



Woollahra Local Planning Panel (Public Meeting)

Thursday 18 July 2024
1.00pm

Agenda

Woollahra Local Planning Panel (Public Meetings):

Woollahra Council will be holding Woollahra Local Planning Panel (WLPP) 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 may attend via audio-visual link instead of attending in person.

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

In this regard, the applications listed on this Agenda will be considered at a public meeting by the Panel.

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 or listen to the meeting live at 1.00pm**
Visit Council's website at 1.00pm 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 - <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 by 12noon on the day before the meeting.

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

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

Outline of Meeting Protocol & Procedure:

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

Disclaimer:

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

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

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

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

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

For further information please visit www.woollahra.nsw.gov.au

Woollahra Local Planning Panel Membership:

1 Chair, 2 Experts and 1 Community Representative

Quorum:

3 Panel members

Woollahra Municipal Council

Notice of Meeting

9 July 2024

To: Woollahra Local Planning Panel Members
Chair
Experts
Community Representative

Dear Panel Members,

Woollahra Local Planning Panel (Public Meeting) – 18 July 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Woollahra Local Planning Panel (Public Meeting)** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Thursday 18 July 2024 at 1.00pm**

Members of the Public may:

- Register to address the meeting by **no later than 12 noon on the day before the meeting**, using the following Register to Speak Form
<https://www.woollahra.nsw.gov.au/files/assets/public/v/3/forms/registration-form-to-address-planning-panels.pdf>.
- Submit late correspondence for consideration by the Panel by emailing records@woollahra.nsw.gov.au by **no later than 12 noon on the day before the meeting**.
- Watch and listen to the meeting live via Council's website **from 1.00pm on the day of the meeting**:
https://www.woollahra.nsw.gov.au/council/meetings_and_committees/planning_panels/woollahra_local_planning_panel_wlpp/wlpp_agendas_audio_recordings_and_minutes

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

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

Regards,

Craig Swift-McNair
General Manager

Woollahra Local Planning Panel (Public Meeting)

Agenda

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

Items to be Decided by the Panel

D1	DA413/2023/1 - 90 John Street Woollahra - 24/1179396	
	*See Recommendation Page 31	

LOCAL PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

ITEM No.	D1
FILE No.	DA413/2023/1
ADDRESS	90 John Street WOOLLAHRA
COUNCIL WARD	Cooper
SITE AREA	301.7m ²
ZONING	R2 Low Density Residential
PROPOSAL	Extensive alterations and additions (New Dwelling) including a new swimming pool and associated landscaping
TYPE OF CONSENT	Local development
COST OF WORKS	\$3,019,719.00
DATE LODGED	07/11/2023
APPLICANT	Mr S O'Connor
OWNER	Ms L M English
AUTHOR	Ms L Williams
TEAM LEADER	Mr G Fotis
SUBMISSIONS	Thirteen (13) (inclusive of one (1) re-submission)
RECOMMENDATION	Refusal

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

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

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

2. REASONS FOR RECOMMENDATION

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

- It is considered to be unsatisfactory with planning provisions contained in WLEP 2014 and WDCP 2015;
- It will have adverse effects on the amenity of adjoining properties and local built environment such that refusal is justified;
- The site is not suitable for the proposed development; and
- The proposal is not in the public interest.

3. LOCALITY PLAN



4. PROPOSAL

The proposal involves extensive alterations and additions to the existing dwelling house as follows:

Basement Level (RL66.28)

- Subterranean basement level including storage, hydraulic room, lift mechanical room a WC and cellar space.

Lower Ground Floor Level (RL69.03)

- Partial demolition of the principal building and full demolition of existing rear structures
- Construction of a new, boundary to boundary dwelling including a new kitchen, living, dining and pantry area.
- Guest, study and WC areas
- External lightwell area to the front of the property
- New patio, garden and swimming pool to the rear

Ground Floor Level (RL72.33)

- Partial demolition of the principal building and construction of a new level including two bedrooms and bathroom spaces, as well as a living area
- Tandem carport area with sliding entry gate

First Floor Level (RL75.53)

- Master bedroom with walk-in robe space and ensuite
- New bedroom space with front-facing dormer window

5. ISSUES

5.1 Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

None.

5.2 Primary Issues

Issue	Conclusion	Section
Extensive demolition of a contributory item	Unsatisfactory - Council's Heritage Officer reviewed the proposal and has deemed it as unacceptable due to the substantial degree of demolition of to the existing property, which is a contributory item within the Woollahra Heritage Conservation Area.	Part 5.10 Part 2.2.6 Part 2.5.2
Excessive excavation	Unsatisfactory - The proposal involves excavation to accommodate the lowering of the existing floor level and courtyard, as well as a subterranean basement level. An in-ground swimming pool to the rear is also proposed. In addition, the proposal does not limit excavation and is not related to the existing topography or ground levels of the site.	Part 6.2 Part C2.5.10
Unacceptable building height, bulk and siting	Unsatisfactory - The proposal is not considered appropriate in its immediate context as it is not conducive to the ongoing amenity of neighbouring properties.	Part C2.5.1
Privacy	Unsatisfactory - The proposal would result in unreasonable visual privacy impact to existing adjoining properties, including No.88 John Street, 8 and 14 Ocean Street.	Part C2.5.12
Insufficient information	Unsatisfactory - On 22 November 2023, a Stop the Clock (STC) letter was issued to the Applicant requesting additional information, inclusive of a revised Geotechnical Report. There was no response received in this regard. As such, insufficient information has been submitted with the application to facilitate consideration of the relevant matters relating to excavation.	See Reasons for Refusal.


5.3 Summary of Submissions

Issue	Conclusion	Section
<u>Removal of Trees and Landscaping</u> <ul style="list-style-type: none"> • <i>DA documentation does not make any reference to the trees to be removed in order to accommodate the works. Removal of significant trees/hedges which currently serve as privacy screening.</i> • <i>The submitted architectural drawings inaccurately depict the Camelia hedge as growing on No.14 Ocean Street.</i> • <i>The landscaping plans propose a hedge to surround the swimming pool which cannot be accommodated within the minimal setback.</i> 	<p>Whilst acknowledged that the submitted architectural drawings do not make any clear reference to the trees to be removed on the site, Council's Tree and Landscape Officer reviewed the application and has raised no objection to the removal of trees on the basis of sufficient replacement planting of hedging trees.</p> <p>In addition, a review of the submitted Architectural Drawings and Survey does not indicate that the Camelia Hedge on No.14 Ocean Street.</p>	Chapter E3: Tree Management

Issue	Conclusion	Section
	Council's Tree and Landscape Officer noted that there is insufficient space provided for the Tuckeroo trees proposed either side of the swimming pool adjacent the rear boundary. These trees are unlikely to succeed as landscape features due to the small restricted area of deep soil provided in this location. If approval were being recommended, a modification condition would be included.	
<p><u>Proximity of Swimming Pool to Boundaries</u></p> <ul style="list-style-type: none"> <i>The proposed swimming pool is situated only 0.8m from the rear boundary which is not compliant.</i> <i>Concern about the integrity of retaining walls and associated structures as a result of excavation for the swimming pool close to the boundary. The submitted documentation (hydraulic and geotechnical reports) do not make any reference to possible impacts or flood mitigation strategies.</i> <i>RL level difference between the two properties (subject property and 14 Ocean Street) - flooding concerns in the event of periods of excessive rain and overflow.</i> 	<p>Contrary to C28 under Part C2.5.6, the outer edge of the excavation (sub-surface walls) to accommodate the swimming pool is less than 1.5m, being only 0.8m to the rear boundary and less than 1.2m to the side boundaries which is non-compliant.</p> <p>Appropriate geotechnical information has not been submitted with the application in order to assess whether or not the works would result in any damage to significant fabric or adjoining properties.</p>	<p>C2.5.10 (Excavation)</p> <p>C2.5.6 (Open Space and Landscaping)</p>
<p><u>Stormwater and Ground Water</u></p> <ul style="list-style-type: none"> <i>Concerns about the possibility of water and ground movement as a result of the works.</i> <i>The proposal does not adequately cover sub-surface hydraulic flows and have concerns for the integrity of retaining walls and properties in the vicinity. Potential for rising damp in adjoining properties.</i> <i>The submitted Geotechnical Report or the Construction Methodology does not make reference to the ground water that flows from Oxford Street due to a 'perched aquifer'. The aquifer triggers an integrated development application and need to include Aquifer Interference approval under the Water Management Act 2000.</i> <i>Local experience indicates that any sub surface work will require significant dewatering of the site during excavation and construction.</i> 	<p>On 22 November 2023, a Stop the Clock (STC) letter was issued to the Applicant requesting additional information, inclusive of a revised Geotechnical Report.</p> <p>Requested information included hydrogeology detail which would investigate the behaviour of groundwater resulting from the proposed method of construction.</p> <p>Given that this information was not submitted by the Applicant, insufficient information accompanies the application for adequate consideration of any groundwater impacts of the development. See Reasons for Refusal for greater detail.</p>	<p>Part 6.2 (Earthworks)</p>

Issue	Conclusion	Section
<p><u>Privacy</u></p> <ul style="list-style-type: none"> All proposed windows have a direct line of sight into the property at the rear (14 Ocean Street) and will significantly impact privacy and amenity. Privacy impact to No. 88 John Street in relation to proposed windows to the western elevation (DW11 and DW21) and the northern elevation at the western side of the dwelling (DW10 and DW20) which would overlook the main living areas/private open space. Overlooking to the rear of No. 8 Ocean Street. 	<p>The proposal would result in unreasonable visual privacy impact to existing adjoining properties.</p> <p>Notwithstanding any proposed screening, the proposed openings to the rear (northern) elevation and the side (western) elevation at Ground and First Floor Level would provide unreasonable overlooking into the main private open space area of No.88 John Street. Privacy to No.14 Ocean Street (in the absence of the existing hedge or any proposed landscaping as per the planning principle established in <i>Super Studio v Waverley</i> [2004]) is also reduced as a result of the proposal.</p>	<p>Part C2.5.12 (Acoustic and Visual Privacy)</p>
<p><u>Excavation</u></p> <ul style="list-style-type: none"> Over excavation of the site – an estimated 702m³ from a site only 301.7m² Potential impact of the extensive excavation, landscaping and the addition of a swimming pool on stormwater management across the subject property and nearby properties. The geotechnical report is not considered appropriate for the works. It has been prepared for dwellings without significant basements and the provision of foundation systems to AS2870 which does not apply for this project with the proposed basement excavation. There is no investigation and information regarding rock quality which is needed to make some of the decisions for the retention or excavation at the boundary to 88 John St in both the temporary and permanent condition.' 'There is a discussion in the Construction Methodology Report includes some recommendations on vibration limits and the use of rock saws vs percussion (hammers) but no detail is provided on the proposed ground movement and vibration monitoring during construction including trigger limits.' 	<p>The proposal involves excavation to accommodate the lowering of the existing floor level and courtyard, as well as a subterranean basement level. An in-ground swimming pool to the rear is also proposed.</p> <p>On 22 November 2023, a Stop the Clock (STC) letter was issued to the Applicant requesting additional information, inclusive of a revised Geotechnical Report. There was no response received in this regard. As such, insufficient information has been submitted with the application to facilitate consideration of the relevant matters set out in Part 6.2(3) of WLEP.</p> <p>In addition, the proposal does not limit excavation and is not related to the existing topography or ground levels of the site. As above, insufficient information has been submitted with the application to ensure the structural integrity of neighbouring properties. See detailed assessment under the relevant Sections of this report.</p>	<p>Part 6.2 (Earthworks)</p> <p>Part C2.5.10 (Excavation)</p>
<p><u>Bulk, Height and Scale</u></p> <ul style="list-style-type: none"> Overdevelopment of the subject site; excessive bulk and scale that is visually intrusive. The drawings indicate that the proposed dwelling is to extend to match No.86 John Street in rear alignment, however No.90 is not analogous to No.86 as it is set within a different subdivision pattern and has 5 	<p>The drawings indicate that the proposed dwelling is to extend to match No. 86 John Street in rear alignment.</p> <p>The Objection is noted and acknowledged, however it is considered the properties the rear setbacks of properties with the same orientation along John Street are considered to provide merit guidance in the assessment of the proposal.</p>	<p>Part C2.5.1 (Building Height, Form and Character)</p>

Issue	Conclusion	Section
<p><i>neighbours along the eastern boundary.</i></p> <ul style="list-style-type: none"> <i>The proposal is not consistent with the relevant Objectives under Clause 4.3 of the WLEP (Height of Buildings)</i> 	<p>On merit, the rear building setback would generally align with those along John Street.</p> <p>However, the proposal is not considered appropriate in its immediate context as it is not conducive to the ongoing amenity of neighbouring properties.</p>	
<p><u>Overshadowing and Amenity</u></p> <ul style="list-style-type: none"> <i>The height of the proposed dwelling will severely impact the row of terrace that border the property to the east in terms of natural light.</i> <i>Loss of amenity due to overshadowing – the overshadowing diagrams do not reflect lived experience of the sunlight (No 4 Ocean).</i> <i>The windows shown on the north facing wall are not correctly drawn and the extensive areas of glazing are committed completely. There is no consideration of windows to the west façade of 4 Ocean Street (habitable rooms).</i> <i>The Shadow Diagrams are over simplistic and factually incorrect as to the degree of overshadowing and the position of the neighbours windows.</i> 	<p>Whilst the provided Shadow Diagrams indicate compliance with the relevant controls relating to solar access, it is considered that the proposed dwelling would result in adverse visual intrusion and reduced natural light into the private open spaces and main habitable areas of the properties at No.4 and 6 Ocean Street.</p> <p>The proposal therefore does not protect the amenity of adjacent residential uses and is recommended for refusal.</p>	C2.5.1 (Building Height, Form and Character)
<p><u>On-site Parking</u></p> <ul style="list-style-type: none"> <i>Parking on Ocean Street and John Street is limited and there is no plan to increase the capacity for on-site parking.</i> 	<p>Currently, the site accommodates only one (1) on-site parking space within the garage. The proposal seeks one (1) additional parking space in a tandem set-up, bringing the total to two (2).</p>	
<p><u>Heritage Concerns</u></p> <ul style="list-style-type: none"> <i>'Lack of respect' for the existing residence which is significant and is in keeping with local heritage.</i> 	<p>Council's Heritage Officer reviewed the proposal and has deemed it as unacceptable due to the substantial degree of demolition of to the existing property, which is a contributory item within the Woollahra Heritage Conservation Area. Significant modification to the design would be required to ensure that the new additions can be easily distinguished from the old.</p>	<p>Part 5.10 (Heritage Conservation)</p> <p>Part 2.2.6 (Conservation Philosophy)</p> <p>Part 2.5.2 (Conservation of Contributory Items)</p>

Issue	Conclusion	Section
<p><u>Visual Intrusion/View Loss</u></p> <ul style="list-style-type: none"> • <i>Severe loss of views to No.4 and 6</i> • <i>Visual intrusion of the city skyline from the first and second floor bedrooms</i> 	<p>Site visits were undertaken at No.4, 6 and 8 Ocean Street, in which the outlook from all westerly facing windows at each level (inclusive of living areas and bedrooms) were viewed. It was revealed that there would be no view loss to any significant views as a result of the proposal.</p>  <p>Westerly view from No. 6 Ocean Street</p>	<p>N/A</p>
<p><u>Party Walls</u></p> <ul style="list-style-type: none"> • <i>Clarity over whether the boundary wall to the rear of 10 Ocean Street will be affected as a result of the proposal.</i> 	<p>The submitted Architectural Plans, Survey and aerial imagery indicate the presence of a small dunny lane to the rear of the Ocean Street (2 – 10 Ocean Street). This dunny lane separates the rear fence of No.10 Ocean Street with the rear side boundary fence of the subject property. The dunny lane was viewed on the 27 June 2024 which confirmed this.</p> <p>In addition, the Architectural Plans indicate that all proposed work would be located within the boundaries of the property. Notwithstanding, the application is recommended for refusal.</p>	<p>N/A</p>
<p><u>Other Issues</u></p> <ul style="list-style-type: none"> • <i>“The LEP and DCP objectives have not been met and the Ground Floors Area (GFA) and Floors Space Ratio (FSR) have not been provided given the Council’s recent proposal to adopt a 0.5:1 FSR that would apply to R2 zone.”</i> • <i>“The Applicant must be required to provide the Council with Gross Floor Area and Floor Space Ratio calculations for the proposed house such that the Council’s evaluation under 4.15(1)(a)(ii) of the EPA Act can be properly considered.”</i> • <i>The proposal does not achieve the desired future character under Chapter B1 – Residential Precincts.</i> 	<p>Clause 4.4 and 4.4E of the WLEP 2014 does not apply to the subject site as:</p> <ol style="list-style-type: none"> an FSR control does not apply to the subject site. The R2 Low Density Residential FSR Controls do not apply to dwelling houses or semi-detached dwelling houses located in the Woollahra Heritage Conservation area. <p>It is therefore not considered necessary that the Application provide FSR calculations as part of the application.</p> <p>In addition, Chapter B1 – Residential Precincts does not apply to the subject site.</p>	<p>N/A</p>

Issue	Conclusion	Section
<p>Construction Impacts</p> <ul style="list-style-type: none"> <i>Request for dilapidation reports of nearby properties prior to any works place.</i> <i>John Street is not suitable for major waste transfer or construction activity.</i> <i>Impact to resident parking during any construction.</i> <i>Significant noise, disruption and movement during excavation works.</i> 	<p>If approval were being recommended, the subject issues would be addressed by Council's standard conditions relating to construction management, dilapidation reports and environmental amenity.</p>	N/A

PROPERTY DETAILS AND REFERRALS

6. SITE AND LOCALITY

Physical features
The subject site is a rectangular parcel of land located to the northern side of John Street, legally described as Lot 1 in DP183374. The site has a rear northern boundary of 9.36 metres, side eastern and western boundaries of 32.385 and 32.19 metres respectively, and a southern boundary frontage to John Street of 9.33 metres. The site has a total of site area of 301.7m ² .
Topography
The site exhibits a slope in a northerly direction between the front and the rear of approximately 1.9 metres (RL 71.50 AHD to 69.60 AHD) measured through the centre of the site. There is a slight cross fall at the John Street frontage of approximately 0.14 metres (RL 71.60 AHD to RL 71.46 AHD) from the eastern to the western corner.
Existing buildings and structures
The subject site is occupied by a two-storey rendered dwelling house with pitched roofs. The dwelling presents as single storey to John Street and is situated beside a garage to the western side. Aided by topography, the dwelling is two-storey to the rear wing. The rear wing is surrounded by a small paved courtyard at the lower level.
Surrounding Environment
<p>The site is located within the <i>Woollahra Heritage Conservation Area</i>, as referenced within Chapter C2 of the Woollahra Development Control Plan.</p> <p>The surrounding area is residential area, with a mixture of both R2 Low Density and R3 Medium Density zoning, comprising of both dwelling houses, attached terrace housing, and larger residential buildings.</p> <p>To the north of the site is the rear swimming pool area, and rear living portion of the property at No.14 Ocean Street.</p> <p>To the east of the site is a number of terraces at Nos. 2, 4, 6, 8 and 10 Ocean Street. Each of the terraces include rear wings and a minimal rear setback directly adjoining the subject site.</p> <p>To the south of the site, on the opposite side of John Street is No. 88 Wallis Street which is a three to four storey aged care development.</p> <p>To the west of the site is a two to three storey dwelling house at No. 88 John Street.</p>

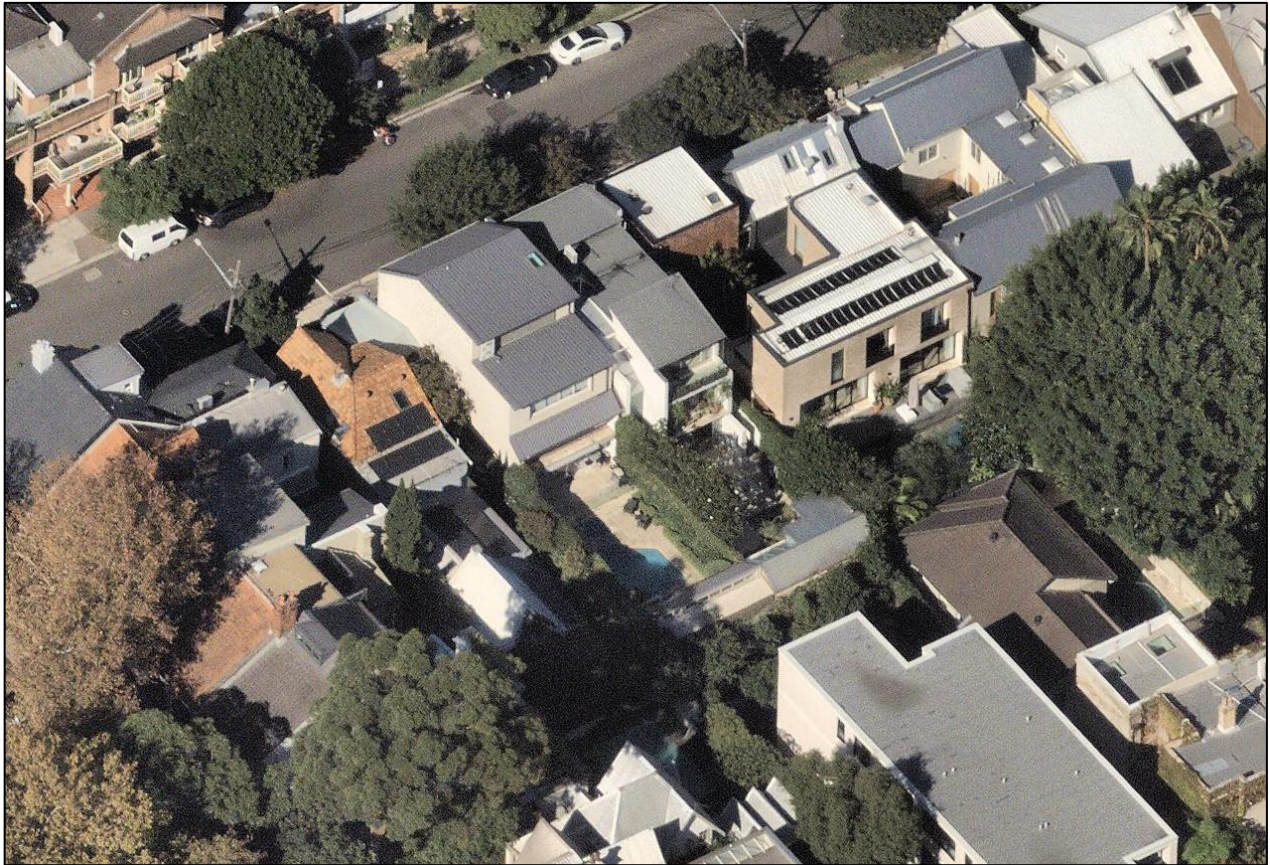


Figure 1: Oblique aerial of the subject site and surrounds, as viewed from the north (Nearmap)



Figure 2: Subject site as viewed from John Street (Author).



Figure 3: Rear of subject site, looking in a northerly direction (Author).



Figure 4: Subject site and surrounds, as viewed from an easterly direction (No.4 Ocean Street) (Author).



Figure 5: Photomontage view of proposed development (Stephen O'Connor Architecture).

7. RELEVANT PROPERTY HISTORY

Current use
Dwelling House
Relevant Application History
Nil.
Relevant Compliance History
Nil.
Pre-DA
Nil.
Requests for Additional Information and Replacement Applications
On 22 November 2023 , a Stop the Clock (STC) letter was issued to the Applicant requesting the following additional information: <ul style="list-style-type: none"> Acquisition of Interallotment Drainage Easement Revised Stormwater Management Plans Revised Geotechnical Report <p>On 2 January 2024, the Applicant provided the following information in response:</p> <ul style="list-style-type: none"> Letter from downhill neighbour refusing an Interallotment Drainage Easement Revised Stormwater Management Plan Soil Permeability Report <p><u>A revised Geotechnical Report was not submitted in response.</u></p> <p><u>On 2 February 2024</u>, a satisfactory referral response from Council's Tree Officer was received.</p> <p><u>On 4 March 2024</u>, an unsatisfactory referral response from Council's Heritage Officer was received.</p>
Land and Environment Court Appeal(s)
Nil.

8. REFERRALS

Referral	Summary of Referral Response	Attachments
Development Engineering	Unsatisfactory – Council's Development Engineer informally reviewed the application at the Development Application Review Committee (DARC) and requested additional information as specified above. The Applicant did not submit a revised Geotechnical Report and Council's Development Engineer has informally reviewed the submitted information and provided confirmation of this.	N/A
Trees and Landscaping	Satisfactory – Subject to amendment and conditions.	3
Heritage	Unsatisfactory – Amendment required.	4

ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

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

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

9. ADVERTISING AND NOTIFICATION

9.1 Submissions

The application was advertised and notified from 29 November 2023 to 14 December 2023 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. Derek & Andrea Davidoff – 14 Ocean Street, Woollahra
2. Mark Gray-Spencer – 16 Ocean Street, Woollahra
3. Jason Powell - 88 John Street, Woollahra
4. Christine Croker & Margaret McCarthy – 2 Ocean Street, Woollahra
5. Nancy Gorton – 8 Ocean Street, Woollahra
6. Lindsay & Merryn Coleman (x2) – 4 Ocean Street, Woollahra
7. Geoffrey & Sharon Aldridge - 99 John Street, Woollahra
8. Elizabeth O'Brien – 6 Ocean Street, Woollahra
9. Daintry Associates – obo 4 Ocean Street, Woollahra
10. Dr Chris Davidoff – 14 Ocean Street, Woollahra
11. Mark Dewar – 10 Ocean Street, Woollahra
12. Jennifer Stening – obo 4, 6 and 8 Ocean Street, Woollahra

The issues raised in the submissions are summarised in **Table 5.3 above**.

9.2 Statutory Declaration

The Applicant has completed the statutory declaration dated 17/12/2023 declaring that the site notice for DA413/2023/1 was erected and maintained during the notification period in accordance with Schedule 1 of the Woollahra Community Participation Plan 2019.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE & HAZARDS) 2021

Chapter 2 – Coastal Management

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

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

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

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

Chapter 4 – Remediation of Land

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

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

As the site has a long history of residential use, it is considered that the land does not require further consideration under Section 4.6(3) and 4.6(4) of Chapter 4 – Remediation Of Land of the Resilience and Hazards SEPP 2021.

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

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 would be imposed by standard condition if Approval were being recommended.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY & CONSERVATION) 2021

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

10. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014

10.1 Part 1.2: Aims of Plan

The proposal includes the substantial demolition of a contributory item in a heritage conservation area, as well as alterations to the principle building form. The proposal is therefore not consistent with the following aim in Part 1.2(2) of the Woollahra LEP 2014:

- (f) – to conserve built and natural environmental heritage*
- (g) to protect and enhance amenity and the natural environment,*
- (m) to minimise excavation and manage impacts, including the potential impact of construction dewatering,*

10.2 Land Use Table

The proposal is defined as extensive alterations and additions to an existing dwelling house and is permitted and would be consistent with the objectives of the R2 Low Density Residential zone.

10.3 Part 4.3: Height of Buildings

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

	Existing	Proposed	Control	Complies
Maximum Building Height	8.08m	9.2m	9.5m	YES

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

The proposal is considered against the objectives under Part 4.3(1) of Woollahra LEP 2014 in the following manner:

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

The proposed building height is consistent with those of surrounding properties and is therefore not contrary to the desired future character of the West Woollahra Precinct or wider Woollahra HCA.

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

The proposed development maintains an acceptable transition in scale between the existing surrounding development in the R2 Low Density Residential Zone, and the R3 Medium Density Residential Zone to the south-east.

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

The proposed development would result in reduced natural light access to the private open spaces and main habitable areas of the adjacent properties at No.4 and 6 Ocean Street.

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

The proposed development would result in adverse bulk and visual intrusion presented to the private open spaces and main habitable areas of the adjacent properties at No.4, 6 and 8 Ocean Street. The proposal would also result in adverse visual privacy impact to the properties located at No.8 Ocean Street, 14 Ocean Street and 88 John Street.

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

There would be no existing public domain views of the harbour or surrounding areas affected by the proposed development.

10.4 Part 5.10: Heritage Conservation

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

The proposed development is located in the Woollahra Heritage Conservation Area and is a contributory item. As discussed above, the proposal includes the substantial demolition of a contributory item in a heritage conservation area, as well as alterations to the principle building form.

It is therefore not acceptable with regard to the objectives in Parts 5.10 of the Woollahra LEP 2014:

- (a) to conserve the environmental heritage of Woollahra,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

10.5 Part 6.1: Acid Sulfate Soils

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

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

10.6 Part 6.2: Earthworks

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

The proposal involves excavation to accommodate the lowering of the existing floor level and courtyard, as well as a subterranean basement level. An in-ground swimming pool to the rear is also proposed.

The excavation extends to a maximum depth of approximately 3.5m below the existing ground level of the site and is not setback from the side boundaries.

Insufficient information has been submitted with the application to facilitate consideration of the relevant matters set out in cl.6.2(3) of WLEP. See **Reasons for Refusal**.

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

11. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015

Chapter C2: Woollahra Heritage Conservation Area

Part C2.2.6: Conservation Philosophy and Management Policy

Council's Heritage Officer has advised that the proposal is not in accordance with the policies and principles outlined in Part C2.2.6. It includes a substantial degree of demolition of the existing property, and therefore cannot be said to conserve the building. Significant modification to the design would be required to ensure that the new additions can be easily distinguished from the old.

Part C2.2.7: Contemporary Design in Woollahra

Part C2.2.7 permits contemporary buildings within the heritage conservation area as follows:

'Part of the cultural significance of the HCA stems from its ability to demonstrate the important historical phases of its development between the mid-19th and mid-20th centuries. The HCA's surviving built and natural fabric retains the potential to reveal further evidence of ways of life, building and land uses which have now changed or disappeared.'

Council does not advocate replication of historic architectural styles or the use of pseudo-period detail in new development. By adding a layer of development which illustrates the ways of life and design approaches of the early 21st century, contemporary design can contribute to the rich history of the HCA and the expression of this history in the area's built fabric. Inventive and interpretive contemporary design solutions of high architectural quality may be quite different in spirit and appearance from existing fabric while still providing a positive contribution to the continued history of the HCA.

Contemporary design for infill development and for additions to significant items is therefore encouraged as long as it respects its context and achieves a cohesive relationship with historically significant existing fabric. In some locations and circumstances, a traditional design approach may be required. Such an approach may be appropriate, for example, where alterations are proposed to a highly intact section of a building that has a high level of significance.

A thorough understanding of the historical background and physical context of the site will act as a guide to the appropriateness of the design approach. Designers will be required to demonstrate that the application of contemporary forms, materials or detailing provides an appropriate response to the streetscape, the precinct and the HCA as a whole.'

This approach has been applied in the comments provided by Council's Heritage Officer and the assessment of the application against the building controls below.

Part C2.3.2: West Woollahra Precinct Controls

As discussed above, the proposal involves a substantial degree of demolition to the contributory property which is unacceptable with respect to maintaining the significant characteristics and conforming to the objectives in Part C2.3.2.

Part C2.4.1: Single Storey Residential Buildings

	Proposed	Control	Complies
Location of Rear Addition Below Ridgeline	>0.3 above ridge.	0.3m	NO – See assessment below.

- The proposal would generally preserve the single storey presentation of the existing cottage which is supported (O1). Council's Heritage Officer has advised that the proposal would need to include a visual distinction between the existing principle building form and the proposed extension on the façade in order to be considered acceptable.
- The proposed additions to the rear would not unreasonably compromise or dominate the setting of the principal building form (O2, C2, C6). Although the height of the additions would be above the ridge of the principal building, the Applicant has demonstrated through View Lines that the additions would not be visible from the streetscape.

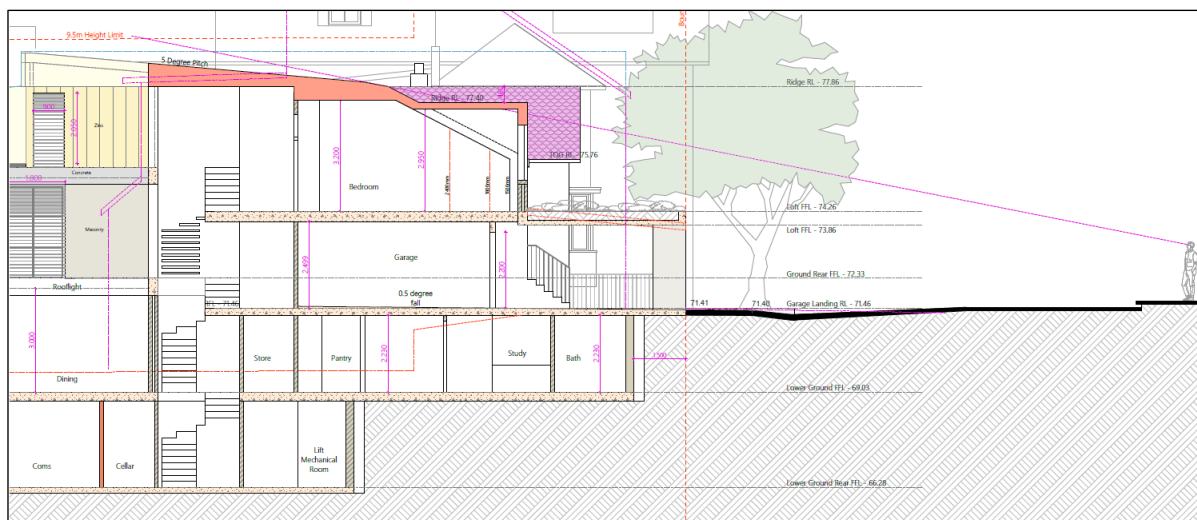


Figure 6: View Line indicating that the additions would not be visible from the opposite side of John Street (Source: Architect).

Part C2.5.1: Building Height, Form and Character

Site Area: 301.7m ²	Proposed	Control	Complies
Solar Access to Ground Level Open Space of Adjacent Properties	>50% for 2 Hours on 21 June	Minimum 50% For 2 hours on 21 June	YES
Solar Access to North Facing Windows of Adjacent Properties	>3 Hours on 21 June	Minimum 3 hours	YES

Building Location

- C1 specifies that where there are uniform levels or setbacks within the streetscape, alterations and additions are to be consistent with those of adjoining buildings. Alterations and additions to contributory items on the northern side of John Street vary largely in their rear setbacks and alignment (see **Figure 7**)



Figure 7: Varied rear setbacks along John Street (as viewed from No.6 Ocean Street) (Author).

- The drawings indicate that the proposed dwelling is to extend to match No. 86 John Street in rear alignment. An Objection was received in which it is noted that the subject site is 'not analogous' to No. 86 John Street as it is set within a different subdivision pattern and has 5 neighbours along the eastern boundary. Whilst this is acknowledged, the rear setbacks of properties with the same orientation along John Street are considered to provide merit guidance in the assessment of the proposal.
- On merit, the rear building setback would generally align with those along John Street and would allow for improved private open space and landscaped area on the site (C6).
- However, notwithstanding above, the proposal is not considered appropriate in its immediate context as it is not conducive to the ongoing amenity of neighbouring properties (see assessment below under Solar Access and Ventilation for further detail).

Building Height and Form

- As discussed above, although the proposed height, bulk, scale and roof form of the additions could be considered consistent with additions and development along John Street (C7, C8, C9), it does not protect the amenity of adjoining properties in terms of solar access and visual intrusion, and is therefore not appropriate in this setting (O4).

Solar Access and Ventilation

- The submitted Shadow Diagrams (Stephen O'Connor Architecture, dated 26/09/2023) predominant amount additional overshadowing a result of the proposed additions falls on to the subject property. Sunlight will continue to be provided to at least 50% of the main ground level private open space of adjacent properties for at least two hours between 9am and 3pm on 21 June (C13).
- Windows to north facing habitable rooms of 88 John Street would continue to receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface (C14).
- Whilst the provided Shadow Diagrams indicate compliance with the relevant controls relating to solar access, it is considered that the proposed dwelling would result in adverse bulk and reduced natural light into the private open spaces and main habitable areas of the properties at No.4 and 6 Ocean Street (See **Figures 8, 9 and 10**). The proposal therefore does not accord with O4, in that it does not protect the amenity of adjacent residential uses.



Figure 8: Looking toward subject site from private courtyard of No.4 Ocean Street (Author).



Figure 9: Looking toward subject site from private courtyard of No.6 Ocean Street (Author).



Figure 10: Subject site as viewed from second floor level of No.6 Ocean Street (Author).

Part C2.5.2: Conservation of Contributory Items

- As discussed throughout this report, proposal involves the substantial demolition of much of the original building form, and therefore does not comply with objectives O1 and O3, or the relevant controls: C1 (a,b,c,e) C3 (a, b).

Part 2.5.4: Materials, Finishes and Colours

- Council's Heritage Officer raised no issues regarding the proposed materials, finishes and colours to the alterations and additions. The contemporary detailing to the additions would be consistent with surrounding development and could be supported (O1, C1, C2, C10).

Part C2.5.5: Roofs and Skylights

	Proposed	Control	Complies
Chimneys	Retained	Retained	YES
Location of Dormer Window	Front of Addition	Rear Roof Plane	NO
Victorian Period Dormer Windows – Maximum Width Proportions Location Below Ridgeline	Complies	1/3 of Roof/1.5m 1.4 x Width 0.3m	YES

- Generally, all proposed skylights would not be visible from the public domain which is compliant with C3.
- Contrary to C9, a dormer window is proposed to be located within the street front elevation. However, notwithstanding this, Council's Heritage Officer has advised that generally, the alterations and additions to the roof, including the dormer, generally fit in with the character, context and historical period.
- In accordance with C14, the height and width of the proposed dormer is compliant, and is located more than 300mm below the ridgeline of the addition.

Part C2.5.6: Open Space and Landscaping

Site Area: 301.7m ²	Proposed	Control	Complies
Deep Soil Landscaped Area	20% (61m ²)	15% (45.25m ²)	YES
Private Open Space at Ground Level – Total Area Minimum Dimension	58m ² >16m	35m ² 16m	YES YES
Location of Swimming Pool	Rear	Rear Setback	YES
Swimming Pool Excavation, Piling and Subsurface Wall Setback	1.2 – 0.8m	1.5m	NO

- The submitted Calculations (Stephen O'Connor Architecture, dated 26/09/2023) indicate that the proposal would provide a total of 61m² of deep soil landscaped area which complies with C3.
- The proposal would accommodate the minimum private open space requirements in accordance with C4.
- The proposed rear private open space would be accessible from the main living area of the dwelling in accordance with C8.

Swimming Pools and Spas

- Contrary to C28, the outer edge of the excavation (sub-surface walls) to accommodate the swimming pool is less than 1.5m, being only 0.8m to the rear boundary and less than 1.2m to the side boundaries.
- Appropriate geotechnical information has not been submitted with the application in order to assess whether or not the works would result in any damage to the fabric or adjoining properties (C27).

Part C2.5.7: Fences, Gates and Retaining Walls

	Existing	Proposed	Control	Complies
Front Fence Height	>1.5m	1.5m	1.5m	YES
Side and Rear Fence Height	2.48m (from existing GL)	2.85m (from proposed lowered GL)	1.8m	NO
Fences Transparent Height Above Solid Fence Preferred Materials	Full height trellis fencing	Rendered masonry	0.6m Timber or Brick	YES YES
Gates	N/A	Open Inwards	Opens Inwards	YES

- Council's Heritage Officer has indicated that the proposed removal of the high front wall and replacement with a sympathetic but modern palisade fence represents an improvement to the streetscape which would be supported. In addition, the front fencing would not exceed 1.5m in accordance with C3. The fencing would be transparent palisade fencing above masonry which is consistent with Table 6.
- The submitted Architectural Plans indicate that the eastern boundary fencing to the rear is to be replaced. There is some discrepancy between plans as to whether this is to be timber or masonry which would require clarification.

Part C2.5.8: Parking and Garages

	Existing	Proposed	Control	Complies
Location of Car Parking Structures	Partially Beyond Dwelling	Partially Behind and Partially Beyond	Behind Front Building Line	NO - Existing
Car Parking Spaces – Dwelling	1 Space	2 Spaces	1-2 spaces	YES

- The subject site has an existing single garage structure to the western edge of the site, alongside the cottage. The proposal includes tandem on-site parking, with one space enclosed and one underneath a carport structure. Although partially beyond the front building line, this is an existing circumstance (C2) and would be considered appropriate due to the improved streetscape presentation and lesser bulk. The proposal would ensure that the dwelling remains dominant in the streetscape which would be consistent with O2.
- A panel garage door and modern palisade sliding gate would be introduced to the on-site parking structure which is consistent with C16.

Part C2.5.10: Excavation

	Proposed	Control	Complies
Location of Excavation	Predominantly	Behind the Front Alignment	NO – See assessment below.
Excavation Piling and Subsurface Wall Setback	0m	0m	<i>Insufficient Information Submitted</i>

- Insufficient information has been submitted with the application to ensure the ongoing structural integrity of neighbouring properties (O1).
- The Proposal involves the substantial demolition of a contributory item to the area and therefore does not protect significant fabric during and after excavation (O2).
- O1 and O2 are therefore not achieved as the Proposal does not limit excavation (O3).
- The proposed basement level is not related to the existing topography or ground levels of the site (O5).
- Minor excavation is proposed forward of the front façade in the street front zone which is supported (C3)
- Insufficient information has been submitted with the application to determine that the basement level would not damage buildings or structures in the vicinity (O6).
- Insufficient information has been submitted with the application to demonstrate that the works will not have any adverse impact to neighbouring properties (C5, C6).

Excavation for other structures beyond the principal building form or secondary wing

- As per C8, for properties more than 6m in width, the outer edge of excavation is setback from side boundaries by at least 1.5m. The proposed rear swimming pool does not comply with these setbacks to both the side and rear setbacks (0.8m – 1.2m) (b).
- Insufficient information has been submitted with the application to demonstrate that the works will not have any adverse impact to neighbouring properties (e).

Part C2.5.12: Acoustic and Visual Privacy

- The eastern facing windows to the ground floor level bathroom spaces are specified as including obscure glazing which would comply with C7.
- At ground floor level, the proposal seeks to introduce two (2) Juliet style openings to the rear of the northern elevation (DW13 and DW14). Due to the non-trafficable nature of these openings, it is not considered that they would result in any unreasonable privacy impact to the properties at No.8 or No.10 Ocean Street to the north-east. Notwithstanding this, these openings could result in overlooking to the rear private open space and pool area of No.88 John Street (C6, C8).
- Although screened, the windows at both ground and first floor levels (DW13, DW14, DW22, DW23 and DW24) have the capacity to result in unreasonable privacy impact to the main living area and private open space of No.14 Ocean Street. In the absence of the existing hedge or any proposed landscaping (as per the planning principle established in *Super Studio v Waverley [2004]*), there would be limited privacy between the two properties (C6).

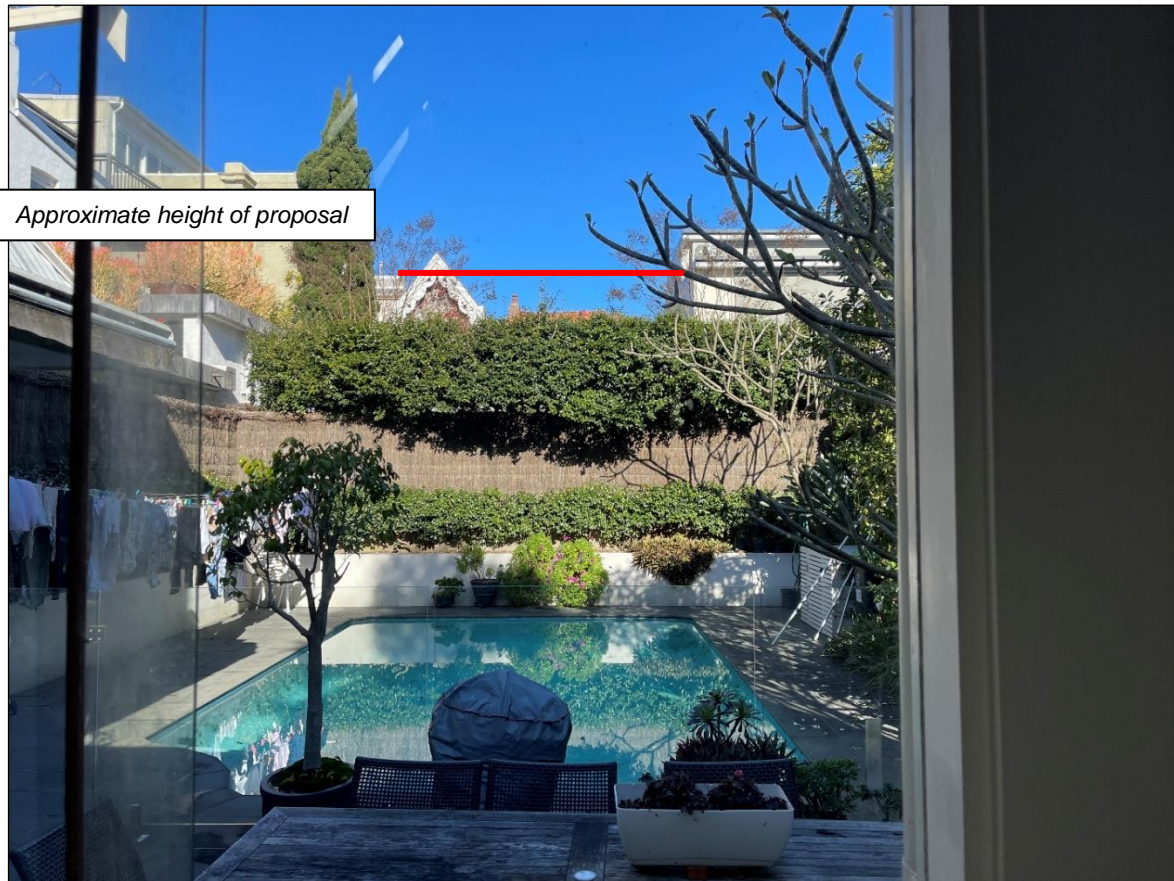


Figure 11: Looking south from the main living area of No.14 Ocean Street, Woollahra toward the subject site (Author).

- One Objection was received in relation to proposed windows to the western elevation (DW11 and DW21) and the northern elevation at the western side of the dwelling (DW10 and DW20), and their overlooking impact to the property at 88 John Street. DW10 and DW20 in this instance are located to the stair well of the proposed dwelling and would therefore not be considered to result in any adverse visual privacy impacts.

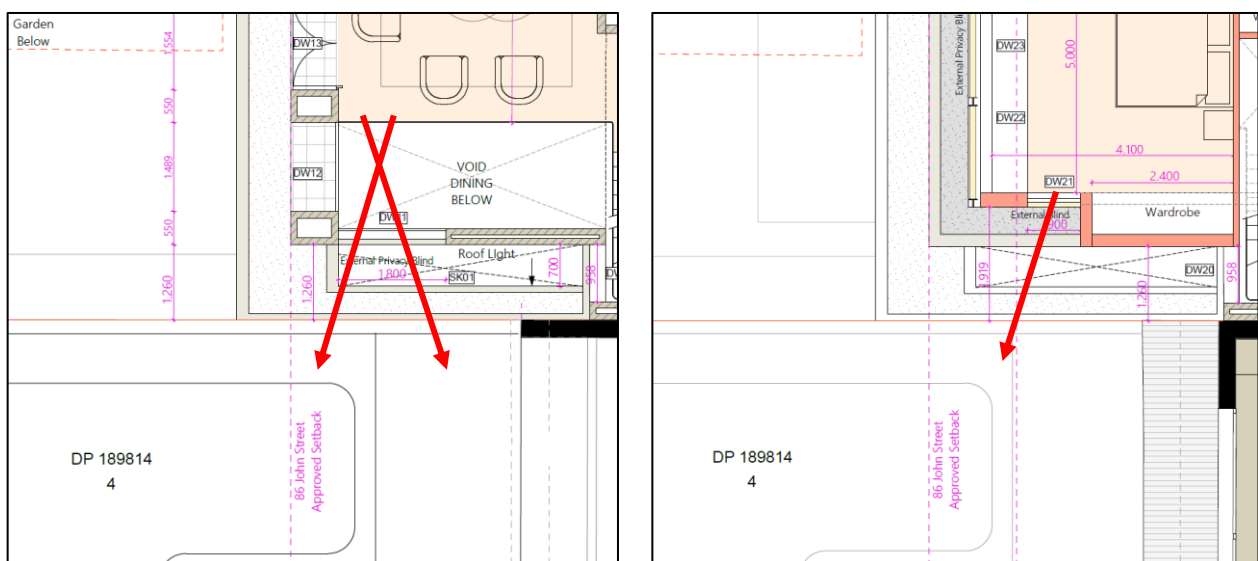


Figure: Diagrams indicating areas of overlooking into No.88 John Street (Author).

- In relation to DW11, whilst it is acknowledged that there is a void area of just under 2m between the dining area and the window, the trafficable area of this level is still in close proximity to and would still have a direct sightline into the private open space and pool area located at No. 88 John Street. Notwithstanding the proposed screening to these windows, the proposal would provide unreasonable overlooking into the main private open space area of No.88 John Street which is non-compliant with C6.

11.1 Chapter E1: Parking and Access

The proposal could be considered acceptable with regard to Chapter E1 of the Woollahra DCP 2015.

11.2 Chapter E2: Stormwater and Flood Risk Management

Council's Development Engineer reviewed the application and advised the following:

"The submitted permeability report demonstrates the unsuitability of an absorption system due to shallow depth to rock and allows for the installation of a pump out system in lieu of an absorption system. However, the proposed rainwater tank requires an additional 20% capacity due to the installation of a pump out system to comply with Chapter E.2.2.9 of Council's DCP and as noted within the STC letter."

As above, the proposal in its current form is unacceptable with regard to Chapter E2 of the Woollahra DCP 2015.

11.3 Chapter E3: Tree Management

Council's Tree and Landscape Officer reviewed the application and provided the following comment:

"There are a total of four (4) trees within the site are large enough to be protected by Council's Tree Management DCP (that is, being either 5 metres in height or 3 metres in width). None of these specimens however are considered to have high enough landscape significance to warrant special design modifications and retention. The submitted landscape plan proposes sufficient replacement planting of hedging trees and single specimen plantings. As a result, there are no issues with the removal of the existing trees within the property."

There is insufficient space provided for the Tuckeroo trees located either side of the swimming pool adjacent the rear boundary. These trees are unlikely to succeed as landscape features due to the small restricted area of deep soil provided in this location. Consequently there is a design modification required to ensure these trees are planted either side of the proposed lawn area to ensure they grow to their full potential and provide benefit to the site and neighbouring properties."

Tree protection fencing and a tree damage security deposit bond are recommended for the Blueberry Ash (Elaeocarpus) street tree located at the front of the property."

The proposal, as conditioned would be considered acceptable with regard to Chapter E3 of the Woollahra DCP 2015.

11.4 Chapter E5: Waste Management

The applicant has not provided a SWMMP with the development application. However, given the extensive scope of demolition and construction works, it would be considered necessary in this instance.

12. CONTRIBUTION PLANS

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

12.1 Section 7.12 Contributions Plan

A levy would apply to the development as outlined in Schedule 1 of the Section 7.12 Contributions Plan 2022 if approval were being recommended.

13. APPLICABLE ACTS/REGULATIONS

13.1 Environmental Planning and Assessment Regulation 2021

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

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

14. 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.

15. THE SUITABILITY OF THE SITE

The proposal in its current form is not suitable for the site.

16. CONCLUSION

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

17. 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.

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council, as the consent authority, refuse development consent to Development Application No. 413/2023/1 for extensive alterations and additions (New Dwelling) including a new swimming pool and associated landscaping on land at 90 John Street Woollahra, for the following reasons:

1. Heritage Matters (Demolition)

The proposed development involves the substantial demolition of a contributory item in a heritage conservation area. It is contrary to the relevant provisions of the Woollahra LEP 2014 and Woollahra DCP 2015 regarding contributory items.

- a) The proposal fails to achieve aim (f) of Part 1.2 of the WLEP as the substantial demolition does not seek to conserve the built heritage of Woollahra.
- b) The proposal is inconsistent with Objectives (a) and (b) in Part 5.10 of the WLEP as it does not conserve the heritage of Woollahra, and the heritage significant of the Woollahra Heritage Conservation Area.
- c) The proposal is inconsistent with the policies and principles established in Part C2.2.6 of the WDCP, as the proposal involves substantial demolition of a contributory item within the Woollahra Heritage Conservation Area.
- d) The proposal does not achieve O6 in Part C2.3.2 of the WDCP as it does not retain or conserve a contributory item within the West Woollahra Precinct.
- e) The proposal is inconsistent with O1 and O6 and Controls C1 and C3 in Part C2.5.2 of the WDCP as it does not seek to retain or conserve a contributory item.

2. Excavation

The proposed development is contrary to the relevant provisions of the Woollahra LEP 2014 and Woollahra DCP 2015 regarding excavation.

- a) The proposal fails to achieve aim (m) of Part 1.2 of the WLEP as the proposed excavation is excessive and therefore not minimised in this case.
- b) The applicant has not provided sufficient information to facilitate consideration of the relevant matters set out in Part 6.2(3) of WLEP.
- c) The proposal therefore fails to achieve the objective set out in Part 6.2(1) of WLEP.
- d) The applicant has not provided sufficient information to facilitate consideration of the ongoing structural integrity of neighbouring properties, which is contrary to O1, O2, O6 as well as Controls C5 and C6 in Part C2.5.10 of the WDCP.
- e) The proposal does not achieve Objective O3 in Part C2.5.10 of the WDCP as excavation is not limited in this circumstance.
- f) The proposal is inconsistent with Objective O5 in Part C2.5.10 of the WDCP as the proposed basement level is not related to the existing topography or ground levels of the site.
- g) The outer edge of excavation for the proposed swimming pool is not setback adequately from the side and rear setbacks, which is non-compliant with Control C8 (b) in Part C2.5.10 or C28 in C2.5.6 of the WDCP.
- h) The applicant has not provided sufficient information to demonstrate that excavation to accommodate the swimming pool would not adversely impact neighbouring properties in accordance with C8 (e) in Part C2.5.10 of the WDCP.

3. Building Height, Bulk and Siting

The proposed development is contrary to the relevant provisions of the Woollahra LEP 2014 and Woollahra DCP 2015 regarding building height, bulk and siting, resulting in unreasonable adverse amenity impact to neighbouring properties.

- a) The proposal fails to achieve aim (g) of Part 1.2 of the WLEP as it does not seek to protect or enhance amenity of adjoining properties.
- b) The proposal is inconsistent with Objective (c) in Part 4.3 of the WLEP as it would result in reduced natural light access to the private open spaces and main habitable areas of the adjacent properties at No.4 and 6 Ocean Street.
- c) The proposal is inconsistent with Objective (d) in Part 4.3 of the WLEP as it would result in adverse bulk and visual intrusion presented to the private open spaces and main habitable areas of the adjacent properties at No.4, 6 and 8 Ocean Street. The proposal would also result in adverse visual privacy impact to the properties located at No.8 Ocean Street, 14 Ocean Street and 88 John Street.
- d) The proposal does not achieve Objective O4 in Part C2.5.1 of the WDCP as the proposed bulk and siting of the dwelling it is not considered conducive to the ongoing privacy or amenity of adjoining properties in its immediate context.

4. Privacy Impact

The proposed development is contrary to the relevant provisions of the Woollahra DCP 2015 regarding visual privacy to adjoining properties.

- a) The proposal does not achieve Objective O1 and O2 in Part C2.5.12 of the WDCP as it would result in unreasonable visual privacy impact to existing adjoining properties.
- b) Notwithstanding any proposed screening, the proposed openings to the rear (northern) elevation and the side (western) elevation (particularly DW11 and DW23) at Ground and First Floor Level would provide unreasonable overlooking into the main private open space area of No.88 John Street, which is non-compliant with Control C6 in Part C2.5.12 of the WDCP.
- c) Notwithstanding any proposed screening, the proposed openings to the rear (northern elevation) at Ground and First Floor Level would reduce visual privacy to No.14 Ocean Street (in the absence of the existing hedge or any proposed landscaping as per the planning principle established in *Super Studio v Waverley [2004]*), which is non-compliant with Control C6 in Part C2.5.12 of the WDCP.

5. Insufficient Information

Geotechnical and Hydrogeological Report

The Applicant has not provided sufficient information to allow the geotechnical considerations associated with the proposal to be properly assessed.

The Applicant has failed to address Council's request for additional information dated 22 November 2023. The submitted geotechnical report must be amended to comply with Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports" and Chapter E2.2.10 of Council addressing the following:

- a. Minimum two boreholes extended to the depth of excavation must be carried out,
- b. The report must be prepared in accordance with Council's document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports" which includes:
 - i. Support and Retention – The report must:
 - Include recommendations as to appropriate temporary and permanent site support and retention measures.

- Predict ground settlements in areas adjacent to the development site resulting from temporary and permanent site support and retention measures and demonstrate that settlement will have no adverse impact on the surrounding properties and infrastructure.
 - Demonstrate that permanent earth or rock anchors will not be required on or below any road reserve or other Council property. Council may accept the use of temporary anchors if the applicant can adequately demonstrate that the use of temporary anchors would sufficiently improve the safety of the retention of excavations that may be proposed. The installation of such temporary anchors must comply with the Council's Rock Anchor Policy. (Use of permanent and/or temporary anchors on private property is not allowed without written confirmation by the property owners).
 - Show that permanent support and retention measures will be set back a minimum of 900mm (or minimum as advised in the relevant Development Control Plan) from the adjacent property boundaries. This is aimed at minimising the localised damage created by the installation of retention systems and to provide a corridor for perimeter drainage.
- ii. Hydrogeology – The report must demonstrate:
- The method and rate of dewatering during and after construction, including the location and disposal of site dewatering. This includes seepage and stormwater trapped in excavations,
 - That there will be no adverse impact on surrounding property and infrastructure as a result of changes in local hydrogeology (behaviour of groundwater) created by the method of construction. This includes the short-term effects resulting from construction practices, including the method and rate of dewatering and the long-term effects resulting from the support and retention of property and infrastructure after construction has been completed,
 - That temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where data is limited or unavailable, the report must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m unless calculations using the results of the site specific field testing, supporting a greater change can be provided and can demonstrate no adverse impact to surrounding properties and infrastructure,
 - That groundwater drainage systems have been designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations,
 - That all below ground structures are fully sealed to prevent the entry of all ground water such that they are fully tanked and no on-going dewatering of the site is required.
- iii. Vibration – The report must:
- Demonstrate that there will be no adverse impact on the surrounding properties and infrastructure as a result of vibration created by the method of construction used for the development. As a minimum, reports must demonstrate compliance with the requirements of AS2187.2 Appendix J.
 - Recommend appropriate plant, equipment and construction methods.

- c. The report must be prepared by a suitably qualified Geotechnical/Hydrogeological Engineer with NER qualification in accordance with Councils document "Guidelines for Preparation of Geotechnical and Hydrogeological Reports". In this regard, the author's credentials including NER registration number must be clearly depicted on the report. Notwithstanding, Council will accept reports prepared by an Engineering Geologist provided that the report is prepared in accordance with Council's document "Guidelines for Geotechnical and Hydrogeological Reports" and have been reviewed and signed by a Chartered Geotechnical Engineer who credentials must also be provided in the report.

Stormwater Management Plan

The submitted Stormwater Management Plan must be amended address the following:

The proposed rainwater tank requires an additional 20% capacity due to the installation of a pump out system to comply with Chapter E.2.2.9 of Council's DCP.





Boundary Fencing

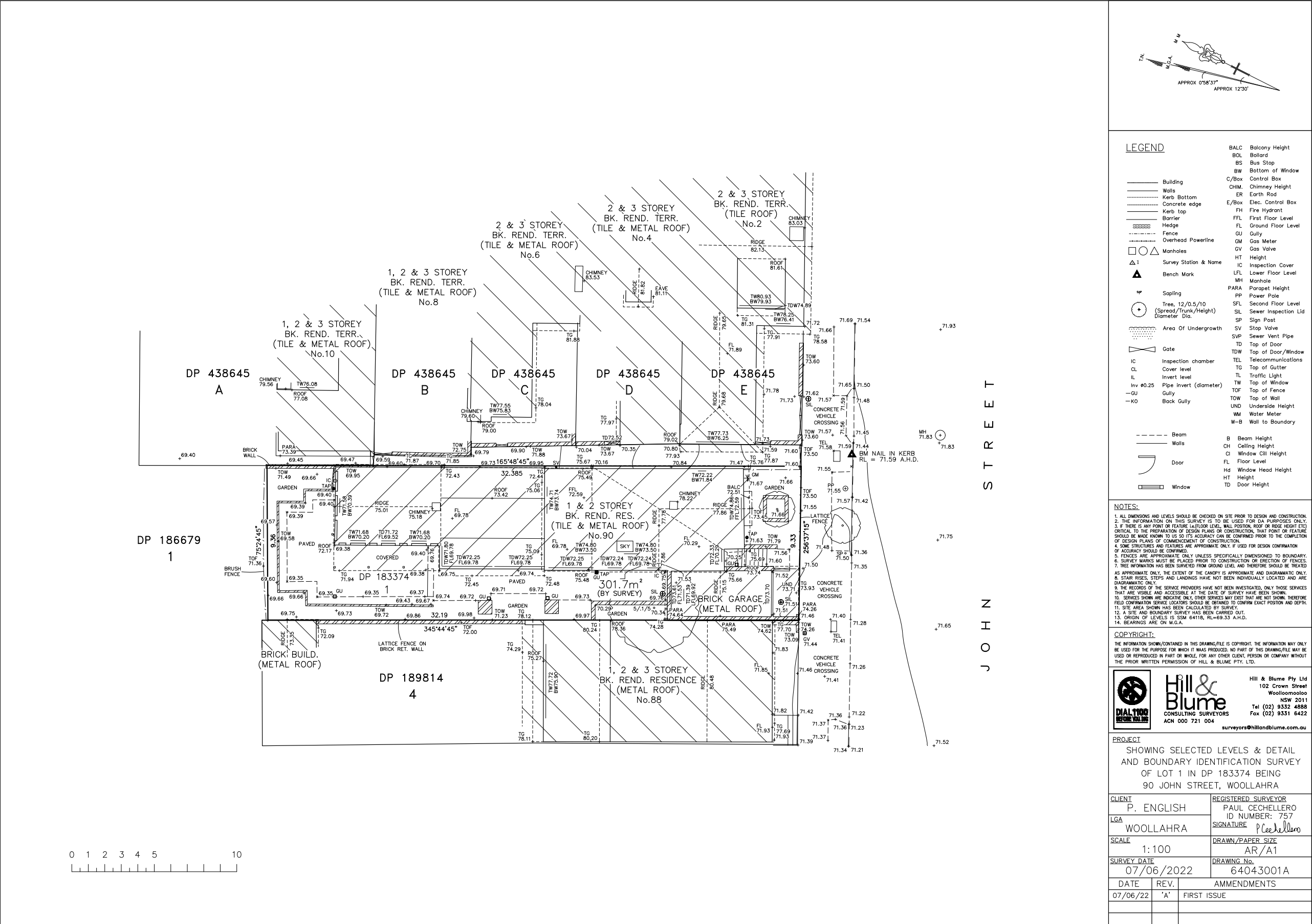
Drawing DA-04A.3 (Proposed Lower Ground Floor) includes the notation 'New timber boundary fence' to the eastern boundary at the rear which is discrepant with other drawings in the submitted set. This would require clarification.

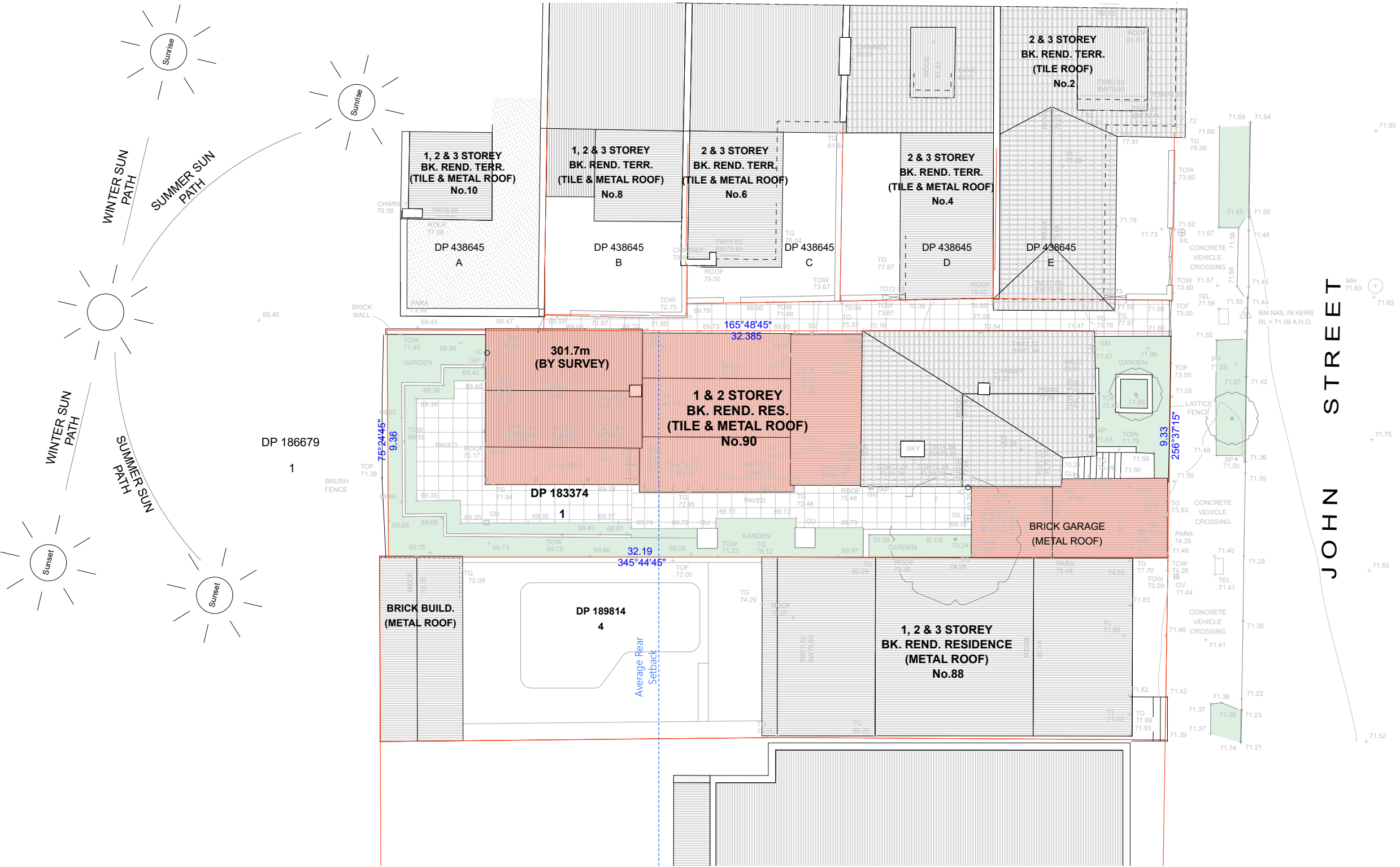
6. Public Interest

For the reasons outlined above, the proposal is not in the public interest.

Attachments

1. Survey Plan [↓](#) 
2. Architectural Plans [↓](#) 
3. Heritage Referral Response [↓](#) 
4. Trees and Landscaping Referral Response [↓](#) 





STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



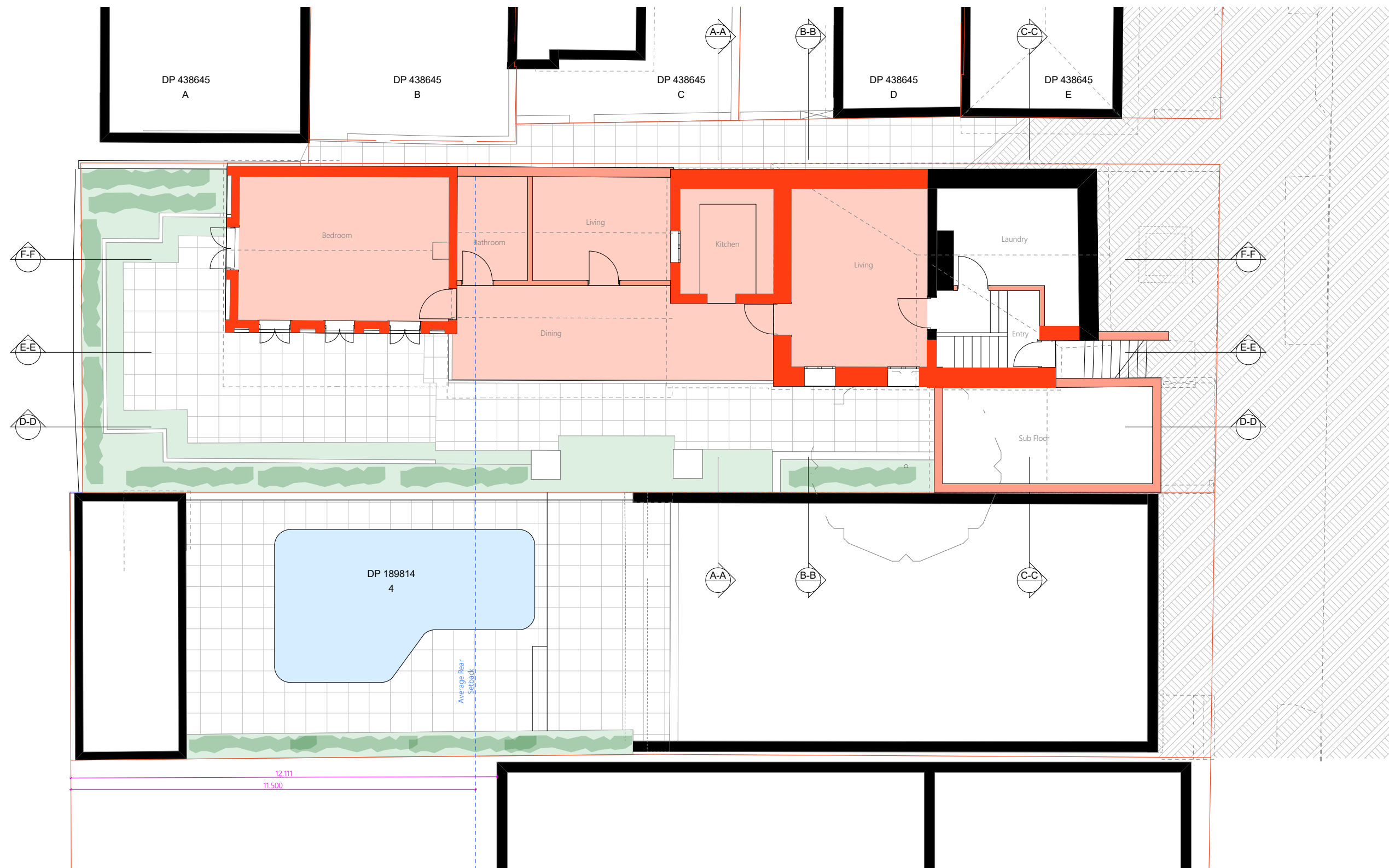
Scale
1:150 @ A3



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
A	26.09.23	Development Application	Drawing Name	Existing Site Plan
			Project Number	2206
Issue	Date	Description	Drawing No	DA-01.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

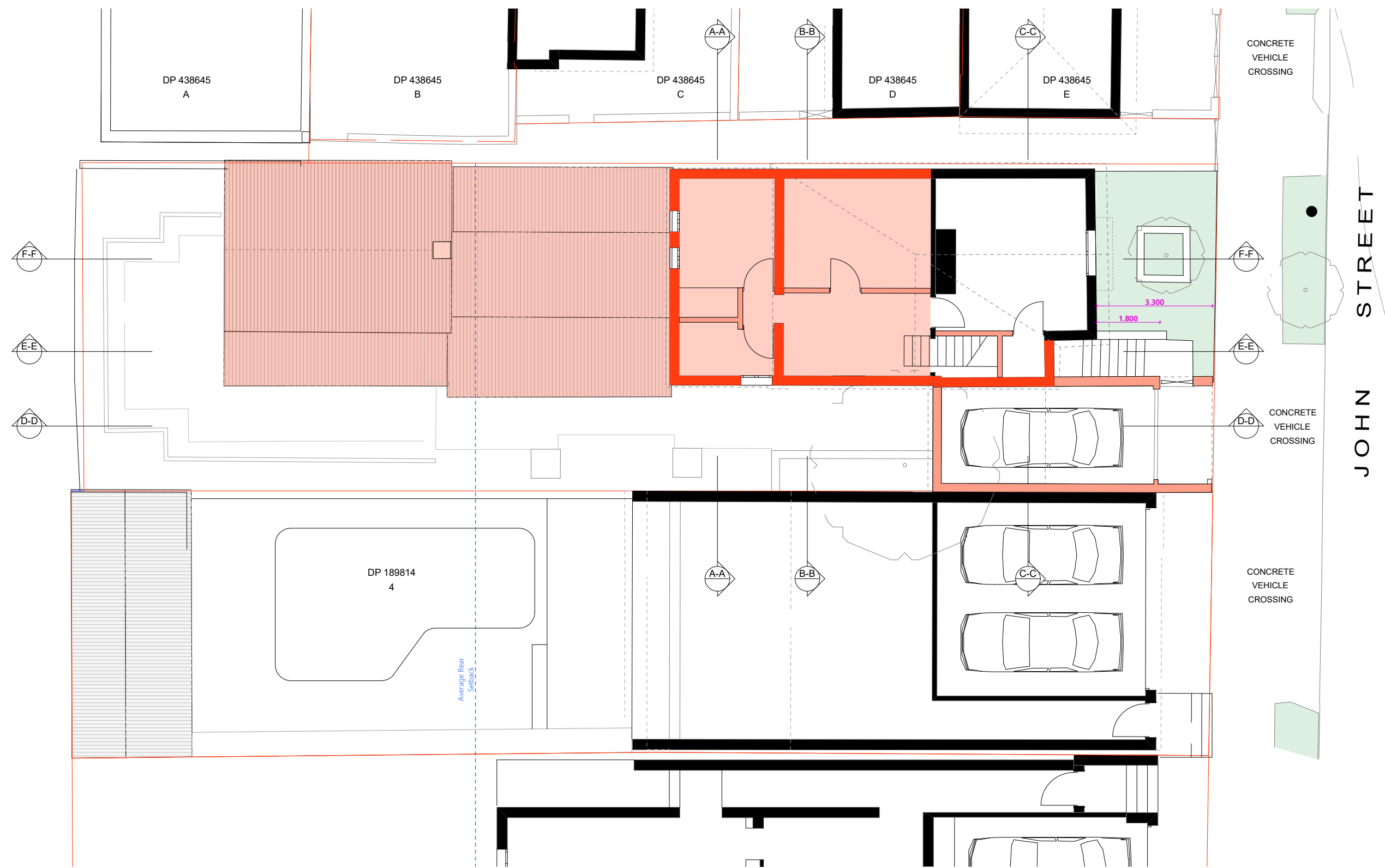
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Existing Lower Ground Floor Plan
			Project Number	2206
			Drawing No	DA-01.2
A	26.09.23	Development Application		
Issue	Date	Description		

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

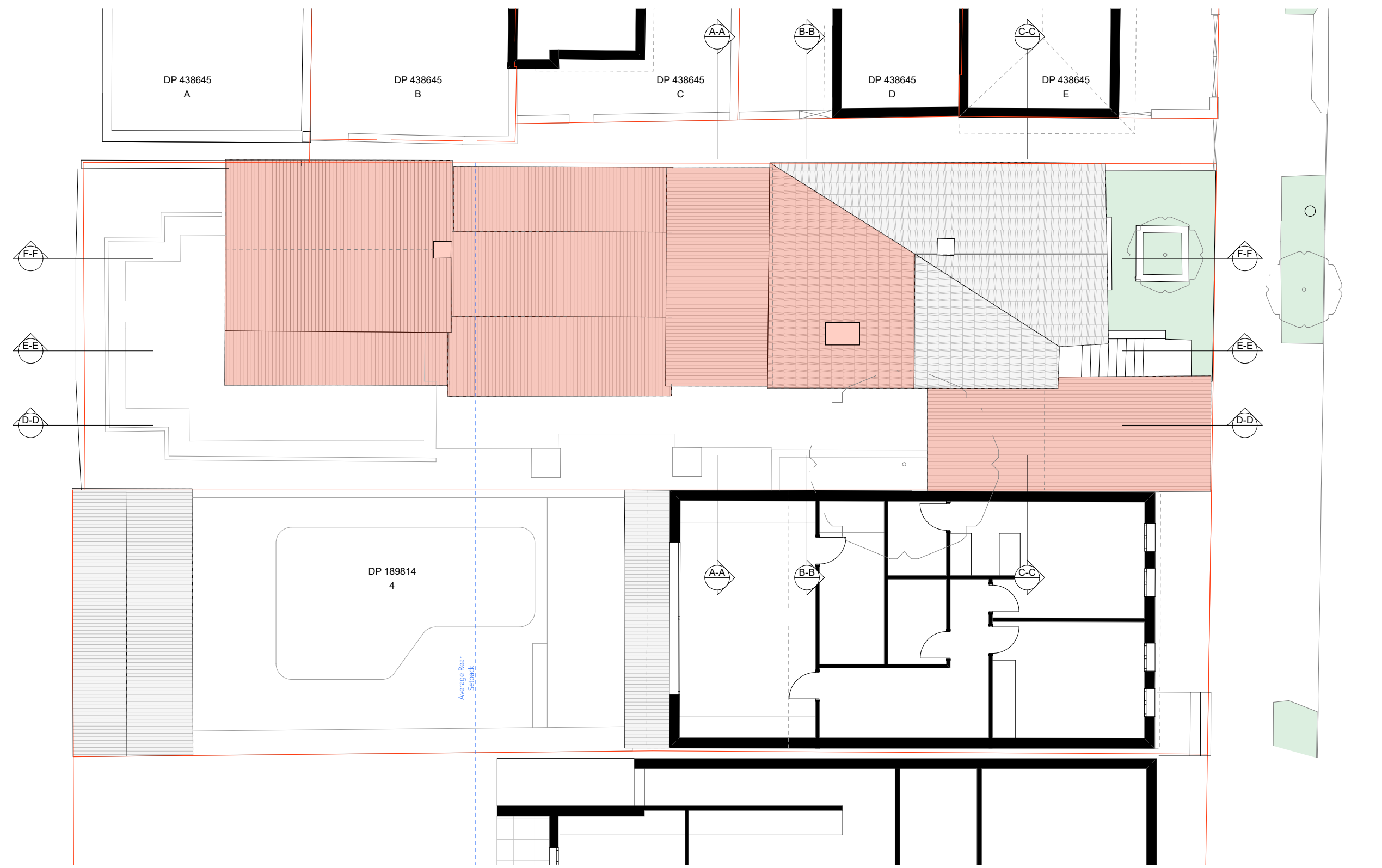
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenocconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Existing Ground Floor Plan
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-01.3

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119

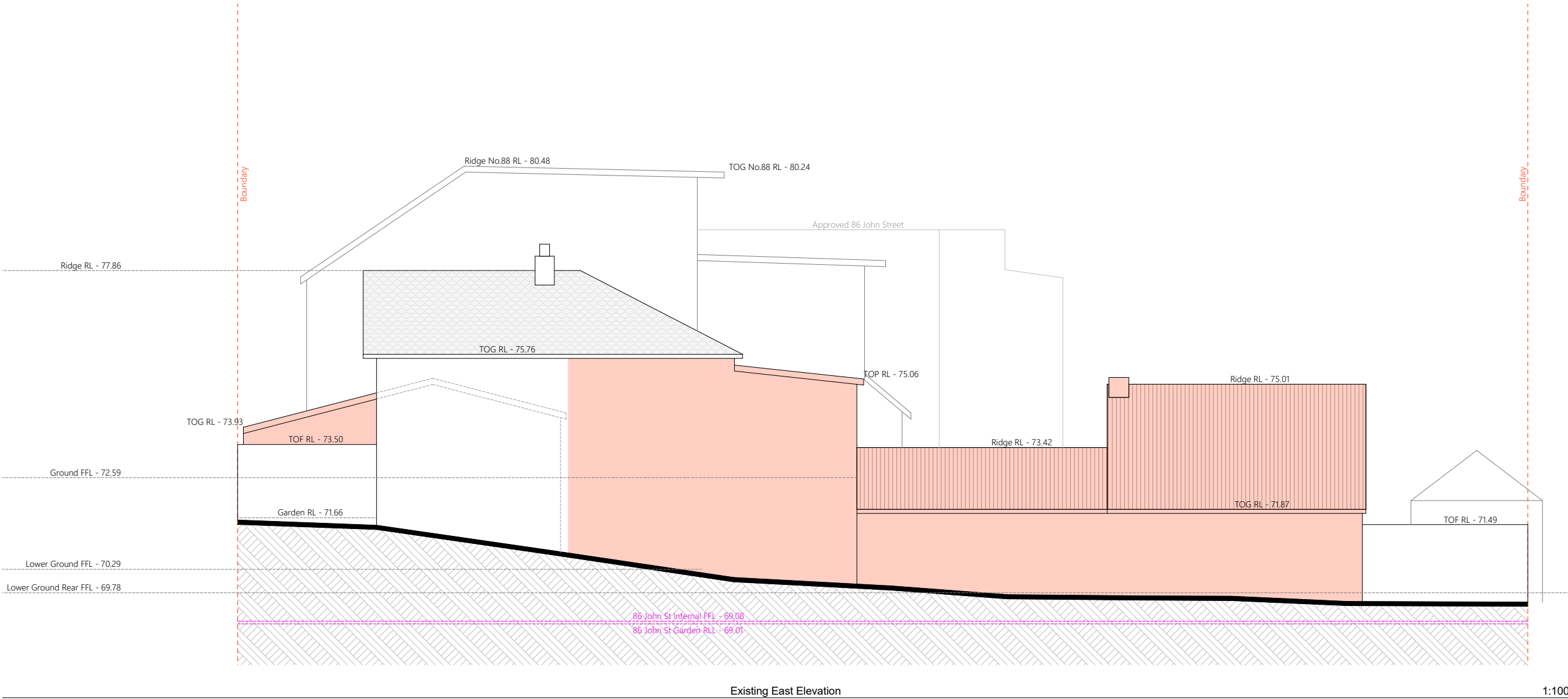


NOT FOR CONSTRUCTION

A	26.09.23	Development Application
Issue	Date	Description

Project	90 John Street, WOOLLAHRA
Drawing Name	Existing Roof Plan
Project Number	2206
Drawing No	DA-01.4

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

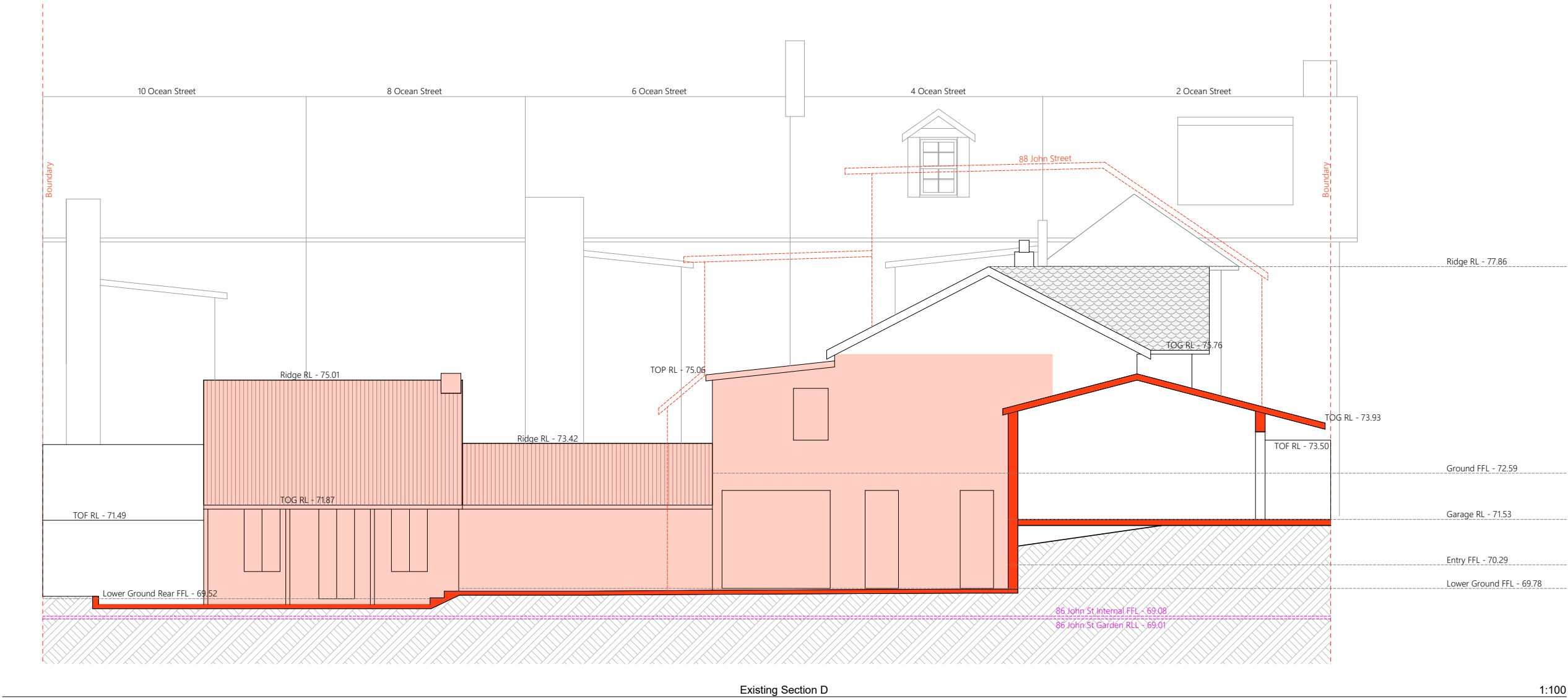
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Existing East Elevation
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-02.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119

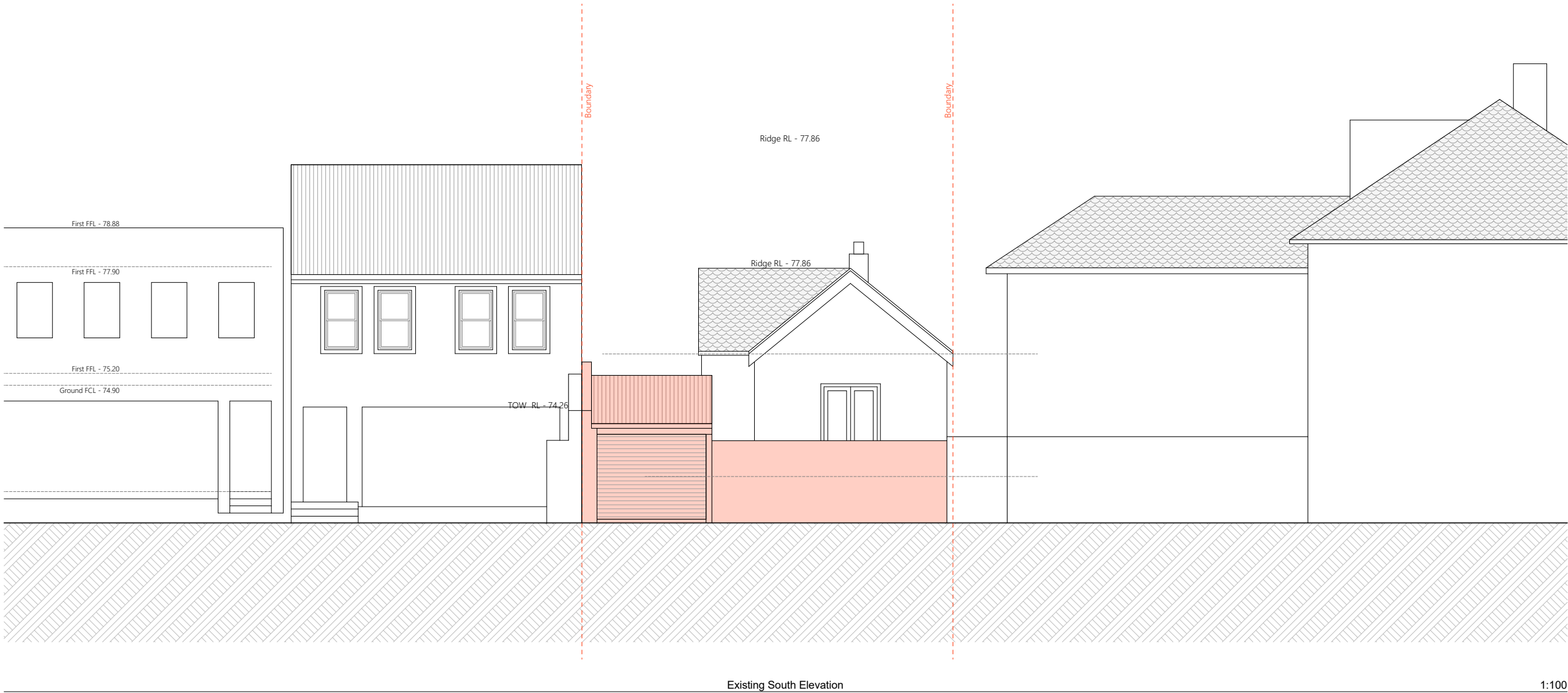


NOT FOR CONSTRUCTION

Issue	Date	Description
A	26.09.23	Development Application

Project	90 John Street, WOOLLAHRA
Drawing Name	Existing West Elevation
Project Number	2206
Drawing No	DA-02.2

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119

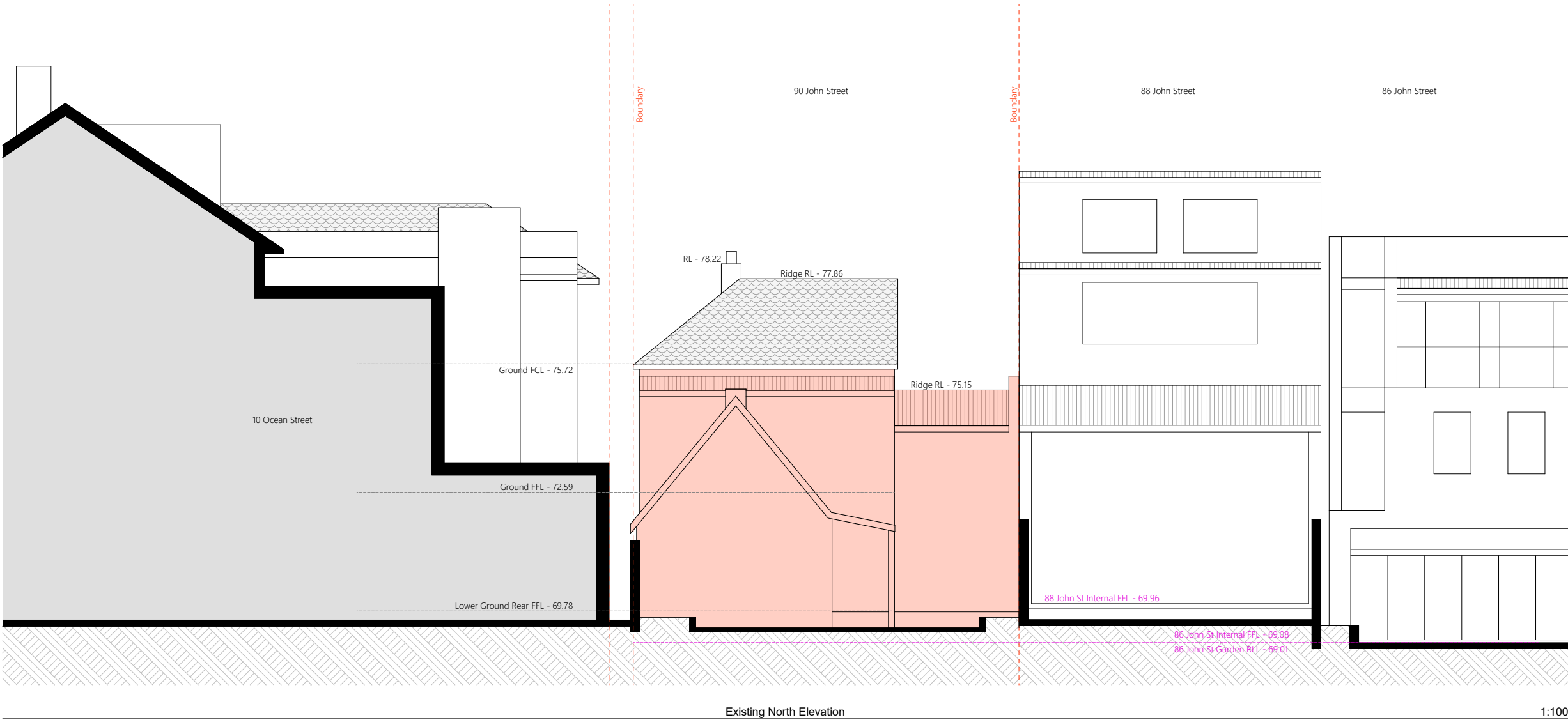


NOT FOR CONSTRUCTION

A	26.09.23	Development Application
Issue	Date	Description

Project	90 John Street, WOOLLAHRA
Drawing Name	Existing South Elevation
Project Number	2206
Drawing No	DA-02.3

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

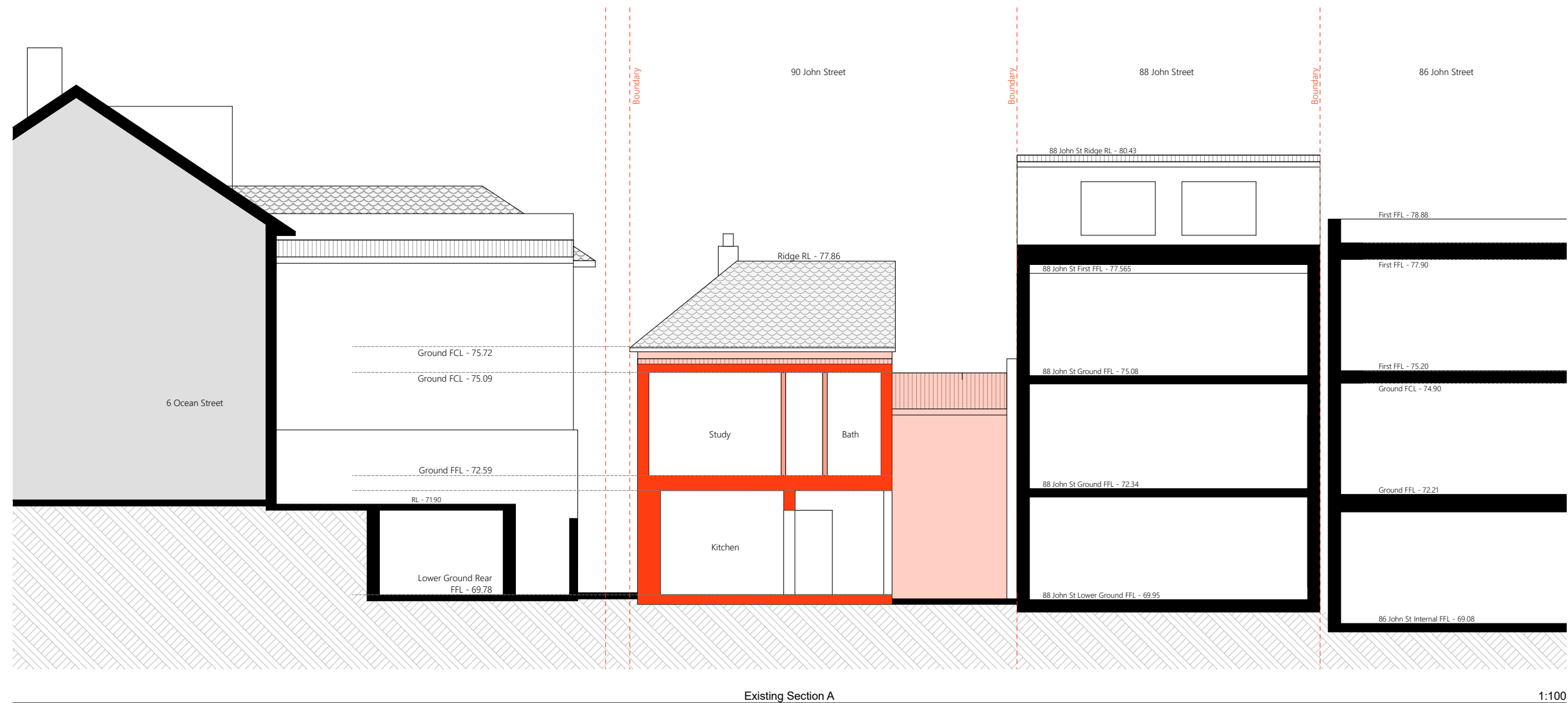
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Existing North Elevation
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-02.4

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119

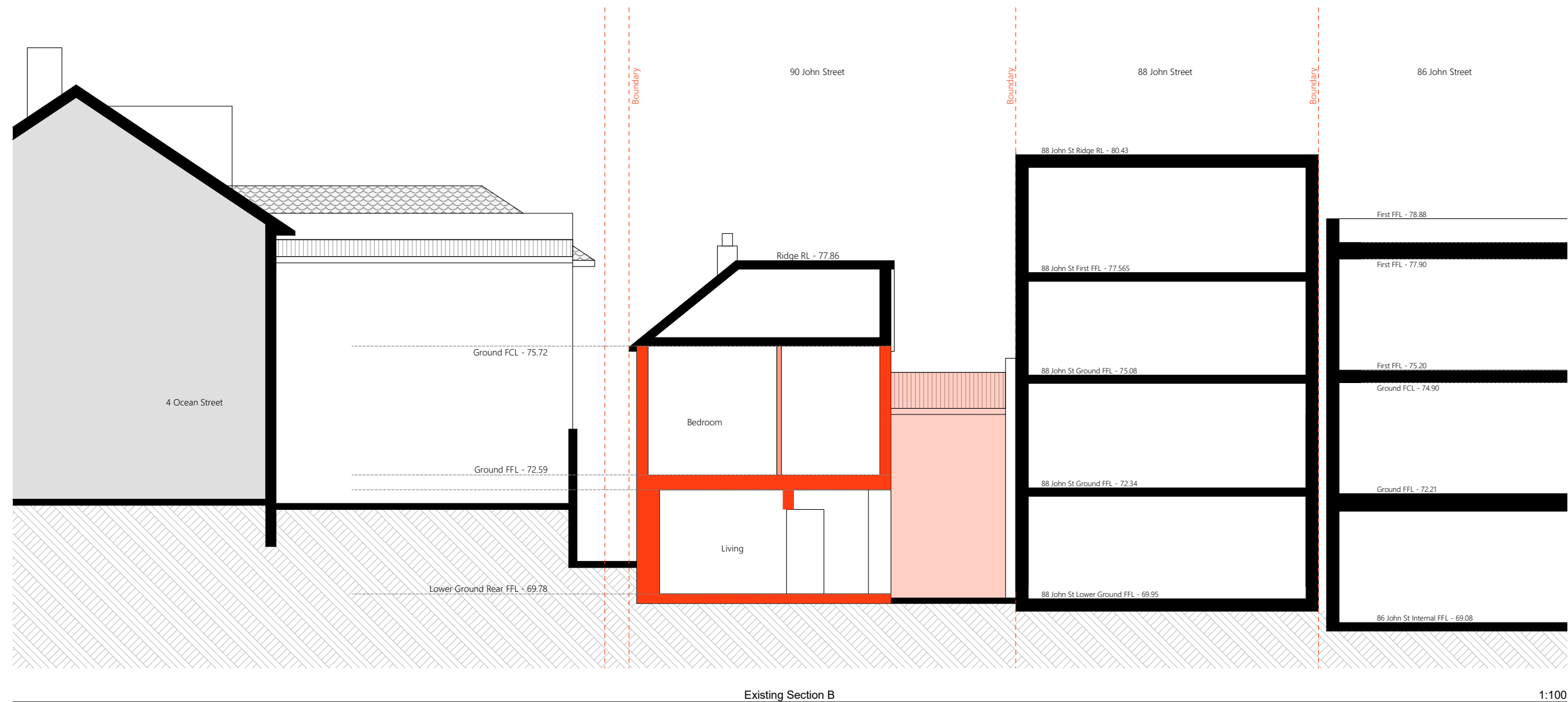


NOT FOR CONSTRUCTION

A	26.09.23	Development Application
Issue	Date	Description

Project	90 John Street, WOOLLAHRA
Drawing Name	Existing Section A-A
Project Number	2206
Drawing No	DA-03.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

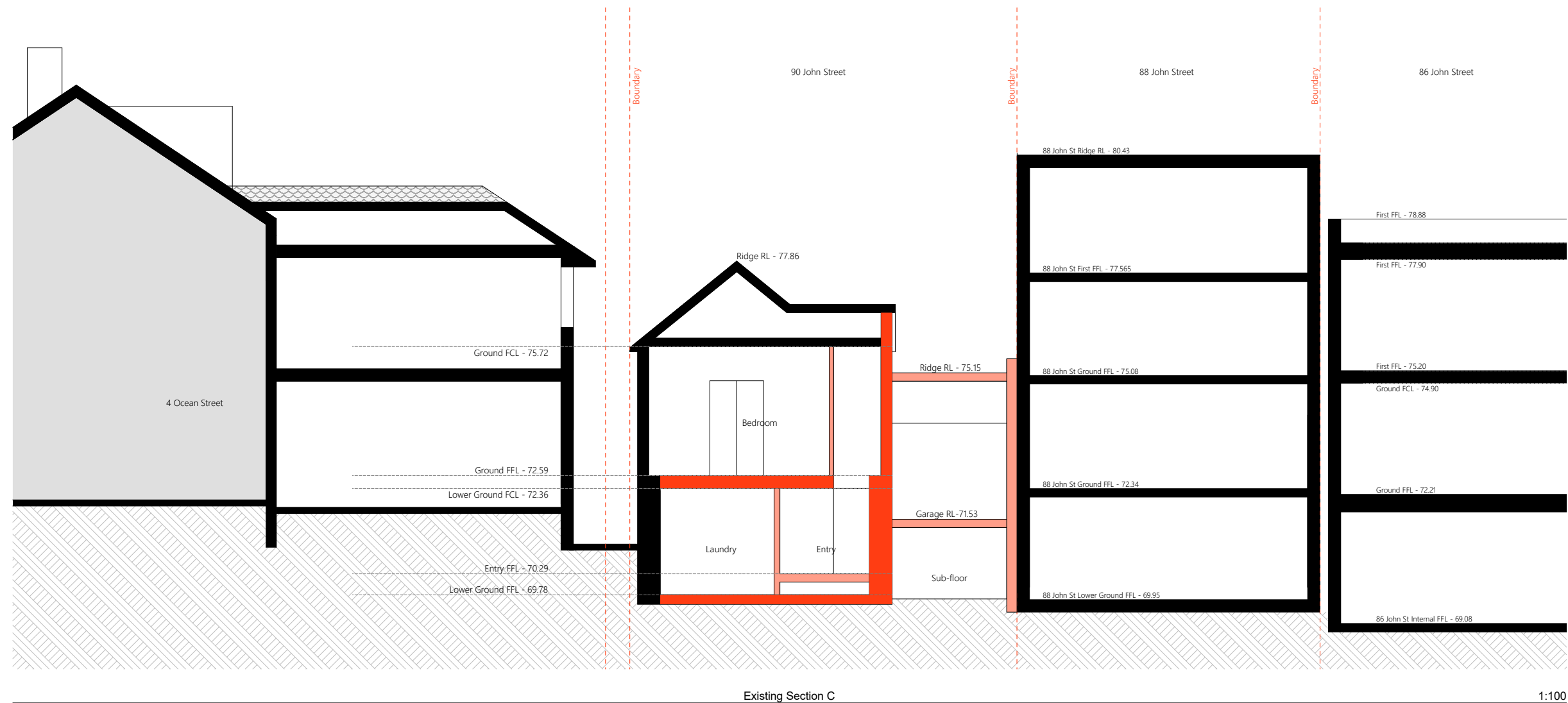
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Existing Section B-B
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-03.2

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

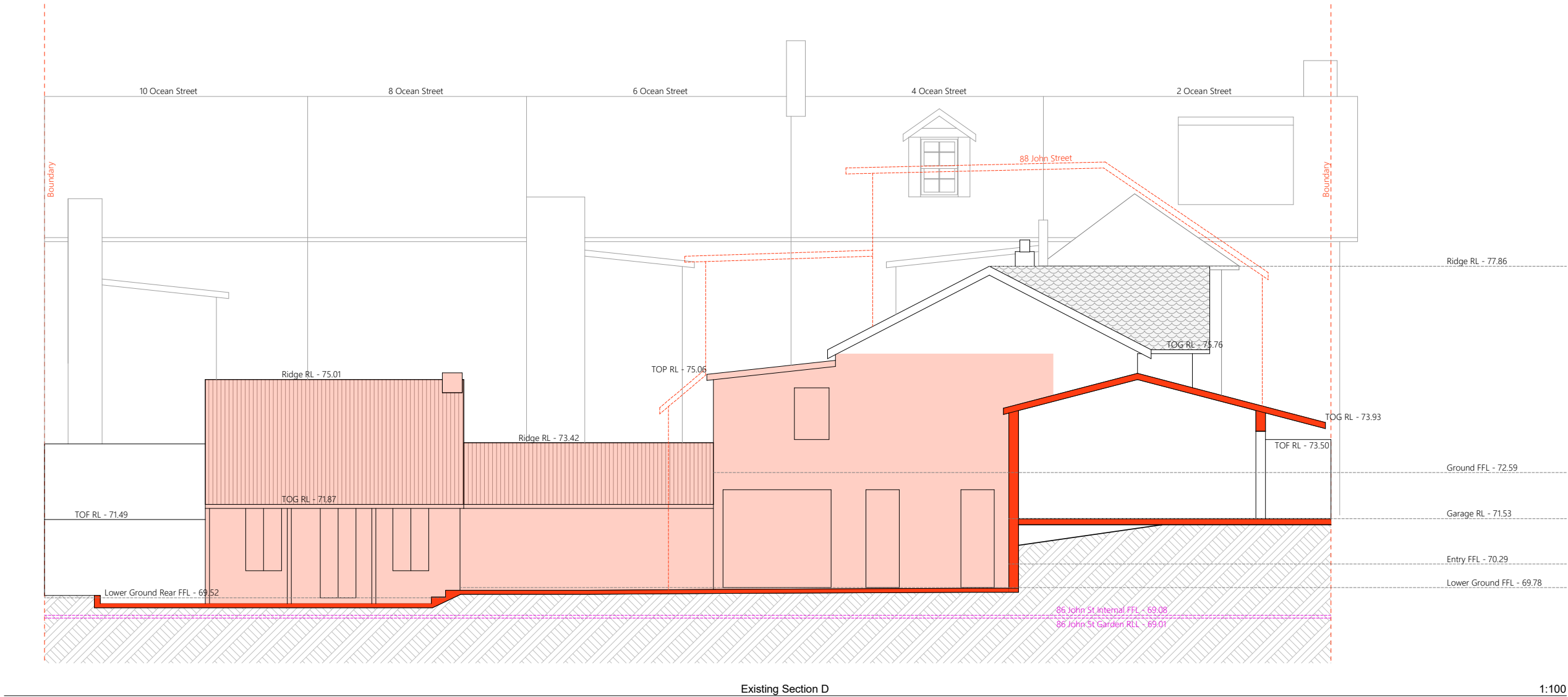
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Existing Section C-C
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-03.3

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

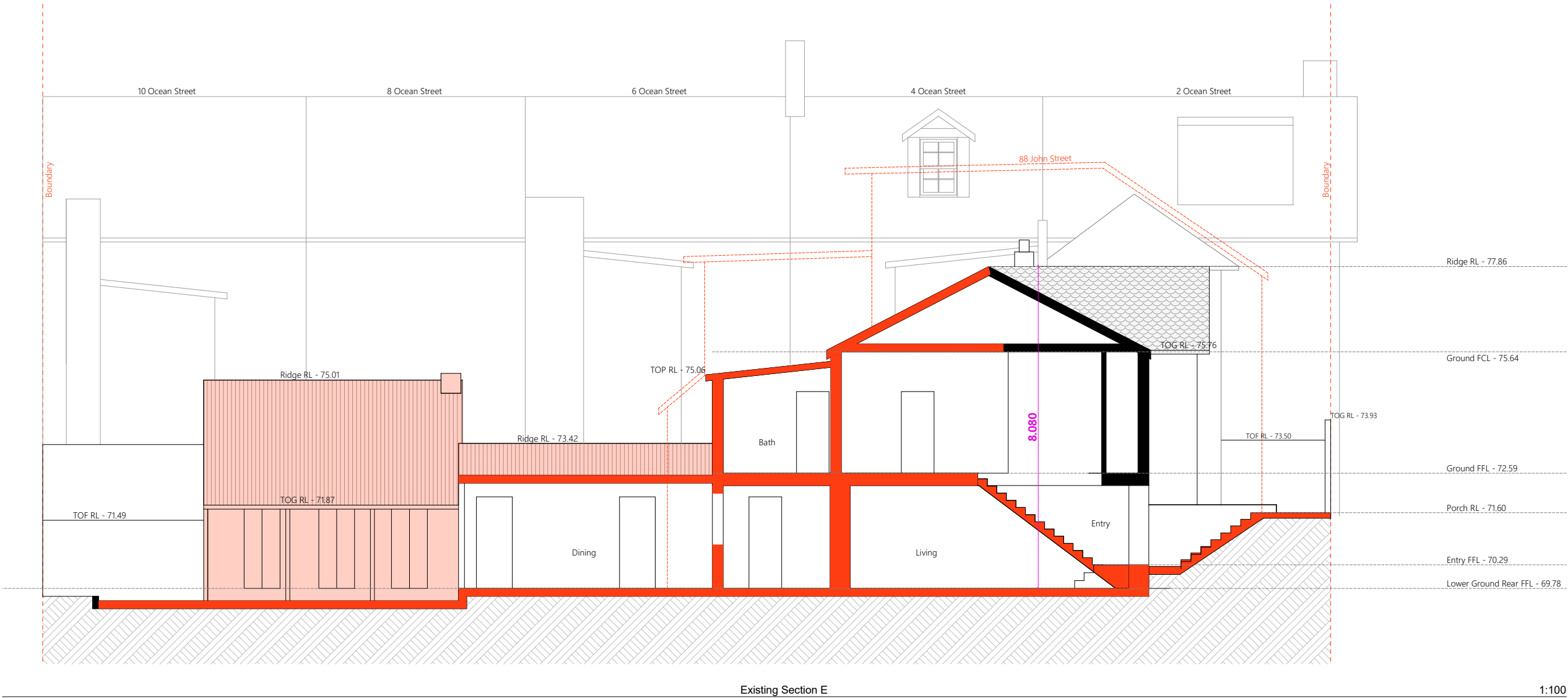
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Existing Section D-D
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-03.4

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

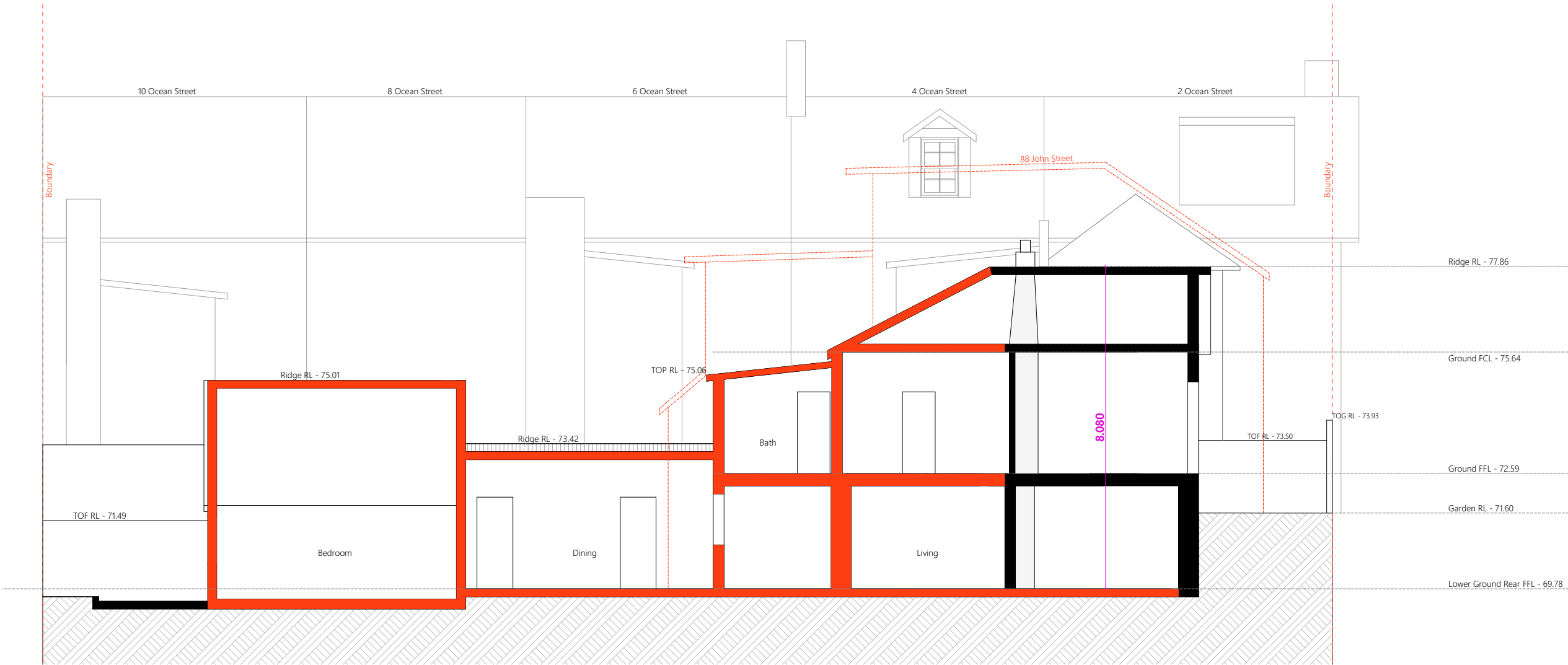
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Existing Section E-E
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-03.5

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



Existing Section F

1:100

STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

Issue	Date	Description
A	26.09.23	Development Application

Project	90 John Street, WOOLLAHRA
Drawing Name	Existing Section F-F
Project Number	2206
Drawing No	DA-03.6

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.

90 John Street, WOOLLAHRA



Drawing List	
Drawing No.	Drawing Name
13.1	Front Elevation
13.2	Rear Elevation
13.3	Layout
13.4	Layout
13.5	Layout
DA-00-02	BASIX
DA-00.1	Register, Location Map, Legend
DA-01.1	Existing Site Plan
DA-01.2	Existing Lower Ground Floor Plan
DA-01.3	Existing Ground Floor Plan
DA-01.4	Existing Roof Plan
DA-02.1	Existing East Elevation
DA-02.2	Existing West Elevation
DA-02.3	Existing South Elevation
DA-02.4	Existing North Elevation
DA-03.1	Existing Section A-A
DA-03.2	Existing Section B-B
DA-03.3	Existing Section C-C
DA-03.4	Existing Section D-D
DA-03.5	Existing Section E-E
DA-03.6	Existing Section F-F
DA-04.A.1	Proposed Site Plan
DA-04.A.2	Proposed Basement
DA-04.A.3	Proposed Lower Ground Floor
DA-04.A.4	Proposed Ground Floor
DA-04.A.5	Proposed First Floor
DA-04.A.6	Proposed Roof Plan
DA-05.1	Proposed East Elevation
DA-05.2	Proposed West Elevation
DA-05.3	Proposed South Elevation
DA-05.4	Proposed North Elevation
DA-06.1	Proposed Section A-A
DA-06.2	Proposed Section B-B
DA-06.3	Proposed Section C-C
DA-06.4	Proposed Section D-D
DA-07.1	Calculations
DA-08.1	Plan Shadow 9am & 10am
DA-08.2	Plan Shadow 11am & 12pm
DA-08.3	Plan Shadow 1pm & 2pm
DA-08.4	Plan Shadow 3pm
DA-09.1	4 Ocean Street_Shadow Elevations_9-11...
DA-09.2	4 Ocean Street_Shadow Elevations_12-2...
DA-09.3	4 Ocean Street_Shadow Elevations_3pm
DA-09.4	88 John Street_9am & 10am
DA-09.5	88 John Street_11am & 12pm
DA-09.6	88 John Street_1pm & 2pm
DA-09.7	88 John Street_3pm
DA-10.1	Proposed Materials
DA-11.1	Landscape Plan

STEPHEN O'CONNOR ARCHITECTURE

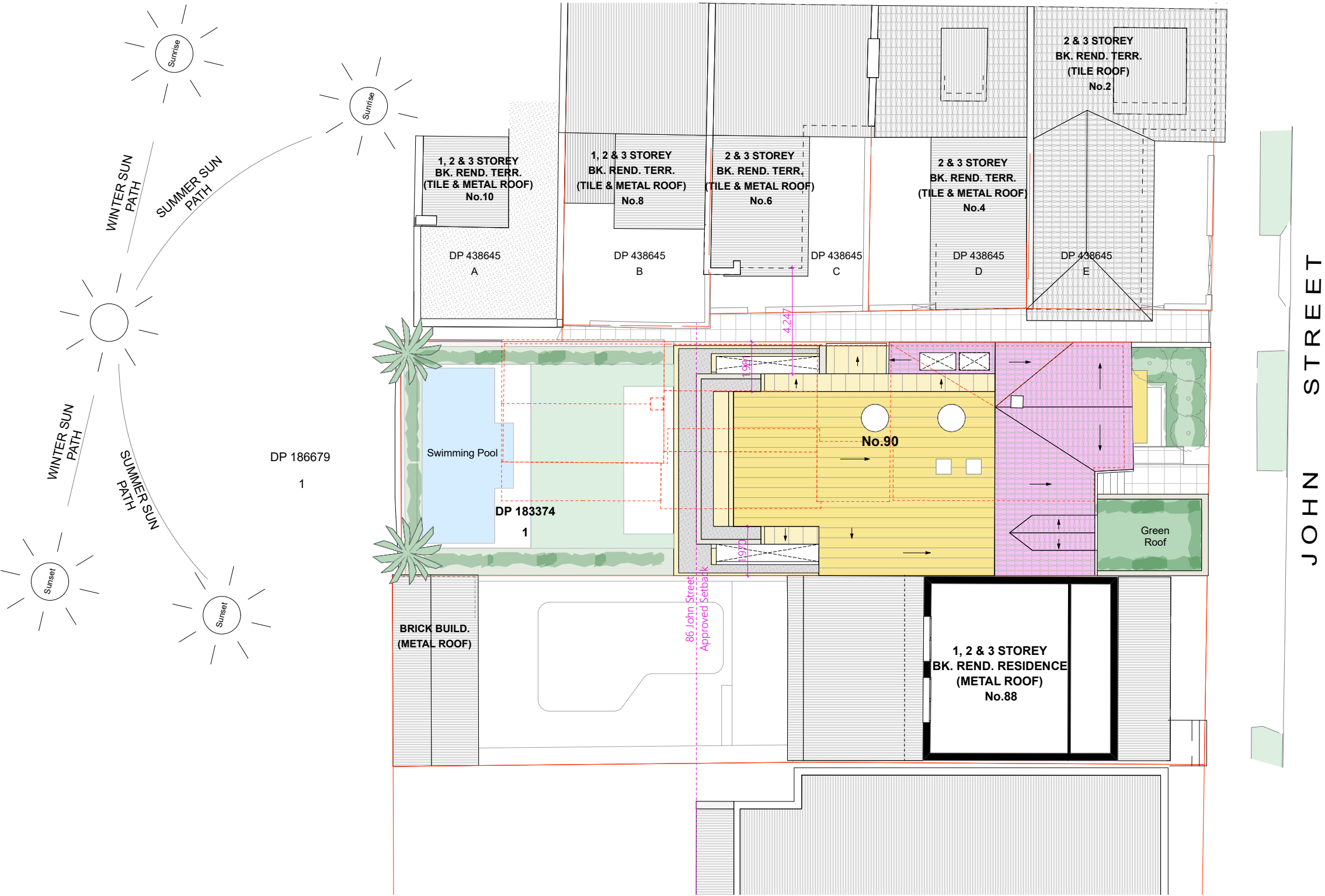
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Register, Location Map, Legend
			Project Number	2206
			Drawing No.	DA-00.1
Issue	Date	Description		
A	26.09.23	Development Application		

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



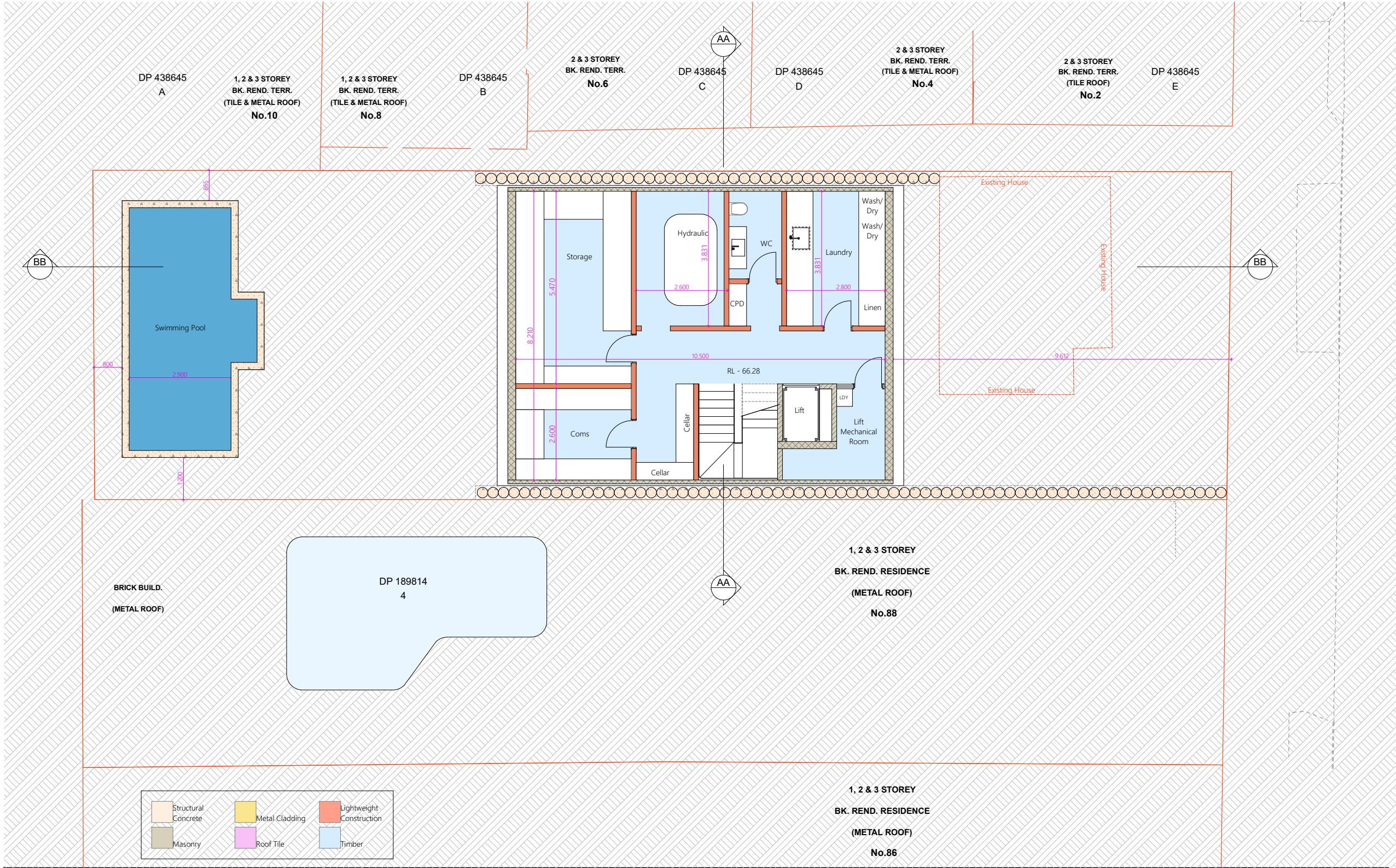
Scale
1:150 @ A3



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed Site Plan
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-04A.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

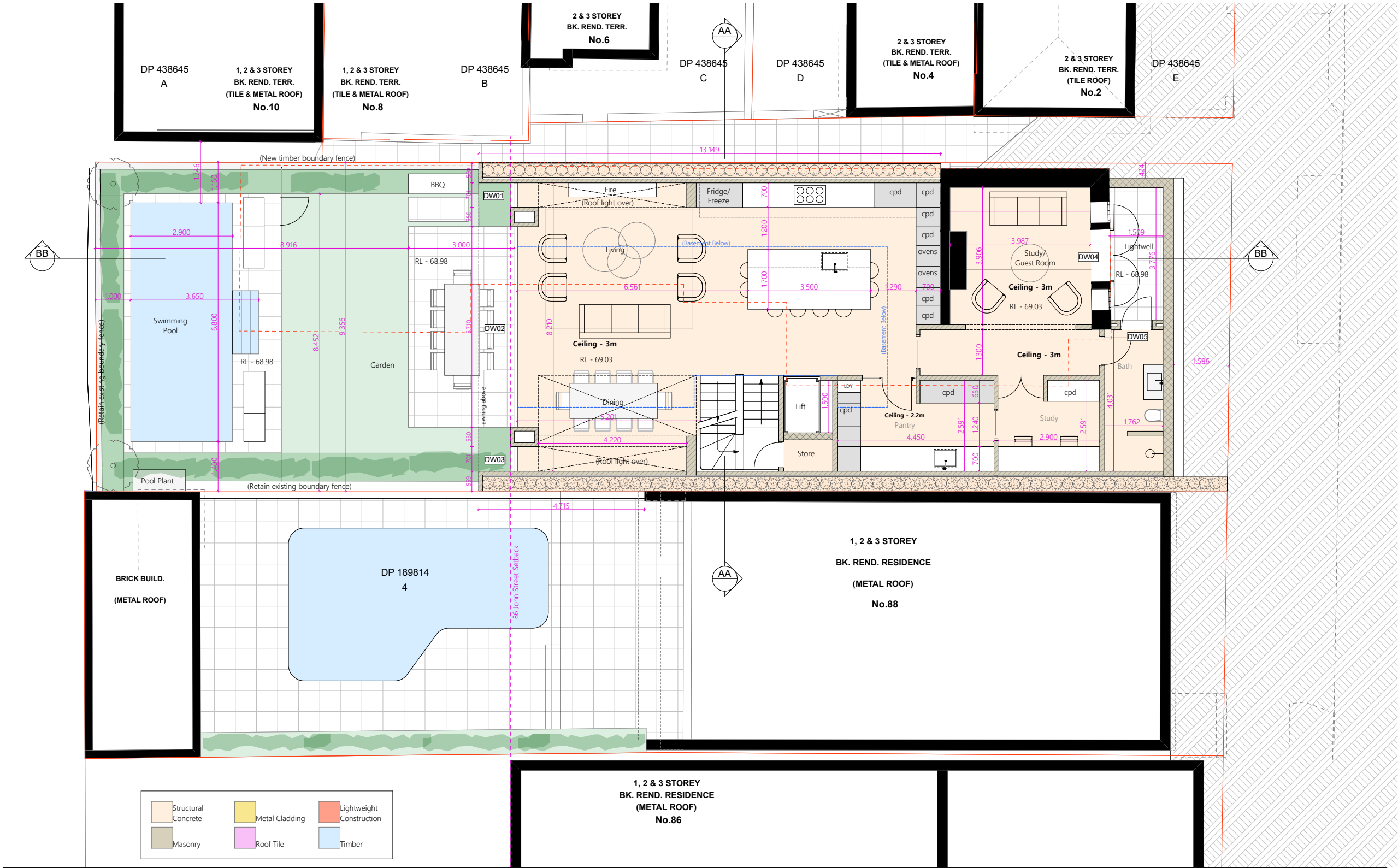
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed Basement
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-04A.2

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

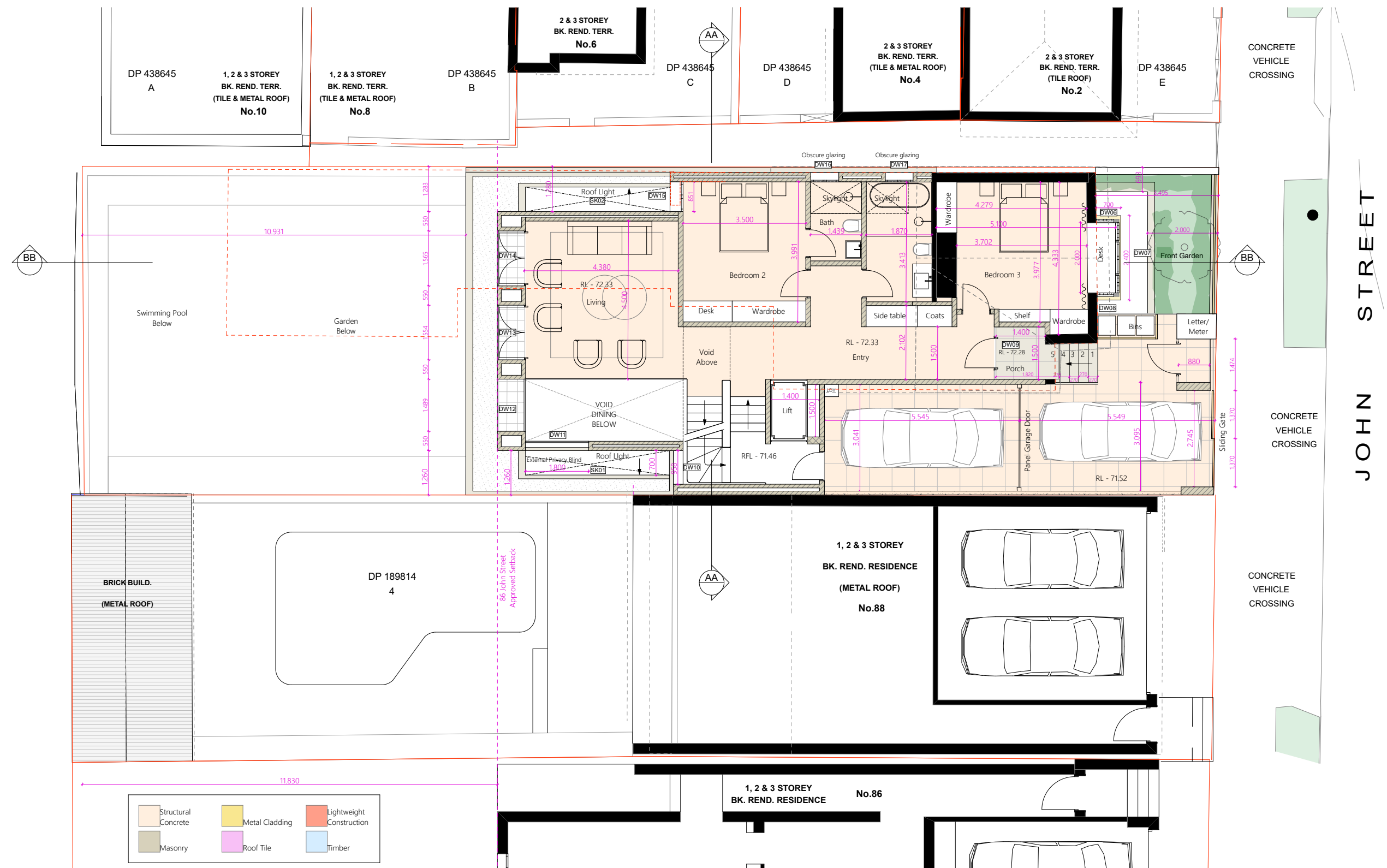
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

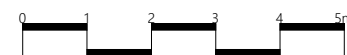
			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed Lower Ground Floor
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-04A.3

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119

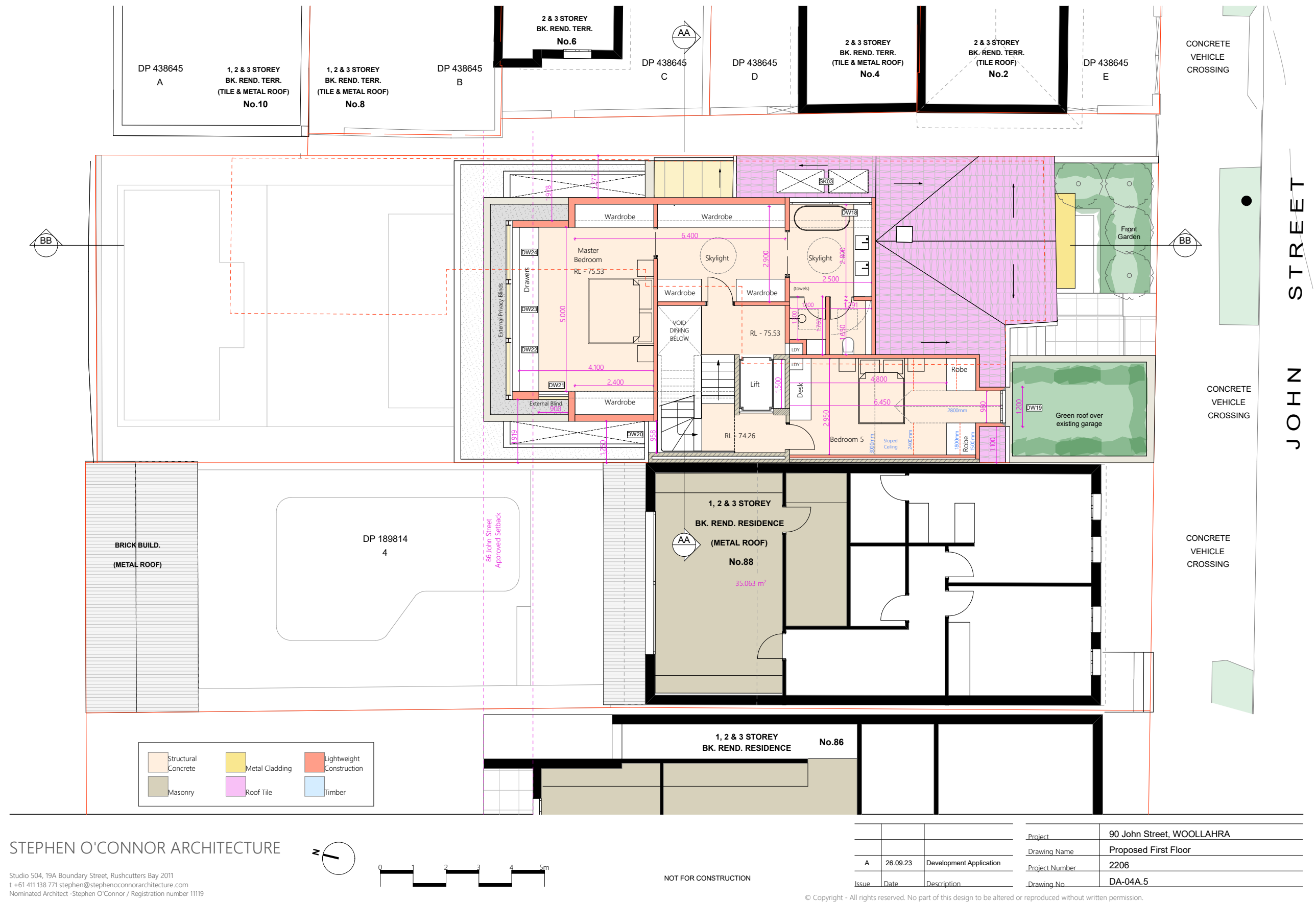


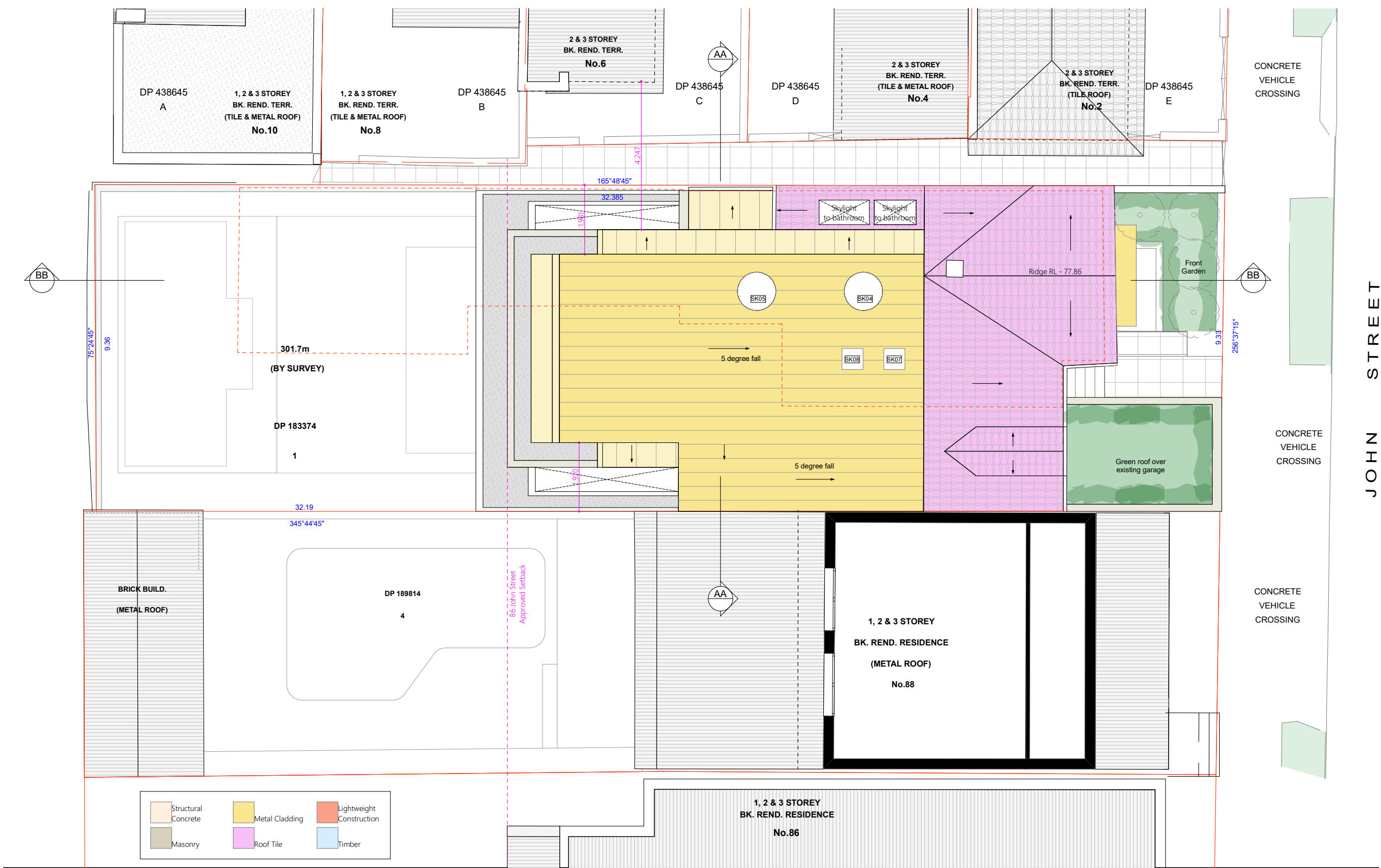
NOT FOR CONSTRUCTION

A	26.09.23	Development Application			
Issue	Date	Description			

Project	90 John Street, WOOLLAHRA
Drawing Name	Proposed Ground Floor
Project Number	2206
Drawing No	DA-04A.4

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.





STEPHEN O'CONNOR ARCHITECTURE

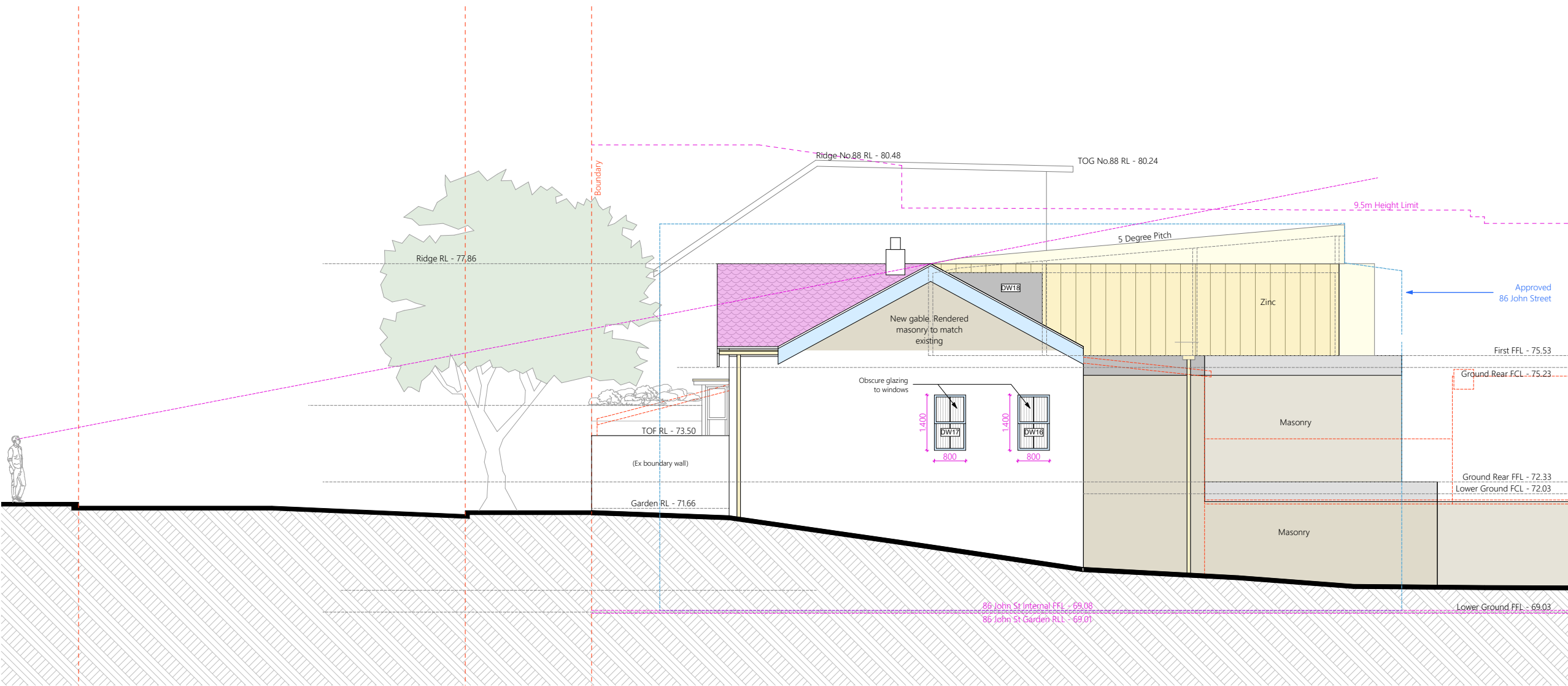
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
A	26.09.23	Development Application	Drawing Name	Proposed Roof Plan
			Project Number	2206
Issue	Date	Description	Drawing No	DA-04A.6

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



Structural Concrete	Metal Cladding	Lightweight Construction
Masonry	Roof Tile	Timber

STEPHEN O'CONNOR ARCHITECTURE

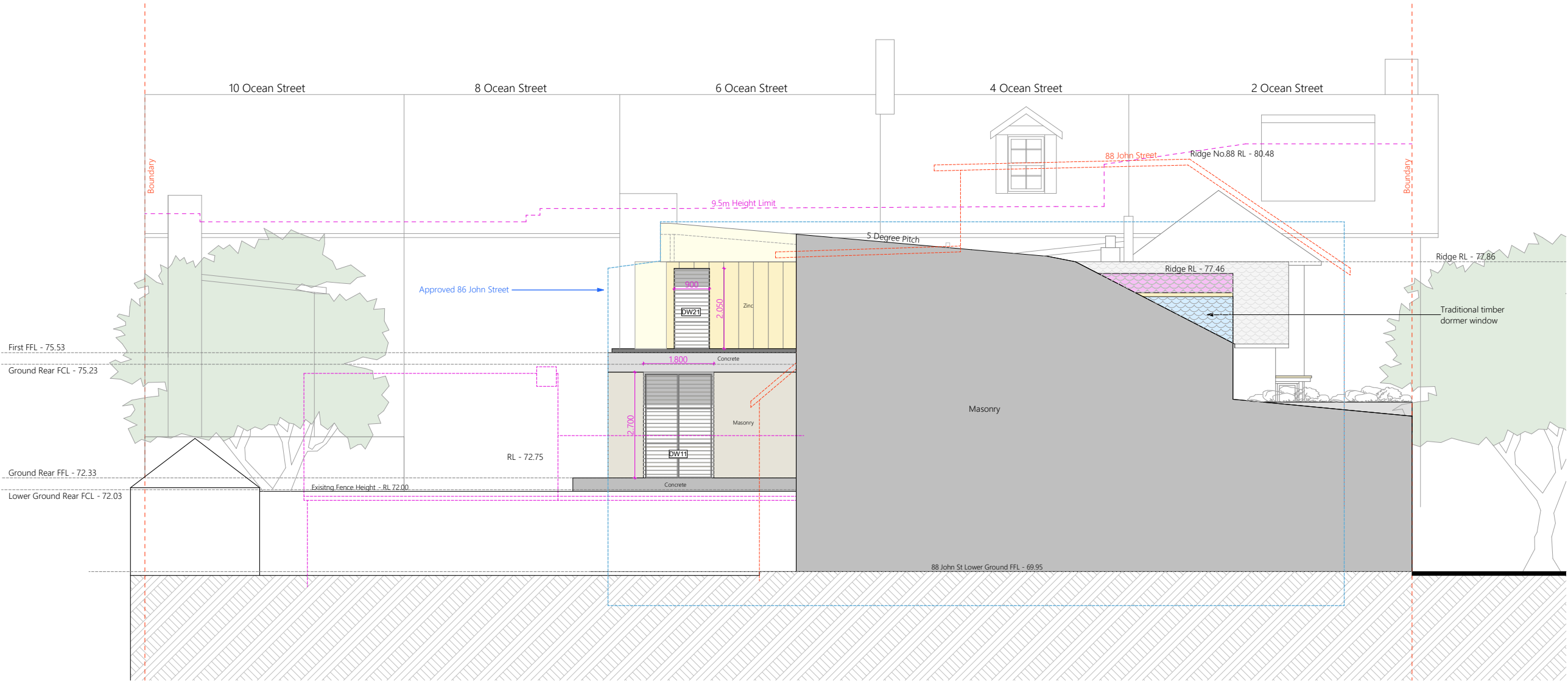
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

Project	90 John Street, WOOLLAHRA
Drawing Name	Proposed East Elevation
Project Number	2206
Drawing No	DA-05.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



Proposed West Elevation

1:100

Structural Concrete	Metal Cladding	Lightweight Construction
Masonry	Roof Tile	Timber

STEPHEN O'CONNOR ARCHITECTURE

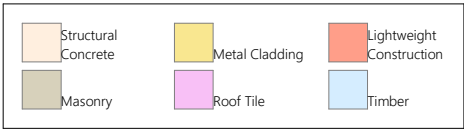
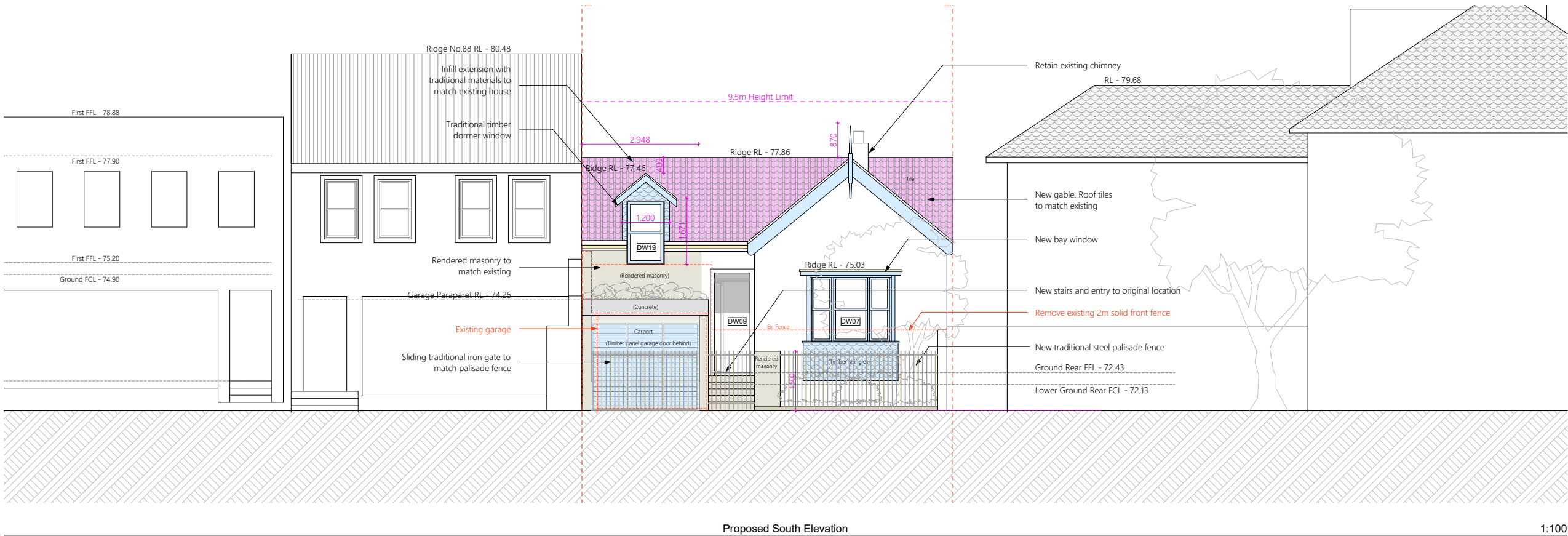
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed West Elevation
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-05.2

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

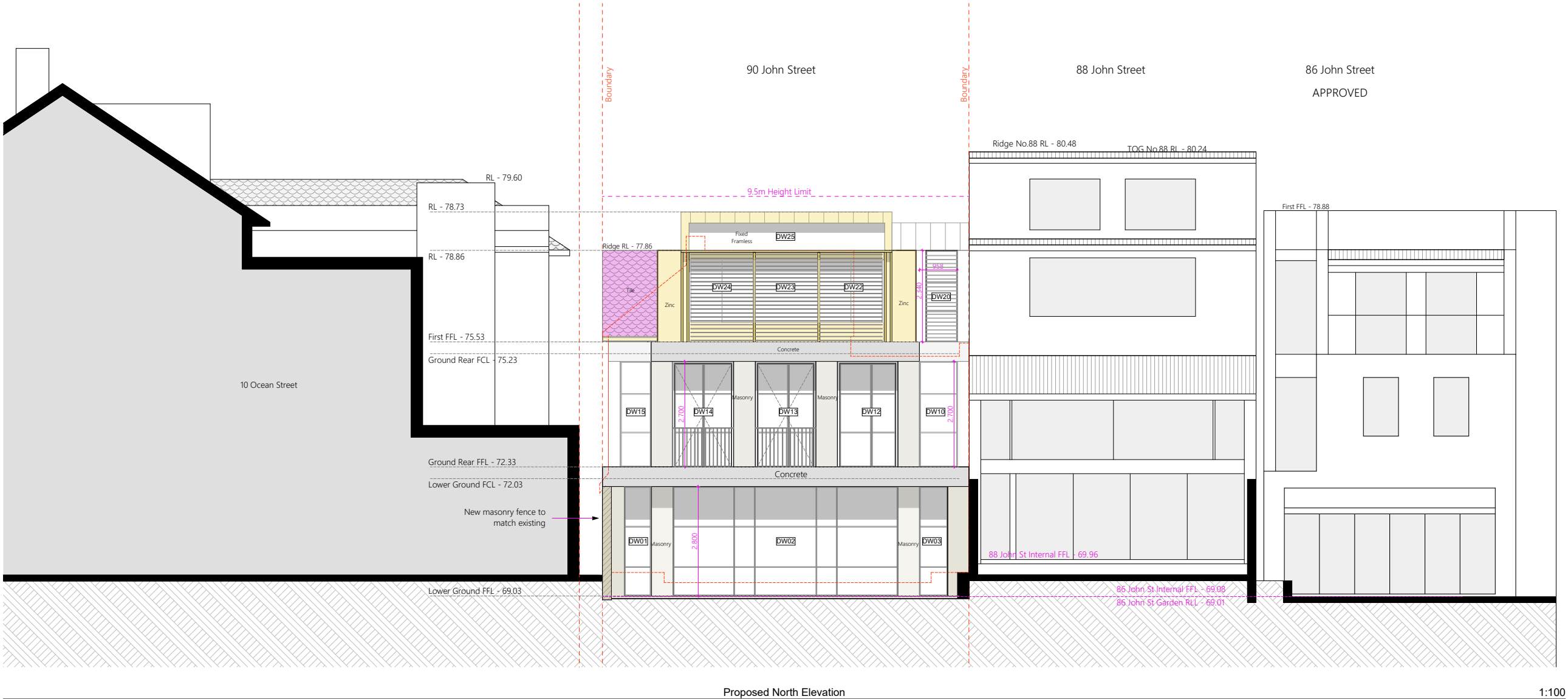
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed South Elevation
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-05.3

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



Structural Concrete	Metal Cladding	Lightweight Construction
Masonry	Roof Tile	Timber

STEPHEN O'CONNOR ARCHITECTURE

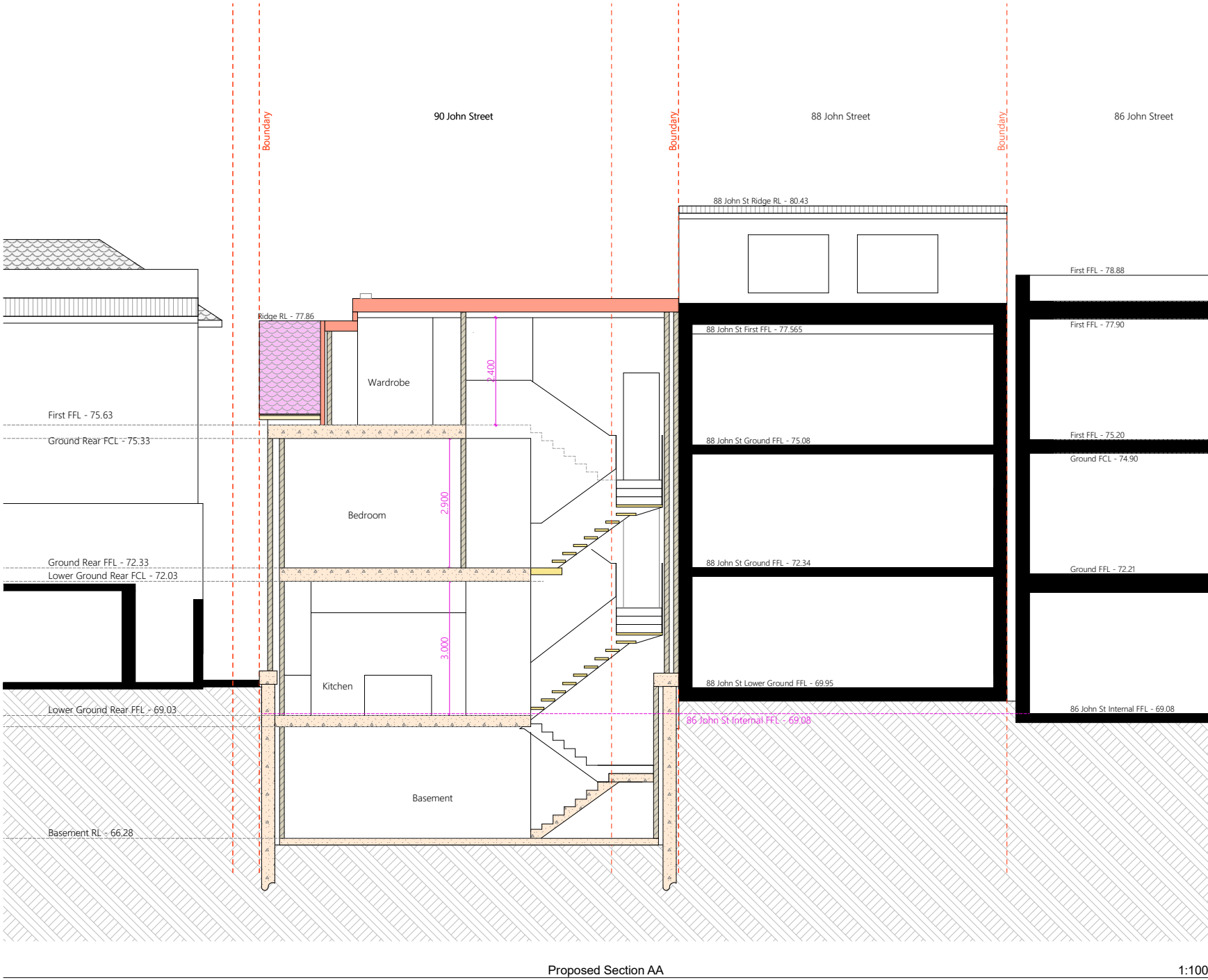
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed North Elevation
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-05.4

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119

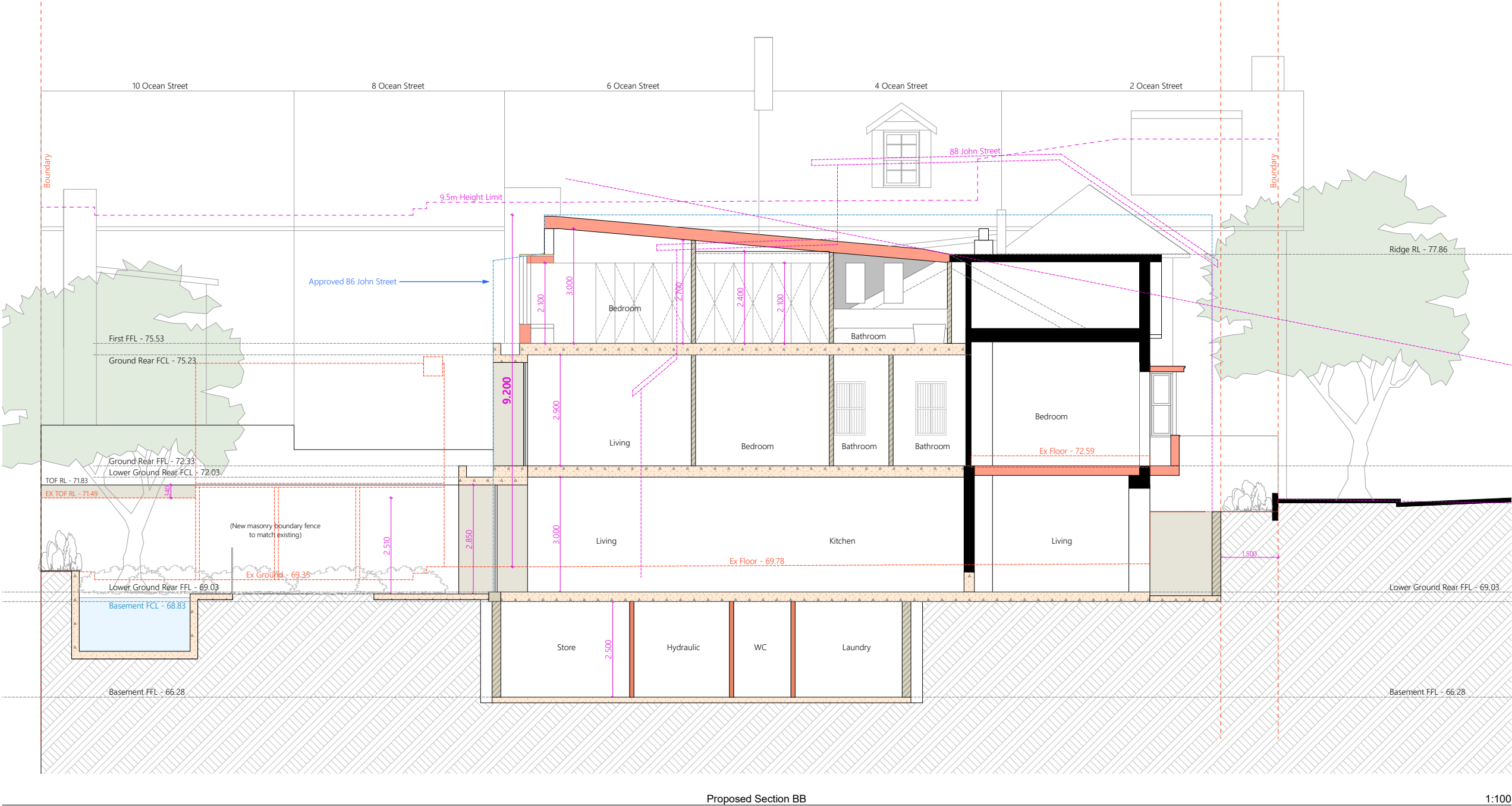


NOT FOR CONSTRUCTION

A	26.09.23	Development Application
Issue	Date	Description

Project	90 John Street, WOOLLAHRA
Drawing Name	Proposed Section A-A
Project Number	2206
Drawing No	DA-06.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

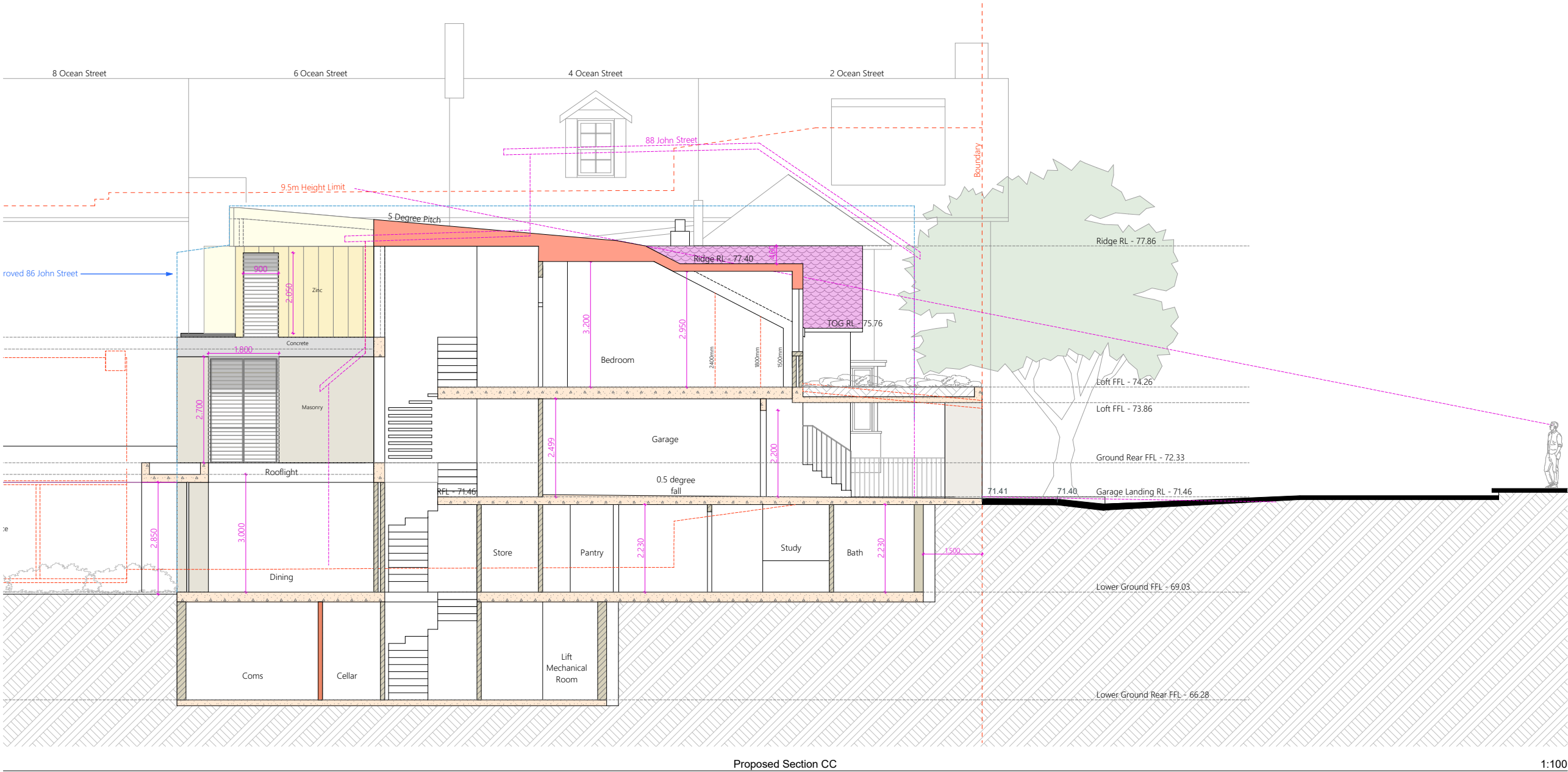
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed Section B-B
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-06.2

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

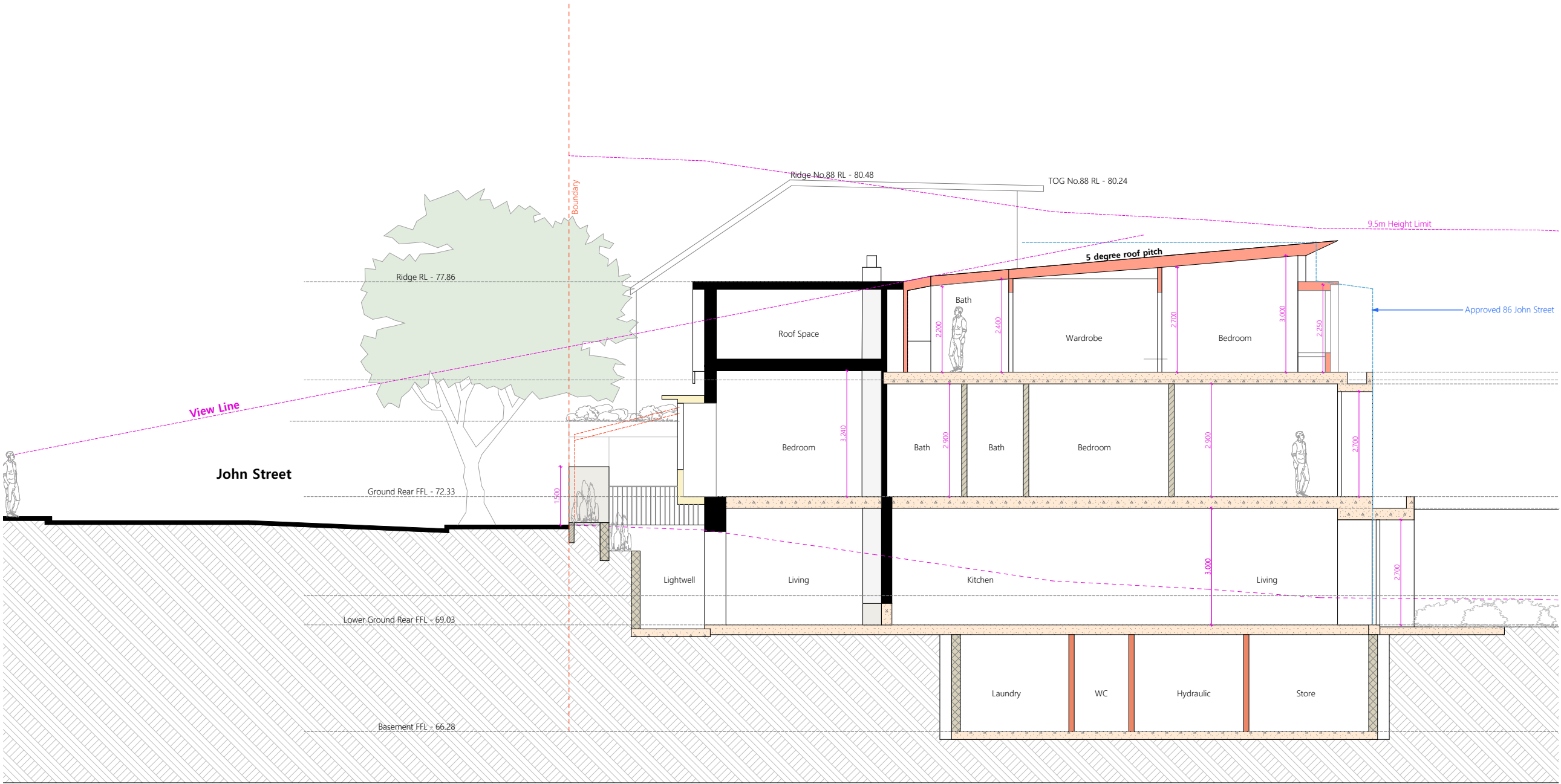
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed Section C-C
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-06.3

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed Section D-D
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-06.4

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.

Deep Soil

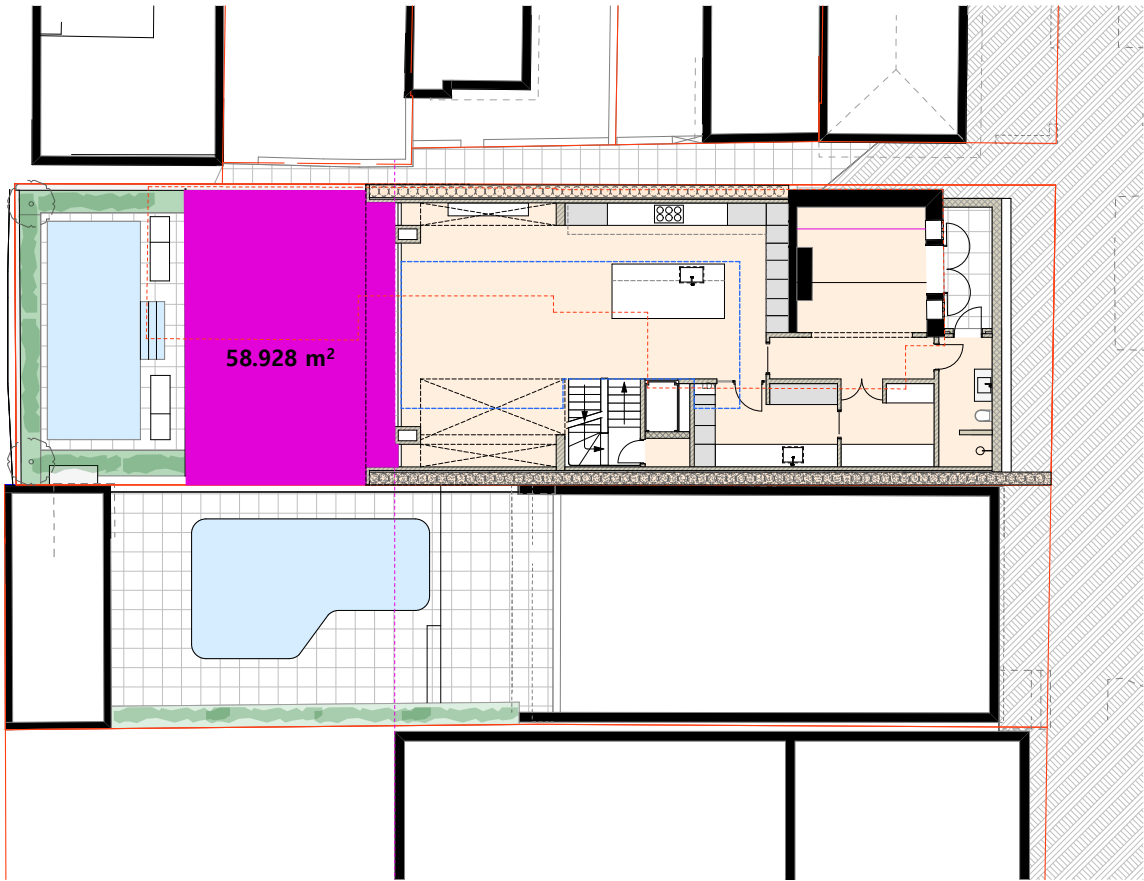
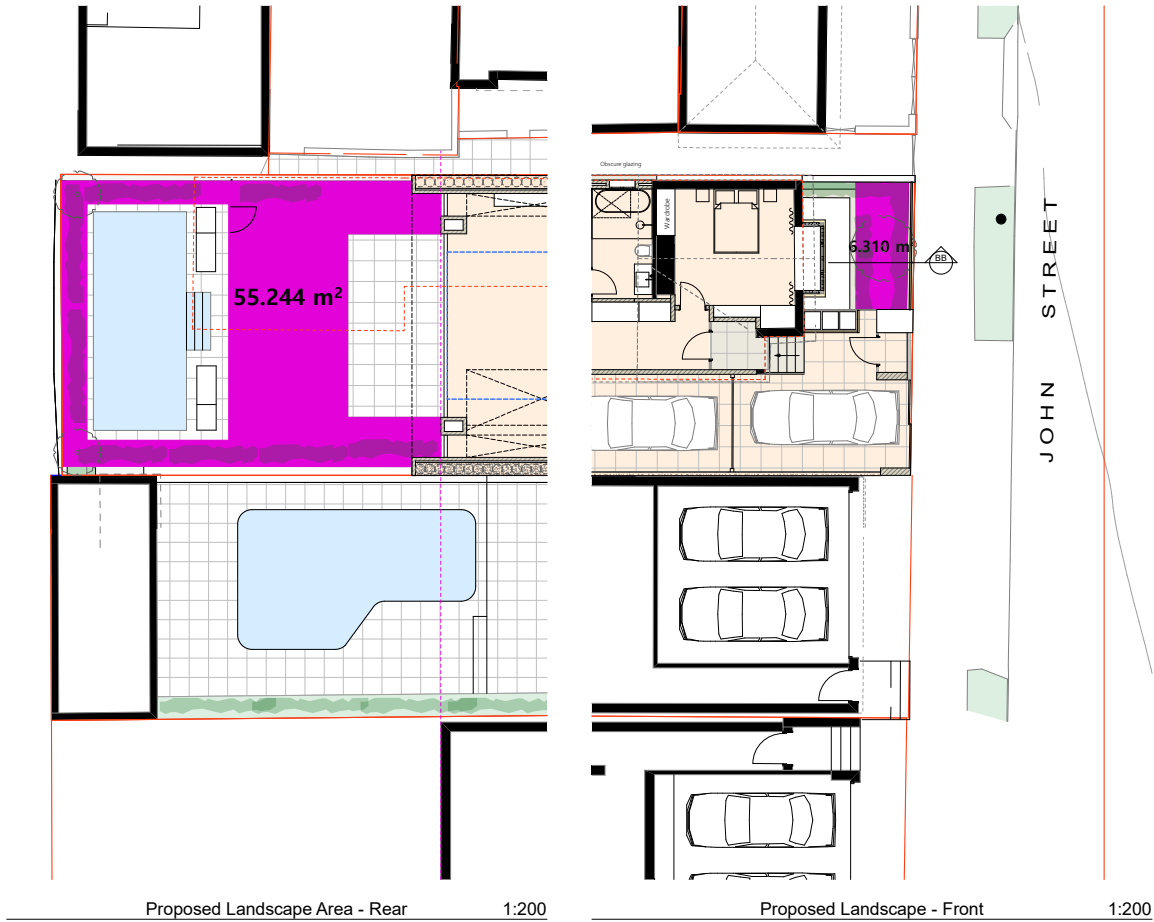
Total existing site - 301m2

Proposed Deep Soil - 61m2 or 20%

Private Open Space

Total existing site - 301m2

Proposed Private Open Space - 58m2 or 19%



STEPHEN O'CONNOR ARCHITECTURE

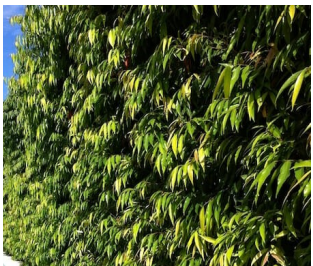
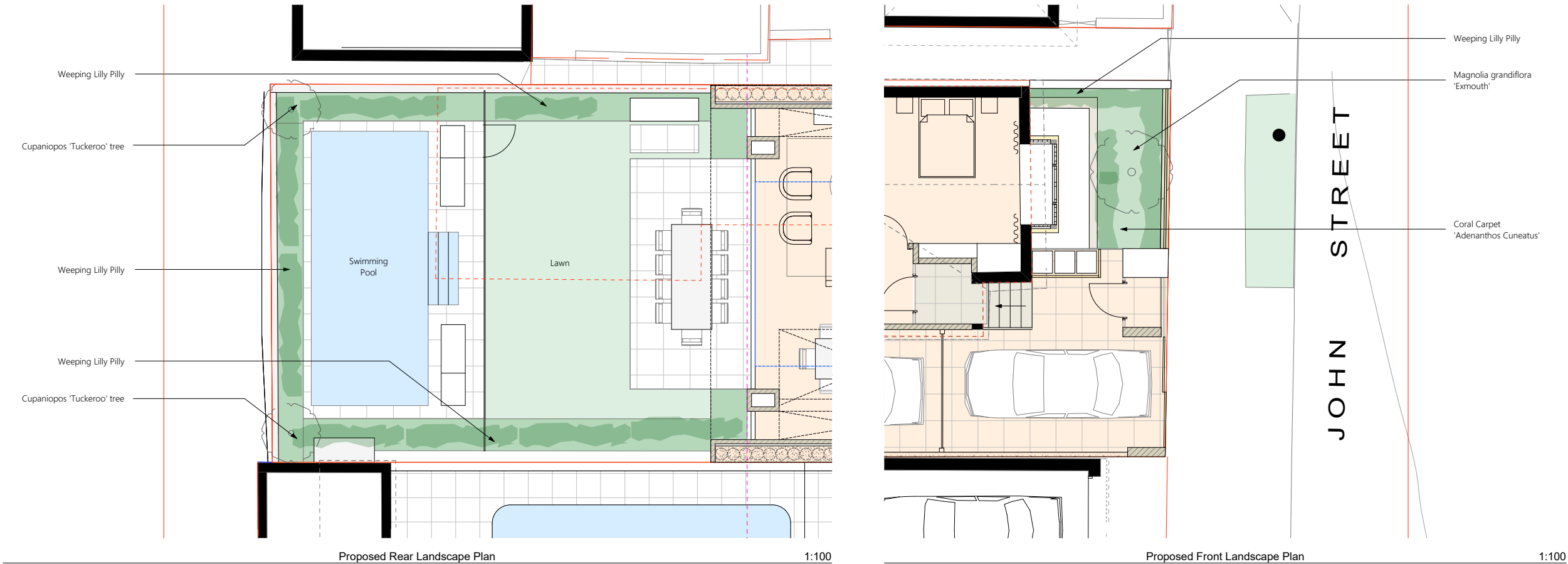
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Calculations
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-07.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



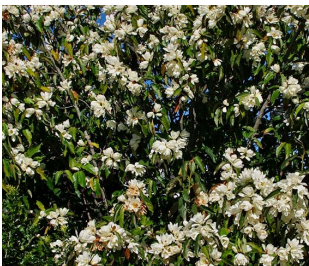
Weeping Lilly Pilly



Coral Carpet



Tuckeroo



Magnolia Grandiflora 'Exmouth'

STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Landscape Plan
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-11.1

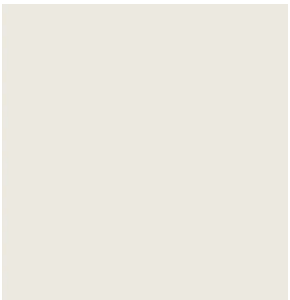
© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



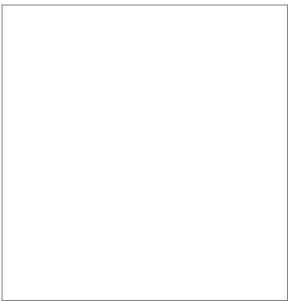
Traditional terracotta roof tile



Timber shingle painted white



Dulux 'Whisper White' to masonry walls of existing house



Dulux 'White' to traditional timber detail



Zinc
Standing Seam Roof



Masonry to new rear external walls



External privacy screen



Steel doors to rear extension

STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Proposed Materials
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-10.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



Existing Front Elevation



Proposed Front Elevation

STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Front Elevation 3D Montage
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-12.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



Existing Front Elevation



Proposed Front Elevation

STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Front Elevation 3D Montage
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-12.2

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



Existing Rear Elevation



Proposed Rear Elevation

STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



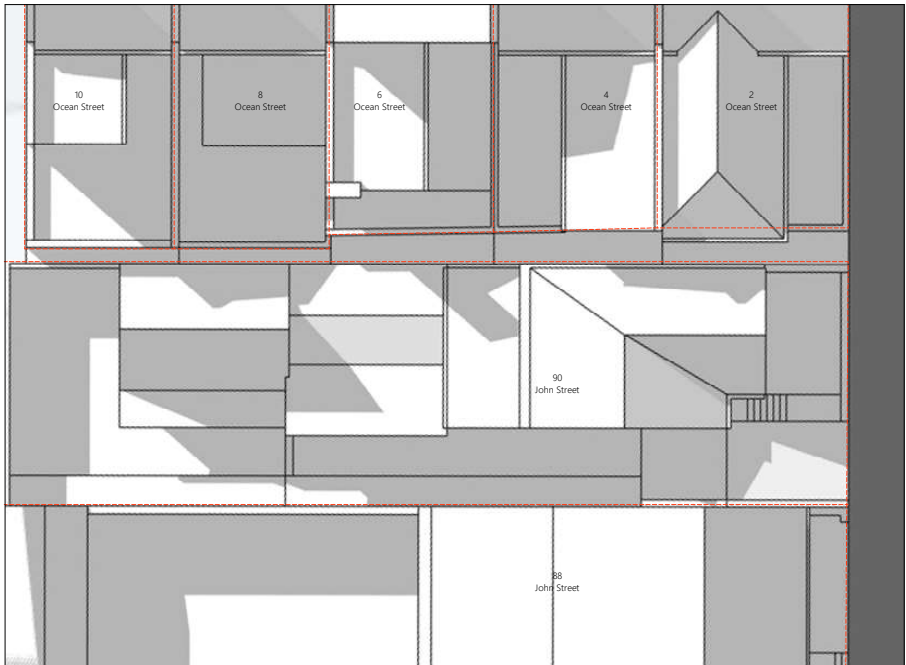
NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Rear Elevation 3D Montage
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-12.3

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



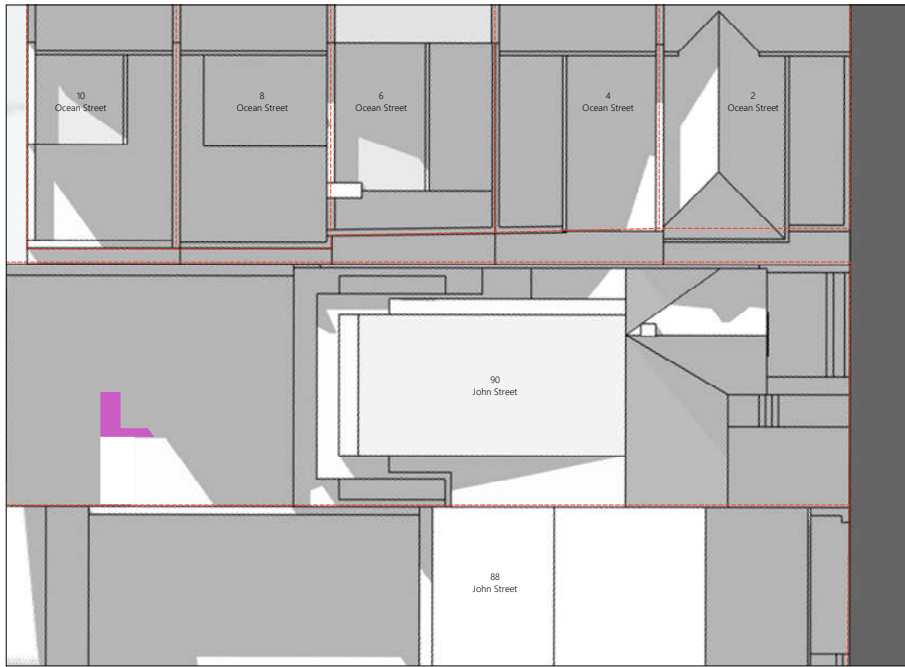
Existing 9am 1:250



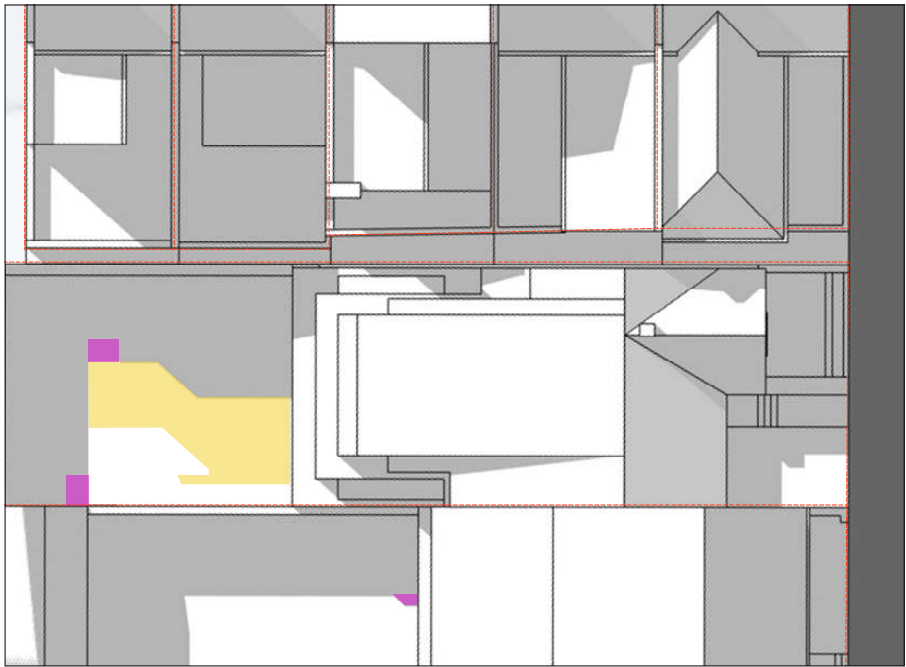
Existing 10am 1:250

Additional Shadow

Additional Sunlight



Proposed 9am 1:250



Proposed 10am 1:250

STEPHEN O'CONNOR ARCHITECTURE

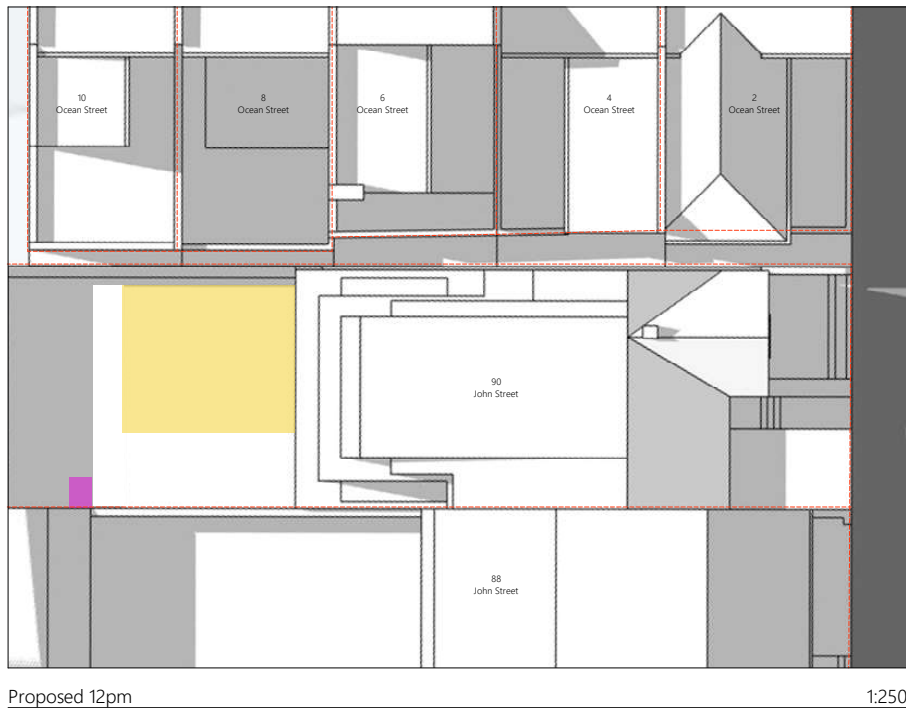
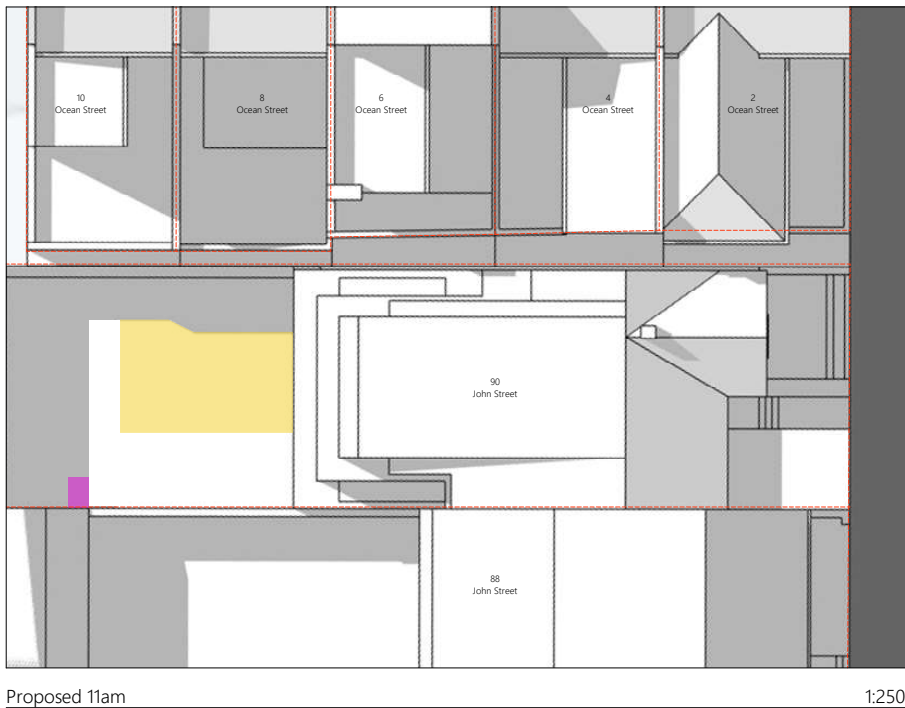
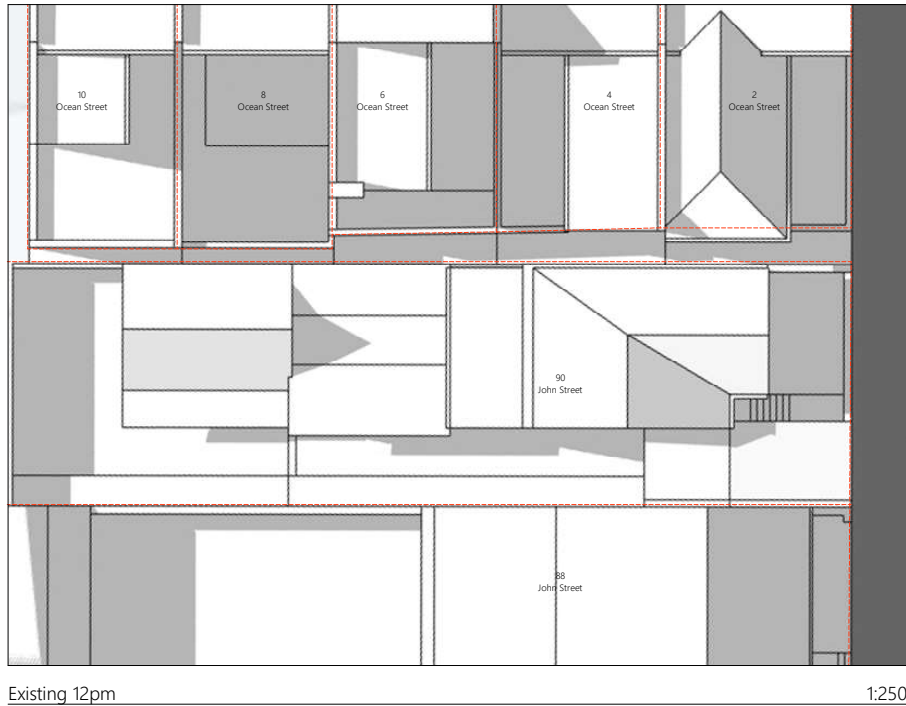
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Plan Shadow 9am & 10am
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-08.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

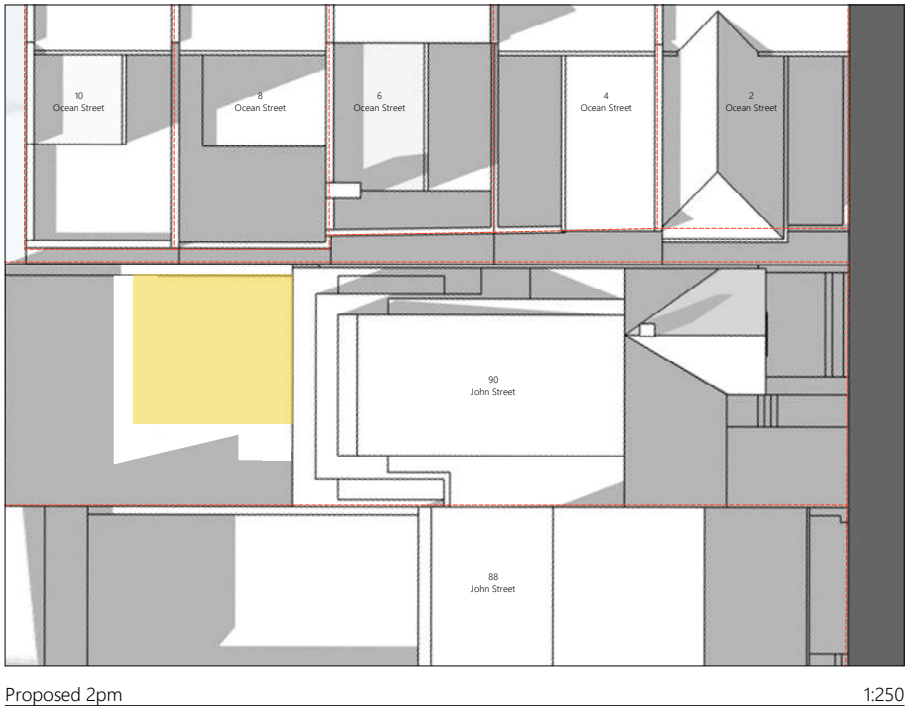
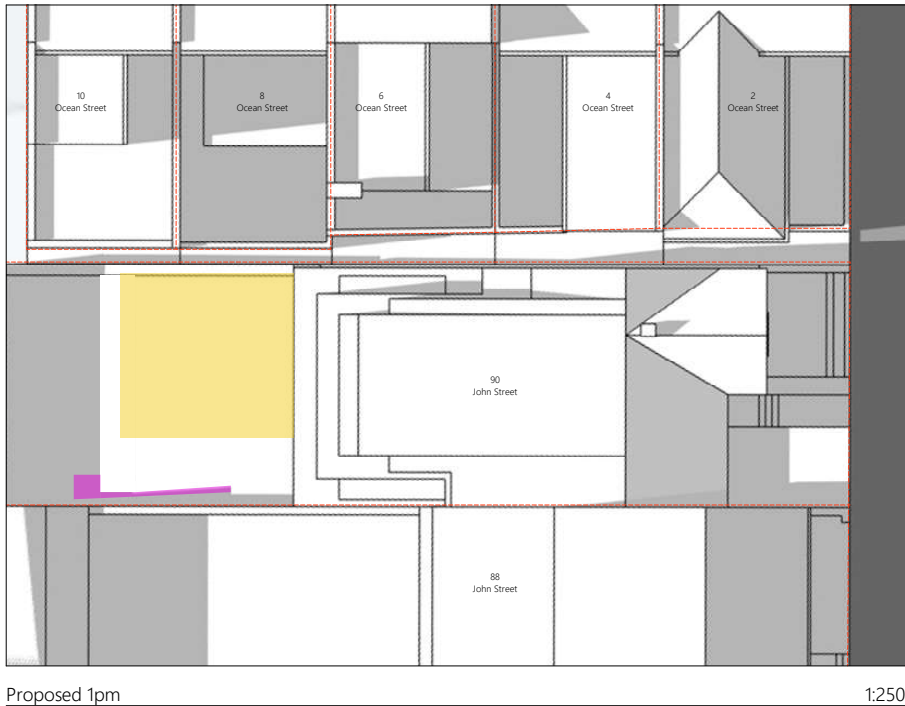
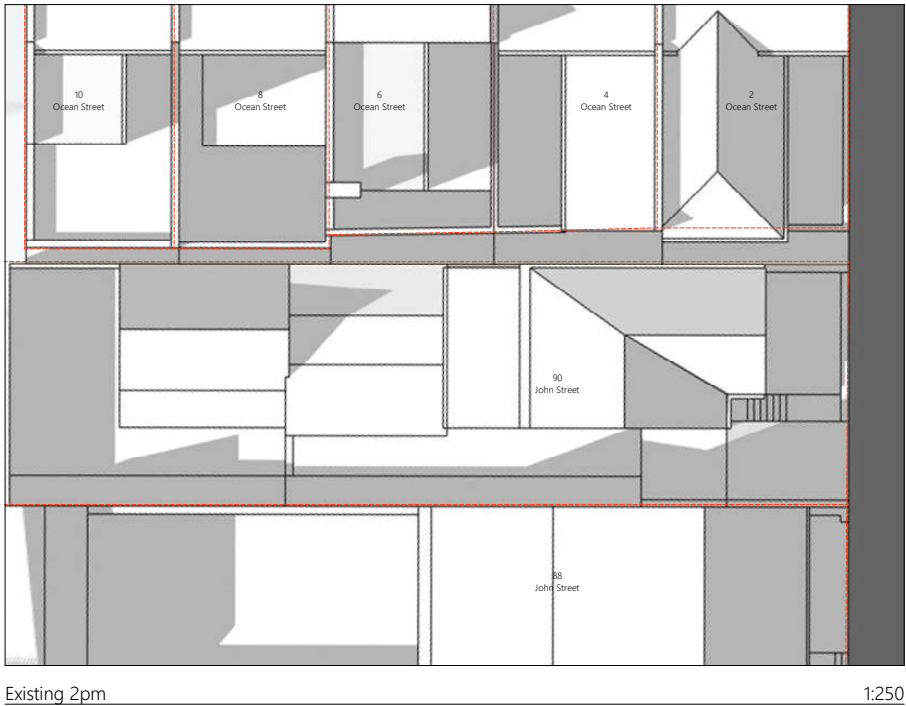
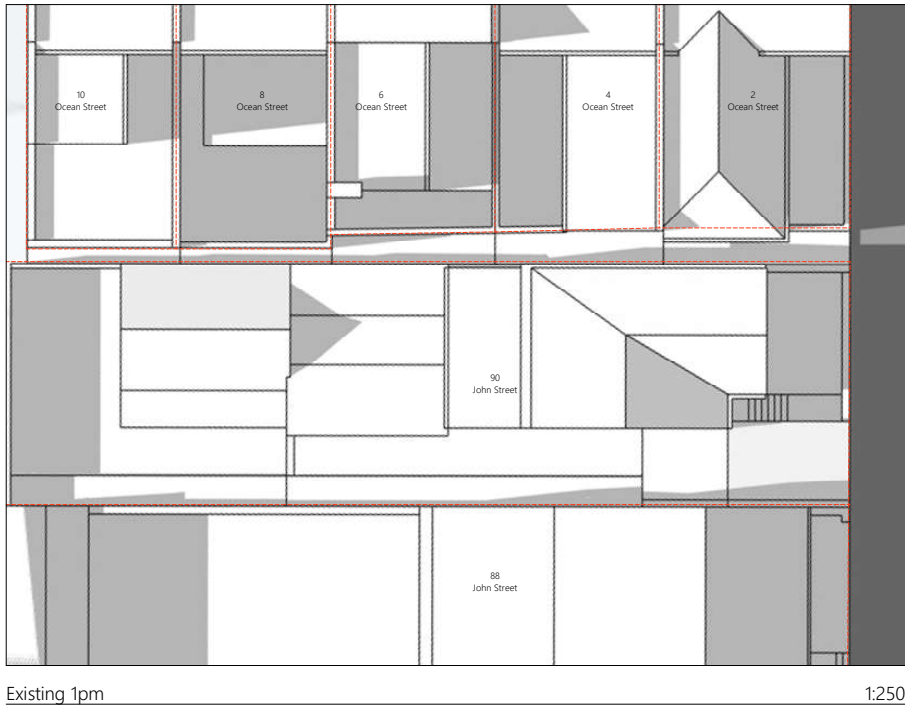
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Plan Shadow 11am & 12pm
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-08.2

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



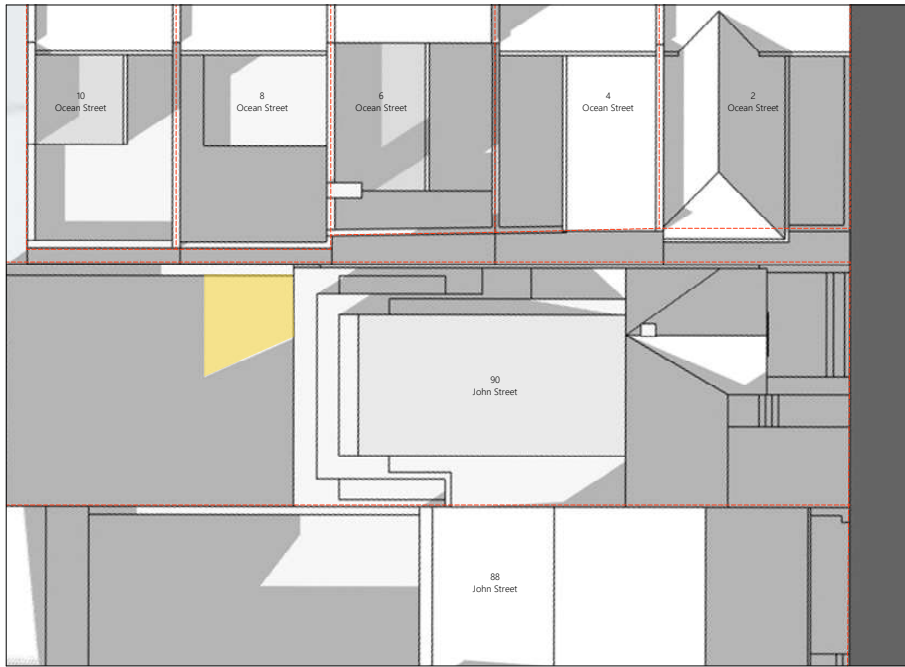
NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Plan Shadow 1pm & 2pm
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-08.3

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



Existing 3pm 1:250



Proposed 3pm 1:250

STEPHEN O'CONNOR ARCHITECTURE

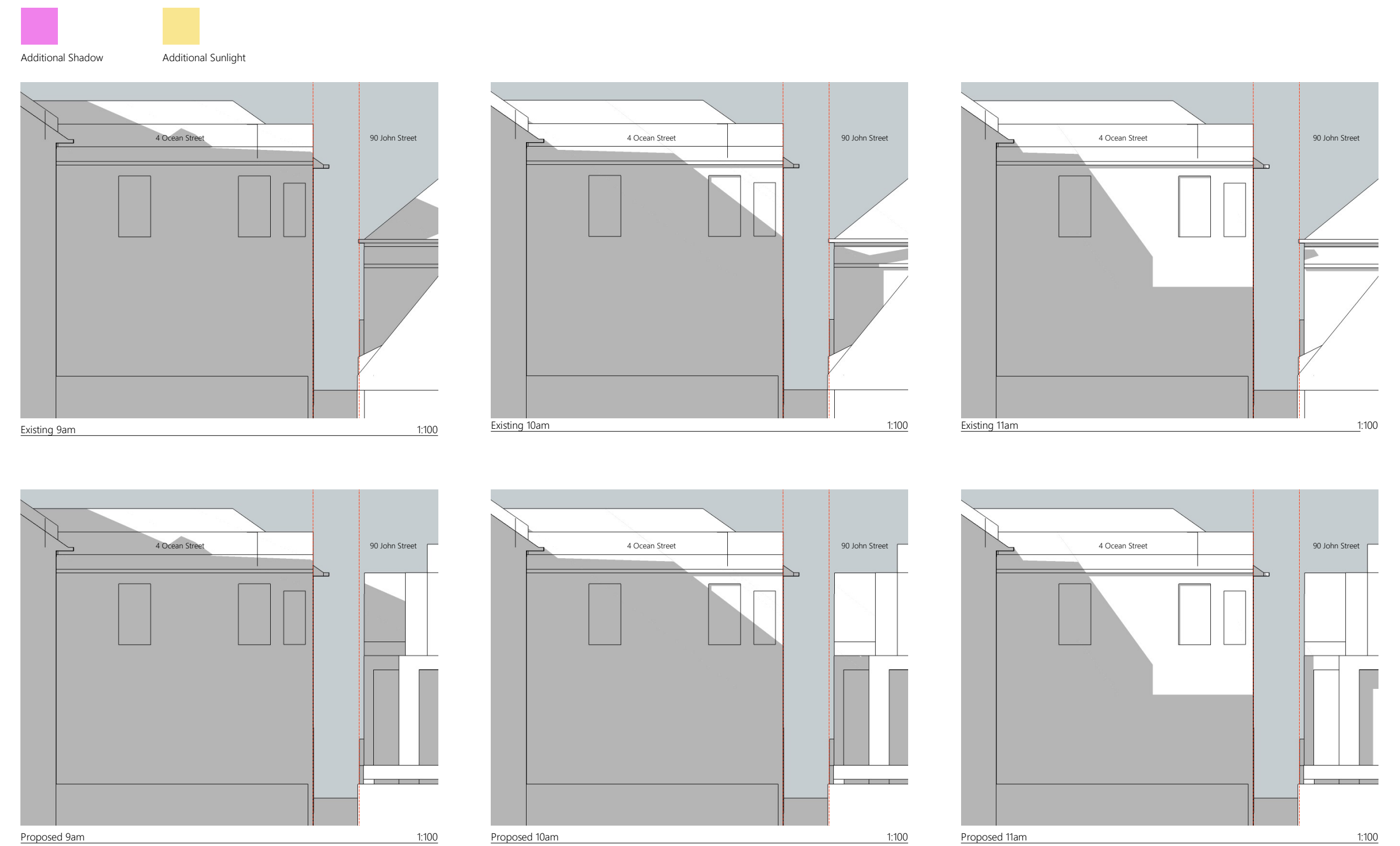
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	Plan Shadow 3pm
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-08.4

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011

t +61 411 138 771 stephen@stephenoconnorarchitecture.com

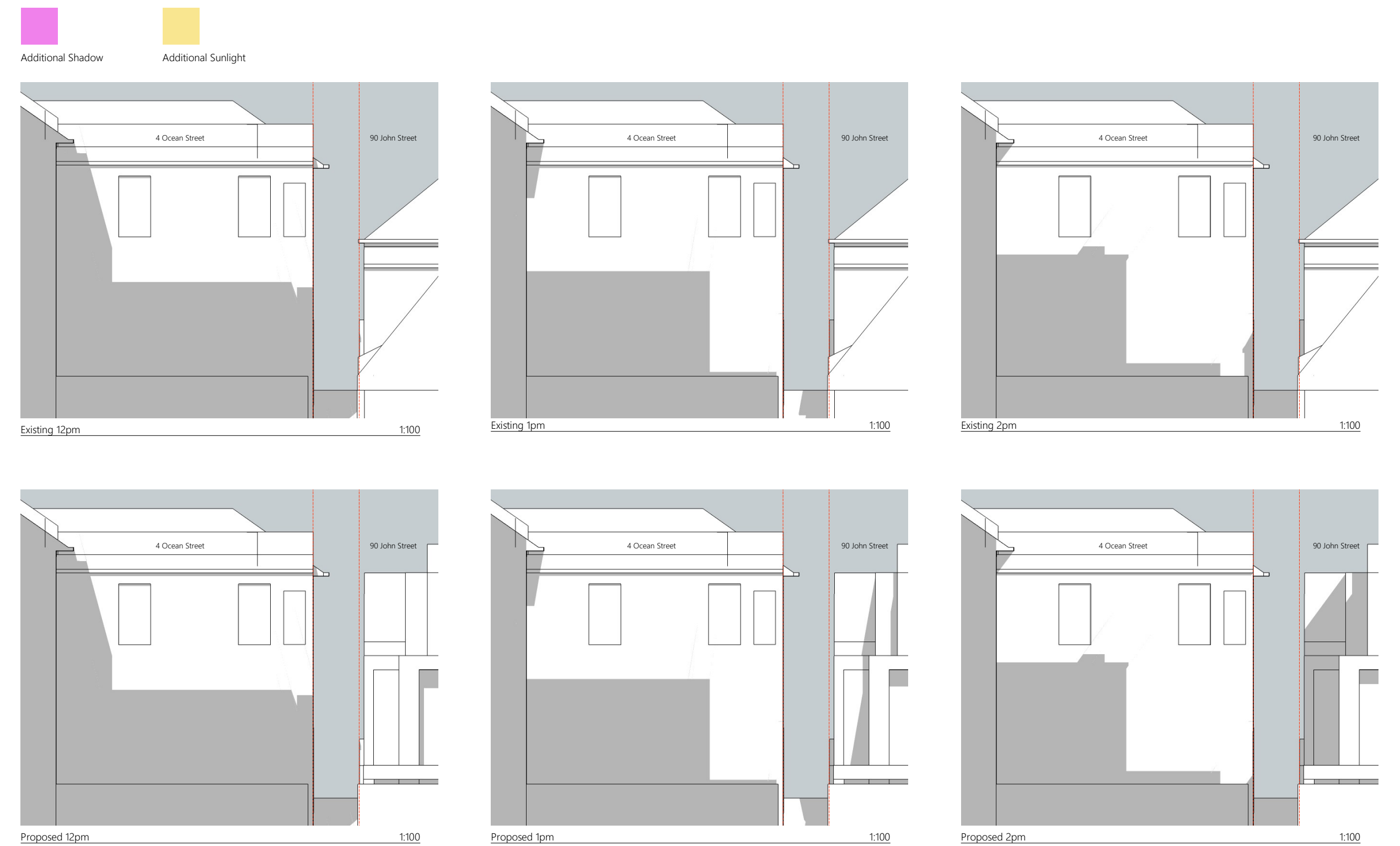
Nominated Architect - Stephen O'Connor / Registration number 11119

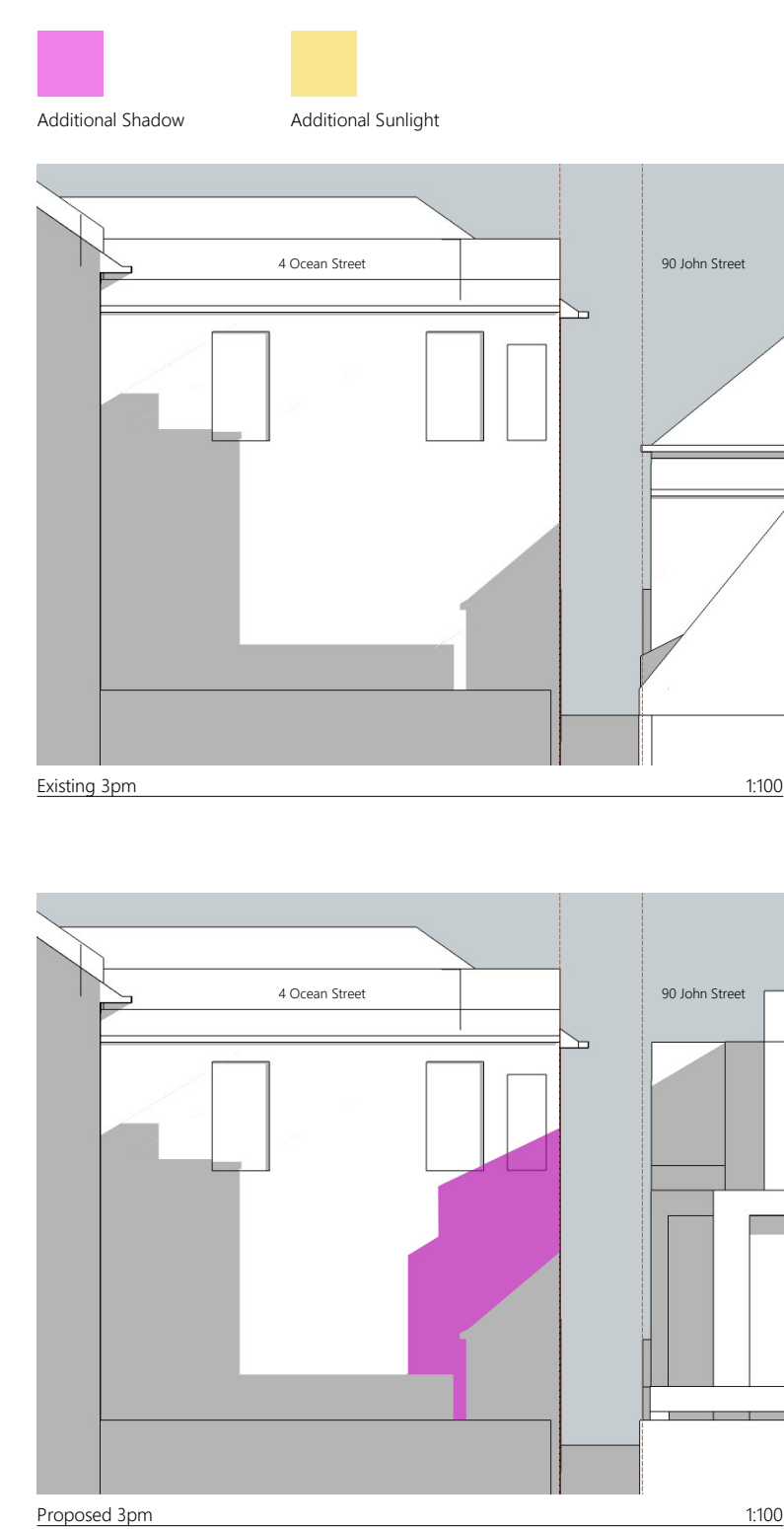
012345m

NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
A	26.09.23	Development Application	Drawing Name	4 Ocean Street Shadow Elevations 9-11am
			Project Number	2206
Issue	Date	Description	Drawing No	DA-09.1

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.





STEPHEN O'CONNOR ARCHITECTURE

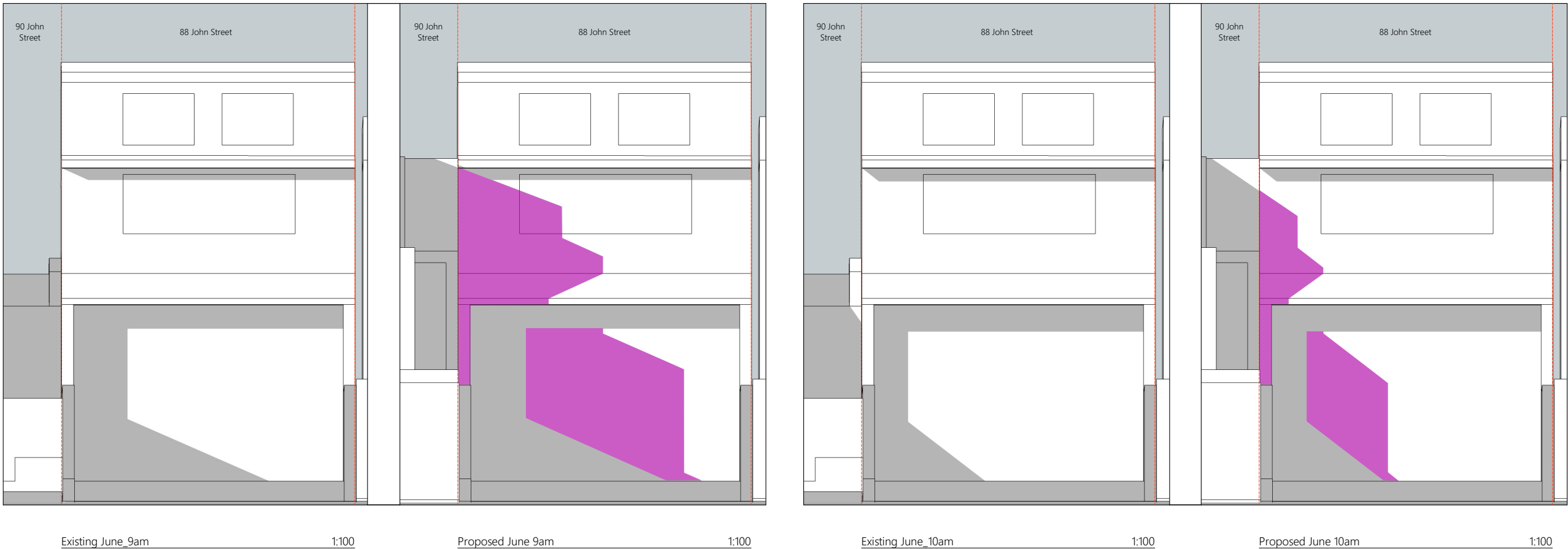
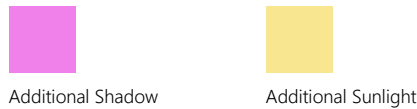
Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	4 Ocean Street Shadow Elevations_3pm
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-09.3

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	88 John Street_9am & 10am
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-09.4

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.

Additional Shadow

Additional Sunlight



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



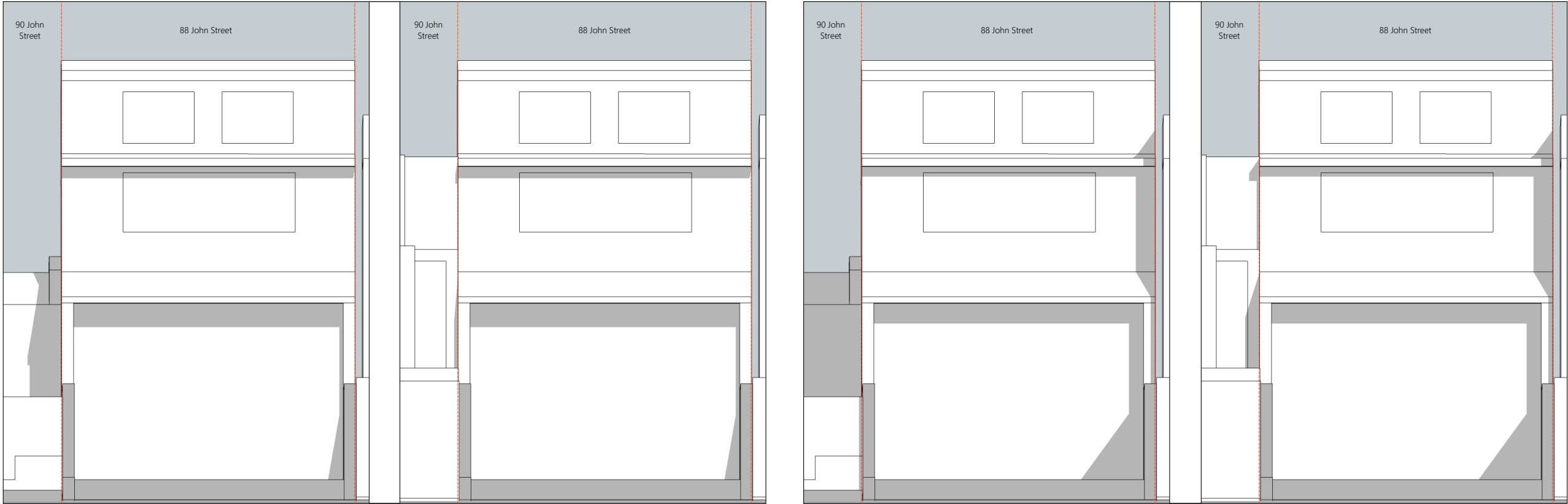
NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	88 John Street_ 11am & 12pm
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-09.5

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.

Additional Shadow

Additional Sunlight



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	88 John Street _1pm & 2pm
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-09.6

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.

Additional Shadow

Additional Sunlight



STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect - Stephen O'Connor / Registration number 11119



NOT FOR CONSTRUCTION

			Project	90 John Street, WOOLLAHRA
			Drawing Name	88 John Street _3pm
A	26.09.23	Development Application	Project Number	2206
Issue	Date	Description	Drawing No	DA-09.7

© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission.



Woollahra
Municipal
Council

31 January 2024

REFERRAL RESPONSE - HERITAGE

FILE NO: Development Applications: 413/2023/1

ADDRESS: 90 John Street WOOLLAHRA 2025

PROPOSAL: Extensive alterations and additions (New Dwelling) including a new swimming pool and associated landscaping

FROM: Tristan Ryan – Senior Strategic Heritage Officer

TO: Ms L Williams

1. DOCUMENTATION

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

- Drawing set by Stephen O'Connor Architecture, dated 26 September 2023, and numbered DA-04A.1 – DA-06.4.
- Heritage Impact Statement by John Oultram, dated October 2023.
- Statement of Environmental Effects by GSA Planning, dated October 2023.
- Survey plan by Hill & Blume Consulting Surveyors, dated 7 June 2022.

2. SITE INSPECTION / RESEARCH

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

- The site was inspected on 31 January 2024, including the interior and the general locality.

Review of the following documents and photographic evidence:

- Council's property system, to establish dates of earlier building and development applications for the subject and surrounding properties.
- Council's photography files relevant to the immediate area
- Council's heritage inventory sheets
- Council's aerial photography and mapping database
- Google Maps – street view

3. STATUTORY AND POLICY DOCUMENTS

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

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

4. ASSESSMENT OF HERITAGE IMPACT

Compliance with the relevant legislative framework and planning controls

5. SIGNIFICANCE OF SUBJECT PROPERTY/TO THE CONSERVATION AREA

The property is a contributory item to the Woollahra Heritage Conservation Area, in the West Woollahra precinct. It is described as a Victorian House.
--



Woollahra
Municipal
Council

National Parks and Wildlife Act 1974

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

A basic search conducted on AHIMS (Aboriginal Heritage Information Management System) on 31 January from the Office of Environment & Heritage NSW (OEH) website has revealed that there are 0 recorded Aboriginal sites recorded within a 50m buffer in or near the above location.

The site does not contain landscape features that indicate the likely existence of Aboriginal objects as defined in Section 2, Step 2 p.12 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW ('Due Diligence Code') published by the Department of Environment, Climate Change and Water and dated 13 September 2010.

The subject site is considered to be on 'disturbed land' as per the definition outlined in the Due Diligence Code, p. 18.

Woollahra LEP 2014

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

Clause 1.2 Aims of Plan

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

The proposal includes the substantial demolition of a contributory item in a heritage conservation area, as well as alterations to the principle building form. Changes to the proposal are required to ensure compliance with this aim.

Clause 5.10 Heritage Conservation

The proposal is assessed against the provisions of the DCP, below. While the proposal is in general in line with the objectives of the LEP, some alteration is required.

Significance of items in the vicinity

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

Woollahra DCP 2015

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

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

Part C – Heritage Conservation Areas – C2 Woollahra HCA DCP

UNDERSTANDING THE CONTEXT



Woollahra
Municipal
Council

Clause 2.2.2 The significance of the Woollahra HCA

- Relevantly, the significant elements include:
 - the variety of significant public and private building types;
 - the variety of significant architectural styles and scales within the range of building types;

Clause 2.2.5 Desired future character of the Woollahra HCA

Objectives O2, O5

- The proposal is partially in accordance with these objectives, but includes substantial demolition of the existing building. Additionally, some modification is required to make clear that the new additions at the front are new additions, thereby retaining evidence of the historical development of the HCA.

Clause 2.2.6 Conservation philosophy and management policy

Objectives O3, O5

- The proposal as it stands is not in accordance with these policies and principles. It includes a substantial degree of demolition of the existing property, and therefore cannot be said to conserve the building. Some modification of the design is required to ensure that the new additions can be easily distinguished from the old.

PRECINCTS

Clause 2.3.2 West Woollahra Precinct

Objectives O2, O6

- The proposed removal of the high front wall and replacement with a sympathetic but modern palisade fence represents an improvement to the streetscape.
- The degree of demolition is not in keeping with O6, as it does not conserve the contributory item.

BUILDING TYPE CONTROLS

Clause 2.4.1 Single storey residential buildings

Objectives O1, O2

Controls C1, C2, C3, C7

- The proposal broadly complies with these controls and objectives.

GENERAL CONTROLS FOR ALL DEVELOPMENT

Clause 2.5.2 Conservation of Contributory Items

Objectives O1, O3, O5

Control C1, C2, C3

- The proposal involves the demolition of much of the original building form, and therefore does not comply with objectives O1 and O3, or the relevant controls: C1(a), C1(b), C1(c), C1(e), C3(a), C3(b).

Clause 2.5.4 Materials, finishes and colours

Objective O1, O2, O3,

Control C1

- The proposal complies with this and achieves these objectives.

Clause 2.5.5 Roofs, skylights and chimneys

Objectives O1

Controls C1, C8, C9, C11



Woollahra
Municipal
Council

- The proposed dormer has been inserted into the proposed addition and is designed and detailed in sympathy with dormers of the period. Although it does not comply with the controls, it does comply with the broader objective of this part.

6. CONCLUSION

National Parks & Wildlife Service Act, 1979

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

Woollahra LEP 2014

- Clause 1.2 (2) (f) The development does not conserve the built heritage of Woollahra.

Part 5.10

- Clause 1(a) The development does not conserve the heritage of Woollahra.
- Clause 1(b) The impact upon the heritage significance of the conservation area will be adverse.
- Clause 4 This referral constitutes an assessment under this clause.

7. RECOMMENDATION

It is recommended that the application be refused based on non-compliance with the following objectives and controls and the consequent non-compliance with the aims and objectives of the Woollahra LEP 2014.

- Woollahra DCP 2015, Chapter C2, Clause 2.2.5, Objectives O2, O5
- Woollahra DCP 2015, Chapter C2, Clause 2.2.6, Objectives O3, O5
- Woollahra DCP 2015, Chapter C2, Clause 2.3.2, Objectives O6
- Woollahra DCP 2015, Chapter C2, Clause 2.5.2, Objectives O1, O3, O5, Controls C1, C3.

In the event of an approval, the following design changes would be recommended to be conditioned:

- All exterior walls of the principle building form must be largely retained.
- The interior walls of the principle building form should be interpretable, such as by the use of nibs.
- There should be a visual distinction between the existing principle building form and the proposed extension on the facade. This may be achieved by change of materials, a shadow gap, etc.

Tristan Ryan
Senior Strategic Heritage Officer

4 March 2024
Completion Date



Woollahra
Municipal
Council

6 February 2024

REFERRAL RESPONSE – TREES AND LANDSCAPING

FILE NO: Development Applications: 413/2023/1

ADDRESS: 90 John Street WOOLLAHRA 2025

PROPOSAL: Extensive alterations and additions (New Dwelling) including a new swimming pool and associated landscaping

FROM: Nick Williams - Tree & Landscape Officer

TO: Ms L Williams

1. ISSUES

Inadequate soil area provided for the proposed Tuckeroo trees at the rear of the pool area- modification to the planting location required.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environmental Effects, prepared by GSA Planning, dated October 2023.
- Survey Plan No. 64043001A, drafted by Hill & Blume, dated 7/6/2022.
- Proposed Architectural Drawing No's DA-04A.1- DA04A.6, DA05.1-DA05.4, DA06.1- DA-06.4 drawn by Stephen O'Connor Architecture, dated 26/9/2023.
- Landscape Plan No's DA-11.1, designed by Stephen O'Connor Architecture, dated 26/9/2023

A site inspection was carried out on. 31st of 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)
- 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

4. COMMENTS



Woollahra
Municipal
Council

There are a total of four (4) trees within the site are large enough to be protected by Council's Tree Management DCP (that is, being either 5 metres in height or 3 metres in width). None of these specimens however are considered to have high enough landscape significance to warrant special design modifications and retention. The submitted landscape plan proposes sufficient replacement planting of hedging trees and single specimen plantings. As a result, there are no issues with the removal of the existing trees within the property.

There is insufficient space provided for the Tuckeroo trees located either side of the swimming pool adjacent the rear boundary. These trees are unlikely to succeed as landscape features due to the small restricted area of deep soil provided in this location. Consequently there is a design modification required to ensure these trees are planted either side of the proposed lawn area to ensure they grow to their full potential and provide benefit to the site and neighbouring properties. The amendment is outlined within condition D.2 of this referral response.

Tree protection fencing and a tree damage security deposit bond are recommended for the Blueberry Ash (*Elaeocarpus*) street tree located at the front of the property.

5. RECOMMENDATIONS

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

A. GENERAL CONDITIONS

A. 1.

Approved Plans and Supporting Documents

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

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

Reference	Description	Author	Date
DA-11.1	Landscape Plan	Stephen O'Connor Architecture	26/9/2023

Notes:

- Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans.
- These plans and supporting documentation may be subject to conditions imposed under section 4.17(1) (g) of the Act modifying or amending the development.

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

Standard Condition A.2 (Autotext 2A)



Woollahra
Municipal
Council

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>Elaeocarpus reticulatus</i> (Blueberry Ash)	Front of property on Council nature strip	6 x 2 metres	\$3000

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	<i>Magnolia x soulangeana</i> (Saucer Magnolia)	Rear private open space area, west side of dwelling	6 x 4 metres
3	<i>Magnolia grandiflora</i> 'Exmouth' (Bull Bay Magnolia)	Front courtyard	5 x 3 metres
4	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Rear courtyard garden area, east side	4 x 3 metres
5	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Rear courtyard garden area, west side	4 x 3 metres

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

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

Condition Reason:

To ensure all landscape works are undertaken in accordance with the approved plans and documents.

Standard Condition A.22 (Autotext 22A)



Woollahra
Municipal
Council

B. BEFORE DEMOLITION WORK COMMENCES

B.	1.	Payment of Security and Fees																																				
		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">SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td> </tr> <tr> <td>Property Damage Security Deposit -making good any damage caused to any property of the Council</td> <td>\$<INSERT></td> <td>No</td> <td>T115</td> </tr> <tr> <td>Tree Damage Security Deposit – making good any damage caused to any public tree</td> <td>\$ 3000</td> <td>No</td> <td>T114</td> </tr> <tr> <td colspan="4">INSPECTION FEES 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></td> <td></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>TOTAL SECURITY AND FEES</td> <td>\$<INSERT></td> <td></td> <td></td> </tr> </tbody> </table>	Description	Amount	Indexed	Council Fee Code	SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>				Property Damage Security Deposit -making good any damage caused to any property of the Council	\$<INSERT>	No	T115	Tree Damage Security Deposit – making good any damage caused to any public tree	\$ 3000	No	T114	INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>				Public Tree Management Inspection Fee	\$231.30	No	T95			No		Security Deposit Administration Fee	\$225.00	No	T16	TOTAL SECURITY AND FEES	\$<INSERT>		
		Description	Amount	Indexed	Council Fee Code																																	
		SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>																																				
		Property Damage Security Deposit -making good any damage caused to any property of the Council	\$<INSERT>	No	T115																																	
		Tree Damage Security Deposit – making good any damage caused to any public tree	\$ 3000	No	T114																																	
		INSPECTION FEES under section 608 of the <i>Local Government Act 1993</i>																																				
		Public Tree Management Inspection Fee	\$231.30	No	T95																																	
				No																																		
Security Deposit Administration Fee	\$225.00	No	T16																																			
TOTAL SECURITY AND FEES	\$<INSERT>																																					
<p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none"> • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first --> NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable <-- ### Invalid Field Definition ###, • 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. 																																						



Woollahra
Municipal
Council

	<p>Notes:</p> <ul style="list-style-type: none">• An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act.• The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements.• Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be.• Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed.• Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period.• The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au								
	<p>Condition Reason: To ensure any relevant security and fees are paid.</p>								
	<p>Standard Condition B14 (Autotext 14B)</p>								
B. 2.	<p>Establishment Tree Protection Measures within the Tree Protection Zones (TPZ)</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>Elaeocarpus reticulatus</i> (Blueberry Ash)</td><td>Front of property on Council nature strip</td><td>Perimeter of nature strip garden bed at front of property.</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>	Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*	1	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Front of property on Council nature strip	Perimeter of nature strip garden bed at front of property.
Council Ref No	Species	Tree Location	Fence Radius from Centre of Trunk (Metres)*						
1	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Front of property on Council nature strip	Perimeter of nature strip garden bed at front of property.						



Woollahra
Municipal
Council

	<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) Signs identifying the Tree Protection Zone area must be erected on each side of the protection fence indicating the existence of a TPZ area. Signage must be visible from within the development site.</p> <p>d) No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless specified in this consent.</p> <p>e) Temporary access within the TPZ area for pedestrian and machinery movements must only be permitted with the approval of the site arborist or unless specified in this consent.</p> <p>f) The site supervisor must be made aware of all tree protection requirements associated with these conditions of consent by the project arborist. Any subsequent site personnel and contractors to the site must be made aware of all tree protection requirements by the site foreman.</p> <p>g) The project arborist must provide written certification of compliance to the Principal Certifier with the above conditions.</p> <p>Condition Reason: To ensure the protection of existing trees</p> <p>Standard Condition B.5 (Autotext 5B)</p>
--	---

C. ON COMPLETION OF REMEDIATION WORK

Nil.

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D 1.	<p>Tree Protection Plan and Specification</p> <p>Before the issue of any construction certificate, the Principal Certifier must ensure the measures for tree protection detailed in this consent are in place. The construction certificate plans and specifications must show the following information:</p> <p>a) Trees to be numbered and coloured in accordance with these conditions:</p> <ul style="list-style-type: none"> shaded green where required to be retained and protected shaded red where authorised to be removed
-------------	---



Woollahra
Municipal
Council

	<ul style="list-style-type: none"> shaded yellow where required to be transplanted shaded blue where required to be pruned <p>This plan must be kept on site until the issue of the occupation certificate for the whole building.</p>
	<p>Condition Reason: To ensure the construction certificate includes the approved tree management details, and all measures are implemented.</p> <p>Standard Condition D.30 (Autotext 30D)</p>

D 2.	<p>Modification of Details of the Development (section 4.17(1)(g) of the Act</p> <p>Before the issue of any construction certificate, the approved plans and the construction certificate plans and specification, required to be submitted to the Principal Certifier under clause 7 of the Development Certification and Fire Safety Regulations, must detail the following amendments:</p> <p>a) The Landscape Plan must show the two (2) proposed Tuckeroo trees to be planted on either side of the lawn area and not within the planter bed area located either side and to the rear of the swimming pool.</p> <p>* This condition has been imposed to ensure the future growth potential and establishment of new tree plantings is maximised.</p> <p>Notes:</p> <ul style="list-style-type: none"> Clause 20 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate subject to this condition unless the Principal Certifier is satisfied that the condition has been complied with. Clause 19 of the Development Certification and Fire Safety Regulations prohibits the issue of any construction certificate that is inconsistent with this consent. <p>Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.</p> <p>Standard Condition D.4 (Autotext 4D)</p>
-------------	---

E. BEFORE BUILDING WORK COMMENCES

Nil.

F. DURING BUILDING WORK

F 1.	<p>Tree Preservation</p> <p>While site work is being carried out, all persons must comply with Chapter E.3 – <i>Tree Management</i> of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p>
-------------	---



Woollahra
Municipal
Council

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

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

Condition Reason: To protect trees during the carrying out of sitework.

Standard Condition F.8 (Autotext 8F)

F 2.

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)
2 x <i>Cupaniopsis anacardioides</i> (Tuckeroo)	Either side of the rear lawn area	75 litre	7 x 4 metres
1 x <i>Magnolia grandiflora</i> 'Exmouth' (Bull Bay Magnolia)	Front deep soil area within property	75 litre	7 x 4 metres

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)



Woollahra
Municipal
Council

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G 1.	Amenity Landscaping	
	Before the issue of any occupation certificate, all approved amenity landscaping (screen planting, soil stabilisation planting, etc.) and replacement/supplementary tree planting must be installed in accordance with the approved plans and documents and any relevant conditions of consent.	
	<p>Condition Reason: To ensure that the environmental impacts of the development are mitigated by approved landscaping prior to the occupation of the development.</p> <p>Standard Condition G.6 (Autotext 6G)</p>	
G 2.	Landscaping	
	Before the issue of any occupation certificate, the Principal Certifier and Council must be provided with a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the landscaping and replacement/supplementary tree planting works comply with this consent.	
	<p>Condition Reason: To ensure that all landscaping work is completed prior to occupation.</p> <p>Standard Condition G.26 (Autotext 26G)</p>	
G 3.	Arborists Documentation and Compliance Checklist – Prior to any occupation certificate	
	<p>Before the issue of any occupation certificate, the project arborist must provide written certification that all tree protection measures and construction techniques relevant to this consent have been implemented. Documentation for each site visit must include:</p> <ul style="list-style-type: none"> a) A record of the condition of trees to be retained prior to and throughout development. b) Recommended actions to improve site conditions and rectification of non-compliance. c) Recommendations for future works which may impact the trees. <p>All compliance certification documents must be kept on site by the site Supervisor.</p> <p>As a minimum the following intervals of site inspections must be made:</p>	
	<table> <tr> <td>Stage of arboricultural inspection and supervision</td><td>Compliance documentation and photos must include</td></tr> </table>	Stage of arboricultural inspection and supervision
Stage of arboricultural inspection and supervision	Compliance documentation and photos must include	



Woollahra
Municipal
Council

	<table border="1"> <tr> <td data-bbox="414 407 662 481">Prior to the issue of any occupation certificate</td><td data-bbox="662 407 1259 481">Ensure all trees conditioned to be planted as part of this consent have been planted in accordance with the details prescribed in this consent.</td></tr> </table> <p>Inspections and compliance documentation must be made by an arborist with AQF Level 5 qualifications.</p> <p>Additional site visits must be made when required by site arborist and/or site foreman for ongoing monitoring/supervisory work.</p> <p>Condition Reason: To ensure that all tree protection measures and construction techniques relevant to this consent are implemented.</p> <p>Standard Condition G.34 (Autotext 34G)</p>	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.
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.		

H. OCCUPATION AND ONGOING USE

H	<p>1. Maintenance of Landscaping</p> <p>During the occupation and ongoing use, all landscaping must be maintained in general accordance with this consent.</p> <p>This condition does not prohibit the planting of additional trees or shrubs subject that they are native species endemic to the immediate locality.</p> <p>Notes:</p> <ul style="list-style-type: none"> This condition also acknowledges that development consent is not required to plant vegetation and that over time additional vegetation may be planted to replace vegetation or enhance the amenity of the locality. Owners must have regard to the amenity impact of trees upon the site and neighbouring land. <p>Condition Reason: 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



Woollahra
Municipal
Council

Nil

A handwritten signature in blue ink, appearing to read 'Nick Williams'.

Nick Williams
Senior Tree & Landscape Officer

6th of February 2024
Completion Date