><li>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.</li></ul> <p><b>Condition Reason:</b> To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</p>   |   |                    |               |                    |            |   |                              |                             |         |          |               |                                       |   |       |               |                |         |          |                    |          |                                       |   |       |
| A. 5.          | <p><b>Tree Preservation and Landscaping Works</b></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 must be retained:</p> <ul style="list-style-type: none"><li>Trees on Council land:</li></ul> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th><th>Tree value</th></tr><tr><td>1</td><td><i>Lophostemon confertus</i></td><td>Street tree – Council verge</td><td>10 x 10</td><td>\$25,000</td></tr><tr><td>2-1, 2-2, 2-3</td><td><i>Archontophoenix cunninghamiana</i></td><td>Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations.</td><td>7 x 3</td><td>\$5000 (each)</td></tr></table> <p>The tree/s required to be retained must appear coloured green on the Construction Certificate plans.</p> <p>b) The following trees may be removed:</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Location</th><th>Dimension (metres)</th></tr><tr><td>2-4, 2-5</td><td><i>Archontophoenix cunninghamiana</i></td><td>Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations.</td><td>7 x 3</td></tr></table> | Council Ref No  | Species            | Location      | Dimension (metres) | Tree value | 1 | <i>Lophostemon confertus</i> | Street tree – Council verge | 10 x 10 | \$25,000 | 2-1, 2-2, 2-3 | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 7 x 3 | \$5000 (each) | Council Ref No | Species | Location | Dimension (metres) | 2-4, 2-5 | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 7 x 3 |
| Council Ref No | Species  | Location  | Dimension (metres) | Tree value    |                    |            |   |                              |                             |         |          |               |                                       |   |       |               |                |         |          |                    |          |                                       |   |       |
| 1              | <i>Lophostemon confertus</i>   | Street tree – Council verge   | 10 x 10            | \$25,000      |                    |            |   |                              |                             |         |          |               |                                       |   |       |               |                |         |          |                    |          |                                       |   |       |
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i>  | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 7 x 3              | \$5000 (each) |                    |            |   |                              |                             |         |          |               |                                       |   |       |               |                |         |          |                    |          |                                       |   |       |
| Council Ref No | Species  | Location  | Dimension (metres) |               |                    |            |   |                              |                             |         |          |               |                                       |   |       |               |                |         |          |                    |          |                                       |   |       |
| 2-4, 2-5       | <i>Archontophoenix cunninghamiana</i>  | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 7 x 3              |               |                    |            |   |                              |                             |         |          |               |                                       |   |       |               |                |         |          |                    |          |                                       |   |       |

|              |   |                             |                         |       |
|--------------|---|-----------------------------|-------------------------|-------|
|              | 6   | <i>Radermachera sinica</i>  | Side Yard – NE boundary | 8 x 7 |
|              | 8   | <i>Beaurarnea recurvata</i> | Rear Yard               | 4 x 3 |
|              | <p>The tree/s that may be removed must appear coloured red on the Construction Certificate plans.</p> <p>The species marked (*) is exempt from the WMC DCP 2015 and can be removed without requiring consent from Council.</p>  |                             |                         |       |
|              | <p><b>Condition Reason:</b> To ensure all landscape works are undertaken in accordance with the approved plans and documents.</p> <p>Standard Condition A.22 (Autotext 22A)</p>   |                             |                         |       |
| <b>A. 6.</b> | <b>Salvage Building Materials</b>   |                             |                         |       |
|              | <p>a) Architectural elements to be demolished such as bricks, stone, timber flooring, skirting, tiles, doors, windows and decorative elements must be salvaged and where possible reused on the project.</p> <p>b) Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.</p> |                             |                         |       |
|              | <p><b>Condition Reason:</b> To maximise reuse of fabric.</p>  |                             |                         |       |
| <b>A. 7.</b> | <b>No Underpinning works</b>  |                             |                         |       |
|              | <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><b>Condition Reason:</b> 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>   |                             |                         |       |

## **B. BEFORE DEMOLITION WORK COMMENCES**

|              |  |
|--------------|--|
| <b>B. 1.</b> | <b>Construction Certificate Required Prior to Any Demolition</b>   |
|              | <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"> <li>• Before issue of a construction certificate</li> <li>• Before building work commences</li> </ul> <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><b>Note:</b></p> <ul style="list-style-type: none"> <li>• See <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125.</li> </ul> |

|              |   |
|--------------|---|
|              | <p><b>Condition Reason:</b> To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.</p>  |
| <b>B. 2.</b> | <p><b>Recording of Buildings with Little or No Heritage Significance that are to be Demolished</b></p> <p>Prior to any site works and prior to the issue of any Construction Certificate, a photographic archival record of the building and landscape elements to be demolished is to be submitted, to the satisfaction of Council's heritage officer.</p> <p>The photographic archival recording is to be submitted in a digital format and is to include the following:</p> <ol style="list-style-type: none"> <li>Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.</li> <li>Coloured photographs of: <ul style="list-style-type: none"> <li>each elevation,</li> <li>each structure and landscape feature, and</li> <li>views to the subject property from each street and laneway or public space.</li> </ul> </li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Refer to the NSW Office of Environment and Heritage website for the free publication 'Photographic Recording of Heritage Items using Film or Digital Capture' available at <a href="https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf">https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/photographic-recording-of-heritage-items-using-film-or-digital-capture.pdf</a></li> </ul> <p><b>Condition Reason:</b> To ensure existing building and landscape elements are recorded.</p>   |
| <b>B. 3.</b> | <p><b>Erosion and Sediment Controls – Installation</b></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"> <li>"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</li> <li>"Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).</li> </ol> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The "Do it Right On Site, Soil and Water Management for the Construction Industry" publication and accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>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.</li> <li>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".</li> <li>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.</li> </ul> |

|                | <b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.  |   |   |               |   |   |                              |                             |    |               |                                       |   |                         |                |         |            |                               |
|----------------|---|---|---|---------------|---|---|------------------------------|-----------------------------|----|---------------|---------------------------------------|---|-------------------------|----------------|---------|------------|-------------------------------|
| <b>B. 4.</b>   | <b>Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)</b> <p>Prior to any site works, tree protection measures must be established around all trees to be retained in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>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;</p> <p>a) Tree Protection Fencing:</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Tree Location</th><th>Fence Radius from Centre of Trunk (Metres)*</th></tr><tr><td>1</td><td><i>Lophostemon confertus</i></td><td>Street tree – Council verge</td><td>2m</td></tr><tr><td>2-1, 2-2, 2-3</td><td><i>Archontophoenix cunninghamiana</i></td><td>Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations.</td><td>Along edge of footpath.</td></tr></table> <p>Where this condition relates to street trees, and the fence cannot be placed at the specified radius, the fencing is to be positioned so that the entire verge (nature strip) area in front of the subject property, excluding existing driveways and footpaths, and bus stops is protected.</p> <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>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) Trunk protection must be installed around the trunks of the following trees:</p> <table><tr><th>Council Ref No</th><th>Species</th></tr><tr><td>3, 4 and 5</td><td><i>Syagrus romanzoffianum</i></td></tr></table> <p>Trunk protection must consist of a padding material such as hessian or thick carpet underlay wrapped around the trunk. Hardwood planks (50mm x100mm or similar) must be placed over the padding and around the trunk of the tree at 150mm centres. The planks must be secured with 8 gauge wire at 300mm spacing. Trunk protection must extend a minimum height of 2 metres or to the maximum possible length permitted by the first branches.</p> | Council Ref No  | Species                                     | Tree Location | Fence Radius from Centre of Trunk (Metres)* | 1 | <i>Lophostemon confertus</i> | Street tree – Council verge | 2m | 2-1, 2-2, 2-3 | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | Along edge of footpath. | Council Ref No | Species | 3, 4 and 5 | <i>Syagrus romanzoffianum</i> |
| Council Ref No | Species   | Tree Location   | Fence Radius from Centre of Trunk (Metres)* |               |   |   |                              |                             |    |               |                                       |   |                         |                |         |            |                               |
| 1              | <i>Lophostemon confertus</i>  | Street tree – Council verge   | 2m  |               |   |   |                              |                             |    |               |                                       |   |                         |                |         |            |                               |
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i>   | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | Along edge of footpath.                     |               |   |   |                              |                             |    |               |                                       |   |                         |                |         |            |                               |
| Council Ref No | Species   |   |   |               |   |   |                              |                             |    |               |                                       |   |                         |                |         |            |                               |
| 3, 4 and 5     | <i>Syagrus romanzoffianum</i>   |   |   |               |   |   |                              |                             |    |               |                                       |   |                         |                |         |            |                               |

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|                     | <p>d) 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>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.</p> <p>f) 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>g) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.</p> <p>h) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.</p> <p><b>Condition Reason:</b> To ensure the protection of existing trees<br/>Standard Condition B.5 (Autotext 5B)</p> |
| <p><b>B. 5.</b></p> | <p><b>Identification of Hazardous Material</b></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"> <li>• all hazardous materials identified on the site,</li> <li>• the specific location of all hazardous materials identified,</li> <li>• whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and</li> <li>• safety measures to be put in place.</li> </ul> <p><b>Condition Reason:</b> 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>B. 6.</b></p> | <p><b>Public Road Assets Prior to Any Work/Demolition</b></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"> <li>• road pavement,</li> <li>• street signage including street lights,</li> <li>• kerb and gutter,</li> <li>• footway including pedestrian crossings, footpath, and driveways,</li> <li>• retaining walls, or other significant structures,</li> </ul>   |

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|              | <ul style="list-style-type: none"> <li>• Heritage Items, including street name inlays,</li> <li>• utility service items including historical utility covers, and</li> <li>• drainage structures/pits/pipes (CCTV footage).</li> </ul> <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><b>Condition Reason:</b> To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>   |
| <b>B. 7.</b> | <p><b>Archaeological Features – Unexpected Findings</b></p> <p>While site work is being carried out, if a person reasonably suspects archaeological features are discovered, work must cease immediately in the affected area(s) and the Heritage Council must be notified.</p> <p>Site work may recommence at a time confirmed in writing by the Heritage Council or its delegate.</p> <p>Additional assessment and approval under the Heritage Act 1977 may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Definition of archaeological feature as per the NSW Heritage Manual: Any physical evidence of past human activity.</li> <li>• Archaeological features include buildings, works, relics, structures, foundations, deposits, cultural landscapes and shipwrecks.</li> <li>• During an archaeological excavation the term ‘feature’ may be used in a specific sense to refer to any item that is not a structure, a layer or an artefact (for example, a post hole).</li> </ul> <p><b>Condition Reason:</b> To protect archaeological features.</p> |
| <b>B. 8.</b> | <p><b>Skeletal Remains</b></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> <ol style="list-style-type: none"> <li>a) NSW Police, and</li> <li>b) The person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</li> </ol> <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><b>Condition Reason:</b> To ensure the appropriate management of skeletal remains.</p>  |

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| <b>B. 9.</b>  | <b>Aboriginal Objects – Unexpected Findings</b>  |
|               | <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"> <li>Not further disturb or move these objects or bones.</li> <li>Immediately cease all work at the particular location.</li> <li>In the case of suspected human remains, notify NSW Police.</li> <li>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.</li> <li>Notify the person who is the authority for the protection of Aboriginal objects under the National Parks and Wildlife Act 1974, section 85.</li> <li>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.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The Definition of Aboriginal object, as per the National Parks &amp; 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.</li> </ul> <p><b>Condition Reason:</b> To protect Aboriginal objects</p> |
| <b>B. 10.</b> | <p><b>Aboriginal Heritage Due Diligence Responsibilities</b></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 &amp; Wildlife Act 1974. Under the National Parks &amp; 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><b>Condition Reason:</b> To protect Aboriginal heritage.</p>  |
| <b>B. 11.</b> | <p><b>Aboriginal Heritage Induction</b></p> <p>Prior to any site works:</p> <ol style="list-style-type: none"> <li>All construction staff and contractors must be made aware of their statutory obligations for Aboriginal heritage under the National Parks and Wildlife Act 1974;</li> <li>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</li> </ol>   |

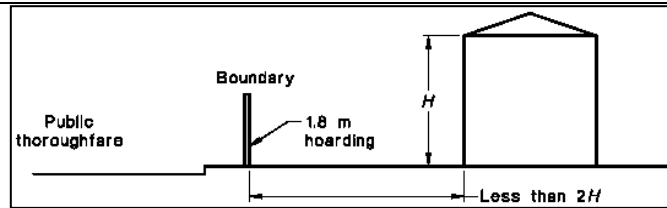
|   | c) Documentary evidence demonstrating compliance with a) and b) above must be submitted to Council and the Principal Certifier.   |         |                  |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
|---|---|---------|------------------|-------------|--------|---------|------------------|---|--|--|--|---|-----------|----|------|--|----------|----|------|---|--|--|--|---------------------------------------|----------|----|-----|--|------------|----|-----|-----------------------------|-------|----|-----|--------------------------------|---------------|--|--|
|   | <b>Condition Reason:</b> To protect Aboriginal heritage.  |         |                  |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
| <b>B. 12.</b>   | <b>Payment of Security and Fees</b>   |         |                  |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
|   | Prior to any site works, the following security and fees must be paid in full:  |         |                  |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
|   | <table border="1"> <thead> <tr> <th>Description</th><th>Amount</th><th>Indexed</th><th>Council Fee Code</th></tr> </thead> <tbody> <tr> <td colspan="4"><b>SECURITY</b><br/>under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td></tr> <tr> <td><b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council</td><td>\$127,685</td><td>No</td><td>T115</td></tr> <tr> <td><b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree</td><td>\$40,000</td><td>No</td><td>T114</td></tr> <tr> <td colspan="4"><b>INSPECTION FEES</b><br/>under section 608 of the <i>Local Government Act 1993</i></td></tr> <tr> <td>Public Tree Management Inspection Fee</td><td>\$231.30</td><td>No</td><td>T95</td></tr> <tr> <td>Street Tree Planting and Maintenance Fee</td><td>\$2,062.50</td><td>No</td><td>T95</td></tr> <tr> <td>Security Administration Fee</td><td>\$225</td><td>No</td><td>T16</td></tr> <tr> <td><b>TOTAL SECURITY AND FEES</b></td><td colspan="3">\$ 170,203.80</td></tr> </tbody> </table>   |         |                  | Description | Amount | Indexed | Council Fee Code | <b>SECURITY</b><br>under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i> |  |  |  | <b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council | \$127,685 | No | T115 | <b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree | \$40,000 | No | T114 | <b>INSPECTION FEES</b><br>under section 608 of the <i>Local Government Act 1993</i> |  |  |  | Public Tree Management Inspection Fee | \$231.30 | No | T95 | Street Tree Planting and Maintenance Fee | \$2,062.50 | No | T95 | Security Administration Fee | \$225 | No | T16 | <b>TOTAL SECURITY AND FEES</b> | \$ 170,203.80 |  |  |
| Description   | Amount  | Indexed | Council Fee Code |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
| <b>SECURITY</b><br>under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i> |   |         |                  |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
| <b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council | \$127,685   | No      | T115             |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
| <b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree                | \$40,000  | No      | T114             |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
| <b>INSPECTION FEES</b><br>under section 608 of the <i>Local Government Act 1993</i>                   |   |         |                  |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
| Public Tree Management Inspection Fee   | \$231.30  | No      | T95              |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
| Street Tree Planting and Maintenance Fee  | \$2,062.50  | No      | T95              |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
| Security Administration Fee   | \$225   | No      | T16              |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
| <b>TOTAL SECURITY AND FEES</b>  | \$ 170,203.80   |         |                  |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |
|   | <p><b>How must the payments be made?</b><br/>Payments must be made by:</p> <ul style="list-style-type: none"> <li>• cash deposit with Council,</li> <li>• credit card payment with Council, or</li> <li>• bank cheque made payable to Woollahra Municipal Council.</li> </ul> <p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none"> <li>• the guarantee is by an Australian bank for the amount of the total outstanding contribution,</li> <li>• 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],</li> <li>• 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,</li> <li>• the bank guarantee is lodged with the Council prior to any site works being undertaken, and</li> <li>• 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.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> |         |                  |             |        |         |                  |   |  |  |  |   |           |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |            |    |     |                             |       |    |     |                                |               |  |  |



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|                      | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• The Refund of Security Bond Application form can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b> To ensure any relevant security and fees are paid.</p>  |
| <p><b>B. 13.</b></p> | <p><b>Dilapidation Reports for Existing Buildings</b></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> <p>a) 16 Burrabirra Avenue</p> <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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.</li> <li>• 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.</li> <li>• Council will not become directly involved in disputes between the developer, its contractors and the owners of neighbouring buildings.</li> </ul> <p><b>Condition Reason:</b> To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.</p> |

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| <b>B. 14.</b> | <p><b>Dilapidation Reports for Public Infrastructure</b></p> <p>Before any site work commences, to clarify the existing state of public infrastructure prior to the commencement of the development (including prior to any demolition), a dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site must be prepared.</p> <p>The dilapidation report must be submitted to Council prior to the commencement of any site work and include:</p> <ol style="list-style-type: none"> <li>photographs showing any existing damage to the road pavement fronting the site,</li> <li>photographs showing any existing damage to the kerb and gutter fronting the site,</li> <li>photographs showing any existing damage to the footway including footpath pavement fronting the site,</li> <li>photographs showing any existing damage to retaining walls within the footway or road,</li> <li>closed circuit television/video inspection (in DVD format) and report of the public stormwater drainage system traversing/adjoining the site, and</li> <li>the full name and signature of the Chartered Professional Engineer.</li> </ol> <p>The report is to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital, and date stamped.</p> <p>The dilapidation report must specify (with supporting photographic/DVD evidence) the exact location and extent of any damaged or defective public infrastructure prior to the commencement of any site work. If the required report is not submitted, Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site work under this consent.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>If a dilapidation report is not submitted as required by this condition, and damage is occasioned to public assets, which adjoin the site, Council will deduct from security any costs associated with remedying, repairing or replacing damaged public infrastructure.</li> <li>Nothing in this condition prevents Council making any claim against security held for this purpose.</li> </ul> <p><b>Condition Reason:</b> To establish and document the structural condition of public land for comparison as site work progresses and is completed and ensure Council is provided with the dilapidation report.</p> |
| <b>B. 15.</b> | <p><b>Adjoining Buildings Founded on Loose Foundation Materials</b></p> <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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>  |

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|               | <ul style="list-style-type: none"> <li>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.</li> </ul>   |
|               | <p><b>Condition Reason:</b> To ensure professional engineering advice is obtained to confirm that appropriate underpinning and support to adjoining land is maintained.</p>  |
| <b>B. 16.</b> | <p><b>Works (Construction) Zone – Approval and Implementation</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To facilitate the efficient operation of construction projects and to minimise traffic disruption.</p> |
| <b>B. 17.</b> | <p><b>Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection</b></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 1556 1181 1762" data-label="Diagram"> </div> <p><b>Type A Hoarding</b></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>  |



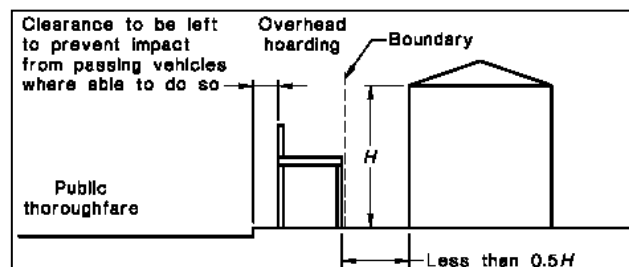
### Type B Hoarding

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](http://www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf)

### All Hoardings

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

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

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

|                      |   |
|----------------------|---|
|                      | <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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"> <li>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<br/>OR</li> <li>B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more<br/>OR</li> <li>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"> <li>1. the capital investment value of the work to which the hoarding relates is less than \$1 million, or</li> <li>2. the land is zoned R2 Low Density Residential, or</li> <li>3. 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).</li> </ol> </li> </ul> </li> <li>• 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 <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b>To ensure public safety.</p> |
| <p><b>B. 18.</b></p> | <p><b>Site Signs</b></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><b>Erection of signs</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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"> <li>a) showing the name, address and telephone number of the principal certifier for the work, and</li> <li>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</li> <li>c) stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> <li>• 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.</li> <li>• 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.</li> </ul>   |

|                      |  |
|----------------------|--|
|                      | <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Clause 75 of the Development Certification and Fire Safety Regulation provides:</p> <p><b>Signs on development sites</b></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"> <li>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.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.</p> |
| <p><b>B. 19.</b></p> | <p><b>Toilet Facilities</b></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"> <li>must be a standard flushing toilet, and</li> <li>must be connected to a public sewer, or</li> <li>if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or</li> <li>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.</li> </ol> <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999.</li> <li>This condition does not set aside the requirement to comply with SafeWork NSW requirements.</li> </ul> <p><b>Condition Reason:</b> To ensure toilet facilities are provided for workers at the work site.</p>  |

|               |  |
|---------------|--|
| <b>B. 20.</b> | <p><b>Establishment of Boundary Location, Building Location and Datum</b></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"> <li>set out the boundaries of the site by permanent marks (including permanent recovery points),</li> <li>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,</li> <li>establish a permanent datum point (bench mark) within the boundaries of the site relative to AHD, and</li> <li>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.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure that the boundary locations, building location, and a datum point is established by a surveyor.</p> |
| <b>B. 21.</b> | <p><b>Compliance with Australian Standard for Demolition</b></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><b>Condition Reason</b> To control the risks of demolition work.</p>  |
| <b>B. 22.</b> | <p><b>Construction Management Plan Arborist Review</b></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"> <li>Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;</li> <li>The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.;</li> <li>Site construction access, temporary crossings and movement corridors on the site defined;</li> <li>Contractors car parking;</li> <li>Phasing of construction works;</li> <li>The space needed for all foundation excavations and construction works;</li> <li>All changes in ground level;</li> <li>Space for site sheds and other temporary structures such as toilets;</li> <li>Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and</li> </ol>  |

|  | <p>j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.</p> <p><b>Condition Reason</b> To ensure the Construction Management Plan incorporates measures for the protection of existing trees.<br/>Standard Condition B.28 (Autotext 28B)</p>   |  |  |                         |  |
|--|--|--|--|-------------------------|--|
| <b>B. 23.</b>                                      | <p><b>Arborists Documentation and Compliance Checklist</b></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"> <li>• A record of the condition of trees to be retained prior to and throughout development.</li> <li>• Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>• Recommendations for future works which may impact the trees.</li> </ul> <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"> <li>• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.</li> <li>• The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li> </ul> </td></tr> </tbody> </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 the site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p><b>Condition Reason</b> To ensure that written certification that all tree protection measures and construction techniques relevant to this consent have been implemented.<br/>Standard Condition B.29 (Autotext 29B)</p> | Stage of arboricultural inspection and supervision | Compliance documentation and photos must include | Prior to any site works | <ul style="list-style-type: none"> <li>• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.</li> <li>• The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li> </ul> |
| Stage of arboricultural inspection and supervision | Compliance documentation and photos must include   |  |  |                         |  |
| Prior to any site works                            | <ul style="list-style-type: none"> <li>• Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.</li> <li>• The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li> </ul>   |  |  |                         |  |
| <b>B. 24.</b>                                      | <p><b>Permissible work within Tree Protection Zones</b></p> <p>Prior to any site works, the following works are permissible within the Tree Protection Zone:</p>   |  |  |                         |  |



| Council Ref No | Species                               | Radius from Centre of Trunk (Metres) | Approved works  |
|----------------|---------------------------------------|--------------------------------------|---|
| 1              | <i>Lophostemon confertus</i>          | 8.5m                                 | Demolition and construction of front boundary wall, landscape works within site, installation of driveway and crossover |
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i> | 2m                                   | Demolition and construction of front boundary wall, landscape works within site.  |

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 THE ISSUE OF A CONSTRUCTION CERTIFICATE

|              |   |
|--------------|---|
| <b>D. 1.</b> | <b>Modification of Details of the Development (section 4.17(1)(g) of the Act</b>  |
|              | <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) Ground floor level south elevation living room opening W-G05 must incorporate one of the following privacy treatments:</p> <ul style="list-style-type: none"> <li>i. Consist of fixed translucent glazing to a minimum height of 1.5m above ground floor level or;</li> <li>ii. have a bottom sill height a minimum height of 1.5m above ground floor level or;</li> <li>iii. be screened by fixed horizontal or vertical louvres, or other screening device set off the window externally that redirects and limit sightlines to private open space of adjacent dwellings within 9m.</li> </ul> <p>This condition is imposed in accordance with O2 and C4 of B3.5.4 of the Woollahra Development Control Plan 2015.</p> <p>b) Ground floor level full height privacy screening to the north side elevation of the terrace is to be extended along the full northern extent of the terrace to adjoin the rear alignment of the terrace. The privacy screening device is to redirect and limit sightlines to windows of habitable rooms and private open space of adjacent dwellings within 9m in accordance with O3, C7 and C8 of B3.5.4 of the Woollahra Development Control Plan 2015.</p> <p>c) First floor level north elevation bedroom opening W-115 must consist of fixed translucent glazing to a minimum height of 1.5m above the first floor level or alternatively, have a bottom sill height a minimum height of 1.5m above first floor level in accordance with O2 and C4 of B3.5.4 of the Woollahra Development Control Plan 2015.</p> |

|                     |   |
|---------------------|---|
|                     | <p>d) First floor level north elevation ensuite/bathroom window openings W-114 and W-113 must consist of fixed translucent glazing to a minimum height of 1.65m above the first floor level in accordance with O2 and C5 of B3.5.4 of the Woollahra Development Control Plan 2015.</p> <p>e) First floor level south elevation bedroom opening W-105 must consist of fixed translucent glazing to a minimum height of 1.5m above the first floor level or alternatively, have a bottom sill height a minimum height of 1.5m above first floor level in accordance with O2 and C4 of B3.5.4 of the Woollahra Development Control Plan 2015.</p> <p>f) The trafficable area of the first floor level rear elevation roof terrace accessed from bedroom 1 shall be setback a minimum 2.5m from the south side boundary (to align with first floor level side elevation) to prevent direct line of sight to neighbouring private open space within 12m in accordance with O3, C8 and C10 of B3.5.4 of the Woollahra Development Control Plan 2015.</p> <p>g) The driveway and crossover extension is to be setback 3.3m (outside of the Structural Root Zone) from the base of tree 1 – Lophostemon confertus, located outside the site on the Council verge.</p> <p><b>Notes:</b><br/>Clause 20 of the Development Certification and Fire Safety Regulations prohibits <b>the</b> issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.<br/>Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.</p> <p><b>Condition Reason:</b> 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> |
| <p><b>D. 2.</b></p> | <p><b>Payment of S7.12 Contributions Levy</b></p> <p>A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022.</p> <p>A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021.</p> <p>The cost estimate report must be in the form of:</p> <ul style="list-style-type: none"> <li>• A cost summary report, prepared by the applicant or a suitably qualified person for a development up to \$749,999; or</li> <li>• A quantity surveyor's report, for development over \$750,000.</li> </ul> <p>The applicable levy rate is to be calculated using the summary schedule below.</p>   |

| <b>Summary Schedule</b>                                 |                  |
|---|------------------|
| <b>Development Cost</b>                                 | <b>Levy Rate</b> |
| • Up to and including \$100,000                         | Nil              |
| • More than \$100,000 and up to and including \$200,000 | 0.5% of the cost |
| • More than \$200,000                                   | 1% of the cost   |

#### **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.

#### **Deferred or periodic payment of section 7.12 levy**

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.

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

Please contact Council's Customer Service Team on 02 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).

**Condition Reason:** To ensure any relevant contributions are paid.

|                     |  |
|---------------------|--|
| <p><b>D. 3.</b></p> | <p><b>BASIX Commitments</b></p> <p>Before the issue of any construction certificate, BASIX Certificate No. 1411424S 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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure all commitments in the BASIX Certificate are incorporated into the development.</p>   |
| <p><b>D. 4.</b></p> | <p><b>Road and Public Domain Works</b></p> <p>Before the issue of any construction certificate, a separate application under Section 138 of the Roads Act 1993 is to be made to, and be approved by Council, for the following infrastructure works. The infrastructure works must be carried out at the applicant's expense:</p> <ol style="list-style-type: none"> <li>The removal of the existing vehicular crossing including layback and gutter and the construction of a new 4.5m wide vehicular crossing in accordance with Council's Crossing Specification, standard driveway drawing RF2_D and to the satisfaction of Council's Assets Engineers. The new crossing shall be constructed at a right angle to the street kerb in plain concrete where the centreline of the new crossing must align with the centreline of the internal driveway at the property boundary. Design longitudinal surface profiles along each side/edge for the proposed driveway, starting from the road centreline to the parking slab must be submitted for assessment,</li> <li>The reinstatement of the existing, kerb and gutter and road pavement to Council's Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council's Assets Engineers,</li> <li>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.</li> </ol> <p>Before the issue of any construction certificate, the principal certifier must be provided with the original receipt(s) for the payment of all of the following security bonds and fees:</p> |

| Description  | Amount | Indexed | Council Fee Code |
|--|--------|---------|------------------|
| <b>SECURITY</b><br>under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>                              |        |         |                  |
| <b>Infrastructure Works Bond</b> - completing any public work required in connection with the consent.                             | \$ Nil | No      | T113             |
| <b>Infrastructure Works Bond</b> – remedying any defects in any public work that arise within 6 months after the work is completed | \$ Nil | No      | T113             |
| <b>INSPECTION FEES</b><br>under section 608 of the <i>Local Government Act 1993</i>  |        |         |                  |
| Public Road and Footpath Infrastructure Inspection Fee   | \$645  | No      | T45              |
| <b>TOTAL SECURITY AND FEES</b>   | \$645  |         |                  |

### How must the payments be made?

Payments must be made by:

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

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

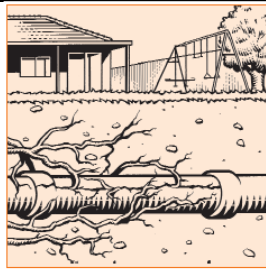
- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever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

### Notes:

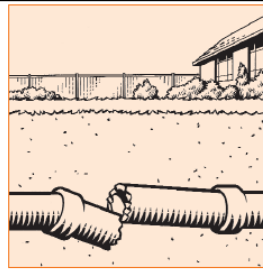
- **Road** has the same meaning as in the Roads Act 1993.
- Changes in levels may arise from the detailed design of buildings, road, footpath, driveway crossing grades and stormwater. Changes required under Roads Act 1993 approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.
- 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). The connection drainage lines must be as direct as possible and generally run perpendicular to the kerb alignment.
  - Engineering drawings of the new drainage line to be constructed joining the new and existing drainage pits including services.
- All driveways must include a design longitudinal surface profile for the proposed driveway for assessment. The driveway profile is to start from the road centreline and be along the worst case edge of the proposed driveway. Gradients and transitions must be in accordance with clause 2.5.3, 2.6 of AS 2890.1 – 2004, Part 1 – Off-street car parking. The driveway profile submitted to Council must be to (1:25) scale (for template checking purposes) and contain all relevant details: reduced levels, proposed grades and distances.
- The existing footpath level and grade at the street alignment of the property must be maintained unless otherwise specified by Council. Your driveway levels are to comply with AS2890.1 and Council’s Standard Drawings. There may be occasions where these requirements conflict with your development and you are required to carefully check the driveway/garage slab and footpath levels for any variations.
- Any adjustments required from the garage slab and the street levels are to be carried out internally on private property
- Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.
- Temporary ground anchors may be permitted, in accordance with Council’s “Rock Anchor Policy”.
- Services: Prior to any excavation works, the location and depth of all public utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant must be responsible for all public utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.
- All public domain works must comply with the latest version of Council’s “Specification for Roadworks, Drainage and Miscellaneous Works” unless expressly provided otherwise by these conditions. This specification and the application form can be downloaded from [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).
- When an application under the Roads Act is required, then four (4) weeks is to be allowed for assessment.
- An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.
- The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council’s requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council’s requirements.
- Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council’s satisfaction as the case may be.
- When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.
- Upon completion of each section of road, drainage and landscape work to Council’s satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.

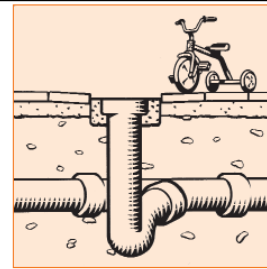
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|              | <p><b>Condition Reason:</b> To ensure the design of the road, footpaths, driveway crossings and public stormwater drainage works are detailed and approved under section 138 of the Roads Act 1993 and to ensure the works are completed to Council's satisfaction.</p>  |
| <b>D. 5.</b> | <p><b>Waste Storage – Compliance with Approved Site Waste Minimisation and Management Plan (SWMMP)</b></p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must detail provisions for waste management in accordance with the approved SWMMP.</p> <p>Waste storage areas must meet the following requirements:</p> <ol style="list-style-type: none"> <li>Bins must be stored with lids down to prevent vermin from entering the waste containers.</li> <li>The area must be constructed with a smooth impervious floor graded to a floor waste. A waste storage area that is located internal to the building must be fitted with both a hot and cold water supply and hose cocks. Wastewater must be discharged to the sewer in accordance with the requirements of Sydney Water.</li> <li>Walls and ceilings of the waste storage area must be constructed of an impervious material with a smooth finish. The junction between the walls and the floor must be covered with a minimum radius of 25mm to prevent the accumulation of waste matter.</li> <li>The garbage storage area must be well lit to enable use at night. A timer switch must be fitted to the light fitting to ensure the light is turned off after use.</li> <li>Odour problems must be minimised by good exhaust ventilation.</li> <li>Both putrescible and recycling bins/crates must be stored together. Recycling bins must never stand alone. They must always be located beside putrescible waste bins. Putrescible bins must be located closest to the entrance to the waste storage room.</li> <li>Signage on the correct use of the waste management system and what materials may be recycled must be posted in the communal waste storage cupboard/ room or bin bay.</li> </ol> <p><b>Condition Reason:</b> To ensure a waste and recycling storage area is provided.</p> |
| <b>D. 6.</b> | <p><b>Water and Waste Water - section 73 Developers Certificate and Upgrading of Existing System</b></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> <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>  |



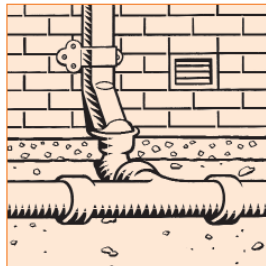
*Cracked pipes*



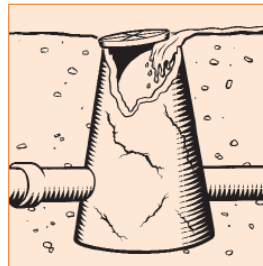
*Broken pipes*



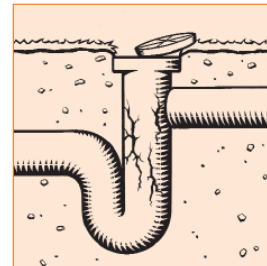
*Damaged or low-lying gullies*



*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](http://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. 7. 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:

- "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
- "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 Principal Certifier must be satisfied that the erosion and sediment control plan complies with the publications above prior to issuing any construction certificate.



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|       | <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• The International Erosion Control Association – Australasia <a href="http://www.austieca.com.au">www.austieca.com.au</a> 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.</li> <li>• The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>, and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> <li>• Under clause 73(2)(a)(v) of the Development Certification and Fire Safety Regulation an Accredited Certifier may be satisfied as to this matter.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>  |
| D. 8. | <p><b>Tree Protection Plan and Specification</b></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"> <li>• shaded green where required to be retained and protected</li> <li>• shaded red where authorised to be removed</li> <li>• shaded yellow where required to be transplanted</li> <li>• shaded blue where required to be pruned</li> </ul> <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"> <li>• 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.</li> <li>• The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices.</li> <li>• Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 &amp; 5 of AS4970, providing guidance for the implementation of tree protection methods.</li> <li>• To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist.</li> </ul> <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><b>Condition Reason:</b> To ensure the construction certificate includes the approved tree management details, and all measures are implemented.<br/>Standard Condition D.30 (Autotext 30D)</p> |
| D. 9. | <p><b>Structural Adequacy of Existing Supporting Structures</b></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</p>  |

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|               | <p>provided to the Principal Certifier and submitted with the construction certificate application.</p> <p><b>Condition Reason:</b> To ensure that the existing structure is able to support the additional loads proposed.</p>   |
| <b>D. 10.</b> | <p><b>Professional Engineering Details</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>This does not affect the right of the developer to seek staged construction certificates.</li> </ul> <p><b>Condition Reason:</b> To ensure professional engineering details and technical specifications are provided.</p>  |
| <b>D. 11.</b> | <p><b>Engineer Certification</b></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><b>Condition Reason:</b> 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>  |
| <b>D. 12.</b> | <p><b>Geotechnical and Hydrogeological Design, Certification and Monitoring</b></p> <p>Before 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 Chapter E2 of Council's DCP and Council's 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.</p> <p>These details must be certified by the professional engineer to:</p> <ol style="list-style-type: none"> <li>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.</li> </ol> |

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|                      | <p>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).</p> <p>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.</p> <p>d) Provide tanking to below ground structures to prevent the entry of seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter.</p> <p>e) Provide a Geotechnical and Hydrogeological Monitoring Program that:</p> <ul style="list-style-type: none"> <li>• will detect any settlement associated with temporary and permanent works and structures,</li> <li>• will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),</li> <li>• will detect vibration in accordance with AS 2187.2 Appendix J including acceptable velocity of vibration (peak particle velocity),</li> <li>• will detect groundwater changes calibrated against natural groundwater variations,</li> <li>• details the location and type of monitoring systems to be utilised,</li> <li>• details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,</li> <li>• details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and</li> <li>• details a contingency plan.</li> </ul> <p><b>Condition Reason:</b> To ensure that geotechnical and hydrogeological impacts are appropriately managed.</p> |
| <p><b>D. 13.</b></p> | <p><b>Ground Anchors</b></p> <p>This development consent does NOT give approval to works or structures over, on or under adjoining properties, public roads and/or footpaths.</p> <p>Before the issue of any construction certificate, if ground anchors are proposed:</p> <p>a) 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.</p> <p>b) 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.</p> <p>c) 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. A minimum of four weeks should be allowed for assessment.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• To ensure that this work is completed to Council's satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.</li> <li>• Road has the same meaning as in the Roads Act 1993.</li> </ul>  |

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|                      | <ul style="list-style-type: none"> <li>Clause 17 of the Roads (General) Regulation 2018 prohibits excavation in the vicinity of roads as follows: "Excavations adjacent to road - A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road." Separate approval is required under the Roads Act 1993 for any underpinning, shoring, soil anchoring (temporary) or the like within or under any road. Council will not give approval to permanent underpinning, shoring, soil anchoring within or under any road.</li> </ul> <p><b>Condition Reason:</b> To ensure the relevant approval is gained for any temporary ground anchors.</p>  |
| <p><b>D. 14.</b></p> | <p><b>Parking Facilities</b></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 plans showing the following:</p> <ol style="list-style-type: none"> <li>The proposed double garage must have minimum dimensions of 5.4m x 5.4m, clear of any obstructions, to comply with AS2890.1. In this regard, 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.</li> </ol> <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><b>Condition Reason:</b> To ensure parking facilities are designed in accordance with the Australian Standard.</p>   |
| <p><b>D. 15.</b></p> | <p><b>Stormwater Connection to Council's Stormwater Drainage System</b></p> <p>Before the issue of a Construction Certificate, a separate application under Section 68 of the Local Government Act 1993 is to be made to and be approved by Council for the following works. The works must be carried out at the applicant's expense:</p> <ol style="list-style-type: none"> <li>The discharge of stormwater from the subject site into the Council's drainage infrastructures in the Reserve via the construction of a new 900mm x 900mm reinforced concrete pit to the satisfaction of Council's Assets Engineers. Longitudinal section showing all details including invert level of the stormwater outlet pipe at both ends, pipe size and gradient, finished ground levels and both invert and both design invert and finished levels of the new 900x900 junction pit must be clearly depicted on the drawings.</li> </ol> <p>The developer must meet all design requirements and costs of reconstruction of any part of Council's drainage system (including any design drawings and specifications) required to carry out the approved development.</p> <p>The design and construction of the works must be in accordance with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management and "Specification for Road Works, Drainage and Miscellaneous Works" which include Council's standard drawings. These documents are available from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>.</p> |

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|                      | <p>A “Water Supply, Sewerage &amp; Stormwater Drainage Work” Application form must be completed and lodged, with the application fee, at Council’s Customer Services. Detailed plans and specifications of all works to the existing stormwater pipeline, must be attached, submitted to and approved by Council under section 68 of the Local Government Act 1993, before the issue of any Construction Certificate.</p> <p>Detailed engineering plans and specifications of the works required by this condition must accompany the application form. The plans must clearly show the following:</p> <ul style="list-style-type: none"> <li>• Engineering drawings (plan, sections and elevation views) and specifications.</li> </ul> <p>Drainage design works must comply with the Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management.</p> <p><u>Services:</u> Prior to any excavation works, the location and depth of all utility services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The Applicant shall be responsible for all utility adjustment/relocation works, necessitated by the development work and as required by the various public utility authorities and/or their agents.</p> <p>All 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 <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• To ensure that this work is completed to Council’s satisfaction, this consent by separate condition, may impose one or more Infrastructure Works Bonds.</li> <li>• When an application under the <i>Local Government Act</i> is required, then four (4) weeks is to be allowed for assessment.</li> <li>• The intent of this condition is that the design of the public stormwater drainage works must be detailed and approved prior to the issue of any Construction Certificate. Changes required under <i>Local Government Act 1993</i> approvals may necessitate design and levels changes under this consent. This may in turn require the Applicant to seek to amend this consent.</li> </ul> <p><b>Condition Reason:</b> To ensure that the relevant approval is gained for any works for the stormwater connection works.</p> |
| <p><b>D. 16.</b></p> | <p><b>Stormwater Management Plan</b></p> <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 suitably qualified and experienced civil engineer, which include the following:</p> <ol style="list-style-type: none"> <li>a) General design in accordance with stormwater management plans, referenced 230069, prepared by Quantum Engineers, dated 11/09/2023, other than amended by this and other conditions,</li> <li>b) The discharge of stormwater from the site to the Council’s stormwater drainage infrastructures in the Reserve via the construction of a new 900mm x 900mm reinforced concrete pit. The stormwater outlet pipe across the nature strip shall be made by using 150mm x 75mm galvanised RHS with minimum grade of 1% to comply with Council’s Specification for Roadworks, Drainage and Miscellaneous Works and to the satisfaction of Council’s Assets Engineers.</li> <li>c) The provision of a minimum 600mm x 600mm boundary junction pit prior to discharging stormwater from the site to the public drainage system,</li> </ol>  |

- d) The installation of a rainwater retention and reuse (RWT) system with a minimum storage of 29.5m<sup>3</sup>. 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. Details for the non-potable use and notation to this requirement must be clearly depicted on the drawings.
- e) Overflow from the proposed rainwater tank and any surface runoff must be directed to the proposed boundary junction pit,
- f) The proposed rainwater tanks must be located so that they are accessible for future replacement and/or maintenance,
- g) All 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 must be clearly depicted on the drawings,
- h) 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,
- i) Dimensions of all drainage pits and access grates must comply with AS3500.3.
- j) Compliance the objectives and performance requirements of the BCA.
- k) 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,

Where 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 before the issue of any Construction Certificate.

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|                      | <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><b>Condition Reason:</b> To ensure that site stormwater is disposed of in a controlled and sustainable manner.</p>   |
| <p><b>D. 17.</b></p> | <p><b>Flood Protection</b></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> <ul style="list-style-type: none"> <li>a) A permanent flood risk management plan shall be installed in a prominent area of the garage,</li> <li>b) A permanent flood risk management plan shall be installed in an area frequented by the residents such as the laundry,</li> </ul> <p><u>Fencing</u></p> <ul style="list-style-type: none"> <li>a) All fences traversing any over land flow path shall be designed to be flow through,</li> </ul> <p><u>Above Ground Car parking</u></p> <ul style="list-style-type: none"> <li>a) The driveway entry shall be protected by a crest with the threshold set to the flood planning level of 150mm above the adjacent kerb invert.</li> </ul> <p><u>Floor levels</u></p> <ul style="list-style-type: none"> <li>a) All habitable floors shall be above or protected from flooding to the flood planning level,</li> </ul> <p><u>Flood Proof Material</u></p> <ul style="list-style-type: none"> <li>a) Flood compatible materials shall be used for all flood exposed construction.</li> </ul> <p><u>Electricals</u></p> <ul style="list-style-type: none"> <li>a) All flood exposed electrical wiring and equipment shall be waterproofed,</li> </ul> <p><u>Certification</u></p> <ul style="list-style-type: none"> <li>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,</li> </ul> <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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To ensure the development incorporates flood inundation protection measures.</p> |

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| D. 18. | <p><b>Swimming and Spa Pools – Child Resistant Barriers</b></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 demonstrate compliance (by showing the proposed location of all child-resistant barriers and the resuscitation sign) with the provisions of the Swimming Pools Act 1992 and the Building Code of Australia.</p> <p>Approval is not granted for the modification of any boundary fencing beyond what is authorised by the stamped approved plans, as modified by any condition of consent or what is permitted to be carried out as 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure child-resistant swimming and spa pool barriers are provided.</p> |
| D. 19. | <p><b>Swimming and Spa Pools – Backwash</b></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 detail the connection of backwash to Sydney Waters sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure swimming and spa pool backwash is connected to Sydney Waters sewer.</p>  |
| D. 20. | <p><b>Electric vehicle circuitry and electric vehicle charging point requirements</b></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 an accurate electrical plan of all off-street car parking spaces, prepared by a suitably qualified person, which includes 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.</p> <p><b>Condition Reason:</b> To ensure the provision of electric vehicle circuitry to enable the future installation of electric vehicle charging point(s).</p>  |



## E. BEFORE BUILDING WORK COMMENCES

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| E. 1. | <p><b>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</b></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"> <li>that the work must be carried out in accordance with the requirements of the Building Code of Australia,</li> <li>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.</li> </ol> <p>This condition does not apply:</p> <ol style="list-style-type: none"> <li>to the extent to which an exemption is in force under the Home Building Regulation 2014, or</li> <li>to the erection of a temporary building.</li> </ol> <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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>All new guttering is to comply with the provisions of AS3500.</li> </ul> <p><b>Condition Reason:</b> 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> |
| E. 2. | <p><b>Erosion and Sediment Controls – Installation</b></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"> <li>The Soil and Water Management Plan if required under this consent;</li> <li>“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</li> <li>“Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</li> </ol> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>The International Erosion Control Association – Australasia (<a href="http://www.austieca.com.au/">www.austieca.com.au/</a>) lists consultant experts who can assist in ensuring compliance with this condition.</li> <li>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.</li> <li>The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> and The Blue Book is available at <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a></li> </ul>  |

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|       | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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”.</li> <li>• 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.</li> </ul>  |
|       | <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p>   |
| E. 3. | <p><b>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</b></p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none"> <li>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</li> <li>b) The person having the benefit of the development consent has: <ul style="list-style-type: none"> <li>• appointed a Principal Certifier for the building work, and</li> <li>• notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, and</li> </ul> </li> <li>c) The Principal Certifier has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> <li>• notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and</li> <li>• 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</li> </ul> </li> <li>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"> <li>• 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</li> <li>• notified the Principal Certifier of any such appointment, and</li> <li>• 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</li> <li>• given at least 2 days’ notice to the Council of the person’s intention to commence the erection of the building.</li> </ul> </li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>Building</b> 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.</li> <li>• <b>New building</b> 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.</li> <li>• 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.</li> <li>• Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council’s website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> <li>• 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.</li> </ul> |

- 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.

**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.

## F. DURING BUILDING WORK

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| <b>F. 1.</b> | <b>Compliance with BCA and Insurance Requirements under the Home Building Act 1989</b>  |
|              | <p>While site work is being carried out:</p> <ul style="list-style-type: none"> <li>a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),</li> <li>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.</li> </ul> <p>This condition does not apply:</p> <ul style="list-style-type: none"> <li>a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or</li> <li>b) to the erection of a temporary building.</li> </ul> <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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• All new guttering is to comply with the provisions of AS 3500.</li> </ul> <p><b>Condition Reason:</b> To ensure compliance with the BCA and Home building Act 1989.</p> |
| <b>F. 2.</b> | <p><b>Requirement to Notify about New Evidence</b></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><b>Condition Reason:</b> To ensure Council and the Principal Certifier are made aware of new information.</p>  |
| <b>F. 3.</b> | <p><b>Critical Stage Inspections</b></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>   |

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|                     | <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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>   |
| <p><b>F. 4.</b></p> | <p><b>Hours of Work –Amenity of the Neighbourhood</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>No work must take place on any Sunday or public holiday.</li> <li>No work must take place before 7am or after 5pm any weekday.</li> <li>No work must take place before 7am or after 1pm any Saturday.</li> <li>The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: <ul style="list-style-type: none"> <li>- piling,</li> <li>- piercing,</li> <li>- rock or concrete cutting, boring or drilling,</li> <li>- rock breaking,</li> <li>- rock sawing,</li> <li>- jack hammering, or</li> <li>- machine excavation.</li> </ul> </li> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.</li> </ul> |

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|              | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• NSW EPA Noise Guide is available at <a href="http://www.epa.nsw.gov.au/noise/nqlg.htm">www.epa.nsw.gov.au/noise/nqlg.htm</a></li> </ul> <p><b>Condition Reason:</b> To mitigate the impact of work upon the amenity of the neighbourhood.</p>  |
| <b>F. 5.</b> | <p><b>Public Footpaths – Safety, Access and Maintenance</b></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"> <li>Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.</li> <li>Not use the road or footway for the storage of any article, material, matter, waste or thing.</li> <li>Not use the road or footway for any work.</li> <li>Keep the road and footway in good repair free of any trip hazard or obstruction.</li> <li>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.</li> <li>Not stand any plant and equipment upon the road or footway.</li> <li>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.</li> <li>Provide a clear safe pedestrian route a minimum of 1.5m wide.</li> <li>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.</li> </ol> <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"> <li>Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards.</li> <li>Australian Road Rules.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Section 138 of the Roads Act 1993 provides that a person must not:             <ul style="list-style-type: none"> <li>- erect a structure or carry out a work in, on or over a public road, or</li> <li>- dig up or disturb the surface of a public road, or</li> <li>- remove or interfere with a structure, work or tree on a public road, or</li> <li>- pump water into a public road from any land adjoining the road, or</li> <li>- connect a road (whether public or private) to a classified road,</li> <li>- otherwise than with the consent of the appropriate roads authority.</li> </ul> </li> <li>• 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:</li> </ul> |

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|              | <ul style="list-style-type: none"> <li>- Part C Management of waste: <ul style="list-style-type: none"> <li>a) For fee or reward, transport waste over or under a public place</li> <li>b) Place waste in a public place</li> <li>c) Place a waste storage container in a public place.</li> </ul> </li> <li>- Part E Public roads: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> </li> </ul>   |
|              | <p><b>Condition Reason:</b> To ensure safe access is maintained to footpaths and roads during building works.</p>  |
| <b>F. 6.</b> | <p><b>Tree Preservation</b></p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council’s Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <ul style="list-style-type: none"> <li>a) The tree protection measures must be maintained during all development work unless otherwise specified within these conditions of consent.</li> <li>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.</li> <li>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.</li> </ul> <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><b>Condition Reason:</b> To protect trees during the carrying out of sitework.<br/>Standard Condition F.8 (Autotext 8F)</p> |
| <b>F. 7.</b> | <p><b>Maintenance of Environmental Controls</b></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"> <li>a) erosion and sediment controls,</li> <li>b) dust controls,</li> <li>c) dewatering discharges,</li> <li>d) noise controls,</li> <li>e) vibration monitoring and controls, and</li> <li>f) ablutions.</li> </ul> <p><b>Condition Reason:</b> To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>   |
| <b>F. 8.</b> | <p><b>Compliance with Geotechnical / Hydrogeological Monitoring Program</b></p>  |

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|                     | <p>While site work is being carried out, excavation must be undertaken in accordance with the recommendations of the Geotechnical / Hydrogeological Monitoring Program and any oral or written direction of the supervising professional engineer.</p> <p>The Principal Contractor and any sub-contractor must strictly follow the Geotechnical / Hydrogeological Monitoring Program for the development including, but not limited to:</p> <ol style="list-style-type: none"> <li>the location and type of monitoring systems to be utilised,</li> <li>recommended hold points to allow for inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and</li> <li>the contingency plan.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure the geotechnical and/or hydrogeological impacts of the development are appropriately managed.</p>   |
| <p><b>F. 9.</b></p> | <p><b>Support of Adjoining Land and Buildings</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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"> <li>the consent of the owners of such adjoining or supported land to trespass or encroach, or</li> <li>an access order under the Access to Neighbouring Land Act 2000, or</li> <li>an easement under section 88K of the Conveyancing Act 1919, or</li> <li>an easement under section 40 of the Land and Environment Court Act 1979 as appropriate.</li> </ul> </li> <li>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).</li> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure that the support of adjoining land is not removed.</p> |

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| <b>F. 10.</b> | <p><b>Vibration Monitoring</b></p> <p>While site work is being carried out, vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.</p> <p>If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the Principal Contractor and any sub-contractor are easily alerted to the event.</p> <p>Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.</p> <p>Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the Principal Contractor and any sub-contractor clearly setting out required work practice.</p> <p>The Principal Contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.</p> <p>A copy of any written direction required by this condition must be provided to the Principal Certifier within 24 hours of any event.</p> <p>Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, Principal Contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>Professional engineer</b> has the same mean as in Schedule 1 of the BCA.</li> <li>• <b>Building</b> 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...."</li> <li>• <b>Supported land</b> has the same meaning as in the Conveyancing Act 1919.</li> </ul> <p><b>Condition Reason:</b> To monitor and manage vibration impacts from development.</p> |
| <b>F. 11.</b> | <b>Erosion and Sediment Controls – Maintenance</b>  |



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|               | <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"> <li>the Soil and Water Management Plan required under this consent,</li> <li>“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</li> <li>“Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</li> </ol> <p>Where there is any conflict The Blue Book takes precedence.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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”.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To prevent potential water pollution and dust nuisance.</p> |
| <b>F. 12.</b> | <p><b>Disposal of Site Water During Construction</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <p><b>Condition Reason:</b> 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>   |
| <b>F. 13.</b> | <p><b>Site Cranes</b></p> <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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure site cranes are used safely with the relevant approvals.</p>   |
| <p><b>F. 14.</b></p> | <p><b>Check Surveys - boundary location, building location, building height, stormwater drainage system and flood protection measures relative to Australian Height Datum</b></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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>Stormwater drainage Systems are in place prior to back filling over pipes confirming location, height and capacity of works.</li> <li>Flood protection measures are in place confirming location, height and capacity.</li> </ol> <p><b>Condition Reason:</b> 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> |
| <p><b>F. 15.</b></p> | <p><b>Placement and Use of Skip Bins</b></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>   |

|               |   |
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|               | <p>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</p> <p>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> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure waste storage containers are appropriately located.</p>  |
| <b>F. 16.</b> | <p><b>Prohibition of Burning</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure no burning of waste occurs.</p>  |
| <b>F. 17.</b> | <p><b>Dust Mitigation</b></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"> <li>Dust screens to all hoardings and site fences.</li> <li>All stockpiles or loose materials to be covered when not being used.</li> <li>All equipment, where capable, being fitted with dust catchers.</li> <li>All loose materials being placed bags before placing into waste or skip bins.</li> <li>All waste and skip bins being kept covered when not being filled or emptied.</li> <li>The surface of excavation work being kept wet to minimise dust.</li> <li>Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>“Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li> <li>Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from <a href="http://www.safework.nsw.gov.au">www.safework.nsw.gov.au</a> and <a href="http://www.epa.nsw.gov.au">www.epa.nsw.gov.au</a>. Other specific conditions and advice may apply.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p> |
| <b>F.</b>     | <b>Swimming and Spa Pools – Temporary Child Resistant Barriers and other Matters</b>  |

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| 18.    | <p>While site work is being carried out, temporary child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and Building Code of Australia where any swimming pool or spa pool, as defined by the Swimming Pools Act 1992, contains more than 300mm in depth of water at any time.</p> <p>Permanent child-resistant barriers must be installed in compliance with the Swimming Pools Act 1992 and the Building Code of Australia as soon as practical.</p> <p>Backwash and any temporary dewatering from any swimming pool or spa pool as defined by the Swimming Pools Act 1992 must be discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>This condition does not prevent Council from issuing an order under section 23 of the Swimming Pool Act 1992 or taking such further action as necessary for a breach of this condition or the Swimming Pools Act 1992.</li> </ul> <p><b>Condition Reason:</b> To ensure access to swimming pools is effectively restricted to maintain child safety.</p>   |
| F. 19. | <p><b>Site Waste Minimisation and Management – Demolition</b></p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> <li>the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,</li> <li>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),</li> <li>separate collection bins and/or areas for the storage of residual waste are to be provided,</li> <li>the purpose and content of the bins and/or storage areas are to be clearly 'signposted',</li> <li>measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and</li> <li>site disturbance must be minimised, and unnecessary excavation limited.</li> </ol> <p>When implementing the SWMMP the Applicant must ensure:</p> <ol style="list-style-type: none"> <li>footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval,</li> <li>any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997,</li> <li>waste is only transported to a place that can lawfully be used as a waste facility,</li> <li>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</li> <li>evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> |

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|               | <p><b>Condition Reason:</b> To maximise resource recovery and minimise residual waste from demolition activities.</p>   |
| <b>F. 20.</b> | <p><b>Site Waste Minimisation and Management – Construction</b></p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ol style="list-style-type: none"> <li>the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work,</li> <li>deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage,</li> <li>consideration must be given to returning excess materials to the supplier or manufacturer,</li> <li>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),</li> <li>the purpose and content of the storage areas must be clearly ‘signposted’,</li> <li>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,</li> <li>separate collection bins or areas for the storage of residual waste must be promoted,</li> <li>measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented,</li> <li>site disturbance must be minimised and unnecessary excavation limited,</li> <li>all waste must be transported to a place that can lawfully be used as a waste facility, and</li> <li>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.</li> </ol> <p><b>Condition Reason:</b> To maximise resource recovery and minimise residual waste from construction activities.</p> |
| <b>F. 21.</b> | <p><b>Shoring and Adequacy of Adjoining Property</b></p> <p>While site work is being carried out, the person having the benefit of the development consent must, at the person’s own expense:</p> <ol style="list-style-type: none"> <li>protect and support the adjoining premises from possible damage from the excavation, and</li> <li>where necessary, underpin the adjoining premises to prevent any such damage.</li> </ol> <p>For the purposes of section 4.17(11) of the Act, the following condition is prescribed in relation to a development consent for development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</li> </ul>  |

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|               | <p><b>Condition Reason:</b> To protect and support the adjoining premises from possible damage from the excavation.</p>   |
| <b>F. 22.</b> | <p><b>Asbestos Removal</b></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> <ol style="list-style-type: none"> <li>Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.</li> <li>Be carried out in accordance with the relevant SafeWork NSW codes of practice.</li> <li>No asbestos products may be reused on the site.</li> <li>No asbestos laden skip or bins must be left in any public place.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> <li>Work Health and Safety Act 2011,</li> <li>Work Health and Safety Regulation 2017,</li> <li>SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and</li> <li>SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016).</li> </ul> </li> <li>For more information go to the SafeWork NSW website on asbestos <a href="http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos">www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos</a>, and <a href="http://www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice">www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice</a> or call 131 050</li> </ul> <p><b>Condition Reason:</b> To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p> |
| <b>F. 23.</b> | <p><b>Classification of Hazardous Waste</b></p> <p>While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.</p> <p><b>Condition Reason:</b> To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.</p>   |
| <b>F. 24.</b> | <p><b>Disposal of Asbestos and Hazardous Waste</b></p> <p>While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.</p>  |

|  | <p><b>Condition Reason:</b> To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.</p>   |  |  |                                |  |
|--|--|--|--|--------------------------------|--|
| <b>F. 25.</b>                                      | <p><b>Asbestos Removal Signage</b></p> <p>While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.</p> <p><b>Condition Reason:</b> To ensure awareness of any hazard to the health and safety of persons working on the site and public.</p>   |  |  |                                |  |
| <b>F. 26.</b>                                      | <p><b>Notification of Asbestos Removal</b></p> <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><b>Condition Reason:</b> To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.</p>  |  |  |                                |  |
| <b>F. 27.</b>                                      | <p><b>Arborists Documentation and Compliance Checklist</b></p> <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"> <li>a record of the condition of trees to be retained prior to and throughout development,</li> <li>recommended actions to improve site conditions and rectification of non-compliance, and</li> <li>recommendations for future works which may impact the trees.</li> </ol> <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>While site work is carried out</td><td> <ul style="list-style-type: none"> <li>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.</li> </ul> </td></tr> </table> | Stage of arboricultural inspection and supervision | Compliance documentation and photos must include | While site work is carried out | <ul style="list-style-type: none"> <li>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.</li> </ul> |
| Stage of arboricultural inspection and supervision | Compliance documentation and photos must include   |  |  |                                |  |
| While site work is carried out                     | <ul style="list-style-type: none"> <li>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.</li> </ul>   |  |  |                                |  |

|   | <ul style="list-style-type: none"><li>• The project arborist must supervise the demolition of the existing front boundary wall within the TPZ of trees 1 and 2. The condition of exposed roots must be managed and documented.</li><li>• The project arborist must supervise the installation of the new boundary wall within the TPZ of Tree No. 1 and 2, documenting the condition of roots and soil.</li><li>• The project arborist must supervise the installation of the driveway and crossover within the TPZ of tree 1, ensuring tree sensitive construction methods are implemented.</li><li>• 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.</li><li>• The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees.</li><li>• Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.</li><li>• Regular inspections as indicated in the Tree Management Plan.</li></ul> |   |   |   |   |  |  |      |         |
|---|--|---|---|---|---|--|--|------|---------|
| <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><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.</p> <p>Standard Condition F.45 (Autotext 45F)</p>   |  |   |   |   |   |  |  |      |         |
| F. 28.  | <p><b>Replacement/Supplementary trees which must be planted</b></p> <p>While site work is being carried out, any replacement or supplementary tree must be grown in accordance with Tree stock for landscape use (AS 2303). The following replacement tree/s must be planted in deep soil landscaped area and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it becomes a prescribed tree in accordance with Chapter E.3 of Council’s Development Control Plan, it must be replaced with another of the same species, which complies with the criteria outlined below.</p> <table><tr><th>Species/Type</th><th>Planting Location</th><th>Container Size/Size of Tree (at planting)</th><th>Minimum Dimensions at Maturity (metres)</th></tr><tr><td><i>Angophora costata</i> or <i>Eucalyptus botryoides</i></td><td>Rear Yar – lower area behind swimming pool</td><td>100L</td><td>20 x 15</td></tr></table> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure the provision of appropriate replacement planting.</p> <p>Standard Condition F.46 (Autotext 46F)</p>   | Species/Type                              | Planting Location                       | Container Size/Size of Tree (at planting) | Minimum Dimensions at Maturity (metres) | <i>Angophora costata</i> or <i>Eucalyptus botryoides</i> | Rear Yar – lower area behind swimming pool | 100L | 20 x 15 |
| Species/Type  | Planting Location  | Container Size/Size of Tree (at planting) | Minimum Dimensions at Maturity (metres) |   |   |  |  |      |         |
| <i>Angophora costata</i> or <i>Eucalyptus botryoides</i>  | Rear Yar – lower area behind swimming pool   | 100L                                      | 20 x 15                                 |   |   |  |  |      |         |
| F. 29.  | <p><b>Hand excavation within tree root zones</b></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.

| Council Ref No | Species                               | Location  | Radius from centre of trunk (metres) |
|----------------|---------------------------------------|---|--------------------------------------|
| 1              | <i>Lophostemon confertus</i>          | Street tree – Council verge   | 8.5m                                 |
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 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)

**F. 30. Footings in the vicinity of trees**

While site work is being carried out, footings for any structure within the specified radius from the trunks of the following trees must be supported using an isolated pier and beam system.

| Council Ref No | Species                               | Location  | Radius from centre of trunk (metres) |
|----------------|---------------------------------------|---|--------------------------------------|
| 1              | <i>Lophostemon confertus</i>          | Street tree – Council verge   | 8.5m                                 |
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 2m                                   |

Excavations for the installation of piers must be located so that no tree root with a diameter equal to or in excess of 50mm is severed or damaged. The smallest possible area must be excavated which allows construction of the pier. In consultation with the

|                | <p>project engineer the piers must be offset a minimum 100mm from any root equal to or in excess of 50mm to accommodate future growth. The beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.</p> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure the proposed footings would not adversely impact upon the health of existing trees.</p> <p>Standard Condition F.51 (Autotext 51F)</p>  |   |                                      |          |                                      |   |                              |                             |      |               |                                       |   |    |
|----------------|---|---|--------------------------------------|----------|--------------------------------------|---|------------------------------|-----------------------------|------|---------------|---------------------------------------|---|----|
| F. 31.         | <p><b>Installation of stormwater pipes and pits in the vicinity of trees</b></p> <p>While site work is being carried out, excavation for the installation of stormwater pipes and pits 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>Lophostemon confertus</i></td><td>Street tree – Council verge</td><td>8.5m</td></tr><tr><td>2-1, 2-2, 2-3</td><td><i>Archontophoenix cunninghamiana</i></td><td>Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations.</td><td>2m</td></tr></table> <p>Any roots equal to or greater than 50mm diameter uncovered for the installation of stormwater pipes and pits must not be severed and remain in situ bridging across the excavated trench. Pipes must be guided under any roots equal to or greater than 50mm bridging across excavated trenches. Stormwater pits must be positioned so that no roots equal to or greater then 50mm diameter are severed.</p> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees.</p> <p>Standard Condition F.52 (Autotext 52F)</p> | Council Ref No  | Species                              | Location | Radius from centre of trunk (metres) | 1 | <i>Lophostemon confertus</i> | Street tree – Council verge | 8.5m | 2-1, 2-2, 2-3 | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 2m |
| Council Ref No | Species   | Location  | Radius from centre of trunk (metres) |          |                                      |   |                              |                             |      |               |                                       |   |    |
| 1              | <i>Lophostemon confertus</i>  | Street tree – Council verge   | 8.5m                                 |          |                                      |   |                              |                             |      |               |                                       |   |    |
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i>   | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 2m                                   |          |                                      |   |                              |                             |      |               |                                       |   |    |
| F. 32.         | <p><b>Driveway and Crossover Installation adjacent to Tree 1</b></p> <p>A qualified Arborist (minimum AQF Level 5) shall supervise installation of the new driveway and crossover within the Tree Protection Zone of Tree 1. This includes excavation, form works and any disturbance to the ground between the trees.</p> <p>Installation of the driveway including excavation and formwork shall ensure tree sensitive methods are undertaken during the works. This must include hand excavation, small hand tools such as mattocks or using compressed air or water jetting only be used for excavation of the driveway and crossover and ensure tree roots equal to or greater than 50mm in diameter are not damaged or severed during the works.</p> <p>Approval is not granted for the severance, damaging, pruning or removal of any tree roots equal to or greater than 50mm in diameter. The design and installation of the driveway and crossover shall be amended to ensure all tree roots equal to or greater than 50mm diameter are retained.</p> <p>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.</p>   |   |                                      |          |                                      |   |                              |                             |      |               |                                       |   |    |

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|  | <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 shall document compliance with the above condition.</p> |
|  | <p><b>Condition Reason:</b> To ensure the installation of the driveway and crossover works would not adversely impact upon the health of existing trees.</p>  |

## G. BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

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| <b>G. 1.</b> | <p><b>Occupation Certificate (section 6.9 of the Act)</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• New building includes an altered portion of, or an extension to, an existing building.</li> </ul> <p><b>Condition Reason:</b> To ensure the building is suitable to occupy.</p>  |
| <b>G. 2.</b> | <p><b>Commissioning and Certification of Systems and Works</b></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"> <li>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.</li> <li>b) All flood protection measures.</li> <li>c) All garage/car park/basement car park, driveways and access ramps comply with Australian Standard AS 2890.1: Off-Street car parking.</li> <li>d) All stormwater drainage and storage systems.</li> <li>e) All mechanical ventilation systems.</li> <li>f) All hydraulic systems.</li> <li>g) All structural work.</li> <li>h) All acoustic attenuation work.</li> <li>i) All waterproofing.</li> <li>j) Such further matters as the Principal Certifier may require.</li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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).</li> </ul> |

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|              | <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Condition Reason:</b> 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>  |
| <b>G. 3.</b> | <p><b>Letter Box(es)</b></p> <p>Before the issue of any occupation certificate, all letter boxes must be constructed and located in accordance with AS/NZS 4253: Mailboxes and to Australia Post's satisfaction.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Council has been alerted to an increase in mailbox theft, and as such, all new development, being new dwelling houses and residential flat buildings, are encouraged to have lockable mail boxes.</li> </ul> <p><b>Condition Reason:</b> To ensure that mail can be delivered to occupiers of the site.</p> |
| <b>G. 4.</b> | <p><b>Swimming Pool Fencing</b></p> <p>Before the issue of any occupation certificate, swimming pool fencing is to be constructed in accordance with AS1926: Australian Standard Swimming Pool Safety Part 1 – Safety Barriers for Swimming Pools.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Pools commenced or completed after May 2013 must meet the BCA and AS1926.</li> </ul> <p><b>Condition Reason:</b> To ensure swimming pool safety.</p>  |
| <b>G. 5.</b> | <p><b>Certification of Electric Vehicle Charging System</b></p> <p>Before the issue of any occupation certificate, certification by a suitably qualified person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by <b>Condition D.20</b> must be submitted to the satisfaction of the Principal Certifier.</p> <p><b>Condition Reason:</b> To ensure the certification of the electric vehicle charging system.</p>                                      |
| <b>G. 6.</b> | <p><b>Fulfillment of BASIX Commitments – Clause 44 of the Development Certification and Fire Safety Regulation</b></p> <p>Before the issue of any occupation certificate, all BASIX commitments must be effected in accordance with the BASIX certificate No. 1411424S.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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</li> </ul>  |

|  | <p>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.</p> <p><b>Condition Reason:</b> To ensure that sustainable building commitments, to reduce water and energy consumption, are fulfilled prior to the occupation.</p>  |  |  |  |   |
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| <b>G. 7.</b>                                       | <p><b>Amenity Landscaping</b></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><b>Condition Reason:</b> To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.<br/>Standard Condition G.6 (Autotext 6G)</p>   |  |  |  |   |
| <b>G. 8.</b>                                       | <p><b>Landscaping</b></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><b>Condition Reason:</b> To ensure that all landscaping work is completed prior to occupation.<br/>Standard Condition G.26 (Autotext 26G)</p>   |  |  |  |   |
| <b>G. 9.</b>                                       | <p><b>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</b></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> <ol style="list-style-type: none"> <li>A record of the condition of trees to be retained prior to and throughout development.</li> <li>Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>Recommendations for future works which may impact the trees.</li> </ol> <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"> <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 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> </tbody> </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.   |  |  |  |   |

|  | <p><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p> <p>Standard Condition G.34 (Autotext 34G)</p>   |  |  |  |   |
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| <b>G. 10.</b>  | <p><b>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</b></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.</p> <p>Documentation for each site visit must include:</p> <ol style="list-style-type: none"> <li>A record of the condition of trees to be retained prior to and throughout development.</li> <li>Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>Recommendations for future works which may impact the trees.</li> </ol> <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>Before the issue of any occupation certificate for the whole of the building</td><td> <ul style="list-style-type: none"> <li>The project arborist must supervise the dismantling of tree protection measures</li> <li>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.</li> </ul> </td></tr> </tbody> </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><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p> <p>Standard Condition G.35 (Autotext 34G)</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"> <li>The project arborist must supervise the dismantling of tree protection measures</li> <li>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.</li> </ul> |
| 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"> <li>The project arborist must supervise the dismantling of tree protection measures</li> <li>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.</li> </ul>   |  |  |  |   |
| <b>G. 11.</b>  | <p><b>Removal of Ancillary Works and Structures</b></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> <ol style="list-style-type: none"> <li>the site sign,</li> <li>ablutions,</li> <li>hoarding,</li> <li>scaffolding, and</li> <li>waste materials, matter, article or thing.</li> </ol> <p><b>Condition Reason:</b> To ensure that all ancillary matter is removed prior to occupation.</p>   |  |  |  |   |

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| <b>G. 12.</b> | <p><b>Works within Public Land (including Council, State or Federal owned land or property)</b></p> <p>Before the issue of any occupation certificate, the following works within public land, whether new/existing/renewed 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 person with the benefit of this consents expense:</p> <ul style="list-style-type: none"> <li>a) stormwater pipes, pits, structures and connections to public stormwater systems within the road,</li> <li>b) driveways and vehicular crossings,</li> <li>c) renew/new retaining structures,</li> <li>d) overhang structures,</li> <li>e) encroachments or occupation or alienation of public land or property,</li> <li>f) removal of redundant driveways and any other structure,</li> <li>g) new footpaths, pathways, walkways, or dunny lanes,</li> <li>h) relocation of existing power/light pole, if applicable,</li> <li>i) relocation/provision of street signs, if applicable,</li> <li>j) new or replacement street trees, if applicable,</li> <li>k) verge landscape items, 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,</li> <li>l) new or reinstated kerb and guttering within the road, and</li> <li>m) new or reinstated road surface pavement within the road.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• When determining whether the works within public land are satisfactory, Council will consider the ownership, construction quality, maintenance, operations, and public utility of such item/s.</li> <li>• Security held by Council under section 4.17(6) of the Act will not be released until compliance has been achieved with this condition. An application for the refund of security must be submitted with the occupation certificate to Council. This form can be downloaded from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a> or obtained from Council's customer service centre.</li> </ul> <p><b>Condition Reason:</b> To ensure road, drainage and miscellaneous works are completed to the satisfaction of Council prior to occupation.</p> |
| <b>G. 13.</b> | <p><b>Dilapidation Report for Public Infrastructure Works</b></p> <p>Before the issue of an occupation certificate for the whole of the building, a follow up dilapidation report, prepared by a chartered professional engineer, on Council's infrastructure within and near the development site upon completion of the work must be submitted to Council.</p> <p>The dilapidation report must include:</p> <ul style="list-style-type: none"> <li>a) photographs showing any existing damage to the road pavement fronting the site,</li> <li>b) photographs showing any existing damage to the kerb and gutter fronting the site,</li> <li>c) photographs showing any existing damage to the footway including footpath pavement fronting the site,</li> <li>d) photographs showing any existing damage to retaining walls within the footway or road,</li> <li>e) photographs showing any existing damage to street signs, heritage name plates, and historical items,</li> </ul>  |

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|                      | <p>f) closed circuit television/video inspection (in DVD format) of public stormwater drainage system adjoining the site, and<br/>g) the full name and signature of the professional engineer.</p> <p>The reports are to be supplied in both paper copy and electronic format in PDF. Photographs are to be in colour, digital and date stamped.</p> <p>Before the issue of an occupation certificate for the whole building, written correspondence must be obtained from Council attesting to this condition being appropriately satisfied, and be provided to the Principal Certifier.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>If the dilapidation report required by this condition is not provided 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.</li> </ul> <p><b>Condition Reason:</b> To ensure that any damage to public infrastructure is identified and rectified prior to the occupation of the whole building.</p>  |
| <p><b>G. 14.</b></p> | <p><b>Positive Covenant and Works-As-Executed Certification of Stormwater System</b></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 supplied to the Principal Certifier detailing:</p> <ul style="list-style-type: none"> <li>a) compliance with conditions of development consent relating to stormwater,</li> <li>b) that a rainwater retention and reuse system with a minimum storage of 29.5m<sup>3</sup> has been constructed in accordance with the approved stormwater plans,</li> <li>c) that runoff from all roof areas have been collected and directed to the as-built rainwater retention and reuse system which have plumbed into all toilet, laundry and garden irrigation etc,</li> <li>d) that only one stormwater outlet pipe across the Reserve has been constructed in accordance with the approved stormwater plans,</li> <li>e) that all below ground structures have been fully tanked and subsoil drainage/seepage water is NOT collected and discharged into the kerb and gutter in accordance with the approved stormwater drawings,</li> <li>f) pipe invert levels and surface levels to Australian Height Datum, and</li> <li>g) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.</li> </ul> <p>A positive covenant under section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the on-going maintenance of the on-site stormwater retention 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. The person with the benefit of this consent must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the covenant</p> <p><b>Notes:</b></p> |



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|  | <ul style="list-style-type: none"> <li>The required wording of the Instrument can be downloaded from Council's website <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>. The PC must supply a copy of the Works As Executed plans to Council together with the occupation certificate.</li> <li>The occupation certificate for the whole of the building must not be issued until this condition has been satisfied.</li> </ul> |
|  | <p><b>Condition Reason:</b> To ensure the certification and ongoing maintenance of the stormwater system prior to the occupation of the whole building.</p>   |

## H. OCCUPATION AND ONGOING USE

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| H. 1. | <p><b>Maintenance of BASIX Commitments</b></p> <p>During the occupation and ongoing use, all BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1411424S.<br/>This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.</p> <p><b>Condition Reason:</b> To ensure the approved environmental sustainability measures are maintained for the life of development.</p>  |
| H. 2. | <p><b>Maintenance of Landscaping</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p><b>Condition Reason:</b> To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</p> |
| H. 3. | <p><b>Ongoing Maintenance of the On-Site Stormwater Retention and Reuse System</b></p> <p>During the occupation and ongoing use, in accordance with this condition and any positive covenant, the person with the benefit of this consent must:</p> <ol style="list-style-type: none"> <li>Permit stormwater to be temporarily retained and reused by the System.</li> <li>Keep the system clean and free of silt rubbish and debris,</li> <li>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.</li> <li>Carry out the matters referred to in paragraphs (b) and (c) at the Owners expense.</li> <li>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.</li> <li>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)</li> </ol>  |

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|                     | <p>to enter and inspect the land with regard to compliance with the requirements of this covenant.</p> <p>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.</p> <p>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.</p> <p>The owner:</p> <p>a) Indemnifies the Council from and against all claims, demands, suits, proceedings or actions in respect of any injury, damage, loss, cost, or liability (Claims) that may be sustained, suffered, or made against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default; and</p> <p>b) releases the Council from any Claim it may have against the Council arising in connection with the performance of the Owner's obligations under this covenant except if, and to the extent that, the Claim arises because of the Council's negligence or default.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• This condition is supplementary to the owner(s) obligations and Council's rights under any positive covenant.</li> </ul> <p><b>Condition Reason:</b> To ensure that owners are aware of maintenance requirements for their stormwater system.</p>  |
| <p><b>H. 4.</b></p> | <p><b>Swimming and Spa Pools – Maintenance</b></p> <p>During the occupation and ongoing use, swimming and spa pools must be maintained:</p> <p>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,</p> <p>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,</p> <p>c) in compliance with AS 1926 Swimming pool safety - Water recirculation and filtration systems,</p> <p>d) with backwash being discharged to the sewer in compliance with AS/NZS 3500, and</p> <p>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):</p> <ul style="list-style-type: none"> <li>• before 8 am or after 8 pm on any Sunday or public holiday, or</li> <li>• before 7 am or after 8 pm on any other day.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The NSW Health public swimming pools and spa pools guidelines are available at <a href="http://www.health.nsw.gov.au">www.health.nsw.gov.au</a></li> </ul> <p><b>Condition Reason:</b> To ensure public health and safety.</p> <p><b>Condition Reason:</b> To protect the amenity of the neighbourhood.</p> |

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| <p><b>H. 5.</b></p> | <p><b>Noise from Mechanical Plant and Equipment</b></p> <p>During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time.</p> <p>The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Words in this condition have the same meaning as in the Noise Policy for Industry (2017) <a href="http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)">www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)</a> and Noise Guide for Local Government (2013) <a href="http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government">www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government</a></li> </ul> <p><b>Condition Reason:</b> To protect the amenity of the neighbourhood.</p> |
|---------------------|--|

**I. BEFORE THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

Nil.

**J. BEFORE SUBDIVISION WORK COMMENCES**

Nil.

**K. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (SUBDIVISION WORKS)**

Nil.





**L. BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE (NO SUBDIVISION WORKS)**

Nil.

**M. BEFORE THE ISSUE OF A STRATA CERTIFICATE**

Nil.

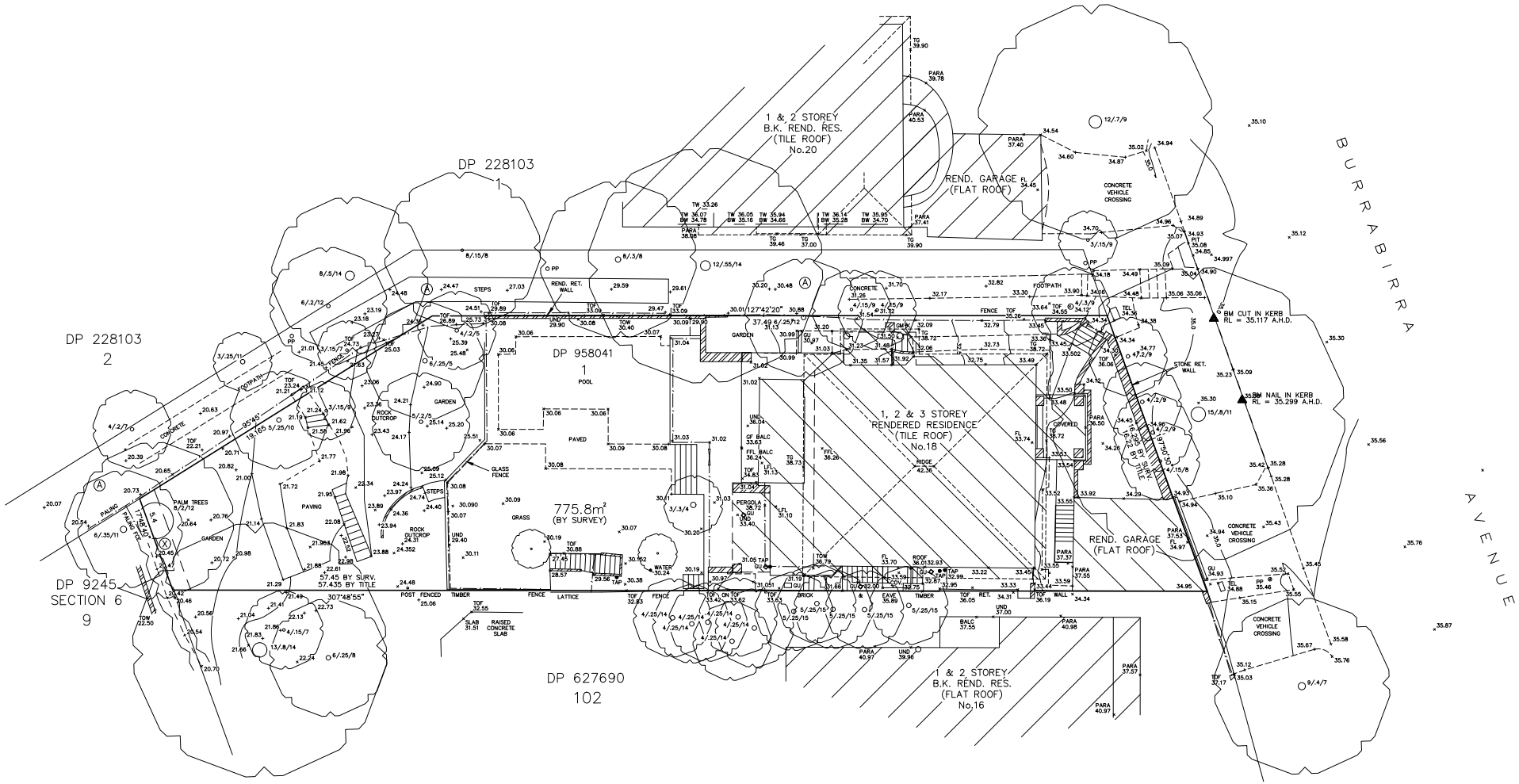
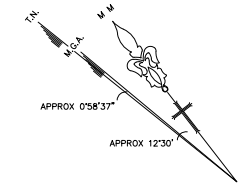
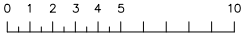
**Attachments**

1. Architectural Set, Survey and Landscape Plan [↓](#) 
2. Trees & Landscaping Referral Response [↓](#) 
3. Heritage Referral Response [↓](#) 
4. Drainage Engineering Referral Response [↓](#) 



**CAUTION**  
OUR SURVEY REVEALS DISCREPANCIES BETWEEN BOUNDARY DIMENSIONS NOTED ON THE TITLE PLAN AND THOSE AVAILABLE BY SURVEY. THEREFORE WE RECOMMEND THAT A SURVEY FOR REDEFINITION PURPOSES BE PREPARED, LOGGED AND REGISTERED AT THE LAND REGISTRY SERVICES TO CONFIRM THE TRUE BOUNDARY DIMENSIONS AND AREA.

- (A) DRAINAGE RESERVE 3.66 WIDE  
(X) EASEMENT FOR DRAINAGE 0.915 WIDE



LEGEND

- |                                       |       |                      |
|---------------------------------------|-------|----------------------|
| Building                              | BALC  | Balcony Height       |
| Walls                                 | BOL   | Bollard              |
| Kerb Bottom                           | BS    | Bus Stop             |
| Concrete edge                         | BW    | Bottom of Window     |
| Kerb Top                              | C/Box | Control Box          |
| Barrier                               | CHM   | Chimney Height       |
| Hedge                                 | ER    | Earth Rod            |
| Fence                                 | E/Box | Elec. Control Box    |
| Overhead Powerline                    | FH    | Fire Hydrant         |
| Manholes                              | FFL   | First Floor Level    |
| Survey Station & Name                 | FL    | Ground Floor Level   |
| Bench Mark                            | GU    | Gully                |
| Sapling                               | GM    | Gas Meter            |
| Tree, 12/0.5/10 (Spread/Trunk/Height) | GV    | Gas Valve            |
| Area Of Undergrowth                   | HT    | Height               |
| Gate                                  | IC    | Inspection Cover     |
| IC                                    | LFL   | Lower Floor Level    |
| Cover level                           | NH    | Manhole              |
| IL                                    | PARA  | Parapet Height       |
| Pipe invert (diameter)                | PP    | Power Pole           |
| Gully                                 | SFL   | Second Floor Level   |
| Back Gully                            | SIL   | Sewer Inspection Lid |
|                                       | SP    | Sign Post            |
|                                       | SV    | Stop Valve           |
|                                       | SVP   | Sewer Vent Pipe      |
|                                       | TD    | Top of Door          |
|                                       | TDW   | Top of Door/Window   |
|                                       | TEL   | Telecommunications   |
|                                       | TG    | Top of Gutter        |
|                                       | TL    | Traffic Light        |
|                                       | TW    | Top of Window        |
|                                       | TOF   | Top of Fence         |
|                                       | TOW   | Top of Wall          |
|                                       | UND   | Underside Height     |
|                                       | WM    | Water Meter          |
|                                       | W-B   | Wall to Boundary     |
| Beam                                  | B     | Beam Height          |
| Walls                                 | CH    | Ceiling Height       |
| Door                                  | CI    | Window Cill Height   |
| Window                                | FL    | Floor Level          |
|                                       | Hd    | Window Head Height   |
|                                       | HT    | Height               |
|                                       | TD    | Door Height          |

- NOTES:**
1. ALL DIMENSIONS AND LEVELS SHOULD BE CHECKED ON SITE PRIOR TO DESIGN AND CONSTRUCTION.
  2. THE INFORMATION ON THIS SURVEY IS TO BE USED FOR DA PURPOSES ONLY.
  3. IF THERE IS ANY POINT OR FEATURE (e.g. FLOOR LEVEL, WALL POSITION, ROOF OR RISE HEIGHT ETC) CRITICAL TO THE PREPARATION OF DESIGN PLANS OR CONSTRUCTION THAT POINT OR FEATURE SHOULD BE MADE KNOWN TO US SO ITS ACCURACY CAN BE CONFIRMED PRIOR TO THE COMPLETION OF DESIGN PLANS OF COMMENCEMENT OF CONSTRUCTION.
  4. SOME STRUCTURES AND FEATURES ARE APPROXIMATE ONLY. IF USED FOR DESIGN CONFIRMATION OF ACCURACY SHOULD BE CONFIRMED.
  5. FENCES ARE APPROXIMATE ONLY UNLESS SPECIFICALLY DIMENSIONED TO BOUNDARY.
  6. SURVEY MARKS MUST BE PLACED PRIOR TO CONSTRUCTION OR DESTRUCTION OF FENCES.
  7. TREE INFORMATION HAS BEEN SURVEYED FROM GROUND LEVEL AND THEREFORE SHOULD BE TREATED AS APPROXIMATE ONLY. THE EXTENT OF THE CANOPY IS APPROXIMATE AND DIAGRAMMATIC ONLY.
  8. STAIR RISES, STEPS AND LANDINGS HAVE NOT BEEN INDIVIDUALLY LOCATED AND ARE DIAGRAMMATIC ONLY.
  9. THE RECORDS OF THE SERVICE PROVIDERS HAVE NOT BEEN INVESTIGATED. ONLY THOSE SERVICES THAT ARE VISIBLE AND ACCESSIBLE AT THE DATE OF SURVEY HAVE BEEN SHOWN.
  10. SERVICES SHOWN ARE INDICATIVE ONLY. OTHER SERVICES MAY EXIST THAT ARE NOT SHOWN. THEREFORE FIELD CONFIRMATION SERVICE LOCATIONS SHOULD BE OBTAINED TO CONFIRM EXACT POSITION AND DEPTH.
  11. SITE AREA SHOWN HAS BEEN CALCULATED BY SURVEY.
  12. A SITE AND BOUNDARY SURVEY HAS BEEN CARRIED OUT.
  13. ORIGIN OF LEVELS - GPS (26/01/22).
  14. BEARINGS ARE ON MAGNETIC MERIDIAN.

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PROJECT

SHOWING SELECTED LEVELS & DETAIL  
AND BOUNDARY IDENTIFICATION SURVEY  
OF LOT 1 IN DP 958041 BEING  
18 BURRABIRRA AVENUE, VAUCLUSE

CLIENT  
T. KESSLER

REGISTERED SURVEYOR  
PAUL CECHELLERO

LGA  
WOOLLAHRA

ID NUMBER: 757  
SIGNATURE *Paul Cechellero*

SCALE  
1:100

DRAWN/PAPER SIZE  
AR/A0

SURVEY DATE  
26/01/2022

DRAWING No.  
63670001A

DATE  
26/01/22

REV.  
'A'

AMMENDMENTS  
FIRST ISSUE

DEVELOPMENT APPLICATION FOR NEW RESIDENCE AT  
18 BURRABIRRA AVENUE VAUCLUSE, NSW, 2030

DRAWING

SCALE

DA 00- Cover Sheet  
DA 01- Site Plan & Analysis  
DA 02- Existing & Demolition Plan  
DA 03- Proposed Lower Ground Floor Plan  
DA 04- Proposed Ground Floor Plan  
DA 05- Proposed First Floor Plan  
DA 06- Proposed Roof Plan  
DA 07- Elevations- North  
DA 08- Elevations- South  
DA 09- Elevations- West  
DA 10- Elevations - East  
DA 11- Long Section AA  
DA 12- Short Section BB  
DA 13- Control Diagrams  
DA 14 - External Materials and Finishes Schedule  
DA 15- Shadow Diagram - Winter Solstice 9am  
DA 16- Shadow Diagram - Winter Solstice 12pm  
DA 17- Shadow Diagram - Winter Solstice 3pm  
DA 18 - Construction Management Plan  
ADDITIONAL INFORMATION  
DA 19- Shadow Diagram Elevational - Winter Solstice 9am  
DA 20- Shadow Diagram Elevational- Winter Solstice 12pm  
DA 21- Shadow Diagram Elevational- Winter Solstice 3pm  
DA 22- Shadow Diagram Elevational- Winter Solstice 9am  
DA 23- Shadow Diagram Elevational- Winter Solstice 12pm  
DA 24- Shadow Diagram Elevational - Winter Solstice 3pm

LEGEND

EXISTING HOUSE TO BE DEMOLISHED

EXISTING EXISTING GROUNDLINE

AW AWNING WINDOW

BFD BIFOLD DOORS

BK BRICK

CR CONCRETE

D DOOR

dp DOWNPIPE

EX EXISTING

FG FIXED GLASS

FP FIREPLACE

FRI/FRZ FRIDGE & FREEZER

GB GLASS BALUSTRADE

GK GLASS BRICK/BLOCK

LVW LOUVRE WINDOW

MB METAL BALUSTRADE

P/S PRIVACY SCREEN

PTRY PANTRY

RD RENDER

RMTL ROOF METAL

rwh RAINWATER HEAD

SC STEEL COLUMN

SK SKYLIGHT

SLD SLIDING DOOR

W WINDOW

FLOOR FINISH KEY

STONE FLOORING

WET AREA TILING

CONCRETE

TIMBER DECKING

INTERNAL TIMBER FLOORING

EXTERNAL PAVING

CARPET

PLANTING / SOIL

GLAZING SCHEDULE

LOWER GROUND FLOOR:

| Window No. | Type     | Width (mm) | Height (mm) | SOrientation | Area/ m2 | Overshadowing<br>Distance away /m | Height/m | Shading        | Frame  |
|------------|----------|------------|-------------|--------------|----------|-----------------------------------|----------|----------------|--------|
| W-LG01     | Slider   | 5040       | 2450        | W            | 12.3     |                                   |          | Pergola +600mm | Timber |
| W-LG02     | Slider   | 3425       | 2450        | W            | 8.4      |                                   |          | Pergola +600mm | Timber |
| W-LG03     | Casement | 650        | 1250        | S            | 0.8      | 3.9                               | 1.6      | (Neighbour)    | Timber |
| W-LG04     | Casement | 650        | 1250        | N            | 0.8      |                                   |          | Eave +600mm    | Timber |

GROUND FLOOR:

|       |             |      |      |   |      |     |     |                                  |        |
|-------|-------------|------|------|---|------|-----|-----|----------------------------------|--------|
| W-G01 | Slider      | 4905 | 2600 | W | 12.5 |     |     | Pergola +600mm + External Blinds | Timber |
| W-G02 | Slider      | 3280 | 2600 | N | 8.5  |     |     | Pergola +600mm + External Blinds | Timber |
| W-G03 | Fixed       | 750  | 1250 | N | 1.7  |     |     | Pergola +600mm                   | Timber |
| W-G04 | Sliders     | 4535 | 2250 | W | 11   |     |     | Pergola +600mm                   | Timber |
| W-G05 | Fixed       | 1800 | 2250 | S | 4.6  | 2.1 | 5.1 | (Neighbour)                      | Timber |
| W-G06 | Fixed       | 2900 | 1700 | S | 4.9  | 2.8 | 4.0 | (Neighbour)                      | Timber |
| D-G03 | Hinged door | 900  | 2650 | S | 2.3  |     |     | Awning 450mm                     | Timber |
| W-G07 | Fixed       | 1210 | 1285 | S | 1.5  | 2.8 | 4.0 | (Neighbour)                      | Timber |
| D-G01 | Hinged Door | 950  | 2600 | N | 2.5  | 5.3 | 5.6 | (Neighbour)                      | Timber |
| W-G08 | Folding     | 3500 | 1700 | E | 6.0  |     |     | Pergola +600mm                   | Timber |
| W-G09 | Slider      | 1000 | 1600 | E | 1.6  |     |     | Covered Entry over               | Timber |
| W-G10 | Slider      | 3600 | 2600 | N | 9.4  |     |     | Pergola +600mm                   | Timber |
| W-G11 | Casement    | 605  | 1250 | N | 0.8  |     |     | Pergola +600mm                   | Timber |
| W-G12 | Slider      | 4500 | 2600 | N | 12.3 |     |     | Pergola +600mm                   | Timber |

FIRST FLOOR:

|       |                |      |      |   |     |     |     |                |        |
|-------|----------------|------|------|---|-----|-----|-----|----------------|--------|
| W-101 | Fixed / Slider | 1800 | 1600 | W | 2.6 |     |     | Eave +600mm    | Timber |
| W-102 | Fixed          | 805  | 1250 | N | 1   |     |     | Pergola 600mm  | Timber |
| W-103 | Fixed          | 900  | 1600 | W | 1.4 |     |     | Eave +600mm    | Timber |
| W-104 | Sliding        | 4025 | 2530 | W | 9.6 |     |     | Pergola +600mm | Timber |
| W-105 | Casement       | 800  | 1250 | S | 1   | 5.3 | 4.6 | (Tree)         | Timber |
| W-106 | Casement       | 800  | 1250 | S | 1   | 5.3 | 4.6 | (Tree)         | Timber |
| W-107 | Fixed          | 500  | 1100 | E | 0.6 | 6.2 | 4.0 | (Tree)         | Timber |
| W-108 | Fixed          | 2400 | 2000 | S | 4.8 | 5.3 | 4.6 | (Neighbour)    | Timber |
| W-109 | Fixed          | 1000 | 1135 | E | 1.3 | 5.3 | 4.6 | (Neighbour)    | Timber |
| W-110 | Fixed          | 1000 | 1135 | E | 1.3 | 5.3 | 4.6 | (Neighbour)    | Timber |
| W-111 | Casement/Fixed | 1600 | 1450 | N | 2.3 |     |     | Pergola +600mm | Timber |
| W-112 | Casement/Fixed | 1600 | 1450 | N | 2.3 |     |     | Pergola +600mm | Timber |
| W-113 | Casement       | 600  | 1450 | N | 0.8 |     |     | Pergola +600mm | Timber |
| W-114 | Casement       | 600  | 1450 | N | 0.8 |     |     | Pergola +600mm | Timber |
| W-115 | Casement       | 970  | 1450 | N | 1.4 |     |     | Pergola +600mm | Timber |

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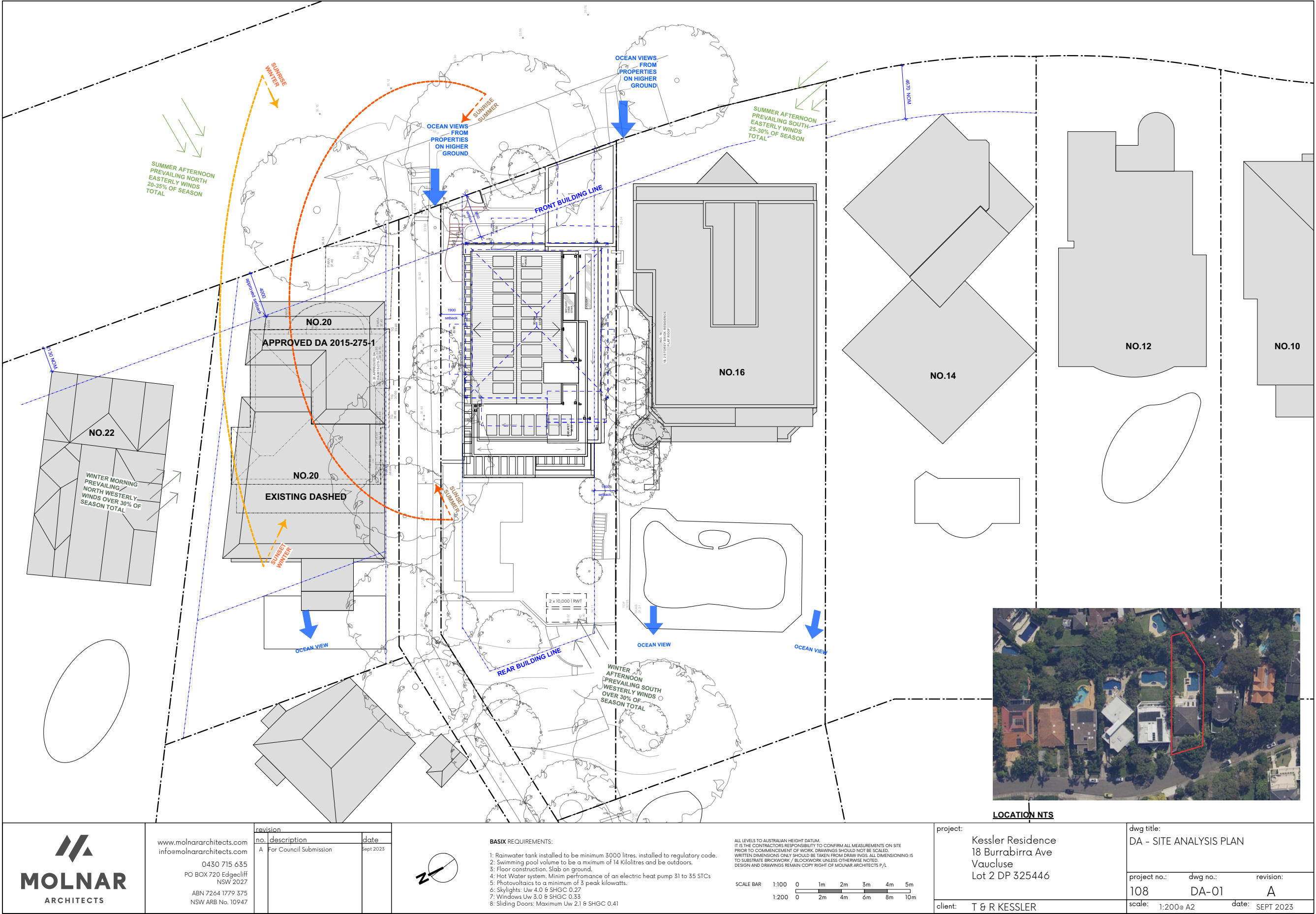
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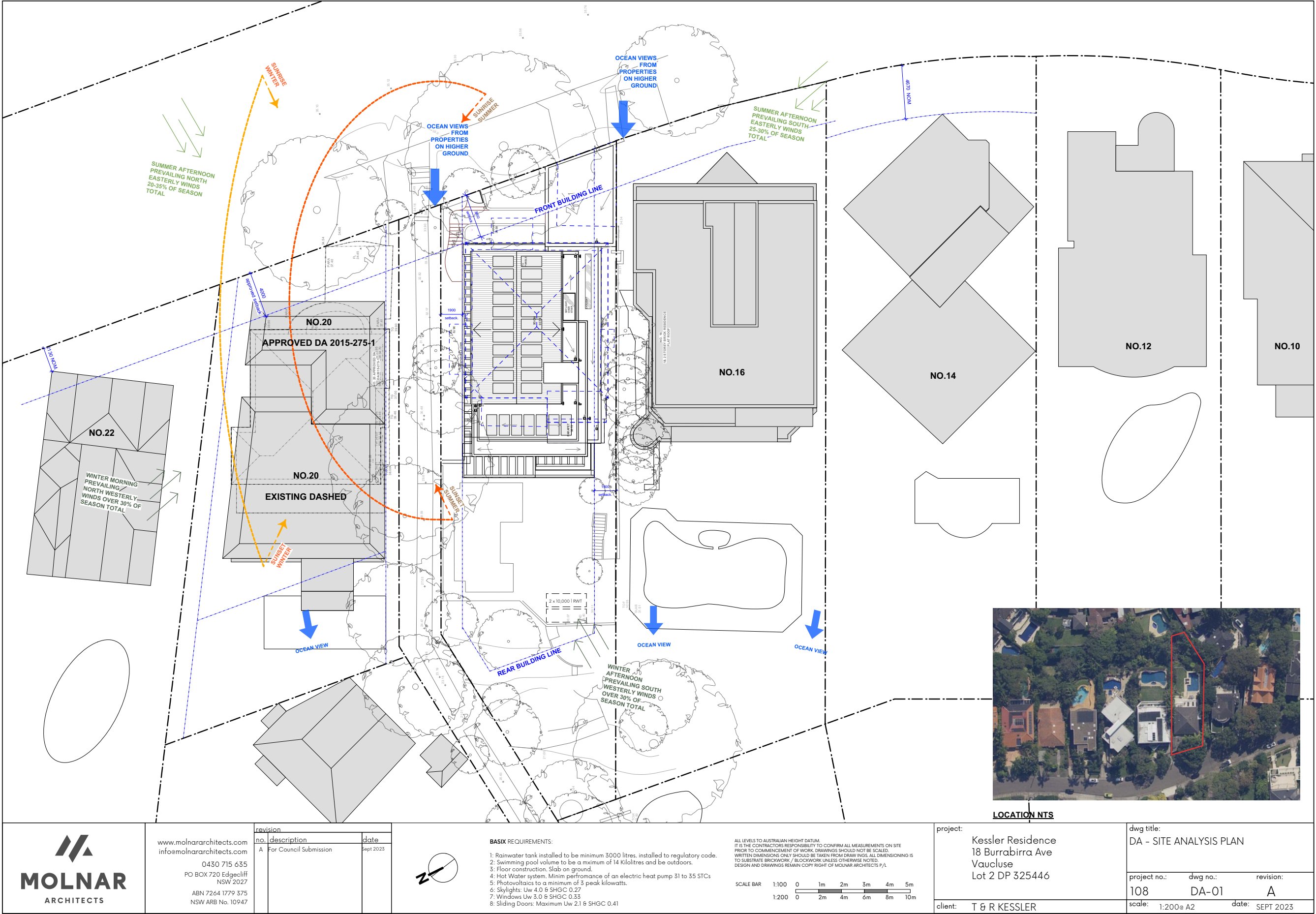
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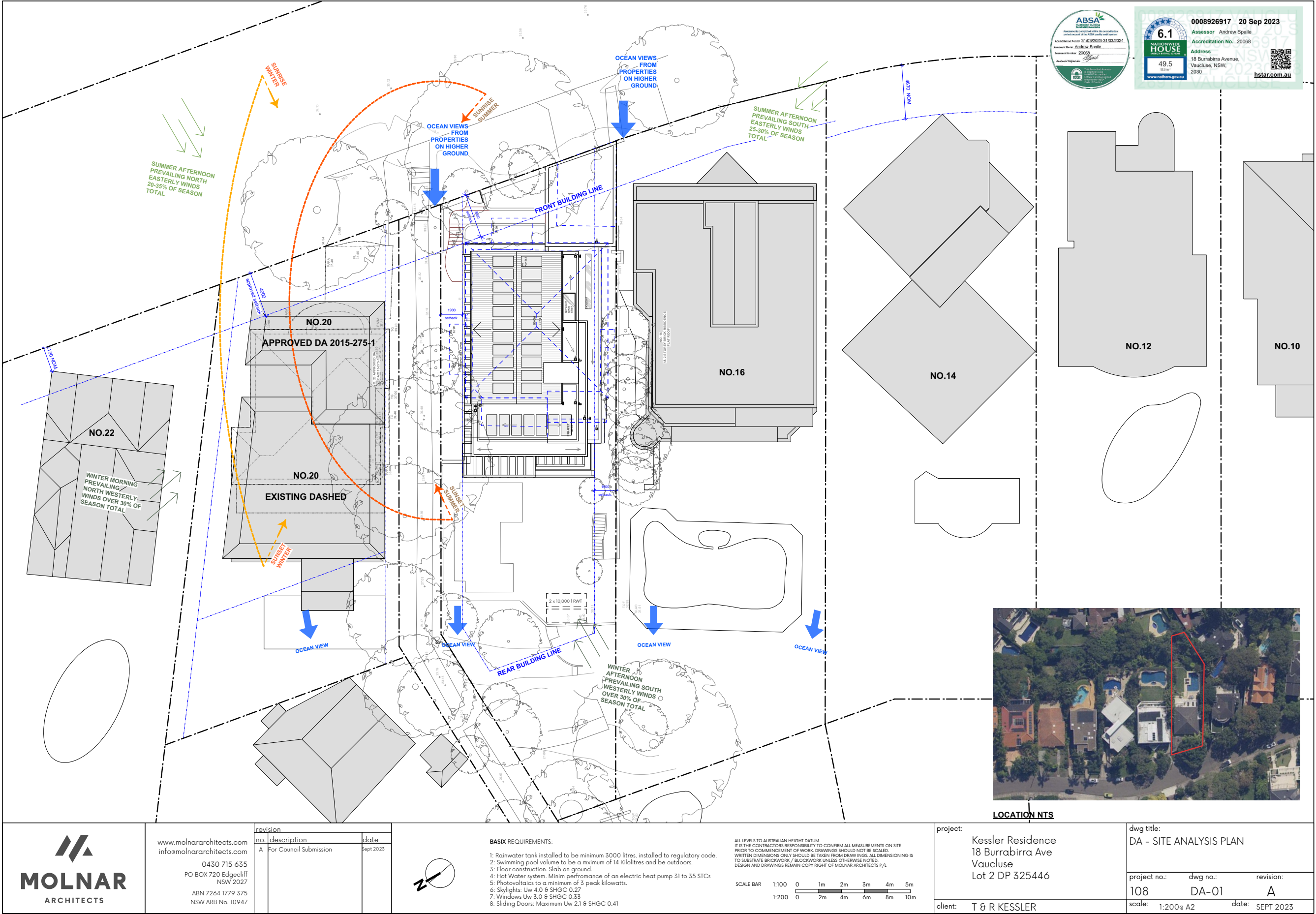
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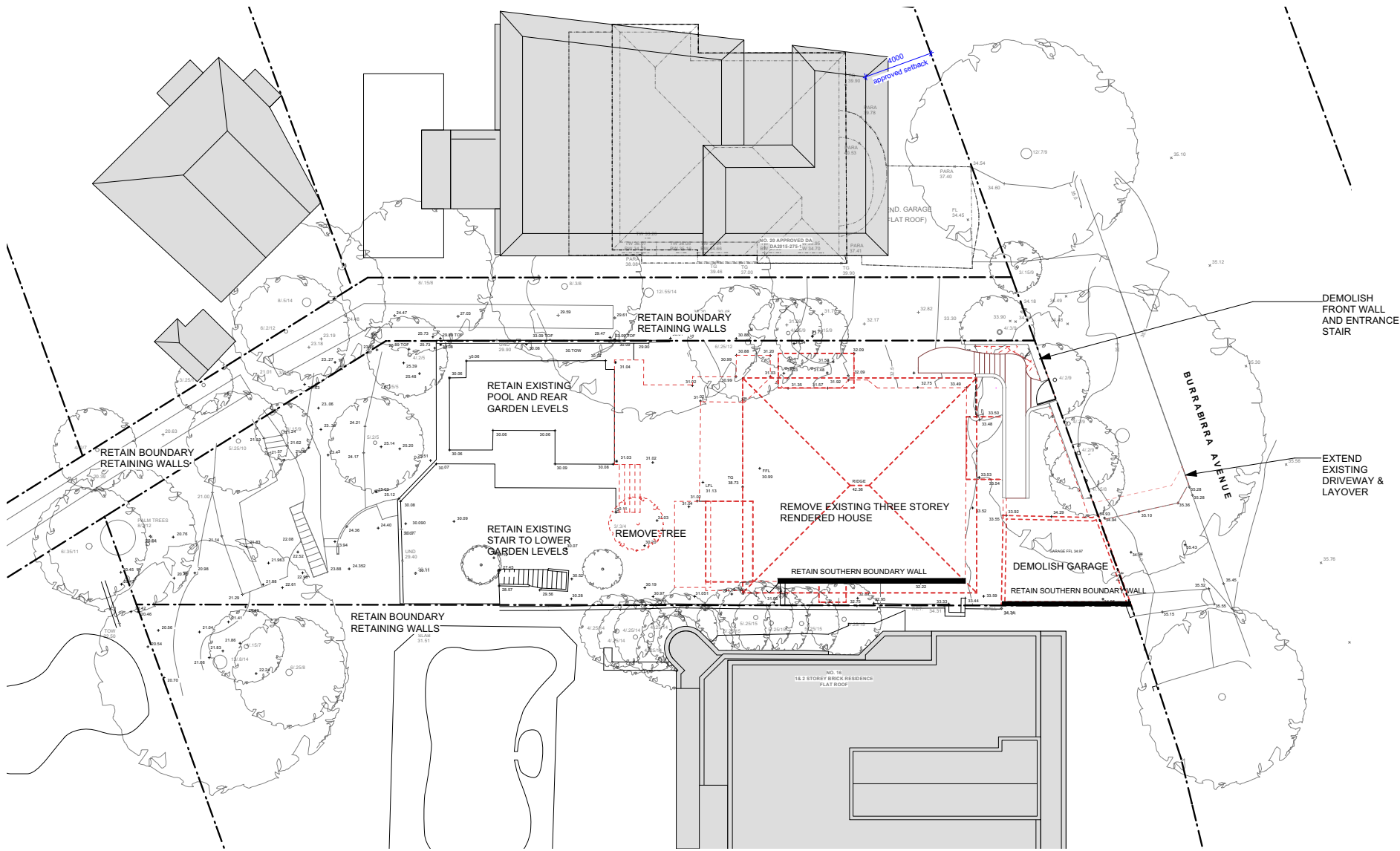






ABSAR  
Accredited Building Surveyor  
Accreditation No. 31036203-31036204  
Assessor Name: Andrew Spalle  
Assessor Number: 20068  
Assessor Signature: [Signature]



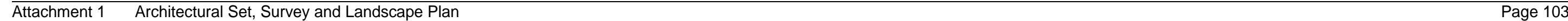
0008926917 20 Sep 2023  
Assessor: Andrew Spalle  
Accreditation No.: 20068  
Address:  
18 Burrabirra Avenue,  
Vaucluse, NSW,  
2030  
www.nathars.gov.au  
hstar.com.au

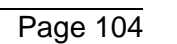


1 EXISTING SITE + DEMOLITION PLAN

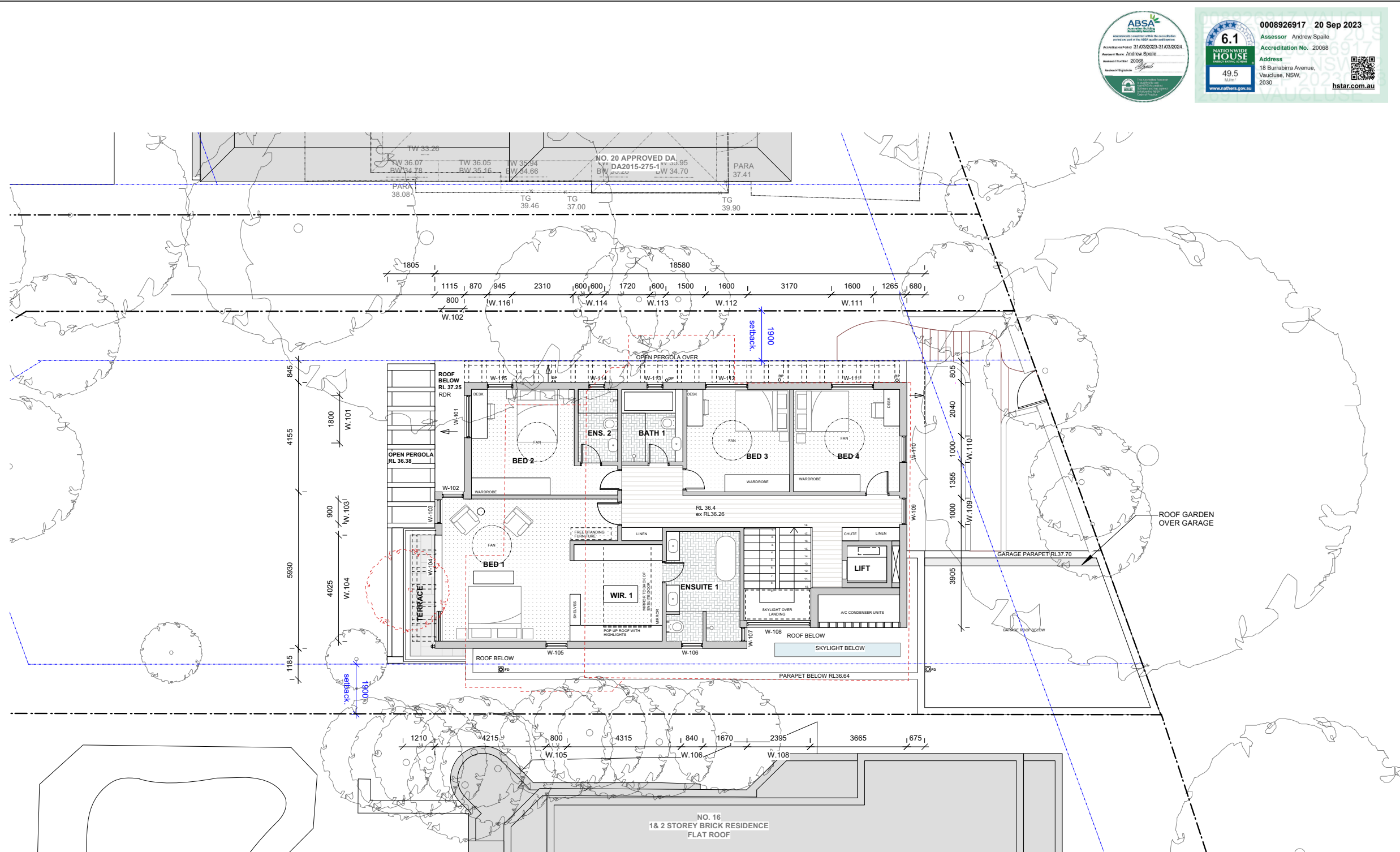
| <div></div> <div><b>MOLNAR</b><br/>ARCHITECTS</div> | <div>www.molnararchitects.com<br/>info@molnararchitects.com</div> <div>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027</div> <div>ABN 7264 1779 375<br/>NSW ARB No. 10947</div> | <div>revision</div> <table><tr><th>no.</th><th>description</th><th>date</th></tr><tr><td>A</td><td>For Council Submission</td><td>Sept 2023</td></tr></table> | no.                               | description                            | date                                  | A | For Council Submission | Sept 2023 | <div></div> <div><b>BASIS REQUIREMENTS:</b></div> <div>1: Rainwater tank installed to be minimum 3000 litres. installed to regulatory code.<br/>2: Swimming pool volume to be a maximum of 14 Kilolitres and be outdoors.<br/>3: Floor construction. Slab on ground.<br/>4: Hot Water system. Minimum performance of an electric heat pump 31 to 35 STCs<br/>5: Photovoltaics to a minimum of 3 peak kilowatts.<br/>6: Skylights: Uw 4.0 &amp; SHGC 0.27<br/>7: Windows Uw 3.0 &amp; SHGC 0.33<br/>8: Sliding Doors: Maximum Uw 2.1 &amp; SHGC 0.41</div> | <div>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS TO SUBSTRATE BRICKWORK / BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPY RIGHT OF MOLNAR ARCHITECTS P/L</div> <div><div>SCALE BAR</div><div><div>1:100</div><div>01m2m3m4m5m</div><div>1:200</div><div>02m4m6m8m10m</div></div></div> | <div>project:</div> <div>Kessler Residence<br/>18 Burrabirra Ave<br/>Vaucluse<br/>Lot 2 DP 325446</div> | <div>dwg title:</div> <div>DA - DEMOLITION AND EXISTING PLAN</div> |
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|  |  | no.   | description                       | date                                   |                                       |   |                        |           |  |   |   |  |
| A  | For Council Submission   | Sept 2023   |                                   |  |                                       |   |                        |           |  |   |   |  |
| <div>client:</div> <div>T &amp; R KESSLER</div>  | <div>project no.:</div> <div>108</div>   | <div>dwg no.:</div> <div>DA-02</div>  | <div>revision:</div> <div>A</div> | <div>scale:</div> <div>1:100e A2</div> | <div>date:</div> <div>SEPT 2023</div> |   |                        |           |  |   |   |  |



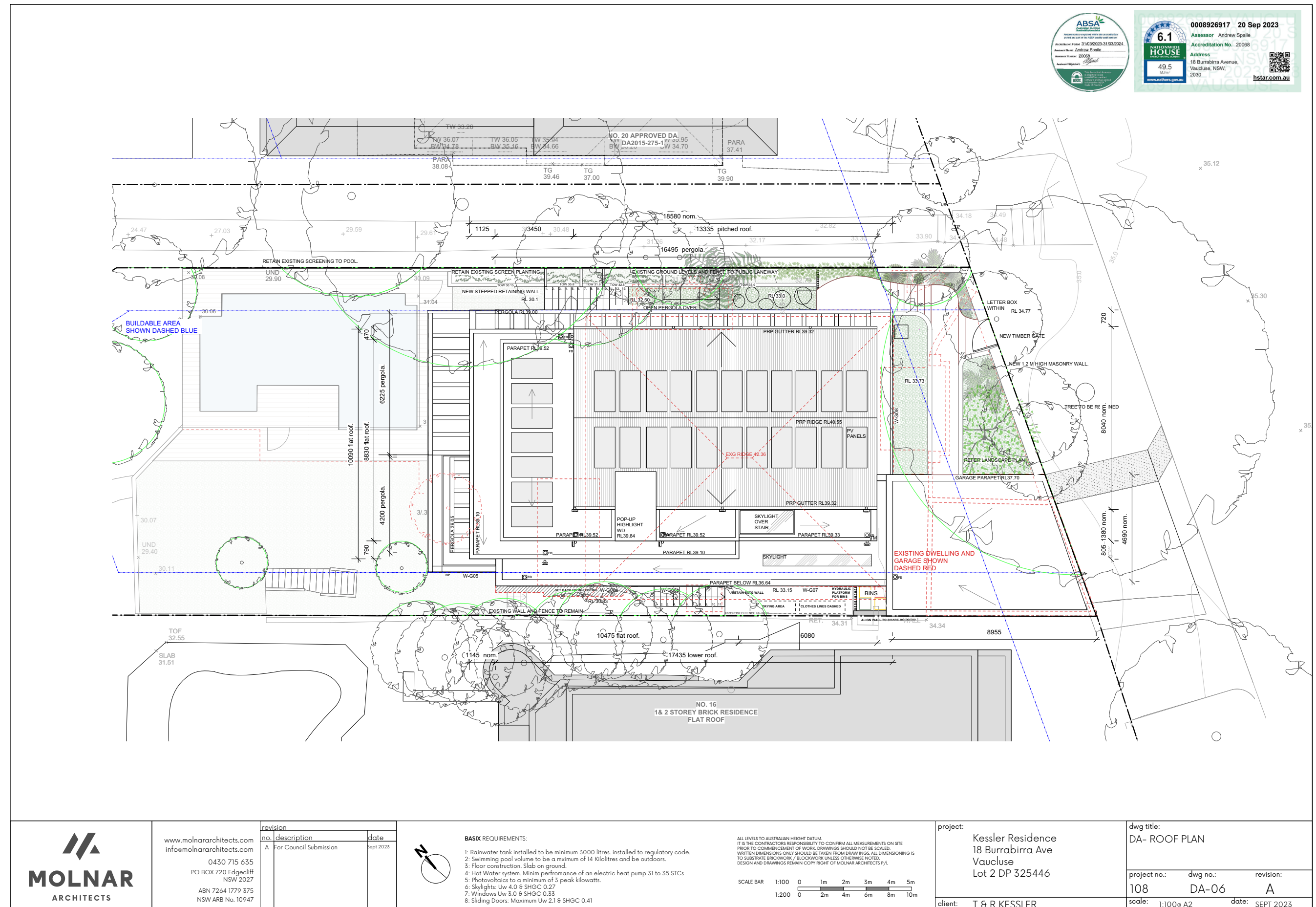








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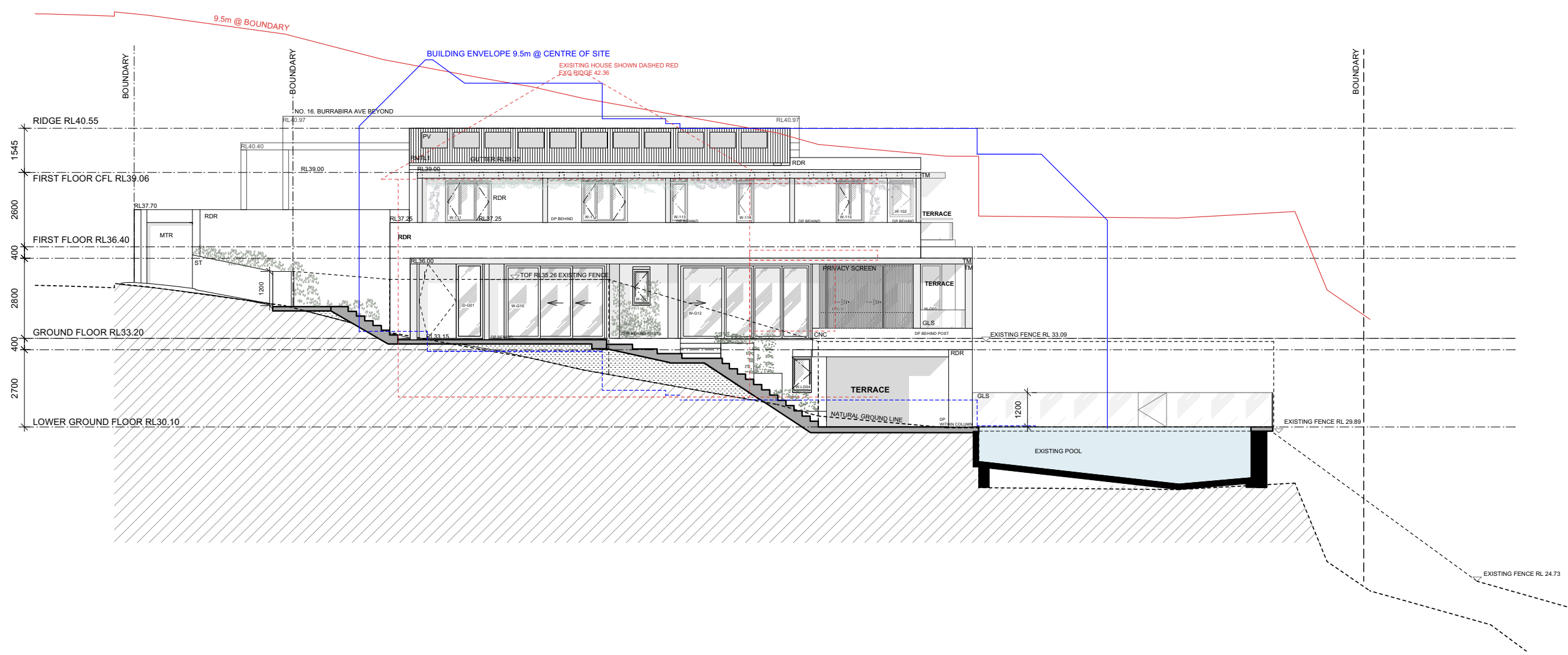





ABSA  
Architectural Building Surveying Australia  
Accreditation Number: 316360228-316360224  
Assessor Name: Andrew Spille  
Assessor Number: 20069  
Assessor Signature: [Signature]



0008926917 20 Sep 2023  
Assessor: Andrew Spille  
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2030  
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hstar.com.au



NORTH ELEVATION

|   |  |          |                        |   |  |  |   |                                   |
|---|--|----------|------------------------|---|--|--|---|-----------------------------------|
|  | <p>www.molnararchitects.com<br/>info@molnararchitects.com<br/>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027<br/>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | revision |                        | <p><b>BASIX REQUIREMENTS:</b></p> <p>1: Rainwater tank installed to be minimum 3000 litres, installed to regulatory code.<br/>2: Swimming pool volume to be a maximum of 14 Kilolitres and be outdoors.<br/>3: Floor construction: Slab on ground.<br/>4: Hot Water system: Minimum performance of an electric heat pump 31 to 35 STCs<br/>5: Photovoltaics to a minimum of 3 peak kilowatts.<br/>6: Skylights: Uw 4.0 &amp; SHGC 0.27<br/>7: Windows Uw 3.0 &amp; SHGC 0.33<br/>8: Sliding Doors: Maximum Uw 2.1 &amp; SHGC 0.41</p> | <p>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS TO SUBSTRATE BRICKWORK / BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPY RIGHT OF MOLNAR ARCHITECTS P/L</p> <p>SCALE BAR 1:100 0 1m 2m 3m 4m 5m<br/>1:200 0 2m 4m 6m 8m 10m</p> | project:<br>Kessler Residence<br>18 Burrabirra Ave<br>Vaucluse<br>Lot 2 DP 325446<br>client: T & R KESSLER | dwg title:<br>DA - NORTH ELEVATION<br>project no.:<br>108<br>scale: 1:50 @ A2 | revision:<br>A<br>date: SEPT 2023 |
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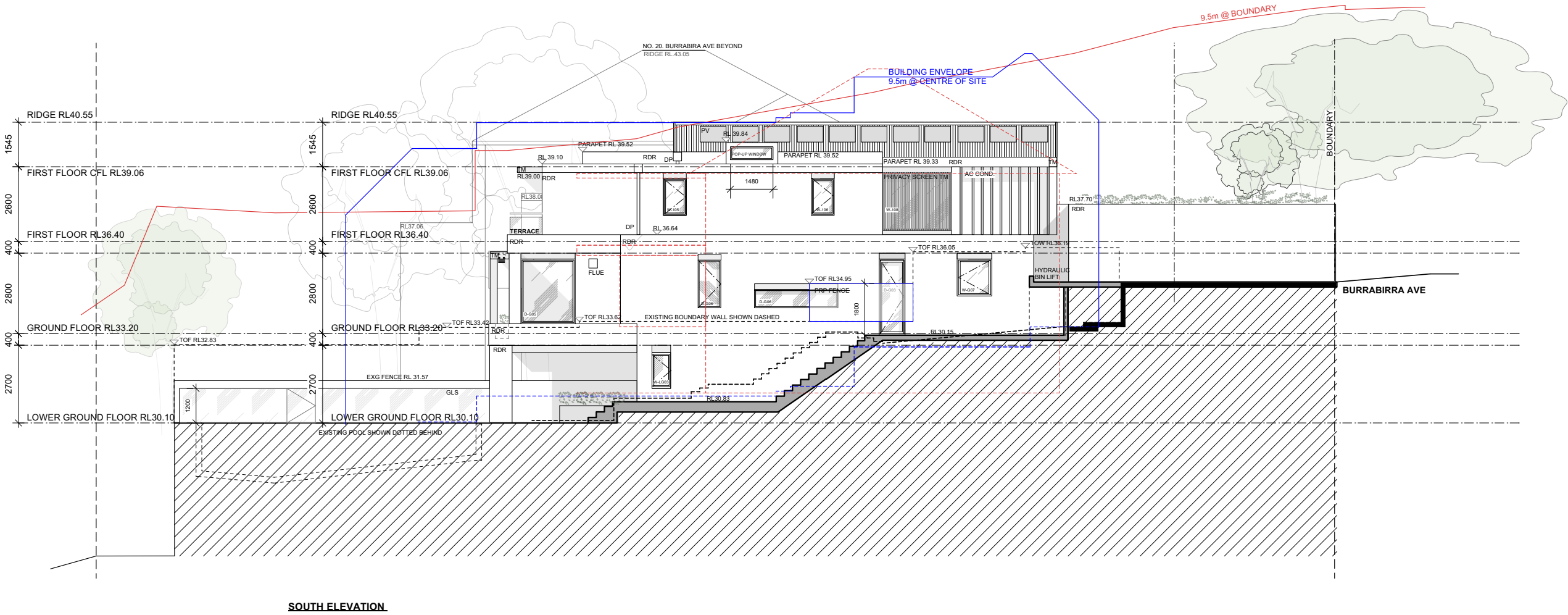



ABSAR  
Architectural Services  
Accreditation No. 31636023-31636024  
Assessor Name: Andrew Spille  
Assessor Number: 20089  
Assessor Signature: [Signature]



6.1  
NATIONWIDE  
HOUSE  
49.5  
www.nationwidehouse.com.au

0008926917 20 Sep 2023  
Assessor: Andrew Spille  
Accreditation No.: 20088  
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2030  
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|---|--|----------|------------------------|---|---|--|--|
|  | <p>www.molnararchitects.com<br/>info@molnararchitects.com<br/>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027<br/>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | revision |                        | <p><b>BASIX REQUIREMENTS:</b></p> <p>1: Rainwater tank installed to be minimum 3000 litres. installed to regulatory code.<br/>2: Swimming pool volume to be a maximum of 14 kilolitres and be outdoors.<br/>3: Floor construction. Slab on ground.<br/>4: Hot Water system. Minimum performance of an electric heat pump 31 to 35 STCs<br/>5: Photovoltaics to a minimum of 3 peak kilowatts.<br/>6: Skylights: Uw 4.0 &amp; SHGC 0.27<br/>7: Windows Uw 3.0 &amp; SHGC 0.33<br/>8: Sliding Doors: Maximum Uw 2.1 &amp; SHGC 0.41</p> | <p>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE<br/>PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS<br/>TO SUBSTRATE BRICKWORK / BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPY RIGHT OF MOLNAR ARCHITECTS P/L</p> <p>SCALE BAR 1:100 0 1m 2m 3m 4m 5m<br/>1:200 0 2m 4m 6m 8m 10m</p> | project:<br>Kessler Residence<br>18 Burrabirra Ave<br>Vaucluse<br>Lot 2 DP 325446<br>client: T & R KESSLER | dwg title:<br>DA - SOUTH ELEVATION<br>project no.: 108<br>dwg no.: DA-08<br>revision: A<br>scale: 1:50 @ A2<br>date: SEPT 2023 |
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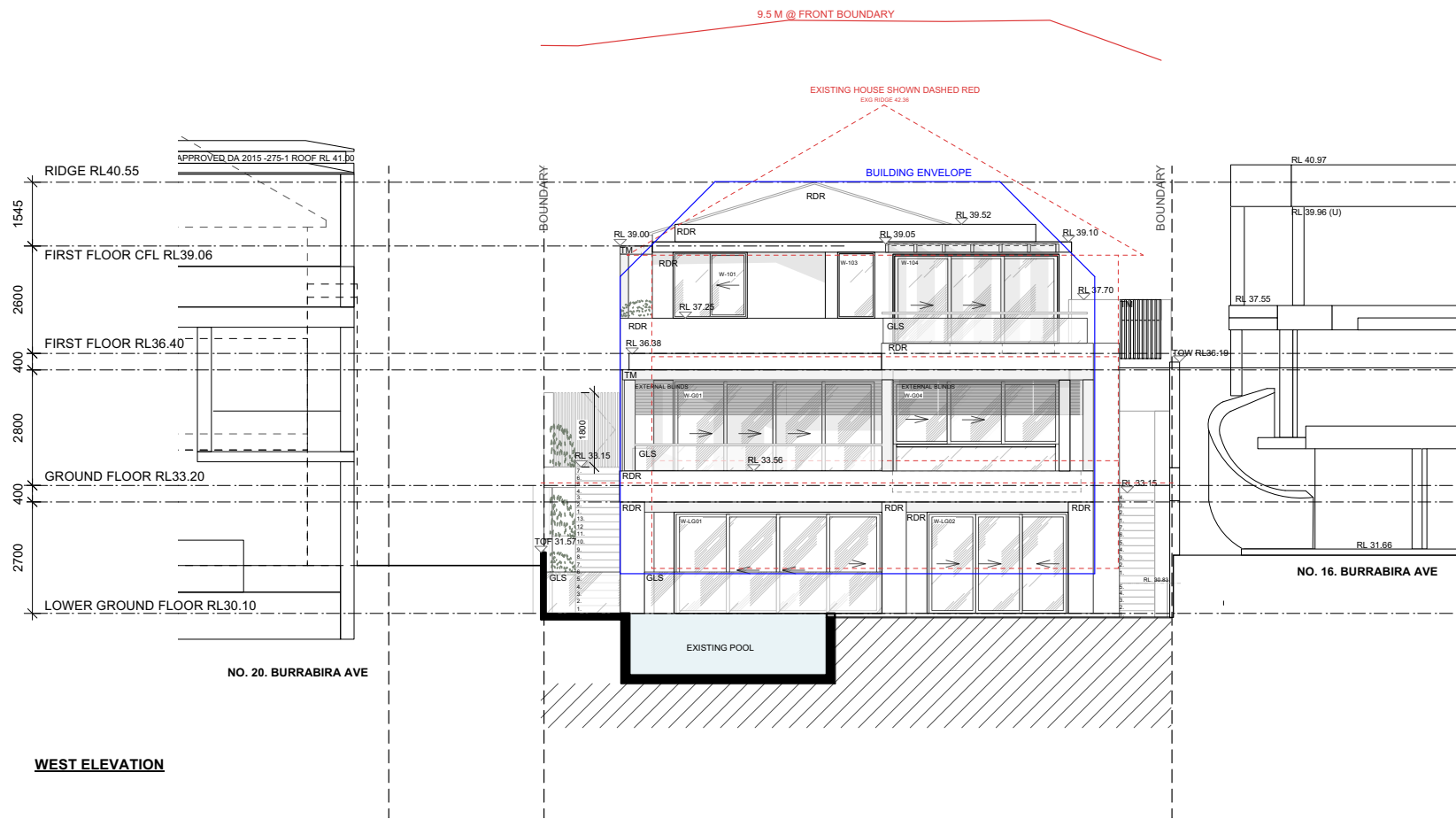





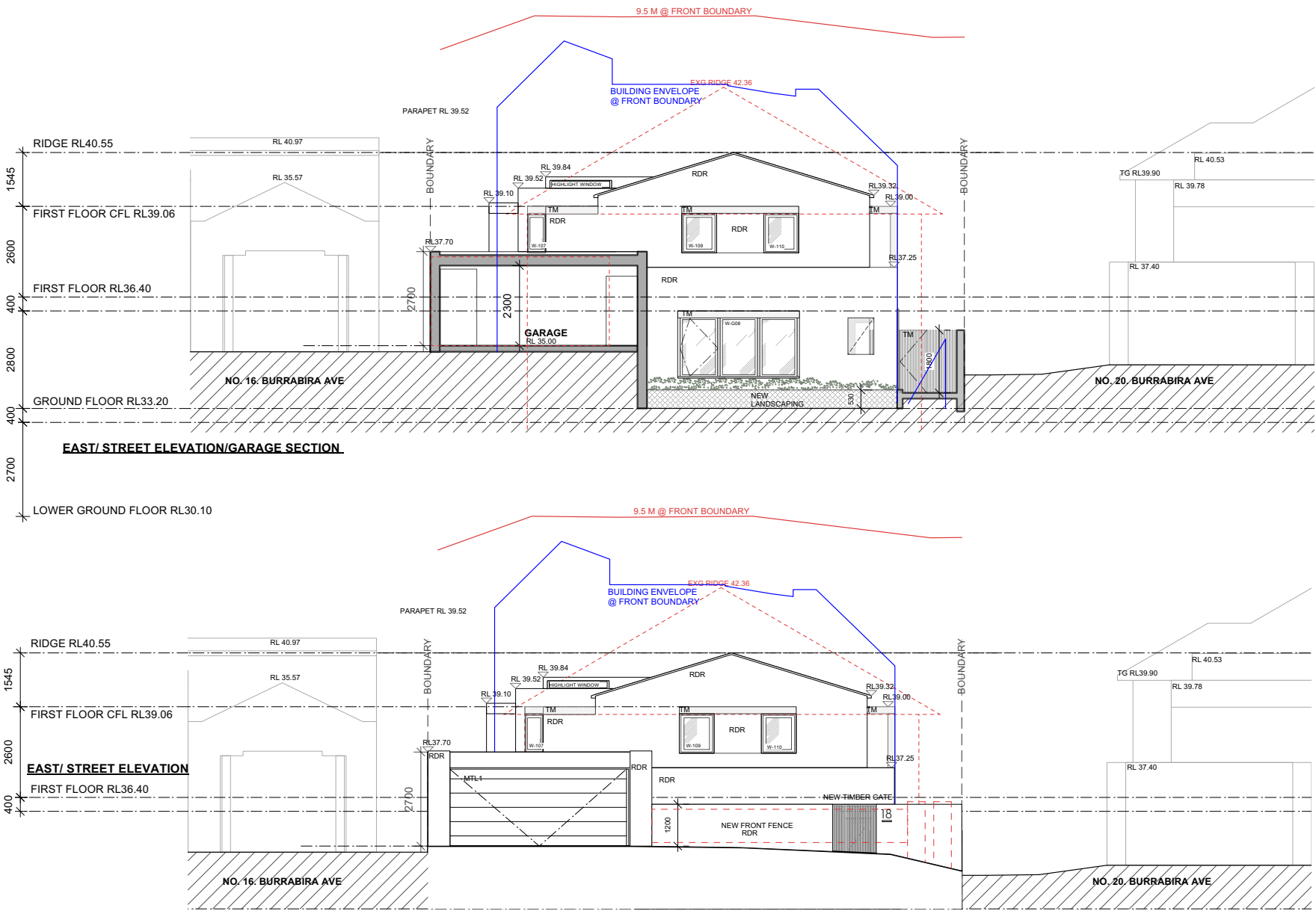
ABSAR  
Architectural Services  
Accreditation No. 31636023-31636024  
Assessor Name: Andrew Spille  
Assessor Number: 20069  
Assessor Signature: [Signature]




0008926917 20 Sep 2023  
Assessor: Andrew Spille  
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| <div><div><div>www.molnararchitects.com</div><div>info@molnararchitects.com</div><div>0430 715 635</div><div>PO BOX 720 Edgecliff</div><div>NSW 2027</div><div>ABN 7264 1779 375</div><div>NSW ARB No. 10947</div></div><div><div>MOLNAR</div><div>ARCHITECTS</div></div></div> | <table><tr><th colspan="3">revision</th></tr><tr><th>no.</th><th>description</th><th>date</th></tr><tr><td>A</td><td>For Council Submission</td><td>Sept 2023</td></tr></table> | revision     |          |           | no. | description | date | A                                       | For Council Submission | Sept 2023 | <p><b>BASIX REQUIREMENTS:</b></p> <p>1: Rainwater tank installed to be minimum 3000 litres, installed to regulatory code.</p> <p>2: Swimming pool volume to be a maximum of 14 Kilolitres and be outdoors.</p> <p>3: Floor construction, Slab on ground.</p> <p>4: Hot Water system, Minim performance of an electric heat pump 31 to 35 STCs</p> <p>5: Photovoltaics to a minimum of 3 peak kilowatts.</p> <p>6: Skylights: Uw 4.0 &amp; SHGC 0.27</p> <p>7: Windows Uw 5.0 &amp; SHGC 0.33</p> <p>8: Sliding Doors: Maximum Uw 2.1 &amp; SHGC 0.41</p> | <p>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS TO SUBSTRATE BRICKWORK / BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPY RIGHT OF MOLNAR ARCHITECTS P/L</p> <p>SCALE BAR 1:100 0 1m 2m 3m 4m 5m<br/>1:200 0 2m 4m 6m 8m 10m</p> | <p>project: Kessler Residence<br/>18 Burrabirra Ave<br/>Vaucluse<br/>Lot 2 DP 325446</p> | <p>dwg title: DA - WEST ELEVATION</p> |
|--|---|--------------|----------|-----------|-----|-------------|------|---|------------------------|-----------|--|---|--|---------------------------------------|
|  | revision  |              |          |           |     |             |      |   |                        |           |  |   |  |                                       |
|  | no.   | description  | date     |           |     |             |      |   |                        |           |  |   |  |                                       |
| A  | For Council Submission  | Sept 2023    |          |           |     |             |      |   |                        |           |  |   |  |                                       |
| <p>client: T &amp; R KESSLER</p>   | <table><tr><td>project no.:</td><td>dwg no.:</td><td>revision:</td></tr><tr><td>108</td><td>DA-09</td><td>A</td></tr></table>   | project no.: | dwg no.: | revision: | 108 | DA-09       | A    | <p>scale: 1:50 @ A2 date: SEPT 2023</p> |                        |           |  |   |  |                                       |
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| 108  | DA-09   | A            |          |           |     |             |      |   |                        |           |  |   |  |                                       |
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|   |  |          |                        |   |           |   |                  |                     |                   |                |
|---|--|----------|------------------------|---|-----------|---|------------------|---------------------|-------------------|----------------|
| <div><br/><b>MOLNAR</b><br/>ARCHITECTS</div> | <div>www.molnararchitects.com<br/>info@molnararchitects.com<br/><br/>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027<br/><br/>ABN 7264 1779 375<br/>NSW ARB No. 10947</div> | revision |                        | <div><b>BASIX REQUIREMENTS:</b><br/><br/>1: Rainwater tank installed to be minimum 3000 litres, installed to regulatory code.<br/>2: Swimming pool volume to be a maximum of 14 Kilolitres and be outdoors.<br/>3: Floor construction, Slab on ground.<br/>4: Hot Water system, Minim performance of an electric heat pump 31 to 35 STCs<br/>5: Photovoltaics to a minimum of 3 peak kilowatts.<br/>6: Skylights: Uw 4.0 &amp; SHGC 0.27<br/>7: Windows Uw 3.0 &amp; SHGC 0.33<br/>8: Sliding Doors: Maximum Uw 2.1 &amp; SHGC 0.41</div> | project:  |   | dwg title:       |                     |                   |                |
|   |  | no.      | description            |   | date      | Kessler Residence<br>18 Burrabirra Ave<br>Vaucluse<br>Lot 2 DP 325446 |                  | DA - EAST ELEVATION |                   |                |
|   |  | A        | For Council Submission |   | Sept 2023 | client: T & R KESSLER   |                  | project no.:<br>108 | dwg no.:<br>DA-10 | revision:<br>A |
|   |  |          |                        |   |           |   | scale: 1:50 @ A2 | date: SEPT 2023     |                   |                |



0008926917

20 Sep 2023

Assessor

Andrew Spalle

Accreditation No.

20068

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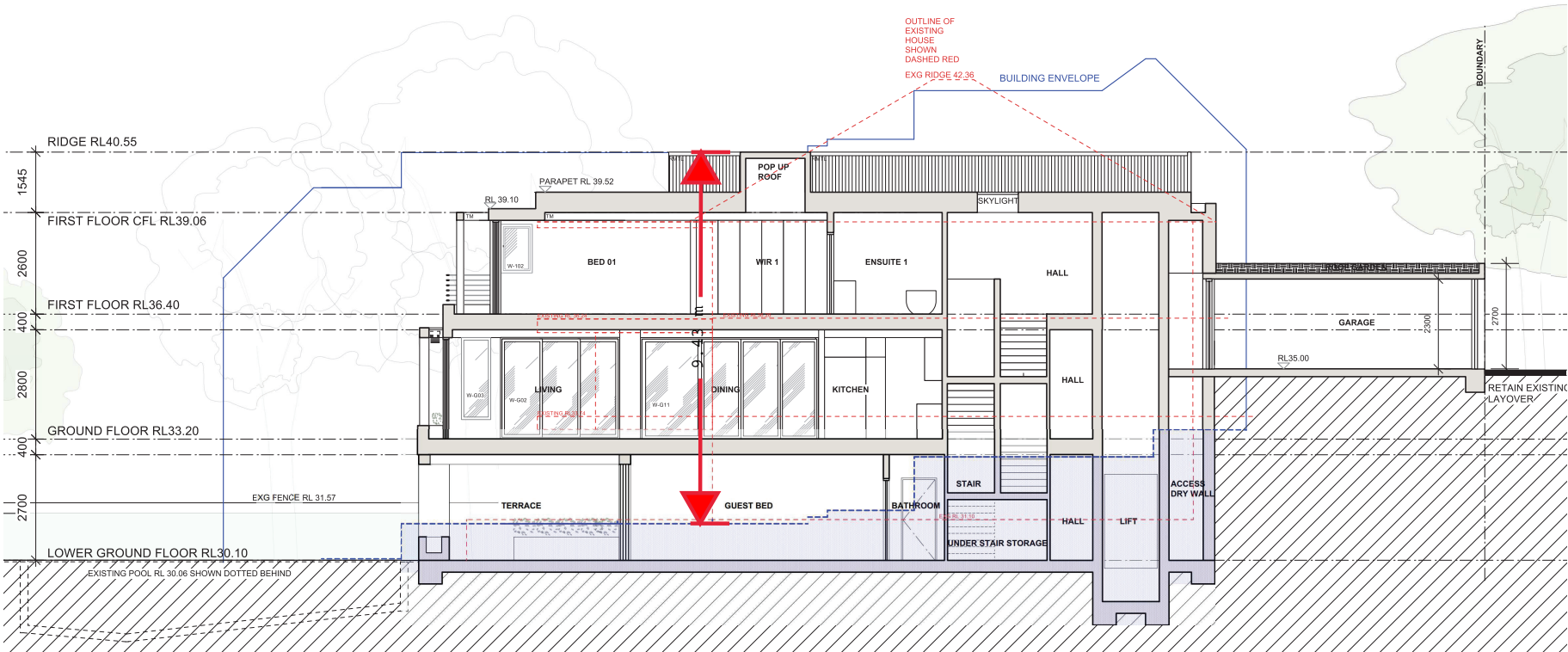
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NATIONWIDE  
HOUSE  
ENERGY RATING SCHEME

49.5

MJ/m<sup>2</sup>

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EXTENT OF EXCAVATION

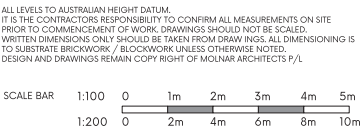


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NSW ARB No. 10947

| revision |                        |           |
|----------|------------------------|-----------|
| no.      | description            | date      |
| A        | For Council Submission | Sept 2023 |

BASIX REQUIREMENTS:

- 1: Rainwater tank installed to be minimum 3000 litres, installed to regulatory code.
- 2: Swimming pool volume to be a maximum of 14 kilolitres and be outdoors.
- 3: Floor construction: Slab on ground.
- 4: Hot Water system: Minim performance of an electric heat pump 31 to 35 STCs
- 5: Photovoltaics to a minimum of 3 peak kilowatts.
- 6: Skylights: Uw 4.0 & SHGC 0.27
- 7: Windows Uw 3.0 & SHGC 0.33
- 8: Sliding Doors: Maximum Uw 2.1 & SHGC 0.41

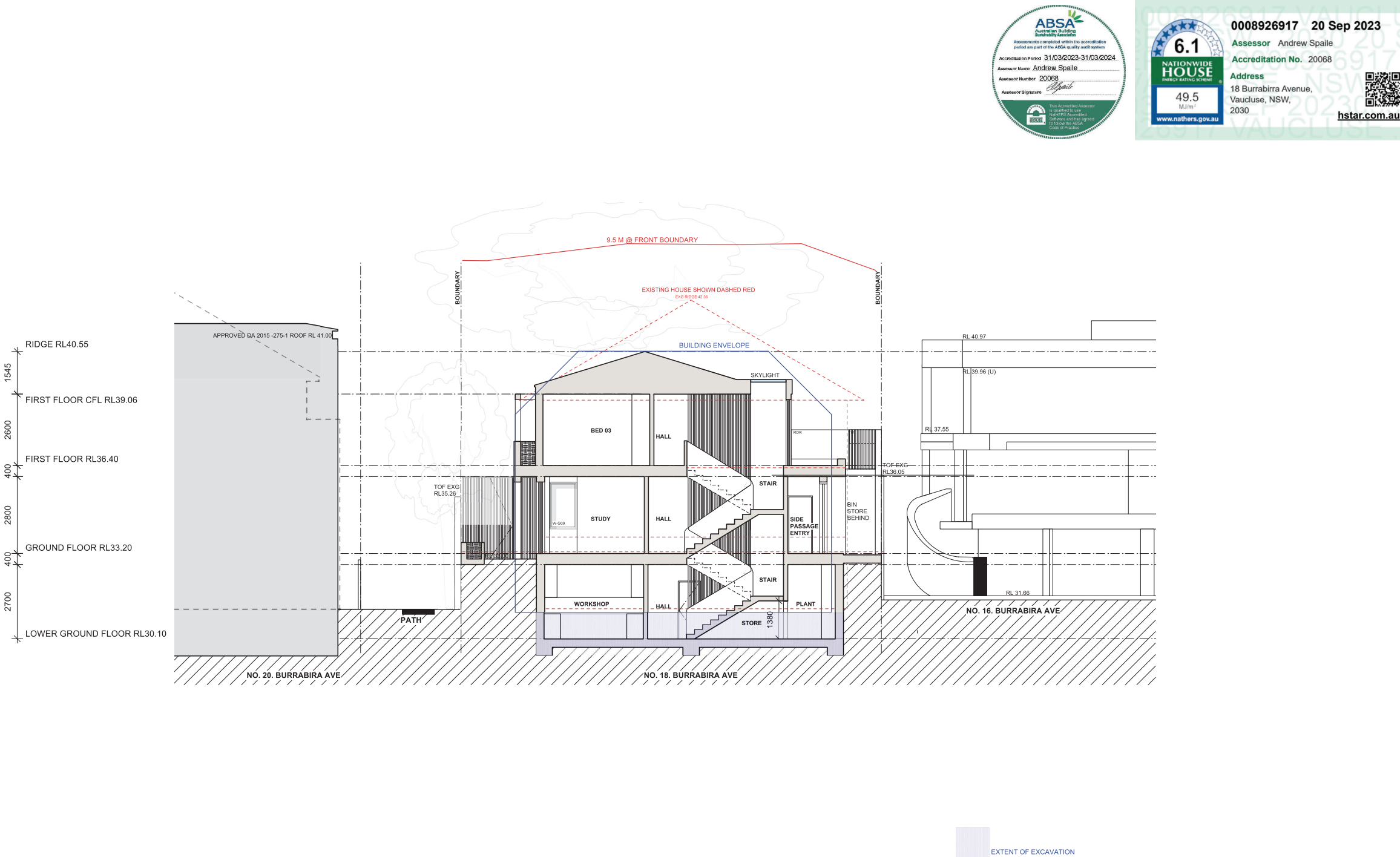


project:  
Kessler Residence  
18 Burrabirra Ave  
Vaucluse  
Lot 2 DP 325446

client: T & R KESSLER

dwg title:  
DA - LONG SECTION AA

|              |           |                 |
|--------------|-----------|-----------------|
| project no.: | dwg no.:  | revision:       |
| 108          | DA-11     | A               |
| scale:       | 1:50 @ A2 | date: SEPT 2023 |



0008926917 20 Sep 2023


Assessor Andrew Spalle

Accreditation No. 20068

Address  
18 Burrabirra Avenue,  
Vaucluse, NSW,  
2030

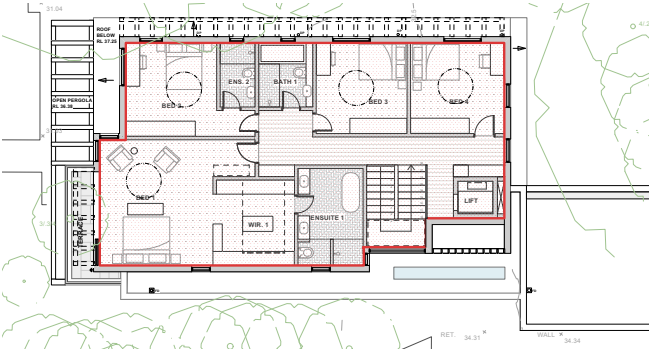
49.5 MJ/m<sup>2</sup>

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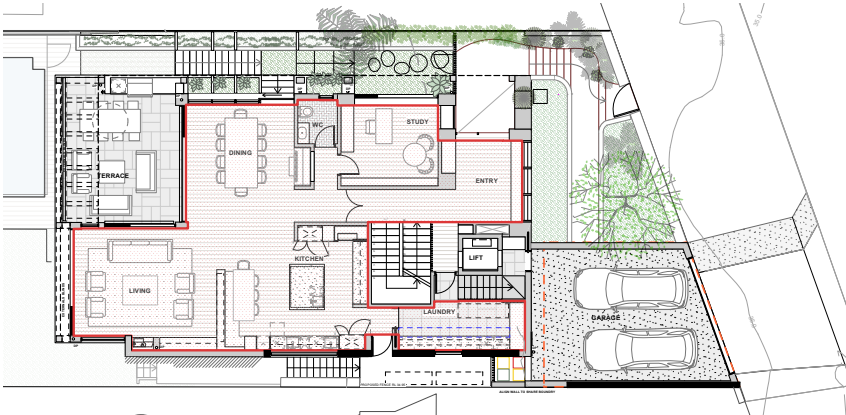
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|---|--|----------|------------------------|---|---|-----------|---|-------------------------------------|-----------------|
| <div><br/><b>MOLNAR</b><br/>ARCHITECTS</div> | <div>www.molnararchitects.com<br/>info@molnararchitects.com</div> <div>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027</div> <div>ABN 7264 1779 375<br/>NSW ARB No. 10947</div> | revision |                        | <div><b>BASIX REQUIREMENTS:</b></div> <div>1: Rainwater tank installed to be minimum 3000 litres, installed to regulatory code.<br/>2: Swimming pool volume to be a maximum of 14 Kilolitres and be outdoors.<br/>3: Floor construction, Slab on ground.<br/>4: Hot Water system, Minim performance of an electric heat pump 31 to 35 STCs<br/>5: Photovoltaics to a minimum of 3 peak kilowatts.<br/>6: Skylights: Uw 4.0 &amp; SHGC 0.27<br/>7: Windows Uw 3.0 &amp; SHGC 0.33<br/>8: Sliding Doors: Maximum Uw 2.1 &amp; SHGC 0.41</div> | <div>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS TO SUBSTRATE BRICKWORK / BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPY RIGHT OF MOLNAR ARCHITECTS P/L</div> <div><div>SCALE BAR</div><div><div>1:100</div><div><div>0</div><div>1m</div><div>2m</div><div>3m</div><div>4m</div><div>5m</div></div><div>1:200</div><div><div>0</div><div>2m</div><div>4m</div><div>6m</div><div>8m</div><div>10m</div></div></div></div> | project:  | Kessler Residence<br>18 Burrabirra Ave<br>Vaucluse<br>Lot 2 DP 325446 | dwg title:<br>DA - SHORT SECTION BB |                 |
|   |  | no.      | description            |   |   | date      | project no.:  | dwg no.:                            | revision:       |
|   |  | A        | For Council Submission |   |   | Sept 2023 | 108   | DA-12                               | A               |
|   |  |          |                        |   |   |           | client: T & R KESSLER   | scale: 1:100@ A2                    | date: SEPT 2023 |



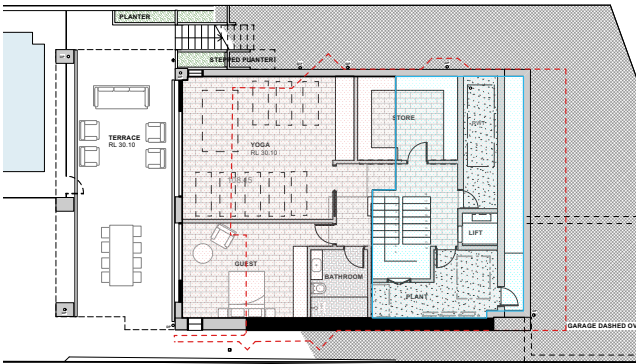
FSR CALCULATIONS  
ALLOWABLE TOTAL FSR: 0.5 x 775.8 = 387.9 m<sup>2</sup>  
Total GFA= 387m<sup>2</sup> COMPLIES  
GFA Breakdown:  
Lower Gnd: 89m<sup>2</sup>  
Ground Floor: 146m<sup>2</sup>  
First Floor: 152 m<sup>2</sup>  
Excluding:  
Basement: 46.6m<sup>2</sup>  
Garage: 52.3 m<sup>2</sup>



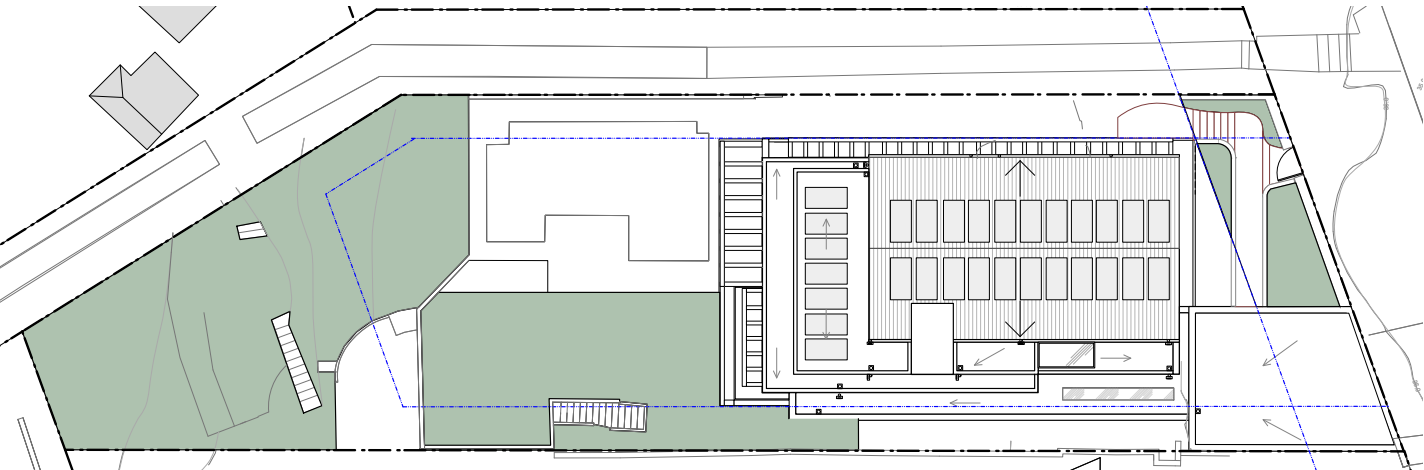
FIRST FLOOR PLAN



GROUND FLOOR PLAN

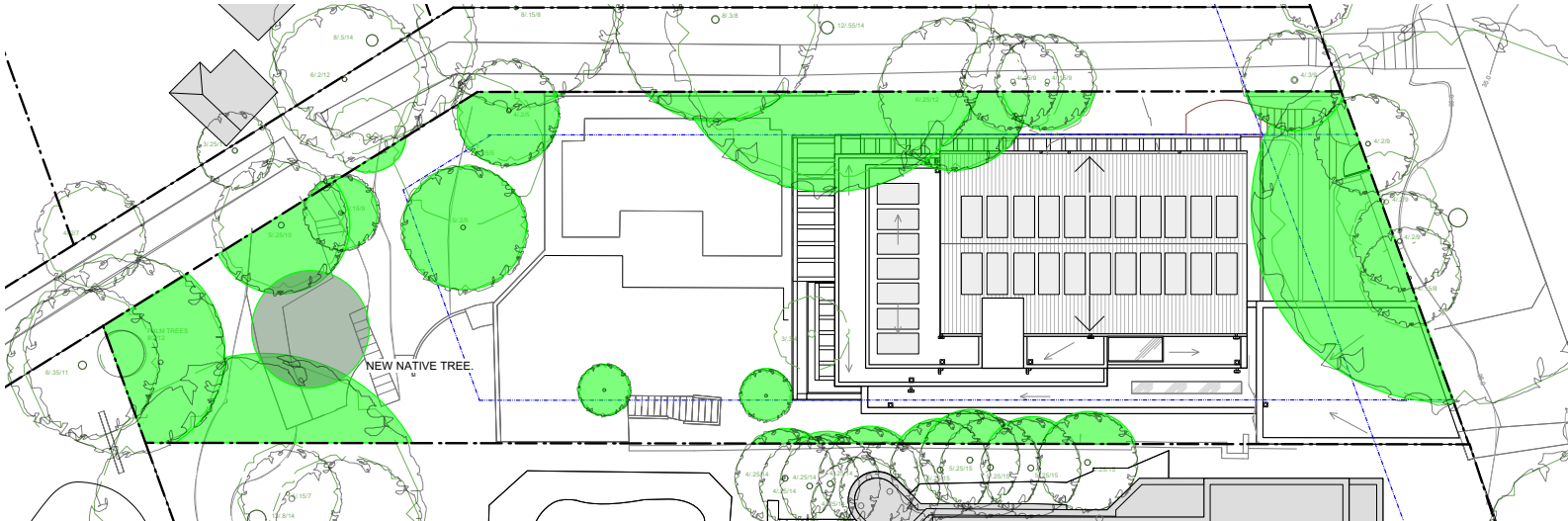


LOWER GROUND FLOOR PLAN



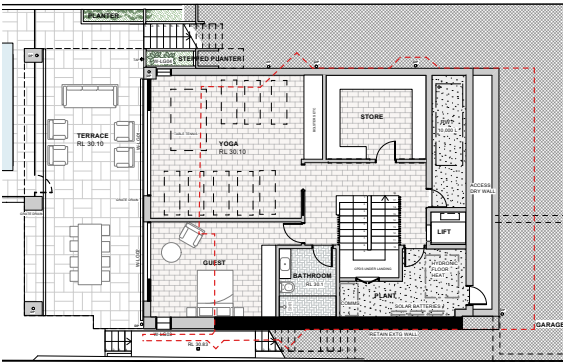
DEEP SOIL DIAGRAM

DEEP SOIL CALCULATIONS:  
35% X SITE AREA ( 775.80 ) = 271.53 M2  
PROPOSED DEEP SOIL = 288.35 M2 COMPLIES  
FRONT SETBACK 40% DEEP SOIL  
AREA FRONT SETBACK = 17 M2  
MIN/M = 14.8 M2. PROPOSED = 17.024 M2 COMPLIES



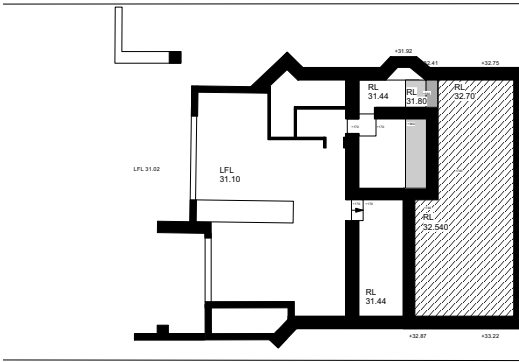
CANOPY COVER DIAGRAM

CANOPY COVER CALCULATIONS:  
35% X SITE AREA ( 775.80 ) = 271.53 M2  
EXISTING CANOPY COVER =  
PROPOSED CANOPY COVER = 275.5 M2 COMPLIANCE




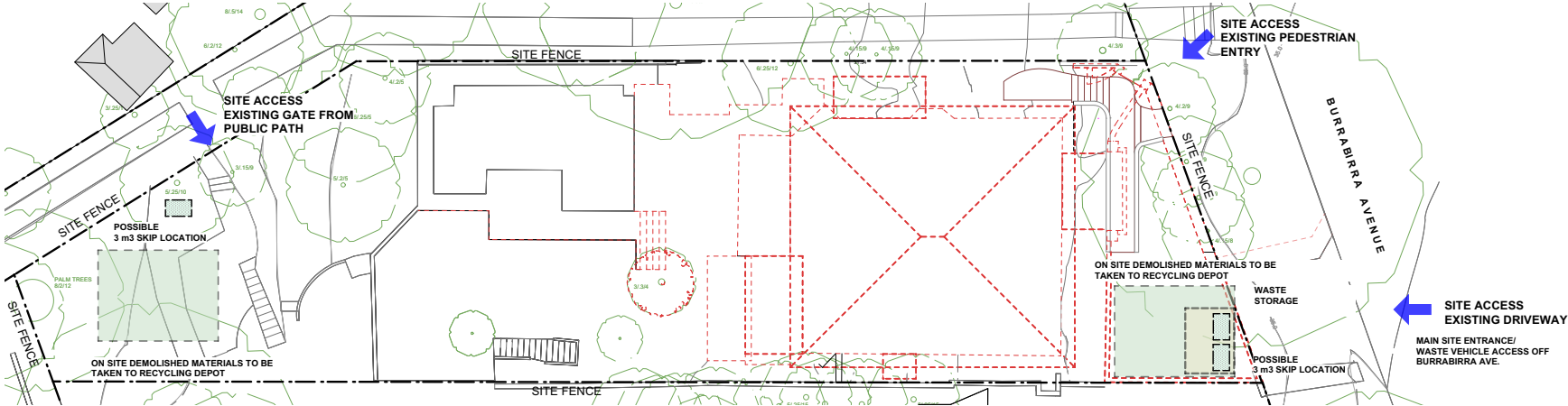
EXCAVATION DIAGRAM

EXCAVATION CALCULATIONS:  
ALLOWABLE: EXCAVATION: 205 M3  
PROPOSED: EXCAVATION: 272.6 M3  
NON COMPLIANCE

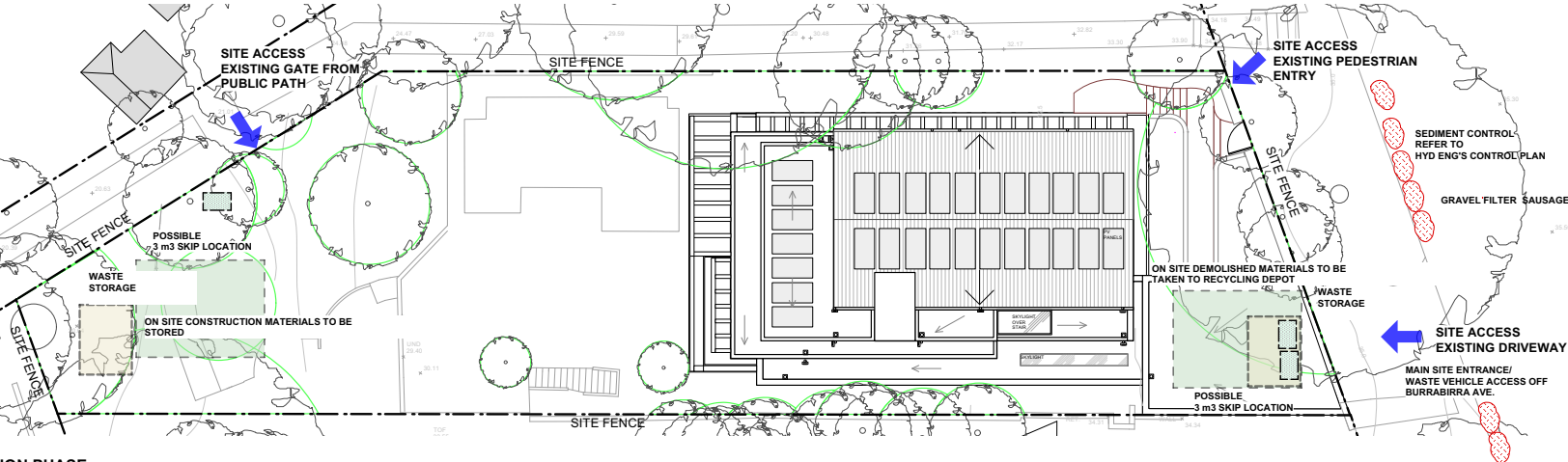


EXISTING LOWER GROUND PLAN

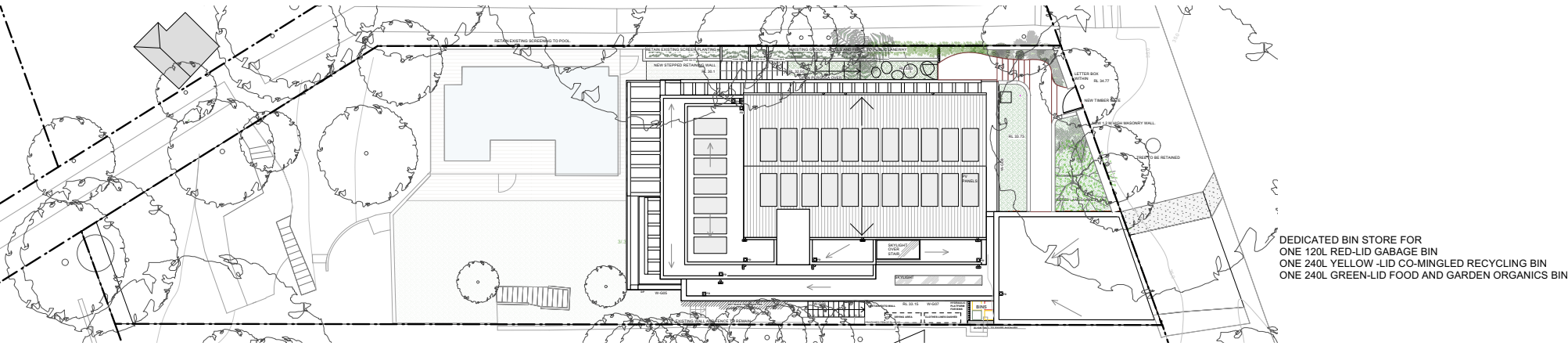
| <br><b>MOLNAR</b><br>ARCHITECTS | www.molnararchitects.com<br>info@molnararchitects.com<br><br>0430 715 635<br>PO BOX 720 Edgecliff<br>NSW 2027<br><br>ABN 7264 1779 375<br>NSW ARB No. 10947 | <table><tr><th colspan="2">revision</th></tr><tr><th>no.</th><th>description</th><th>date</th></tr><tr><td>A</td><td>For Council Submission</td><td>Sept 2023</td></tr></table> |             | revision |  | no. | description | date | A | For Council Submission | Sept 2023 | <p><b>BASIX REQUIREMENTS:</b></p> <p>1: Rainwater tank installed to be minimum 3000 litres, installed to regulatory code.<br/>2: Swimming pool volume to be a maximum of 14 Kilolitres and be outdoors.<br/>3: Floor construction. Slab on ground.<br/>4: Hot Water system. Minim performance of an electric heat pump 31 to 35 STCs<br/>5: Photovoltaics to a minimum of 3 peak kilowatts.<br/>6: Skylights: Uw 4.0 @ SHGC 0.27<br/>7: Windows Uw 3.0 @ SHGC 0.33<br/>8: Sliding Doors: Maximum Uw 2.1 @ SHGC 0.41</p> | <p>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE<br/>PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS<br/>TO SUBSTRATE BRICKWORK / BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPY RIGHT OF MOLNAR ARCHITECTS P/L</p> <p>SCALE BAR    1:100    0    1m    2m    3m    4m    5m<br/>  </p> |
|--|---|---|-------------|----------|--|-----|-------------|------|---|------------------------|-----------|---|---|
|  |   | revision  |             |          |  |     |             |      |   |                        |           |   |   |
|  |   | no.   | description | date     |  |     |             |      |   |                        |           |   |   |
| A  | For Council Submission  | Sept 2023   |             |          |  |     |             |      |   |                        |           |   |   |




DURING DEMOLITION PHASE



DURING CONSTRUCTION PHASE



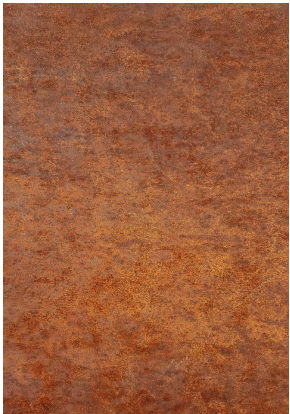
ON-GOING OPERATION

| <div></div> | <p>www.molnararchitects.com<br/>info@molnararchitects.com</p> <p>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027</p> <p>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | <table><tr><th colspan="2">revision</th></tr><tr><th>no.</th><th>description</th><th>date</th></tr><tr><td>A</td><td>For Council Submission</td><td>Sept 2023</td></tr></table> | revision    |      | no. | description | date | A | For Council Submission | Sept 2023 | <p><b>BASIX REQUIREMENTS:</b></p> <p>1: Rainwater tank installed to be minimum 3000 litres, installed to regulatory code.<br/>2: Swimming pool volume to be a maximum of 14 Kilolitres and be outdoors.<br/>3: Floor construction. Slab on ground.<br/>4: Hot Water system. Minim performance of an electric heat pump 31 to 35 STCs<br/>5: Photovoltaics to a minimum of 3 peak kilowatts.<br/>6: Skylights: Uw 4.0 &amp; SHGC 0.27<br/>7: Windows Uw 3.0 &amp; SHGC 0.33<br/>8: Sliding Doors: Maximum Uw 2.1 &amp; SHGC 0.41</p> | <p>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS TO SUBSTRATE BRICKWORK / BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPY RIGHT OF MOLNAR ARCHITECTS P/L</p> <p>SCALE BAR    1:100    0    1m    2m    3m    4m    5m<br/>  </p> |
|--|--|---|-------------|------|-----|-------------|------|---|------------------------|-----------|---|---|
|  |  | revision  |             |      |     |             |      |   |                        |           |   |   |
|  |  | no.   | description | date |     |             |      |   |                        |           |   |   |
| A  | For Council Submission   | Sept 2023   |             |      |     |             |      |   |                        |           |   |   |





ST - STONE WALLS



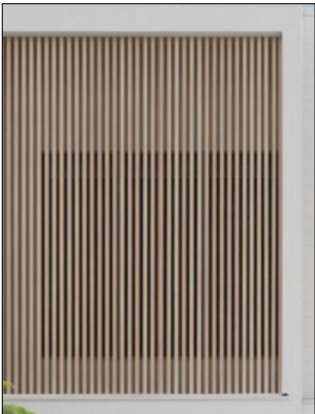
MTL1 - COR-TEN STEEL



EXTERNAL TIMBER BLINDS



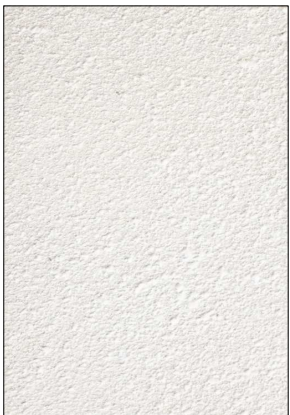
TM - NATURAL TONE TIMBER



PRIVACY SCREEN



W - TIMBER FRAMED WINDOWS



RDR - WHITE TEXTURED RENDER




RMTL - RMETAL ROOF SHEETING



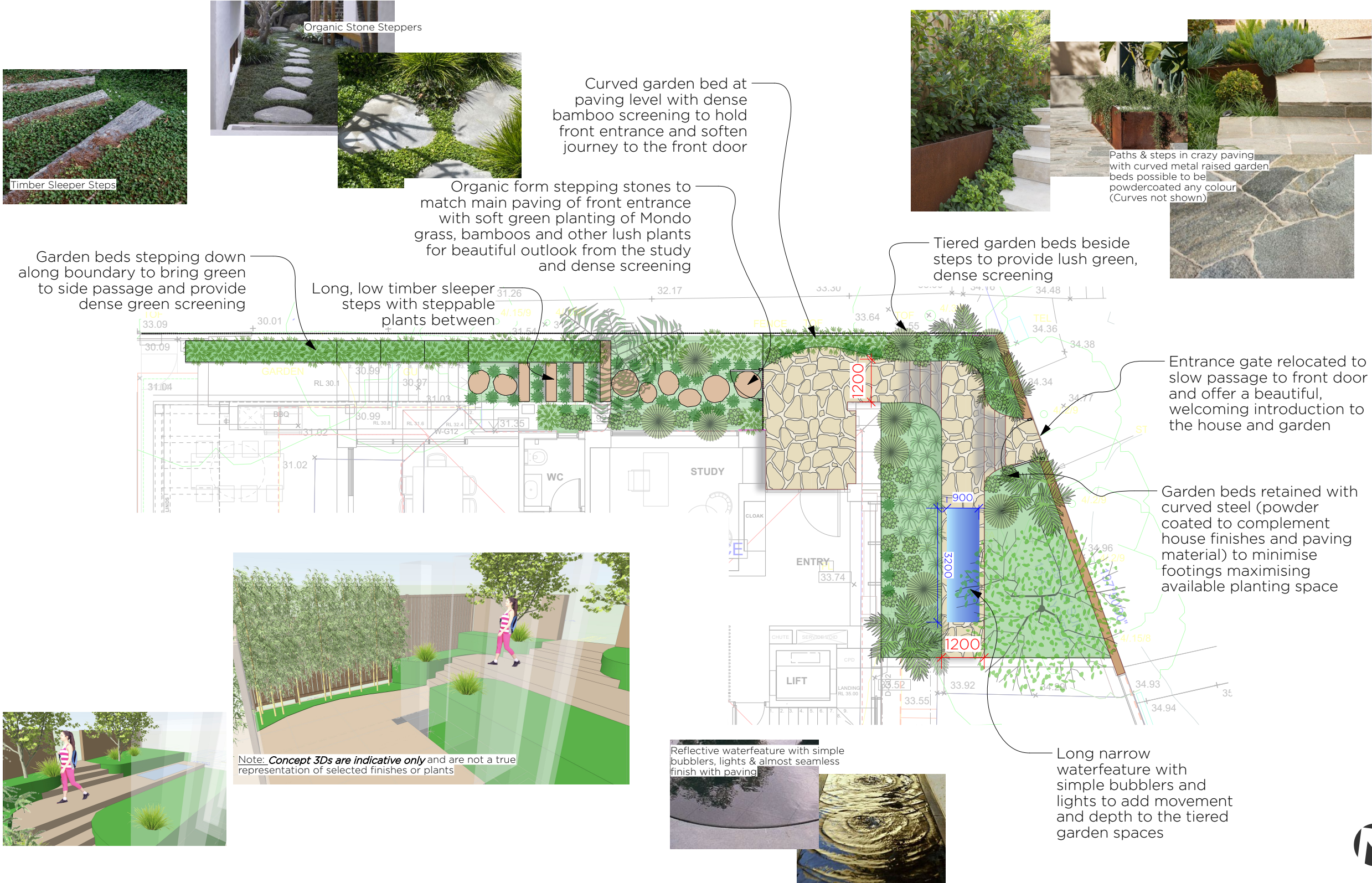
PV - PHOTOVOLTAIC PANELS




LANDSCAPE COLOURS & TEXTURES

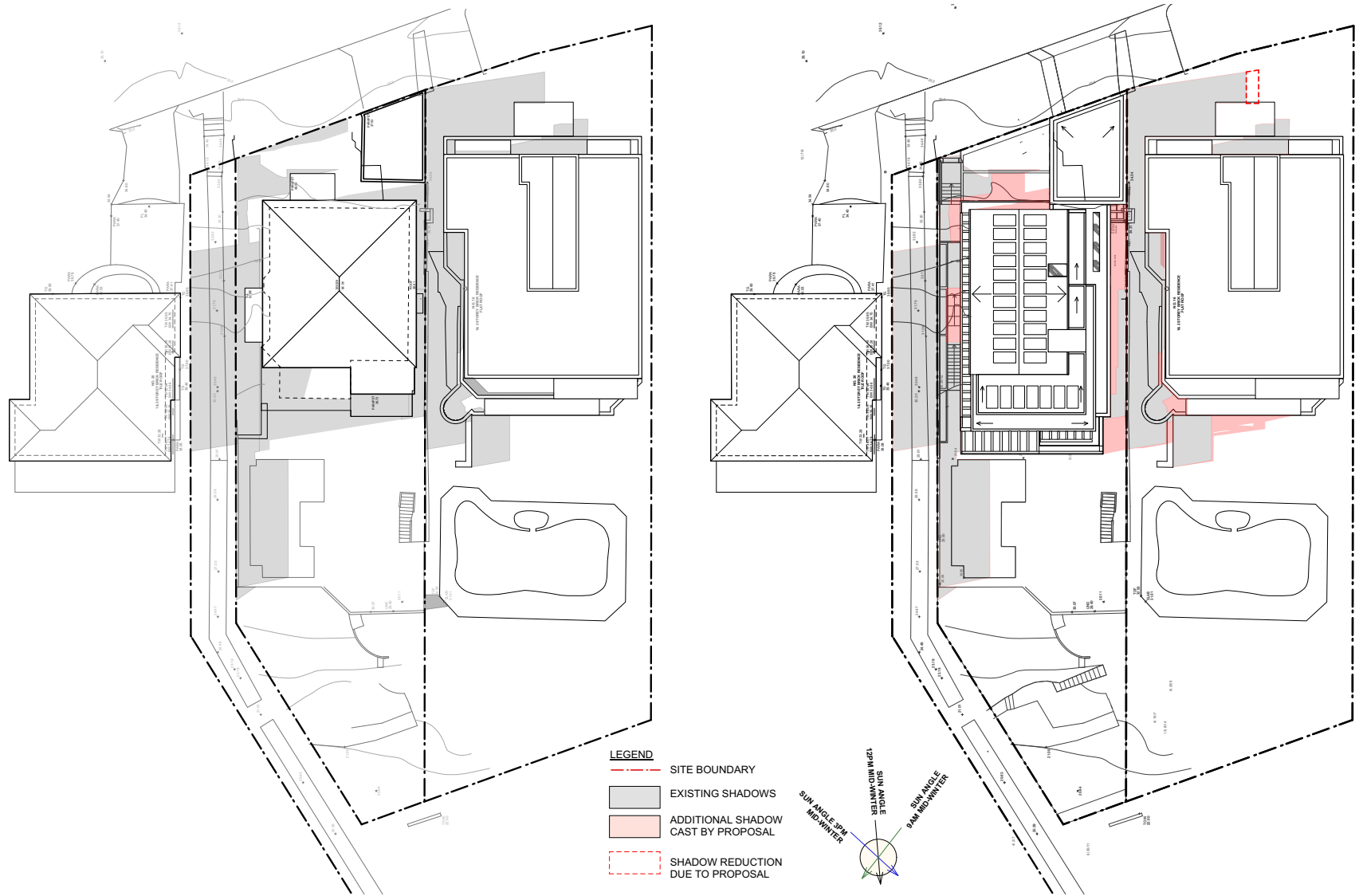
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|--|--|---|------------------------|-------------|------|---|------------------------|-----------|---|---|---|--|
|  |  | no.   | description            | date        |      |   |                        |           |   |   |   |  |
|  |  | A   | For Council Submission | sept 2023   |      |   |                        |           |   |   |   |  |
| <div>project no.:</div> <div>108</div>   | <div>dwg no.:</div> <div>DA-20</div>   | <div>revision:</div> <div>A</div>   |                        |             |      |   |                        |           |   |   |   |  |
| <div>client:</div> <div>T &amp; R KESSLER</div>  | <div>scale:</div> <div>1:50 @ A2</div>   | <div>date:</div> <div>SEPT 2023</div>   |                        |             |      |   |                        |           |   |   |   |  |



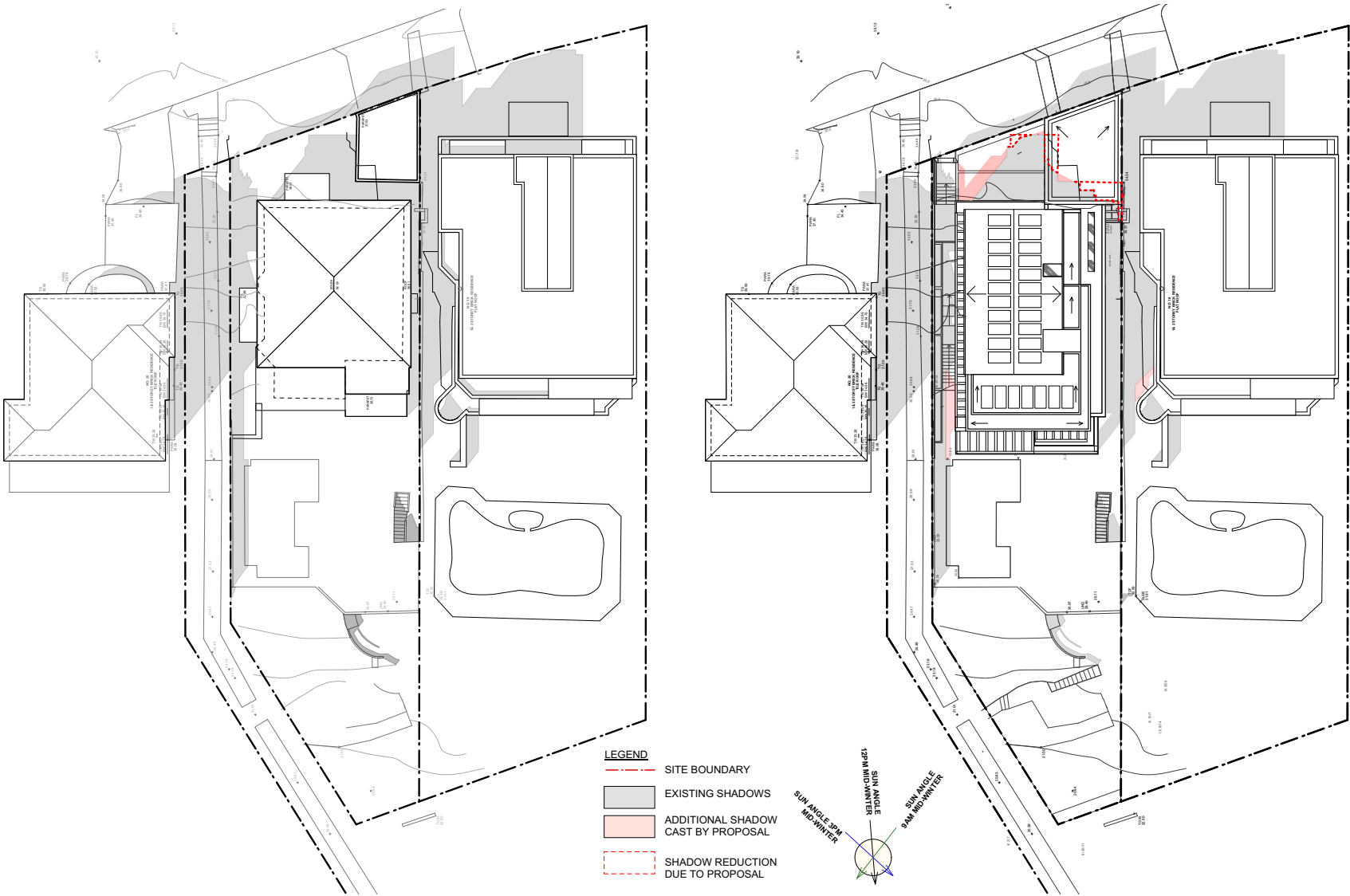


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| <div></div> <div>LANDSBERG<br/>GARDEN DESIGN</div> | <div>LANDSBERG GARDEN DESIGN</div> <div>48 Watson St, Bondi, NSW, 2026 Australia<br/>T: +61 2 93871155<br/>W: www.landsberggardens.com.au</div> <div>ABN: 63 620 685 234</div> | <div>NOTES:</div> <div>Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the Landsberg Garden Design. These designs, plans, specifications and the copyright therein are the property of Landsberg Garden Design, and must not be reproduced or copied wholly or in part without written permission of Landsberg Garden Design.</div> | <div>CLIENT</div> <div>Tracey and Rhett Kessler</div> |                                    | <div>DWG DATE</div> <div>28/06/23</div> | <div>DRAWN</div> <div>C.HYLES</div> |
|   | <div>ADDRESS</div> <div>18 Burrabirra Avenue</div>   |   | <div>SCALE</div> <div>1:100</div>                     | <div>PAGE SIZE</div> <div>A3</div> |   |                                     |
|   | <div>DRAWING</div> <div>Concept Plan</div>   |   | <div>DWG #</div> <div>L010</div>                      | <div>REVISION</div> <div>B</div>   |   |                                     |
|   | <div>REV DATE REVISION NOTE BY</div>   |   | <div>CAD Burrabirra_V3.vwx</div>                      |                                    |   |                                     |
|   | <div>B 16/8/23</div>   | <div>Amendments following Concept Presentation</div>  | <div>CH</div>   |                                    |   |                                     |
| <div>A DD/M/YR</div>  | <div>Preliminary Issue - For Comment</div>   | <div>CP</div>   |   |                                    |   |                                     |

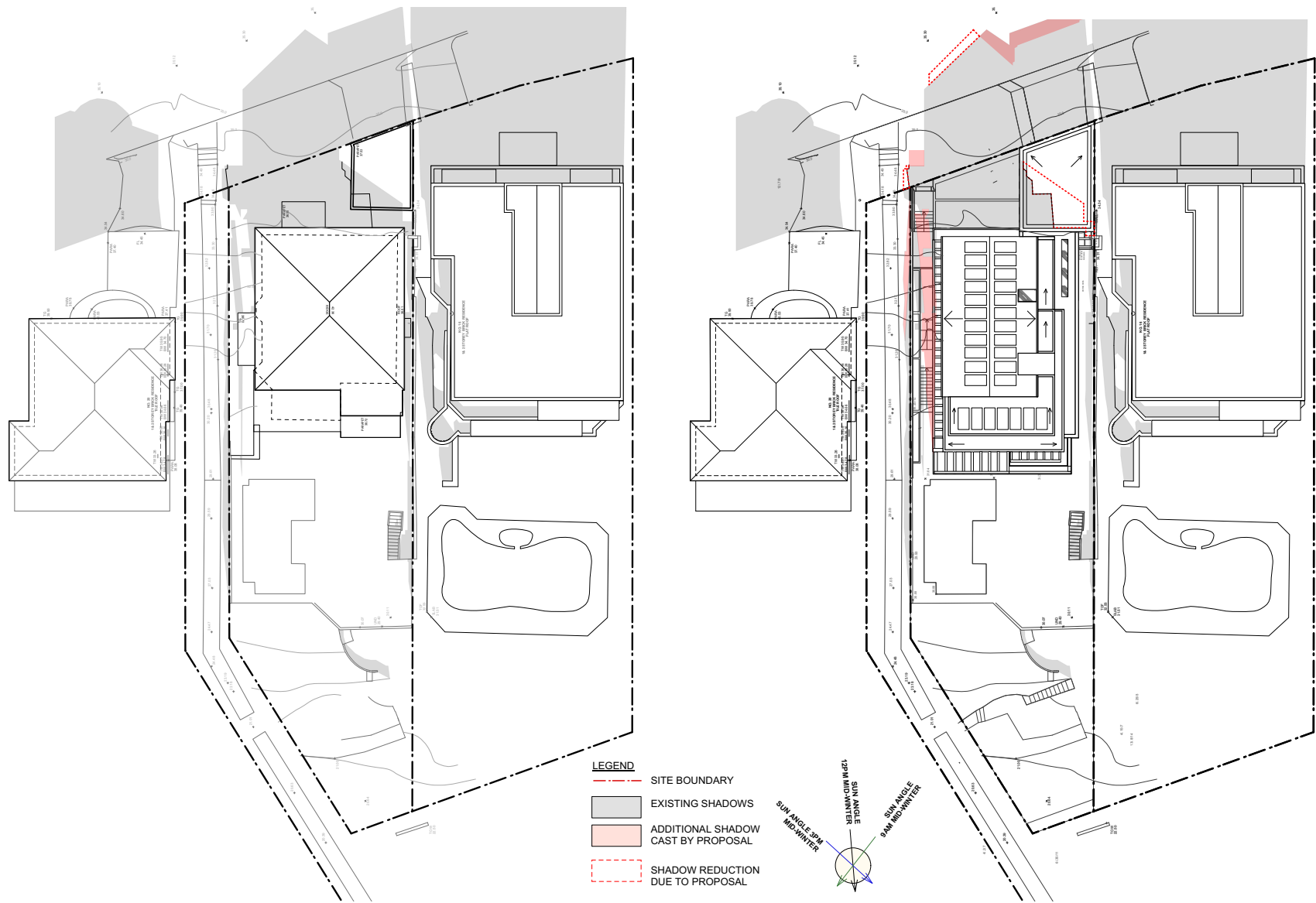




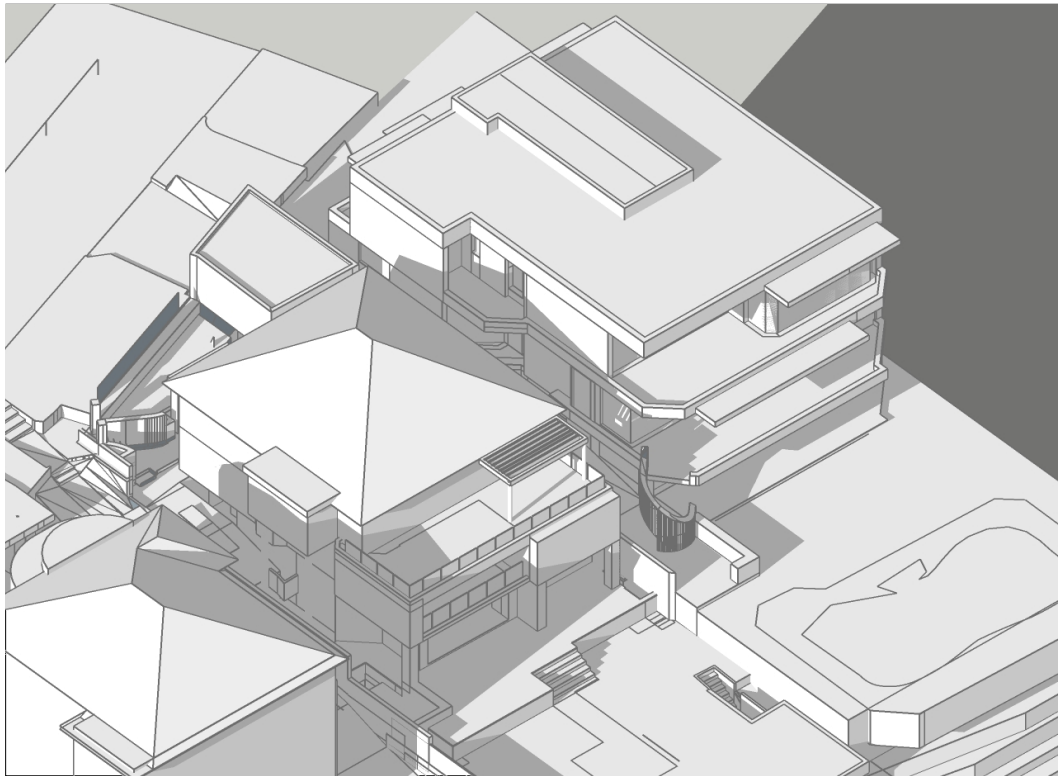
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|    | <p>www.molnararchitects.com<br/>info@molnararchitects.com<br/>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027<br/>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | revision  |   |
|   |  | no. description   | date  |
|   |  | A For Council Submission  | 12/6/2023   |
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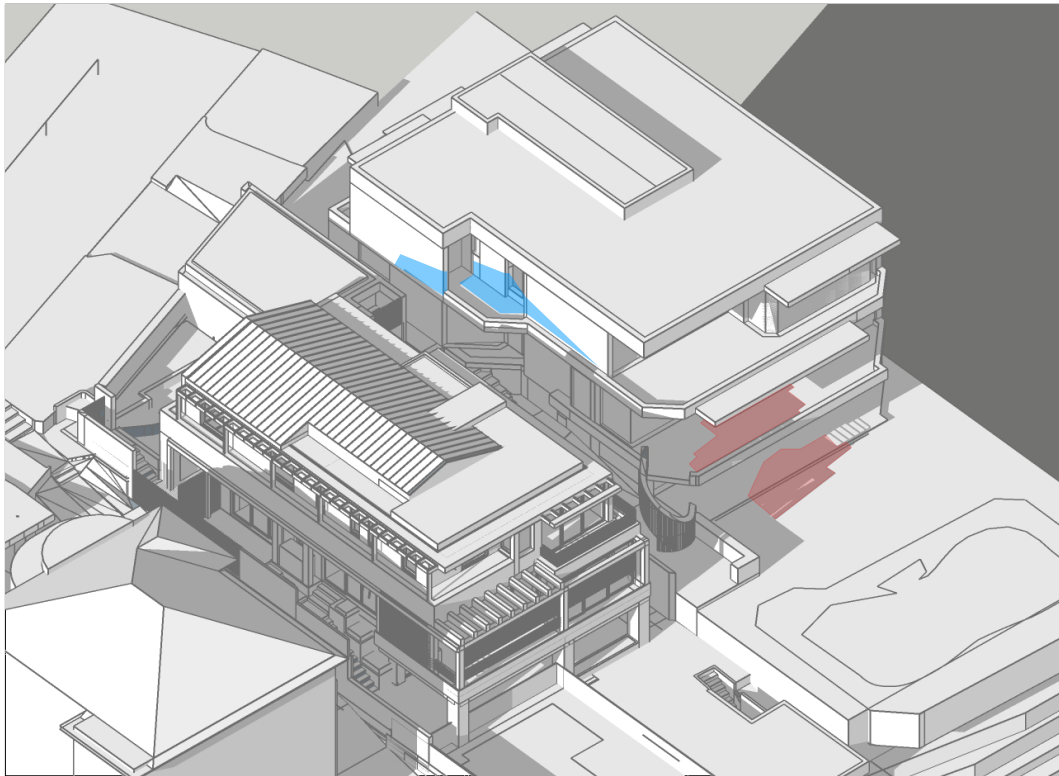
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|  |   | no.   | description            |
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|  |   | A   | For Council Submission |
|  |   |   | 12/6/2023              |
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| client: T & R KESSLER  |   | <div>dwg title:</div> <div>DA - SHADOWS 12pm 21/06</div> <div><div>project no.:</div><div>108</div></div> <div><div>dwg no.:</div><div>DA-16</div></div> <div><div>revision:</div><div>A</div></div> <div><div>scale:</div><div>1:200 @ A2</div></div> <div><div>date:</div><div></div></div> |                        |



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|   |   | no.  | description   | date                              |
|   |   | A  | For Council Submission                                  | 12/6/2023                         |
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|   |   | <div>project no.:</div> <div>108</div>   | <div>dwg no.:</div> <div>DA-17</div>                    | <div>revision:</div> <div>A</div> |
| <div>client:</div> <div>T &amp; R KESSLER</div>   |   | <div>scale:</div> <div>1:200 @ A2</div> <div>date:</div>   |   |                                   |



9AM JUNE 21 EXISTING - SOLAR ANALYSIS

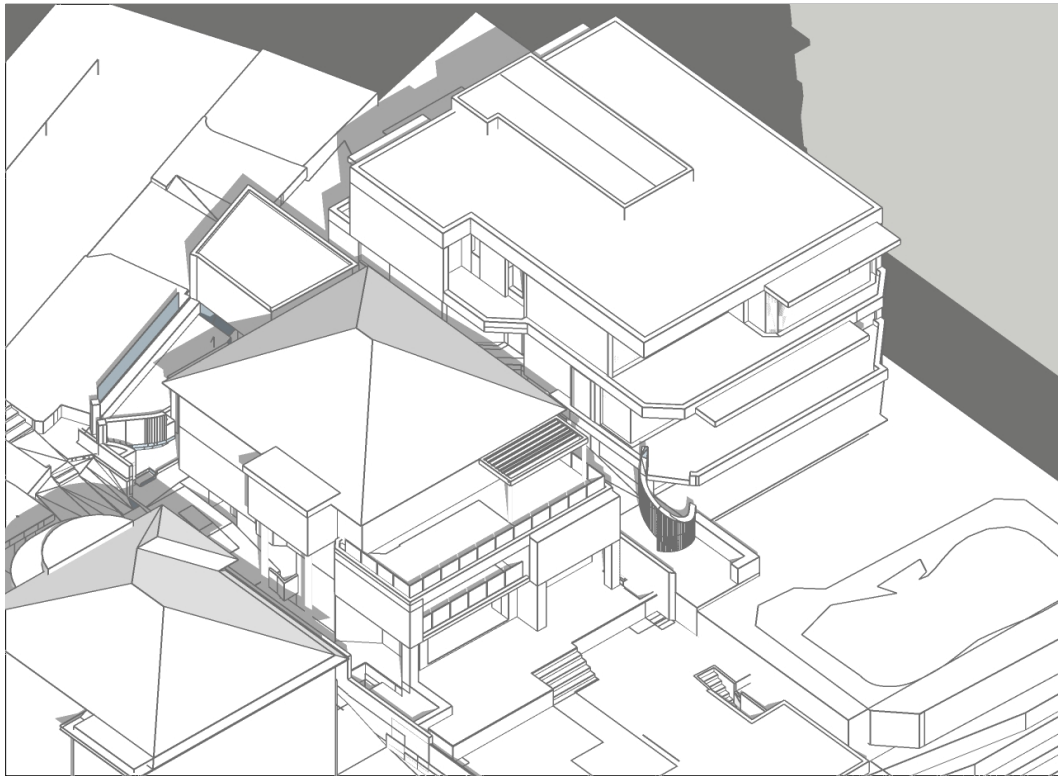


9AM JUNE 21 PROPOSED - SOLAR ANALYSIS

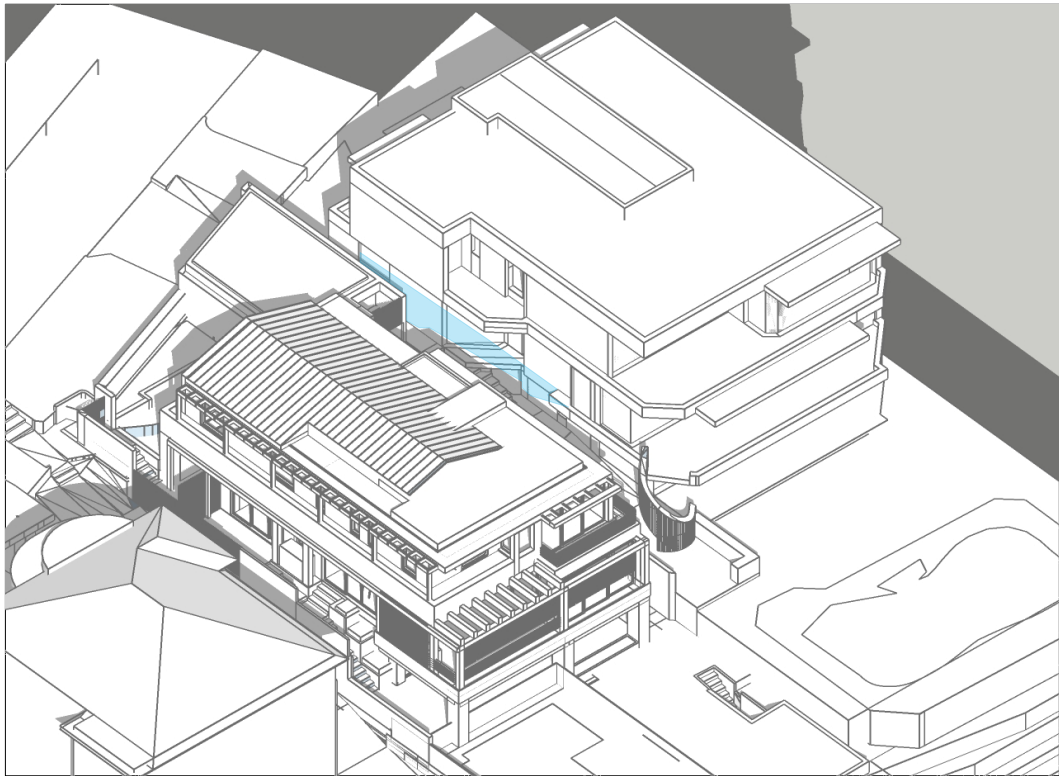
REDUCTION IN SHADOW

ADDITIONAL SHADOW

|  |  |  |                        |
|--|--|--|------------------------|
|   | <p>www.molnararchitects.com<br/>info@molnararchitects.com</p> <p>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027</p> <p>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | revision   |                        |
|  |  | no.  | description            |
|  |  | date   |                        |
|  |  | A  | For Council Submission |
|  |  |  | 12/6/2023              |
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| project:   |  | Kessler Residence<br>18 Burrabirra Ave<br>Vacluse<br>Lot 2 DP 325446 |                        |
| client:  |  | T & R KESSLER  |                        |
| dwg title:   |  | DA - SHADOWS ELEVATIONAL<br>9AM JUNE 21ST                            |                        |
| project no.:   |  | dwg no.:   | revision:              |
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| scale:   |  | 1:50 @ A2  | date:                  |



12PM JUNE 21 EXISTING - SOLAR ANALYSIS



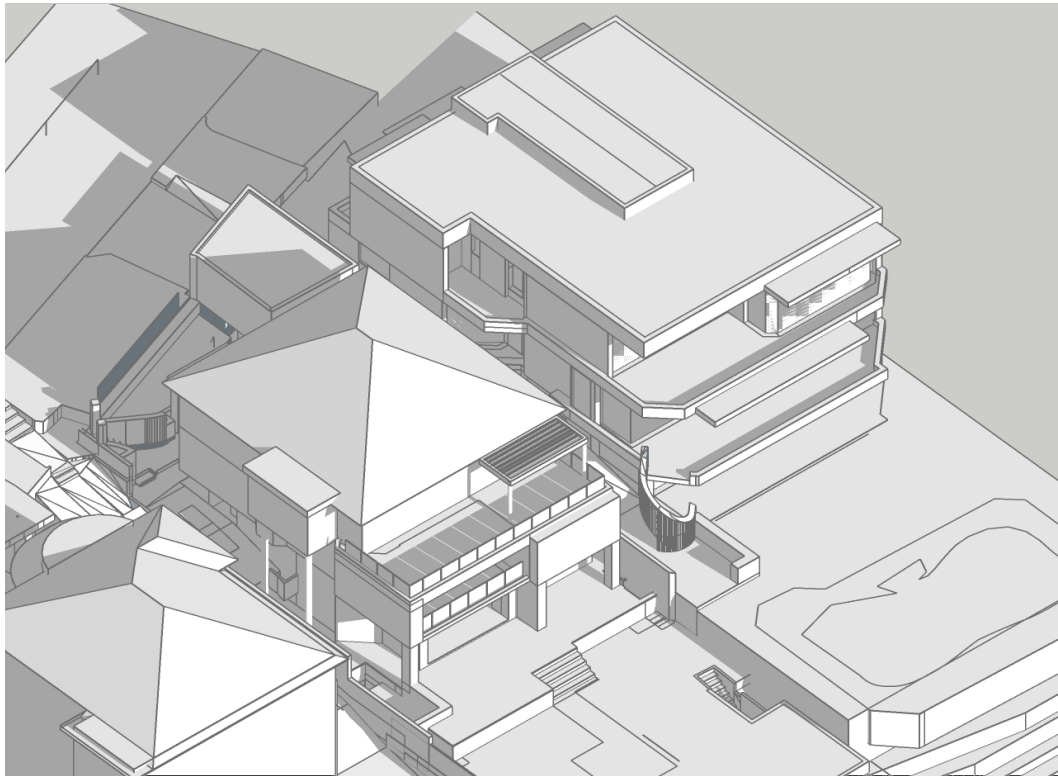
12PM JUNE 21 PROPOSED - SOLAR ANALYSIS

REDUCTION IN SHADOW

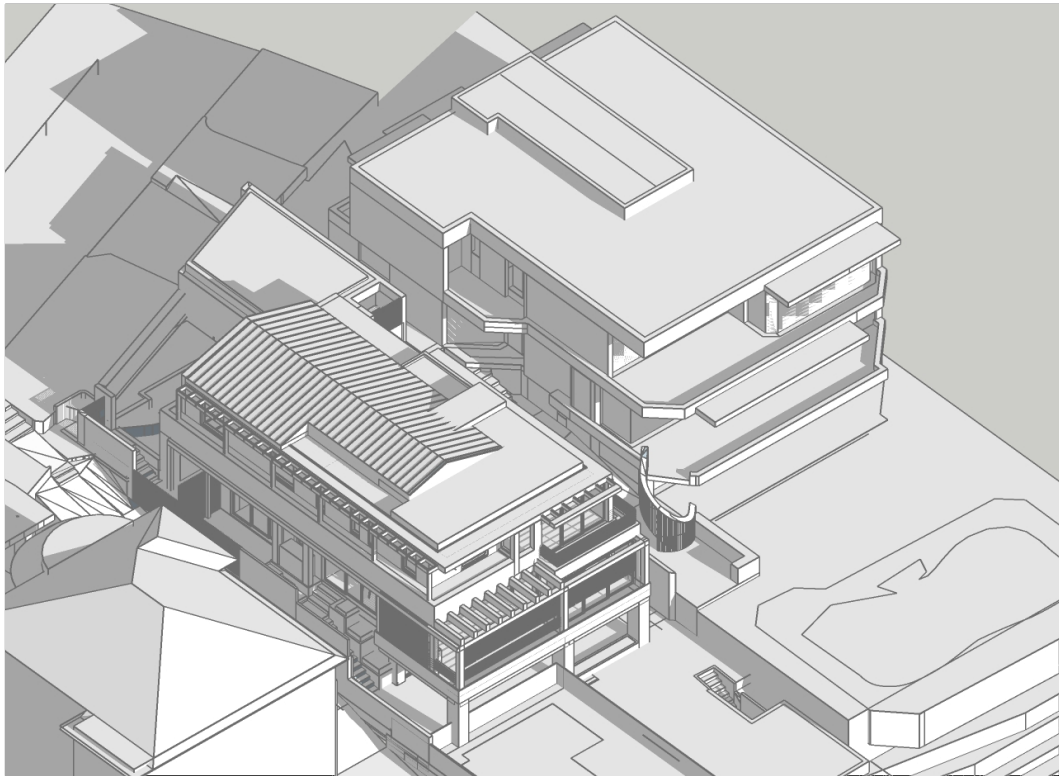
ADDITIONAL SHADOW

|   |  |   |                        |
|---|--|---|------------------------|
|    | <p>www.molnararchitects.com<br/>info@molnararchitects.com</p> <p>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027</p> <p>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | revision  |                        |
|   |  | no.   | description            |
|   |  | date  |                        |
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| project:  |  | Kessler Residence<br>18 Burrabirra Ave<br>Vaucluse<br>Lot 2 DP 325446 |                        |
| client:   |  | T & R KESSLER   |                        |
| dwg title:  |  | DA - SHADOWS ELEVATIONAL<br>12PM JUNE 21ST                            |                        |
| project no.:  |  | dwg no.:  | revision:              |
| 108   |  | DA-20   | A                      |
| scale:  |  | 1:50 @ A2   | date:                  |





3PM JUNE 21 EXISTING - SOLAR ANALYSIS

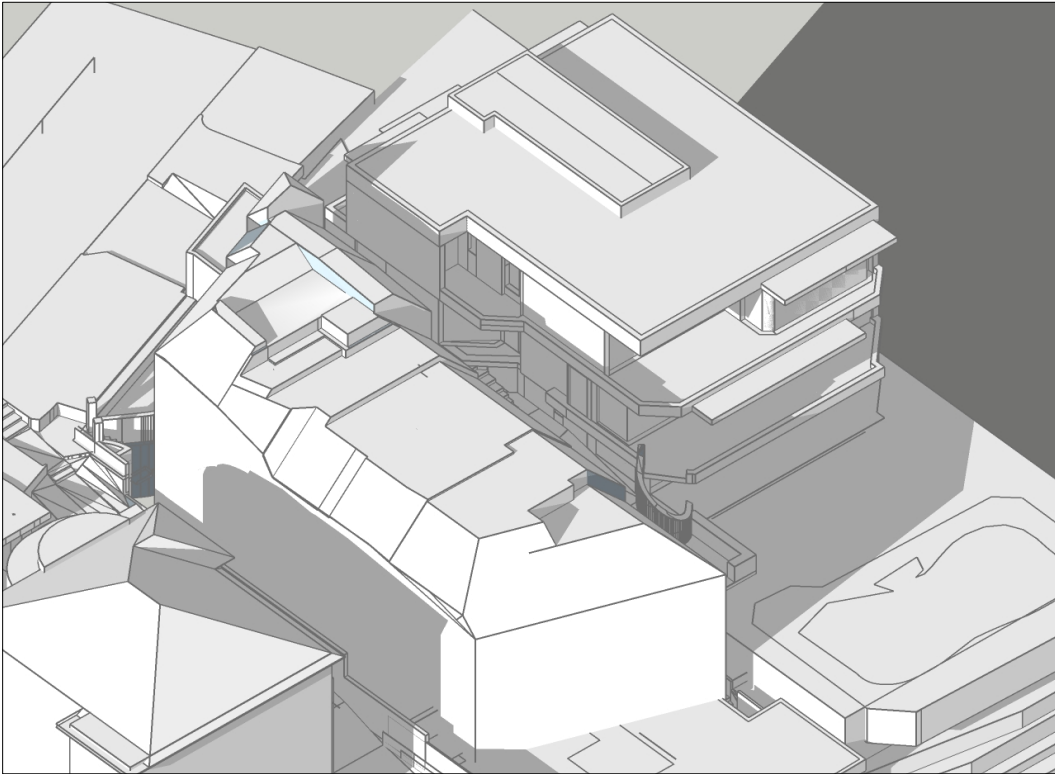


3PM JUNE 21 PROPOSED - SOLAR ANALYSIS

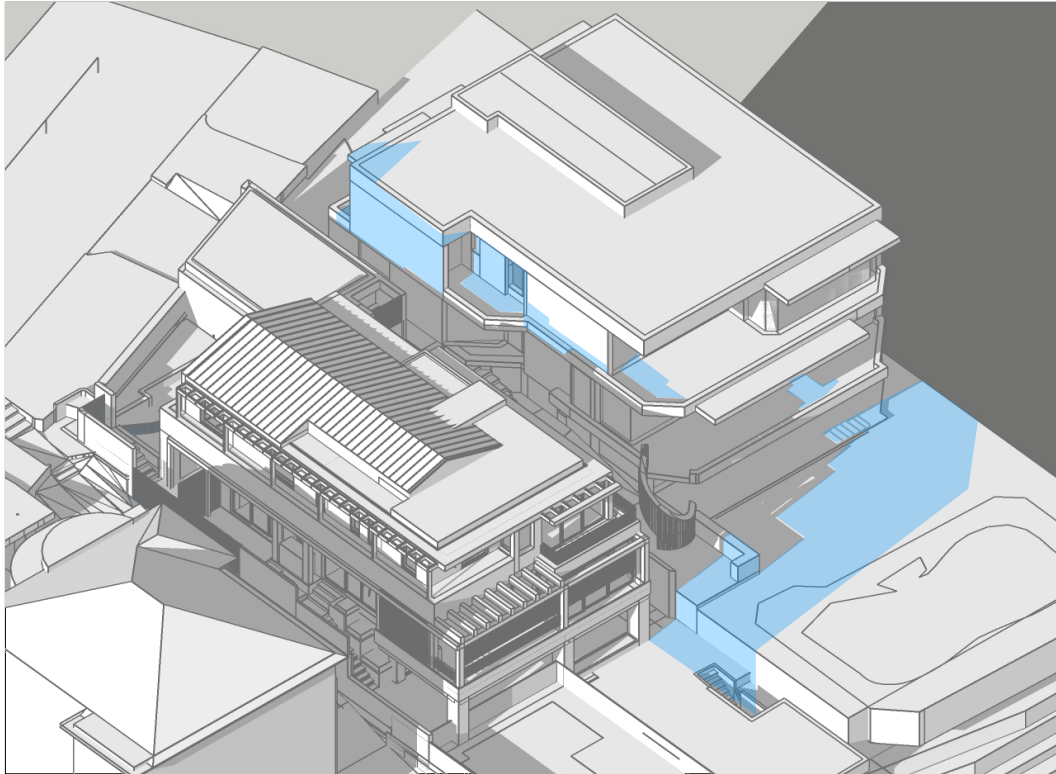
REDUCTION IN SHADOW

ADDITIONAL SHADOW

|  |  |  |           |
|--|--|--|-----------|
|   | <p>www.molnararchitects.com<br/>info@molnararchitects.com</p> <p>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027</p> <p>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | revision   |           |
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|  |  | A For Council Submission   | 12/6/2023 |
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| project:   |  | Kessler Residence<br>18 Burrabirra Ave<br>Vacluse<br>Lot 2 DP 325446 |           |
| client:  |  | T & R KESSLER  |           |
| dwg title:   |  | DA - SHADOWS ELEVATIONAL 3<br>PM JUNE 21ST                           |           |
| project no.:   |  | dwg no.:   | revision: |
| 108  |  | DA-21  | A         |
| scale:   |  | 1:50 @ A2  | date:     |



9AM JUNE 21 COMPLIANT ENVELOPE SCHEME - SOLAR ANALYSIS

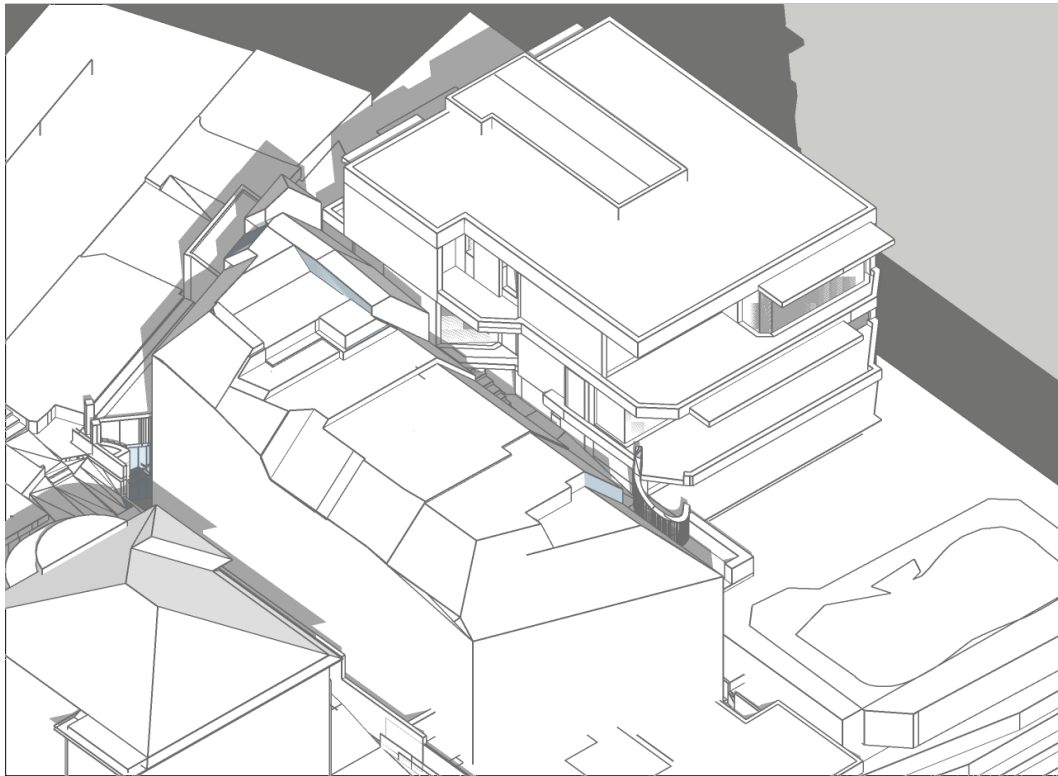


9AM JUNE 21 PROPOSED - SOLAR ANALYSIS

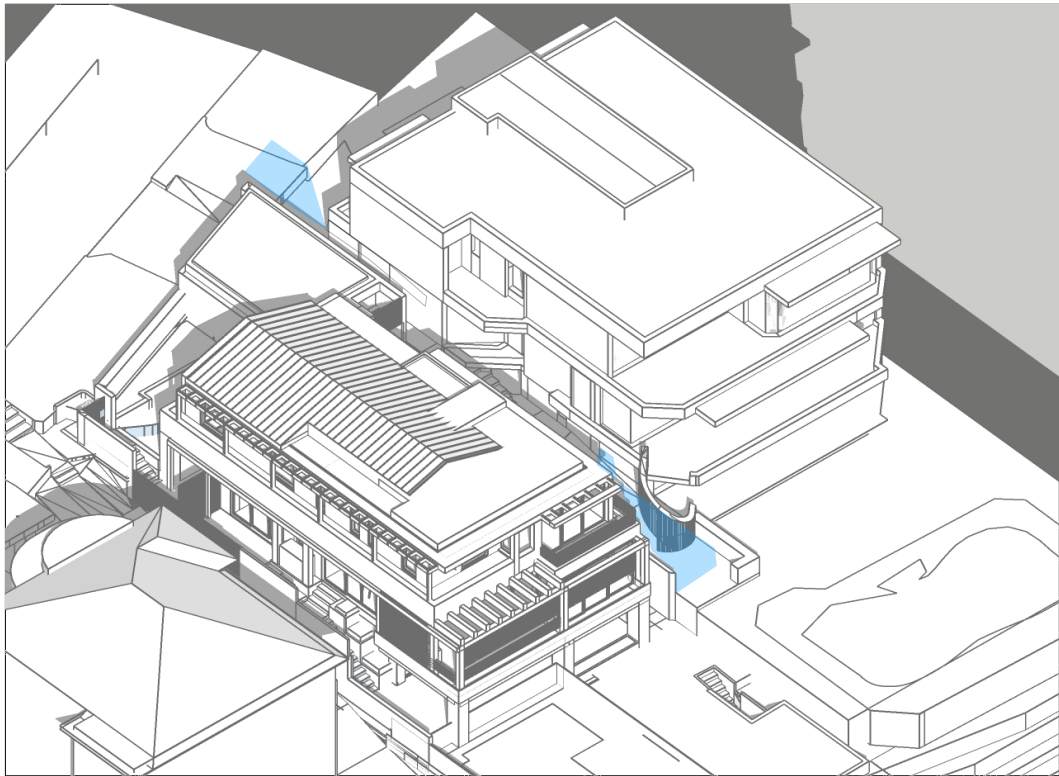
REDUCTION IN SHADOW

ADDITIONAL SHADOW

|  |   |   |                        |
|--|---|---|------------------------|
|   | <p>www.molnararchitects.com<br/>info@molnararchitects.com</p> <p>0430 715 635<br/>PO BOX 720 Edgecliff NSW 2027<br/>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | revision  |                        |
|  |   | no.   | description            |
|  |   | date  |                        |
|  |   | A   | For Council Submission |
|  |   |   | 12/6/2023              |
| <p>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS TO SUBSTRATE BRICKWORK/ BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPYRIGHT OF MOLNAR ARCHITECTS P/L</p> <p>SCALE BAR 1:100 0 1m 2m 3m 4m 5m<br/>1:200 0 2m 4m 6m 8m 10m</p> |   |   |                        |
| project:   |   | Kessler Residence<br>18 Burrabirra Ave<br>Vaucluse<br>Lot 2 DP 325446 |                        |
| client:  |   | T & R KESSLER   |                        |
| dwg title:   |   | DA - SHADOWS ELEVATIONAL<br>9AM JUNE 21ST                             |                        |
| project no.:   |   | dwg no.:  | revision:              |
| 108  |   | DA-22   | A                      |
| scale:   |   | 1:50 @ A2   | date:                  |



12PM JUNE 21 COMPLIANT ENVELOPE SCHEME - SOLAR ANALYSIS



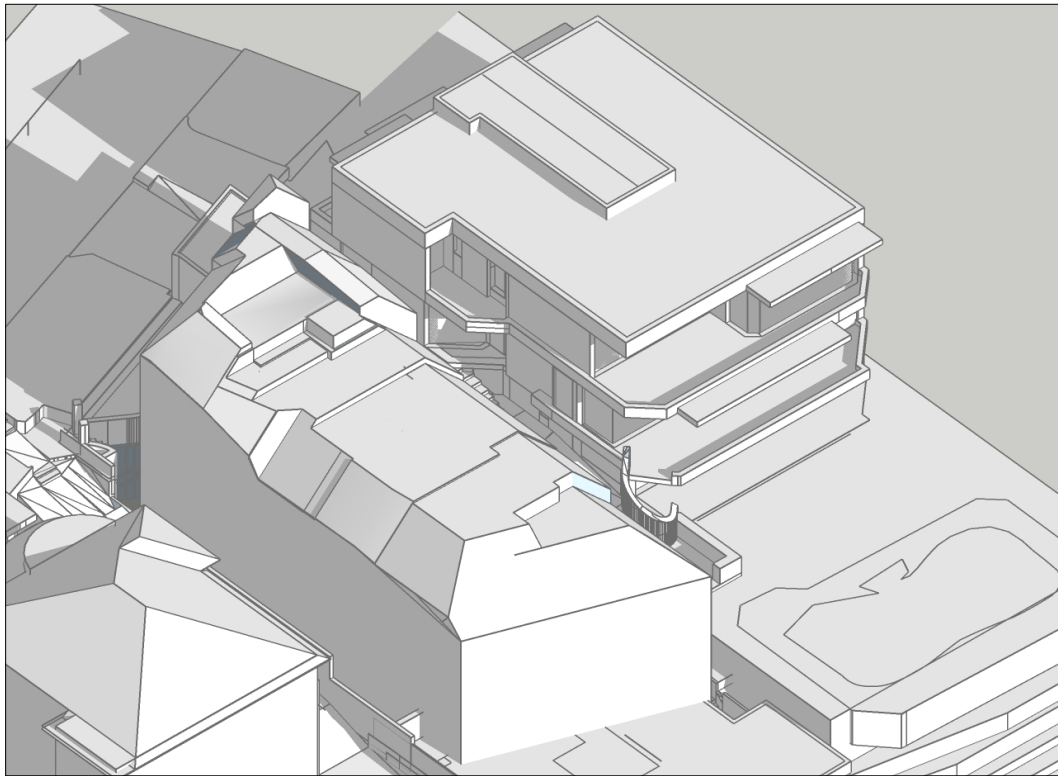
12PM JUNE 21 PROPOSED - SOLAR ANALYSIS

REDUCTION IN SHADOW

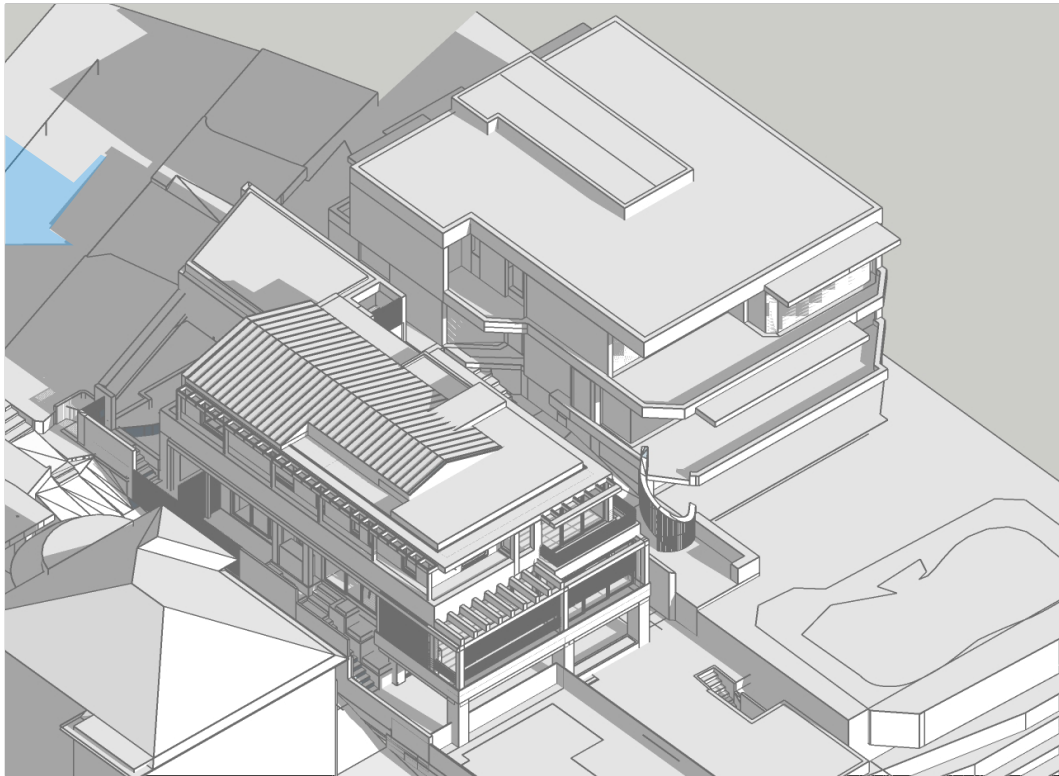
ADDITIONAL SHADOW

|   |  |   |                        |           |
|---|--|---|------------------------|-----------|
|    | <p>www.molnararchitects.com<br/>info@molnararchitects.com</p> <p>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027</p> <p>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | revision  |                        |           |
|   |  | no.   | description            |           |
|   |  | A   | For Council Submission | 12/6/2023 |
| <p>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE<br/>PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS<br/>TO SUBSTRATE BRICKWORK / BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPYRIGHT OF MOLNAR ARCHITECTS P/L</p> <p>SCALE BAR 1:100 0 1m 2m 3m 4m 5m<br/>1:200 0 2m 4m 6m 8m 10m</p> |  |   |                        |           |
| project:  |  | Kessler Residence<br>18 Burrabirra Ave<br>Vaucluse<br>Lot 2 DP 325446 |                        |           |
| client:   |  | T & R KESSLER   |                        |           |
| dwg title:  |  | DA - SHADOWS ELEVATIONAL 12<br>PM JUNE 21ST                           |                        |           |
| project no.:  |  | dwg no.:  | revision:              |           |
| 108   |  | DA-23   | A                      |           |
| scale:  |  | 1:50 @ A2   | date:                  |           |







3PM JUNE 21 COMPLIANT ENVELOPE SCHEME - SOLAR ANALYSIS



3PM JUNE 21 PROPOSED - SOLAR ANALYSIS

 REDUCTION IN SHADOW

 ADDITIONAL SHADOW

|  |  |   |           |
|--|--|---|-----------|
|   | <p>www.molnararchitects.com<br/>info@molnararchitects.com</p> <p>0430 715 635<br/>PO BOX 720 Edgecliff<br/>NSW 2027</p> <p>ABN 7264 1779 375<br/>NSW ARB No. 10947</p> | revision  |           |
|  |  | no. description   | date      |
|  |  | A For Council Submission  | 12/6/2023 |
| <p>ALL LEVELS TO AUSTRALIAN HEIGHT DATUM.<br/>IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE<br/>PRIOR TO COMMENCEMENT OF WORK. DRAWINGS SHOULD NOT BE SCALED.<br/>WRITTEN DIMENSIONS ONLY SHOULD BE TAKEN FROM DRAWINGS. ALL DIMENSIONING IS<br/>TO SUBSTRATE BRICKWORK/ BLOCKWORK UNLESS OTHERWISE NOTED.<br/>DESIGN AND DRAWINGS REMAIN COPYRIGHT OF MOLNAR ARCHITECTS P/L</p> <p>SCALE BAR 1:100 0 1m 2m 3m 4m 5m<br/>1:200 0 2m 4m 6m 8m 10m</p> |  |   |           |
| project:   |  | Kessler Residence<br>18 Burrabirra Ave<br>Vaucluse<br>Lot 2 DP 325446 |           |
| client:  |  | T & R KESSLER   |           |
| dwg title:   |  | DA - SHADOWS ELEVATIONAL<br>3PM JUNE 21ST                             |           |
| project no.:   |  | dwg no.:  | revision: |
| 108  |  | DA-24   | A         |
| scale:   |  | 1:50 @ A2   | date:     |





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16 January 2024

## REFERRAL RESPONSE – TREES AND LANDSCAPING

**FILE NO:** Development Applications: 393/2023/1

**ADDRESS:** 18 Burrabirra Avenue VAUCLUSE 2030

**PROPOSAL:** Demolition of the existing house and garage and construction of a new dwelling house and garage; alterations to pool and landscaping works.

**FROM:** Sam Knight

**TO:** Mr M D'Alessio

---

### 1. ISSUES

None.

### 2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by GSA Planning, dated 23 September 2023
- Survey Plan, drafted by Hill & Blume, dated 26 January 2022
- Architectural Drawings, drawn by Molnar Architects, dated September 2023
- Arboricultural Impact Assessment Report, written by Growing My Way, dated December 2023
- Landscape Concept Plan, designed by Landsberg Garden Design, dated 28 June 2023

A site inspection was carried out on 19 January 2024.

### 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



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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 supported subject to the below tree conditions being included into the DA consent.

#### 5. COMMENTS

A review of the plans and documentation has revealed 22 trees within and adjacent to the site will be impacted by the proposal. This includes four (4) trees proposed for removal and the remaining 18 trees to be retained and protected.

The following tree numbering is consistent with the submitted Arboricultural Impact Assessment prepared by Growing My Way dated December 2023.

##### Tree Removal – Under 5m Height

The plans also indicate tree 8 is proposed for removal. The tree has been noted as being less than 5 metres in height. Therefore, is not a prescribed tree as defined by the WMC DCP Chapter E.3 - Tree Management and can be removed without consent regardless of the proposed development.

##### Tree Removal – Medium Retention Value

The plans and Arborist Report indicate trees 2 (2x palms) and tree 6 require removal due to unacceptable impacts from the proposed works. The trees have been rated as having Medium Landscape Significance and Medium Retention Value. Trees rated as being of Medium Retention Value are generally considered as less critical for retention than High Valued trees. However, their retention should be a priority with removal considered if all design options have been exhausted and adversely affecting the proposal.

Due to the position of the trees and proposed building and front boundary wall demolition, options to retain these trees are not possible.

Therefore, removal of the trees is supported subject to replacement planting being undertaken at the completion of the works.

##### Tree Retention

The plans and Arborist Report indicate trees 1, 2 (x3 palms), 3, 4, 5, 7 (x11 palms) will be retained and protected.

Trees 2 (x3), 3, 4, 5, 7 (x11) have all been identified as various palm species. The proposed works is not expected to impact on any of these palms due to them having fibrous root balls that are not extending into the proposed development area.

Tree 1 - has been identified as a mature *Lophostemon confertus* located outside the site on Council land. The tree has been noted in good healthy condition and provides high contribution to the amenity and canopy cover of the immediate area.



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The plans indicate works are proposed within the Structural Root Zone (TPZ) and Tree Protection Zone (TPZ) of the tree which has been calculated as being 3.28m and 8.52m respectively. This includes demolition and reconstruction of the front boundary retaining wall and extension of the driveway crossover.

Due to the levels being lower within the front yard of the site, it is expected that the existing front boundary wall has restricted root growth the verge area only. Provided the demolition and reconstruction of the front wall is undertaken using handheld tools only and under the supervision of a Project Arborist, it is noted expected that these works will impact on the tree.

The proposed driveway extension encroaches into the SRZ of the tree. This is an area where large important structural roots are expected to be growing. It is recommended that the crossover is setback slightly so that it is outside of the SRZ. This has been detailed in the conditions below. A specific driveway and crossover condition has also been included below to ensure installation within the TPZ is undertaken in a tree sensitive manner.

#### Canopy Cover – Dwellings

Chapter B3.7 Landscape area and private open space of the WMC DCP outlines under Control 1 that 35% canopy cover is to be provided within sites for dwelling houses, dual occupancy, semi-detached development and attached dwellings.

The DCP outlines that at least half of the total tree canopy area on the site is to be contributed by canopy tree/s (ie: trees that attain a minimum of eight (8) metres mature height and canopy spread). Trees selected should be capable of achieving the applicable tree canopy area for the site within 5-10 years of completion of the development.

The submitted Canopy Cover Diagram indicates that the existing and proposed tree planting will provide 275.5m<sup>2</sup> (35.5%) canopy cover across the site. However, no details have been provided on proposed species selection.

Therefore, to ensure the projected canopy cover target is meet, a tree planting condition has been included below specifying the type of tree that must be planted.

## **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**

|              |  |   |                |
|--------------|--|---|----------------|
| <b>A. 1.</b> | <b>Approved Plans and Supporting Documents</b>   |   |                |
|              | 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.   |   |                |
|              | <b>Reference</b>   | <b>Description</b>                      | <b>Author</b>  |
|              |  | Arboricultural Impact Assessment Report | Growing My Way |
|              |  |   | <b>Date</b>    |
|              |  |   | Dec 2023       |



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**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.

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 must be retained:

- Trees on Council land:

| Council Ref No | Species                               | Location  | Dimension (metres) | Tree value    |
|----------------|---------------------------------------|---|--------------------|---------------|
| 1              | <i>Lophostemon confertus</i>          | Street tree – Council verge   | 10 x 10            | \$25,000      |
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 7 x 3              | \$5000 (each) |

The tree/s required to be retained must appear coloured green on the Construction Certificate plans.

b) The following trees may be removed:

| Council Ref No | Species                               | Location  | Dimension (metres) |
|----------------|---------------------------------------|---|--------------------|
| 2-4, 2-5       | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 7 x 3              |
| 6              | <i>Radermachera sinica</i>            | Side Yard – NE boundary   | 8 x 7              |
| 8              | <i>Beauramea recurvata</i>            | Rear Yard   | 4 x 3              |

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



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

**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.         | <b>Payment of Security and Fees</b>  |            |         |                  |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
|--|------------|--|------------|---------|------------------|-------------|--------|---------|------------------|---|--|--|--|---|------------|----|------|--|----------|----|------|---|--|--|--|---------------------------------------|----------|----|-----|--|-----------|----|--|-------------------------------------|----------|----|-----|--------------------------------|------------|--|--|
|  |            | Prior to any site works, the following security and fees must be paid in full:   |            |         |                  |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
|  |            | <table border="1"> <thead> <tr> <th>Description</th> <th>Amount</th> <th>Indexed</th> <th>Council Fee Code</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>SECURITY</b><br/>under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td> </tr> <tr> <td><b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council</td> <td>\$&lt;INSERT&gt;</td> <td>No</td> <td>T115</td> </tr> <tr> <td><b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree</td> <td>\$40,000</td> <td>No</td> <td>T114</td> </tr> <tr> <td colspan="4"><b>INSPECTION FEES</b><br/>under section 608 of the <i>Local Government Act 1993</i></td> </tr> <tr> <td>Public Tree Management Inspection Fee</td> <td>\$231.30</td> <td>No</td> <td>T95</td> </tr> <tr> <td>Street Tree Planting and Maintenance Fee</td> <td>\$2062.50</td> <td>No</td> <td></td> </tr> <tr> <td>Security Deposit Administration Fee</td> <td>\$225.00</td> <td>No</td> <td>T16</td> </tr> <tr> <td><b>TOTAL SECURITY AND FEES</b></td> <td>\$&lt;INSERT&gt;</td> <td></td> <td></td> </tr> </tbody> </table> |            |         |                  | Description | Amount | Indexed | Council Fee Code | <b>SECURITY</b><br>under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i> |  |  |  | <b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council | \$<INSERT> | No | T115 | <b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree | \$40,000 | No | T114 | <b>INSPECTION FEES</b><br>under section 608 of the <i>Local Government Act 1993</i> |  |  |  | Public Tree Management Inspection Fee | \$231.30 | No | T95 | Street Tree Planting and Maintenance Fee | \$2062.50 | No |  | Security Deposit Administration Fee | \$225.00 | No | T16 | <b>TOTAL SECURITY AND FEES</b> | \$<INSERT> |  |  |
|  |            | Description  | Amount     | Indexed | Council Fee Code |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
|  |            | <b>SECURITY</b><br>under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>  |            |         |                  |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
|  |            | <b>Property Damage Security Deposit</b> -making good any damage caused to any property of the Council  | \$<INSERT> | No      | T115             |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
|  |            | <b>Tree Damage Security Deposit</b> – making good any damage caused to any public tree   | \$40,000   | No      | T114             |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
|  |            | <b>INSPECTION FEES</b><br>under section 608 of the <i>Local Government Act 1993</i>  |            |         |                  |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
|  |            | Public Tree Management Inspection Fee  | \$231.30   | No      | T95              |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
|  |            | Street Tree Planting and Maintenance Fee   | \$2062.50  | No      |                  |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
| Security Deposit Administration Fee  | \$225.00   | No   | T16        |         |                  |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
| <b>TOTAL SECURITY AND FEES</b>   | \$<INSERT> |  |            |         |                  |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
| <b>How must the payments be made?</b><br>Payments must be made by: <ul style="list-style-type: none"> <li>• cash deposit with Council,</li> <li>• credit card payment with Council, or</li> <li>• bank cheque made payable to Woollahra Municipal Council.</li> </ul>  |            |  |            |         |                  |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |
| The payment of a security may be made by a bank guarantee where: <ul style="list-style-type: none"> <li>• the guarantee is by an Australian bank for the amount of the total outstanding contribution,</li> <li>• 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 --&gt; NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable &lt;-- ### Invalid Field Definition ###,</li> <li>• the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and</li> </ul> |            |  |            |         |                  |             |        |         |                  |   |  |  |  |   |            |    |      |  |          |    |      |   |  |  |  |                                       |          |    |     |  |           |    |  |                                     |          |    |     |                                |            |  |  |



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|                | <p>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,</p> <ul style="list-style-type: none"><li>the bank guarantee is lodged with the Council prior to any site works being undertaken, and</li><li>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.</li></ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"><li>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.</li><li>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.</li><li>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.</li><li>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.</li><li>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.</li><li>The Refund of Security Bond Application form can be downloaded from <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a></li></ul> <p><b>Condition Reason:</b> To ensure any relevant security and fees are paid.</p> <p>Standard Condition B14 (Autotext 14B)</p> |                             |   |               |   |   |                              |                             |    |
|----------------|---|-----------------------------|---|---------------|---|---|------------------------------|-----------------------------|----|
| B. 2.          | <p><b>Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)</b></p> <p>Prior to any site works, tree protection measures must be established around all trees to be retained in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>The Tree Protection Zones must be calculated in accordance with Section 3 of the Australian Standard Protection of Trees on Development Sites (AS 4970).</p> <p>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;</p> <p>a) Tree Protection Fencing:</p> <table><tr><th>Council Ref No</th><th>Species</th><th>Tree Location</th><th>Fence Radius from Centre of Trunk (Metres)*</th></tr><tr><td>1</td><td><i>Lophostemon confertus</i></td><td>Street tree – Council verge</td><td>2m</td></tr></table>   | Council Ref No              | Species                                     | Tree Location | Fence Radius from Centre of Trunk (Metres)* | 1 | <i>Lophostemon confertus</i> | Street tree – Council verge | 2m |
| Council Ref No | Species   | Tree Location               | Fence Radius from Centre of Trunk (Metres)* |               |   |   |                              |                             |    |
| 1              | <i>Lophostemon confertus</i>  | Street tree – Council verge | 2m  |               |   |   |                              |                             |    |





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|               |                                       |   |                         |
|---------------|---------------------------------------|---|-------------------------|
| 2-1, 2-2, 2-3 | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | Along edge of footpath. |
|---------------|---------------------------------------|---|-------------------------|

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

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

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

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

| Council Ref No | Species                       |
|----------------|-------------------------------|
| 3, 4 and 5     | <i>Syagrus romanzoffianum</i> |

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

d) 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.

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

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

g) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.



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|  | h) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions. |
|  | <b>Condition Reason:</b> To ensure the protection of existing trees  |
|  | Standard Condition B.5 (Autotext 5B)   |

|              |  |
|--------------|--|
| <b>B. 3.</b> | <p><b>Construction Management Plan Arborist Review</b></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> <ul style="list-style-type: none"> <li>a) Drawings and method statement showing details and the location of hoarding and scaffold and any pruning required to accommodate the hoarding and scaffolding;</li> <li>b) The movement and positioning of heavy machinery, lifting cranes, pier drilling gantry etc.;</li> <li>c) Site construction access, temporary crossings and movement corridors on the site defined;</li> <li>d) Contractors car parking;</li> <li>e) Phasing of construction works;</li> <li>f) The space needed for all foundation excavations and construction works;</li> <li>g) All changes in ground level;</li> <li>h) Space for site sheds and other temporary structures such as toilets;</li> <li>i) Space for sorting and storing materials (short or long term), spoil and fuel and the mixing of cement and concrete; and</li> <li>j) The effects of slope on the movement of potentially harmful liquid spillages towards or into tree protection areas.</li> </ul> <p><b>Condition Reason</b> To ensure the Construction Management Plan incorporates measures for the protection of existing trees.</p> <p>Standard Condition B.28 (Autotext 28B)</p> |
|--------------|--|

|              |  |
|--------------|--|
| <b>B. 4.</b> | <p><b>Arborists Documentation and Compliance Checklist</b></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"> <li>• A record of the condition of trees to be retained prior to and throughout development.</li> <li>• Recommended actions to improve site conditions and rectification of non-compliance.</li> <li>• Recommendations for future works which may impact the trees.</li> </ul> |
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All compliance certification documents must be kept on site.

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

| Stage of arboricultural inspection and supervision | Compliance documentation and photos must include   |
|--|--|
| Prior to any site works                            | <ul style="list-style-type: none"> <li>Project Arborist to hold pre construction site meeting with the principal contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.</li> <li>The project arborist must install or supervise the installation of tree protection fencing, trunk protection, ground protection and traffic height control beam.</li> </ul> |

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

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.

Standard Condition B.29 (Autotext 29B)

**B. 5.**

**Permissible work within Tree Protection Zones**

Prior to any site works, the following works are permissible within the Tree Protection Zone:

| Council Ref No | Species                               | Radius from Centre of Trunk (Metres) | Approved works  |
|----------------|---------------------------------------|--------------------------------------|---|
| 1              | <i>Lophostemon confertus</i>          | 8.5m                                 | Demolition and construction of front boundary wall, landscape works within site, installation of driveway and crossover |
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i> | 2m                                   | Demolition and construction of front boundary wall, landscape works within site.  |

The project arborist must provide written certification of compliance to the Principal Certifier with the above condition.



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**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**

|             |  |
|-------------|--|
| <b>D 1.</b> | <b>Tree Protection Plan and Specification</b>  |
|             | <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"> <li>shaded green where required to be retained and protected</li> <li>shaded red where authorised to be removed</li> <li>shaded yellow where required to be transplanted</li> <li>shaded blue where required to be pruned</li> </ul> <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"> <li>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.</li> <li>The plan must also include site specific tree protection recommendations such as fencing, ground and trunk protection and other protection devices.</li> <li>Tree Protection Specification (written document) with tree protection requirements included from this consent and in accordance with sections 4 &amp; 5 of AS4970, providing guidance for the implementation of tree protection methods.</li> <li>To minimise construction damage, the plan must show specific areas requiring works to be done under direct supervision of the project arborist.</li> </ul> <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><b>Condition Reason:</b> 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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| <b>D 2.</b> | <p><b>Modification of Details of the Development (section 4.17(1)(g) of the Act</b></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 driveway and crossover extension is to be setback 3.3m (outside of the Structural Root Zone) from the base of tree 1 – <i>Lophostemon confertus</i>, located outside the site on the Council verge.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Clause 20 of the Development Certification and Fire Safety Regulations prohibits <b>the</b> issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with.</li> <li>• Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent.</li> </ul> <p><b>Condition Reason:</b> 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> <p>Standard Condition D.4 (Autotext 4D)</p> |
|-------------|---|

**E. BEFORE BUILDING WORK COMMENCES**

Nil.

**F. DURING BUILDING WORK**

|             |  |
|-------------|--|
| <b>F 1.</b> | <p><b>Tree Preservation</b></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. 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> |
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|  | Trees must be pruned in accordance with Australian Standard AS 4373 "Pruning of Amenity Trees" and WorkCover NSW Code of Practice Amenity Tree Industry. |
|  | <b>Condition Reason:</b> To protect trees during the carrying out of sitework.   |
|  | Standard Condition F.8 (Autotext 8F)   |

| <b>F 2.</b>  | <b>Arborists Documentation and Compliance Checklist</b>   |  |  |                                |   |
|--|---|--|--|--------------------------------|---|
|  | <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> <ul style="list-style-type: none"> <li>a) a record of the condition of trees to be retained prior to and throughout development,</li> <li>b) recommended actions to improve site conditions and rectification of non-compliance, and</li> <li>c) recommendations for future works which may impact the trees.</li> </ul> <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"> <thead> <tr> <th>Stage of arboricultural inspection and supervision</th><th>Compliance documentation and photos must include</th></tr> </thead> <tbody> <tr> <td>While site work is carried out</td><td> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The project arborist must supervise the demolition of the existing front boundary wall within the TPZ of trees 1 and 2. The condition of exposed roots must be managed and documented.</li> <li>• The project arborist must supervise the installation of the new boundary wall within the TPZ of Tree No. 1 and 2, documenting the condition of roots and soil.</li> <li>• The project arborist must supervise the installation of the driveway and crossover within the TPZ of tree 1, ensuring tree sensitive construction methods are implemented.</li> <li>• 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.</li> <li>• The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees.</li> <li>• Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.</li> </ul> </td></tr> </tbody> </table> | Stage of arboricultural inspection and supervision | Compliance documentation and photos must include | While site work is carried out | <ul style="list-style-type: none"> <li>• 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.</li> <li>• The project arborist must supervise the demolition of the existing front boundary wall within the TPZ of trees 1 and 2. The condition of exposed roots must be managed and documented.</li> <li>• The project arborist must supervise the installation of the new boundary wall within the TPZ of Tree No. 1 and 2, documenting the condition of roots and soil.</li> <li>• The project arborist must supervise the installation of the driveway and crossover within the TPZ of tree 1, ensuring tree sensitive construction methods are implemented.</li> <li>• 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.</li> <li>• The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees.</li> <li>• Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.</li> </ul> |
| Stage of arboricultural inspection and supervision | Compliance documentation and photos must include  |  |  |                                |   |
| While site work is carried out                     | <ul style="list-style-type: none"> <li>• 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.</li> <li>• The project arborist must supervise the demolition of the existing front boundary wall within the TPZ of trees 1 and 2. The condition of exposed roots must be managed and documented.</li> <li>• The project arborist must supervise the installation of the new boundary wall within the TPZ of Tree No. 1 and 2, documenting the condition of roots and soil.</li> <li>• The project arborist must supervise the installation of the driveway and crossover within the TPZ of tree 1, ensuring tree sensitive construction methods are implemented.</li> <li>• 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.</li> <li>• The project arborist must inspect the installed irrigation system to plants in garden beds. The arborist must certify there is an appropriate distribution of water to planted and existing trees.</li> <li>• Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the project Arborist to minimise the impact to trees.</li> </ul>   |  |  |                                |   |



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|--|---|--|
|  | <ul style="list-style-type: none"> <li>Regular inspections as indicated in the Tree Management Plan.</li> </ul>   |  |
|  | <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><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent have been implemented.</p>   |  |
|  | Standard Condition F.45 (Autotext 45F)  |  |

F3.

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 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>Angophora costata</i> or <i>Eucalyptus botryoides</i> | Rear Yar – lower area behind swimming pool | 100L                                      | 20 x 15                                 |

The project arborist must document compliance with the above condition.

**Condition Reason:** To ensure the provision of appropriate replacement planting.

Standard Condition F.46 (Autotext 46F)

|   |   |   |                             |   |  |
|---|---|---|-----------------------------|---|--|
| F | 4.  | <b>Hand excavation within tree root zones</b> |                             |   |  |
|   | 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. |   |                             |   |  |
|   | <b>Council Ref No</b>   | <b>Species</b>                                | <b>Location</b>             | <b>Radius from centre of trunk (metres)</b> |  |
|   | 1   | <i>Lophostemon confertus</i>                  | Street tree – Council verge | 8.5m  |  |



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|  |                                       |   |    |
|--|---------------------------------------|---|----|
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 2m |
| <p>Small hand tools such as mattocks or using compressed air or water jetting only must be used. Roots with a diameter equal to or in excess of 50mm must not be severed or damaged unless approved in writing and documented by the project arborist.</p> <p>Mechanical excavation is permitted beyond this radius when root pruning by hand along the hand excavated perimeter line is completed. Exposed roots to be retained must be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.</p> <p>All root pruning must be undertaken in accordance with the Australian Standard 4373 "Pruning of Amenity Trees" and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).</p> <p>The project arborist must document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure demolition and excavation works would not adversely impact upon the health of existing trees.</p> <p>Standard Condition F.50 (Autotext 50F)</p> |                                       |   |    |

F

5.

**Footings in the vicinity of trees**

While site work is being carried out, footings for any structure within the specified radius from the trunks of the following trees must be supported using an isolated pier and beam system.

| Council Ref No | Species                               | Location  | Radius from centre of trunk (metres) |
|----------------|---------------------------------------|---|--------------------------------------|
| 1              | <i>Lophostemon confertus</i>          | Street tree – Council verge   | 8.5m                                 |
| 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. | 2m                                   |

Excavations for the installation of piers must be located so that no tree root with a diameter equal to or in excess of 50mm is severed or damaged. The smallest possible area must be excavated which allows construction of the pier. In consultation with the project engineer the piers must be offset a minimum 100mm from any root equal to or in excess of 50mm to accommodate future growth. The beam is to be placed a minimum of 100mm above ground level and is to be designed to bridge all tree roots with a diameter equal to or in excess of 50mm.

The project arborist must document compliance with the above condition.





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**Condition Reason:** To ensure the proposed footings would not adversely impact upon the health of existing trees.

Standard Condition F.51 (Autotext 51F)

|             |  |                                       |   |
|-------------|--|---------------------------------------|---|
| <b>F 6.</b> | <b>Installation of stormwater pipes and pits in the vicinity of trees</b>  |                                       |   |
|             | While site work is being carried out, excavation for the installation of stormwater pipes and pits within the specified radius from the trunks of the following trees must be carried out by hand.   |                                       |   |
|             | <b>Council Ref No</b>  | <b>Species</b>                        | <b>Location</b>   |
|             | 1  | <i>Lophostemon confertus</i>          | Street tree – Council verge   |
|             | 2-1, 2-2, 2-3  | <i>Archontophoenix cunninghamiana</i> | Street trees – directly adjacent to the front boundary wall. See AIA Report for specific locations. |
|             | Any roots equal to or greater than 50mm diameter uncovered for the installation of stormwater pipes and pits must not be severed and remain in situ bridging across the excavated trench. Pipes must be guided under any roots equal to or greater than 50mm bridging across excavated trenches. Stormwater pits must be positioned so that no roots equal to or greater than 50mm diameter are severed. |                                       |   |
|             | The project arborist must document compliance with the above condition.  |                                       |   |
|             | <b>Condition Reason:</b> To ensure the installation of the stormwater works would not adversely impact upon the health of existing trees.  |                                       |   |
|             | Standard Condition F.52 (Autotext 52F)   |                                       |   |

|             |  |
|-------------|--|
| <b>F 7.</b> | <b>Driveway and Crossover Installation adjacent to Tree 1</b>  |
|             | A qualified Arborist (minimum AQF Level 5) shall supervise installation of the new driveway and crossover within the Tree Protection Zone of Tree 1. This includes excavation, form works and any disturbance to the ground between the trees.   |
|             | Installation of the driveway including excavation and formwork shall ensure tree sensitive methods are undertaken during the works. This must include hand excavation, small hand tools such as mattocks or using compressed air or water jetting only be used for excavation of the driveway and crossover and ensure tree roots equal to or greater than 50mm in diameter are not damaged or severed during the works. |
|             | Approval is not granted for the severance, damaging, pruning or removal of any tree roots equal to or greater than 50mm in diameter. The design and installation of the driveway and crossover shall be amended to ensure all tree roots equal to or greater than 50mm diameter are retained.  |



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|  | <p>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.</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 shall document compliance with the above condition.</p> <p><b>Condition Reason:</b> To ensure the installation of the driveway and crossover works would not adversely impact upon the health of existing trees.</p> |
|--|--|

**G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

|          |           |  |
|----------|-----------|--|
| <b>G</b> | <b>1.</b> | <b>Amenity Landscaping</b>   |
|          |           | <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><b>Condition Reason:</b> To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p> <p>Standard Condition G.6 (Autotext 6G)</p>  |
| <b>G</b> | <b>2.</b> | <b>Landscaping</b>   |
|          |           | <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><b>Condition Reason:</b> To ensure that all landscaping work is completed prior to occupation.</p> <p>Standard Condition G.26 (Autotext 26G)</p>  |
| <b>G</b> | <b>3.</b> | <b>Arborists Documentation and Compliance Checklist – Prior to any occupation certificate</b>  |
|          |           | <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> <p>a) A record of the condition of trees to be retained prior to and throughout development.</p>    |



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| <p>b) Recommended actions to improve site conditions and rectification of non-compliance.</p> <p>c) Recommendations for future works which may impact the trees.</p> <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> <p><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p> <p>Standard Condition G.34 (Autotext 34G)</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. |  |  |  |   |

| <b>G</b>   | <b>4.</b>  | <b>Arborists Documentation and Compliance Checklist – Prior to an occupation certificate for the whole building</b>  |  |  |  |  |
|--|--|--|--|--|--|--|
|  |  | <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> <p>a) A record of the condition of trees to be retained prior to and throughout development.</p> <p>b) Recommended actions to improve site conditions and rectification of non-compliance.</p> <p>c) Recommendations for future works which may impact the trees.</p> <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><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"><li>• The project arborist must supervise the dismantling of tree protection measures</li><li>• 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.</li></ul></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"><li>• The project arborist must supervise the dismantling of tree protection measures</li><li>• 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.</li></ul> |
| 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"><li>• The project arborist must supervise the dismantling of tree protection measures</li><li>• 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.</li></ul> |  |  |  |  |  |
|  |  |  |  |  |  |  |



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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 site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> |
|  | <p><b>Condition Reason:</b> To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p>   |
|  | <p>Standard Condition G.35 (Autotext 34G)</p>   |

#### H. OCCUPATION AND ONGOING USE

|   |    |   |
|---|----|---|
| H | 1. | <p><b>Maintenance of Landscaping</b></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><b>Notes:</b></p> <ul style="list-style-type: none"><li>• 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.</li><li>• Owners must have regard to the amenity impact of trees upon the site and neighbouring land.</li></ul> <p><b>Condition Reason:</b> To ensure that the landscaping design intent is not eroded over time by the removal of landscaping or inappropriate exotic planting.</p> <p>Standard Condition H.25 (Autotext 25H)</p> |
|---|----|---|

#### 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

25 January 2024  
Completion Date

**From:** Sagar Chauhan  
**Sent:** Monday, 19 February 2024 1:55 PM  
**To:** Mario D'Alessio <Mario.D'Alessio@woollahra.nsw.gov.au>  
**Subject:** Referral Response - Heritage - DA2023/393/1 - 18 Burrabirra Avenue VAUCLUSE

Hi Mario

I provide following comments in relation to the proposed development with regards to cultural heritage:

#### **DOCUMENTATION**

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

- Drawing set by Molnar Architects, dated September 2023 and 14/11/2023
- Heritage Impact Statement by John Oultram Heritage & Design, dated November 2023
- Statement of Environmental Effects by GSA Planning, dated 28/09/2023
- Aboriginal Heritage Impact Assessment by Associates Archaeology & Heritage, dated December 2023

#### **SUBJECT PROPERTY**

The following description of the site has been extracted from the HIS:

18 Burrabirra Avenue is a two/three storey house set on a terraced block to the north side of the street. The original form of the house has been altered (ridge relocated north-south and the front gables removed) and extended to the rear. Internally the house has been very heavily modified and reconfigured throughout and all original fabric removed or replaced.

The house is in rendered masonry on a painted, rockface sandstone base with a hipped, concrete tile roof. There is a covered entry porch to the street and an L shaped extension to the rear with a terrace off at the ground floor and with terraces and pergolas to the first. There is an undercroft with doors to a terrace with steps down to the garden and pool.

Internally, the house has an entry hall with a stair to the upper floor with small halls and rooms off. There is a second stair to the undercroft in the dining room. The upper floor has rooms off a central hall with a projecting bathroom to the east off the master bedroom set on concrete columns.

The house is modern throughout with timber and tiled floors, plastered masonry and plasterboard walls and plasterboard ceilings. All doors and windows have been replaced.

The house has a small garden to the front with a paved passage at the house with steps up to the street. There is a single storey garage to the street with a flat roof. There is a level garden to the rear with a modern pool. Below is a well-planted, terraced garden that has a retaining wall to the upper garden.

Burrabirra Avenue is a quiet, residential street lined with single, two and three storey houses from the Edwardian period onwards with many, modern infill developments.

#### **WOOLLAHRA LEP 2014**

##### **Clause 1.2 Aims of Plan**

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

The subject site is not a heritage item, is not within a conservation area.

The HIS concludes that the “house would not meet any of the NSW Heritage Manual criteria for identification as a place of local significance and is a poor example of the type.”

This assessment is concurred with and the proposed demolition is supported, subject to archival recording and salvage conditions provided below.

#### **NATIONAL PARKS & WILDLIFE ACT 1974**

The site is in an area of Potential Aboriginal Heritage Sensitivity. The AHIA recommends:

- ‘Harm’ to an ‘Aboriginal object’ (as defined in the NPW Act) is considered unlikely to occur as a result of the proposed work;
- No further archaeological assessment is recommended;
- Basic stop work measures should nonetheless be in place and include:
  - If any shell, bone, concentrated areas of charcoal, flaked stone or ground edge artefacts are observed during excavation.
  - If any large flat sandstone exposures are revealed during excavation that may contain engraved rock art. Sandstone exposed prior to the 1800s may be identified by having a relatively clear boundary between flat sandstone and overlying fill, as opposed to being naturally buried bedrock that will have a slightly loose weathered interface and usually lie under clayey subsoil and sandstone fragments.
- In the event that any bones are observed that may be human. This also a legal requirement under the Coroner’s Act which includes notifying the Police.
- In all cases, if in any doubt, a Heritage Officer from LPLALC or a qualified archaeologist should be engaged to inspect the find.
- Contractors should be advised that failing to stop work in the event of uncovering any material that is defined as an ‘Aboriginal object’ is an offence under the National Parks and Wildlife Act). Any slight, initial, unanticipated harm may be considered to have been done ‘unknowingly’ and subject to a due diligence defence based on the advice in this report, but any harm after failing to stop work would be a ‘knowing offence’ that may lead to prosecution and harsh penalties. The maximum penalty for knowingly harming an Aboriginal object is \$275,000 (1yr imprisonment) for individuals, \$1,100,000 for Corporations.
- Council is advised to update the Aboriginal Heritage Sensitivity map for all of the area investigated to reflect that it is now not partly or wholly located within an area of ‘Aboriginal Heritage Sensitivity’ or ‘Potential Aboriginal Heritage Sensitivity’.
- A copy of this report should be forwarded to LPLALC ([Admin@laperouse.org.au](mailto:Admin@laperouse.org.au));
- A copy of this report should be submitted to AHIMS ([ahims@environment.nsw.gov.au](mailto:ahims@environment.nsw.gov.au))

Based on this assessment, relevant conditions of consent are provided below.

#### **CONCLUSION**

##### **Woollahra LEP 2014**

Archival recording and salvage conditions are provided below.

##### **National Park & Wildlife Act 1974**

Relevant conditions of consent are provided below.

#### **RECOMMENDATION**

The proposal is supported, subject to following conditions:

*Standard conditions*

1. B.3 Recording of Buildings with Little or No Heritage Significance that are to be Demolished
2. B.8 Archaeological Features – Unexpected Findings
3. B.9 Skeletal Remains
4. B.10 Aboriginal Objects – Unexpected Findings
5. B.12 Aboriginal Heritage Due Diligence Responsibilities
6. B.13 Aboriginal Heritage Induction

*Special conditions*

7. Salvage Building Materials

- |   |
|---|
| a) Architectural elements to be demolished such as bricks, stone, timber flooring, skirting, tiles, doors, windows and decorative elements must be salvaged and where possible reused on the project. |
| b) Salvaged building materials surplus to the project must either be stored on site for future reuse, or transferred to an established second building material dealer for recycling.                 |

|   |
|---|
| <b>Condition Reason:</b> To maximise reuse of fabric. |
|---|

Many Thanks  
Kind Regards



**Sagar Chauhan**  
**Temporary Heritage Officer**

Woollahra Municipal Council  
536 New South Head Road, Double Bay NSW 2028  
t: 9184 1027  
e: [Sagar.Chauhan@woollahra.nsw.gov.au](mailto:Sagar.Chauhan@woollahra.nsw.gov.au) w: [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

**Our Values:** Respect | Open | Accountable | Responsive | Excellence

*We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.*





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20 May 2024

**REFERRAL RESPONSE – DRAINAGE**

**FILE NO:** Development Applications: 393/2023/1

**ADDRESS:** 18 Burrabirra Avenue VAUCLUSE 2030

**PROPOSAL:** Demolition of the existing house and garage and construction of a new dwelling house and garage; alterations to pool and landscaping works.

**FROM:** Michael Casteleyn

**TO:** Mr M D'Alessio

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**1. ISSUES**

None.

**2. DOCUMENTATION**

I refer to the following documents received for this report:

- 24/29197 Document - Overland Flow Study Report - DA2023/393/1 - 18 Burrabirra Avenue VAUCLUSE.

**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:

|             |   |
|-------------|---|
| <b>D 1.</b> | <b>Flood Protection</b>   |
|             | <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>b) A permanent flood risk management plan shall be installed in an area frequented by the residents such as the laundry,</p> |



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Fencing

- a) All fences traversing any over land flow path shall be designed to be flow through,

Above Ground Car parking

- a) The driveway entry shall be protected by a crest with the threshold set to the flood planning level of 150mm above the adjacent kerb invert.

Floor levels

- a) All habitable floors shall be above or protected from flooding to the flood planning level,

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

20 May 2024  
**Completion Date**



